SANTA CLARA COUNTY HOUSING ELEMENT AND STANFORD COMMUNITY PLAN UPDATE

Draft Environmental Impact Report

Prepared for
County of Santa Clara

June 2023

ESA

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CHAPTER 1
Introduction

This Environmental Impact Report (EIR) has been prepared pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code Sections 21000, et seq., and the Guidelines for the California Environmental Quality Act (CEQA Guidelines), California Code of Regulations, Title 14, Sections 15000, et seq., to disclose the potential environmental consequences of implementing the proposed County of Santa Clara Housing Element (HEU) Stanford Community Plan (SCP) Update, and related rezonings, referred to hereafter as the "project." As required under CEQA, the EIR evaluates and describes the potentially significant environmental effects ("impacts") of the project, identifies mitigation measures to avoid or reduce the significance of potential impacts, and evaluates the comparative effects of potentially feasible alternatives to the project.

1.1 Project Overview

The project analyzed in the EIR would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing that would apply Countywide, and that would address the maintenance, preservation, improvement, and development of housing in the unincorporated County.

In addition, the project would identify specific sites in the unincorporated County that are appropriate for the development of multifamily housing at a variety of income levels, and the County would rezone those sites if/as necessary to meet the requirements of State law. Both the existing and proposed sites that can accommodate development of multifamily housing are located in several areas of the County, often in areas that are adjacent to or surrounded by incorporated parcels under the jurisdiction of incorporated cities.

Since the project also includes housing opportunity sites on Stanford University lands within unincorporated Santa Clara County, an update to the Stanford University Community Plan (SCP) is also proposed as part of the project. Generally, the identified sites are located on the Stanford University campus and on unincorporated County lands within the Urban Service Area of the City of San José. Detailed information on the sites can be found in Chapter 3 of this EIR, *Project Description*.

Based on the Regional Housing Needs Allocation (RHNA) set by the Association of Bay Area Governments (ABAG), the project will need to plan for at least an additional 3,125 dwelling units. The California Department of Housing and Community Development (HCD) recommends that jurisdictions incorporate a "buffer" of additional units in case sites are developed at densities

lower than that provided for in the project. Therefore, the project as proposed projects and plans for between 6,198 and 8,441 units. This EIR evaluates this substantial buffer to consider a maximum build-out scenario for purposes of the CEQA evaluation and the environmental effects of implementing the project at the maximum densities proposed. The final number of projected units in the project will be determined by the Board of Supervisors upon adoption of the project. While the County may retain and reuse some sites in the current Housing Element that have not been built upon, the County will also identify and rezone new sites not previously identified to meet the State mandates.

1.2 Purpose and Use of this EIR

CEQA requires a public agency to prepare an EIR describing the environmental effects of a discretionary project before a public agency can approve a project that may have potentially significant, adverse physical effects on the environment. The EIR is a public information document that identifies and evaluates potential environmental impacts of a project, recommends mitigation measures to lessen or eliminate significant adverse impacts, and examines feasible alternatives to the project. The information contained in the EIR must be reviewed and considered by the County of Santa Clara and by any responsible agencies (as defined in CEQA) prior to a decision to approve or modify the project.

1.3 This is a Program EIR

This EIR is a Program EIR, as provided for in CEQA Guidelines Section 15168. Section 15168(a) of the CEQA Guidelines states that a Program EIR is appropriate for projects which are "… a series of actions that can be characterized as one large project and are related either:

1. Geographically;

2. A logical part in the chain of contemplated actions;

3. In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or

4. As individual activities carried out under the same authorizing statutory or regulating authority and having generally similar environmental effects which can be mitigated in similar ways."

Section 15168(b) of the CEQA Guidelines further states: "Use of a Program EIR can provide the following advantages. The Program EIR can:

1. Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action;

2. Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis;

3. Avoid duplicate consideration of basic policy considerations;

4. Allow the Lead Agency to consider broad policy alternative and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and

5. Allow reduction in paperwork."

Future discretionary actions that would be facilitated by the project's adoption, particularly those related to the development of specific housing projects, would require additional assessment to determine consistency with the analysis provided in this Program EIR. Potential future actions would also be subject to the mitigation measures established in this Program EIR unless superseded by a subsequent environmental document that may be required to analyze significant environmental impacts not foreseen in this Program EIR.

It is important to note that while the law requires the HEU to include an inventory of housing sites and requires the County to zone those sites for multifamily housing, the County is not required, and is not itself proposing, to actually develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies.

1.4 Role and Standards of Adequacy of the EIR

The CEQA Guidelines define the role and standards of adequacy of an EIR as follows:

- **Informational Document.** An EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect(s) of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency (CEQA Guidelines Section 15121[a]).

- **Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure (CEQA Guidelines Section 15151).

CEQA Guidelines Section 15382 defines a significant effect on the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project…" Therefore, in identifying the significant impacts of the project, this EIR describes the potential for the project to result in substantial physical effects within the area affected by the project and identifies mitigation measures that would avoid or reduce the magnitude of those effects.

1.5 Environmental Review Process

1.5.1 Notice of Preparation

Pursuant to the requirements of CEQA for the initiation of environmental review, a Notice of Preparation (NOP) for the Draft EIR was sent to the State Clearinghouse (State Clearinghouse No. 2022080196) and circulated on August 8, 2022, with a scoping meeting held on August 23, 2022. The scoping meeting was available for remote participation via the internet. The NOP requested that agencies with regulatory authority over any aspect of the project describe that authority and identify relevant environmental issues that should be addressed in the EIR. Interested members of the public were also invited to comment. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023.

Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR. As discussed in the NOP and pursuant to the provisions of CEQA, the County did not prepare a CEQA Initial Study prior to preparation of the EIR, because the County determined that it was clear at the time of the issuance of the NOP that an EIR was required (CEQA Guidelines Section 15060[d]).

1.5.2 Public Review

This Draft EIR is available for public review and comment as set forth in the Notice of Availability and Notice of Completion circulated by the County. During the review and comment period, written comments (including email) regarding the Draft EIR may be submitted to the County at the address below.

> County of Santa Clara Planning Office
> Attention: Michael Meehan, Principal Planner
> County Government Center
> 70 West Hedding, 7th Floor, East Wing, San José CA 95110
> E-mail: Planning2@pln.sccgov.org

The Draft EIR, Notice of Availability, and other supporting documents, such as technical reports prepared as part of the EIR process, are available for public review at the offices of the County of Santa Clara Department of Planning and Development, 70 West Hedding, 7th Floor, East Wing, San José, CA 95110, on the County's website at: https://plandev.sccgov.org/ordinances-codes/general-plan/housing-element-update-2023-2031, and on the State Clearinghouse website at: https://ceqanet.opr.ca.gov/2022080196.

The County Planning Commission will hold a public hearing on June 22, 2023, during which time verbal comments from the public on the Draft EIR will be accepted. Readers should consult the Planning Commission's webpage for how they can listen to and participate during the hearing. The webpage can be found at: https://plandev.sccgov.org/commissions-other-meetings/planning-commission.

1.5.3 Final EIR and EIR Certification

Following the public review and comment period for the Draft EIR, the County will prepare responses that address all substantive written and oral comments on the Draft EIR's environmental analyses that are received within the specified review period. The responses to comments and any revisions to the Draft EIR initiated by County staff will be prepared as a Final EIR document. The Draft EIR and its Appendices, together with the Final EIR, will constitute the EIR for the project.

1.5.4 Mitigation Monitoring and Reporting Plan

Throughout this EIR, mitigation measures are identified where applicable and presented in language that will facilitate preparation of a Mitigation Monitoring and Reporting Plan (MMRP). As required under CEQA, a MMRP will be prepared and presented to the Board of Supervisors for adoption at the same time the Board considers approval of the project and will identify the timing and roles and responsibilities for implementation of adopted mitigation measures.

1.6 Organization of the Draft EIR

This *Introduction* (Chapter 1) presents an overview of the process by which this EIR will be reviewed and used by the decision-makers in their consideration of the project.

The *Summary* (Chapter 2) includes a brief project description and a summary table that lists the environmental impacts, proposed mitigation measures, and the level of significance after mitigation. Detailed analysis of these impacts and mitigation measures is provided in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*. The Summary also provides a summary of the alternatives to the project.

The *Project Description* (Chapter 3) describes the project location and boundaries; lists the project objectives; and provides a general description of the technical, economic, and environmental characteristics of the project. This chapter also includes a list of required approvals for the project and other agencies that may be responsible for approving aspects of the project.

The *Environmental Setting, Impacts, and Mitigation Measures* (Chapter 4) contains a description of the environmental setting (existing physical environmental conditions), the regulatory framework, and the environmental impacts (including cumulative impacts) that could result from the project. It includes the thresholds of significance used to determine the significance of adverse environmental effects. This chapter also identifies the mitigation measures that would avoid or substantially lessen these significant adverse impacts. The impact discussions disclose the significance of each impact both with and without implementation of mitigation measures.

Alternatives (Chapter 5) evaluates a range of reasonable alternatives to the project and identifies an environmentally superior alternative, consistent with the requirements of CEQA. The alternatives analysis evaluates each alternative's ability to meet the project objectives and its ability to reduce environmental impacts.

Other CEQA Considerations (Chapter 6) addresses growth-inducing effects, significant irreversible environmental changes, and significant unavoidable environmental effects of the project.

Report Preparers, and Persons and Organizations Consulted (Chapter 7) identifies the authors of the EIR. Persons and documents consulted during preparation of the EIR are listed at the end of each analysis section.

Appendices. The appendices include environmental scoping information and technical reports and data used in the preparation of the Draft EIR. These documents are included on digital storage medium at the back of the Draft EIR.

1.7 References

California Environmental Quality Act (CEQA) Statutes and Guidelines; Public Resources Code 21000-21177) and California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387.

CHAPTER 2
Executive Summary

2.1 Introduction

As provided by Section 15123 of the California Environmental Quality Act (CEQA) Guidelines (CEQA *Guidelines*), this chapter provides a brief summary of the proposed project, which includes a Housing Element Update (HEU) and Stanford Community Plan (SCP) Update to the Santa Clara County General Plan, and related rezonings, and the environmental consequences of the proposed project. This chapter is intended to summarize in a stand-alone section the proposed project as described in more detail in Chapter 3 (*Project Description*), the impacts and mitigation measures discussed in the various subsections of Chapter 4 (*Environmental Setting, Impacts, and Mitigation Measures*), and the alternatives analysis presented in Chapter 5 (*Alternatives*).

This Environmental impact Report (EIR) has been prepared to evaluate the anticipated environmental effects of the project in conformance with the provisions of CEQA and the CEQA *Guidelines*. The lead agency, the County of Santa Clara, is the public agency that has the principal responsibility for approving the HEU, the SCP update, and related rezonings (collectively, the "project").

This EIR is a Program EIR, as provided for in CEQA Guidelines Section 15168. Section 15168(a) of the CEQA Guidelines states that a Program EIR is appropriate for projects which are "… a series of actions that can be characterized as one large project and are related either:

1. Geographically;
2. A logical part in the chain of contemplated actions;
3. In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
4. As individual activities carried out under the same authorizing statutory or regulating authority and having generally similar environmental effects which can be mitigated in similar ways."

Section 15168(b) of the CEQA Guidelines further states: "Use of a Program EIR can provide the following advantages. The Program EIR can:

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4. Allow the Lead Agency to consider broad policy alternative and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts; and
5. Allow reduction in paperwork."

Future discretionary actions that would be facilitated by the project's approval, particularly those related to the development of housing, may require additional assessment to determine consistency with the analysis provided in this Program EIR. Potential future actions would also be subject to the mitigation measures established in this Program EIR unless superseded by a subsequent environmental document that may be required to analyze significant environmental impacts not foreseen in this Program EIR.

2.2 Regional Location and Project Area

2.2.1 Regional Setting

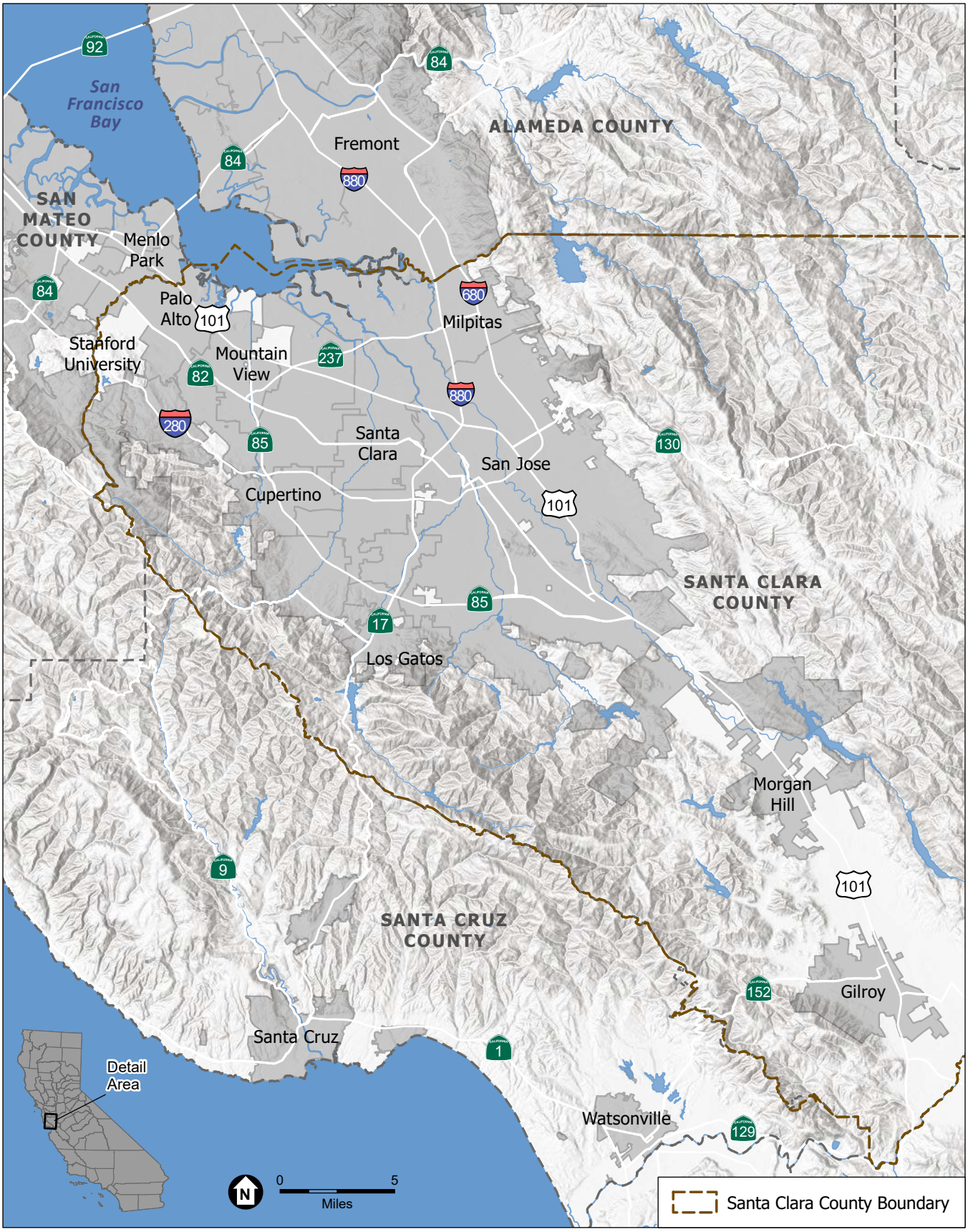
Santa Clara County is in the San Francisco Bay Area and encompasses 1,300 square miles. The County is located at the southern end of San Francisco Bay and is the Bay Area's most populous county, with 15 cities and nearly two million people. The present urban and rural landscape of Santa Clara County is diverse, comprising a complex social and economic setting that overlays a rich historic, multi-cultural, and natural environment. In the early 20th century, the area was promoted as the "Valley of the Heart's Delight" due to its natural beauty, including a significant number of orchards. In 1939, the first major technology company to be based in the area was founded. Today, the County is headquarters to approximately 6,000 technology companies, some of which are the largest technology companies in the world.

While most of the urbanized areas in Santa Clara County are under the jurisdiction of individual cities, the County maintains land use jurisdiction over 607,418 acres. This includes 7,348 acres that are within designated Urban Service Areas (USAs) and are planned for eventual annexation to a city's jurisdiction. Lands owned by Stanford University and subject to the County's SCP comprise slightly over 4,000 acres. The remaining 596,070 acres of the unincorporated areas comprise rural parts of the County.

2.2.2 Project Site

Housing Element Update

The HEU would identify specific sites appropriate for the development of additional multifamily housing, and the County would rezone those areas as necessary to meet the requirements of State law. The various housing opportunity sites and land use strategy sites that have been identified as having the potential to accommodate development of multifamily housing are located in various locations within unincorporated County "islands" within the City of San José, and also on the Stanford University campus. The project's regional location is shown in **Figure 2-1**.



SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

Santa Clara County Housing Element Update Environmental Impact Report

Figure 2-1
Regional Location Map

ESA

Stanford Community Plan Update

The project would also update the existing SCP, which was adopted in 2000 and most recently amended in 2015. Development on the Stanford campus is currently regulated under the Santa Clara County General Plan, including the SCP, Stanford's 2000 General Use Permit (GUP) conditions of approval, the County of Santa Clara Ordinance Code, and the 1985 Land Use Policy Agreement (Agreement) between the County of Santa Clara, the City of Palo Alto, and Stanford University.

2.3 Project Background

2.3.1 Purpose of the Housing Element Update

State law requires the County to have and maintain a General Plan with specific contents to provide a vision for the County's growth and to inform local decisions on land use and development, including issues such as circulation, conservation, and safety.

State law (Government Code Section 65588) requires the County to update the Housing Element every eight years, while making any changes to other components of the General Plan needed to maintain internal consistency and comply with State law, as well as undertaking related changes to the County's Zoning Ordinance. The County's current Housing Element was last updated in 2015 and covers the "fifth cycle" planning period from 2014 through 2022. In accordance with State law, the planning period for the "sixth cycle" updated Housing Element will cover 2023 through 2031.

Concurrent with the Housing Element update, the County will amend the land use designations for the housing opportunity sites and make other conforming amendments to other components of the General Plan to maintain internal consistency with the HEU and SCP.

Regional Housing Needs Allocation

In addition to including goals, policies, and implementation programs regarding housing issues, housing elements must include an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels of affordability assigned to the County by the Association of Bay Area Governments (ABAG). This assignment is referred to as the County's Regional Housing Needs Allocation (RHNA).

On December 18, 2020, ABAG released its *Draft Regional Housing Needs Assessment Methodology and Subregional Shares* document which articulated ABAG's recommended methodology for the distribution of the regional housing need of 441,176 housing units issued by the State Department of Housing and Community Development (HCD). Based on the draft methodology, the County was assigned 3,125 units to be planned within unincorporated Santa Clara County for the term of the planning period from 2023 through 2031 ("6th Cycle"). This assignment represents an increase of 1,028 percent from the last RHNA cycle.

ABAG adopted the Final RHNA on December 16, 2021. **Table 2-1** shows the breakdown of required units in unincorporated Santa Clara County across the four State-monitored income categories. The County's RHNA assignment must be addressed in the HEU.

To accommodate the new units, the County will have to rezone the identified housing opportunity sites. This EIR evaluates the impacts of amendments to the County Zoning Ordinance necessary to implement the HEU. The proposed Zoning Ordinance amendments would rezone most or all parcels listed in the HEU site inventory with a minimum density of dwelling units consistent with the number of units shown in Table 3-2 in chapter 3 of this EIR, and additional zoning provisions to incentivize the development of affordable housing.

TABLE 2-1
COUNTY OF SANTA CLARA 2023-2031 RHNA ALLOCATIONS BY INCOME CATEGORY[a]

Income Group				
Very Low Income (VLI)	**Low Income (LI)**	**Moderate Income (MOD)**	**>Moderate Income (>MOD)**	**Total**
828	477	508	1,312	**3,125**

NOTES:

a Household income categories are based on those established by the U.S. Department of Housing and Urban Development for use in its Section 8 Housing Choice Voucher Program. The 2022 Area Median Income (AMI) for Santa Clara County is $168,500 for a family of four. Very Low Income households have an income less than 50% of AMI (<$84,250) and a portion of Very Low income households qualify as Extremely Low Income, with income less than 30% of AMI (<$50,550). Low Income households have an income less than 80% of AMI (<$131,750). Moderate Income households have an income less than 120% of AMI (<$202,200. Above Moderate Income households have an income over 120% of AMI (>$202,200).

SOURCES:

Association of Bay Area Governments, *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, Adopted December 16, 2021.

Department of Housing and Community Development. 2022. *State Income Limits for 2022*. May 13, 2022.

In addition to the RHNA assignment noted above, the HEU must also include a housing unit "buffer" to ensure that if one or more of the identified housing sites are developed at lower densities than projected, with non-housing uses, or not developed at all, there will be remaining capacity elsewhere in the unincorporated area to provide an ongoing supply of sites for housing during the eight-year planning period/cycle of the Housing Element.

The need for the HEU to include a substantial buffer is increasingly important because of new rules in the Housing Accountability Act's "no net loss" provisions. California State Senate Bill 166 (2017), codified in Government Code section 65589.5, requires that the land inventory and site identification programs in the Housing Element include sufficient sites to accommodate unmet RHNA. This means that if a housing site is identified in the Housing Element as having the potential for housing development that could accommodate lower-income units but is actually developed with units at a higher income level, with fewer units than expected, or with non-residential uses, then the locality must either: 1) identify and rezone, if necessary, an adequate substitute site; or 2) demonstrate that the land inventory already contains an adequate substitute site.

An adequate buffer will ensure that the County remains compliant with these provisions without having to identify and rezone sites prior to the end of the planning period on January 31, 2031.

While State law requires the County to include an inventory of housing sites and have appropriate zoning to facilitate multifamily housing on those sites, the County is not required to develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies and other incentives. Nonetheless, this EIR considers potential impacts of development that may result from adoption of the HEU, including rezoning of potential housing sites to allow housing and/or mixed-use developments, and related actions to encourage housing production including, but not limited to, changes in allowable densities, changes in development standards, and adoption of incentives such as a density bonus for the creation of affordable housing.

2.3.2 Purpose of the Stanford University Community Plan Update

Stanford land-grant lands within unincorporated Santa Clara County that are used for academic and academic support uses fall within the SCP area and are therefore subject to policies in the SCP, as adopted by the Board of Supervisors (Board) in 2000, and most recently amended in 2015. Development within the SCP area is currently regulated under the Santa Clara County General Plan, including the SCP, Stanford's 2000 General Use Permit (GUP), the Santa Clara County Ordinance Code, and the 1985 Land Use Policy Agreement (Agreement) between the County of Santa Clara, the City of Palo Alto, and Stanford University.

At the direction of the Board (February 11, 2020, Item No. 19), and as the first phase of planned work to update the County General Plan, the Administration is also proposing updates to the SCP (SCP update).

Prior updates to the SCP were proposed by the Administration and considered by the Board in tandem with the proposed adoption of a new GUP applied for by Stanford in Fall 2016. However, the 2016 GUP application was withdrawn by Stanford University on November 1, 2019, and those SCP updates were not adopted by the Board. On February 11, 2020, the Board approved recommending the Administration move forward with specified items related to updating the SCP.

Three of the unincorporated sites identified in the HEU as appropriate and likely locations for residential development within the 2023-2031 planning period are within the SCP area. In addition, a potential future school location on the Stanford campus was identified in the current SCP. The updated SCP would relocate that potential future school location to the West Campus Development district in the northerly portion of the campus to be closer to the proposed HEU housing opportunity sites. Based upon these considerations, an update to the SCP is also proposed as part of this Project and included in this EIR.

This integrated approach will result in Stanford University providing the housing needed to accommodate future growth of academic and academic-support uses directly on campus or other

contiguous Stanford land-grant lands. This approach also expands the previous Stanford-housed population from "students and faculty" to "undergraduate students, graduate students, faculty, staff, postgraduate fellows, and other workers." The call to provide all needed housing to accommodate future development on campus and enhance the coordination between housing policies and transportation policies will facilitate a reduction in vehicle miles traveled (VMT), as well as reductions of other negative impacts associated with commuting and local trips.

2.4 Project Description

The proposed Project would make updates to the County's General Plan to comply with State law, reflect current conditions, and prepare for future anticipated growth of the County, including updates to the General Plan's Housing Element, the SCP, and related rezonings of the housing opportunity sites. Collectively, these actions comprise the "project" evaluated in the EIR.

2.4.1 Housing Element Update

The proposed HEU would adopt an updated Housing Element for the sixth cycle planning period of 2023 through 2031, in accordance with State law. The updated Housing Element would include goals, objectives, policies, and implementation programs that address the maintenance, preservation, improvement, and development of housing in unincorporated Santa Clara County. In addition, the HEU would identify sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State law. The County proposes to create an overlay zone based on the identification of High Opportunity Areas for affordable housing and access to amenities and services.[1]

The HEU would further the County's fundamental policies regarding growth management and the accommodation of urban development within cities' USAs (i.e., areas planned for urbanization). Outside of cities' USAs, only non-urban uses and development densities are allowed, with the goal of preserving natural resources and agricultural lands and minimizing population exposure to significant natural hazards such as landslides, earthquake faults, and wildfire. The Countywide growth management policies have historically been referred to as the "joint urban development policies," held in common by the cities, County, and the Santa Clara County Local Agency Formation Commission (LAFCO), which controls city formation and expansion.

Keeping in mind the development principles and statutory requirements above, the proposed HEU identifies specific sites appropriate for the development of additional housing sufficient to meet the County's RHNA and provide an ample buffer. As appropriate, the County would rezone those areas as necessary to meet the requirements of State law and make changes to the County's zoning map and Zoning Ordinance.

Because the County's 6th Cycle RHNA assignment increased dramatically from past cycles, the County has been compelled to consider a wider range of sites than it has in the past. The County's

[1] The Draft HEU can be viewed at the following location: https://plandev.sccgov.org/ordinances-codes/general-plan/housing-element-update-2023-2031.

sites identified for the 6th Cycle are located either: (1) within urban unincorporated "islands" that are surrounded entirely by the City of San José, or (2) on the Stanford University campus. This strategy is consistent with the County's General Plan and the County's longstanding commitment to concentrate development in urban areas, where development can benefit from urban services and infrastructure.

The San José sites have long been intended for annexation to San José, and historically the County's General Plan has left the planning for these areas to the City of San José and its General Plan. The County has identified several sites that are in the City's USA that have remained unincorporated and undeveloped for decades, including some sites the City identified for past RHNA cycles. In observance of the County's disproportionately high RHNA assignment, the City has not selected any of the unincorporated sites for its 6th Cycle site inventory. The County is therefore including such sites in its HEU site inventory, along with proposing the requisite changes to the County's General Plan. The County is also re-listing sites on the Stanford Campus that it identified for RHNA in the past. **Table 2-2** lists all the potential sites identified by the County and their proposed development densities, and the various subfigures presented as **Figure 2-2** show their locations.

2.4.2 Stanford University Community Plan Update

The SCP update recommends a coordinated approach to housing and circulation policy and implementation measures. This approach will result in Stanford University providing the housing needed to accommodate future growth of academic and academic support uses directly on campus or other contiguous Stanford land-grant lands. This approach also expands the previous housed population from "students and faculty" to "undergraduate students, graduate students, faculty, staff, postgraduate fellows, and other workers." The call to provide all needed housing to accommodate future development on campus and enhance the coordination between housing policies and transportation policies will facilitate a reduction in VMT, as well as other negative impacts associated with commuting and local trips.[2]

[2] The Draft SCP update can be viewed online at: https://plandev.sccgov.org/policies-plans-and-documents, and also at https://stanfordcommunityplanupdate.org/

TABLE 2-2
HOUSING OPPORTUNITY SITES INVENTORY

APN	Size (acres)	Urban/ Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan	Site/Area Name
			Low	High	Low	High			
245-01-003	13	Urban (San José)	80	100	**1,040.0**	1,300.0	A - Agricultural	Neighborhood/Community Commercial (San José)	Hostetter Station
245-01-004	2.3	Urban (San José)	80	100	**186.0**	232.0	A - Agricultural	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Hostetter Station
277-06-025	0.4	Urban (San José)	60	100	**22.0**	36.0	R1-n2 – Residential (Burbank)	Mixed Use Commercial/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-027	0.1	Urban (San José)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-028	0.1	Urban (San José)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-029	0.2	Urban (San José)	40	80	**7.0**	14.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-029	0.1	Urban (San José)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-030	0.1	Urban (San José)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-031	0.2	Urban (San José)	40	80	**7.0**	14.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-12-027	0.3	Urban (San José)	40	80	**12.0**	25.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-12-029	0.3	Urban (San José)	40	80	**12.0**	25.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
282-02-037	1.5	Urban (San José)	60	100	**90.0**	150.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José)	Fruitdale/Santa Clara Valley Medical Center
282-03-016	3.5	Urban (San José)	60	100	**210.0**	350.0	R1-8 - SF Housing	Public Quasi-Public (San José)	Fruitdale/Santa Clara Valley Medical Center
419-12-044	0.8	Urban (San José)	10	20	**8.0**	16.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Cambrian Park

TABLE 2-2 (CONTINUED)
HOUSING OPPORTUNITY SITES INVENTORY

APN	Size (acres)	Urban/ Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan	Site/Area Name
			Low	High	Low	High			
599-01-064	0.7	Urban (San José)	20	30	**15.0**	22.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Alum Rock/East Foothills
599-39-047	0.6	Urban (San José)	40	80	**22.0**	45.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Alum Rock/East Foothills
601-07-066	1.5	Urban (San José)	5	8	**7.0**	12.0	R1 - SF Housing	Residential Neighborhood (San José)	Alum Rock/East Foothills
601-25-119	1.9	Urban (San José)	5	8	**10.0**	15.0	R1 - SF Housing	Public Quasi-Public (San José)	Alum Rock/East Foothills
612-21-004	0.8	Urban (San José)	5	8	**4.0**	7.0	R1-6 - SF Housing	Residential Neighborhood (San José)	Alum Rock/East Foothills
649-24-013	43.5	Urban (San José)	25	35	**1,088.0**	1,523.0	A – Agricultural	Private Recreation and Open Space	Pleasant Hills
649-23-001	70.5	Urban (San José)	25	35	**1,762.0**	2,467.0	A – Agricultural	Private Recreation and Open Space	Pleasant Hills
142-04-036	40	Urban (Stanford)	17.5	22.5	**700.0**	900.0	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Escondido Village
142-04-036a	8	Urban (Stanford)	70	90	**560.0**	720.0	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Quarry Site A
142-04-036b	6	Urban (Stanford)	70	90	**420.0**	540.0	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Quarry Site B

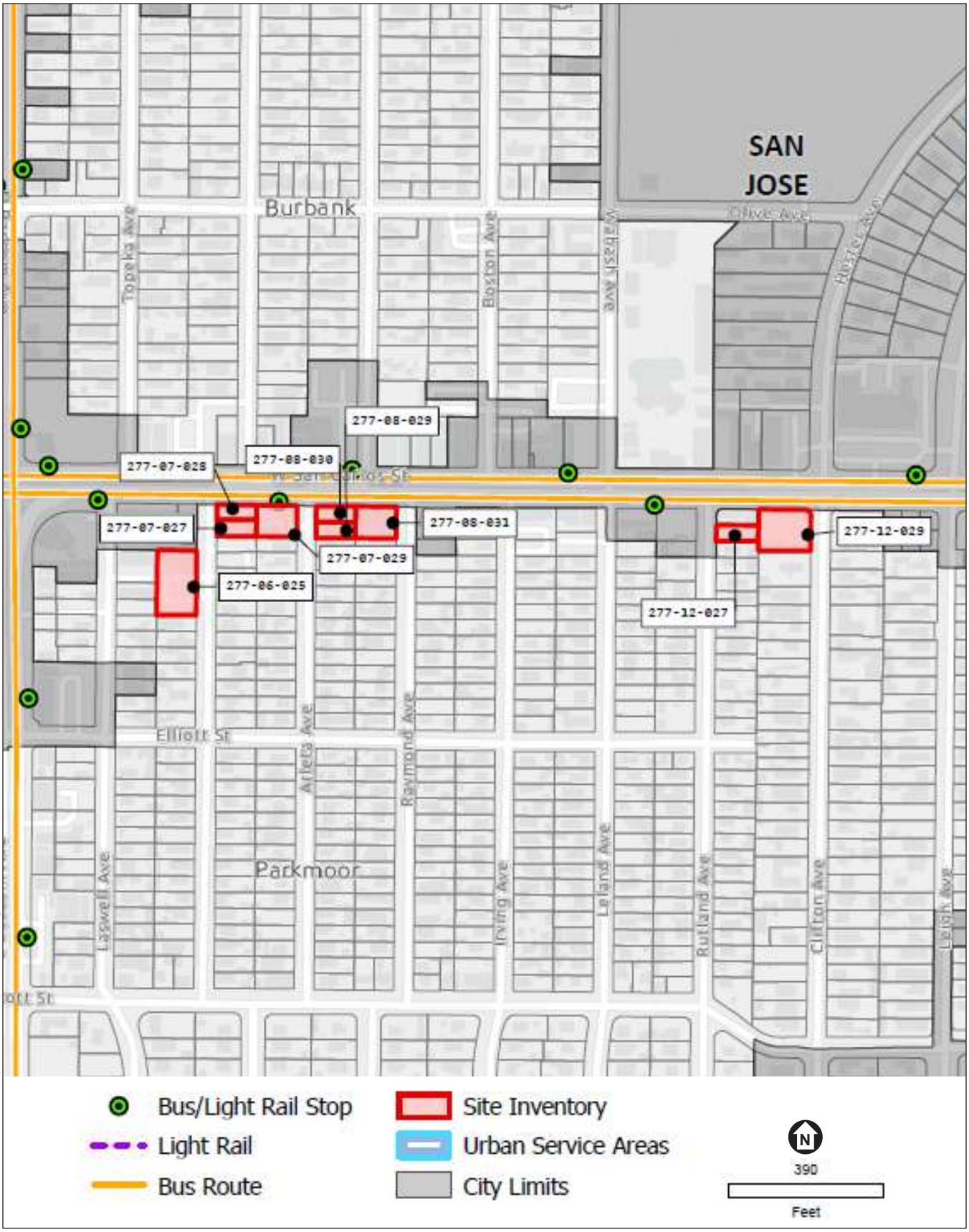
TOTAL UNITS	6,198	8,441.0
RHNA Allocation	3,125	
San José Sites	4,518	6,281
Stanford University Sites	1,680	2,160

D202100692.00 - Santa Clara County HEU EIR\05 Graphics-GIS-Modeling-USE AZURE\Illustrator

SOURCE: County of Santa Clara, 2023

Figure 2-2a
Housing Opportunity Sites in San José – Hostetter Station Area

ESA



D202100692.00 - Santa Clara County HEU EIR\05 Graphics-GIS-Modeling-USE AZURE\Illustrator

SOURCE: County of Santa Clara, 2023

Figure 2-2b
Housing Opportunity Sites in San José – Parkmoor/Burbank Neighborhood

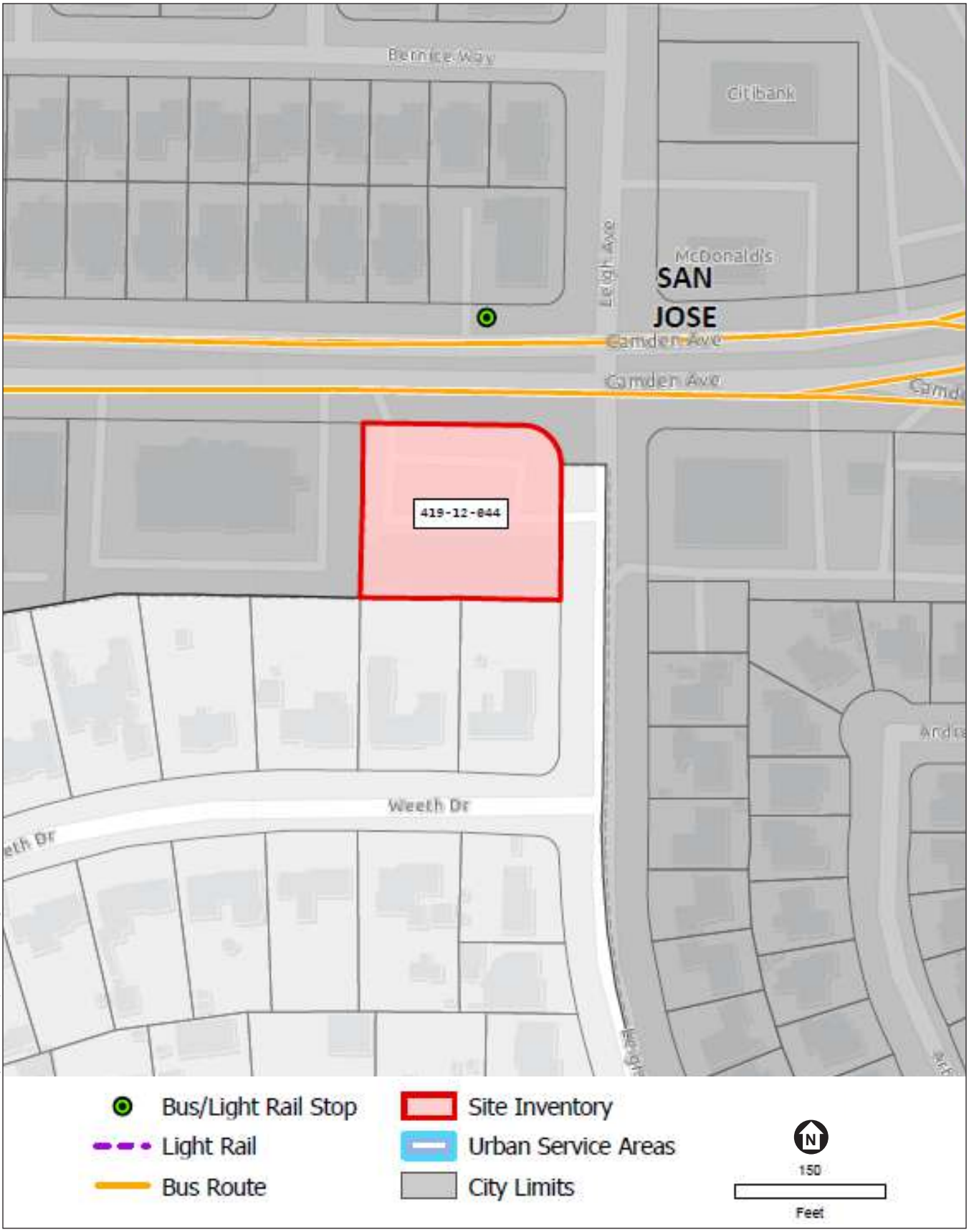
D202100692.00 - Santa Clara County HEU EIR\05 Graphics-GIS-Modeling-USE AZURE\Illustrator

SOURCE: County of Santa Clara, 2023

Figure 2-2c

Housing Opportunity Sites in San José – Fruitdale/Santa Clara Valley Medical Center

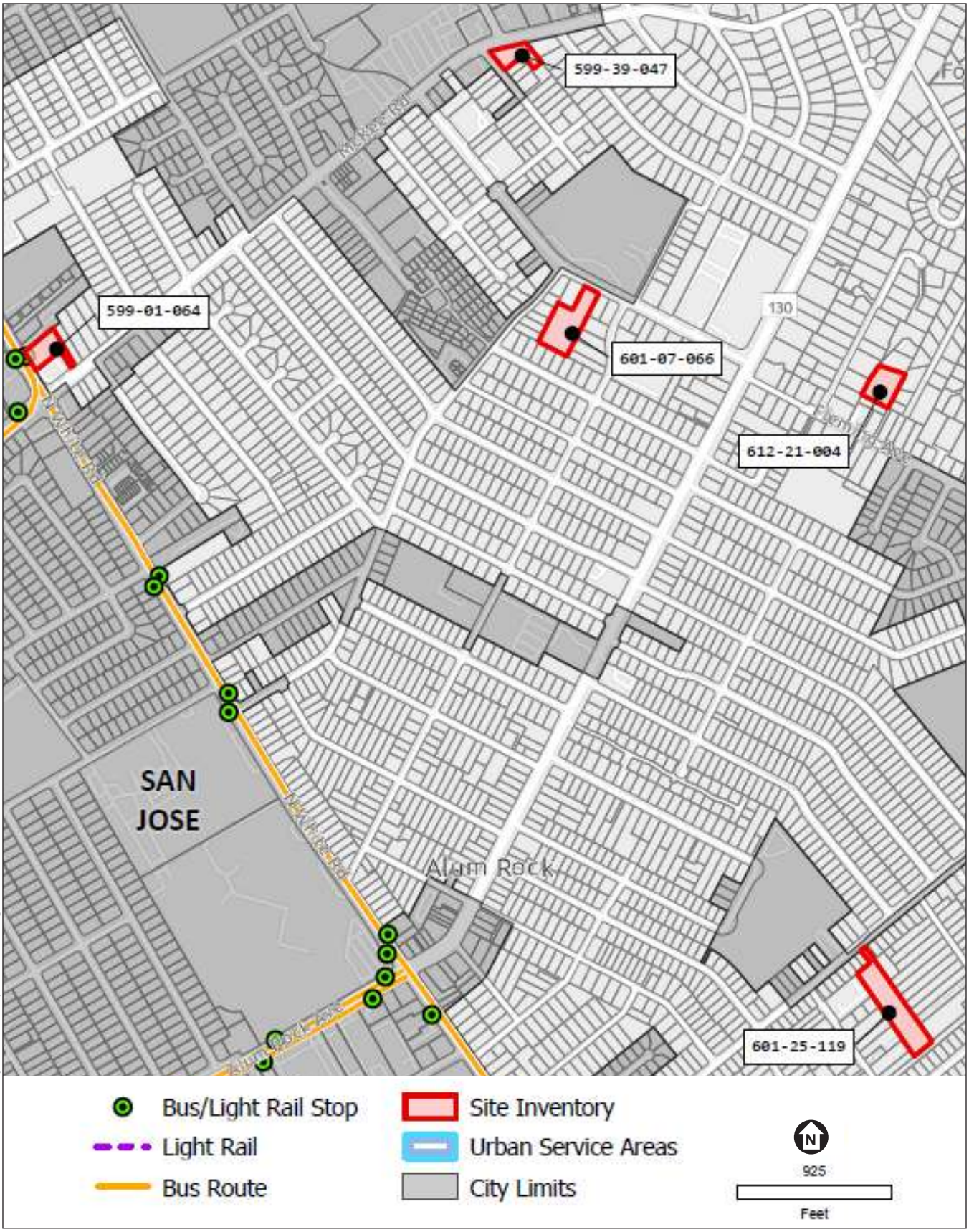
ESA



D202100692.00 - Santa Clara County HEU EIR\05 Graphics-GIS-Modeling-USE AZURE\Illustrator

SOURCE: County of Santa Clara, 2023

Figure 2-2d
Housing Opportunity Sites in San José – Cambrian Park



SOURCE: County of Santa Clara, 2023

Santa Clara County Housing Element Update Environmental Impact Report

Figure 2-2e
Housing Opportunity Sites in San José – Alum Rock/East Foothills

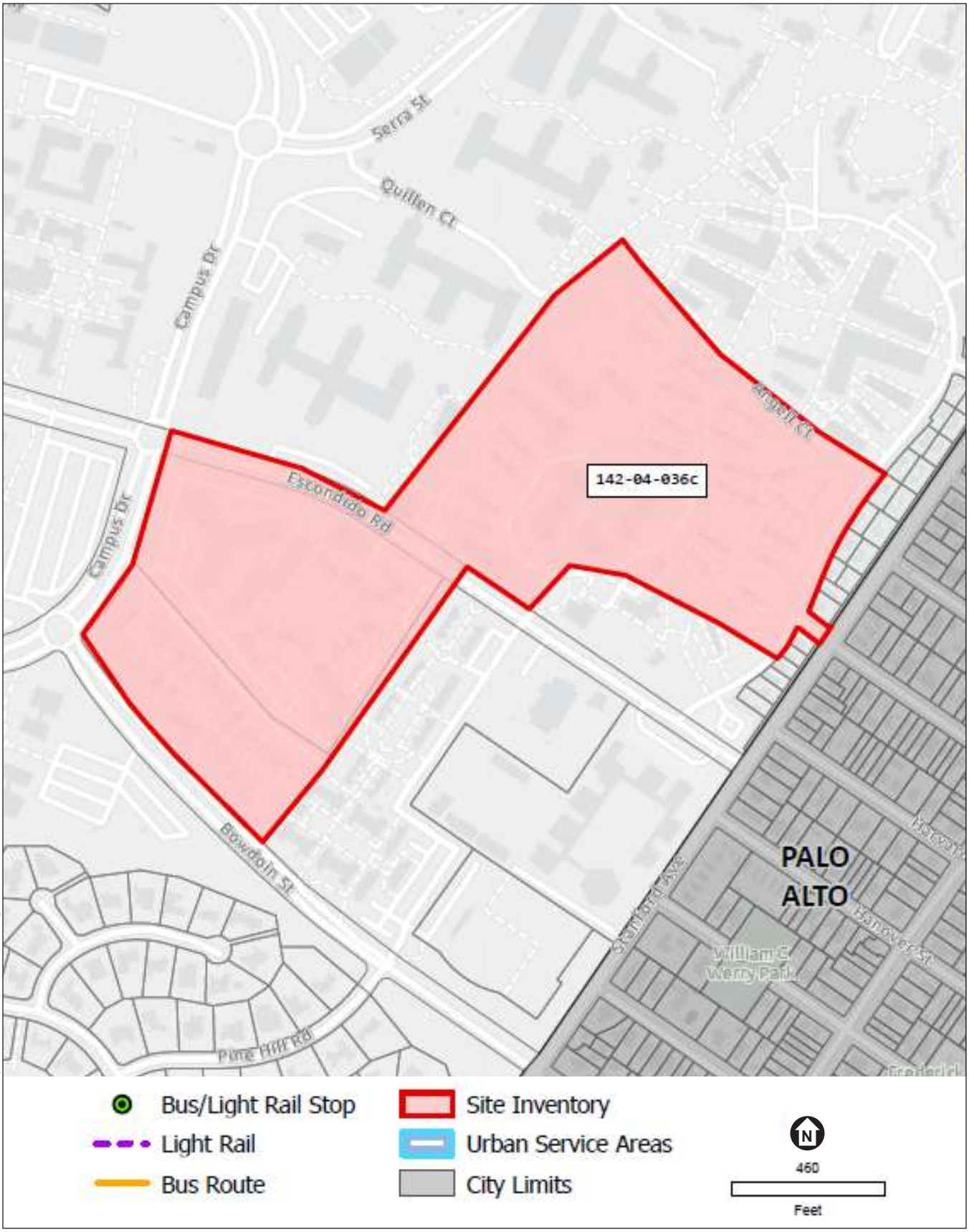
D202100692.00 - Santa Clara County HEU EIR\05 Graphics-GIS-Modeling-USE AZURE\Illustrator

SOURCE: County of Santa Clara, 2023

Santa Clara County Housing Element Update Environmental Impact Report

Figure 2-2f
Housing Opportunity Sites in San José – Pleasant Hills

ESA



D202100692.00 - Santa Clara County HEU EIR\06 Graphics-GIS-Modeling-USE AZURE\Illustrator

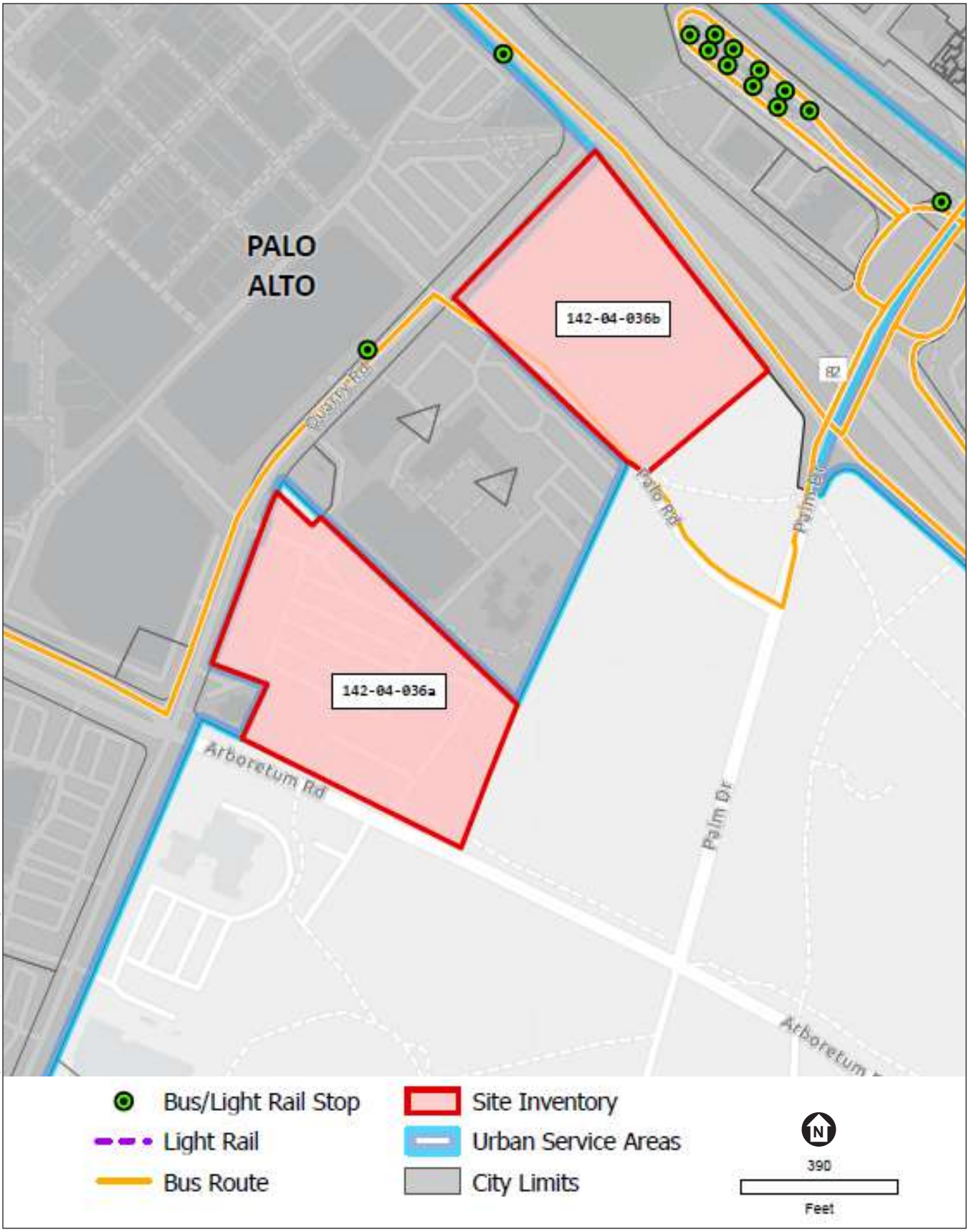
SOURCE: County of Santa Clara, 2023

Santa Clara County Housing Element Update Environmental Impact Report

Figure 2-2g

Housing Opportunity Sites on the Stanford University Campus – Escondido Village

ESA



D202100692.00 - Santa Clara County HEU EIR\05 Graphics-GIS-Modeling-USE AZURE\Illustrator

SOURCE: County of Santa Clara, 2023

Santa Clara County Housing Element Update Environmental Impact Report

Figure 2-2h
Housing Opportunity Sites on the Stanford University Campus – Quarry Arboretum/El Camino

ESA

The following list includes additional updates to the SCP organized by chapter:

Chapter 1: Growth and Development

- Extends the duration of the Academic Growth Boundary (AGB) for a period of 99 years and the set of factors required for consideration by the Board to reduce that timeframe.
- Provides new specifications for General Use Permit (GUP) application, review, and reporting standards. Includes limitation of future GUP approvals to a maximum of 10 years, with periodic progress reports as determined by future GUP conditions of approval. Provides reporting, reimbursement, and funding requirements for municipal and childcare services.

Chapter 2: Land Use

- Allows housing for faculty and staff to be developed within the Academic Campus land use designation at densities above 30 dwelling units per acre (du/ac).
- Requires that any increase in total academic space over the allowance in the existing SCP will require a Community Plan amendment and GUP modification. Includes a policy and implementation measure specifically for the characteristics of the Lathrop Development District.
- Supports the County to pursue a new zoning district for Campus Open Space that will be applied to the Arboretum area covered under the Campus Open Space land use designation.
- Requires Stanford to prepare and submit to the Board of Supervisors for approval, a study to document historic landscapes on campus.
- Relocates the "potential future school site" designation to the West Campus Development district, but not within the Stanford Golf Course.
- Promotes management of Special Conservation Areas in conformance with the Stanford University Special Conservation Area Plan approved by the County and the requirements of the Stanford University Habitat Conservation Plan approved by the U.S. Fish and Wildlife Service.

Chapter 3: Housing

- Requires a nexus study to determine the required amount of housing needed to accommodate future development, based on the income levels of anticipated employees.
- Prevents spillover of required housing into surrounding cities and require housing, both affordable and market rate, to be located on campus or on contiguous Stanford lands.
- Requires construction of affordable housing.
- Ministerially approve housing identified in previous and current Housing Elements as a designated opportunity site, based on objective standards. This includes Quarry-El Camino, Quarry-Arboretum, and Escondido Village, which are sites identified in the previous and proposed Housing Elements.
- Encourage financial assistance for housing for faculty, staff, postgraduate fellows, and other workers; a need demonstrated in the Graduate Student Housing Affordability Study.

Chapter 4: Circulation

- Modifies the SCP's "no net new commute trips" and "reverse trips" performance standards to encourage the addition of transit-oriented housing.
- Establishes a system for direct, independent, and verifiable monitoring of Stanford's level of achievement with the "no net new commute trips." 3-hour peak period trips," "reverse trips," and Vehicle Miles Travelled (VMT) performance standards through the annual monitoring procedure.
- Expands the number of recipients that Stanford could fund for trip credits.
- Requires Stanford to provide a Special Event Management Plan, which includes traffic and parking, reviewed and approved by the County.
- Requires Stanford to provide advance public notification for special events on-campus that exceed specific thresholds.
- Requires centralized locations for the receipt of deliveries.

Chapter 5: Open Space

- Allows for a limited number of small, specialized facilities or installations that support permitted or existing activities outside of the Academic Growth Boundary (AGB).
- Acknowledges adoption of the Special Conservation Area land use designation and Stanford's completion of and/or funding towards various trail projects.

Chapter 6: Resource Conservation

- Requires Stanford to prepare and update inventories, maps, records, and reports related to resource conservation.
- Acknowledges and includes references to Stanford's Habitat Conservation Plan, a groundwater recharge study, the San Juan Residential District Survey, and other active requirements in the County.

Chapter 7: Health and Safety

- Includes the addition of new strategies related to social, mental and emotional health, as well as climate change and climate adaptation. These policies and implementation plans are adapted from the Health Element of the Santa Clara County General Plan, adopted by the Board of Supervisors in 2015.

2.5 Project Objectives

CEQA Guidelines Section 15124(b) requires the description of the project in an EIR to state the objectives sought by the project.

> "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project."

In keeping with this requirement, the County's project objectives are as follows:

- Update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the County between 2023 and 2031.
- Include an inventory of housing sites in the Housing Element and rezone those sites as necessary to meet the required Regional Housing Needs Allocation and to provide an appropriate buffer for achieving the RHNA.
- To affirmatively further fair housing (AFFH). In particular, to integrate AFFH into the process of site selection, outreach and policy/program development.
- Incentivize the development of housing, particularly affordable housing, suited to special needs and all income levels.
- Amend land use designations in the County's General Plan as needed to maintain internal consistency between the elements and comply with recent changes in State law.
- Make necessary General Plan amendments and zoning changes in a manner that affirmatively furthers fair housing while preserving the character of Santa Clara County and perpetuating the health, safety and welfare of both existing and future residents.
- Update the Stanford Community Plan policies to, among other things, incentivize the production of adequate and affordable housing, address transportation/circulation issues, establish parameters for future General Use Permit approvals, ensure provision of adequate municipal services; and relocate a potential future public school site.

2.6 Identified Significant Impacts

As provided by the CEQA *Guidelines* Section 15123(b)(1), an EIR must provide a summary of the impacts, mitigation measures and significant impacts after mitigation for a proposed project. This information is presented in the various subsections within Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, of this EIR, and summarized in **Table 2-3** at the end of this chapter. The proposed project would result in the following significant and unavoidable impacts:

Impact AQ-3: Construction and operation of individual development projects following adoption of the project could result in a cumulatively considerable net increase in criteria pollutants for which the region is in nonattainment status under an applicable federal, state, or regional ambient air quality standard. (*Significant and Unavoidable Impact, with Mitigation*)

Impact CR-1: Implementation of the project could cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Impact CR-4: Implementation of the project, in combination with other cumulative development, could cause a substantial adverse change in the significance of historical resources pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Impact NOI-1: Construction activities associated with implementation of the proposed project would not result in generation of a substantial temporary increase in ambient noise

levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Significant and Unavoidable Impact, with Mitigation*)

Impact TRA-2: Implementation of the project would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

Impact TRA-6: Implementation of the project, in combination with cumulative development, would exceed an applicable VMT threshold of significance (Significant and Unavoidable Impact, with Mitigation)

2.7 Alternatives to the Proposed Project

Chapter 5, Alternatives, analyzes a range of reasonable alternatives to the proposed project, including the No Project Alternative (Alternative 1), and the Lesser Intensity Alternative (Alternative 2).

The analysis of the alternatives is summarized and compared in **Chapter 5**, which provides a summary of impact levels within all environmental topic areas. Overall, the analysis shows that the Lesser Intensity Alternative would reduce some of the project's significant impacts.

Based on the evaluation described in Chapter 5, the No Project Alternative and the Lesser Intensity Alternative would both be environmentally superior to the proposed project, though the No Project Alternative could result in the need to develop housing further from employment centers in the County and could thus contribute to greater impacts related to air quality, GHG emissions, and VMT. Regardless, the No Project Alternative would not meet any of the basic objectives of the project, nor is it legally feasible to adopt and implement.

CEQA requires that a second alternative be identified when the "No Project" alternative is the environmentally superior alternative (CEQA *Guidelines*, Section 15126.6(e)). Therefore, the Lesser Intensity Alternative would be the Environmentally Superior Alternative for the purpose of this analysis.

2.8 Comments on Notice of Preparation

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the project's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR.

In compliance with the requirements of CEQA for the initiation of environmental review, on August 2, 2021, the County sent a Notice of Preparation (NOP) to the State Clearinghouse [SCH Number 2022080196], responsible and trustee government agencies, organizations, and individuals potentially interested in the project. The NOP requested that agencies with regulatory authority

over any aspect of the project describe that authority and identify relevant environmental issues that should be addressed in the EIR. Interested members of the public were also invited to comment. circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the project's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR. As discussed in the NOP and pursuant to the provisions of CEQA, the County did not prepare a CEQA Initial Study prior to preparation of the EIR, because the City determined that it was clear at the time of the issuance of the NOP that an EIR was required (CEQA Guidelines Section 15060[d]).

2.9 Areas of Controversy

Section 15123(b)(2) of the CEQA *Guidelines* requires that an EIR summary identify areas of controversy known to the lead agency, including those issues raised by other agencies and the public. Issues known to have been raised by the public include concerns regarding land use and density, population and housing, and transportation. As a result, these issues are potential areas of controversy.

2.10 Issues to be Resolved

Section 15123(b)(3) of the CEQA *Guidelines* requires that an EIR present the issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. The major issues to be resolved for the proposed project include decisions by the County of Santa Clara, as the Lead Agency, as to whether:

- The EIR adequately describes the environmental impacts of the proposed project;
- Recommended mitigation measures should be adopted or modified;
- Additional mitigation measures need to be applied to the proposed project;
- Feasible alternatives exist that would achieve the objectives of the project and reduce significant environmental impacts;
- Selection of different housing opportunity sites would meet the City's RHNA requirements;
- Significant and unavoidable impacts would occur if the project is adopted and implemented; and
- The project should or should not be approved.

TABLE 2-3
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
4.1. Aesthetics		
Impact AES-1: Implementation of the proposed project would not have a substantial adverse effect on a scenic vista. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact AES-2: Implementation of the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact AES-3: Implementation of the proposed project would not substantially degrade the existing visual character or quality of public views or conflict with applicable zoning and other regulations governing scenic quality. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact AES-4: Implementation of the proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact AES-5: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect on a scenic vista. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact AES-6: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact AES-7: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not substantially degrade the existing visual character or quality of public views or conflict with applicable zoning and other regulations governing scenic quality. (*Less than Significant Impact*)	None required.	Less than Significant Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact AES-8: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not create a new source of substantial light or glare which would adversely affect day or nighttime views. (*Less than Significant Impact*)	None required.	Less than Significant Impact
4.2 Air Quality		
Impact AQ-1: The project would not conflict with or obstruct implementation of the 2017 Clean Air Plan. (*Less than Significant Impact*)		Less than Significant Impact
Impact AQ-2: The project would not result in a cumulatively considerable net increase of any criteria air pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard. (*Less than Significant Impact*)		Less than Significant Impact
Impact AQ--3: Construction and operation of individual development projects following adoption of the project could result in a cumulatively considerable net increase in criteria pollutants for which the region is in nonattainment status under an applicable federal, state, or regional ambient air quality standard. (*Significant and Unavoidable Impact, with Mitigation*)	**Mitigation Measure AQ-3a: Best Management Practices.** All projects, regardless of size, shall implement best management practices to reduce construction impacts, particularly fugitive dust, to a less-than-significant level. Specifically, the project sponsor shall require all construction plans to specify implementation of the following best management practices: ● All exposed 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 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 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.	Significant and Unavoidable Impact, with Mitigation

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	● All construction equipment shall be maintained and properly tuned in accordance with the 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 Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. **Mitigation Measure AQ-3b: Emission Reduction Measures for Subsequent Projects Exceeding the Significance Thresholds for Criteria Pollutants.** Project sponsors proposing projects that exceed BAAQMD screening levels shall prepare a project-level criteria air pollutant assessment of construction and operational emissions at the time the project is proposed. The project-level assessment could include a comparison of the project with other similar projects where a quantitative analysis has been conducted, or a project-specific criteria air pollutant analysis to determine whether the project exceeds the air district's criteria air pollutant thresholds. In the event that a project-specific analysis finds that the project could result in significant construction and/or operational criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds. ***Clean Construction Equipment.*** 1) Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the air district as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract. 2) The County may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected	

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation

operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the County grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available, as detailed in **Table 4.2-8**, below.

Table 4.2-8. Off Road Equipment Compliance Step Down Approach

Compliance Alternative	Engine Emissions Standard	Emissions Control
1	Tier 4 Interim	N/A
2	Tier 3	ARB Level 3 VDECS
3	Tier 2	ARB Level 3 VDCES

3) For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the region occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction for the project and (ii) geographic proximity to the project site of Tier 4 Final equipment.

4) Table 4.2-8 describes the Off Road Compliance Step Down approach. If engines that comply with Tier 4 Final off-road emission standards are not commercially available, then the Contractor shall meet Compliance Alternative 1. If off-road equipment meeting Compliance Alternative 1 are not commercially available, then the Project sponsor shall meet Compliance Alternative 2. If off-road equipment meeting Compliance Alternative 2 are not commercially available, then the Project sponsor shall meet Compliance Alternative 3 as demonstrated below.

5) The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.

***Electric Vehicle Charging – Operational Emissions*.** The project sponsor shall demonstrate compliance with EV charging requirements in Tier 2 CalGreen standards in effect at the time of project review (consistent with GHG mitigation measure 4.71b). The installation of all EV charging equipment shall be included on the project drawings submitted for the construction-related permits or on other documentation submitted to the County.

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact AQ-4: The project would not result in exposure of new sensitive receptors to substantial pollutant concentrations. (*Non-CEQA Impact*)	Not applicable.	Not applicable.
Impact AQ-5: Construction and operation of individual development projects following adoption of the project would result in emissions of fine particulate matter ($PM_{2.5}$) and TACs that could result in exposure of sensitive receptors to substantial pollutant concentrations. (*Less than Significant Impact, with Mitigation*)	**Mitigation Measure AQ-5a: Emission Reduction Measures for Subsequent Projects Exceeding the Significance Thresholds for Health Risks associated with TAC Emissions.** Project sponsors proposing projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the project is proposed. The project-level assessment could include a comparison of the project with other similar sized projects located a similar distance from receptors where a quantitative analysis has been conducted, or a project-specific analysis to determine whether the project exceeds the air district's health risk thresholds. If a project-specific analysis finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AQ-3b to the degree necessary to reduce the impact to less than significance thresholds and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.	Less than Significant, with Mitigation
Impact AQ-6: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact AQ-7: The project, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to substantial levels of fine particulate matter ($PM_{2.5}$) and TACs under cumulative conditions. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact AQ-8: The project, in combination with cumulative projects, would not combine with other sources of odors that would adversely affect a substantial number of people. (*Less than Significant Impact*)	None required	Less than Significant Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
4.3 Biological Resources		
Impact BIO-1: Impact BIO-1: Implementation of the proposed project would not have a substantial adverse effect, either directly, indirectly, or through habitat modifications, on a species identified as a candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by CDFW or USFWS (nesting birds, special-status roosting bats). (*Less than Significant Impact, with Mitigation*)	**Mitigation Measure BIO-1a: Avoid and Minimize Impacts on Nesting Birds.** Adequate measures will be implemented to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This will be accomplished by taking the following steps prior to demolition, site preparation (including clearing of vegetation), and construction work within the project sites: a) If construction is proposed during the nesting season (February 15 to August 31), a pre-construction survey for nesting raptors and other migratory birds will be conducted by a qualified biologist within 7 days prior to the onset of vegetation removal or construction to identify any active nests on the project site and in the vicinity of proposed construction. Surveys will be performed for the project area and vehicle and equipment staging areas, and suitable habitat within 150 feet of these areas, to locate any active passerine (e.g., songbird) nests and within 250 feet to locate any active raptor (bird of prey) nests. b) If no active nests are identified during the survey period, or if construction activities are initiated during the non-breeding season (September 1 to February 14), construction may proceed with no restrictions. c) If bird nests are found, an adequate no-disturbance buffer will be established around the nest location and construction activities restricted within the buffer until the qualified biologist has confirmed that any young birds have fledged and are able to leave the construction area. Required setback distances for the no-disturbance zone will be established by the qualified biologist and may vary depending on species, line-of-sight between the nest and the construction activity, and the birds' sensitivity to disturbance. As necessary, the no-disturbance zone will be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site. d) Any birds that begin nesting within the project area and survey buffers amid construction activities will be assumed to be habituated to construction-related or similar noise and disturbance levels and no-disturbance zones will not be established around active nests in these cases; however, should birds nesting within the project area and survey buffers amid construction activities begin to show disturbance associated with construction activities, no-disturbance buffers will be established as determined by the qualified wildlife biologist. e) Any work that must occur within established no-disturbance buffers around active nests will be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer will halt until the nest occupants have fledged.	Less than Significant, with Mitigation

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	f) A pre-construction survey report of findings will be prepared by the qualified biologist and submitted to the Director of Planning and Development, or the Director's designee for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season. The report will either confirm absence of any active nests or will confirm that any young within a designated no-disturbance zone and construction can proceed. **Mitigation Measure BIO-1b: Avoid and Minimize Impacts on Roosting Bats.** A qualified biologist who is experienced with bat surveying techniques (including auditory sampling methods), behavior, roosting habitat, and identification of local bat species will be consulted prior to tree removal or building demolition activities to conduct a pre-construction habitat assessment of the HEU (parcels 649-24-013 and 649-23-001) and SCP update (all parcels) to characterize potential bat habitat and identify potentially active roost sites. No further action is required should the pre-construction habitat assessment not identify potential bat roosting habitat or signs of potentially active bat roosts within the Project area (e.g., guano, urine staining, dead bats, etc.). The following measures will be implemented should potential bat roosting habitat or potentially active bat roosts be identified during the habitat assessment in buildings to be demolished: a) In areas identified as potential roosting habitat during the habitat assessment, initial building demolition will occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These periods avoid the bat maternity roosting season and period of winter torpor. b) Buildings with potential bat roosting habitat or active (outside of maternity and winter torpor seasons) roosts will be disturbed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit. c) The demolition or relocation of buildings containing or suspected of containing potential bat roosting habitat or active bat roosts will be done under the supervision of a qualified biologist. When appropriate, buildings will be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances will active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist. d) If avoidance of the bat maternity roosting season and period of winter torpor, defined under a), above, is infeasible, the qualified biologist will conduct pre-	

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	construction surveys of potential bat roost sites identified during the initial habitat assessment no more than 14 days prior to building demolition. e) If active bat roosts or evidence of roosting is identified during pre-construction surveys for building demolition, the qualified biologist will determine, if possible, the type of roost and species. A no-disturbance buffer will be established around roost sites until the start of the seasonal windows identified above, or until the qualified biologist determines roost sites are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site.	
Impact BIO-2: Implementation of the proposed project would not have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by CDFW or USFWS. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact BIO-3: Implementation of the proposed project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (*Less than Significant Impact, with Mitigation*)	**Mitigation Measure BIO-3a: Aquatic Resources Delineation** The project applicant for the specific construction activity to be undertaken and its contractors will minimize impacts on waters of the United States and waters of the state, including wetlands, by implementing the following measures: • A preliminary jurisdictional delineation of wetlands for the two aquatic features within parcels 649-24-013 and 649-23-001 and mapped by the U.S. Fish and Wildlife Service National Wetlands Inventory (USFWS NWI) will be prepared to confirm the presence and determine the extent of waters of the United States and/or waters of the state within that area. Per Section 6.8.4, Item 4, Map of Wetlands, Ponds, Streams, and Riparian Woodlands, of the Santa Clara Valley Habitat Plan, the preliminary jurisdictional delineation must map any waters of the state that are not also Waters of the United States. The results will be summarized in a wetland delineation report to be submitted to the Director of Planning and Development, or the Director's designee, for review and approval before the issuance of any demolition, grading, or building permit for construction activity, within 150 feet of the footprint of the two aquatic features within parcels 649-24-013 and 649-23-001 as mapped by the USFWS NWI. • Impacts to wetlands identified in the preliminary jurisdictional delineation report will be avoided and minimized by implementing Mitigation Measure BIO-3b. **Mitigation Measure BIO-3b: Implement *Condition 12, Wetland and Pond Avoidance and Minimization*, of the Santa Clara Valley Habitat Plan.** The purpose of this condition is to minimize direct and indirect impacts to wetlands and ponds and in some cases, avoid direct and indirect impacts to high quality wetlands and ponds. Direct impacts are those that directly affect a wetland or a	Less than Significant Impact, with Mitigation

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	pond within its mapped boundary (see Section 6.8.4 Item 4: Map of Wetlands and Waters for a description of mapping direct impacts to wetlands in the Santa Clara Valley Habitat Plan). Project proponents are required to pay a wetland fee for impacts to wetlands and ponds to cover the cost of restoration or creation of aquatic land cover types required by this Plan (see Chapter 9 of the Santa Clara Valley Habitat Plan for details on this wetland fee). Covered activities can avoid paying the wetland fee if they avoid impacts to the wetland. All project proponents will implement the following actions to avoid and minimize impacts of covered activities on wetlands and ponds. Planning Actions • Projects must be designed to avoid and minimize impacts to wetlands to the maximum extent practicable. • Applicants with streams on site must follow the stream setback requirements in Condition 11. • Applicants for coverage under the Plan must follow the requirements and guidelines in Condition 3 to minimize the effects of development on downstream hydrology, streams, and wetlands. Design • Locate septic facilities, if used, at least 100 feet from the edge of a wetland or pond if space allows. • If the runoff from the development will flow within 100 feet of a wetland or pond, install vegetated stormwater filtration features, such as rain gardens, grass swales, tree box filters, or infiltration basins, to capture and treat flows. • Plant native vegetation (shrubs and small trees) between the wetland or pond and the development such that the line of sight between the wetland or pond and the development is shielded. • If during the environmental review process, it is shown that a project has adverse indirect impacts to the wetland's function (change in hydrological functions, etc.), the project will be required to avoid these indirect effects, as determined on a case-by-case approach by the local jurisdiction, in consultation with the project proponent. Santa Clara County will coordinate avoidance measures with the project proponent. Wetlands that are not completely avoided, including indirect effects, will be considered permanently impacted and will count towards the impact caps described in Table 4-2 of the Santa Clara Valley Habitat Plan and will be assessed fees as described in Chapter 9 of the Santa Clara Valley Habitat Plan. If, however, the local jurisdiction demonstrates to the Wildlife Agencies that the wetlands to be indirectly affected are highly degraded prior to project impacts, and the Wildlife Agencies agree, impacts will not be counted toward the impact caps described in Table 4-2 of the Santa Clara Valley Habitat Plan and fees will not be assessed. "Highly	

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	degraded" wetlands could include, but are not limited to, those that are indirectly affected by surrounding development or agriculture to the extent that hydrology, water quality, or habitat for covered species is adversely affected. <u>Construction Actions</u> • Personnel conducting ground-disturbing activities in or adjacent to wetlands and ponds will be trained by a qualified biologist in these avoidance and minimization measures and the permit obligations of project proponents working under this Plan. • All wetlands and ponds to be avoided by covered activities will be temporarily staked in the field by a qualified biologist to ensure that construction equipment and personnel avoid these features. • Fencing will be erected along the outer edge of the project area, between the project area and a wetland or pond. The type of fencing will match the activity and impact types. For example, projects that have the potential to cause erosion will require erosion control barriers (see below), and projects that may bring more household pets to a site will be fenced to exclude pets. The temporal requirements for fencing also depend on the activity and impact type. For example, fencing for permanent impacts will be permanent, and fencing for short-term impacts will be removed after the activity is completed. • Appropriate erosion control measures (e.g., fiber rolls, filter fences, vegetative buffer strips) will be used on site to reduce siltation and runoff of contaminants into wetlands, ponds, streams, or riparian woodland/scrub. Filter fences and mesh will be of material that will not entrap reptiles and amphibians. Erosion control blankets will be used as a last resort because of their tendency to biodegrade slowly and trap reptiles and amphibians. • Erosion-control measures will be placed between the wetland or pond and the outer edge of the project site. • Fiber rolls used for erosion control will be certified as free of noxious weed seed. • Seed mixtures applied for erosion control will not contain invasive nonnative species but will rather be composed of native species appropriate for the site or sterile nonnative species. If sterile nonnative species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive nonnatives. • Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas. • Trash generated by covered activities will be promptly and properly removed from the site.	

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	• No construction or maintenance vehicles will be refueled within 200 feet of avoided wetlands and ponds unless a bermed and lined refueling area is constructed and hazardous material absorbent pads are available in the event of a spill. • All management of pest species will be conducted in compliance with the County integrated pest management (IPM) ordinance. In addition, other requirements identified in this chapter that exceed the requirements of the IPM ordinance will be implemented. • Where appropriate to control serious invasive plants, herbicides that have been approved by EPA for use in or adjacent to aquatic habitats may be used as long as label instructions are followed and applications avoid or minimize impacts on covered species and their habitats. In wetland environments, appropriate herbicides may be applied during the dry season to control nonnative invasive species (e.g., yellow star-thistle). Herbicide drift will be minimized by applying the herbicide as close to the target area as possible. Herbicides will only be applied by certified personnel in accordance with label instructions. • All organic matter should be removed from nets, traps, boots, vehicle tires and all other surfaces that have come into contact with ponds, wetlands, or potentially contaminated sediments. Items should be rinsed with clean water before leaving each study site. • Implement measures to minimize the spread of disease and non-native species based on current Wildlife Agency protocols (e.g., USFWS Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog: Appendix B, Recommended Equipment Decontamination Procedures and other best available science. • Used cleaning materials (liquids, etc.) should be disposed of safely, and if necessary, taken off site for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags (U.S. Fish and Wildlife Service 2005).	
Impact BIO-4: Implementation of the proposed project would not interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. *(Less than Significant Impact)*	None required.	Less than Significant Impact
Impact BIO-5: Implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. *(No Impact*)	None required.	No Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact BIO-6: Implementation of the proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. *(Less than Significant Impact, With Mitigation)*	Implement Mitigation Measures BIO-1a, 1b, BIO-3a, and BIO-3b.	Less than Significant Impact, with Mitigation
Impact BIO-7: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect related to biological resources. (*Level than Significant Impact, with Mitigation*)	Implement Mitigation Measures BIO-1a, 1b, BIO-3a, and BIO-3b.	Less than Significant Impact
4.4 Cultural Resources		
Impact CR-1: Implementation of the proposed project could cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)	**Mitigation Measure CR-1A: Identify Historical Resources.** Prior to any demolition work or significant alterations to any building or structure that is 50 years old or older, the County shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards evaluate the building or structure for eligibility for listing on the National Register, California Register, and as a County Historic Landmark. **Mitigation Measure CR-1B: Identify Character-Defining Features.** Prior to any demolition work or significant alterations initiated at a known historical resource or a resource identified via implementation of Mitigation Measure CR-1A, the County shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards identifies character-defining features of each historical resource. Despite being presumed or having been previously determined eligible for listing in the National Register and/or California Register, character-defining features of the historical resources that would be demolished or may be significantly altered may not have been explicitly or adequately identified. According to guidance from the National Park Service, a historical resource "must retain… the essential physical features [i.e., character-defining features] that enable it to convey its historic identity. The essential physical features are those features that define both *why* a property is significant…and *when* it was significant" (National Park Service, 1997). The identification of character-defining features is necessary for complete documentation of each historical resource as well as appropriate public interpretation and salvage plans. **Mitigation Measure CR-1C: Document Historical Resources Prior to Demolition or Alteration.** Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified via implementation of Mitigation Measure 4.5-1A, the County shall ensure that a qualified architectural historian who meets the	Significant and Unavoidable Impact, with Mitigation

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	Secretary of the Interior's Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service's standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled drawings and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4"x5") black-and-white negatives and 8"x10" enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.	
Impact CR-2: Implementation of the proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. (*Less than Significant Impact, with Mitigation*)	**Mitigation Measure CR-2A: Cultural Resources Study Requirements.** The County shall ensure that a cultural resources records search is performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area of all discretionary housing development projects arising from the HEU that require ground disturbance (i.e., excavation, trenching, grading, etc.). To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology must review the results and identify if the project would potentially impact cultural resources. Additionally, the County shall consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Santa Clara County to determine if there are tribal cultural resources that may be impacted by development of housing opportunity sites or the possible future elementary school site on Stanford's campus and allow tribes to request additional project- and site-specific mitigation. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years. Additional research, including subsurface testing, monitoring during construction, and/or a cultural resources awareness training may be required to identify, evaluate, and mitigate impacts to cultural resources, as recommended by the SOIS-qualified archaeologist. If avoidance is not feasible, the County shall consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Santa Clara County for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such	Less than Significant Impact, with Mitigation

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). A cultural report detailing the results of the research shall be prepared and submitted for review by the County and a final draft shall be submitted to the NWIC. Once the report has been approved by the County, the County may issue appropriate permits. **Mitigation Measure CR-2B: Inadvertent Discovery of Cultural Resources.** If pre-contact or historic-era archaeological resources are encountered during project construction and implementation, all construction activities within 100 feet shall halt and the County shall be notified. Pre-contact archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-age materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology shall inspect the findings within 24 hours of discovery. If the County determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. If preservation in place is feasible, this may be accomplished through one of the following means as per Program LU-22.1.6 of the General Plan: (1) siting improvements to completely avoid the archaeological resource; (2) incorporating the resource into a park or dedicated open space, or by deeding the resource into a permanent conservation easement; (3) capping and covering the resource before building the project on the resource site after the resource has been thoroughly studied by a SOIS qualified archaeologist and a report written on the findings. If avoidance is not feasible, the County shall consult with appropriate Native American tribes (if the resource is pre-contact), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).	

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact CR-3: Implementation of the proposed project could disturb human remains, including those interred outside of designated cemeteries (*Less than Significant Impact, with Mitigation*)	**Mitigation Measure CR-3: Inadvertent Discovery of Human Remains.** Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5 (CEQA). According to the provisions in CEQA, if human remains are encountered, the Project applicant shall ensure that all work in the immediate vicinity of the discovery shall cease and necessary steps are taken to ensure the integrity of the immediate area. The Santa Clara County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the landowner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.	Less than Significant Impact, with Mitigation
Impact CR-4: Implementation of the proposed project, in combination with other cumulative development, could cause a substantial adverse change in the significance of historical resources pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)	**Mitigation Measure: Implement Mitigation Measures CR-1A, CR-1B, and CR-1C.**	Significant and Unavoidable Impact, with Mitigation
Impact CR-5: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect on the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or a tribal cultural resource as defined in Public Resources Code Section 21074 or could disturb human remains, including those interred outside of formal cemeteries. (*Less than Significant Impact, with Mitigation)*	**Mitigation Measure: Implement Mitigation Measures CR-2A, CR-2B, and CR-3.**	Less than Significant Impact, with Mitigation
4.5 Energy		
Impact EN-1: Implementation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction and operation. (*Less than Significant Impact*)	None required.	Less than Significant Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact EN-2: Implementation of the proposed project update would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact EN-3: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not in result energy use that would be considered wasteful and unnecessary, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency under cumulative conditions. *(Less than Significant Impact)*	None required.	Less than Significant Impact
4.6 Geology, Soils, and Paleontological Resources		
Impact GEO-1: Implementation of the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact GEO-2: Implementation of the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact GEO-3: Implementation of the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including liquefaction. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact GEO-4: Implementation of the proposed project would not result in substantial soil erosion or the loss of topsoil. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact GEO-5: Implementation of the proposed project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact GEO-6: Implementation of the proposed project would not be located on expansive soil creating substantial direct or indirect risks to life or property. (*Less than Significant Impact*)	None required.	Less than Significant Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact GEO-7: Implementation of the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (*Less than Significant Impact, with Mitigation*)	**Mitigation Measure GEO-1: Determination of Paleontological Potential**. Prior to issuance of a grading permit for any project that requires ground disturbance (i.e., excavation, grading, trenching, etc.) in previously undisturbed deposits of Holocene-age alluvium and Pleistocene-age alluvium below a depth of six feet, the project will undergo a CEQA-level analysis to determine the potential for a project to encounter significant paleontological resources, based on a review of site-specific geology and the extent of ground disturbance associated with each project. The analysis shall include but would not be limited to: 1) a paleontological records search, 2) geologic map review, and 3) peer-reviewed scientific literature review. If it is determined that a site has the potential to disturb or destroy significant paleontological resources, a professional paleontologist (meeting the Society of Vertebrate Paleontology [SVP] standards), will be retained to recommend appropriate mitigation to reduce or avoid significant impacts to paleontological resources, based on project-specific information. Such measures could include but would not be limited to: 1) preconstruction worker awareness training, 2) paleontological resource monitoring, and 3) salvage of significant paleontological resources.	Less than Significant Impact, with Mitigation
Impact GEO-C: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect related to geology, paleontological resources, and mineral resources. (*Less than Significant Impact, with Mitigation)*	**Mitigation Measure: Implement Mitigation Measure GEO-1.**	Less than Significant Impact, with Mitigation
4.7 Greenhouse Gas Emissions		
Impact GHG-1: Implementation of the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. (*Less than Significant Impact, with Mitigation*)	**Mitigation Measure GHG-1: Require implementation of most recent CALGreen Tier 2 standards for EV infrastructure.** Subsequent housing development projects facilitated by the project shall comply with EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time that a building permit application is filed.	Less than Significant Impact, with Mitigation
Impact GHG-2: Implementation of the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. (*Less than Significant Impact, with Mitigation*)	**Mitigation Measure: Implement Mitigation Measure GHG-1.**	Less than Significant Impact, with Mitigation

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
4.8 Hazards and Hazardous Materials		
Impact HAZ-1: Implementation of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact HAZ-2: Implementation of the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact HAZ-3: Implementation of the proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. (*Less than Significant Impact with Mitigation*)	**Mitigation Measure HAZ-1, Conduct Phase I Environmental Site Assessment** Prior to development on any project site, the project applicant shall conduct a Phase I Environmental Site Assessment in general accordance with the current version of ASTM 1527 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. This Standard requires checking regulatory agency databases such as the SWRCB GeoTracker and DTSC EnviroStor websites for the status of hazardous waste sites and landfill investigations and cleanups at the time of the proposed development, visually inspecting sites for hazardous materials, and interviewing persons knowledgeable about the site regarding hazardous materials use. The results of the Phase I assessment may indicate the potential or actual presence of hazardous materials, which would require subsequent investigations and cleanups. These investigations and cleanups would be required to comply with the regulatory requirements summarized in the Regulatory Setting. **Mitigation Measure HAZ-2: Health and Safety Plan** Before the start of ground-disturbing activities, including grading, trenching, or excavation, or structure demolition on any project site, the project applicant shall require that construction contractor(s) retain a qualified professional to prepare a site-specific health and safety plan (HASP) in accordance with federal Occupational Safety and Health Administration regulations (29 CFR 1910.120) and California Occupational Safety and Health Administration regulations (8 CCR Section 5192). The HASP shall be implemented by the construction contractor(s) to protect construction workers, the public, and the environment during all ground-disturbing and construction activities. HASPs shall be submitted to the County of Santa Clara Department of Environmental Health for review before the start of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The HASP shall include, but not be limited to, the following elements:	Less than Significant Impact, with Mitigation

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	● Designation of a trained, experienced site safety and health supervisor who has the responsibility and authority to develop and implement the site HASP. ● A summary of all potential risks to demolition and construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals. ● Specified personal protective equipment and decontamination procedures, if needed. ● The requirement to prepare documentation showing that HASP measures have been implemented during construction (e.g., tailgate safety meeting notes with signup sheet for attendees). ● A requirement specifying that any site worker who identifies hazardous materials has the authority to stop work and notify the site safety and health supervisor. ● Emergency procedures, including the route to the nearest hospital. ● Procedures to follow if evidence of potential soil or groundwater contamination is encountered (such as soil staining, noxious odors, debris or buried storage containers). These procedures shall be followed in accordance with hazardous waste operations regulations and specifically include, but not be limited to, immediately stopping work in the vicinity of the unknown hazardous materials release; notifying the County and retaining a qualified environmental firm to perform sampling and remediation. **Mitigation Measure HAZ-3: Site Management Plan** In support of the HASP described in Mitigation Measure HAZ-2, the project applicant for the specific work proposed shall require that contractor(s) develops and implements a site management plan (SMP) for the management of soil, soil gas, and groundwater before any ground-disturbing activity for properties with known or suspected contamination. The SMP shall include the following, at a minimum: ● Site description, including the hazardous materials that may be encountered. ● Roles and responsibilities of onsite workers, supervisors, and the regulatory agency. ● Training for site workers focused on the recognition of and response to encountering hazardous materials. ● Protocols for the materials (soil and dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner. ● Reporting requirement to the County of Santa Clara Department of Environmental Health, documenting that site activities were conducted in accordance with the SMP.	

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	• The SMP shall be submitted to the County of Santa Clara Department of Environmental Health for review before the start of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The contract specifications shall mandate full compliance with all applicable federal, state, and local regulations.	
Impact HAZ-4: Implementation of the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact HAZ-5: Implementation of the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area related to a public airport or public use airport. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact HAZ-6: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect related to hazards and hazardous materials. (*Less than Significant Impact*)	None required.	Less than Significant Impact
4.9 Hydrology and Water Quality		
Impact HYD-1: Implementation of the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. (*Less than Significant Impact, with Mitigation*)	**Mitigation Measure 4.9-1, Stanford Well Review**: Prior to issuance of a demolition or building permit, Stanford shall review its historic wells survey to determine the potential for encountering any groundwater wells within the area of proposed improvements and confirm that no historic wells not properly closed are located at the location of the proposed development. If discovered, and the well is no longer part of operations and was not abandoned in accordance with applicable requirements, Stanford shall fulfill the applicable well abandonment/destruction permit requirements. Stanford shall contact the applicable regulatory agency to locate existing inactive wells and confirm adherence to well abandonment/ destruction requirements.	Less than Significant Impact, with Mitigation
Impact HYD-2: Implementation of the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. (*Less than Significant Impact*)	None required.	Less than Significant Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact HYD-3: Implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would : i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact HYD-4: In a flood hazard, seiche, or dam breach inundation zone, implementation of the proposed project would not risk release of pollutants due to inundation. *(Less than Significant Impact)*	None required.	Less than Significant Impact
Impact HYD-5: Implementation of the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. *(Less than Significant Impact)*	None required.	Less than Significant Impact
Impact HYD-6: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable future development, would result in a less than significant cumulative impact with respect to hydrology and water quality. *(Less than Significant Impact)*	None required.	Less than Significant Impact
4.10 Land Use and Planning		
Impact LU-1: Implementation of the proposed project would not physically divide an established community. (*No Impact*)	None required.	No impact
Impact LU-2: Implementation of the proposed project would not cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (*Less than Significant Impact*)	None required.	Less than Significant Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact LU-3: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not physically divide an established community. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact LU-4: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (*Less than Significant Impact*)	None required.	Less than Significant Impact
4.11 Noise and Vibration		
Impact NOI-1: Construction activities associated with implementation of the proposed project would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Significant and Unavoidable Impact, with Mitigation*)	**Mitigation Measure NOI-1: Best Management Practices for Construction Noise Control.** ***Noise Control.*** Require contractors to implement noise controls for on-site activities and describe measures that shall be implemented to reduce the potential for noise disturbance at adjacent or nearby residences. Noise control measures required by the specification include: ● Contractor is responsible for taking appropriate measures, including muffling of equipment, selecting quieter equipment, erecting noise barriers, modifying work operations, and other measures to bring construction noise into compliance. ● Each internal combustion engine used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without said muffler. ● Best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all equipment and trucks. ● Stationary noise sources (e.g., chippers, grinders, compressors) shall be located as far from sensitive receptors as possible. If they must be located near receptors, adequate muffling (with enclosures) shall be used. Enclosure opening or venting shall face away from sensitive receptors. Enclosures shall be designed by a registered engineer regularly involved in noise control analysis and design. ● Material stockpiles as well as maintenance/equipment staging and parking areas (all on site) shall be located as far as practicable from residential receptors. ● If impact equipment (e.g., jack hammers, pavement breakers, and rock drills) is used, the contractor is responsible for taking appropriate measures, including but not limited to the following:	Significant and Unavoidable Impact, with Mitigation

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	– Hydraulically or electric-powered equipment shall be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where the use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used (a muffler can lower noise levels from the exhaust by up to about 10 dB). External jackets on the tools themselves shall be used, where feasible, which could achieve a reduction of 5 dB. Quieter procedures, such as drilling rather than impact equipment, will be used whenever feasible. It is the contractor's responsibility to implement any mitigations necessary to meet applicable noise requirements. – Impact construction including jackhammers, hydraulic backhoe, concrete crushing/recycling activities, and vibratory pile drivers will be limited to between 8:00 a.m. and 4:00 p.m., Monday through Friday, within residential communities, and will be limited in duration to the maximum extent feasible. **NOI-2: Noise Control for Pile Installation Activities.** When pile driving would occur within 300 feet of a noise-sensitive receptor, implement "quiet" pile-driving technology (such as pre-drilling of piles, sonic pile drivers, auger cast-in-place, or drilled-displacement), where feasible, in consideration of geotechnical and structural requirements and conditions. ● Where the use of driven impact piles cannot be avoided, properly fit impact pile driving equipment with an intake and exhaust muffler and a sound-attenuating shroud, as specified by the manufacturer. ● Limit pile driving activities to weekdays from 9:00 a.m. to 4:00 p.m. if occurring within 500 feet of a noise-sensitive receptor. ● Notify neighboring noise-sensitive receptors within 500 feet of a PMA construction area at least 30 days in advance of high-intensity noise-generating activities (e.g., well drilling, pile driving, and other activities that may generate noise levels greater than 90 dBA at noise sensitive receptors) about the estimated duration of the activity.	
Impact NOI-2: Stationary noise sources from development associated with the proposed project would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact NOI-3: Implementation of the proposed project would not result in exposure of persons to or generation of excessive groundborne vibration levels. (*Less than Significant Impact*)	None required.	Less than Significant Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact NOI-4: Transportation activities under the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. *(Less than Significant Impact)*	None required.	Less than Significant Impact
Impact NOI-5: Implementation of the proposed project would not expose people residing or working in the project area to excessive noise levels due to being located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport. *(Less than Significant Impact)*	None required.	Less than Significant Impact
Impact NOI-6: Construction activities associated with implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Less than Significant Impact with Mitigation*)	**Mitigation Measures: Implement Mitigation Measures NOI-1 and MOI-2.**	Less than Significant Impact, with Mitigation
Impact NOI-7: Stationary noise sources from development within the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact NOI-8: Construction activities associated with implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in exposure of persons to or generation of excessive ground borne vibration levels. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact NOI-9: Transportation activities under the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (*Less than Significant Impact*)	None required.	Less than Significant Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
4.12 Population and Housing		
Impact PH-1: Implementation of the project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact PH-2: Implementation of the project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact PH-3: Implementation of the project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect related to population and housing. (*Less than Significant Impact*)	None required.	Less than Significant Impact
4.13 Public Services and Recreation		
Impact PSR-1: Implementation of the proposed project would not result in an increase in demand for fire protection and emergency medical response services that would require new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact PSR-2: Implementation of the proposed project would not result in an increase in demand for police protection services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact PSR-3: Implementation of the proposed project would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives, construction of which would have significant physical environmental impacts. (Less than Significant Impact)	None required.	Less than Significant Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact PSR-4: Implementation of the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact PSR-5: Implementation of the proposed project would not include recreational facilities or require the construction or expansion of parks or recreational facilities which might have an adverse physical effect on the environment. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact PSR-6: Implementation of the proposed project would not result in substantial adverse impacts associated with the provision of or the need for new or physically altered library facilities. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact PSR-7: The proposed project, combined with cumulative development in the vicinity of the HEU housing opportunity sites and Countywide, would not result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental or facilities, construction of which could have significant physical environmental impacts. (*Less than Significant Impact*)	None required.	Less than Significant Impact
4.14 Transportation		
Impact TRANS: Implementation of the proposed project would not conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact TRANS: Implementation of the proposed project could exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)	**Mitigation Measure TRANS: Implement VMT Reduction Measures.** Individual multifamily housing development proposals that are not exempt from CEQA or VMT impact analysis shall be required to provide a quantitative VMT analysis using the methodology specified by the County (or annexing city). Projects that would result in a significant VMT impact shall include travel demand management measures and/or physical measures (i.e. improving multimodal transportation network, improving street connectivity) to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021).	Significant and Unavoidable Impact, with Mitigation

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
	Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. • Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook. • Provide car-sharing, bike-sharing, or scooter-sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike-share, and 0.07 percent for scooter-share, per the CAPCOA Handbook. The higher car-share and bike-share values are for electric car and bike-share programs. Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.	
Impact TRANS: Implementation of the proposed project would not result in designs for on-site circulation, access, and parking areas that fail to meet County or industry standard design guidelines. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact TRANS: Implementation of the proposed project would not result in inadequate emergency access to development sites. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact TRANS: Implementation of the proposed project, in combination with cumulative development, would not conflict with an applicable program, plan, ordinance or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. *(Less than Significant)*	None required.	Less than Significant Impact
Impact TRANS: Implementation of the proposed project, in combination with cumulative development, could exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)	**Mitigation Measure: Implement Mitigation Measure TRANS 4.14-2.**	Significant and Unavoidable Impact, with Mitigation
Impact TRANS: Implementation of the proposed project, in combination with cumulative development, would not result in designs for on-site circulation, access, and parking areas that fail to meet County or industry standard design guidelines. (*Less than Significant Impact*)	None required.	Less than Significant Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact TRANS: Implementation of the proposed project, in combination with cumulative development, would not result in inadequate emergency access to development sites. (*Less than Significant Impact*)	None required.	
4.15 Tribal Cultural Resources		
Impact TCR-1: Implementation of the project would not cause a substantial adverse change to tribal cultural resources, as defined in Public Resources Code Section 21074(a). (*Less than Significant Impact, with Mitigation*)	**Mitigation Measure: Implement Mitigation Measures CR-2A, CR-2B, and CR-3.**	Less than Significant Impact, with Mitigation
Impact TCR-2: Implementation of the project, when combined with other past, present, or reasonably foreseeable projects, would not cause a substantial adverse change to tribal cultural resources, as defined in Public Resources Code Section 21074(a). (*Less than Significant Impact, with Mitigation*)	**Mitigation Measure: Implement Mitigation Measures CR-2A, CR-2B, and CR-3.**	Less than Significant Impact, with Mitigation
4.16 Utilities and Service Systems		
Impact UT-1: Implementation of the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact UT-2: Implementation of the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact UT-3: Implementation of the proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (*Less than Significant Impact*)	None required.	Less than Significant Impact

TABLE 2-3 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT UPDATE AND STANFORD COMMUNITY PLAN UPDATE

Impacts	Mitigation Measures	Significance after Mitigation
Impact UT-4: Implementation of the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact UT-5: Implementation of the proposed project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. (*Less than Significant Impact*)	None required.	Less than Significant Impact
Impact UT-6: The proposed project, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems. (*Less than Significant Impact*)	None required.	Less than Significant Impact

CHAPTER 3
Project Description

3.1 Introduction

State law requires the County to have and maintain a General Plan with specific contents to provide a vision for the County's future and inform local decisions on land use and development, including issues such as circulation, conservation, and safety.

The County's General Plan was adopted in 1994 and is comprised of Book A, Book B, three maps addressing land use, regional parks and scenic highways, and countywide trails, and, published separately, the Health Element and the Stanford University Community Plan (SCP). The General Plan has been amended from time to time since 1994, including various Housing Element updates.

Book A includes countywide policies regarding Growth and Development, Economic Well-Being, Housing, Transportation, Parks and Recreation, Resource Conservation, Safety and Noise, and Governance. Book B addresses similar issues for the Rural Unincorporated Area, in addition to Land Use Policies, Urban Unincorporated Area Issues & Policies, and the South County Joint Area Plan.

To comply with State law, the County is proposing to update its Housing Element for the 2023-2031 planning period via a Housing Element Update (HEU), which is one component of the project that is the subject of this Environmental Impact Report (EIR). The primary purpose of the HEU is to comply with the requirements of State law by analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing in furtherance of meeting the County's Regional Housing Needs Allocation (RHNA). Through the HEU, the County proposes to update other components of the General Plan, as needed, to maintain internal consistency, and proposes to amend the County's Zoning Ordinance to reflect the updated Housing Element, including rezoning housing opportunity sites and the zoning districts identified in the Housing Element for those sites.

Three of the unincorporated sites identified in the HEU as appropriate and likely locations for residential development within the 2023-2031 planning period are within the Stanford Community Plan (SCP) area. An update to the SCP is therefore also proposed as part of this Project.

The HEU and SCP updates, and the zoning amendments that will be adopted to effectuate these updates, together comprise the "Project" for purposes of CEQA as defined in CEQA Guidelines Section 15378. Each component of the HEU is described in this chapter, which also provides

background information, lists project objectives, and describes intended uses of the EIR, including approval actions required.

3.2 Project Background

3.2.1 Purpose of the Housing Element Update

State law requires the County to have and maintain a General Plan with specific contents to provide a vision for the County's growth and to inform local decisions on land use and development, including issues such as circulation, conservation, and safety.

State law (Government Code Section 65588) requires the County to update the Housing Element every eight years, while making any changes to other components of the General Plan needed to maintain internal consistency and comply with State law, as well as undertaking related changes to the County's Zoning Ordinance. The Housing Element was last updated in 2015 and covers the "fifth cycle" planning period from 2014 through 2022. In accordance with State law, the planning period for the "sixth cycle" updated Housing Element will be from 2023 through 2031.

The housing chapter or "element" of the General Plan must be updated and monitored more frequently than other elements. The County's current Housing Element was adopted in June 2014 and covers the planning period from 2015 through 2022.

Concurrent with the Housing Element update, the County will consider adoption of any amendments to other components of the General Plan required to maintain internal consistency, including an update to the SCP, which was adopted in 2000.

Regional Housing Needs Allocation

In addition to including goals, policies, and implementation programs regarding housing issues, housing elements must include an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels of affordability assigned to the County by the Association of Bay Area Governments (ABAG). This assignment is referred to as a Regional Housing Needs Allocation .

On December 18, 2020, ABAG released its *Draft Regional Housing Needs Assessment Methodology and Subregional Shares* document which articulated ABAG's recommended methodology for the distribution of the regional housing need of 441,176 housing units issued by the State Department of Housing and Community Development (HCD). Based on the draft methodology, the County was assigned 3,125 units to be planned within unincorporated Santa Clara County for the term of the planning period from 2023 through 2031 ("6th Cycle"). This assignment represents an increase of 1,028 percent from the last RHNA cycle.

ABAG adopted the Final RHNA on December 16, 2021. **Table 3-1** shows the breakdown of required units in the County of Santa Clara across the four income categories. The County's RHNA allocation must be addressed in the HEU.

To accommodate the new units, the County will also have to rezone sites in urban unincorporated areas and amend other components of the General Plan to ensure that the General Plan retains internal consistency with the HEU. This EIR also evaluates the impacts of amendments to the County Zoning Ordinance necessary to implement the HEU. The proposed Zoning Ordinance amendments would rezone the parcels listed in the HEU site inventory to allow for "by right" approval (i.e., subject to conformance with objective standards), with a minimum density of dwelling units consistent with the number of units shown in Table 3-2 further in this chapter, and additional zoning provisions to incentivize the development of affordable housing.

TABLE 3-1
COUNTY OF SANTA CLARA 2023-2031 RHNA ALLOCATIONS BY INCOME CATEGORY[a]

Income Group				
Very Low Income (VLI)	**Low Income (LI)**	**Moderate Income (MOD)**	**>Moderate Income (>MOD)**	**Total**
828	477	508	1,312	**3,125**

NOTES:

a Household income categories are based on those established by the U.S. Department of Housing and Urban Development for use in its Section 8 Housing Choice Voucher Program. The 2022 Area Median Income (AMI) for Santa Clara County is $168,500 for a family of four. Very Low Income households have an income less than 50% of AMI (<$84,250) and a portion of Very Low income households qualify as Extremely Low Income, with income less than 30% of AMI (<$50,550). Low Income households have an income less than 80% of AMI (<$131,750). Moderate Income households have an income less than 120% of AMI (<$202,200. Above Moderate Income households have an income over 120% of AMI (>$202,200).

SOURCES:

Association of Bay Area Governments, *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, Adopted December 16, 2021.

Department of Housing and Community Development. 2022. *State Income Limits for 2022*. May 13, 2022.

In addition to the RHNA assignment noted above, the HEU must also include a housing unit "buffer," which is required to ensure that if one or more of the identified housing sites are developed at lower densities than projected, or with non-housing uses, or not developed at all, there will be remaining capacity elsewhere in the County to provide an ongoing supply of sites for housing during the eight-year planning period/cycle of the Housing Element. If there were no buffer and an identified housing site were developed with a non-housing project or developed at a density less than that anticipated in the Housing Element, then the County could be obliged to identify new housing opportunity sites and amend the Housing Element prior to the end of the planning period/cycle.

The need for the HEU to include a substantial buffer is increasingly important because of new rules in the Housing Accountability Act's "no net loss" provisions. California State Senate Bill 166 (2017), codified in Government Code section 65589.5, requires that the land inventory and site identification programs in the Housing Element always include sufficient sites to accommodate unmet RHNA. This means that if a housing site is identified in the Housing Element as having the potential for housing development that could accommodate lower-income units but is actually developed with units at a higher income level, with fewer units than expected, or with non-residential uses, then the locality must either: 1) identify and rezone, if necessary, an adequate substitute site; or 2) demonstrate that the land inventory already contains an adequate

substitute site. An adequate buffer will ensure that the County remains compliant with these provisions without having to identify and rezone sites prior to the end of the planning period on January 31, 2031.

While State law requires the County to include an inventory of housing sites and requires the County to zone those sites for multifamily housing, the County is not required to develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies and other incentives. Nonetheless, this EIR considers potential impacts of development that may result from adoption of the HEU, including rezoning of potential housing sites to allow housing and/or mixed-use developments, and related actions to encourage housing production including, but not limited to, changes in allowable densities, changes in development standards, and adoption of incentives such as a density bonus for the creation of affordable housing.

3.2.2 Purpose of the Stanford University Community Plan Update

Stanford lands within unincorporated Santa Clara County, also considered the SCP area, are subject to policies in the SCP, as adopted by the Board of Supervisors (Board) in 2000, and most recently amended in 2015. Development within the SCP area is currently regulated under the SCP, the 2000 General Use Permit (GUP) conditions of approval, and the 1985 Land Use Policy Agreement (Agreement) between the County of Santa Clara, the City of Palo Alto, and Stanford University.

At the direction of the Board (February 11, 2020, Item No. 19), and as the first phase of planned work to update the County General Plan, the Administration is also proposing updates to the SCP (SCP update).

Prior updates to the SCP were proposed by the Administration and considered by the Board in tandem with the proposed adoption of a new GUP applied for by Stanford in Fall 2016. However, the 2016 GUP application was withdrawn by Stanford University on November 1, 2019, and those SCP updates were not adopted by the Board. On February 11, 2020, the Board approved recommending the Administration move forward with specified items related to implementation and updates to the SCP.

Three of the unincorporated sites identified in the HEU as appropriate and likely locations for residential development within the 2023-2031 planning period are within the SCP area. In addition, a potential future school location on the Stanford campus was identified in the current SCP. The updated SCP would relocate that potential future school location to the West Campus Development district in the northerly portion of the campus to be closer to the proposed HEU housing opportunity sites. Based upon these considerations, an update to the SCP is also proposed as part of this Project and included in this EIR.

This integrated approach will result in Stanford University providing the housing needed to accommodate future growth of academic and academic-support uses directly on campus or other

contiguous Stanford land-grant lands. This approach also expands the previous Stanford-housed population from “students and faculty” to “undergraduate students, graduate students, faculty, staff, postgraduate fellows, and other workers.” The call to provide all needed housing to accommodate future development on campus and enhance the coordination between housing policies and transportation policies will facilitate a reduction in vehicle miles traveled (VMT), as well as reductions of other negative impacts associated with commuting and local trips.

3.3 Project Location

Santa Clara County is in the San Francisco Bay Area and encompasses 1,300 square miles. The County is located at the southern end of San Francisco Bay and is the Bay Area’s most populous county, with 15 cities and nearly two million people. The present urban and rural landscape of Santa Clara County is diverse, comprising a complex social and economic setting that overlays a rich historic, multi-cultural, and natural environment In the early 20th century, the area was promoted as the "Valley of the Heart's Delight" due to its natural beauty, including a significant number of orchards. In 1939, the first major technology company to be based in the area was founded. Today, the County is headquarters to approximately 6,000 technology companies, some of which are the largest technology companies in the world.

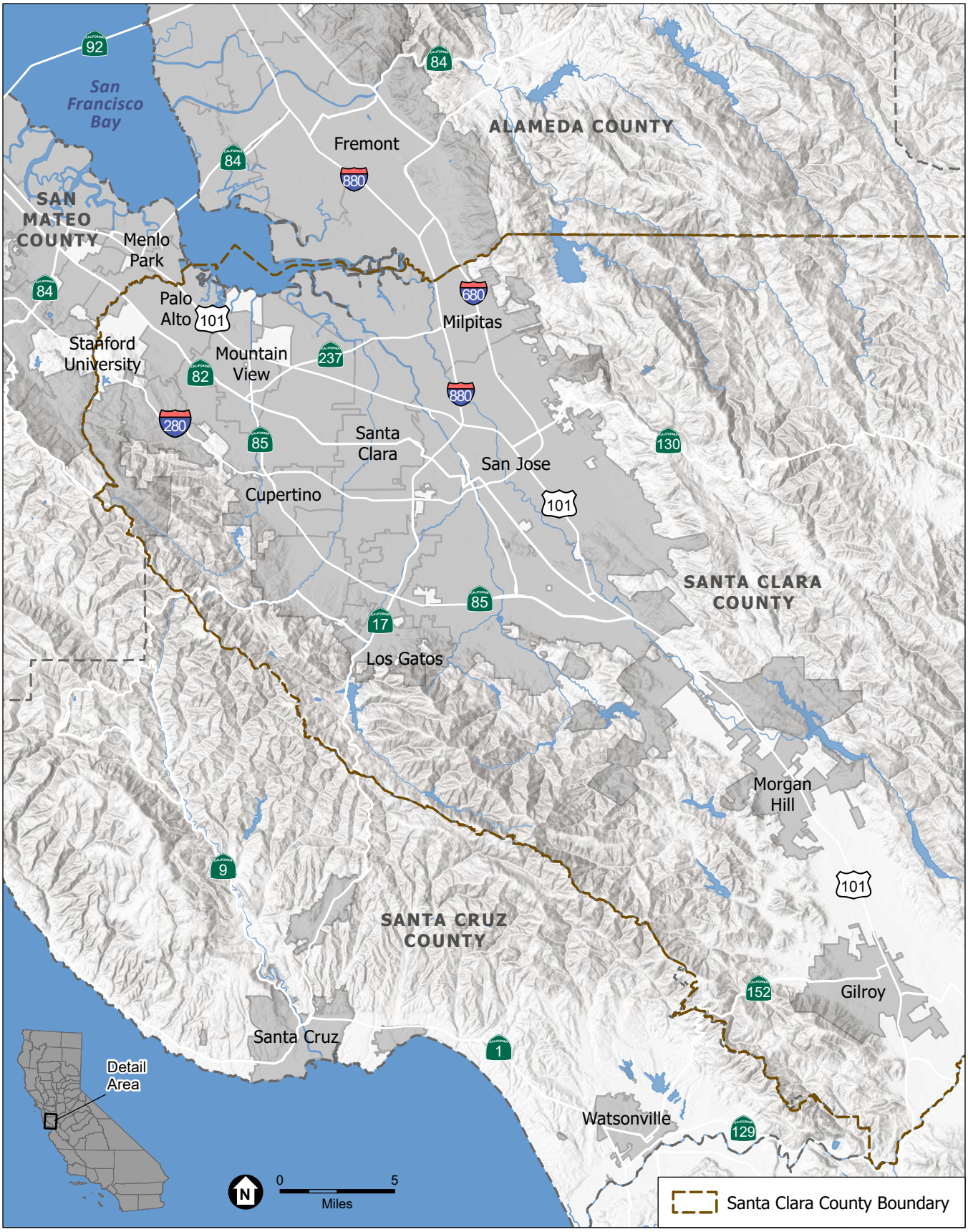
While most of the urbanized areas in the County are under the jurisdiction of individual cities, the County maintains land use jurisdiction over 607,418 acres. This includes 7,348 acres that are designated as Urban Service Areas (USAs) and are planned for eventual annexation to a city’s jurisdiction. Lands owned by Stanford University and subject to the County’s SCP comprise slightly over 4,000 acres, and the remaining 596,070 acres in the unincorporated County area comprise rural parts of the County. The County’s regional location and boundaries are shown in **Figure 3-1**.

3.4 Project Description

The proposed Project would make updates to the County’s General Plan to comply with State law, reflect current conditions, and prepare for future anticipated growth of the County, including updates to the General Plan’s Housing Element, the SCP, and related rezonings of the housing opportunity sites. Collectively, these actions comprise the “project” evaluated in this EIR.

3.4.1 Housing Element Update

The proposed HEU would adopt an updated Housing Element for the sixth cycle planning period of 2023 through 2031, in accordance with State law. The updated Housing Element would include goals, objectives, policies, and implementation programs that address the maintenance, preservation, improvement, and development of housing in unincorporated Santa Clara County. In addition, the HEU would identify sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State



SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

Figure 3-1
Regional Location Map

ESA

law. The County proposes to create an overlay zone based on the identification of High Opportunity Areas for affordable housing and access to amenities and services.[1]

The HEU would further the County's fundamental policies regarding growth management and the accommodation of urban development within cities' USAs (i.e., areas planned for urbanization). Outside of cities' USAs, only non-urban uses and development densities are allowed, with the goal of preserving natural resources and agricultural lands and minimizing population exposure to significant natural hazards such as landslides, earthquake faults, and wildfire. The Countywide growth management policies have historically been referred to as the "joint urban development policies," held in common by the cities, County, and the County Local Agency Formation Commission (LAFCO), which controls city formation and expansion.

Keeping in mind the development principles and statutory requirements above, the proposed HEU will identify specific sites appropriate for the development of additional housing and sufficient to meet the County's RHNA and provide an ample buffer. As appropriate, the County would rezone those areas as necessary to meet the requirements of State law and make changes to the County's zoning map and Zoning Ordinance as necessary to maintain consistency with the General Plan.

Because the County's 6th Cycle RHNA assignment increased dramatically from past cycles, the County has been compelled to consider a wider range of sites than it has in the past. The County's sites identified for the 6th Cycle are located either: (1) within urban unincorporated "islands" that are surrounded entirely by the City of San José, or (2) on the Stanford University campus. This strategy is consistent with the County's General Plan and the County's longstanding commitment to concentrate development in urban areas, where development can benefit from urban services and infrastructure.

The San José sites have long been intended for annexation to San José, and historically the County's General Plan has left the planning for these areas to the City of San José and its General Plan. The County has identified several sites that are in the City's USA that have remained unincorporated and undeveloped, including some sites the City identified for past RHNA cycles. In observance of the County's disproportionately high RHNA assignment, the City has not selected any of the unincorporated sites for its 6th Cycle site inventory. The County is therefore including such sites in its HEU site inventory, along with proposing the requisite changes to the County's General Plan. The County is also re-listing sites on the Stanford Campus that it identified for RHNA in the past. **Table 3-2** lists all the potential sites identified by the County and their proposed development densities, and the various subfigures presented as **Figure 3-2** show their locations.

[1] The Draft HEU can be viewed online at: https://plandev.sccgov.org/ordinances-codes/general-plan/housing-element-update-2023-2031.

TABLE 3-2
HOUSING OPPORTUNITY SITES INVENTORY

APN	Size (acres)	Urban/ Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan	Site/Area Name
			Low	High	Low	High			
245-01-003	13	Urban (San José)	80	100	**1,040.0**	1,300.0	A - Agricultural	Neighborhood/Community Commercial (San José)	Hostetter Station
245-01-004	2.3	Urban (San José)	80	100	**186.0**	232.0	A - Agricultural	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Hostetter Station
277-06-025	0.4	Urban (San José)	60	100	**22.0**	36.0	R1-n2 – Residential (Burbank)	Mixed Use Commercial/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-027	0.1	Urban (San José)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-028	0.1	Urban (San José)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-029	0.2	Urban (San José)	40	80	**7.0**	14.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-029	0.1	Urban (San José)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-030	0.1	Urban (San José)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-031	0.2	Urban (San José)	40	80	**7.0**	14.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-12-027	0.3	Urban (San José)	40	80	**12.0**	25.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-12-029	0.3	Urban (San José)	40	80	**12.0**	25.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
282-02-037	1.5	Urban (San José)	60	100	**90.0**	150.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José)	Fruitdale/Santa Clara Valley Medical Center
282-03-016	3.5	Urban (San José)	60	100	**210.0**	350.0	R1-8 - SF Housing	Public Quasi-Public (San José)	Fruitdale/Santa Clara Valley Medical Center
419-12-044	0.8	Urban (San José)	10	20	**8.0**	16.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Cambrian Park

TABLE 3-2
HOUSING OPPORTUNITY SITES INVENTORY

APN	Size (acres)	Urban/ Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan	Site/Area Name
			Low	High	Low	High			
599-01-064	0.7	Urban (San José)	20	30	**15.0**	22.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Alum Rock/East Foothills
599-39-047	0.6	Urban (San José)	40	80	**22.0**	45.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Alum Rock/East Foothills
601-07-066	1.5	Urban (San José)	5	8	**7.0**	12.0	R1 - SF Housing	Residential Neighborhood (San José)	Alum Rock/East Foothills
601-25-119	1.9	Urban (San José)	5	8	**10.0**	15.0	R1 - SF Housing	Public Quasi-Public (San José)	Alum Rock/East Foothills
612-21-004	0.8	Urban (San José)	5	8	**4.0**	7.0	R1-6 - SF Housing	Residential Neighborhood (San José)	Alum Rock/East Foothills
649-24-013	43.5	Urban (San José)	25	35	**1,088.0**	1,523.0	A – Agricultural	Private Recreation and Open Space	Pleasant Hills
649-23-001	70.5	Urban (San José)	25	35	**1,762.0**	2,467.0	A – Agricultural	Private Recreation and Open Space	Pleasant Hills
142-04-036	40	Urban (Stanford)	17.5	22.5	**700.0**	900.0	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Escondido Village
142-04-036a	8	Urban (Stanford)	70	90	**560.0**	720.0	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Quarry Site A
142-04-036b	6	Urban (Stanford)	70	90	**420.0**	540.0	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Quarry Site B

TOTAL UNITS	6,198	8,441.0
RHNA Allocation	3,125	
San José Sites	4,518	6,281
Stanford University Sites	1,680	2,160

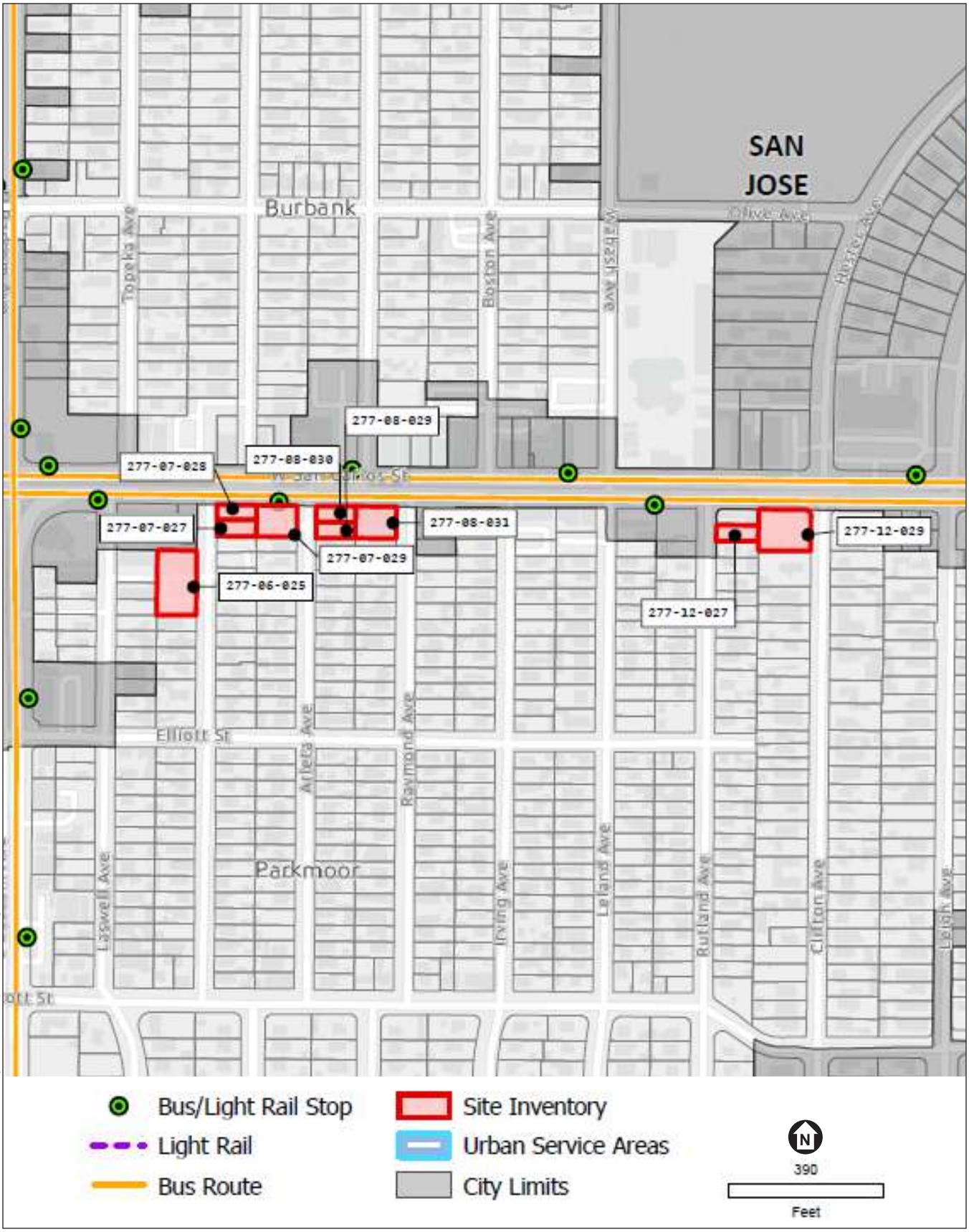
D202100692.00 - Santa Clara County HEU EIR\05 Graphics-GIS-Modeling-USE AZURE\Illustrator

SOURCE: County of Santa Clara, 2023

Santa Clara County Housing Element Update Environmental Impact Report

Figure 3-2a
Housing Opportunity Sites in San José – Hostetter Station Area

ESA



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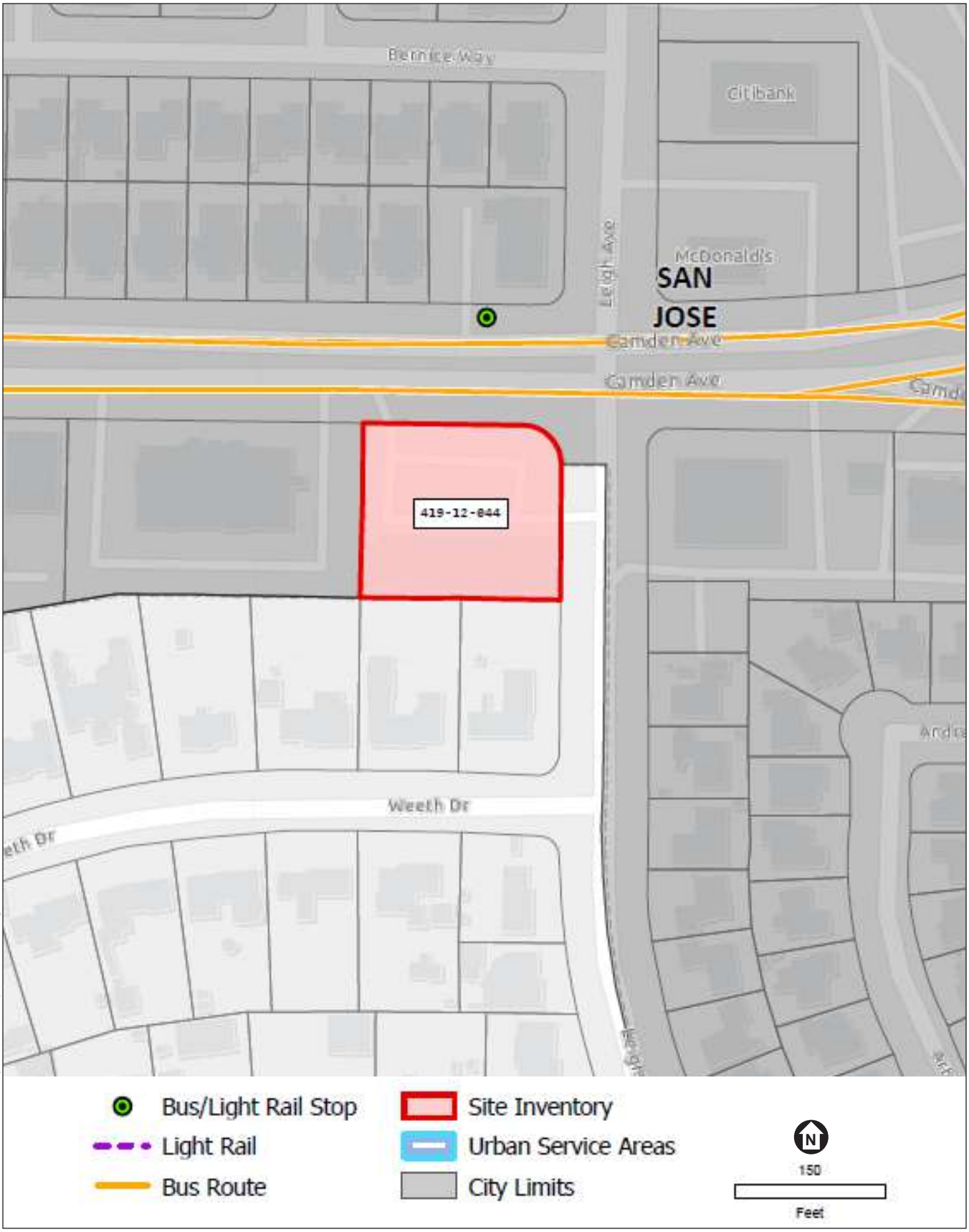
SOURCE: County of Santa Clara, 2023

Figure 3-2b
Housing Opportunity Sites in San José – Parkmoor/Burbank Neighborhood

D202100692.00 - Santa Clara County HEU EIR\05 Graphics-GIS-Modeling-USE AZURE\Illustrator

SOURCE: County of Santa Clara, 2023

Figure 3-2c
Housing Opportunity Sites in San José – Fruitdale/Santa Clara Valley Medical Center



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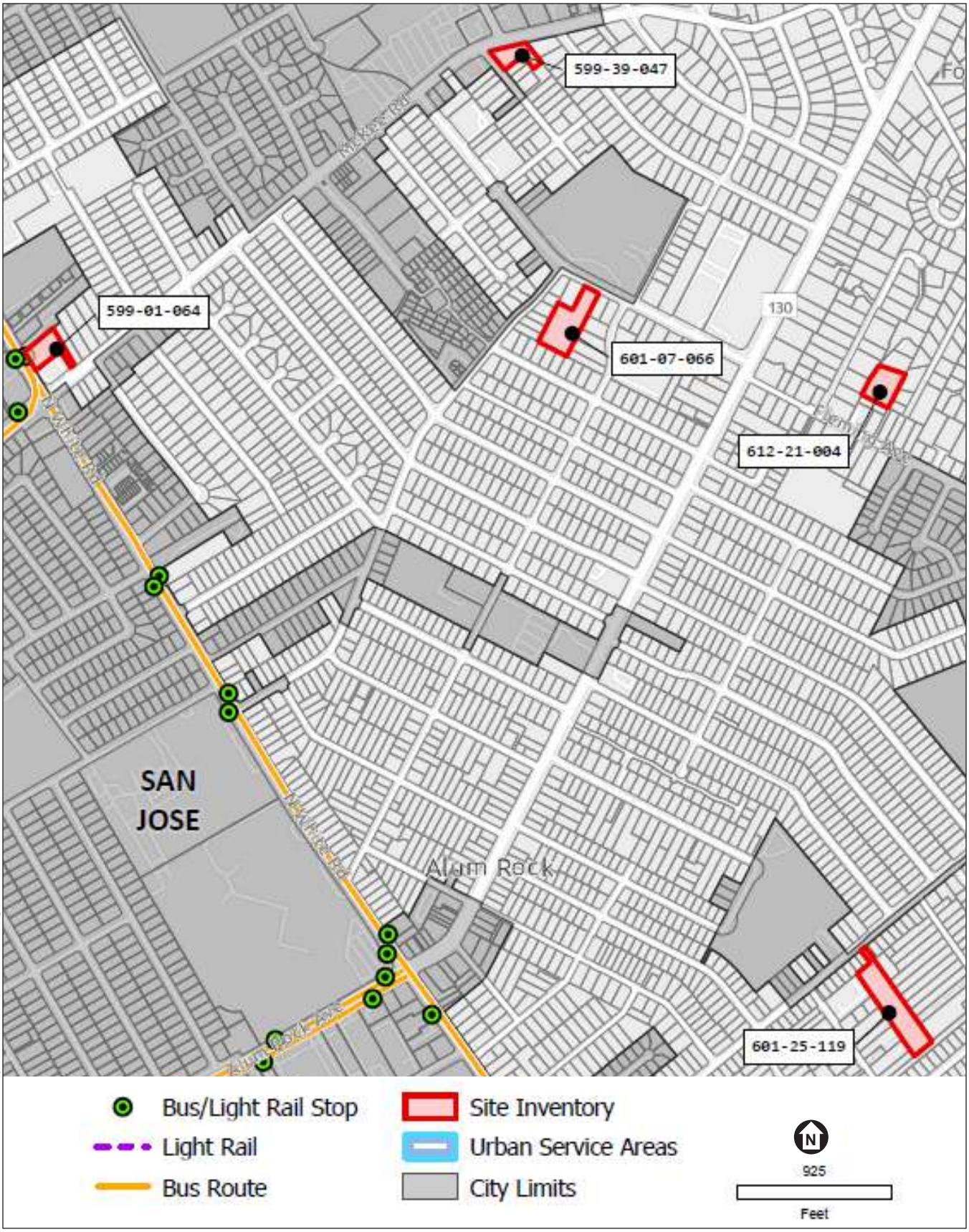
SOURCE: County of Santa Clara, 2023

Figure 3-2d
Housing Opportunity Sites in San José – Cambrian Park



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SOURCE: County of Santa Clara, 2023

Santa Clara County Housing Element Update Environmental Impact Report

Figure 3-2e
Housing Opportunity Sites in San José – Alum Rock/East Foothills

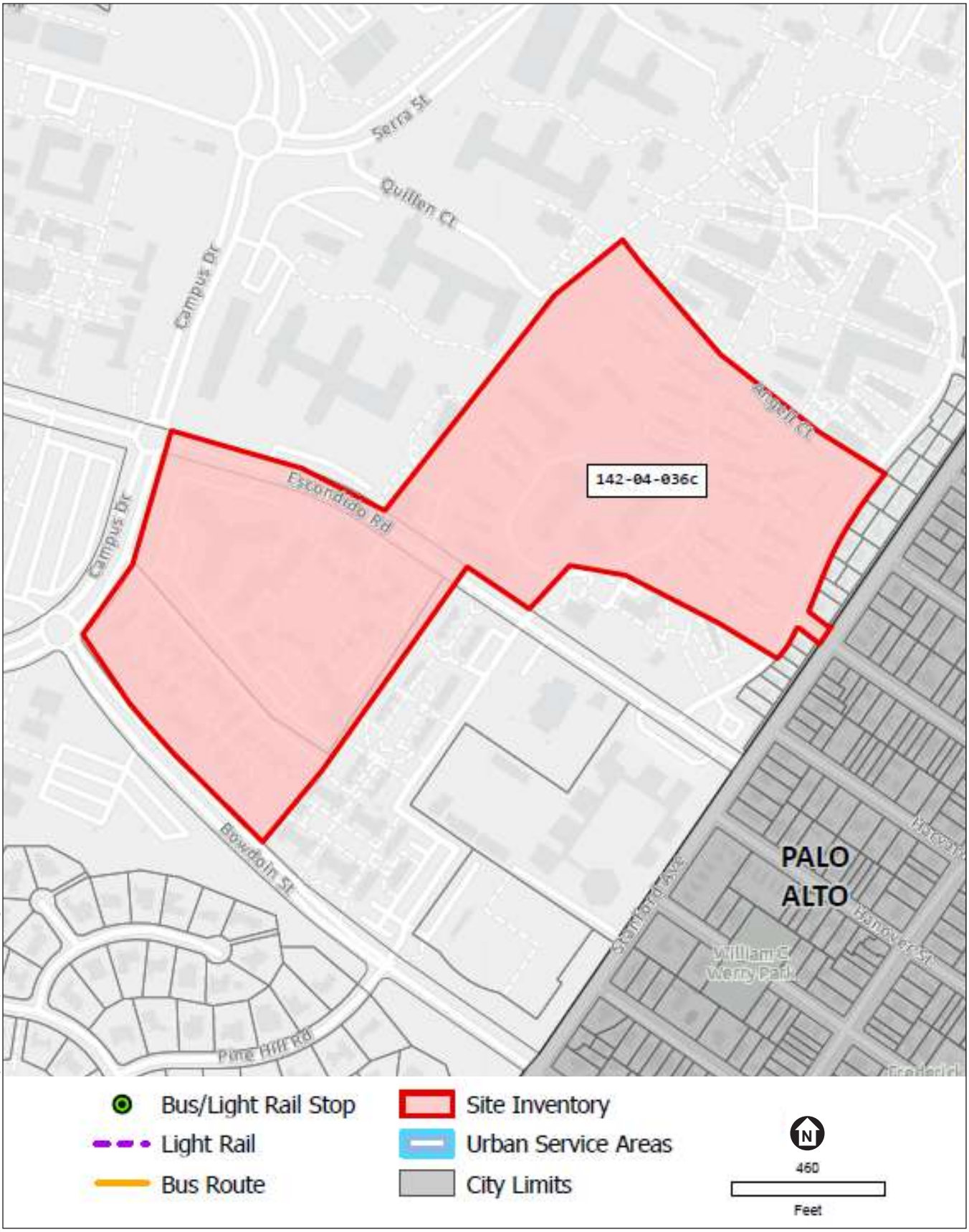
ESA

D202100692.00 - Santa Clara County HEU EIR\05 Graphics-GIS-Modeling-USE AZURE\Illustrator

SOURCE: County of Santa Clara, 2023

Santa Clara County Housing Element Update Environmental Impact Report

Figure 3-2f
Housing Opportunity Sites in San José – Pleasant Hills



D202100692.00 - Santa Clara County HEU EIR\06 Graphics-GIS-Modeling-USE AZURE\Illustrator

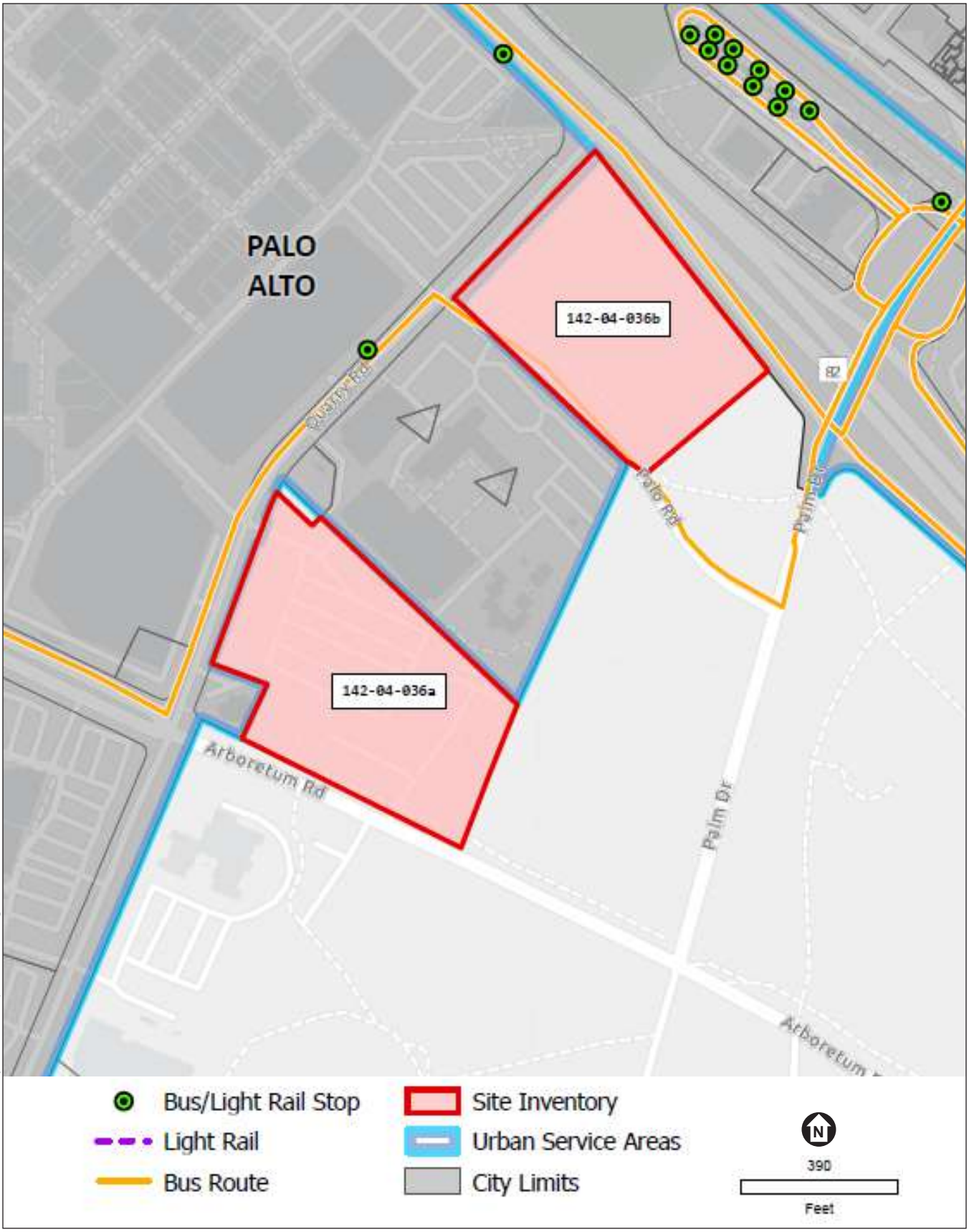
SOURCE: County of Santa Clara, 2023

Santa Clara County Housing Element Update Environmental Impact Report

Figure 3-2g

Housing Opportunity Sites on the Stanford University Campus – Escondido Village

ESA



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SOURCE: County of Santa Clara, 2023

Figure 3-2h
Housing Opportunity Sites on the Stanford University Campus – Quarry Arboretum/El Camino

3.4.2 Stanford University Community Plan Update

The SCP update recommends a coordinated approach to housing and circulation policy and implementation measures. This approach will result in Stanford University providing the housing needed to accommodate future growth of academic and academic support uses directly on campus or other contiguous Stanford land-grant lands. This approach also expands the previous housed population from "students and faculty" to "undergraduate students, graduate students, faculty, staff, postgraduate fellows, and other workers." The call to provide all needed housing to accommodate future development on campus and enhance the coordination between housing policies and transportation policies will facilitate a reduction in VMT, as well as other negative impacts associated with commuting and local trips.[2]

The following list includes additional updates to the SCP organized by chapter:

Chapter 1: Growth and Development

- Extends the duration of the Academic Growth Boundary (AGB) for a period of 99 years and the set of factors required for consideration by the Board to reduce that timeframe.
- Provides new specifications for General Use Permit (GUP) application, review, and reporting standards. Includes limitation of future GUP approvals to a maximum of 10 years, with periodic progress reports as determined by future GUP conditions of approval. Provides reporting, reimbursement, and funding requirements for municipal and childcare services.

Chapter 2: Land Use

- Allows housing for faculty and staff to be developed within the Academic Campus land use designation at densities above 30 dwelling units per acre (du/ac).
- Requires that any increase in total academic space over the allowance in the existing SCP will require a Community Plan amendment and GUP modification. Includes a policy and implementation measure specifically for the characteristics of the Lathrop Development District.
- Supports the County to pursue a new zoning district for Campus Open Space that will be applied to the Arboretum area covered under the Campus Open Space land use designation.
- Requires Stanford to prepare and submit to the Board of Supervisors for approval, a study to document historic landscapes on campus.
- Relocates the "potential future school site" designation to the West Campus Development district, but not within the Stanford Golf Course.
- Promotes management of Special Conservation Areas in conformance with the Stanford University Special Conservation Area Plan approved by the County and the requirements of the Stanford University Habitat Conservation Plan approved by the U.S. Fish and Wildlife Service.

[2] The Draft SCP update can be viewed online at: https://plandev.sccgov.org/policies-plans-and-documents, and also at https://stanfordcommunityplanupdate.org/

Chapter 3: Housing

- Requires a nexus study to determine the required amount of housing needed to accommodate future development, based on the income levels of anticipated employees.
- Prevents spillover of required housing into surrounding cities and require housing, both affordable and market rate, to be located on campus or on contiguous Stanford lands.
- Requires construction of affordable housing.
- Ministerially approve housing identified in previous and current Housing Elements as a designated opportunity site, based on objective standards. This includes Quarry-El Camino, Quarry-Arboretum, and Escondido Village, which are sites identified in the previous and proposed Housing Elements.
- Encourage financial assistance for housing for faculty, staff, postgraduate fellows, and other workers; a need demonstrated in the Graduate Student Housing Affordability Study.

Chapter 4: Circulation

- Modifies the SCP's "no net new commute trips" and "reverse trips" performance standards to encourage the addition of transit-oriented housing.
- Establishes a system for direct, independent, and verifiable monitoring of Stanford's level of achievement with the "no net new commute trips." 3-hour peak period trips," "reverse trips," and VMT performance standards through the annual monitoring procedure.
- Expands the number of recipients that Stanford could fund for trip credits.
- Requires Stanford to provide a Special Event Management Plan, which includes traffic and parking, reviewed and approved by the County.
- Requires Stanford to provide advance public notification for special events on-campus that exceed specific thresholds.
- Requires centralized locations for the receipt of deliveries.

Chapter 5: Open Space

- Allows for a limited number of small, specialized facilities or installations that support permitted or existing activities outside of the AGB.
- Acknowledges adoption of the Special Conservation Area land use designation and Stanford's completion of and/or funding towards various trail projects.

Chapter 6: Resource Conservation

- Requires Stanford to prepare and update inventories, maps, records, and reports related to resource conservation.
- Acknowledges and includes references to Stanford's Habitat Conservation Plan, a groundwater recharge study, the San Juan Residential District Survey, and other active requirements in the County.

Chapter 7: Health and Safety

- Includes the addition of new strategies related to social, mental and emotional health, as well as climate change and climate adaptation. These policies and implementation plans are

adapted from the Health Element of the Santa Clara County General Plan, adopted by the Board of Supervisors in 2015.

3.4.3 Other Amendments to the General Plan

In addition to the amendments that are being made to the General Plan's Housing Element and SCP, amendments to other components of the General Plan are required to fully conform with changes made in the Housing Element and SCP.

The County would amend its General Plan Land Use map as needed to reflect the housing opportunity sites inventory and would make any corresponding changes to other components of the General Plan needed to ensure internal consistency.

3.5 Project Objectives

CEQA Guidelines Section 15124(b) requires the description of the project in an EIR to state the objectives sought by the project.

> "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project."

In keeping with this requirement, the County's project objectives are as follows:

- Update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the County between 2023 and 2031.
- Include an inventory of housing sites in the Housing Element and rezone those sites as necessary to meet the required Regional Housing Needs Allocation and to provide an appropriate buffer for achieving the RHNA.
- To affirmatively further fair housing (AFFH). In particular, to integrate AFFH into the process of site selection, outreach and policy/program development.
- Incentivize the development of housing, particularly affordable housing, suited to special needs and all income levels.
- Amend land use designations in the County's General Plan as needed to maintain internal consistency between the elements and comply with recent changes in State law.
- Make necessary General Plan amendments and zoning changes in a manner that affirmatively furthers fair housing while preserving the character of Santa Clara County and perpetuating the health, safety and welfare of both existing and future residents.
- Update the Stanford Community Plan policies to, among other things, incentivize the production of adequate and affordable housing, address transportation/circulation issues, establish parameters for future General Use Permit approvals, ensure provision of adequate municipal services; and relocate a potential future public school site.

3.6 Intended Uses of this EIR

This EIR is a program-level EIR and does not evaluate individual development projects that may be allowed under the proposed General Plan and Zoning Ordinance at a site-specific level. Because the Housing Element and SCP establish goals, policies, and programs, and describe potential housing development that may or may not be built on any particular site, environmental review will necessarily be somewhat general. The CEQA Guidelines instruct that environmental review of a planning-level document need not contain the level of detail required for review of a specific construction project (CEQA Guidelines, Section 15146 ("[t]he degree of specificity required … will correspond to the degree of specificity involved in the underlying activity").

The Housing Element's inventory of sites is a State-mandated requirement to ensure that the County's RHNA can be accommodated. In other words, the housing sites inventory demonstrates that there is enough land available at appropriate densities to accommodate the RHNA assignment. However, this inventory does not include all potential development sites within the County limits and does not guarantee that sites in the inventory will be developed at the allowable densities. In addition, information about the design and placement of buildings on the sites will not be available unless/until a specific development is proposed.

Future development proposals will be reviewed to determine whether their impacts fall within the scope of analysis in this EIR or if additional site-specific environmental review is required. As provided for in CEQA Guidelines Sections 15152 and 15385, any subsequent environmental document that might be required for a development project could "tier" from this EIR and focus its analysis on any new or more severe significant impacts. A future project could be ministerial (requiring no discretionary action) or may require review and approval by the Department of Planning and Development, Planning Commission, and/or Board, and other bodies/agencies as needed.

3.6.1 Required Approvals

Adoption and implementation of the HEU, SCP and related rezonings would require a series of interrelated planning and regulatory approvals by the County of Santa Clara, as Lead Agency. Specifically, the County would need to take the following approval actions:

- Certification of the EIR and making required findings pursuant to CEQA;
- Adoption of one or more resolutions amending the General Plan to update the Housing Element, update the SCP, update the General Plan Land Use map, and make any corresponding changes to other components of the General Plan needed to maintain internal consistency; and
- Adoption of one or more ordinances amending the County Zoning Ordinance and the County Zoning Map.

The proposed actions would require review and recommendation by the Planning Commission, followed by consideration and action by the Board. The proposed HEU is also subject to review and certification by HCD.

3.6.2 Other Governmental Agency Approvals

As the Lead Agency and as appropriate under CEQA, the County also intends the EIR to serve as the CEQA-required environmental documentation for consideration of the project by other Responsible Agencies and Trustee Agencies which may have discretionary approval authority over the project or related actions. Under the CEQA Guidelines, the term "Responsible Agency" includes all public agencies, other than the Lead Agency, which have discretionary approval power over aspects of a project for which the Lead Agency has prepared an EIR (CEQA Guidelines Section 15381); the term "Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust by the people of California (CEQA Guidelines Section 15386).

While no actions would be required by Responsible Agencies and Trustee Agencies to adopt changes to the County's General Plan or Zoning Ordinance, future approval actions associated with implementing projects may require approvals from various agencies, which include, but are not limited to, the following:

- California Department of Transportation (Caltrans)
- Santa Clara County Local Area Formation Commission

3.7 References

Association of Bay Area Governments (ABAG). 2021. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031. Adopted December 16, 2021. Available at: https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf. Accessed August 16, 2022.

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CHAPTER 4
Environmental Analysis

4.0 Introduction to the Environmental Analysis

This draft program environmental impact report (EIR) evaluates and documents the physical environmental effects that would potentially occur with the implementation of the proposed Housing Element Update (HEU) and Stanford Community Plan (SCP) update (collectively, the "project") in accordance with the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Sections 21000, et seq., and the Guidelines for the California Environmental Quality Act (CEQA Guidelines), California Code of Regulations, Title 14, Chapter 3, Section 15000, et seq.). Sections 4.1 through 4.17 consider the regulatory background, existing conditions, and environmental impacts associated with implementation of the project, as well as mitigation measures to reduce the impact of project-specific and cumulative environmental impacts, and the level of significance of impacts following mitigation. This EIR is a Program EIR, as provided for in CEQA Guidelines Section 15168. Section 15168(a) of the CEQA Guidelines states that a Program EIR is appropriate for projects which are "… a series of actions that can be characterized as one large project and are related either:

1. Geographically;
2. A logical part in the chain of contemplated actions;
3. In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
4. As individual activities carried out under the same authorizing statutory or regulating authority and having generally similar environmental effects which can be mitigated in similar ways."

Future discretionary actions that would be facilitated by the HEU's adoption, particularly those related to the development of housing, would require additional assessment to determine consistency with the analysis provided in this Program EIR. The potential future actions would also be subject to the mitigation measures established in this Program EIR, unless superseded by a subsequent environmental document prepared to analyze environmental impacts not foreseen in this Program EIR.

4.0.1 Definitions of Terms Used in this EIR

This EIR uses a number of terms that have specific meaning under CEQA. Among the most important of the terms used in the EIR are those that refer to the significance of environmental impacts. The following terms are used to describe environmental effects of the project:

- **Significance Thresholds:** A set of standards used by the lead agency to determine whether an impact would be considered significant. (See CEQA Guidelines Section 15064.7.) Standards of significance used in this EIR were derived from Appendix G of the CEQA Guidelines unless otherwise noted. In determining the level of significance, the analysis assumes that the project would comply with relevant federal, State, and local regulations and ordinances.

- **Significant Impact:** A project impact is considered significant if the project would result in a substantial adverse change in the physical conditions of the environment. Significant impacts are identified by the evaluation of project-related physical change compared to specified significance criteria. A significant impact is defined as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."[1]

- **Less-than-Significant Impact:** A project impact is considered less than significant when the physical change caused by the project would not exceed the applicable significance criterion.

- **Significant and Unavoidable Impact:** A project impact is considered significant and unavoidable if it would result in a substantial adverse physical change in the environment that cannot be feasibly avoided or mitigated to a less-than-significant level.

- **Cumulative Impact:** Under CEQA, a cumulative impact refers to "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."[2] A significant cumulative impact is one in which the cumulative adverse physical change would exceed the applicable significance criterion and the project's contribution is "cumulatively considerable."[3]

- **Mitigation Measure:** A mitigation measure is an action that could be taken that would avoid or reduce the magnitude of a significant impact. Section 15370 of the CEQA Guidelines defines mitigation as:

  a. Avoiding the impact altogether by not taking a certain action or parts of an action;

  b. Minimizing impacts by limiting the degree of magnitude of the action and its implementation;

  c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

  d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and

1 CEQA Guidelines, Section 15382.
2 CEQA Guidelines, Section 15355.
3 CEQA Guidelines, Section 15130(a).

e. Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

4.0.2 Section Format

Chapter 4 is divided into technical sections (e.g., Section 4.1, *Aesthetics*) that present the physical environmental setting, regulatory setting, significance criteria, methodology and assumptions, and impacts on the environment for each environmental resource issue area. Where required, potentially feasible mitigation measures are identified to lessen or avoid potentially significant impacts. Each section includes an analysis of project-specific and cumulative impacts for each issue area.

The technical environmental sections each begin with a description of the project's **environmental setting** and the **regulatory setting** as it pertains to a particular issue. The environmental setting provides a point of reference for assessing the environmental impacts of the project and project alternatives. The environmental setting discussion addresses the conditions that existed at the time of issuance on the EIR's Notice of Preparation (NOP) and prior to implementation of the project. This setting establishes the baseline by which the project and project alternatives are measured for environmental impacts. The regulatory setting presents relevant information about federal, state, regional, and/or local laws, regulations, plans or policies that pertain to the environmental resources addressed in each section.

Next, each section presents **significance criteria**, which identify the standards used by the local jurisdiction to determine the significance of the environmental effects of the project.

A **methods and assumptions** description in each section presents the analytical methods and key assumptions used in the evaluation of effects of the project and is followed by an **impacts** and **mitigation** discussion. The impact and mitigation portion of each section includes impact statements, prefaced by a number in bold-faced type. An explanation of each impact is followed by an analysis of its significance. The subsection concludes with a statement that the impact, following implementation of the mitigation measure(s) and/or the continuation of existing policies and regulations, would be reduced to a less-than-significant level or would remain significant and unavoidable.

The analysis of environmental impacts considers both the construction and operational phases associated with implementation of the project. As required by Section 15126.2(a) of the CEQA Guidelines, direct, indirect, short-term, long-term, onsite, and/or off-site impacts are addressed, as appropriate, for the environmental issue area being analyzed. Under CEQA, economic or social changes by themselves are not considered to be significant impacts but may be considered in linking the implementation of a project to a physical environmental change, or in determining whether the physical change is significant.[4]

[4] A "significant effect on the environment" is defined in CEQA Guidelines Section 15382.

Where enforcement exists and compliance can be reasonably anticipated, this EIR assumes that the project would meet the requirements of applicable laws and other regulations.

Mitigation measures pertinent to each individual impact, if available, appear after the impact discussion section. The magnitude of reduction of an impact and the potential effect of that reduction in magnitude on the significance of the impact is also disclosed. An example of the format is shown below.

Impacts and Mitigation Measures

Impact 4.X-1: Impact statement.

A discussion of the potential impact of the project on the resource is introduced in paragraph form. To identify impacts that may be site- or project element-specific, where appropriate, the discussion differentiates between construction effects and operational effects. Impacts of the HEU and SCP are also discussed separately where appropriate. A statement of the level of significance before application of any mitigation measures is provided in bold.

Mitigation Measure

If the impact is determined to be less than significant, the text will say, "None required." If the impact is determined to be significant or potentially significant, mitigation with be included in the following format:

Mitigation Measure 4.X-1:

Recommended mitigation measure, numbered in consecutive order.

Where appropriate, one or more potentially feasible mitigation measures are described. If necessary, a statement of the degree to which the available mitigation measure(s) would reduce the significance of the impact is included in **bold**.

Cumulative Impacts

An analysis of cumulative impacts follows the project-specific impacts and mitigation measures evaluation in each section. A cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other past, present and reasonably foreseeable projects causing related impacts.[5]

In this case, the HEU itself is a plan-level document which provides for increased residential development within the unincorporated County across a relatively broad geography, including potential housing development that exceeds the regional forecast included for the County in

5 CEQA Guidelines Section 15355.

regional plans (Plan Bay Area 2040)[6] and the County's transportation model. Indeed, the identification of housing sites as part of the HEU is intended to plan for and encourage housing which would be developed as part of numerous separate projects in various unincorporated areas of the County.

The nature of the project does not alter the need to analyze cumulative impacts, and consistent with State CEQA Guidelines Section 15130(b)(1), regional growth projections prepared for Plan Bay Area 2040 and contained in the County's transportation model are used for the analysis of VMT and related topics such as air quality, energy, greenhouse gas emissions, and noise.

With respect to more localized cumulative effects, the cumulative analysis in this EIR considers the effects of the proposed HEU alongside ABAG's 2040 growth projections as described above, and also includes other pending and reasonably foreseeable residential projects within a one-mile radius of the HEU's opportunity sites. Since the HEU's opportunity sites are distributed across a relatively large geography, this approach was adopted because it would more accurately assess the HEU's cumulative effects, which will primarily be experienced in the general area of those sites. A substantial amount of residential development is currently in the review and approval pipeline within the South Bay region (many tens of thousands of units); if the cumulative analysis were to assess a broader geography (say, the entire County or the entire City of San José), the HEU's effects would appear to be substantially diluted, thus rendering the analysis hollow. The County has thus elected to consider a more localized approach, with the aim of identifying the cumulative effects of the HEU's implementation that area residents are reasonably likely to experience. The analysis also focuses on the effects of the HEU in combination with pending and reasonably foreseeable residential projects only, rather than commercial and other project types. This is because residential projects often create similar and therefore comparable effects. This approach will be followed throughout the EIR, and when it varies for specific topical issues, these variances will be discussed at the front of each topical cumulative impact analysis, along with a rationale explaining the variance.

Table 4.0-1 identifies pending and reasonably foreseeable residential projects in proximity to the County's HEU housing sites. The listed projects are located within a one-mile radius of HEU housing sites located within the City of San José and the Stanford University campus. Necessarily, the one-mile radius of the Stanford University sites includes areas within the Cities of Menlo Park and Palo Alto, and pending and reasonably foreseeable residential projects within those jurisdictions are therefore identified as well. For reasons of manageability the residential projects listed are those that include 20 or more residential units.

[6] The Metropolitan Transportation Commission (MTC) and ABAG recently adopted an updated plan, Plan Bay Area 2050. However, it will take up to three years for the plan's growth forecast to be integrated into MTC's transportation model, after which updates to each county's transportation model will take place. For these reasons, and for purposes of this EIR, Plan Bay Area 2040 is the regional plan which will form the basis for long range population, housing and employment projections in this EIR.

TABLE 4.0-1
CUMULATIVE PAST, PRESENT, AND PROBABLE FUTURE RESIDENTIAL PROJECTS IN PROXIMITY TO THE COUNTY'S HOUSING OPPORTUNITY SITES

Project Name and/or Location	Project Characteristics	Status	Total Residential Units
City of San José[a]			
14200 Union Avenue (Cambrian Plaza)	Mixed-use with hotel, office, retail, and 280 multi-family units and 84 townhomes	Approved	364
555 South Winchester (Winchester Ranch)	Planned Development Rezoning for up to 687 residential units on a 15.69 gross acre site	Under construction	687
329 Page Street	Construction of a six-story building with 82 residential units	Under construction	82
1530 West San Carlos	One 7-story mixed use apartment building and one 5 story affordable housing building, with a total of 202 residential units and 15,582 square feet of commercial space	Approved	202
Total Units (San José)			**1,335**
City of Menlo Park[b]			
500 El Camino Real (Middle Plaza)	215 residential units and retail, office, and restaurant uses	Under construction	215
333 Ravenswood Avenue (Parkline)	400 residential units and office and retail uses	Pending	400
Total Units (Menlo Park)			**615**
City of Palo Alto[c]			
955 Alma Street	Mixed-use project with 36 micro-studio residences	Pending	36
2951 El Camino Real	Mixed-use project with 119 residential units	Pending	119
3001 El Camino Real	Multi-family affordable with 129 units	Pending	129
70 Encina Avenue	Multi-family residential with 20 units	Pending	20
600 University Avenue	Mixed-use project with 65 units	Pending	65
1451-1601 California Avenue	Mixed single-family and multi-family project on 17 acres	Approved	180
231 Grant Avenue	Multi-family development with 110 units	Approved	110
Total Units (Palo Alto)			**659**
Stanford University[d]			
None	NA	NA	0
Total Units (Stanford University)			**0**
Total Units (all jurisdictions)			**2,609**

SOURCES:

a City of San José, Key Economic Development Projects. Available at: https://csj.maps.arcgis.com/apps/Shortlist/index.html?appid=c4051ffa5efb4f4dbf8b6d8ec29cfabd. Accessed March 31, 2023.
b City of Menlo Park, Current and Pending Development. Available at: https://menlopark.maps.arcgis.com/apps/Shortlist/index.html?appid=da1aa9a523ce4836988c2339a9364a84. Accessed March 31, 2023.
c City of Palo Alto, Pending and Approved Projects. Available at: https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Current-Planning/Pending-and-Approved-Projects. Accessed March 30, 2023.
d Stanford University, 2023. Stanford currently has no large residential projects in its development pipeline.

As noted above, where a cumulative impact is significant when compared to existing or baseline conditions, the analysis must address whether the project's contribution to the significant cumulative impact is "considerable." If the contribution of the project is considerable, then the EIR must identify potentially feasible measures that could avoid or reduce the magnitude of the project's contribution to a less-than-considerable level. If the project's contribution is not considerable, it is considered less than significant and no mitigation of the project contribution is required.[7] The cumulative impacts analysis is formatted in the same manner as the project-specific impacts, as shown above.

7 CEQA Guidelines Section 15130(a)(2).

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4.1 Aesthetics

4.1.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects related to aesthetics. The Environmental Setting describes visual conditions and scenic resources in Santa Clara County and in areas within the County where development under the proposed project is expected to occur. Further below, existing plans and policies relevant to aesthetics associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to aesthetics that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR.

Information Sources

The primary sources of information referenced in this section include those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).
- City of San José 2040 General Plan Draft Program EIR (2011).

4.1.2 Environmental Setting

General Visual Overview

Santa Clara County Overview

Santa Clara County is located in the San Francisco Bay Area and encompasses approximately 1,300 square miles. The County is located at the southern end of San Francisco Bay and is the Bay Area's most populous county. Prominent topographical features of the County include the Santa Clara Valley, the Diablo Range to the east, and the Santa Cruz Mountains to the west. The Santa Clara Valley extends through the entire length of the County from north to south and is largely surrounded by rolling hills. The Diablo Range covers the entire eastern half of the County and is covered by chaparral and oak woodlands at lower elevations adjacent to the valley, and pine forests at the higher elevations. The Santa Cruz Mountains consist of rolling grasslands and

oak woodlands in the foothills adjacent to the valley, and more dense hardwood and evergreen forests at the higher elevations. The Baylands lie in the northwestern part of the County, adjacent to the waters of the southern San Francisco Bay, and include expansive areas of salt marsh and wetlands.

The north valley portion of the County is extensively urbanized, housing approximately 90 percent of the County's residents. Thirteen of the County's fifteen cities are located in the north valley, while the remaining two cities, Gilroy and Morgan Hill, are located in the south valley. The south valley differs in that it remains predominantly rural, with the exception of Gilroy, Morgan Hill, and the small unincorporated community of San Martin. Low-density residential developments are also scattered through the valleys and foothill areas (County of Santa Clara, 1994).

San José Overview

San José is the largest city in Santa Clara County and one of the largest cities in the United States. Located in the center of the Santa Clara Valley on the southern shore of San Francisco Bay, San José covers an area of approximately 180 square miles. Prominent visual features include the Diablo Range to the east and the Santa Cruz Mountains to the west. Baylands and saltmarsh border the northern end of the City. Approximately 80 percent of the City's urban service area is developed with a mix of urban and suburban development of varying ages. The densest development occurs in the downtown area, with high-rise buildings visible from most freeways and from other vantage points in and adjacent to the City. The City is crossed by a number of major and heavily traveled multi-lane roadways, including U.S. Highway 101 (US-101), Interstate 880 (I-880), I-280, I-680, SR-87, SR-237, Capitol Expressway, Almaden Expressway, and Lawrence Expressway (City of San José, 2011).

Stanford Lands Overview

Lands owned by Stanford University and subject to the County's SCP broadly consist of the Stanford central campus located between El Camino Real, Sand Hill Road, Junipero Serra Boulevard, Stanford Avenue, and Page Mill Road, and the largely undeveloped Stanford foothills south of Junipero Serra Boulevard. Stanford's central campus, including academic and academic support facilities and housing, is concentrated within Stanford's Academic Growth Boundary. The largely undeveloped Stanford lands within the Stanford foothills are located outside of Stanford's Academic Growth Boundary.

The Stanford campus includes a diverse mix of land uses, including classrooms, academic offices, laboratory space, athletic venues, museums, performance and arts venues, lands for outdoor learning, student housing, faculty/staff housing, support facilities, and open spaces. The central campus academic area is characterized by short buildings (mostly four stories or less) with sandstone exteriors and red-tiled roofs, interspersed with numerous plazas, courtyards, fountains, pathways, and ornamental landscaped areas. Academic buildings are arranged on a formal rectangular pattern based on the master plan designed by Frederick Law Olmsted, in partnership with Leland and Jane Stanford. The Main Quadrangle (Quad) is centered on a north-south axis with the mile-long Palm Drive extending north from the Oval to El Camino Real. The rectangular

plan of the Main Quad was designed to provide for expansion through a series of quadrangles developed on an east-west axis.

Areas surrounding the academic core include the 126-acre Arboretum open space area, which is dominated by oak and eucalyptus trees trimmed to maintain line of sight, and nonnative grasses in the understory mowed for fire safety; Stanford Stadium, which is partly below ground level and screened by surrounding vegetation; several natural and synthetic turf athletic fields interspersed with vegetation and athletic facilities (e.g., Maples Pavilion and the Taube Family Tennis Stadium), located southwest of the Stadium and along El Camino Real; multiple-unit graduate student housing complexes in Escondido Village, including many small 2-story buildings, larger 3-4 story buildings, and seven towers up to 12-stories tall; and single-family faculty/staff housing.

The Stanford foothills are undeveloped for the most part and consist of low, rolling hills generally 200 to nearly 500 feet in elevation, and consist of a mix of nonnative and native grasslands, oak woodland, and riparian areas. Individual oak trees or small, open-canopied groupings of oaks occur within the grassland areas. Riparian woodland is located along Matadero Creek, Deer Creek, and the creeks in the San Francisquito watershed. Vegetation along the creeks consists primarily of a moderately closed canopy of oak and California buckeye. Small clumps of native and nonnative grasses are present in the understory of the riparian woodland. Chaparral and scrub are also present in the foothills. The Felt Reservoir is located in the southwestern portion of the foothills. Other water features include several artificial ephemeral ponds and some small semi-natural seasonal pools. The radio telescope ("the Dish") is the most prominent structure in the foothills due to its size and location along the ridgeline. Most of the Stanford Golf Course is located in the foothills (County of Santa Clara, 2000).

Housing Opportunity Sites Visual Setting

As described in Chapter 3, *Project Description*, and as discussed in this section, the project would identify sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State housing law. Table 3-2 in Chapter 3, *Project Description*, identifies the potential housing opportunity sites identified by the County and their proposed development densities, and Figure 3-2 in Chapter 3, *Project Description*, shows their locations. This section generally describes the visual characteristics of the housing opportunity sites, which are spread out throughout the County in the following areas.

San José Housing Opportunity Sites Visual Setting

The HEU identifies 21 housing opportunity sites in six areas of San José.

The first area comprises two adjoining parcels immediately east of I-680 and south of Hostetter Road. The larger of the two parcels is a rural residential parcel with a single-story residence and associated structures on the eastern edge of the property, with the remainder and majority of the parcel comprising undeveloped land with several mature trees. The smaller of the two parcels is currently occupied by a paved and minimally landscaped Santa Clara Valley Transportation Authority (VTA) Park and Ride Lot for the Hostetter light rail station. Residential development,

primarily single-family homes, are located to the south and east, with a small shopping center across Hostetter Road to the northwest.

The second area includes several properties on Vaughn Avenue, West San Carlos Avenue, and Rutland Avenue in the Burbank neighborhood. West San Carlos Avenue is a commercial corridor with residential neighborhoods to the north and south. The housing opportunity sites comprise single-story commercial and residential structures and paved parking areas in an urbanized setting.

The third area includes two properties on Thornton Way and Moorpark Avenue southeast of SR-17 and I-280. The area includes a mix of single-family and multi-family homes, as well as Chandler Tripp elementary school, commercial, and office buildings. The housing opportunity sites comprise paved and minimally landscaped parking areas.

The fourth area includes one property on Camden Avenue in the Cambrian Park neighborhood. This portion of Camden Avenue is a combination of residential and commercial properties. The commercial property is located on the southwest corner of Camden and Leigh avenues and consists of a small low-rise strip mall and associated parking lot.

The fifth area includes five housing opportunity sites on North White Road, Vista Avenue, Kirk Avenue, Corralitos Lane, and East Hills Drive between I-680 and the foothills. The North White Road property comprises a small low-rise strip mall and associated parking lot north of McKee Road in an area of concentrated commercial development surrounded by residential buildings. The remaining housing opportunity sites in this area comprise residential parcels and vacant lots in a suburban residential setting.

Long-range views from housing opportunity sites in San José are available from certain locations but are generally limited by flat topography as well from intervening obstructions from both the built and natural environment. Partial views of the Diablo Range to the east and the Santa Cruz Mountains to the west are available from certain vantage points; however, these views are effectively screened by existing buildings and vegetation from many locations.

The HEU also identifies two large housing opportunity sites on the east side of South White Road in East San José. The parcels currently comprise the 114-acre decommissioned Pleasant Hills Golf Course, which closed in 2004. The former golf course is primarily comprised of lawn grass with hundreds of trees distributed across the property. In addition, several non-residential buildings are present and are assumed to have been vacant since the closure of the golf course. The golf course is largely surrounded by dense residential development except for Lake Cunningham Regional Park to the west.

Long-range views from the two housing opportunity sites at Pleasant Hills are limited by flat topography as well from intervening obstructions from both the built and natural environment. Several views of the Diablo Range to the east are available from certain areas within these sites due to their proximity to the range. Conversely, views of the Santa Cruz Mountains to the west from these sites are effectively screened by the mature trees that line the eastern portion of Lake Cunningham Regional Park along South White Road.

Stanford Lands Visual Setting

The HEU identifies three housing opportunity sites on Stanford lands. Two of the sites are on Quarry Road near El Camino Real in an area of commercial development on the northern edge of the Stanford campus. The two Quarry Road sites flank the Stanford Health Care facility at 211 Quarry Road and are across the street from the Stanford Shopping Center. The northernmost site, which fronts El Camino Real, is undeveloped and includes several mature trees. The second site includes a paved parking lot and a surrounding largely undeveloped fringe. The third housing opportunity site on Stanford lands is located in Escondido Village, a graduate residential community between Campus Drive and Stanford Avenue. The housing opportunity site includes several multiple-unit graduate student housing complexes, including many small 2-story buildings, larger 3-4 story buildings, mature trees, and paved internal roadways and pathways.

In addition to the three housing opportunity sites on Stanford lands described above, Stanford lands under County jurisdiction also include an area immediately adjacent to and southeast of Sand Hill Road that is currently used for sports fields and a golf course. This area is in the West Campus Development District and is part of the SCP update evaluated in this EIR and provides an alternative potential future school location in lieu of the location in the central portion of the campus that was previously identified in the existing SCP adopted in 2000.

Long-range views from housing opportunity sites on Stanford lands are generally limited by flat topography as well from intervening obstructions from both the built and natural environment. Partial views of the Stanford foothills and the Santa Cruz Mountains to the south and west are available from certain vantage points; however, these views are effectively screened by existing buildings and vegetation from many locations.

Scenic Highways

The State Scenic Highway Program identifies SR-9 (in the vicinity of Saratoga and Los Gatos and approximately 4 miles southwest of the nearest HEU housing opportunity site in San José) as the only officially designated State scenic highway in Santa Clara County (Caltrans, 2023). The program also identifies portions of SR-17, SR-35, SR-152, and I-280 as eligible for State scenic highway designation but not officially designated as such.

The Parks and Recreation chapter of the Santa Clara County General Plan expands the County Scenic Road System and includes all present and proposed State scenic routes within the County, as well as County scenic routes (County of Santa Clara, 2008). County scenic routes include scenic freeways and expressways, scenic arterial routes, and scenic rural roads. In addition to the scenic road system, local roads requiring scenic protection are included. Freeways and expressways have been included in the County Scenic Road System to give recognition to several outstanding examples of urban road design, and to promote the protection of scenic surroundings of notable urban and rural routes.

4.1.3 Regulatory Setting

Federal

There are no federal regulations pertaining to aesthetics that are applicable to the proposed HEU and SCP update.

State

California Scenic Highway Program

California's Scenic Highway Program was created by the state Legislature in 1963 with the purpose to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. The State Scenic Highway System includes highways that are either eligible for designation as scenic highways, or have been designated as such. The status of a state scenic highway changes from eligible to officially designated when the local jurisdiction adopts a scenic corridor protection program, applies to the California Department of Transportation (Caltrans) for scenic highway approval, and receives the designation. While local jurisdictions may propose adding routes with outstanding scenic elements to the list of eligible highways, state legislation is required for them to become officially designated.

Senate Bill 743: Modernization of Transportation Analysis for Transit Oriented Development

Public Resources Code Section 21099 exempts infill projects located in transit priority areas from a finding of a significant impact under CEQA if they meet defined criteria. The law defines an "infill site" as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." "Transit priority areas" are defined as an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan."

Under the law, a project on a site meeting the above criteria cannot be determined to create significant aesthetic impacts under CEQA. However, the law does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies. Under the law, aesthetic impacts do not include impacts on historical or cultural resources.

Local

Santa Clara County General Plan

The Santa Clara County General Plan includes strategies and policies that address visual and scenic resources. The following policies regarding Scenic Highways included in the Parks and

Recreation chapter of the Santa Clara County General Plan are relevant to visual and scenic resources.

> ***Policy C-PR 37:*** The natural scenery along many of Santa Clara County's highways should be protected from land uses and other activities which would diminish its aesthetic beauty.
>
> ***Policy C-PR 38:*** Land use should be controlled along scenic roads so as to relate to the location and functions of these roads and should be subject to design review and conditions to assure the scenic quality of the corridor.
>
> ***Policy C-PR 41:*** Signs should be strictly regulated, with off-site signs and billboards prohibited along scenic routes.
>
> ***Policy C-PR 42:*** Access and commercial development along scenic expressways should be limited to prevent strip commercial development.
>
> ***Policy C-PR 43:*** New structures should be located where they will not have a negative impact on the scenic quality of the area, and in rural areas they should generally be set back at least 100 feet from scenic roads and highways to minimize their visual impact.
>
> ***Policy C-PR 44:*** Landscaping with drought-resistant native plants should be encouraged adjacent to scenic roads and highways.
>
> ***Policy C-PR 45:*** Activities along scenic highways that are of a substantially unsightly nature, such as equipment storage or maintenance, fuel tanks, refuse storage or processing and service yards, should be screened from view.

The following policies regarding Scenic Resources included in the Resource Conservation chapter of the Santa Clara County General Plan are relevant to visual and scenic resources:

> ***Policy C-RC 59:*** Scenic values of the natural resources of Santa Clara County should be maintained and enhanced through countywide growth management and open space planning.
>
> ***Policy C-RC 60:*** Hillsides, ridgelines, scenic transportation corridors, major county entryways, and other areas designated as being of special scenic significance should receive additional consideration and protections due to their prominence, visibility, or symbolic value.
>
> ***Policy C-RC 61:*** Public and private development and infrastructure located in areas of special scenic significance should not create major, lasting adverse visual impacts.
>
> ***Policy C-RC 62:*** Urban parks and open spaces, civic places, and public commons areas should be designed, developed and maintained such that the aesthetic qualities of urban settings are preserved and urban livability is enhanced. Natural resource features and functions within the urban environment should also be enhanced.

Stanford Community Plan

The current SCP was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the SCP is to guide future use and development of Stanford lands in a manner that incorporates key

County General Plan principles of compact urban development, open space preservation, and resource conservation. The SCP was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. All revisions to the SCP must also be made according to the provisions of State law for adopting and amending general plans. Community strategies and policies related to aesthetics and visual resources relevant to implementation of the project are listed below.

> ***Policy SCP-RC 27:*** Protect the scenic and aesthetic qualities of the natural setting of Stanford lands in the County by means of appropriate land use designations, growth management tools, and careful review of individual development projects.
>
> ***Policy SCP-RC 28:*** Emphasize development within the Academic Growth Boundary.
>
> ***Policy SCP-RC 29:*** Ensure adequate screening and reduction of visual impacts of any development in designated open space areas through the development review process.
>
> ***Policy SCP-RC 30:*** Preserve and enhance attractive, scenic urban settings on the Stanford campus and within Stanford's residential areas.
>
> ***Policy SCP-RC 31:*** Preserve significant historic landscape elements within the fabric of the campus' architecture and design.
>
> ***Policy SCP-RC 32:*** Maintain elements of the native landscape in Campus Open Space areas and throughout the developed portion of the campus.
>
> ***Policy SCP-RC 33:*** Maintain sign standards to ensure that signs are harmonious with the character of scenic area.

Santa Clara County Zoning Ordinance

Architecture and Site Approval

Architecture and Site Approval (ASA) is required as specified in Chapter 5.40 of the County Zoning Ordinance and Sections C12-350.1 through C12-350.7 of the County Ordinance Code. ASA is typically required in conjunction with commercial, institutional, office, industrial or multiple family residential uses. The purpose of ASA is to maintain the character and integrity of zoning districts by promoting quality development in harmony with the surrounding area, through consideration of all aspects of site configuration and design, and to generally promote the public health, safety and welfare. The procedure commonly augments the Use Permit process by providing a means for establishing detailed conditions on proposed developments.

Scenic Roads Combining District

As specified in Chapter 3.30 of the County Zoning Ordinance, the Scenic Roads Zoning Overlay protects the visual character of scenic roads through special development and sign regulations. Under Section 3.30.030 of the Scenic Roads Combining District, any proposed structure, including signs, located within 100 feet of the right-of-way of a designated scenic roadway would be subject to design review, as described in Chapter 5.50 of the Zoning Ordinance. Some structures may be eligible for exemption from Design Review per Chapter 5.50.

4.1.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to aesthetics are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project would have a significant impact on the environment if it would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point). In an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Methodology and Assumptions

The analysis of potential impacts related to aesthetics in this EIR relies on qualitatively comparing the existing built and natural environment to the future built and natural environment and evaluating the visual changes that would result from implementation of the HEU. Anticipated visual changes are evaluated in the context of adopted County policies and regulations. The evaluation also considers that, as detailed in Chapter 3, *Project Description*, the project would include adoption of general plan amendments that would add or modify policies and implementation programs related to housing. Similarly, the evaluation also considers that the project identifies specific sites appropriate for the development of additional housing, and those areas if/as necessary would be rezoned to meet the requirements of State law.

As detailed in Chapter 3, *Project Description*, and in this section, the proposed project identifies several areas where housing sites could potentially be located with implementation of the project to meet the requirements of State law. Various possible distributions of housing sites and densities in these areas have been and will be considered for inclusion in the HEU by the County Department of Planning and Development, the Planning Commission, and/or the Board of Supervisors, and other bodies/agencies as needed.

Further, and as noted above in Section 4.1.3, *Regulatory Setting*, State law exempts infill projects located in transit priority areas from a finding of a significant impact under CEQA if they meet defined criteria relating to infill locations and proximity to transit opportunities. Many of the HEU's housing opportunity sites are likely to meet these criteria. Under the law, a project on such a site cannot be determined to create a significant aesthetic impact under CEQA. Presumably, the provisions of this law would be applied to those HEU sites that meet the criteria if development is proposed at those locations. A determination of which HEU sites meet the criteria is not made in this EIR. Rather, such a finding would be made by the applicable lead agency at the time of a

project's application and during any subsequent environmental review that may be required for the project.

Impacts and Mitigation Measures

Impacts

Impact AES-1: Implementation of the proposed project would not have a substantial adverse effect on a scenic vista. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan

As described in Chapter 3, *Project Description*, the proposed project identifies sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State law. For the purposes of this evaluation, a scenic vista is defined as a public view along or through an opening or corridor that is recognized and valued for its scenic quality. The Santa Clara County General Plan considers the undeveloped hillsides and ridgelines visible from the Santa Clara Valley floor as valuable scenic resources (Policy C-RC 60). The SCP similarly recognizes the scenic and aesthetic quality of the natural setting of Stanford lands in the County (Policy SCP-RC 27).

San José

The HEU identifies 21 housing opportunity sites in six unincorporated areas of San José. Long-range views of these housing opportunity sites in San José are available from certain locations but are generally limited by flat topography as well from intervening obstructions from both the built and natural environment. Further, none of the housing sites are located in an area that has been identified as a scenic vista. All of the San José sites are located in urbanized areas with structures, roadways, and landscaping that is typical of an urban setting. Development of the sites with residential development would be consistent with that which is already present in the area. It thus follows that development of these sites would not adversely affect a scenic vista.

Former Pleasant Hills Golf Course

The HEU identifies two large housing opportunity sites on the east side of South White Road in East San José. The parcels currently comprise the 114-acre decommissioned Pleasant Hills Golf Course. Long-range views of these two housing opportunity sites are limited by flat topography as well from intervening obstructions from both the built and natural environment. As with the San José sites discussed above, the former Pleasant Hills Golf Course and surrounding environs has not been identified as a scenic vista. The sites are located in urbanized areas with structures, roadways, and landscaping that is typical of an urban setting. Development of the sites with residential development would be consistent with that which is already present in the area. It thus follows that development of these sites would not adversely affect a scenic vista.

Stanford Lands

The HEU identifies three housing opportunity sites on Stanford lands, and the SCP update identifies a potential future school site in the West Campus Development District in the northerly

portion of the campus. Long-range views of these locations are generally limited by flat topography as well from intervening obstructions from both the built and natural environment. Of the two housing sites on Quarry Road, for instance, one is currently configured as a surface parking lot immediately south of the multi-story Hoover Pavilion parking garage. Additional parking garages and surface parking lots lie immediately to the west across Quarry Road from the site. The Other Quarry Road site is currently a vacant lot comprised of ruderal grassland and trees. The multi-story Hoover Medical Center lies immediately to the south, the Stanford Shopping Center and associated surface parking lots and parking garages lie across Quarry Road to the west, and the multi-lane El Camino Real (SR-lies immediately north of the site. Neither of these sites nor the surrounding parcels possess the characteristics of a scenic vista and have not been designated as such. It thus follows that development of these sites would not adversely affect a scenic vista.

The other housing opportunity site on the Stanford campus is located in the Escondido Village area of the campus, which is a densely built area primarily comprised of existing campus housing. This area is also not identified as a scenic vista.

Finally, the potential future school site in the West Campus Development District is currently occupied by recreational playing fields and undeveloped parcels. While pleasant, the views of and from the site are not particularly scenic and have not been identified as such.

Summary

Based upon each of these considerations, and the visual character of the potential development sites associated with the project, development of the project would not adversely affect a scenic vista. None of the sites possess characteristics associated with a scenic vista and are typical of highly urbanized and developed locations in the Bay Area. It thus follows that the project's impact to scenic vistas would be **less than significant**.

Mitigation: None required.

Impact AES-2: Implementation of the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan

The State Scenic Highway Program identifies a segment of SR-9 between Los Gatos and Saratoga as the only officially designated State scenic highway in Santa Clara County (Caltrans, 2023). This roadway segment is four miles from the nearest HEU opportunity site, and views of the site and other project areas from the highway are substantially distant as to be unnoticeable. Any development at the HEU sites would essentially blend in with existing urban development in the region if they could be seen at all from SR-9.

The program also identifies portions of SR-17, SR-35, SR-152, and I-280 as eligible for State scenic highway designation but not officially designated as such. The Parks and Recreation chapter of the Santa Clara County General Plan expands the County Scenic Road System and includes all present and proposed State scenic routes within the County, as well as County scenic routes. County scenic routes include scenic freeways and expressways, scenic arterial routes, and scenic rural roads. In addition to the scenic road system, local roads requiring scenic protection are included. Freeways and expressways have been included in the County Scenic Road System to give recognition to several outstanding examples of urban road design, and to promote the protection of scenic surroundings of notable urban and rural routes. Like the officially designated segment of SR-9, views of the HEU sites and other SCP project areas from these roadways would be substantially distant as to be unnoticeable. Any development of the sites would essentially blend in with existing urban development in the region if they could be seen at all. Ultimately, development on the project sites would be consistent with the types of urban development that are already present in the area.

Further, and as specified in Chapter 3.30 of the County Zoning Ordinance, the scenic roads zoning overlay protects the visual character of scenic roads through special development and sign regulations. Under Section 3.30.030 of the Scenic Roads Combining District, any proposed structure, including signs, located within 100 feet of the right-of-way of a designated scenic roadway would be subject to design review, as described in Chapter 5.50 of the Zoning Ordinance. Some structures may be eligible for exemption from Design Review per Chapter 5.50. The cumulative construction of multiple exempt projects on a lot may, at the discretion of the Zoning Administrator, be subject to Design Review, based on the characteristics and visibility of the property, the potential visual impact of the buildings or structures, and any other relevant considerations as defined in Section 5.50.040 of the ordinance. Potential damage to scenic resources within the County Scenic Road System occurring as a result of potential development under the proposed project would be reduced through compliance with the County's scenic roads overlay regulations.

Based upon each of the above considerations, the project would not substantially damage scenic resources, particularly those viewable from scenic highways. The impact would be **less than significant**.

Mitigation: None required.

Impact AES-3: Implementation of the proposed project would not substantially degrade the existing visual character or quality of public views or conflict with applicable zoning and other regulations governing scenic quality. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan

As described in Chapter 3, *Project Description*, the HEU and SCP update would identify sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State law.

As noted in the preceding discussion for Impacts AES-1 and AES-2, none of the project locations are located in areas that are identified as a scenic vista, and none of the sites are located in such a place as to damage scenic resources as viewed from a designated scenic highway. All of the project sites are located on infill parcels within areas that have been urbanized for at least several decades. These areas do not possess scenic characteristics, and development on the sites in the manner facilitated by the project would be consistent with the existing development that is already present on the sites themselves and/or the areas around them. The sites are located on Stanford lands or unincorporated County "islands" within a broad sea of existing urban development.

San José

The HEU identifies 21 housing opportunity sites in six areas of San José, as listed in Table 3-2 in Chapter 3 of this EIR, *Project Description*. Eighteen of the sites are quite small, ranging in size from 0.1 acres to 3.5 acres. Six of these smaller sites are currently occupied by surface parking lots, eight are occupied by older commercial development, including three used car lots, three are occupied by single residential homes, and one is a small vacant lot. None of the sites possess scenic or unique qualities. One of the larger sites, near Hostetter Station, has a single-family home and several outbuildings on it, with the rest of the site occupied by a former orchard that appears to have been unmaintained for many years. The site is sandwiched between I-680 to the west, North Capitol Avenue to the east, Hostetter Road and a shopping center to the north, and single-family residential to the south. While not unattractive, neither the site nor its surroundings are particularly scenic, and are typical of views that would be seen while traveling on any freeway or arterial roadway in the region.

The HEU also identifies two large housing opportunity sites on the east side of South White Road in East San José. The parcels currently comprise the 114-acre decommissioned Pleasant Hills Golf Course. The former golf course is primarily comprised of lawn grass with hundreds of trees distributed across the property. In addition, several non-residential buildings are present and are assumed to have been vacant since the closure of the golf course. The golf course is surrounded by dense residential development to the north, south, and east, and Lake Cunningham Regional Park to the west. Owing to the fact that the former golf course has been nonoperational for many years, it is not maintained and has taken on an abandoned appearance, with scores of dead and downed trees, along with large piles of dead vegetation. The site is surrounded by a chain link length fence topped by barbed wire and posted with no trespassing signs. In its current condition, the site presents with a derelict appearance, and is out of character with the surrounding residential and parkland development. The site does not possess scenic value, and could be subjectively viewed as possessing just the opposite.

Stanford Lands

The HEU identifies three housing opportunity sites on Stanford lands. Two of the sites are on Quarry Road near El Camino Real in an area of commercial development on the northern edge of the Stanford campus. The two Quarry Road sites flank the Stanford Health Care facility at 211 Quarry Road and are across the street from the Stanford Shopping Center. The northernmost site, which fronts El Camino Real, is undeveloped and includes several mature trees. The second site

includes a paved parking lot and a surrounding largely undeveloped fringe. The third housing opportunity site on Stanford lands is located in Escondido Village, a graduate residential community between Campus Drive and Stanford Avenue. The housing opportunity site includes several multiple-unit graduate housing complexes, including many small 2-story buildings, larger 3-4 story buildings, mature trees, and paved internal roadways and pathways. None of these sites possess particularly scenic qualities, and are representative of typical urban development in the area.

In addition to the three housing opportunity sites on Stanford lands described above, Stanford lands under County jurisdiction also include an area immediately adjacent to and southeast of Sand Hill Road that is currently used for sports fields. This area is in the West Campus Development District and is part of the SCP update evaluated in this EIR and provides an alternative potential future school location in lieu of the location in the central portion of the campus that was previously identified in the existing SCP adopted in 2000. This potential future school location is currently occupied by playing fields and a small undeveloped area. It is surrounded by roadways and existing urban development on all four sides. Though not unattractive, the site is not unusual for the area and does not possess unusual scenic qualities.

Analysis

For the same reasons described under Impacts AES-1 and AES-2 above, development of individual projects under the HEU and SCP would not substantially degrade the existing visual character or quality of public views. Individual projects under the HEU and SCP would require submittal of an application to the County at the time proposed to determine what type of review and approval process is required for the proposed project. Some projects may be exempt from CEQA either because they are ministerial or qualify for another CEQA exemption. Further, some projects that are subject to CEQA could be exempt from a finding of a significant aesthetic impact if they meet the criteria defined in SB 743 (Public Resources Code Section 21099). This could apply to projects located in infill areas and within a transit priority area. Such a finding would be made by the County or other applicable lead agency at the time of a project's application and during any subsequent environmental review that may be required for the project.

Regardless of whether an individual project is subject to ministerial or discretionary approval, the project would be required to comply with all applicable zoning and other regulations governing scenic quality, including but not limited to quantitative standards such as maximum densities and building heights and additional objective standards that address visual character and the quality of public views to the extent feasible while ensuring the County can still meet its State-mandated housing requirement.

Projects that are subject to discretionary review may also require Architecture and Site Approval (ASA). The ASA application process includes submittal of various types of information that would assist the County in evaluating whether specific development projects would affect the visual character and quality of the site and its surroundings. Among these requirements are a project description, site plan, and exterior elevations. In addition, the application requires that an Environmental Impact Form (EIF) be completed. As part of the EIF, photographs of the site must

be provided that include the building site, unique features of the property, and views from the site to surrounding areas.

Changes to the existing visual character or quality would occur in specific locations with the development of individual projects under the HEU and SCP. Visually, certain areas would gradually become denser over time as new buildings are constructed in proximity to existing buildings or on sites that are currently vacant or not developed with buildings or other structures. New projects would be required to meet all County and Stanford guidance and policy documents that would limit adverse aesthetic effects of such projects. While changes to the visual properties of the sites would incrementally change over time, these changes would be consistent with the existing urban environment and would not be substantially adverse. Thus, the impact would be **less than significant**.

Mitigation: None required.

Impact AES-4: Implementation of the proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan

Development proposed under the proposed project could increase ambient light levels due to light dispersion from new buildings. Increases in night lighting could result in spillover lighting within housing sites or in adjacent neighborhoods that could adversely affect nighttime views. Light sources could include additional streetlights, exterior safety lighting, light emitted from building windows, and headlights from vehicles. These types of light sources are already present in the area and are typical of an urban setting. Any additional lighting associated with the project would not be unexpected in these areas and would not represent a substantial change from what is already present.

As noted above, development of housing that could occur under the proposed project would be subject to compliance with objective County policies and standards, including provisions regarding signs and outdoor lighting. By employing appropriate standards, including objective standards for ministerial projects and those described in the ASA Guidelines for discretionary projects, impacts related to light and glare would be **less than significant**.

Mitigation: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to aesthetics could occur if the

incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact AES-5: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect on a scenic vista. (*Less than Significant Impact*)

Development that could occur with implementation of the proposed project and the cumulative development discussed in Section 4.0.3 of this EIR would introduce new housing and other development of increased density, scale, and height than currently exists within the areas of the HEU housing sites and a one-mile radius. This new development could block or limit views of the natural environment, including the Diablo Range, the Santa Cruz Mountains, undeveloped hillsides and ridgelines, and other scenic and visual resources. However, views of these features are already limited by topography as well from intervening obstructions from both the built and natural environment. In addition, abundant views of these features would remain only marginally changed with implementation of the proposed project and the cumulative development. The potential loss of certain limited views of undeveloped hillsides and ridgelines due to implementation of the proposed project and cumulative development would not significantly diminish scenic views of these areas. The cumulative impact would therefore **be less than significant**.

Mitigation: None required.

Impact AES-6: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (*Less than Significant Impact*)

As previously discussed, the State Scenic Highway Program identifies SR-9 as the only officially designated State scenic highway in Santa Clara County. The program also identifies portions of SR-17, SR-35, SR-152, and I-280 as eligible for State scenic highway designation but not officially designated as such. No officially designated State scenic highways are located in or easily visible from areas that could be developed under the HEU or SCP Update (Caltrans, 2022). While the Parks and Recreation chapter of the Santa Clara County General Plan identifies the Scenic Road System of Santa Clara County, and adds all present and proposed State scenic routes within the County and County scenic routes to the list of scenic highways in the County, development associated with the proposed project would be infill in nature and would largely blend in with the existing urban development that is present around all of the sites and within the larger region. Further, and as specified in Chapter 3.30 of the County Zoning Ordinance, the scenic roads zoning overlay protects the visual character of scenic roads through special development and sign regulations. Based upon all of these considerations, cumulative impacts related to damage to scenic resources within the County Scenic Road System would be **less-than-significant**.

Mitigation: None required.

Impact AES-7: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not substantially degrade the existing visual character or quality of public views or conflict with applicable zoning and other regulations governing scenic quality. (*Less than Significant Impact*)

Development that could occur with implementation of the proposed project and the cumulative development described in Section 4.0.3 would be subject to compliance with County (or City of San José) policies and standards established and enforced to ensure that adverse impacts to scenic resources and visual character are minimized. Further, both the proposed project and the cumulative projects would be urban infill in nature and would occur within areas that are already densely urbanized with similar types of development. None of the developments would be out of character with what is already present and would largely blend in with the existing urban environment. Therefore, cumulative impacts related to substantial degradation of visual character or quality of public views or conflicts with applicable zoning and other regulations governing scenic quality would be **less than significant**.

Mitigation: None required.

Impact AES-8: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not create a new source of substantial light or glare which would adversely affect day or nighttime views. (*Less than Significant Impact*)

Development proposed under the proposed project and the cumulative development described in Section 4.0.3 could increase ambient light levels within the areas of the project's development sites and a one-mile radius due to light dispersion from the additional urban uses. Increases in night lighting could result in spillover lighting within project sites or in adjacent neighborhoods that could adversely affect nighttime views. However, development that could occur under the proposed project and the cumulative development described in Section 4.0.3 would be subject to compliance with objective County (or City of San José) policies and standards implemented to avoid or minimize adverse impacts related to light and glare, which would ensure that cumulative impacts related to light and glare would be **less than significant**.

Mitigation: None required.

4.1.5 References

California Department of Transportation (Caltrans). 2023. California State Scenic Highways. Available online: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed June 4, 2023.

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4.2 Air Quality

4.2.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects on air quality. Below, the section describes the existing air quality conditions, as well as the regulatory framework. Finally, the impact discussion evaluates potential impacts to air quality due to activities that emit criteria and non-criteria air pollutants that could result from implementation of the project in the context of existing conditions. The analysis determines whether those emissions are significant relative to applicable air quality standards and identifies feasible mitigation measures for significant adverse impacts.

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR. No comments relating to air quality were received during either NOP comment period.

The primary sources of information referenced in this section included the following:

- The Bay Area Air Quality Management District (BAAQMD) California Environmental Quality Act (CEQA) Air Quality Guidelines (2017a);
- The BAAQMD Final 2017 Clean Air Plan (2017b);
- Santa Clara County General Plan Health Element (1994).
- Stanford Community Plan (2000).

4.2.2 Environmental Setting

Climate and Meteorology

Climate and meteorological conditions such as wind speed, wind direction, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants. The plan area is located in Santa Clara County and is within the boundaries of the San Francisco Bay Area Air Basin (SFBAAB). The SFBAAB encompasses the nine-county region including all of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, Marin, and Napa Counties, and the southern portions of Solano and Sonoma Counties.

The climate of the Bay Area is determined largely by a high-pressure system that is often present over the eastern Pacific Ocean off the west coast of North America. During winter, the Pacific high-pressure system shifts southward, allowing an increased number of storms systems to pass through the region. During summer and early fall, when fewer storms pass through the region, emissions generated in the Bay Area accumulate as a result of the more stable conditions. The

combination of abundant sunshine and the restraining influences of topography and subsidence inversions creates conditions conducive to the formation of photochemical pollutants, such as ground-level ozone and secondary particulates, including nitrates and sulfates.

Air Pollutants of Concern

Air pollutants of concern within the SFBAAB include certain criteria air pollutants and toxic air contaminants (TACs). These are described below.

Criteria Air Pollutants

As required by the federal Clean Air Act (CAA) passed in 1970, the U.S. Environmental Protection Agency (U.S. EPA) has identified six criteria air pollutants that are pervasive in urban environments, and for which state and national health-based ambient air quality standards have been established. The U.S. EPA calls these pollutants "criteria air pollutants" because the agency has regulated them by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. Ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO2), particulate matter (PM), and lead are the six criteria air pollutants originally identified by the U.S. EPA. Since that time, subsets of particulate matter have also been identified for which permissible levels have been established. These include particle matter less than 10 microns in diameter (PM_{10}), and particle matter less than 2.5 microns in diameter ($PM_{2.5}$). See Section 4.2.3, Regulatory Framework, for further discussion of specific pollutants and their attainment status within the air basin with respect to state and federal air quality standards.

Ozone

Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG, also sometimes referred to as volatile organic compounds [VOC] by some regulating agencies) and nitrogen oxides (NO_X). The main sources of ROG and NO_X, often referred to as ozone precursors, are combustion processes (including motor vehicle engines) and the evaporation of solvents, paints, and fuels. In the SFBAAB, automobiles are the single largest source of ozone precursors. Ozone is referred to as a regional air pollutant because its precursors are transported and diffused by wind concurrently with ozone production through the photochemical reaction process. Ozone causes eye irritation, airway constriction, and shortness of breath and can aggravate existing respiratory diseases, such as asthma, bronchitis, and emphysema.

Carbon Monoxide (CO)

CO is an odorless, colorless gas usually formed as the result of the incomplete combustion of fuels. The single largest source of CO is motor vehicles with the highest emissions occurring during low travel speeds, stop-and-go driving, cold starts, and hard acceleration. Exposure to high concentrations of CO reduces the oxygen-carrying capacity of the blood and can cause headaches, nausea, dizziness, and fatigue; impair central nervous system function; and induce angina (chest pain) in persons with serious heart disease. Very high levels of CO can be fatal; however, ambient levels of CO have decreased substantially due to improved vehicle fuel efficiency.

Particulate Matter (PM_{10} and $PM_{2.5}$)

Particulate matter is a class of air pollutants that consists of heterogeneous solid and liquid airborne particles from man-made and natural sources. Particulate matter regulated by the state and federal Clean Air Acts is measured in two size ranges: PM_{10} for particles less than 10 microns in diameter, and $PM_{2.5}$ for particles less than 2.5 microns in diameter. In the SFBAAB, motor vehicles generate about one-half of the air basin's particulates through tailpipe emissions as well as brake pads and tire wear. Wood burning in fireplaces and stoves, industrial facilities, and ground-disturbing activities such as construction are other sources of fine particulates.

Large dust particles (diameter greater than 10 microns) settle out rapidly and are easily filtered by human breathing passages. This large dust is of more concern as a soiling nuisance rather than as a health hazard. However, PM_{10} and $PM_{2.5}$ represent fractions of particulate matter that can be inhaled into the air passages and the lungs and can cause adverse health effects. According to CARB, studies in the United States and elsewhere "have demonstrated a strong link between elevated particulate levels and premature deaths, hospital admissions, emergency room visits, and asthma attacks," and studies of children's health in California have demonstrated that particle pollution "may significantly reduce lung function growth in children (CARB 2022)."

$PM_{2.5}$ is of particular concern because epidemiological studies have demonstrated that people who live near freeways and high-traffic roadways have poorer health outcomes, including increased asthma symptoms and respiratory infections, and decreased pulmonary function and lung development in children (San Francisco Department of Public Health, 2008). New studies are also showing that long-term average exposure to $PM_{2.5}$ is associated with an increased risk of death from the novel coronavirus 2019 disease (COVID-19) in the United States. One study found that an increase of one microgram per cubic meter ($\mu g/m^3$) in $PM_{2.5}$ is associated with an 8 percent increase in the COVID-19 death rate. The increase in wildfire smoke also could have contributed to increased cases of COVID-19 (Wu, et al., 2021).

Nitrogen Dioxide (NO_2)

NO_2 is a reddish-brown gas that is a byproduct of combustion processes. Automobiles and industrial operations are its main sources. Aside from its contribution to ozone formation, NO_2 can increase the risk of acute and chronic respiratory disease and reduce visibility. NO_2 may be visible as a coloring component of the air on high pollution days, especially in conjunction with high ozone levels. In 2010, the U.S. EPA implemented the current one-hour NO_2 standard (0.10 ppm) (see *Regulatory Framework* below). On November 15, 2012, CARB approved a revision to the State Implementation Plan (SIP) for implementing the 2010 federal NO_2 standards. All areas in California are designated as attainment/unclassified for the federal NO2 standards (CARB, 2012).

Air Quality Index

The U.S. EPA developed the Air Quality Index (AQI) scale to make the public health impacts of air pollution concentrations easily understandable. The AQI, much like an air quality "thermometer," translates daily air pollution concentrations into a number on a scale between 0

and 500. The numbers in the scale are divided into six color-coded ranges, with numbers 0–300 as outlined below:

- **Green (0-50)** indicates "good" air quality. No health impacts are expected when air quality is in the green range.
- **Yellow (51-100)** indicates air quality is "moderate." Unusually sensitive people should consider limited prolonged outdoor exertion.
- **Orange (101–150)** indicates air quality is "unhealthy for sensitive groups." Active children and adults, and people with respiratory disease, such as asthma, should limit outdoor exertion.
- **Red (151–200)** indicates air quality is "unhealthy." Active children and adults, and people with respiratory disease, such as asthma should avoid prolonged outdoor exertion; everyone else, especially children, should limit prolonged outdoor exertion.
- **Purple (201–300)** indicates air quality is "very unhealthy." Active children and adults, and people with respiratory disease, such as asthma, should avoid prolonged outdoor exertion; everyone else, especially children, should limit outdoor exertion.

The AQI numbers refer to specific amounts of pollution in the air and are based on the federal air quality standards for ozone, CO, NO_2, SO_2, PM_{10}, and $PM_{2.5}$. In most cases, the federal standard for these air pollutants corresponds to the number 100 on the AQI chart. If the concentration of any of these pollutants rises above its respective standard, it can be unhealthy for the public. In determining the air quality forecast, local air districts use the anticipated concentration measurements for each of the major pollutants, converts them into AQI numbers, and determines the highest AQI for each zone in a district. Readings below 100 on the AQI scale would not typically affect the health of the public (although readings in the moderate range of 50 to 100 may affect unusually sensitive people). Levels above 300 rarely occur in the United States, and readings above 200 have not occurred in the SFBAAB in decades, with the exception of the October 2017 and November 2018 wildfires north of San Francisco and the August/September 2020 complex wildfires that occurred throughout the SBFBAAB (BAAQMD, 2022).

Wildfires appear to be occurring with increasing frequency in California and the Bay Area as climate changes (since 2000, 18 of the state's 20 largest wildfires and 18 of the state's 20 most destructive fires on record have occurred (Cal Fire, 2022a; Cal Fire, 2022b). As a result of these fires in Bay Area counties (Napa and Sonoma) and counties north and east of the Bay Area (e.g., Butte, Lassen, Plumas, and Shasta), the AQI in the Bay Area reached the "very unhealthy" and "hazardous" designations, ranging from values of 201 to above 350. During those periods, the air district issued "Spare the Air" alerts and recommended that individuals stay inside with windows closed and refrain from significant outdoor activity.

AQI statistics over recent years indicate that air quality in the SFBAAB is predominantly in the "Good" or "Moderate" categories and healthy on most days for most people. Historical air district data indicate that the air basin experienced air quality in the red level (unhealthy) on 18 days between 2019 and 2021. As shown in **Table 4.2-1**, the air basin had a total of 71 red-level or orange-level (unhealthy or unhealthy for sensitive groups) days between 2019 and 2021. A number of these days are attributable to the increasing frequency of wildfires. This table also

shows that the air basin experienced only one purple level (very unhealthy) day in between 2019 and 2021.

TABLE 4.2-1
AIR QUALITY INDEX STATISTICS FOR THE SAN FRANCISCO BAY AREA AIR BASIN

AQI Statistics for Air Basin	Number of Days by Year		
	2019	2020	2021
Unhealthy for Sensitive Groups (Orange)	10	34	9
Unhealthy (Red)	0	17	1
Very Unhealthy (Purple)	0	1	0

SOURCE: BAAQMD, 2022.

Toxic Air Contaminants

In addition to criteria air pollutants, plans and individual projects may directly or indirectly emit toxic air contaminants (TACs). TACs are airborne substances that can cause short-term (acute) and/or long-term (chronic and/or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). Human health effects of TACs can include birth defects, neurological damage, cancer, and death. There are hundreds of different types of TACs with varying degrees of toxicity that may be emitted from a variety of common sources including gasoline stations, automobiles, diesel engines, dry cleaners, industrial operations, and painting operations. Thus, individual TACs vary greatly in the health risk they present; and at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

Unlike criteria air pollutants, TACs do not have ambient air quality standards but instead are regulated by the air district using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated and considered together with information regarding the toxic potency of the substances to provide quantitative estimates of the risks.[1] Exposure assessment guidance published by the air district in January 2016 adopts the assumption that residences would be exposed to air pollution 24 hours per day, 350 days per year, for 30 years (BAAQMD, 2016). Therefore, assessments of air pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

Although not a TAC, exposures to $PM_{2.5}$ are strongly associated with mortality, respiratory diseases, and reductions in lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease (San Francisco Department of Public Works, 2008). In addition to $PM_{2.5}$, diesel particulate matter (DPM) is also of concern. CARB identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans (CARB,

[1] In general, a health risk assessment is required if the air district concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggest a potential public health risk. The applicant of the project that would emit TACs is required to conduct a health risk assessment for the source in question. Such an assessment generally evaluates chronic, long-term effects, estimating the increased risk of cancer from exposure to one or more TACs.

1998). The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

Despite notable emission reductions since CARB's 2000 Diesel Risk Reduction Plan (CARB 2000), CARB recommends that proximity to sources of DPM emissions (e.g. a freeway) be considered in the siting of new sensitive land uses. CARB notes that these recommendations are advisory and should not be interpreted as defined "buffer zones," and that local agencies must balance other considerations, including transportation needs, the benefits of urban infill, community economic development priorities, and other quality of life issues. With careful evaluation of exposure, health risks, and affirmative steps to reduce risk where necessary, CARB's position is that infill development, mixed use, higher density, transit-oriented development, and other concepts that benefit regional air quality can be compatible with protecting the health of individuals at the neighborhood level (CARB, 2005).

Air Pollution Sources

Air pollution sources contributing to emissions within the County and near the HEU and SCP planning areas include sources described below.

Stationary Sources

The air districts inventory of permitted stationary sources of emissions indicates that there are dozens of permitted stationary emission sources present within or near the HEU area. These permitted stationary sources are primarily standby generators, gasoline stations, and other facilities such as auto body shops. Permitted sources near the SCP area include several standby generators on the Stanford University campus and gasoline stations along El Camino Real.

Roadway Traffic Emissions

Motor vehicles are responsible for a large share of pollution, especially in California. Vehicle tailpipe emissions contain diverse forms of particles and gases and also contribute to particles by generating road dust and through tire wear.

The air district guidance indicates that roadways with volumes exceeding 10,000 average annual daily traffic may impact sensitive receptors if they are located within 1,000 feet of any sensitive receptor. This traffic contributes to elevated concentrations near the roadway of $PM_{2.5}$, DPM if heavy trucks are present, and other contaminants emitted from motor vehicles. Average daily traffic counts were taken by the traffic consultant, Hexagon. The roadways with more than 10,000 average annual daily traffic in the HEU and SCP areas are generally along Bascom, Camden, Capitol, Leigh, Moorpark, and Toyon avenues, Hostetter, McKee, Quarry, Tully, and White roads, San Carlos Street, and Stevens Creek Boulevard.

Existing Ambient Air Quality

Criteria Air Pollutants

The region's air quality monitoring network measures the ambient concentrations of criteria air pollutants at various locations in the SFBAAB. There are two active air quality monitoring stations each located in San José and Redwood City. Although not in Santa Clara County, the Redwood City air monitoring station was the closest in proximity to the cluster of Stanford HEU sites. **Tables 4.2-2** and **4.2-3** show the most recent monitoring data for four criteria air pollutants including ozone, PM_{10}, $PM_{2.5}$, and NO_2, for the years 2019 through 2021, for the San José and Redwood City air monitoring sites, respectively. The San José air monitoring station is located at the cross streets of Jackson Street and N 4th Street, north of Downtown San José. The air monitoring site is approximately within a 7-mile radius from all the San José HEU sites. The Redwood City air monitoring station is located at the at the cross streets of Barron Avenue and Bay Road, east of central Redwood City. The air monitoring site is approximately 5 miles northwest of all the Stanford HEU sites. Tables 4.2-2 and 4.2-3 do not include CO or SO2 as these are not pollutants of concern for the region. The SFBAAB attains the CO standard due to decreasing emissions over the last several years from improved vehicle fuel efficiency. Monitors are not required for SO2 in the SFBAAB, as it has never been designated as non-attainment for SO2. The table also compares the measured pollutant concentrations to the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) for each of the criteria air pollutants of concern. The concentrations shown in **bold** indicate an exceedance of the standard for the air basin.

Compliance with the standards is on a regional basis, as opposed to the city level. In the SFBAAB, compliance is demonstrated by ongoing measurements of pollutant concentrations at more than 30 air quality monitoring stations operated by the air district in all nine Bay Area counties. An exceedance of an ambient air quality standard at any one of the stations counts as a regional exceedance.

Toxic Air Contaminants

In addition to monitoring criteria air pollutants, both the BAAQMD and CARB operate TAC monitoring networks in the SFBAAB. These stations measure 10 to 15 TACs depending on the specific station. The monitoring stations are located in areas where there are expected to be the highest concentrations of TACs, and the TACs selected for monitoring at these stations are those that have traditionally been found in the highest concentrations in ambient air and therefore tend to produce the most substantial risk. There are no TAC monitoring stations within 20 miles of the HEU or SCP planning areas.

TABLE 4.2-2
SUMMARY OF AIR QUALITY MONITORING DATA (2019-2021) – SAN JOSÉ – JACKSON STREET STATION[a]

Pollutant	Applicable Standard	Number of Days Standards Were Exceeded and Maximum Concentrations Measured		
		2019	2020	2021
Ozone				
Days 1-Hour State Standard Exceeded		1	1	3
Maximum 1-Hour Concentration (ppm)	>0.09 ppm[b]	**0.095**	**0.106**	**0.098**
Days 8-hour State/National Standard Exceeded		2	2	4
Maximum 8hour Concentration (ppm)	>0.07 ppm[b,c]	**0.081**	**0.085**	**0.084**
Respirable Particulate Matter (PM_{10})				
Days 24-hour National Standard Exceeded	>150 µg/m3[c]	0	0	0
Days 24-hour State Standard Exceeded	>50 µg/m3[b]	4	10	0
Maximum 24-hour Concentration (µg/m3)		**77.1**	137.1	45.1
State Annual Average (µg/m3)	>20 µg/m3[b]	**19.1**	**-**	20.1
Fine Particulate Matter ($PM_{2.5}$)				
Days 24-hour National Standard Exceeded	>35 µg/m3[c]	**0**	**12**	1
Maximum 24-hour Concentration (µg/m3)		**34.4**	**120.5**	38.1
Annual Average (µg/m3)	>12 µg/m3[b,c]	**9.1**	**11.5**	8.9
Nitrogen Dioxide (NO_2)				
Days 1-hour National Standard Exceeded	**>0.1 ppm**	**0**	**0**	0
Maximum 1-hour Concentration (ppm)	>0.1 ppm[c]	0.059	0.051	0.047

NOTES:

Bold values are in excess of applicable standards.
ppm = parts per million.
µg/m3 = micrograms per cubic meter.

a The San José – Jackson Street, CA station is one of the closest monitoring stations to the HEU planning areas.
b State standard, not to be exceeded.
c National standard, not to be exceeded.

SOURCE: CARB, 2022; U.S. EPA, 2022.

TABLE 4.2-3
SUMMARY OF AIR QUALITY MONITORING DATA (2019-2021) – REDWOOD CITY STATION [a]

Pollutant	Applicable Standard	Number of Days Standards Were Exceeded and Maximum Concentrations Measured		
		2019	2020	2021
Ozone				
Days 1-Hour State Standard Exceeded		0	1	0
Maximum 1-Hour Concentration (ppm)	>0.09 ppm[b]	0.083	**0.098**	0.085
Days 8-hour State/National Standard Exceeded		2	1	0
Maximum 8hour Concentration (ppm)	>0.07 ppm[b,c]	**0.077**	**0.077**	0.063
Respirable Particulate Matter (PM_{10})				
Days 24-hour National Standard Exceeded	>150 µg/m3[c]	-	-	-
Days 24-hour State Standard Exceeded	>50 µg/m3[b]	-	-	-
Maximum 24-hour Concentration (µg/m3)		-	-	-
State Annual Average (µg/m3)	>20 µg/m3[b]	**-**	**-**	**-**
Fine Particulate Matter ($PM_{2.5}$)				
Days 24-hour National Standard Exceeded	>35 µg/m3[c]	**0**	**9**	0
Maximum 24-hour Concentration (µg/m3)		**29.5**	**124.1**	30.1
Annual Average (µg/m3)	>12 µg/m3[b,c]	**-**	**9.8**	6.1
Nitrogen Dioxide (NO_2)				
Days 1-hour National Standard Exceeded	**>0.1 ppm**	**0**	**0**	0
Maximum 1-hour Concentration (ppm)	>0.1 ppm[c]	0.054	0.045	0.040

NOTES:

Bold values are in excess of applicable standard.
ppm = parts per million.
µg/m3 = micrograms per cubic meter.

a The Redwood City CA station is one of the closest monitoring station to the HEU planning areas.
b State standard, not to be exceeded.
c National standard, not to be exceeded.

SOURCE: CARB, 2022; U.S. EPA, 2022.

Odorous Emissions

Odors are generally regarded as an annoyance rather than a health hazard. The ability to detect odors varies considerably among the population and is subjective. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receptors. Odor impacts should be considered for any proposed new odor sources located near existing receptors, as well as any new sensitive receptors located near existing odor sources. Odor sources typically include wastewater treatment plants, landfills, confined animal facilities, composing stations, food manufacturing plants, refineries, and chemical plants (BAAQMD, 2017ba)

Sensitive Receptors

Air quality does not affect every individual in the population in the same way, and some groups are more sensitive than others to air pollution. Reasons for greater sensitivity can include existing health problems, duration of exposure to air pollutants, or certain peoples' increased susceptibility to pollution-related health problems due to factors such as age. Population subgroups sensitive to the health effects of air pollutants include: the elderly and the young; population subgroups with higher rates of respiratory disease, such as asthma and chronic obstructive pulmonary disease; and populations with other environmental or occupational health exposures (e.g., indoor air quality) that affect cardiovascular or respiratory diseases. The factors responsible for variations in exposure are also often similar to factors associated with greater susceptibility to air quality health effects. For example, lower income residents may be more likely to live in substandard housing and be more likely to live near industrial or roadway sources of pollution.

The BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include land uses such as schools, hospitals, and residential areas. Land uses such as schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress. Residential uses are considered sensitive because these individuals could be present, and people in residential areas are often at home for extended periods of time, so they can be exposed to pollutants for extended periods.

In April 2005, CARB released the Air Quality and Land Use Handbook, which encourages local land use agencies to consider the risks from air pollution prior to making decisions that approve the siting of new sensitive receptors (e.g., schools, homes, and daycare centers) near sources of pollution, such as major roadways and freeways. There are a variety of sensitive receptors in the County and the HEU and SCP planning areas, including residential uses, schools, daycares, hospitals, and convalescent homes.

4.2.3 Regulatory Setting

Regulation of air pollution is achieved through both national and state ambient air quality standards and through emissions limits on individual sources of air pollutants. Local Air Quality Management Districts and Air Pollution Control Districts are responsible for demonstrating attainment with state air quality standards through the adoption and enforcement of Attainment Plans.

Federal

Criteria Air Pollutants

The 1970 Clean Air Act (most recently amended in 1990) requires that regional planning and air pollution control agencies prepare a regional air quality plan to outline the measures by which both stationary and mobile sources of pollutants will be controlled in order to achieve all ambient air quality standards by the deadlines specified in the act. These ambient air quality standards are intended to protect the public health and welfare, and they specify the concentration of pollutants (with an adequate margin of safety) to which the public can be exposed without adverse health effects. They are designed to protect those segments of the public most susceptible to respiratory distress, including asthmatics, the very young, the elderly, people weakened from other illness or disease, or persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollution levels that are somewhat above ambient air quality standards before adverse health effects are observed. **Table 4.2-4** presents current state (California Ambient Air Quality Standards, or CAAQS) and national (National Ambient Air Quality Standards, or NAAQS) ambient air quality standards.

NAAQS and CAAQS have been set at levels considered safe to protect public, including the health of sensitive populations such as asthmatics, children, and the elderly with a margin of safety; and to protect public welfare, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings. As explained by CARB, "An air quality standard defines the maximum amount of a pollutant averaged over a specified period of time that can be present in outdoor air without any harmful effects on people or the environment" (CARB, 2017). That is, if a region is in compliance with the ambient air quality standards, its regional air quality can be considered protective of public health. The NAAQS are statutorily required to be set by the U.S. EPA at levels that are "requisite to protect the public health."[2] Therefore, the closer a region is to attaining a particular ambient air quality standard, the lower the human health impact is from that pollutant. See Section 4.2.2, above, for a brief description of the health effects of exposure to criteria air pollutants.

[2] See https://www.law.cornell.edu/uscode/text/42/7409.

TABLE 4.2-4
STATE AND NATIONAL AMBIENT AIR QUALITY STANDARDS AND MAJOR SOURCES

Pollutant	Averaging Time	CAAQS	NAAQS	Major Pollutant Sources
Ozone	1 hour	0.09 ppm	---	Formed when reactive organic gases (ROG) and nitrogen oxides (NO_X) react in the presence of sunlight. Major sources include on-road motor vehicles, solvent evaporation, and commercial / industrial mobile equipment.
	8 hour	0.070 ppm	0.070 ppm	
Carbon Monoxide	1 hour	20 ppm	35 ppm	Internal combustion engines, primarily gasoline-powered motor vehicles.
	8 hour	9.0 ppm	9 ppm	
Nitrogen Dioxide	1 hour	0.18 ppm	100 ppb	Motor vehicles, petroleum refining operations, industrial sources, aircraft, ships, and railroads.
	Annual Avg.	0.030 ppm	0.053 ppm	
Sulfur Dioxide	1 hour	0.25 ppm	75 ppb	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.
	3 hour	---	0.5 ppm [1]	
	24 hour	0.04 ppm	0.14 ppm	
	Annual Avg.	---	0.030 ppm	
Respirable Particulate Matter (PM_{10})	24 hour	50 ug/m^3	150 ug/m^3	Dust and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	Annual Avg.	20 ug/m^3	---	
Fine Particulate Matter ($PM_{2.5}$)	24 hour	---	35 ug/m^3	Fuel combustion in motor vehicles, equipment, and industrial sources; residential and agricultural burning; Also, formed from photochemical reactions of other pollutants, including NO_X, sulfur oxides, and organics.
	Annual Avg.	12 ug/m^3	12.0 ug/m^3	
Lead	Monthly Ave.	1.5 ug/m^3	---	Present source: lead smelters, battery manufacturing and recycling facilities. Past source: combustion of leaded gasoline.
	Quarterly	---	1.5 ug/m^3	
Hydrogen Sulfide	1 hour	0.03 ppm	No National Standard	Geothermal power plants, petroleum production and refining
Sulfates	24 hour	25 ug/m^3	No National Standard	Produced by the reaction in the air of SO_2.
Visibility Reducing Particles	8 hour	Extinction of 0.23/km; visibility of 10 miles or more	No National Standard	See $PM_{2.5}$.
Vinyl chloride	24 hour	0.01 ppm	No National Standard	Polyvinyl chloride and vinyl manufacturing.

NOTE:
ppb = parts per billion; ppm = parts per million; ug/m^3 = micrograms per cubic meter.

a Secondary national standard.

SOURCES: CARB, 2016.

Pursuant to the 1990 Federal Clean Air Act Amendments (FCAAA), the US EPA classifies air basins (or portions thereof) as "attainment", "nonattainment", or "unclassified" for each criteria air pollutant, based on whether the national standards had been achieved. As shown in **Table 4.2-5**, at the federal level, the SFBAAB is designated as a nonattainment area for the 8-hour ozone standard and the federal 24-hour $PM_{2.5}$ standard. The SFBAAB is in attainment for all other federal ambient air quality standards. State-level attainment status of the SFBAAB is discussed further below.

TABLE 4.2-5
SAN FRANCISCO BAY AREA AIR BASIN ATTAINMENT STATUS

Pollutant	Averaging Time	Designation/Classification	
		State Standards	Federal Standards
Ozone	8 Hour	Nonattainment	Nonattainment
	1 Hour	Nonattainment	--
Carbon Monoxide	8 Hour	Attainment	Attainment
	1 Hour	Attainment	Attainment
Nitrogen Dioxide	1 Hour	Attainment	--
	Annual Arithmetic Mean	--	Attainment
Sulfur Dioxide	24 Hour	Attainment	--
	1 Hour	Attainment	--
	Annual Arithmetic Mean	--	--
Respirable Particulate Matter (PM_{10})	Annual Arithmetic Mean	Nonattainment	--
	24 Hour	Nonattainment	Unclassified
Fine Particulate Matter ($PM_{2.5}$)	Annual Arithmetic Mean	Nonattainment	Unclassified/Attainment
	24 Hour	--	Nonattainment
Sulfates	24 Hour	Attainment	--
Lead	30 Day Average	--	Attainment
	Calendar Quarter	--	Attainment
	Rolling Month Average	--	--
Hydrogen Sulfide	1 Hour	Unclassified	--
Vinyl Chloride	24 Hour	No information available	--
Visibility Reducing Particles	8 Hour	Unclassified	--

SOURCE: BAAQMD, 2017a.

The FCAA requires each state to prepare an air quality control plan referred to as the State Implementation Plan (SIP). The FCAA added requirements for states containing areas that violate the national standards to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is a living document that is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of air basins as reported by the agencies with jurisdiction over them. The U.S. EPA has the responsibility to review all SIPs to determine if they conform to the mandates of the FCAA and will achieve air quality goals when implemented.

State

Criteria Air Pollutants

Although the federal Clean Air Act established the NAAQS, individual states retained the option to adopt more stringent standards and to include other pollution sources. California had already established its own air quality standards when federal standards were established, and because of the unique meteorological challenges in California, there are differences between the state and national ambient air quality standards, as shown in Table 4.2-5. California ambient standards tend to be at least as protective as national ambient standards or are often more stringent.

In 1988, California passed the California Clean Air Act (California Health and Safety Code section 39600 et seq.), which, like its federal counterpart, called for designation of areas as "attainment", "nonattainment", or "unclassified" with respect to the state standards. The SFBAAB is currently designated as nonattainment for the state 8-hour and 1-hour ozone standards, the state average and 24-hour PM_{10} standards, and the state average $PM_{2.5}$ standards. The SFBAAB is designated as attainment or unclassified with respect to the other state standards.

Toxic Air Contaminants

The Health and Safety Code defines TACs as air pollutants that may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. The State Air Toxics Program was established in 1983 under AB 1807 (Tanner). A total of 243 substances have been designated TACs under California law, including the 189 (federal) Hazardous Air Pollutants.

Off-road Diesel Emissions

The CARB In-Use Off-Road Diesel-Fueled Fleets Regulation (Off-Road Regulation) applies to all self-propelled off-road diesel vehicles 25 horsepower or greater used in California and most two-engine vehicles (except on-road two-engine sweepers). This includes vehicles that are rented or leased (rental or leased fleets). CARB's goal is to gradually reduce the state-wide construction vehicle fleet's emissions through turnover, repower, or retrofits. New engine emissions requirements were grouped into tiers based on the year in which the engine was built (CARB 2022a). In 2014, new engines were required to meet Tier 4 Final standards, which to date are the most stringent emissions standards for off-road vehicle engines. The goal of the In-Use Off-Road Diesel-Fueled Fleets Regulation is to reduce particulate matter (PM_{10} and $PM_{2.5}$) and NO_x emissions from off-road heavy-duty diesel vehicles in California (CARB 2022b). This regulation also limits idling to 5 minutes, requires a written idling policy for larger vehicle fleets, and requires that fleet operators provide information on their engines to CARB and label vehicles with a CARB-issued vehicle identification number.

CARB recommends that proximity to sources of DPM emissions be considered in the siting of new sensitive land uses. As discussed above, CARB published Air Quality and Land Use Handbook: A Community Health Perspective in April 2005. This handbook is intended to give guidance to local governments in the siting of sensitive land uses near sources of air pollution. Recent studies have shown that public exposure to air pollution can be substantially elevated near

freeways and certain other facilities such as ports, rail yards, and distribution centers. Sensitive receptor siting recommendations for applicable uses in Santa Clara County are listed in **Table 4.2-6** below. CARB notes that these recommendations are advisory and should not be interpreted as defined "buffer zones," and that local agencies must balance other considerations, including transportation needs, the benefits of urban infill, community economic development priorities, and other quality of life issues. With careful evaluation of exposure, health risks, and affirmative steps to reduce risk where necessary CARB's position is that infill development, mixed use, higher density, transit-oriented development, and other concepts that benefit regional air quality can be compatible with protecting the health of individuals at the neighborhood level (CARB, 2005).

TABLE 4.2-6
RECOMMENDATIONS FOR SITING NEW SENSITIVE LAND USES

Source Category	Advisory Recommendations of Locations to Avoid
Freeways and High-Traffic Roads	500' of a freeway or urban road with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day.
Dry Cleaners Using Perchloroethylene	300' of any dry cleaning operation. For operations with two or more machines, provide 500'. For operations with three or more machines, consult the local air district. Also, do not site new sensitive receptors in the same building with perchloroethylene dry cleaning operations.
Gasoline Dispensing Facilities	300' of a large gas station, defined as a facility with a throughput of 3.6 million gallons per year or greater. A 50' separation is recommended for typical gas dispensing facilities.

SOURCE: CARB, 2005.

California Building and Energy Efficiency Standards (Title 24)

The California Energy Commission first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although not originally intended to reduce emissions of criteria pollutants or TACs, increased energy efficiency and reduced consumption of natural gas and other fuels would result in fewer criteria pollutant and TAC emissions from residential and non-residential buildings subject to the standard. The standards are updated periodically (typically every three years) to allow for the consideration and inclusion of new energy efficiency technologies and methods (California Energy Commission, 2018).

Title 24, Part 6, standards became effective on January 1, 2017. The most recent update to the Title 24 energy efficiency standards (2019 standards) went into effect on January 1, 2020. Development as part of the HEU or SCP would adhere to the applicable version of Title 24 as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits.

California Green Standards Building Code

Part 11 of the Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards (CALGreen) Code. The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, require low-pollution emitting

substances that cause less harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment.

Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the state. Such mandatory measures include energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The CALGreen Code was most recently updated in 2019 to include new mandatory measures for residential and non-residential uses; the new measures took effect on January 1, 2020.

Regional

Bay Area Air Quality Management District Clean Air Plan

The BAAQMD *2017 Clean Air Plan: Spare the Air, Cool the Climate* was adopted on April 19, 2017, by the air district in cooperation with the Metropolitan Transportation Commission, the San Francisco Bay Conservation and Development Commission, and the Association of Bay Area Governments to provide a regional strategy to improve air quality within the SFBAAB and meet public health goals (BAAQMD, 2017d). The control strategy described in the 2017 Clean Air Plan includes a wide range of control measures designed to reduce emissions and lower ambient concentrations of harmful pollutants, safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, and reduce greenhouse gas emissions (GHGs) to protect the climate.

The 2017 Clean Air Plan addresses four categories of pollutants: ground-level ozone and its key precursors, ROG and NO_X; PM, primarily $PM_{2.5}$, and precursors to secondary $PM_{2.5}$; air toxics; and GHG emissions. The control measures are categorized based on the economic sector framework including stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, and water measures.

The air district is the regional agency with jurisdiction over the nine-county region located in the air basin. The Association of Bay Area Governments, the Metropolitan Transportation Commission, county transportation agencies, cities and counties, and various non-governmental organizations also participate in the efforts to improve air quality through a variety of programs. These programs include the adoption of regulations and policies, as well as implementation of extensive education and public outreach programs. The air district is responsible for attaining and/or maintaining air quality in the region within federal and state air quality standards. Specifically, the air district has the responsibility to monitor ambient air pollutant levels throughout the region and to develop and implement strategies to attain the applicable federal and state standards. The air district has permit authority over most types of stationary emission sources and can require stationary sources to obtain permits, and can impose emission limits, set fuel or material specifications, or establish operational limits to reduce air emissions. The air district also regulates new or expanding stationary sources of TACs and requires air toxic control measures for many sources emitting TACs.

Bay Area Air Quality Management District Rules

The air district rules that would be most applicable to the subsequent projects pertain mostly to permits for emergency generators and include Rules 2-1, 2-2, and 2-5. The air district regulates stationary-source emissions of TACs through Rule 2-1 (General Permit Requirements), Rule 2-2 (New Source Review), and Rule 2-5 (New Source Review of Toxic Air Contaminants). Under these rules, all stationary sources that have the potential to emit TACs above a certain level are required to obtain permits from the air district. These rules provide guidance for the review of new and modified stationary sources of TAC emissions, including evaluation of health risks and potential mitigation measures.

Sources must apply Best Available Control Technology (BACT) to reduce emissions, and the air district recently updated its BACT requirement for emergency generators greater than 1,000 horsepower (hp) to achieve EPA Tier 4 standards (BAAQMD, 2021).

Local

County of Santa Clara

Santa Clara County General Plan

On August 25, 2015, the County adopted a new Health Element of the Santa Clara County General Plan. The Health Element incorporates and updates certain subject matter and policies from the previous health and safety chapters of the Santa Clara County General Plan and provides a renewed emphasis on collaborative, comprehensive approaches to planning for community health. The Health Element Section G, Air Quality and Climate Change, contains the following strategy and policies with regard to air quality:

> **Strategy #1:** Strive for air quality improvement through regional and local land use, transportation, and air quality planning.
>
> ***Policy HE-G.1***: *Air quality environmental review.* Continue to utilize and comply with the Air District's project- and plan-level thresholds of significance for air pollutants and greenhouse gas emissions.
>
> ***Policy HE-G.2***: *Coordination with regional agencies.* Coordinate with the Air District to promote and implement stationary and area source emission measures.
>
> ***Policy HE-G.3***: *Fleet upgrades.* Promote Air District mobile source measures to reduce emissions by accelerating the replacement of older, dirtier vehicles and equipment, and by expanding the use of zero emission and plug-in vehicles.
>
> ***Policy HE-G.4***: *Off-road sources.* Encourage mobile source emission reduction from off-road equipment such as construction, farming, lawn and garden, and recreational vehicles by retrofitting, retiring and replacing equipment and by using alternate fuel vehicles.
>
> ***Policy HE-G.5***: *GHG reduction.* Support efforts to reduce GHG emissions from mobile sources, such as reducing vehicle trips, vehicle use, vehicle miles traveled (VMT), vehicle idling, and traffic congestion. These efforts may include improved transit service, better roadway system efficiency, state-of-the-art signal timing and Intelligent

Transportation Systems (ITS), transportation demand management, parking and roadway pricing strategies, and growth management measures.

Policy HE-G.6: *Regional/local plans*. Encourage and support regional and local land use planning that reduces automobile use and promotes active transportation.

Policy HE-G.7: *Sensitive receptor uses.* Promote measures to protect sensitive receptor uses, such as residential areas, schools, day care centers, recreational playfields and trails, and medical facilities by locating uses away from major roadways and stationary area sources of pollution, where possible, or incorporating feasible, effective mitigation measures.

Policy HE-G.8: *CARE Communities focus.* Promote awareness of geographic areas subject to persistently poorer air quality and assist the Air District in monitoring and reducing emissions from all sources in CARE communities.

Policy HE-G.9: *Healthy infill development.* Promote measures and mitigations for infill development to protect residents from air and noise pollution, such as more stringent building performance standards, proper siting criteria, development and environmental review processes, and enhanced air filtration.

Policy HE-G.10: *Conservation*. Promote energy conservation and efficiency in homes, businesses, schools, and other infrastructure to reduce energy use and criteria pollutant and greenhouse gas emissions.

Stanford Community Plan

The Stanford Community Plan is a component of the Santa Clara County General Plan. The Stanford Community Plan serves as the general plan for the campus and articulates the goals, strategies, and policies for Stanford lands in unincorporated Santa Clara County. The Stanford Community Plan Chapter 7, Health and Safety, contains the following strategies and policies with regard to air quality:

Strategy #1: Manage Campus Growth and Land Use for Cleaner Air.

Policy SCP-HS 1: Limit campus growth and development to lands within the Academic Growth Boundary in order to minimize cumulative impacts on air quality.

Policy SCP-HS 2: Within the Academic Growth Boundary, emphasize concepts of appropriate integration of land uses, compact campus development patterns, and more efficient, higher density residential development to reduce automobile dependency and promote use of alternative transportation modes.

Strategy #2: Emphasize Transportation Alternatives and Transportation Demand Management to Reduce Automobile Dependency and Vehicle Emissions.

Policy SCP-HS 3: Maintain and enhance the use of transportation alternatives and demand management to the extent allowed by law for the purpose of reducing automobile dependency, reducing trip generation, and reducing vehicle emissions.

Policy SCP-HS 4: Promote the use of alternative fuel and propulsion systems for shuttle vehicles, other transit vehicles, construction and fleet vehicles.

Implementation Recommendation:

SCP-HS (i)1: Consider a program that would credit the use of electric, "hybrid" gas and electric, or other reduced-emission vehicles toward the "no net new commute trips" standard.

Strategy #3: Control Sources of Particulate Emissions.

Policy SCP-HS 5: Reduce particulate matter pollution originating from road and building construction. Require all best management practices and feasible control measures through project conditions and mitigations, as appropriate.

Implementation Recommendation:

SCP-HS (i)2: Require Stanford to use appropriate best management practices and other feasible mitigation for the reduction of particulate matter pollution during construction.

4.2.4 Environmental Impacts and Mitigation Measures

This section analyzes impacts related to air quality that could occur from implementation of the proposed project. It describes the methods used to determine impacts and lists the thresholds that were used to conclude whether an impact would be significant. Mitigation measures are identified as necessary to reduce or avoid significant impacts.

Significance Thresholds

The thresholds used to determine the significance of impacts related to air quality are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project could have a significant impact on the environment if it would:

- Conflict with or obstruct implementation of the actual air quality plan;
- Result in a cumulatively considerable net increase of any criteria air pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors); or
- Expose sensitive receptors to substantial pollutant concentrations; or
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Methodology and Assumptions

The following analysis is based on guidance from the BAAQMD provided in the 2017 BAAQMD CEQA Air Quality Guidelines (BAAQMD, 2017a). The air district's guidelines identify different approaches to analyzing plans versus projects. The discussion below presents a

plan-level analysis to address implementation of the HEU and SCP. Specifically, this section starts with an assessment of consistency with the Clean Air Plan by comparing the HEU's and SCP's consistency with the strategy of reducing pollutant emissions from vehicle-miles traveled (VMT) by channeling future growth into urban communities where goods, services, and/or employment are close at hand and people have a range of viable transportation options. This section then evaluates criteria pollutants by comparing VMT increase to population increase. For health risk, the plan level analysis describes the BAAQMD's guidance, which calls for examining the impact of the environment on the project (i.e. how would existing sources of TAC and $PM_{2.5}$ affect new residents), and provide this information to inform the HEU and SCP, recognizing that the focus of CEQA is impacts of the project on the environment.[3] The analysis also assesses the addition of any odor sources anticipated as part of the plan.

In addition to assessing potential air quality impacts resulting from the HEU and SCP at a plan level as required by the BAAQMD guidance, the analysis considers the potential for significant impacts as a result of subsequent projects that may be constructed under the HEU and SCP. The analysis includes a qualitative discussion of criteria pollutants that may result from construction and operation of specific projects. A qualitative discussion of health risks that may result from construction and operation of specific projects is also provided, and is informed by quantitative analysis of risks associated with traffic increases (i.e. project operations) projected due to the HEU and SCP.

While the exact timing of development under the HEU and SCP is unknown and will ultimately be market driven, this analysis is based on the assumption that the projected development will occur by the year 2031 for modeling purposes, and emissions were estimated for this planning horizon. This analysis is based on projected land uses, traffic trips, and associated VMT information provided in the transportation analysis prepared by Hexagon (see also Section 4.14 of this EIR, *Transportation*).

Impacts and Mitigation Measures

Impacts

Impact AQ-1: The project would not conflict with or obstruct implementation of the 2017 Clean Air Plan. (*Less than Significant Impact*)

The most recently adopted air quality plan for the SFBAAB is the 2017 Clean Air Plan (BAAQMD, 2017d) (Clean Air Plan). The Clean Air Plan is a road map that demonstrates how the SFBAAB will implement all feasible measures to reduce ozone precursors (ROG and NO_X) and reduce transport of ozone and its precursors to neighboring air basins, in accordance with the requirements of the California Clean Air Act. It also provides a control strategy to reduce PM, air toxins, and GHGs. In determining consistency with the Clean Air Plan, this analysis considers whether the project would:

[3] This is pursuant to the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015.

- Support the primary goals of the Clean Air Plan;
- Include applicable control measures of the Clean Air Plan; and
- Avoid disrupting or hindering implementation of control measures identified in the Clean Air Plan.

The primary goals of the Clean Air Plan are to protect air quality and public health at the regional and local scale and protect the climate by reducing regional criteria air pollutant emissions and reducing local air quality-related health risks (by meeting state and national ambient air quality standards). To meet these goals, the Clean Air Plan includes 85 control measures aimed at reducing air pollutants in the SFBAAB (BAAQMD, 2017d). These control measures are grouped into the following sectors: stationary (industrial) sources, transportation, energy, buildings, agriculture, natural and working lands, and waste management. The vast majority of the control measures included in the Clean Air Plan do not apply directly to the HEU and SCP and their related subsequent projects because they target facilities or land uses that do not currently exist and would not be permitted in the Plan area (e.g., energy generation, waste management, agricultural, forest or pasture lands); vehicles or equipment that would not be employed in the Plan area (e.g., airplanes, farming equipment); and/or involve rulemaking or other actions under the jurisdiction of agencies not directly involved with design and approval of the Plan and its related actions. For example, the Agriculture, Natural and Working Lands, and Water measures address emissions sources not applicable to the HEU or SCP, but rather the air district's own programs and regional air quality planning and are less applicable to local agencies' decisions and projects. In addition, 40 of these measures address stationary sources (such as oil refineries and cement kilns, and large boilers used in commercial and industrial facilities) and will be implemented by the air district using its permit authority and are therefore not suited to implementation through local planning efforts.

Housing Element Update and Stanford Community Plan Update

The HEU would promote high-density, infill uses in many of the sites, would promote water and energy conservation, and the housing constructed as part of the HEU's implementation would be required to divert waste in accordance with applicable regulations. Many of these sites have access to nearby bus and light rail, Including Caltrain. While subsequent projects that may occur under the HEU and SCP are expected to increase demand for travel within the vicinity, safe and convenient pedestrian, transit, and bicycle access to and within the vicinity is necessary for the success of subsequent projects. In both cases, the new multifamily housing would have access to public transit options.

Combined, the HEU and SCP update would result in Stanford University providing the housing needed to accommodate future growth of academic or academic support uses directly on campus or other contiguous Stanford land-grant lands. This approach also expands the previous housed population from "students and faculty" to "undergraduate students, graduate students, faculty, staff, postgraduate fellows, and other workers." The provision of all needed housing to accommodate future development on campus and enhanced coordination between housing policies and transportation policies would facilitate a reduction in vehicle miles traveled (VMT),

as well as other negative impacts associated with commuting and local trips. This would be consistent with the goals of the Clean Air Plan.

The majority of the control measures identified in the Clean Air Plan fall under the implementation responsibility of the BAAQMD and would not be directly applicable to the development of the HEU or SCP. However, under both the HEU and SCP, construction of dense multifamily housing would support the implementation of transportation-, energy-, building-, waste-, and water conservation-related measures discussed in the Clean Air Plan and would not hinder its implementation. The relevant sectors are discussed further below.

Transportation Control Measures

The Transportation Control Measures concern improving transit systems, improving efficiency of the region's transportation system, encouraging residents and employees to exhibit "sustainable transportation behavior," improving bicycle and pedestrian facilities, and supporting high-density growth. By providing for multifamily housing on existing land near transit, both the HEU and SCP would support the implementation of the following Transportation Control Measures included in the Clean Air Plan:

- TR 3: Local and Regional Bus Service;
- TR 4: Local and Regional Rail Service;
- TR 5: Transit Efficiency and Use;
- TR 9: Bicycle and Pedestrian Access and Facilities; and
- TR 10: Land Use Strategies.

Housing developed on many of the HEU sites would be infill development concentrated in areas that are serviced by local and regional bus service, as well as regional rail services, which would contribute to increased transit use and efficiency within the region. The HEU would also support TR 10: Land Use Strategies, as development under the HEU scenarios would have a higher density near transit facilities than what is currently planned for those areas. This up-zoning would increase resident access to public services and transit, which would reduce VMT per capita, thereby reducing air quality emissions.

The SCP would provide additional housing for faculty, staff, and students on campus rather than further afield, and those persons would therefore have proximate access to Stanford University's transit system, allowing a reduction in VMT.

Energy Control Measures

The proposed project would also, through implementation of existing local, regional, and state policies, further the Clean Air Plan's Energy Control Measures. The focus of the Energy Control Measures included in the Clean Air Plan is decreasing the amount of electricity consumed in the SFBAAB, as well as decreasing the carbon intensity of the electricity used. More specifically, the Energy Control Measures included in the Clean Air Plan include:

- EN 1: Decarbonize Electricity Production; and
- EN 2: Decrease Electricity Demand.

Development under both the HEU and SCP would be required to comply with the most recent applicable standards included in Title 24, Part 6 (Building Energy Efficiency Standards for Residential and Nonresidential Buildings) and Title 24, Part 11 (CALGreen Code) of the California Code of Regulations. These standards are meant to reduce energy use and improve energy efficiency of development. In addition, Silicon Valley Clean Energy, a community choice aggregation, offers clean energy to County residents, and will be available to future residents of the development that would occur under the implementation of the proposed project.

Buildings Control Measures

The Clean Air Plan includes four Buildings Control Measures to improve the energy efficiency of existing buildings, promote the use of electricity and on-site renewable energy in existing and new buildings, and to ensure that new construction is designed to achieve zero net GHG emissions. The Buildings Control Measures that would be applicable to the proposed project scenarios include:

- BL 1: Green Buildings;
- BL 2: Decarbonize Buildings; and
- BL 4: Urban Heat Island Mitigation.

As discussed above, development under the proposed project would be required to comply with the requirements included in the Title 24 Building Energy Efficiency Standards and the CALGreen Code. Implementation of Title 24, Part 6 and Title 24, Part 11 of the California Code of Regulations would lead to energy-related improvements that would reduce emissions. Furthermore, as discussed under Impact AQ-4, subsequent projects that do not fall below the screening levels identified in the BAAQMD CEQA Guidelines, and that would generate operational emissions that would exceed the BAAQMD thresholds of significance, would be required to implement the tree planting requirements included in Mitigation Measure AQ-4b, identified below.

Waste Management Control Measures

The waste management sector generates GHG emissions from landfills and composting facilities, as well as a variety of air pollutants from waste decomposition in landfills and composting operations. Waste Management Control Measures are meant to reduce or capture methane emissions from landfills and composting facilities, divert organic materials from landfills, and increase waste diversion rates through efforts to reduce, reuse, and recycle. The Waste Management Control Measures that would be supported by the proposed project scenarios include the following:

- WA 3: Green Waste Diversion; and
- WA 4: Recycling and Waste Reduction.

Development resulting from the proposed project would be serviced by a waste hauler that offers residential and commercial composting services and that would be required to comply with the requirements of the California Integrated Waste Management Act and AB 341. Therefore, the proposed project would support the applicable Waste Management Control Measures of the Clean Air Plan.

Water Conservation Control Measures

Water use generates criteria air pollutant and toxic air contaminant emissions; therefore, the 2017 Clean Air Plan includes measures to reduce emissions from the water sector by encouraging water conservation, limiting GHG emissions from publicly owned treatment works (POTWs), and promoting the use of biogas recovery systems. The only Water Conservation Control Measure that would be applicable to development under the proposed project is:

- WR 2: Support Water Conservation.

As discussed under the Building Control Measures, the proposed project would be required to implement the requirements of the CALGreen Code which includes residential mandatory measures to improve water efficiency and conservation.

Conclusion

Overall, the proposed project would result in dense multifamily housing close to transit and bicycle/pedestrian facilities and would support the primary goals of the Clean Air Plan through continued implementation of numerous existing regulations that have been established for new developments throughout the County. Thus, both scenarios would support the goal of the Clean Air Plan to protect public health. The impact would be **less than significant**.

Mitigation Measures: None required.

Impact AQ-2: The project would not result in a cumulatively considerable net increase of any criteria air pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard. (*Less than Significant Impact*)

The significance of a plan's emissions of criteria air pollutants is based on consistency with regional air quality planning, including an evaluation of population growth and growth in VMT. For a proposed plan to result in a less-than-significant criteria air pollutants impact, an analysis must demonstrate that the plan's growth in VMT would not exceed the plan's population growth.

Housing Element Update and Stanford Community Plan Update

As discussed in Section 4.12, *Population and Housing*, population on the Stanford campus would increase by approximately 4,855 to 6,242 persons, based on a factor of 2.89 persons-per-household, which is the average number of persons per household in the project area as defined

by the Valley Transportation Authority (VTA) travel demand model.[4] Furthermore, if all of the identified sites in San José were developed at the proposed minimum and maximum densities to accommodate between 4,518 and 6,281 new housing units, the population of the unincorporated areas within the City would increase by approximately 13,057 to 18152 persons. Combined, the population of the County would increase by 17,912 to 24,394 persons as a result of the proposed project.

Based on the output from the travel demand model, daily VMT associated with the proposed project would increase by approximately 8.4 percent compared to the 2040 No Project scenario, as shown in **Table 4.2-7**. The 2040 proposed project growth in service population (residents plus jobs) shown in Table 4.2-7 would be approximately 15.8 percent higher than the 2040 No Project scenario. Because the growth in VMT would be less than the growth in population, the proposed project would result in a *less-than-significant* impact with respect to regional criteria air pollutants.

TABLE 4.2-7
PROJECT VMT VERSUS SERVICE POPULATION GROWTH

	2040 No Project	2040 Project	Difference between No Project and Project	% Increase
Service Population	156,370	181,087	24,717	15.8%
VMT[a]	4,832,413	5,240,096	407,683	8.4%

NOTES:

a VMT data provided by Hexagon, as presented in Section 4.14 of this EIR, *Transportation*.

Conclusion

As discussed above, implementation of the project would result in growth in VMT that would be less than the growth in service population and would result in a less-than-significant impact with respect to regional criteria air pollutants. For this reason, implementation of the proposed project would result in a **less-than-significant** impact with respect to regional emissions of criteria air pollutants and no mitigation measures are required.

Mitigation Measures: None required.

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4 The VTA model serves as the primary travel demand forecasting tool for the County. The model is a mathematical representation of travel within the nine Bay Area counties, as well as Santa Cruz, San Benito, Monterey, and San Joaquin counties. The base model structure was developed by the Metropolitan Transportation Commission (MTC) and further refined by the City/County Association of Governments and Santa Clara Valley Transportation Authority for use within San Mateo County and Santa Clara County.

Impact AQ--3: Construction and operation of individual development projects following adoption of the project could result in a cumulatively considerable net increase in criteria pollutants for which the region is in nonattainment status under an applicable federal, state, or regional ambient air quality standard. (*Significant and Unavoidable Impact, with Mitigation*)

Housing Element Update and Stanford Community Plan Update

While a plan-level analysis is not required to assess project-related emissions, construction and operation of subsequent projects would result in criteria air pollutant emissions, the effects of which are analyzed here to anticipate potential impacts that may be identified in subsequent project-specific environmental reviews and apply mitigation measures where necessary. This analysis first discusses potential emissions from project construction, and then potential emissions from project operation.

Implementation of the project would allow for development of new residential uses. Emissions generated during construction activities would include exhaust emissions from the use of heavy-duty off-road diesel equipment, on-road diesel trucks, and employee vehicles, as well as fugitive emissions associated with earth-disturbing activities and other demolition and construction work.

Construction Emissions

Construction Dust

Activities that generate dust include excavation and equipment and vehicle movement across unpaved construction sites. Dust can be an irritant causing watering eyes or irritation to the lungs, nose, and throat. Demolition, excavation, grading, and other construction activities can cause wind-blown dust that adds PM_{10} and $PM_{2.5}$ to the local atmosphere. The BAAQMD has taken a qualitative approach to addressing fugitive dust emissions during construction, such that any project that implements the BAAQMD Basic Construction Mitigation Measures Recommended for All Projects (Best Management Practices) would not result in a significant impact with respect to fugitive dust. **Mitigation Measure AQ-3a: Best Management Practices**, provided below, specifies BAAQMD recommended measures and would apply to all individual projects to address construction dust.

Construction Equipment Exhaust

The BAAQMD CEQA Air Quality Guidelines includes screening criteria based on development type and size to determine if construction or operational emissions from individual projects would likely result in a cumulatively considerable net increase in non-attainment criteria air pollutants. [5] A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds (BAAQMD, 2017b). Projects below the screening criteria would not require future analysis, and the criteria pollutant impact from those projects are presumed to be less than significant.

Subsequent projects that would exceed the screening sizes have the potential to generate emissions of criteria air pollutants that could contribute a cumulatively considerable amount of

[5] For example, the construction-related screening size for mid-rise apartments is 240 dwelling units, per Table 3-1 in the BAAQMD CEQA Guidelines.

non-attainment pollutants. These projects may require substantial ground disturbance, require extremely compressed construction schedules, and require specialty equipment, all of which could lead to exceedance of the significance thresholds. Thus, subsequent projects that exceed the BAAQMD screening criteria would require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds.

Because the specific characteristics of each subsequent project and the required construction equipment information (year and duration of construction, equipment type, operating hours, horsepower, etc.) are not currently known, **Mitigation Measure AQ-3b: Emission Reduction Measures for Subsequent Projects Exceeding the Significance Thresholds for Criteria Pollutants,** provided below, requires a quantitative analysis of projects exceeding the BAAQMD's screening criteria, and implementation of emission reduction measures if significance thresholds for criteria pollutants are exceeded.

Operational Emissions

Subsequent projects that could occur under the project would generate vehicle trips and other operational emissions, such as emissions from landscape maintenance activities, painting, and the use of consumer products. Sufficient detail about subsequent projects is not currently known. However as discussed above, BAAQMD established screening criteria to determine if operational emissions from projects would result in a cumulatively considerable net increase in criteria air pollutants (BAAQMD, 2017b). A project that exceeds the operational screening criteria would require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds.

Most subsequent projects' operational emissions are not anticipated to exceed the thresholds of significance. This is because the majority of operational emissions from residential development are from gasoline-powered passenger vehicles, which do not emit a substantial amount of NO_X. Some VOCs would be emitted from personal product and solvent use (i.e., consumer products), but these emissions typically do not exceed thresholds for small and mid-size projects. Vehicles also emit fugitive $PM_{2.5}$ in the form of road dust, brake wear, and tire wear.

Impact AQ-2 demonstrated that VMT growth would be less than population growth, based on the type of proposed development that involves dense multifamily housing close to transit and bicycle/pedestrian facilities, and concluded that the operational criteria pollutant emissions from the project would be less than significant as a result. It is expected that the operational emissions from each subsequent project would also be less than significant.

Only the largest projects would potentially exceed the thresholds. Nonetheless, because subsequent projects under the proposed project could exceed the air district's screening criteria, each subsequent project that exceeds the screening levels included in the CEQA Air Quality Guidelines would require a quantitative analysis to determine if criteria air pollutant emissions are below significance thresholds (BAAQMD, 2017b). **Mitigation Measure AQ-3b: Emission Reduction Measures for Subsequent Projects Exceeding the Significance Thresholds for Criteria Pollutants,** provided below, requires a quantitative analysis of projects exceeding the

BAAQMD's screening criteria, and implementation of emission reduction measures if significance thresholds for criteria pollutants are exceeded**.**

Mitigation Measures

Mitigation Measure AQ-3a: Best Management Practices.

All projects, regardless of size, shall implement best management practices to reduce construction impacts, particularly fugitive dust, to a less-than-significant level. Specifically, the project sponsor shall require all construction plans to specify implementation of the following best management practices:

- All exposed 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 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 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the 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 Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure AQ-3b: Emission Reduction Measures for Subsequent Projects Exceeding the Significance Thresholds for Criteria Pollutants.

Project sponsors proposing projects that exceed BAAQMD screening levels shall prepare a project-level criteria air pollutant assessment of construction and operational emissions at the time the project is proposed. The project-level assessment could include a comparison of the project with other similar projects where a quantitative analysis has been conducted, or a project-specific criteria air pollutant analysis to determine whether the project exceeds the air district's criteria air pollutant thresholds.

In the event that a project-specific analysis finds that the project could result in significant construction and/or operational criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.

Clean Construction Equipment.

1) Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the air district as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.

2) The County may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the County grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available, as detailed in **Table 4.2-8**, below.

TABLE 4.2-8
OFF ROAD EQUIPMENT COMPLIANCE STEP DOWN APPROACH

Compliance Alternative	Engine Emissions Standard	Emissions Control
1	Tier 4 Interim	N/A
2	Tier 3	ARB Level 3 VDECS
3	Tier 2	ARB Level 3 VDCES

3) For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the region occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction for the project and (ii) geographic proximity to the project site of Tier 4 Final equipment.

4) Table 4.2-8 describes the Off-Road Compliance Step Down approach. If engines that comply with Tier 4 Final off-road emission standards are not commercially available, then the Contractor shall meet Compliance Alternative 1. If off-road equipment meeting Compliance Alternative 1 are not commercially available, then the Project

sponsor shall meet Compliance Alternative 2. If off-road equipment meeting Compliance Alternative 2 are not commercially available, then the Project sponsor shall meet Compliance Alternative 3 as demonstrated below.

5) The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.

Electric Vehicle Charging – Operational Emissions. The project sponsor shall demonstrate compliance with EV charging requirements in Tier 2 CalGreen standards in effect at the time of project review (consistent with GHG mitigation measure 4.71b). The installation of all EV charging equipment shall be included on the project drawings submitted for the construction-related permits or on other documentation submitted to the County.

Significance After Mitigation: With implementation of Mitigation Measure AQ-3a, construction dust impacts of subsequent projects would be reduced to less than significant with mitigation by incorporating best management practices promulgated by the BAAQMD.

However, even with implementation of Mitigation Measure AQ-3b, it cannot be stated with certainty that construction and operational criteria air pollutant impacts associated with all subsequent projects would be reduced to less-than-significant levels. As discussed above, only large construction projects that exceed the screening sizes in Table 3-1 of the Air Quality CEQA Guidelines, projects with substantial ground disturbance, specialty construction equipment, or compressed and highly intensive construction schedules would be expected to exceed emissions significance thresholds. Nevertheless, due to this uncertainty, criteria pollutant emissions from construction and operation of subsequent projects that could be developed under the project would be **significant and unavoidable with mitigation**. The identification of this significant and unavoidable impact does not preclude the finding of a less-than-significant or less-than-significant-with-mitigation impact for subsequent projects that are below the applicable screening criteria or that meet the criteria air pollutant thresholds of significance with implementation of Mitigation Measure AQ-3b.

Impact AQ-4: The HEU and SCP would not result in exposure of new sensitive receptors to substantial pollutant concentrations. (*Non-CEQA Impact*)

Housing Element Update and Stanford Community Plan Update

The BAAQMD significance criteria for exposure to sensitive receptors from health risks due to emissions of TAC and PM2.5 resulting from adoption of a plan considers the following:

- Presence of sensitive receptors around existing and planned sources of TACs (including adopted Risk Reduction Plan areas) and,
- Presence of sensitive receptors within 500 feet from all freeways and high-volume roadways

The greatest source of TACs near the HEU or SCP planning areas would be any freeway or high-volume roadway. These would include I-680, I-280, SR-17, Bascom, Camden, Capitol, Leigh, Moorpark, and Toyon Avenues, Hostetter, McKee, Quarry, Tully, and White Roads, San Carlos Street, and Stevens Creek Boulevard. There are no other major sources of TACs or Risk Reduction Plan areas near either the HEU or SCP sites.

Also, no new TAC sources are planned as part of the HEU or SCP. According to these criteria, effects would be adverse if the plan would introduce sensitive receptors in the vicinity of existing and planned sources of TACs, such as freeways and high-volume roadways. However, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents. Nonetheless, this analysis considers the potential for new receptors to be exposed to TAC emissions from any of the above roads and freeways for informational purposes. Some of the housing opportunity sites in the HEU area are within 500 feet of these roads and freeways, and new HEU residential sensitive receptors could be developed, occupied, and subsequently exposed to TAC emissions from them.

The housing sites are dispersed across the County, some of which would place new sensitive receptors near an existing source of TACs. High-volume roadways, as defined by BAAQMD, are freeways or arterial roadways with greater than 10,000 vehicles per day (BAAQMD, 2017b). The following sites are near high-volume roadways or freeways, based on average daily traffic data provided in the transportation analysis:

San José Sites:

- Central San José adjacent to San Carlos Street – a high volume roadway.
- Southwest Central San José near SR-17 and I-280.
- Northeast San José in between I-680 and Capitol Avenue – a high-volume roadway and freeway.
- East San José sites not near freeway or major roadways except the sites adjacent to McKee Road.
- South San José cross streets of Leigh Avenue and Camden Avenue.

Stanford Sites:

- Western edge of Stanford University, Sand Hill Road.
- Northern part of Stanford University, Quarry Road adjacent to Arboretum Road, also adjacent to Highway 82.

Table 4.2-9 presents roads near housing opportunity sites with 10,000 vehicles per day or more.

TABLE 4.2-9
AVERAGE DAILY TRAFFIC VOLUMES IN SANTA CLARA COUNTY GREATER THAN 10,000 VEHICLES PER DAY

Roadway	Major Cross	Location	Both Direction ADT	
			2040 No Project	2040 Plus Project
Bascom Avenue	north of San Carlos Street	between Olive Avenue and Forest Avenue	34,362	35,015
Bascom Avenue	south of Fruitdale Avenue	between Maywood Avenue and Lindaire Avenue	36,991	37,661
Camden Avenue	west of Leigh Avenue	between New Jersey Avenue and Leigh Avenue	55,939	56,196
Capitol Avenue	north of Hostetter Road	between I-680 and Hostetter Road	27,347	30,002
Hostetter Road	west of Capitol Avenue	between I-680 and Capitol Avenue	30,968	33,333
Hostetter Road	east of Capitol Avenue	between Capitol Ave and Peachwood Drive	22,338	22,338
Leigh Avenue	south of Camden Avenue	between Camden Avenue and Weeth Drive	15,287	15,243
McKee Road	west of White Road	between Challenger Avenue and White Road	32,529	33,112
McKee Road	east of La Pala Drive	between La Pala Drive and Delia Street	18,778	19,131
Moorpark Avenue	west of Thornton Way	between SR 17 and Thornton Way	48,504	49,898
Quarry Road	west of El Camino Real	between Campus Dr and El Camino Real	17,073	17,073
San Carlos Street	east of Bascom Avenue	between Vaughn Avenue and Arleta Avenue	33,482	34,108
San Carlos Street	east of Leigh Avenue	between Leigh Avenue and Richmond Avenue	31,002	31,443
Stevens Creek Blvd	west of Bascom Avenue	between Bascom Avenue and Bradley Avenue	24,542	24,909
Toyon Avenue	north of McKee Road	between Cortese Circle and McKee Road	10,320	10,316
Tully Road	east of White Road	between White Road and Buckhill Court	18,459	18,459
White Road	south of Hills Drive	between White Court and Westboro Drive	32,130	34,739
White Road	north of Hills Drive	between Florence Court and Rose Avenue	28,341	30,875
White Road	north of McKee Road	between Kentridge Drive and McKee Road	19,448	19,826
White Road	north of Tully Road	between Tully Road and Cunningham Lake Avenue	27,109	36,946

SOURCE:

*Based factoring historical counts using the typical 1% annual growth.

The Title 24 Building Code requires low-rise residential buildings and larger to install Minimum Efficiency Reporting Value (MERV) 13 enhanced filtration. MERV 13 air filtration is capable of removing 80 percent of particulate matter, thereby reducing an individual's exposure to air pollution (ASHRAE Standard 52.2; AHRI Standard 680). Nevertheless, the condition of approval below is recommended to further reduce the impact of TAC emissions on the HEU's new sensitive receptors that would be within 500 feet of the above roads and freeways.

> **Condition of Approval to Reduce Exposure to Air Pollution – Toxic Air Contaminants:** The HEU shall require all new sensitive receptors constructed within 500 feet of roads or freeways with greater than 10,000 average vehicles per day to install mechanical ventilation systems capable of achieving the protection from particulate matter ($PM_{2.5}$) equivalent to that associated with a MERV 16 filtration (as defined by American Society of Heating, Refrigerating and Air-Conditioning Engineers [ASHRAE] standard 52.2). As part of implementing this condition, an ongoing maintenance plan for the building's HVAC filtration system is required.

Impact AQ-5: Construction and operation of individual development projects following adoption of the project would result in emissions of fine particulate matter ($PM_{2.5}$) and TACs that could result in exposure of sensitive receptors to substantial pollutant concentrations. (*Less than Significant Impact, with Mitigation*)

Housing Element Update and Stanford Community Plan Update

Construction and operation of individual projects that are constructed following adoption of the HEU or SCP could expose sensitive receptors to levels of TACs and $PM_{2.5}$ that could lead to potentially significant health risk impacts.

For construction of subsequent development projects, sufficient detail about their type and location is not currently known to allow a quantitative analysis of health risks at sensitive receptors resulting from construction activities. For example, construction TAC emissions from subsequent projects are based on project-specific construction equipment use and schedule information that is not available currently.

Health Risks from Construction of Subsequent Projects

The specific characteristics of each subsequent project and the required construction equipment information (year and duration of construction, equipment type, operating hours, horsepower, etc.) are not known, and therefore it is not possible to assess whether construction-related TAC emissions would result in health risks in excess of the significance thresholds described above. As a result, Mitigation Measure 4.2-5a, presented below would require subsequent multi-family projects within 1,000 feet of sensitive receptors to undergo a project-level assessment at the time the project is proposed.

Construction and operation of multifamily development projects allowed by the proposed project could expose existing sensitive receptors near the sites to levels of TACs and $PM_{2.5}$ that could lead to potentially significant health risk impacts. As discussed under Impact AQ-2, projects that are below the BAAQMD screening sizes are not expected to have a significant impact from

criteria pollutant emissions. However, for health risks, the severity of the impact depends on the proximity of the emissions-generating activity to sensitive receptors, meteorological conditions, and the duration of exposure, making screening infeasible. Therefore, a health risk assessment would be required to determine whether health risk levels associated with construction of a specific project would exceed significance thresholds of 10 in one million cancer risk and 0.3 $\mu g/m^3$ annual $PM_{2.5}$ concentrations at nearby sensitive receptors.

Operational emissions would be predominantly generated by new vehicle trips, expected to be mainly gasoline-powered passenger vehicles, which do not emit a substantial amount of TACs. However, vehicles emitting fugitive $PM_{2.5}$ in the form of road dust, brake wear, and tire wear, could exceed BAAQMD's $PM_{2.5}$ concentration significance threshold. In general, only a large volume of traffic on a roadway adjacent to residences would have the potential to exceed the annual $PM_{2.5}$ concentration threshold.

Mitigation Measures

Mitigation Measure AQ-5a: Emission Reduction Measures for Subsequent Projects Exceeding the Significance Thresholds for Health Risks associated with TAC Emissions.

Project sponsors proposing projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the project is proposed. The project-level assessment could include a comparison of the project with other similar sized projects located a similar distance from receptors where a quantitative analysis has been conducted, or a project-specific analysis to determine whether the project exceeds the air district's health risk thresholds.

If a project-specific analysis finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AQ-3b to the degree necessary to reduce the impact to less than significance thresholds and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.

Significance After Mitigation: Mitigation measure AQ-5a would reduce TAC emissions from off-road, diesel construction equipment. Tier 4 Final off-road engines emit 80 to 90 percent less DPM than Tier 2 engines. This mitigation measure would be implemented to the extent necessary (e.g., all Tier 4 final construction equipment) to reduce construction health risk impacts associated with all subsequent projects to **less-than-significant** levels and would require additional emission reduction measures if necessary.

Impact AQ-6: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan Update

The BAAQMD CEQA Guidelines identifies land uses that have potential to generate continuous odorous impacts and odor complaints during operation. These land uses include wastewater treatment plants, landfills, confined animal facilities, composing stations, food manufacturing

plants, refineries, and chemical plants (BAAQMD, 2017b). However, development that could arise from implementation of the proposed project would be residential and would not include land uses that are identified by the BAAQMD as common odor sources. During construction of the developments that may arise with implementation of the project, the use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon completion of potential individual projects and would not result in a significant odor impact. Therefore, implementation of the project would have a **less-than-significant** impact with respect to odor sources.

Mitigation Measure: None required.

Cumulative Impacts

The SFBAAB is a nonattainment area for both the federal and state ozone standards; therefore, a cumulative air quality impact already exists. Additional emissions of ozone precursors NO_X or ROG over threshold amounts would further degrade air quality related to ozone. Impact AQ-2 evaluates whether the project's contribution to this significant impact would be considerable and concludes that the impact would be significant and unavoidable after mitigation. For this reason, no further analysis of cumulative criteria pollutants is necessary.

Impact AQ-7: The project, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to substantial levels of fine particulate matter ($PM_{2.5}$) and TACs under cumulative conditions. (*Less than Significant Impact*)

The largest, existing source of TACs and $PM_{2.5}$ in the vicinity of the housing opportunity sites are I-680, I-280, and SR 17. Those existing emissions result in cancer risks and annual average $PM_{2.5}$ concentrations that exceed the BAAQMD's cumulative thresholds at locations within 500 feet of them. These cumulative thresholds are:

- Cancer risk probability > 100 in one million;
- Chronic, non-cancer hazard index > 10;
- Acute, non-cancer hazard index > 10; and
- Annual average $PM_{2.5}$ concentration > 0.8 $\mu g/m^3$.

Both cumulative traffic volumes in the 2040 No Project condition and project-related traffic will incrementally increase the existing emissions and health risks resulting from these freeways that are above the thresholds of significance, resulting in a cumulatively significant impact.

However, given that the vast majority of the cumulative impact is from existing sources and that an extremely small percentage of the total risk would be attributed to the project, and that the project's risks would be below project-level significance thresholds with mitigation (as shown in Impact AQ-4), the project's contribution to the cumulative impact would not be considerable, and this impact would be **less than significant**.

Impact AQ-8: The project, in combination with cumulative projects, would not combine with other sources of odors that would adversely affect a substantial number of people. (*Less than Significant Impact*)

Impact AQ-6 describes the potential of odorous emissions from the project. Development would be residential and would not include land uses that are identified by the BAAQMD as common odor sources. Therefore, operation of the project would not generate objectionable odors and there is no potential for the project to combine with cumulative projects to result in a significant cumulative odor impact. Therefore, this impact would be **less than significant**.

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4.3 Biological Resources

4.3.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects related to Biological Resources. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to Biological Resources. Further below, existing plans and policies relevant to Biological Resources associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to Biological Resources that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR. The California Department of Fish and Wildlife (CDFW) noted potential impacts to riparian habitats including the Llagas Creek drainage channel in Gilroy and alteration of hydrology through diversion of water. With respect to these comments, it should be noted that the second NOP and the revised list of HEU housing opportunity sites do not include any sites in Gilroy or Morgan Hill, so potential impacts specific to those areas will not be discussed further.

Information Sources

The primary sources of information referenced in this section include those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Site visit by Environmental Science Associates (ESA) Wildlife Biologist Erika Walther on October 21, 2022, excluding the Pleasant Hills Golf Course, which was added to the HEU after the site visit.
- Historic and current aerial imagery available on Google Earth (2023).
- Subscription-based biological resource databases including the CDFW California Natural Diversity Database (CNDDB), California Native Plant Society (CNPS) Rare Plant Inventory, and a U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation Official Species List (2022).
- USFWS National Wetlands Inventory (NWI) (2023).
- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).
- Santa Clara Valley Habitat Plan (2012).

- County of Santa Clara Guidelines for Tree Preservation and Removal (2010).
- Stanford University 2018 General Use Permit Draft Environmental Impact Report (2018).
- Stanford University Habitat Conservation Plan (2013).

4.3.2 Environmental Setting

The project is in the San Francisco Bay Bioregion, which has a mild Mediterranean climate with generally warm, dry summers and cool, wet winters. This region includes marine, freshwater, and terrestrial resources from Point Arena to the Santa Cruz Mountains and extends from the continental shelf to the delta of the Sacramento and San Joaquin Rivers (USGS, 2017). Santa Clara County is in the Santa Clara Valley between the Santa Cruz Mountains to the west and the Diablo Range to the east (Figure 3-1, *Regional Location Map*).

Land Cover and Associated Wildlife Habitats

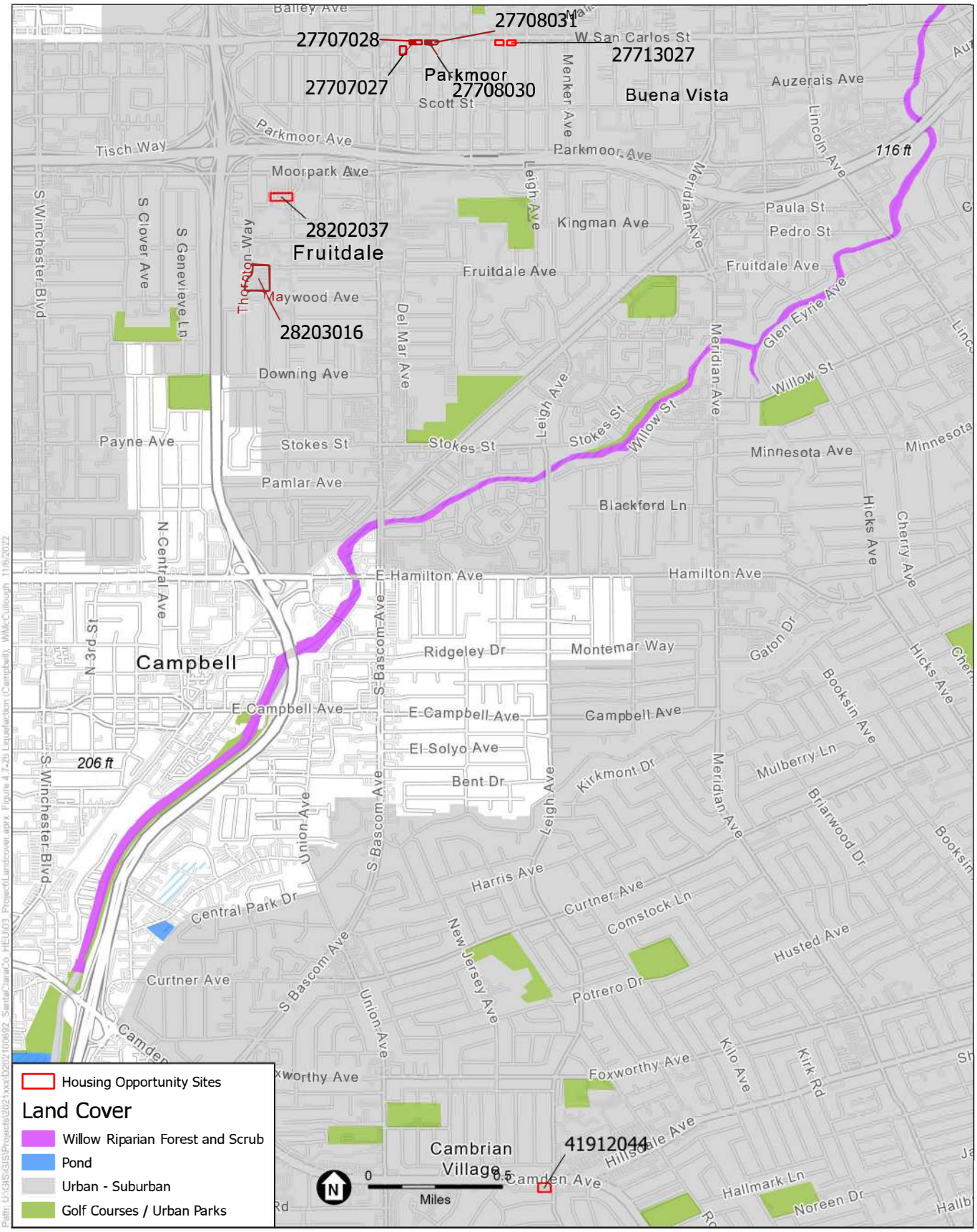
The land cover classifications presented below for parcels within San José, which are within the Santa Clara Valley Habitat Plan (Habitat Plan) permit area, are based on land cover types mapped by the Santa Clara Valley Habitat Agency (Habitat Agency). In addition, a potential wetland feature within parcel 649-24-013 (former Pleasant Hills golf course) was mapped by the USFWS NWI but not the Habitat Agency. Land cover classifications for parcels owned by Stanford University, which is outside of the Habitat Plan permit area, are based on the Stanford University General Use Permit Application Final Environmental Impact Report (Stanford, 2018). Land covers in the local vicinity of the HEU and SCP update project area are shown in **Figures 4.3-1a through 4.3-d**.

Table 4.3-1 provides the locations of the four land cover types present within the HEU and SCP update housing opportunity sites: 1) Urban-Suburban/Developed, 2) Orchard, 3) Golf Courses/Urban Parks, and Pond. Note that some parcels contain more than one land cover type.

TABLE 4.3-1
LAND COVER IN THE HOUSING OPPORTUNITY SITES BY LOCATION AND PARCEL

Land Cover	Stanford	San José
Urban-Suburban/Developed	142-04-036a, 142-04-036b, 142-04-036c, Potential Future School Location	245-01-004, 282-03-016, 277-06-025, 277-07-027, 277-07-028, 277-07-029, 277-08-029, 277-08-030, 277-08-031, 277-12-029, 277-13-027, 282-02-037, 419-12-044, 599-01-064, 599-39-047,601-07-066, 612-21-004, 601-25-119
Orchard	N/a	245-01-003
Golf Course	N/a	649-24-013, 649-23-001
Pond	N/a	649-24-013, 649-23-001

The following subsections describe these land cover types, their general locations, and their wildlife associations.



SOURCE: ESA, 2021

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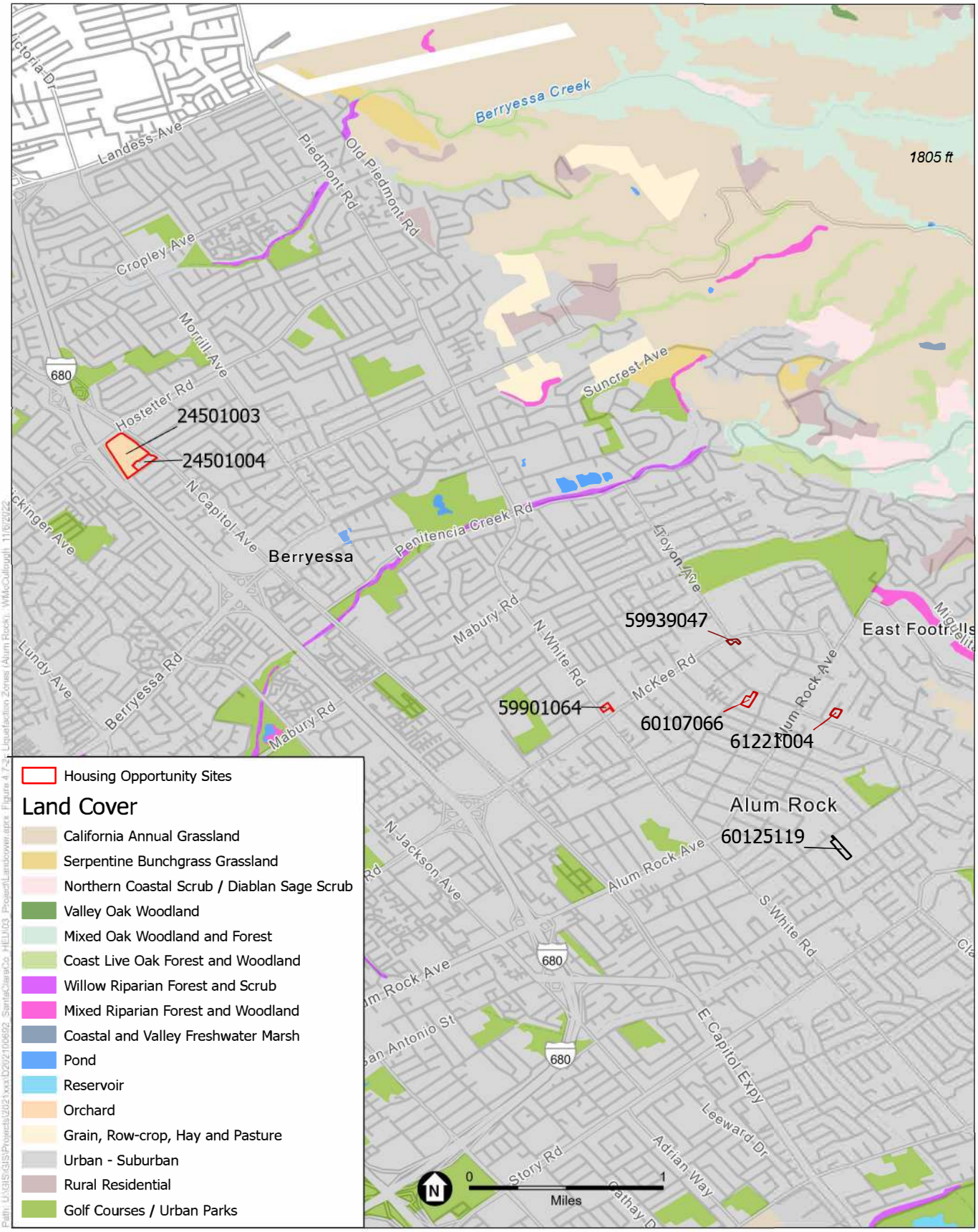
Figure 4.3-1a
Land Cover in Fruitdale Area (San Jose)

ESA



SOURCE: ESA, 2021

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.3-1b
Land Cover in Alum Rock Area
(San Jose)

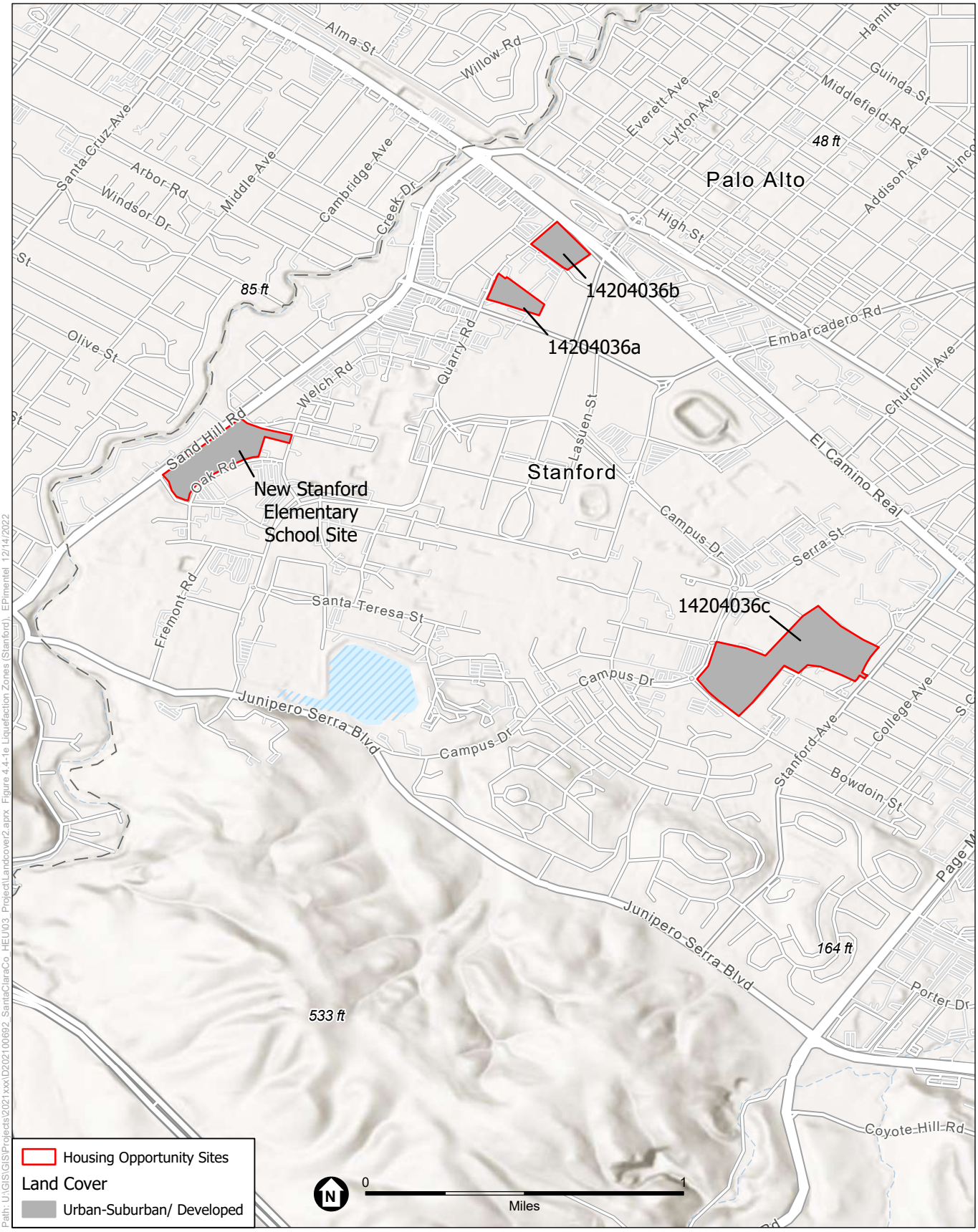
ESA

SOURCE: ESA, 2022

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.3-1c
Land Cover in Pleasant Hills Area
(San Jose)

ESA



SOURCE: ESA, 2022

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.3-1d
Land Cover in Stanford Area

ESA

Urban-Suburban/ Developed

The urban-suburban/developed landscape land cover type represents over 99 percent of the housing opportunity sites and the potential future school location on the Stanford University campus. These areas include campus buildings, streets, parking lots, remnant stands of native tree species, such as oaks (*Quercus* spp.), and non-native tree species, such as eucalyptus (*Eucalyptus* spp.), Peruvian pepper (*Schinus molle*), and ornamental landscape plants (Stanford University, 2000; ESA, 2022). The urban-suburban/developed landscape land cover type within Stanford's Academic Growth Boundary, within which Stanford's housing opportunity sites are located, is a highly modified and managed landscape. Urban-suburban/developed is also the predominant land cover within the housing opportunity sites in the HEU opportunity parcels in San José (see Table 4.3-1 for a list of parcels), which include commercial buildings, suburban parcels with residences, parking lots, and ornamental landscape plants.

Urban-suburban/developed land cover provides essentially no habitat opportunity for special-status plant species; however, it can support native and non-native wildlife that are tolerant of human activities, such as house sparrow (*Passer domesticus*), rock pigeon (*Columbia livia*), American robin (*Turdus migratorius*), house finch (*Haemorhous mexicanus*), dark-eyed junco (*Junco hyemalis*), California scrub jay (*Aphelocoma californica*), mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), and Cooper's hawk (*Accipiter cooperii*). Other common wildlife, such as striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), and black rat (*Rattus rattus*) could use these areas to forage for human food waste, find shelter, or move to and from patches of higher quality habitat. Evidence of wild pigs (*Sus scrofa*) was observed around the bases of trees on parcel 142-04-036b on the Stanford campus.

Orchard

Orchard land cover is present on parcel 245-01-003 in San José. Orchards provide limited habitat opportunity for many native and non-native wildlife species; however, native and non-native birds such as northern mockingbird (*Mimus polyglottos*) and house finch may nest and forage in orchard trees and small mammals like skunk, raccoon, and fox squirrel (*Sciurus niger*) may forage there.

Golf Courses / Urban Parks

Within the housing opportunity sites, golf course/urban parks land cover is present in San José at the Pleasant Hills Golf Course site (parcels 649-24-013 and 649-23-001). The former golf course is primarily comprised of a monoculture of lawn grass with hundreds of trees distributed across the golf course. Recent aerial imagery indicates that the grass has remained short and that numerous stacked piles of woody debris are present throughout the course, which could provide shelter for small mammals, amphibians, and lizards. In addition, several non-residential buildings are present and are assumed to have been vacant since the closure of the golf course in 2004. The golf course is largely surrounded by dense residential development except for Lake Cunningham Regional Park to the west. The golf course lawn and trees provide potential nesting and foraging habitat for urban birds such as Anna's hummingbird, California scrub jay, American robin, downy woodpecker (*Dryobates pubescens*), American crow (*Corvus brachyrhynchos*), and

Cooper's hawk, as well as habitat for tree-roosting bats, such as hoary bat (*Lasiurus cinereus*) and western red bat (*Lasiurus blossevillii*). The buildings provide potential nesting habitat for birds such as black phoebe (*Sayornis nigricans*), house finch, mourning dove, as well as habitat for building-roosting bats, such as Yuma myotis (*Myotis yumanensis*).

In addition, western burrowing owl (*Athene cunicularia* ssp. *hypugaea*), a California species of special concern, has been documented nesting on golf courses at Moffett Field Naval Air Station and Santa Clara Golf and Tennis Club (CNDDB, 2022), suggesting that this site could potentially provide wintering or nesting habitat to burrowing owls if suitable burrows are present. According to the Habitat Plan, golf courses/urban parks can provide foraging and breeding habitat for western burrowing owl (SCVHP, 2002); however, this site is outside of the Habitat Plan's burrowing owl fee zone and the species is unlikely to be present.

Pond

Within the housing opportunity sites, one pond that straddles parcels 649-24-013 and 649-23-001 at the Pleasant Hills Golf Course is mapped by the Habitat Agency. In addition, the USFWS NWI has mapped a second pond within parcel 649-24-013 (USFWS, 2023). Freshwater ponds could provide habitat to amphibians and reptiles such as the Sierran treefrog (*Pseudacris sierra*). According to the Habitat Plan, golf courses, particularly those with ponds, can provide movement habitat for California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), and western pond turtle, and foraging habitat for tricolored blackbird (SCVHP, 2002).

Special-Status Species

The term *special-status species* refers to plant and wildlife species that are considered sufficiently rare that they require special consideration and/or protection and should be, or currently are, listed as rare, threatened, or endangered by the federal and/or state governments. Such species are legally protected under the federal and/or state Endangered Species Acts or other regulations or are species that are considered sufficiently rare by the regulatory and scientific community to qualify for protection. The term *special-status species* includes the following:

- Species listed or proposed for listing as threatened or endangered under the federal Endangered Species Act (FESA) (Code of Federal Regulations Title 50, Section 17.12 [listed plants] and Section 17.11 [listed animals] and various notices in the *Federal Register* [FR] [proposed species]);
- Species that are candidates for possible future listing as threatened or endangered under the FESA (61 FR 40, February 28, 1996);
- Species listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA) (California Code of Regulations Title 14, Section 670.5);
- Plants listed as rare or endangered under the California Native Plant Protection Act (California Fish and Game Code [CFGC] Section 1900 et seq.);

- Species designated by CDFW as California Species of Special Concern (SSC);[1]
- Animals fully protected under the CFGC (Sections 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]);[2]
- Species that meet the definitions of rare and endangered under CEQA. CEQA Section 15380 provides that a plant or animal species may be treated as "rare or endangered" even if not on one of the official lists (CEQA Guidelines Section 15380); and
- Plants considered by CDFW and the CNPS to be "rare, threatened or endangered in California" (California Rare Plant Rank 1A, 1B, and 2).

A list of special-status plant and wildlife species that may occur in the housing opportunity sites within the HEU and SCP update was created by reviewing the resources cited in Section 4.4.1. The CNDDB (CDFW, 2022) and CNPS (2022) Rare Plant Inventory were queried based on a search of the Palo Alto, Mountain View, Milpitas, Cupertino, San José West, and San José East 7.5-minute U.S. Geological Survey quadrangles. The USFWS *Official List of Federal Endangered and Threatened Species that Occur in or May Be Affected by the Projects* (USFWS, 2022a) was queried based on the project area. The results of these queries, ESA's field survey (2022), review of aerial imagery and wetland data (USFWS, 2023), and biological resources information in the Stanford University 2018 General Use Permit Final Environmental Impact Report formed the basis for analysis of the potential for special-status species to occur in the housing opportunities sites.

Based on this analysis, it is unlikely that any special-status plant species occur within the project sites on Stanford property (Stanford University, 2018), nor are they expected in the housing opportunity sites in San José, based on the level of development and/or current or historical management of the sites. The potential for special-status wildlife species and otherwise protected species to occur is summarized in **Table 4.3-2**. As indicated in the table, species that have a moderate potential to occur in the HEU opportunity sites and SCP update area include western red bat, hoary bat, and Yuma myotis. Only species with at least a moderate potential to occur are considered subject to potentially significant project-related impacts and those impacts are analyzed under section 4.3.4, *Environmental Impacts and Mitigation Measures*.

[1] A California SSC is one that: has been extirpated from the state; meets the state definition of threatened or endangered but has not been formally listed; is undergoing or has experienced serious population declines or range restrictions that put it at risk of becoming threatened or endangered; and/or has naturally small populations susceptible to high risk from any factor that could lead to declines that would qualify it for threatened or endangered status.

[2] The *fully protected* classification was California's initial effort in the 1960s to identify and provide additional protection to those animals that were rare or faced possible extinction. The designation can be found in the CFGC.

TABLE 4.3-2
SPECIES POTENTIAL TO OCCUR IN THE HEU AND SCP UPDATE

Common Name Scientific Name	Listing Status USFWS/ CDFW/Other	Habitat Description	Potential to Occur in the HEU (San José)	Potential to Occur in the SCP Update (Stanford)
Amphibians				
California tiger salamander *Ambystoma californiense*	FT/ST,WL/--	Vernal or temporary pools in annual grasslands, or open stages of woodlands. Typically, adults use mammal burrows for aestivation in non-breeding season.	**Low**. Golf course ponds, such as at Pleasant Hills Golf Course (parcels 649-24-013 and 649-23-001), generally provide marginal habitat. The ponds are not adjacent to upland CTS habitat. The nearest CNDDB occurrences are within 2 miles of the golf course (#s 326, 441, and 498) and are classified as *extirpated*.	**None**. No suitable habitat.
California red-legged frog *Rana draytonii*	FT/CSC/--	Streams, freshwater pools, and ponds with overhanging vegetation. Also found in woods adjacent to streams. Requires permanent or ephemeral water sources such as reservoirs and slow-moving streams and needs pools of >0.5 m depth for breeding.	**Low**. Golf course ponds, such as at Pleasant Hills Golf Course (parcels 649-24-013 and 649-23-001), generally provide marginal habitat. The ponds are not hydrologically connected to nor adjacent to known CRLF habitat. Several CNDDB occurrences (#s 1540, 1542), from the 1970s and 1980s, considered *possibly extirpated*, are recorded ~3-4 miles from the golf course and are separated from the study area by dense residential development.	**None**. No suitable habitat.
Reptiles				
Western pond turtle *Actinemys marmorata*	--/CSC/--	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Requires basking sites and, for breeding, suitable upland habitat for egg-laying. Nest sites most often characterized as having gentle slopes (<15%) with little vegetation or sandy banks.	**Low.** Freshwater ponds at Pleasant Hills Golf Course (parcels 649-24-013 and 649-23-001) may provide suitable habitat if emergent vegetation and basking opportunities are present. The species occurs (# 176) in the ponds in Overfelt Gardens approximately 3 miles and surrounded by urban development.	**None**. No suitable habitat.

TABLE 4.3-2 (CONTINUED)
SPECIES POTENTIAL TO OCCUR IN THE HEU AND SCP UPDATE

Common Name Scientific Name	Listing Status USFWS/ CDFW/Other	Habitat Description	Potential to Occur in the HEU (San José)	Potential to Occur in the SCP Update (Stanford)
Birds				
Tricolored blackbird *Agelaius tricolor*	--/CT,CSC/--	Nests in freshwater marshes with dense stands of cattails or bulrushes, occasionally in willows, thistles, mustard, blackberry brambles, and dense shrubs and grains.	**Low.** Ponds at Pleasant Hills Golf Course (parcels 649-24-013 and 649-23-001) may provide suitable nesting habitat if emergent vegetation is present; however, adjacent terrestrial habitat appears to be of low quality. CNDDB occurrence (#845) from 2014 at Lake Cunningham Park.	**None.** No suitable habitat.
Western burrowing owl *Athene cunicularia* ssp. *hypugaea*	--/CSC/--	Nests and forages in low-growing or mowed grasslands that support burrowing mammals such as ground squirrels.	**Low.** Pleasant Hills Golf Course (parcels 649-24-013 and 649-23-001) may provide suitable nesting or overwintering habitat if burrows or burrow surrogates are present; however, burrowing owls are known from only very few areas of the Valley floor as mapped by the Habitat Plan. Nearby CNDDB occurrence (#724) from 2008 at Lake Cunningham Park.	**None.** No Suitable habitat.
Mammals				
Western red bat *Lasiurus blossevillii*	--/CSC/ WBWG: High	Solitary rooster in tree foliage. May hibernate in leaf litter. Habitats include forests and woodlands from sea level up through mixed conifer forests. Feeds over a wide variety of habitats including grasslands, shrublands, open water, open woodlands and forests, and croplands. Absent from desert areas. Migrants can be found outside.	**Moderate.** Potentially suitable roosting habitat present in trees at Pleasant Hills Golf Course (parcels 649-24-013 and 649-23-001). Foraging habitat is present in nearby ponds and reservoirs.	**Moderate.** Potentially suitable roosting and maternity habitat present in all parcels. Foraging habitat is present in nearby open water (creeks and reservoirs). Species has been documented on Stanford campus (Stanford University, 2018). CNDDB occurrence from 1909.

TABLE 4.3-2 (CONTINUED)
SPECIES POTENTIAL TO OCCUR IN THE HEU AND SCP UPDATE

Common Name Scientific Name	Listing Status USFWS/ CDFW/Other	Habitat Description	Potential to Occur in the HEU (San José)	Potential to Occur in the SCP Update (Stanford)
Hoary bat *Lasiurus cinereus*	--/--/ WBWG: Medium	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for foraging. Roosts in dense foliage of medium to large trees. Feeds primarily on moths; requires water.	**Moderate.** Potentially suitable roosting habitat present in trees at Pleasant Hills Golf Course (parcels 649-24-013 and 649-23-001). Foraging habitat is present in nearby ponds and reservoirs.	**Moderate.** Potentially suitable roosting and maternity habitat present in all parcels. Foraging habitat is present in nearby open water (creeks and reservoirs). Species has been documented on Stanford campus (Stanford University, 2018). CNDDB occurrence from 1909.
Yuma myotis *Myotis yumanensis*	--/--/ WBWG: Low-Medium	Wide variety of habitats below 8,000-foot elevation. Optimal habitats are open forests and woodland with sources of water over which to feed. Adult males typically solitary roosters. roost in buildings, under bridges, and in tree crevices, caves and mines.	**Moderate.** Potentially suitable roosting habitat present in buildings and trees at Pleasant Hills Golf Course (parcels 649-24-013 and 649-23-001). Foraging habitat is present in nearby ponds and reservoirs.	**Moderate** Potentially suitable roosting and maternity habitat present in all parcels. Foraging habitat is present in nearby open water (creeks and reservoirs).

NOTES:

[a] Potential to Occur Categories:

Low = The HEU and SCP update and/or immediate vicinity provide limited and/or low-quality habitat. In addition, the species' known range may be outside of the study area.
Moderate = The HEU and SCP update are within the known range of the species and suitable habitat is present within the HEU and SCP update; but there are few or no recent documented occurrences of the species within an appropriate distance of these areas (this will depend on the species' mobility).
High = The HEU and SCP update are within the known range of the species and suitable habitat is present within the HEU and SCP, and there are recent documented occurrences of the species within an appropriate distance of these areas (this will depend on the species' mobility).

STATUS CODES:
FEDERAL:
FT = federal threatened

STATE:
CT = California threatened
CSC = California Species of Special Concern
WL = Watch list
§3503.5 = Protection for nesting species of Falconiformes (hawks) and Strigiformes (owls)

WBWG = Western Bat Working Group:
Low = Stable population
Medium = Need more information about the species, possible threats, and protective actions to implement.
High= Imperiled or at high risk of imperilment.

SOURCE: ESA

Critical Habitat

USFWS can designate *critical habitat* for species that have been listed as threatened or endangered. Critical habitat is defined in FESA Section 3(5)(A) as those lands (or waters) within a listed species' current range that contain the physical or biological features that are considered essential to its conservation. While there is critical habitat in many parts of Santa Clara County and in the vicinity of Stanford, the areas associated with the proposed project are not within any designated critical habitat (USFWS, 2022b).

4.3.3 Regulatory Setting

Federal

The FESA, Clean Water Act (CWA) Section 404, and Migratory Bird Treaty Act (MBTA) are the primary federal planning, treatment, and review mechanisms for biological resources in the HEU and SCP update. Each is summarized below.

Endangered Species Act

The USFWS and National Marine Fisheries Service (NMFS) are the designated federal agencies responsible for administering the FESA. The FESA defines species as "endangered" and "threatened" and provides regulatory protection for any species thus designated. FESA Section 9 prohibits the "take" of species listed by USFWS as threatened or endangered. As defined in the FESA, *taking* means "… to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in such conduct." Recognizing that take cannot always be avoided, FESA Section 10(a) includes provisions for takings that are incidental to, but not the purpose of, otherwise lawful activities.

FESA Section 7(a)(2) requires all federal agencies, including USFWS, to evaluate projects authorized, funded, or carried out by federal agencies with respect to any species proposed for listing or already listed as endangered or threatened and the species' critical habitat, if any is proposed or designated. Federal agencies must undertake programs for the conservation of endangered and threatened species and are prohibited from authorizing, funding, or carrying out any action that would jeopardize a listed species or destroy or modify its "critical habitat."

As defined in the FESA, "individuals, organizations, states, local governments, and other non-federal entities are affected by the designation of critical habitat only if their actions occur on federal lands, require a federal permit, license, or other authorization, or involve federal funding."

Clean Water Act Section 404

CWA Section 404, which is administered by the U.S. Army Corps of Engineers (USACE), regulates the discharge of dredged and fill material into "waters of the United States." USACE has established a series of nationwide permits that authorize certain activities in waters of the United States, provided that the proposed activity can demonstrate compliance with standard conditions. Projects that result in relatively minor impacts on waters of the United States can

normally be conducted under one of the nationwide permits, if consistent with the standard permit conditions. Use of any nationwide permit is contingent on compliance with FESA Section 7. In the project area, the freshwater ponds that are mapped in the Pleasant Hills Golf Course may qualify as waters of the United States.

Migratory Bird Treaty Act

The MBTA is the domestic law that affirms and implements a commitment by the United States to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. Unless and except as permitted by regulations, the MBTA makes it unlawful at any time, by any means, or in any manner to intentionally pursue, hunt, take, capture, or kill migratory birds anywhere in the United States. The law also applies to the intentional disturbance and removal of nests occupied by migratory birds or their eggs during the breeding season.

State

In addition to CEQA, the primary state planning, treatment, and review mechanisms for biological resources in the HEU and SCP update are the CESA, CWA Section 401, and CFGC Sections 1600–1603, 3503, 3503.5, and 3511. Each is summarized below.

California Endangered Species Act

The CESA closely parallels the conditions of the FESA; however, it is administered by CDFW. CESA prohibits the take of plant and animal species that the California Fish and Game Commission has designated as either threatened or endangered in California. “Take” in the context of this regulation means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill a listed species (CFGC section 86). The take prohibitions also apply to candidates for listing under CESA. However, section 2081 of the act allows the department to issue permits for the minor and incidental take of species by an individual or permitted activity listed under the act. Unlike FESA, species that are candidates for state listing are granted the same protections as listed species under CESA.

In accordance with the requirements of CESA, an agency reviewing a project within its jurisdiction must determine whether any state-listed endangered or threatened species could be present in the HEU and SCP update. The agency also must determine whether the project could have a potentially significant impact on such species. In addition, the department encourages informal consultation on any project that could affect a candidate species.

Clean Water Act 401: State Regulation of Wetlands and Other Waters

California’s authority for regulating activities in wetlands and waters in the project area resides primarily with the State Water Resources Control Board (State Water Board). The State Water Board, acting through the San Francisco Bay Regional Water Quality Control Board, must certify that a proposed USACE permit action meets state water quality objectives (CWA Section 401). Any condition of water quality certification is then incorporated into the USACE Section 404 permit authorized for the project.

The State Water Board and the Regional Water Quality Control Boards also have jurisdiction over waters of the state under the Porter-Cologne Water Quality Control Act. The State Water Board and San Francisco Bay Regional Water Quality Control Board evaluate proposed actions for consistency with the Regional Water Quality Control Board's *Water Quality Control Plan for the San Francisco Bay Basin*,[3] and authorize impacts on waters of the state by issuing waste discharge requirements or, in some cases, a waiver of waste discharge requirements.

California Fish and Game Code Sections 3503, 3503.5, and 3513

Under CFGC section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the code or any regulation made pursuant thereto. CFGC section 3503.5 prohibits take, possession, or destruction of any birds in the orders Falconiformes (hawks) or Strigiformes (owls), or of their nests and eggs. Migratory non-game birds are protected under section 3800, whereas other specified birds are protected under section 3505. CFGC section 3513 adopts the federal definition of migratory bird take, which is defined by the U.S. Department of the Interior under provisions of the MBTA. Section 3513 does not prohibit the incidental take of birds if the underlying purpose of the activity is not to take birds. In addition, CDFW has issued an advisory that affirms that California law prohibits incidental take of migratory birds.[4]

Regional

Santa Clara Valley Habitat Plan

Santa Clara County (County), the Cities of San José, Gilroy, and Morgan Hill, the Santa Clara Valley Transportation Authority (VTA), and Valley Water conducted a collaborative process to prepare and implement the Habitat Plan, administered by the Habitat Agency. These local partners, in association with USFWS, CDFW, stakeholder groups, and the general public, developed the Habitat Plan as a long-range plan to protect and enhance ecological diversity and function in a large section of Santa Clara County, while allowing for currently planned development and growth.

The Habitat Plan is an adopted habitat conservation plan and natural community conservation plan. It provides a regulatory framework for the protection and recovery of natural resources, including nine plant species (Tiburon Indian paintbrush, coyote ceanothus, Mount Hamilton thistle, Santa Clara dudleya, fragrant fritillary, Loma Prieta hoita, smooth Lessingia, Metcalf Canyon jewelflower and most beautiful jewelflower), nine species of terrestrial wildlife (Bay checkerspot butterfly, California tiger salamander, California red-legged frog, foothill yellow-legged frog, northwestern pond turtle, western burrowing owl, least Bell's vireo, tricolored blackbird, and San Joaquin kit fox; fish are not covered), and natural communities such as streams, while streamlining permitting for development, construction of infrastructure, and

[3] San Francisco Bay Regional Water Quality Control Board, *San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan)*, incorporating all amendments approved by the Office of Administrative Law as of May 4, 2017. Available at https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/docs/BP_all_chapters.pdf.

[4] CDFW, *CDFW and California Attorney General Xavier Becerra Advisory Affirming California's Protections for Migratory Birds*, November 29, 2018, https://nrm.dfg.ca.gov/.

maintenance activities. In general, all private development activities are subject to all applicable Habitat Plan conditions and fees. The Habitat Plan includes Conditions on Covered Activities, including conservation measures to avoid and minimize take of covered species, and avoidance and minimization measures to protect biological resources, such as riparian and aquatic habitat. Like the other local agencies involved in the Habitat Plan, the County is a Permittee under the Habitat Plan. The Habitat Plan includes 20 conditions, to which most development, both private and public, are subject. Several conditions are applicable to specific activities, including urban development, in-stream projects, in-stream operations and maintenance, rural projects, rural operations and maintenance, and implementation of the Plan's Reserve System.[5] Other conditions apply to minimize impacts on natural communities and on specific species.

Local

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of the County (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements within the General Plan include goals and policies for the physical development of unincorporated Santa Clara County. General Plan strategies and policies related to Biological Resources and relevant to implementation of the HEU are listed below.

Habitat and Biodiversity

Strategy: Improve current knowledge and awareness of habitats and natural areas.

Policy C-RC 4: On a countywide basis, the overall strategy for resource management, conservation, and preservation should include the following:

a. improve and update current knowledge;

b. emphasize pro-active, preventive measures;

c. minimize or compensate for adverse human impacts;

d. restore resources where possible; and

e. monitor the effectiveness of mitigations.

Policy C-RC 29: Multi-jurisdictional coordination necessary to adequately identify, inventory, and map habitat types should be achieved at the local, regional, state, and federal levels.

Policy R-RC 5: Public and private development projects shall be evaluated and conditioned to assure they are environmentally sound, do not degrade natural resources, and that all reasonable steps are taken to mitigate potentially adverse impacts.

[5] The Reserve System is intended to protect nearly 47,000 acres for the benefit of species covered in the Habitat Plan, natural communities, biological diversity, and ecosystem function, through acquisition or other protection.

Policy C-RC 18: Water quality countywide should be maintained and improved where necessary to ensure the safety of water supply resources for the population and the preservation of important water environments and habitat areas.

Policy R-RC 19: Habitat types and biodiversity within Santa Clara County and the region should be maintained and enhanced for their ecological, functional, aesthetic, educational, medicinal, and recreational importance.

Policy R-RC 23: Knowledge and mapping of habitat resources within the rural unincorporated areas should be improved to provide an accurate basis for: a) reviewing proposed projects that require discretionary approvals or permits; b) assessing environmental impacts for projects subject to CEQA; c) identifying critical habitat resources; and d) cooperative conservation planning efforts.

Policy R-RC 24: Areas of habitat richest in diversity, of particularly fragile ecological nature, or necessary for preserving threatened or endangered species should receive special consideration for preservation as open space and protection from development impacts. Examples include baylands and riparian areas, serpentine geology, and other critical habitat areas identified by local legislative bodies.

Strategy: Protect the biological integrity of critical habitat areas.

***Policies*:**

Policy C-RC 30: Habitat and other resource areas not suitable or intended for urbanization should be excluded from urbanization, and non-urban development which occurs within resource conservation areas should minimize impacts upon habitat and biodiversity.

Policy C-RC 31: Areas of habitat richest in biodiversity and necessary for preserving threatened or endangered species should be formally designated to receive greatest priority for preservation, including baylands and riparian areas, serpentine areas, and other habitat types of major significance.

Policy C-RC 32: Land uses permitted in resource conservation areas should not be allowed to degrade the integrity of natural habitat.

Policy C-RC 33: Linkages and corridors between habitat areas should be provided to allow for migration and otherwise compensate for the effects of habitat fragmentation.

Policy R-RC 31: Natural streams, riparian areas, and freshwater marshes shall be left in their natural state providing for percolation and water quality, fisheries, wildlife habitat, aesthetic relief, and educational or recreational uses that are environmentally compatible. Streams which may still provide spawning areas for anadromous fish species should be protected from pollution and development impacts which would degrade the quality of the stream environment.

Policy R-RC 32: Riparian and freshwater habitats shall be protected through the following general means: a) setback of development from the top of the bank; b) regulation of tree and vegetation removal; c) reducing or eliminating use of herbicides, pesticides, and fertilizers by public agencies; d) control and design of grading, road construction, and bridges to minimize environmental impacts and avoid alteration of the

streambed and stream banks (free-span bridges and arch culverts, for example); and e) protection of endemic, native vegetation.

Policy R-RC 36: In cluster residential developments or other projects where open space dedication is required, the stream, riparian areas, and freshwater marshes should be included within the restricted open space area of the project or protected by other enforceable mechanisms, such as deed restrictions or conservation easements.

Policy R-RC 37: Lands near creeks, streams, and freshwater marshes shall be considered to be in a protected buffer area, consisting of the following: 1) 150 feet from the top bank on both sides where the creek or stream is predominantly in its natural state; 2) 100 feet from the top bank on both sides of the waterway where the creek or stream has had major alterations; and 3) In the case that neither (1) nor (2) are applicable, an area sufficient to protect the stream environment from adverse impacts of adjacent development, including impacts upon habitat, from sedimentation, biochemical, thermal and aesthetic impacts.

Policy R-RC 38: Within the aforementioned buffer areas, the following restrictions and requirements shall apply to public projects, residential subdivisions, and other private non-residential development: a) no building, structure or parking lots are allowed, exceptions being those minor structures required as part of flood control projects; b) no despoiling or polluting actions shall be allowed, including grubbing, clearing, unrestricted grazing, tree cutting, grading, or debris or organic waste disposal, except for actions such as those necessary for fire suppression, maintenance of flood control channels, or removal of dead or diseased vegetation, so long as it will not adversely impact habitat value; and c) endangered plant and animal species shall be protected within the area.

Policy R-RC 39: Within areas immediately adjacent to the stream buffer area, new development should minimize environmental impacts on the protected buffer area, and screening of obtrusive or unsightly aspects of a project should be considered as a means of preserving the scenic value of riparian areas.

Policy R-RC 40: Where new roads, clustered residential development, or subdivisions are proposed in proximity of streams and riparian areas, they should be designed so that: a) riparian vegetation is retained; b) creeks and streams remain open and unfenced; and c) there is adequate separation of new roads and building sites from the stream environment.

Policy R-RC 41: Where trails and other recreational uses are proposed by adopted plans to be located in the vicinity of streams and riparian areas or reservoirs, trail alignments and other facilities should be placed on the fringe of the riparian buffer area or at an appropriate distance to avoid disturbance of the stream or vegetation, 1) environmental impacts from development or use of the facility shall be effectively mitigated, and 2) fencing should not restrict access by wildlife to the stream environment.

Policy R-RC 44: Healthy, mature specimen trees should be protected from cutting.

Policy R-RC 49: Retention and planting of native plant species shall be encouraged, especially for landscape uses.

Strategy: Evaluate effectiveness of environmental mitigations.

***Policies*:**

Policy C-RC 35: The status of various threatened and endangered species and the effectiveness of strategies and programs to preserve biodiversity should be monitored and evaluated on an ongoing basis.

Policy C-RC 36: Specific project mitigations for the purpose of preserving habitat should be monitored for a period of time to assure the likelihood of their effectiveness.

Policy R-RC 56: Specific mitigations required for new development for conserving habitat should be monitored as required by state law to assess their effectiveness and the need for improved mitigations for future projects.

Stanford University Community Plan

The current Stanford University Community Plan was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the Community Plan is to guide future use and development of Stanford lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The Community Plan was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. Community strategies and policies related to Biological Resources and relevant to implementation of the HEU and Community Plan Update are listed below.

Habitat and Biodiversity

Strategy #1: Improve current knowledge and awareness of habitats and natural areas.

Policy SCP-RC 1: Maintain and update inventories and maps of important biological resources on Stanford lands, including protected species, species considered at risk of local extinction, and habitat types (biotic communities), for use in conservation efforts, land use decision making, and monitoring of resource status.

Policy SCP-RC 2: Allow field research and other academic activities related to improving knowledge and understanding of habitat resources to occur in areas south of Junipero Serra Boulevard.

Strategy #2: Protect the biological integrity of habitat areas and adequately mitigate impact.

Policy SCP-RC 3: Assure the protection of habitats for special status species in approving the location and design of new development. Avoid habitat areas for these species in the location of development whenever feasible.

Policy SCP-RC 4: Protect and maintain habitats, natural areas, and wildlife corridors in development and redevelopment.

Policy SCP-RC 5: Protect habitat areas through use of the Open Space and Field Research, Special Conservation, and Campus Open Space land use designations, and through use of the Academic Growth Boundary (AGB). If land use designation changes or AGB relocation is proposed, conduct detailed studies for presence of special status species and their habitat prior to decision making.

Policy SCP-RC 6: Require Stanford to mitigate any impacts on special status species or other biological resources that result from land use and development through: a)

mitigation measures that have proven to be effective which shall be implemented prior to commencement of site preparation and construction activities as appropriate, and b) mitigation measures such as provision of new habitat areas which shall be monitored and, if necessary, revised over time to ensure the viability of these measures as mitigation.

Policy SCP-RC 7: Maintain and restore riparian buffer zones along creeks as described in Santa Clara County General Plan policy R-RC 37 (see above).

Policy SCP-RC 8: Monitor and evaluate the recreational use of sensitive habitat areas and limit if necessary, the recreational use of areas supporting significant, but less sensitive, natural resources.

Water Quality and Watershed Management

Strategy #5: Enhance and Restore Wetlands, Riparian Areas, and other Habitats that Improve Watershed Quality.

Policy SCP-RC 16: Assist Stanford in identifying and implementing agricultural and other land management practices that promote native species and that contribute to erosion control.

Policy SCP-RC 17: Avoid development in riparian areas and wetlands.

Santa Clara County Tree Preservation and Removal Ordinance

Division C16 of the County of Santa Clara Ordinance Code requires a Tree Removal Permit and mitigation measures for removal of any protected tree on any public or private property in designated areas of the County as follows:

- Any tree having a main trunk or stem measuring 37.7 inches or greater in circumference (12 inches or more in diameter) at four and one-half feet above ground level, or in the case of multi-trunk trees, a total of 75.4 inches in circumference(24 inches or more in diameter) of all trunks in the following areas of the County: 1) parcels zoned “Hillsides” of 3 acres or less; 2) parcels within a “-d” (Design Review) combining zoning district; 3) parcels within the Los Gatos Specific Plan area.
- Any tree having a main trunk or stem measuring 18.8" or greater in circumference (6" or more in diameter) at a height of 4.5' above ground level, or in the case of multi-trunk trees, a total of 37.7" in circumference of all trunks (12" or more of the diameter) in the "h_1" New Almaden Historic Preservation zoning district.
- Any heritage tree, as that term is defined in §C16-2 of the Tree Preservation Ordinance.
- Any tree required to be planted as a replacement for an unlawfully removed tree, pursuant to §C16-17(e) of the Tree Preservation Ordinance.
- Any tree that was required to be planted or retained by the conditions of approval for any use permit, building site approval, grading permit, architectural & site approval (ASA), design review, special permit or subdivision.
- On any property owned or leased by the County of Santa Clara, any tree which measures over 37.7 inches in circumference (12 inches or more in diameter) measured 4.5 feet above the ground, or which exceeds 20 feet in height.

- Any tree, regardless of size, within road rights-of-way and easements of the County, whether within or without the unincorporated territory of the County.

Except in the case of heritage trees, no permit shall be required from the Planning Office for the cutting, removal, destruction, or pruning of a tree in the following circumstances:

- The tree is (1) irreversibly diseased, is dead, or is dying; or (2) the tree is substantially damaged from natural causes (a determination by a licensed arborist, tree surgeon, or forester may be required).
- Tree cutting to remove a hazard to life and personal property as determined by the Planning Director, or his or her designee. It shall be the responsibility of the property owner or other person responsible for removing the tree to demonstrate that any tree removed without a permit was irreversibly diseased, substantially damaged, or presented an imminent danger to human life or safety or to property.
- Trees planted, grown and/or held for sale by licensed nurseries and/or tree farms.
- Trees in the active production of agriculture or orchard production, where there is no active plan to convert the property to another use.
- Tree removal necessary to carry out building site approval or other land use application approved by the County. No removal shall be permitted until such grading or building permit has been issued by the County as indicated on approved plans. The number of trees cut may not exceed the minimum number necessary to carry out the permitted action.
- Maintenance work within public utility easements.
- Trees removed or pruned as part of maintenance of County Parks under established policies and procedures of the Parks & Recreation Department.
- Trees removed or pruned as part of maintenance of County right-of-way under established policies and procedures of the Department of Roads & Airports.
- Trees removed on properties with a comprehensive vegetative management program approved by the County.

Stanford University Habitat Conservation Plan

Stanford University developed a Habitat Conservation Plan (HCP) through a process outlined by FESA Section 10 that involves cooperation between the federal government and a private landowner. Under Section 10, the USFWS can authorize the taking of listed species that is incidental to an otherwise lawful activity, if the landowner first prepares and agrees to implement an acceptable HCP. The purpose of the Stanford HCP is to describe Stanford's activities and identify measures that will minimize and mitigate the effects of these activities on species.

The Stanford HCP provides a regulatory framework for the protection and recovery of natural resources, including three species of terrestrial wildlife – California red-legged frog, California tiger salamander, and San Francisco garter snake. In general, all private development activities are subject to all applicable HCP conditions and fees. The USFWS-approved Stanford HCP creates a comprehensive conservation program that protects, restores, and enhances habitat; monitors and reports on Covered Species; and minimizes impacts on the Covered Species and their

habitats. The Stanford HCP outlines what Stanford will do to minimize or mitigate the impact of its activities on federally protected species. In turn, the USFWS has issued a long-term incidental take permit that authorizes "take" of protected species associated with Stanford's activities related to academic uses, general campus management and maintenance, redevelopment, future development, and conservation programs.

4.3.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to Biological Resources are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project would have a significant impact on the environment if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS;
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

Methodology and Assumptions

The impact analysis is based on the resources, references, and data collection methods identified in Section 4.4.1, *Introduction*. The analysis addresses potential direct and indirect impacts from construction or operation of the residential projects that could be constructed if the project is implemented, defined as follows:

- *Direct impacts* are those that could occur at the same time and place as project implementation, such as the removal of habitat as a result of ground disturbance.
- *Indirect impacts* are those that could occur either at a later time or at a distance from the project areas, but that are reasonably foreseeable, such as the loss of an aquatic species as a result of upstream effects on water quality or quantity.

Direct and indirect impacts on biological resources may vary in duration; they may be temporary, short term, or long term.

The analysis considers the potential impacts of the project's implementation and the development of multi-family housing on suitable habitat, special-status species, sensitive natural communities, wetlands, and wildlife corridors, using the significance criteria listed above. Mitigation measures are identified, as necessary, to reduce impacts to less-than-significant levels.

Impacts and Mitigation Measures

Impacts

Impact BIO-1: Implementation of the proposed project would not have a substantial adverse effect, either directly, indirectly, or through habitat modifications, on a species identified as a candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by CDFW or USFWS (nesting birds, special-status roosting bats). (*Less than Significant Impact, with Mitigation*)

Housing Element Update and Stanford Community Plan Update

The HEU's housing opportunity sites and the SCP area do not include suitable habitat or is outside of the known geographic or elevation range, for many of the terrestrial species documented in the CNDDB and CNPS searches. However, some project areas contain suitable habitat for the following species and are within the species' known range: nesting birds protected by the MBTA, western red bat, hoary bat, and Yuma myotis. Therefore, the following analysis is limited to potential impacts on these wildlife species. Each has a moderate potential to occur on some of the project sites.

Nesting Birds

Construction

Construction facilitated by the project could result in direct or indirect impacts to nesting birds protected by the MBTA. Direct impacts to nesting birds could result from the removal of trees and vegetation and/or demolition of buildings while an active bird nest is present. In addition, earth moving, operation of heavy equipment, and increased human presence could result in noise, vibration, and visual disturbance. These conditions could indirectly result in nest failure (disturbance, avoidance, or abandonment that leads to unsuccessful reproduction), or could cause flight behavior that would expose an adult or its young to predators. These activities could cause birds that have established a nest before the start of construction to change their behavior or even abandon an active nest, putting their eggs and nestlings at risk for mortality.

Generally, nest failure would be a violation of CFGC sections 3503–3513. Impacts during the non-breeding season generally are not considered significant, primarily because of the birds' mobility and ability to access other comparable foraging habitat in the region. However, impacts during the breeding season would be a **Potentially Significant Impact**; however, implementation of **Mitigation Measure BIO-1a, Avoid and Minimize Impacts on Nesting Birds** would reduce construction-related impacts to less than significant.

Mitigation Measure BIO-1a: Avoid and Minimize Impacts on Nesting Birds.

Adequate measures will be implemented to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This will be accomplished by taking the following steps prior to demolition, site preparation (including clearing of vegetation), and construction work within the project sites:

a) If construction is proposed during the nesting season (February 15 to August 31), a pre-construction survey for nesting raptors and other migratory birds will be conducted by a qualified biologist within 7 days prior to the onset of vegetation removal or construction to identify any active nests on the project site and in the vicinity of proposed construction. Surveys will be performed for the project area and vehicle and equipment staging areas, and suitable habitat within 150 feet of these areas, to locate any active passerine (e.g., songbird) nests and within 250 feet to locate any active raptor (bird of prey) nests.

b) If no active nests are identified during the survey period, or if construction activities are initiated during the non-breeding season (September 1 to February 14), construction may proceed with no restrictions.

c) If bird nests are found, an adequate no-disturbance buffer will be established around the nest location and construction activities restricted within the buffer until the qualified biologist has confirmed that any young birds have fledged and are able to leave the construction area. Required setback distances for the no-disturbance zone will be established by the qualified biologist and may vary depending on species, line-of-sight between the nest and the construction activity, and the birds' sensitivity to disturbance. As necessary, the no-disturbance zone will be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.

d) Any birds that begin nesting within the project area and survey buffers amid construction activities will be assumed to be habituated to construction-related or similar noise and disturbance levels and no-disturbance zones will not be established around active nests in these cases; however, should birds nesting within the project area and survey buffers amid construction activities begin to show disturbance associated with construction activities, no-disturbance buffers will be established as determined by the qualified wildlife biologist.

e) Any work that must occur within established no-disturbance buffers around active nests will be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer will halt until the nest occupants have fledged.

f) A pre-construction survey report of findings will be prepared by the qualified biologist and submitted to the Director of Planning and Development, or the Director's designee for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season. The report will either confirm absence of any active nests or will confirm that any young within a designated no-disturbance zone and construction can proceed.

Significance After Mitigation: Implementation of **Mitigation Measure BIO-1a** would reduce construction-related impacts by limiting construction to the non-nesting season when feasible or, if avoiding the nesting season is not feasible, conducting pre-construction surveys for nesting birds and establishing no-disturbance buffers around any

active nests until birds have fledged and are able to leave the construction area; and reporting pre-construction survey findings to the County prior to initiation of construction. Therefore, implementation of this mitigation measure would reduce potential impacts on nesting birds to **Less than Significant Impact, with Mitigation**.

Operations

Operational activities associated with the project are unlikely to indirectly impact nesting birds due to the baseline level of human disturbance already occurring within and adjacent to the project sites post-construction. Birds nesting in these areas are assumed to be habituated to such disturbance, and therefore, the impacts of human disturbance would be **Less than Significant Impact**.

Mitigation Measures: None required.

Special-Status Roosting Bats

Construction

Construction on the HEU opportunity sites and within the SCP area could result in impacts to roosting western red bat, hoary bat, and Yuma myotis, if present. Only western red bat is a CDFW species of special concern. All three species have the potential to roost in trees in all parcels within the SCP area and in trees and/or abandoned buildings in parcels 649-24-013 and 649-23-001 (Pleasant Hills Golf Course) within the HEU opportunity sites, which could result in impacts to bats during daytime construction hours. Construction activities could result in direct impacts to roosting bats if they were disturbed, killed, or injured by removal or trimming of a tree or demolition of a building, in which they were roosting. If roosting bats are present, construction noise could also result in impacts due to disturbance, avoidance, or abandonment of roosts. If tree removal or building demolition were to occur during periods of winter torpor or maternity roosting, any bats present would likely not survive the disturbance (Tuttle, 1991). This would be a **Potentially Significant Impact** but implementation of **Mitigation Measure BIO-1b** would reduce construction-related impacts to less than significant.

Mitigation Measure BIO-1b: Avoid and Minimize Impacts on Roosting Bats. A qualified biologist who is experienced with bat surveying techniques (including auditory sampling methods), behavior, roosting habitat, and identification of local bat species will be consulted prior to tree removal or building demolition activities to conduct a pre-construction habitat assessment of the HEU (parcels 649-24-013 and 649-23-001) and SCP update (all parcels) to characterize potential bat habitat and identify potentially active roost sites. No further action is required should the pre-construction habitat assessment not identify potential bat roosting habitat or signs of potentially active bat roosts within the Project area (e.g., guano, urine staining, dead bats, etc.).

The following measures will be implemented should potential bat roosting habitat or potentially active bat roosts be identified during the habitat assessment in buildings to be demolished:

a) In areas identified as potential roosting habitat during the habitat assessment, initial building demolition will occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These periods avoid the bat maternity roosting season and period of winter torpor.[6]

[6] Torpor refers to a state of decreased physiological activity with reduced body temperature and metabolic rate.

b) Buildings with potential bat roosting habitat or active (outside of maternity and winter torpor seasons) roosts will be disturbed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit.

c) The demolition or relocation of buildings containing or suspected of containing potential bat roosting habitat or active bat roosts will be done under the supervision of a qualified biologist. When appropriate, buildings will be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances will active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist.

d) If avoidance of the bat maternity roosting season and period of winter torpor, defined under a), above, is infeasible, the qualified biologist will conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment no more than 14 days prior to building demolition.

e) If active bat roosts or evidence of roosting is identified during pre-construction surveys for building demolition, the qualified biologist will determine, if possible, the type of roost and species. A no-disturbance buffer will be established around roost sites until the start of the seasonal windows identified above, or until the qualified biologist determines roost sites are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site.

Significance After Mitigation: Implementation of **Mitigation Measure BIO-1b** would reduce construction-related impacts by requiring pre-construction surveys to identify active bat roosts; establishment of protective buffers until roosts are no longer in use; and, limiting the removal of trees or structures with potential bat roosting habitat to the time of year when bats are active to avoid disturbing bats during the maternity roosting season or months of winter torpor. Therefore, implementation of this mitigation measure would reduce potential impacts on roosting bats to **Less than Significant Impact, with Mitigation**.

Operations

Operational activities associated with the proposed project are unlikely to indirectly impact roosting bats due to the baseline level of human disturbance already occurring within and adjacent to the project sites post-construction. Bats roosting in these areas are assumed to be habituated to such disturbance, and therefore, the impacts of human disturbance would be **Less than Significant Impact**.

Mitigation Measures: None required.

Impact BIO-2: Implementation of the proposed project would not have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by CDFW or USFWS. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan Update

No riparian habitat or other sensitive natural community is present in the locations associated with the HEU and SCP; therefore, the construction and operations related to the project would have **No Impact** on these biological resources.

Mitigation Measures: None required.

Impact BIO-3: Implementation of the proposed project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (*Less than Significant Impact, with Mitigation*)

Under CWA Section 404, the U.S. Army Corps of Engineers (USACE) regulates activities that result in the discharge of dredged or fill material into waters of the United States. Waters of the United States include wetlands as well as streams, rivers, lakes, reservoirs, ponds, bays, and oceans (33 CFR 328.3[e]). Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (33 CFR 328.3[b]). Wetlands, streams, reservoirs, sloughs, and ponds are typically under federal jurisdiction under Section 404 of the CWA and state jurisdiction under the Porter-Cologne Water Quality Control Act. Streams and ponds typically fall under state jurisdiction under Section 1602 of the California Fish and Game Code.

Housing Element Update and Stanford Community Plan Update

No jurisdictional waters are present on the affected SCP update area; therefore, the construction and operations related to the SCP update would have **No Impact** on these biological resources, and the discussion below relates only to two specific HEU housing opportunity sites in San José where jurisdictional waters are potentially present.

Construction

Two aquatic features characterized as excavated freshwater ponds by the USFWS NWI are present within the Pleasant Hills Golf Course. One pond is mapped as being 0.47 acres and located on parcels 649-24-013 and 649-23-001 (USFWS, 2023). This pond is also mapped by the Habitat Agency. A second pond, which is 0.26 acres and located on parcel 649-24-013, is mapped by NWI but not mapped by the Habitat Agency (Figure 4.3-1c). These features are potentially jurisdictional waters. Construction that would result in direct fill of jurisdictional waters, or that could cause indirect impacts to jurisdictional waters due to uncontrolled runoff of sediment, spoils piles, or deleterious materials into waters, would be a **Potentially Significant Impact**. To

reduce this potentially significant impact, the proposed project would implement **Mitigation Measure BIO-3a, Aquatic Resources Delineation** and **BIO-3b, Implement Condition 12 of the Santa Clara Valley Habitat Plan.**

Mitigation Measure BIO-3a: Aquatic Resources Delineation

The project applicant for the specific construction activity to be undertaken and its contractors will minimize impacts on waters of the United States and waters of the state, including wetlands, by implementing the following measures:

- A preliminary jurisdictional delineation of wetlands for the two aquatic features within parcels 649-24-013 and 649-23-001 and mapped by the U.S. Fish and Wildlife Service National Wetlands Inventory (USFWS NWI) will be prepared to confirm the presence and determine the extent of waters of the United States and/or waters of the state within that area. Per Section 6.8.4, Item 4, Map of Wetlands, Ponds, Streams, and Riparian Woodlands, of the Santa Clara Valley Habitat Plan, the preliminary jurisdictional delineation must map any waters of the state that are not also Waters of the United States. The results will be summarized in a wetland delineation report to be submitted to the Director of Planning and Development, or the Director's designee, for review and approval before the issuance of any demolition, grading, or building permit for construction activity, within 150 feet of the footprint of the two aquatic features within parcels 649-24-013 and 649-23-001 as mapped by the USFWS NWI.
- Impacts to wetlands identified in the preliminary jurisdictional delineation report will be avoided and minimized by implementing Mitigation Measure BIO-3b.

Mitigation Measure BIO-3b: Implement *Condition 12, Wetland and Pond Avoidance and Minimization*, of the Santa Clara Valley Habitat Plan.

The purpose of this condition is to minimize direct and indirect impacts to wetlands and ponds and in some cases, avoid direct and indirect impacts to high quality wetlands and ponds. Direct impacts are those that directly affect a wetland or a pond within its mapped boundary (see Section 6.8.4 Item 4: Map of Wetlands and Waters for a description of mapping direct impacts to wetlands in the Santa Clara Valley Habitat Plan). Project proponents are required to pay a wetland fee for impacts to wetlands and ponds to cover the cost of restoration or creation of aquatic land cover types required by this Plan (see Chapter 9 of the Santa Clara Valley Habitat Plan for details on this wetland fee). Covered activities can avoid paying the wetland fee if they avoid impacts to the wetland. All project proponents will implement the following actions to avoid and minimize impacts of covered activities on wetlands and ponds.

Planning Actions

- Projects must be designed to avoid and minimize impacts to wetlands to the maximum extent practicable.
- Applicants with streams on site must follow the stream setback requirements in Condition 11.
- Applicants for coverage under the Plan must follow the requirements and guidelines in Condition 3 to minimize the effects of development on downstream hydrology, streams, and wetlands.

Design

- Locate septic facilities, if used, at least 100 feet from the edge of a wetland or pond if space allows.
- If the runoff from the development will flow within 100 feet of a wetland or pond, install vegetated stormwater filtration features, such as rain gardens, grass swales, tree box filters, or infiltration basins, to capture and treat flows.
- Plant native vegetation (shrubs and small trees) between the wetland or pond and the development such that the line of sight between the wetland or pond and the development is shielded.
- If during the environmental review process, it is shown that a project has adverse indirect impacts to the wetland's function (change in hydrological functions, etc.), the project will be required to avoid these indirect effects, as determined on a case-by-case approach by the local jurisdiction, in consultation with the project proponent. Santa Clara County will coordinate avoidance measures with the project proponent. Wetlands that are not completely avoided, including indirect effects, will be considered permanently impacted and will count towards the impact caps described in Table 4-2 of the Santa Clara Valley Habitat Plan and will be assessed fees as described in Chapter 9 of the Santa Clara Valley Habitat Plan. If, however, the local jurisdiction demonstrates to the Wildlife Agencies that the wetlands to be indirectly affected are highly degraded prior to project impacts, and the Wildlife Agencies agree, impacts will not be counted toward the impact caps described in Table 4-2 of the Santa Clara Valley Habitat Plan and fees will not be assessed. "Highly degraded" wetlands could include, but are not limited to, those that are indirectly affected by surrounding development or agriculture to the extent that hydrology, water quality, or habitat for covered species is adversely affected.

Construction Actions

- Personnel conducting ground-disturbing activities in or adjacent to wetlands and ponds will be trained by a qualified biologist in these avoidance and minimization measures and the permit obligations of project proponents working under this Plan.
- All wetlands and ponds to be avoided by covered activities will be temporarily staked in the field by a qualified biologist to ensure that construction equipment and personnel avoid these features.
- Fencing will be erected along the outer edge of the project area, between the project area and a wetland or pond. The type of fencing will match the activity and impact types. For example, projects that have the potential to cause erosion will require erosion control barriers (see below), and projects that may bring more household pets to a site will be fenced to exclude pets. The temporal requirements for fencing also depend on the activity and impact type. For example, fencing for permanent impacts will be permanent, and fencing for short-term impacts will be removed after the activity is completed.
- Appropriate erosion control measures (e.g., fiber rolls, filter fences, vegetative buffer strips) will be used on site to reduce siltation and runoff of contaminants into wetlands, ponds, streams, or riparian woodland/scrub. Filter fences and mesh will be of material that will not entrap reptiles and amphibians. Erosion control blankets will

be used as a last resort because of their tendency to biodegrade slowly and trap reptiles and amphibians.

- Erosion-control measures will be placed between the wetland or pond and the outer edge of the project site.
- Fiber rolls used for erosion control will be certified as free of noxious weed seed.
- Seed mixtures applied for erosion control will not contain invasive nonnative species but will rather be composed of native species appropriate for the site or sterile nonnative species. If sterile nonnative species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive nonnatives.
- Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas.
- Trash generated by covered activities will be promptly and properly removed from the site.
- No construction or maintenance vehicles will be refueled within 200 feet of avoided wetlands and ponds unless a bermed and lined refueling area is constructed and hazardous material absorbent pads are available in the event of a spill.
- All management of pest species will be conducted in compliance with the County integrated pest management (IPM) ordinance. In addition, other requirements identified in this chapter that exceed the requirements of the IPM ordinance will be implemented.
- Where appropriate to control serious invasive plants, herbicides that have been approved by EPA for use in or adjacent to aquatic habitats may be used as long as label instructions are followed and applications avoid or minimize impacts on covered species and their habitats. In wetland environments, appropriate herbicides may be applied during the dry season to control nonnative invasive species (e.g., yellow star-thistle). Herbicide drift will be minimized by applying the herbicide as close to the target area as possible. Herbicides will only be applied by certified personnel in accordance with label instructions.
- All organic matter should be removed from nets, traps, boots, vehicle tires and all other surfaces that have come into contact with ponds, wetlands, or potentially contaminated sediments. Items should be rinsed with clean water before leaving each study site.
- Implement measures to minimize the spread of disease and non-native species based on current Wildlife Agency protocols (e.g., USFWS Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog: Appendix B, Recommended Equipment Decontamination Procedures and other best available science.
- Used cleaning materials (liquids, etc.) should be disposed of safely, and if necessary, taken off site for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags (U.S. Fish and Wildlife Service 2005).

Significance After Mitigation: Implementation of **Mitigation Measure BIO-3a** and **Mitigation Measure BIO-3b** would reduce construction-related impacts by requiring a

preliminary wetland delineation and, if jurisdictional wetlands and waters are identified, avoidance of such features to the extent practical and implementation of protective measures during construction. If jurisdictional wetlands and waters cannot be avoided, permanent impacts to high quality wetlands would be compensated for according to the Habitat Plan. Therefore, implementation of this mitigation measure would reduce potential impacts on jurisdictional wetlands and waters to **Less than Significant Impact, with Mitigation**.

Operations

No operational impacts to jurisdictional wetlands and waters associated with the development sites associated with the project are anticipated since ponds will either be permanently filled or will be preserved and integrated into project design and maintained as permanent landscape; therefore, there would be **No Impact** from operational activities.

Mitigation Measures: None required.

Impact BIO-4: Implementation of the proposed project would not interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. ***(Less than Significant Impact)***

Housing Element Update

Construction

Native Wildlife Nursery Sites. Native wildlife nursery sites in the study area would primarily include sites that house individual nesting birds and roosting bats or communally roosting birds and bats. Potential construction- and operations-related impacts and mitigation measures on individual nesting birds and bats and communally roosting bats are discussed above under Impact BIO--1. Birds such as herons and egrets that nest in groups, and whose communal nesting sites are referred to as rookeries, are not documented to nest in the study area (CDFW, 2022a) and are not expected. Therefore, project impacts on native wildlife nursery sites within the project's development areas would be **Less than Significant, with Mitigation**.

Native Wildlife Movement Corridors. The vast majority of the project project's development locations are parcels that are currently developed, occupied by residents and domestic animals, and are surrounded by urban-suburban development. Although wildlife species that tolerate, or even prefer, living amongst humans, such as raccoon, striped skunk, and opossum, move through these areas regularly, such movement would not constitute use of a wildlife movement corridor since the project sites do not link habitat patches, nor do they provide particularly valuable or unique dispersal habitat in the context of their locations. Therefore, the project development sites do not provide any native wildlife movement corridors and there would be **No Impact** to wildlife movement corridors resulting from construction related to the project.

Mitigation Measures: None required.

Operations

As described above under *Construction*, there are no wildlife movement corridors within the project's development sites; therefore, there would be **No Impact** to wildlife movement corridors resulting from operations related to the project.

Mitigation Measure: None required.

Stanford Community Plan

Construction

Native Wildlife Nursery Sites. Native wildlife nursery sites in the study area would primarily include sites that house individual nesting birds and roosting bats or communally roosting birds and bats. Potential construction- and operations-related impacts and mitigation measures on individual nesting birds and bats and communally roosting bats are discussed above under Impact BIO-1. Birds such as herons and egrets that nest in groups, and whose communal nesting sites are referred to as rookeries, are not documented to nest in the study area (CDFW, 2022a) and are not expected. Project impacts on native wildlife nursery sites within the SCP update would be **Less than Significant, with Mitigation**.

Native Wildlife Movement Corridors. The SCP update primarily includes parcels that are currently developed. Parcel 142-04-036b is not developed; however, it is part of a larger undeveloped area that is surrounded by the Stanford campus and Stanford Shopping Center and would be used only by wildlife species that tolerate human habitation. However, regular movements through these areas would not constitute use of a wildlife movement corridor since the SCP update sites do not link habitat patches, nor do they provide particularly valuable or unique dispersal habitat in the context of their locations. Therefore, the SCP update sites do not provide any native wildlife movement corridors and there would be **No Impact** to wildlife movement corridors resulting from construction related to the SCP update.

Mitigation Measure: None required.

Operations

As described above under *Construction*, there are no wildlife movement corridors within the SCP update sites; therefore, there would be **No Impact** to wildlife movement corridors resulting from operations related to the SCP update.

Mitigation Measure: None required.

Impact BIO-5: Implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. *(No Impact*)

The local policies relevant to the biological resources present, or with potential to occur, in the HEU or SCP update housing opportunity sites include the Santa Clara County General Plan, Stanford Community Plan, and Santa Clara County Tree Preservation and Removal Ordinance.

These policies, summarized in detail in Section 4.4.3, *Regulatory Setting*, are analyzed for project consistency below.

Housing Element Update

Santa Clara County General Plan

The proposed project is consistent with the goals and policies of the Santa Clara County General Plan goal for Habitat and Biodiversity Conservation, which includes strategies to improve knowledge and awareness of habitats and natural areas, protect the biological integrity of critical habitat areas, and evaluate effectiveness of environmental mitigations. The project's development sites are currently developed parcels or are surrounded by existing urban development, thereby limiting potential impacts on biodiversity and areas of special ecological significance, such as baylands, freshwater marshes, riparian areas, serpentine geology, wildlife corridors, and endemic, native vegetation. Marginal habitat values are present on the Pleasant Hills sites, and impacts can be mitigated effectively, as discussed under Impact BIO-3. Generally, none of these habitats are present on the project's development sites; therefore, the project would not conflict with local policies or ordinances and **No Impact** would occur.

Santa Clara County Tree Preservation and Removal Ordinance

Where applicable, with the County's approval of a Tree Removal Permit and compliance with the protected tree replacement requirements outlined in Division C16 of the County of Santa Clara Ordinance Code, the project would not conflict with the Santa Clara County Tree Preservation and Removal Ordinance, and **No Impact** would occur.

Mitigation Measures: None required.

Stanford Community Plan

Stanford University Community Plan and Santa Clara County General Plan

The SCP update is consistent with the goals and policies of the Stanford Community Plan goal for Habitat and Biodiversity Conservation, which includes strategies to improve knowledge and awareness of habitats and natural areas, protect the biological integrity of critical habitat areas, and evaluate effectiveness of environmental mitigations. The SCP housing development sites and potential future school location are currently developed parcels, thereby limiting potential impacts on biodiversity and areas of special ecological significance, such as baylands, freshwater marshes, riparian areas, serpentine geology, wildlife corridors, and endemic, native vegetation. None of these habitats is present in the SCP update study area; therefore, the SCP update would not conflict with local policies or ordinances and **No Impact** would occur.

Mitigation Measures: None required.

Impact BIO-6: Implementation of the proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. ***(Less than Significant Impact, With Mitigation)***

The adopted habitat conservation plans relevant to the HEU or SCP update housing opportunity sites include the Santa Clara Valley Habitat Plan (Habitat Plan) and Stanford University Habitat Conservation Plan (Stanford HCP). These plans, summarized in detail in Section 4.4.3, *Regulatory Setting*, are analyzed for project consistency below.

Housing Element Update

As set forth in the discussion in Section 4.3.3, *Regulatory Framework*, the City of San José and Santa Clara County are Permittees of the Habitat Plan, and the proposed project is within the Habitat Plan Permit Area. Portions of the project area are located within fee zones and are subject to conditions identified in Chapter 6 of the Habitat Plan. The project area is outside of the covered species and serpentine fee zones but may be subject to land cover fees for Zone B (Agricultural and Valley Floor Land) and wetland fees (Pond)[7] for any work within or adjacent to the ponds at the Pleasant Hills Golf Course. The project would also be subject to nitrogen deposition fees for any increases in vehicle trips.[8] Applicable fees and conditions would be determined during the entitlement or permitting phase for the proposed project.

The project would also comply with Condition 1, *Avoid Direct Impacts on Legally Protected Plant and Wildlife Species*, Condition 3, *Maintain Hydrologic Conditions and Protect Water Quality*, Condition 12, *Wetland and Pond Avoidance and Minimization, of the Habitat Plan*, and additional mitigation measures as described under the impact discussions, above. With compliance with Habitat Plan fees and conditions, and mitigation measures described in this chapter, the proposed project would not conflict with the Habitat Plan.

Mitigation Measures: Implement Mitigation Measures BI-1a, BI-3a, and BI-3b.

Significance after Mitigation: Less than significant.

Stanford Community Plan

The Stanford HCP covers three listed species: California red-legged frog, California tiger salamander, and San Francisco garter snake. Each of these species is highly unlikely to occur in the SCP housing opportunity sites or the potential future school location due to a lack of suitable habitat, isolation from any suitable habitat, and a lack of recorded observations. Furthermore, the SCP housing opportunity sites and potential future school location are within Stanford HCP Zone 4, which is comprised of developed lands that are surrounded by urban development and/or roads or are otherwise isolated from areas that support the covered species, and that do not support or cannot sustain the covered species. Furthermore, there are no Stanford HCP-related maximum

[7] Santa Clara Valley Habitat Agency Geobrowser. Available at http://www.hcpmaps.com/habitat/. Accessed January 13, 2020.

[8] Willdan Financial Services with Urban Economics, *Santa Clara Valley Habitat Plan Development Fee Nexus Study*, June 30, 2012.

limits of development in areas designated as Zone 4 (Stanford, 2018). Therefore, implementation of the SCP update would not conflict with the Stanford HCP and **No Impact** would occur.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to Biological Resources could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact BIO-7: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect related to biological resources. (*Level than Significant Impact, with Mitigation*)

Significant cumulative impacts related to biological resources could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects would cause the project to have a cumulatively considerable impact on special-status species, riparian habitat, wetlands, or other waters of the United States, or on other biological resources protected by federal, state, or local regulations or policies (based on the significance criteria and thresholds presented earlier). This analysis then considers whether the incremental contribution of the project's implementation to this cumulative impact would be considerable. Both conditions must apply for a project's cumulative effects to be significant.

The geographic scope of potential cumulative impacts on biological resources encompasses the project's development sites and biologically linked areas that share the San Francisquito Creek watershed and greater San Francisco Bay. Widespread historic development in the region has already caused substantial adverse cumulative changes to biological resources in the study area.

Housing Element Update

Special-status Plant Species and Sensitive Natural Communities

The HEU's housing opportunity sites do not include habitat that would support special-status plant species or sensitive natural communities and implementation of the HEU would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would be **Less than Significant**.

Nesting Birds and Special-status Roosting Bats

Construction associated with the HEU's implementation could result in direct impacts on nesting birds and special-status roosting bats due to tree removal or trimming, or demolition of structures that could support nesting birds or roosting bats. Indirect construction-related impacts on nesting birds and roosting bats could include construction noise, vibration, and human activity near active bird nests and bat roosts during construction.

The cumulative projects identified in Section 4.0 of this EIR include 13 residential projects of 20 or more units within a one-mile radius of HEU housing sites located within the City of San José and the Stanford University campus. The four cumulative projects within one mile of the HEU opportunity sites are all located in the City of San José and are under construction or approved. These cumulative projects would have been required to comply with applicable regulatory requirements protecting biological resources, the relevant municipalities' local policies and ordinances, and project-specific mitigation measures (where applicable) like those of the HEU. In addition, cumulative projects in the City of San José would have been required to comply with the conditions and fees in the Habitat Plan. The six projects that are pending approval are planned to be constructed in already developed areas in the cities of Menlo Park and Palo Alto. These projects could potentially directly or indirectly impact nesting birds utilizing street trees and ornamental landscaping due to tree removal, clearing and grubbing, and increased noise, vibration and/or visual disturbance during construction, which could cause nest failure or abandonment.

The HEU, in combination with cumulative projects, could result in a significant cumulative impact on nesting birds during construction. However, with implementation of **Mitigation Measure BIO-1a, Avoid and Minimize Impacts on Nesting Birds** and **Mitigation Measure BIO-1b, Avoid and Minimize Impacts on Roosting Bats,** implementation of the HEU would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would be less than significant.

Riparian Habitat and Jurisdictional Wetlands or Waters

Construction within the HEU could result in direct impacts on potentially jurisdictional waters (i.e., ponds in parcels 649-24-013 and 649-23-001) due to fill associated with housing construction. Indirect construction-related impacts on jurisdictional waters could include equipment leaks, refueling, or improper storage or containment caused harmful material (e.g., concrete truck washout, sediment) to enter the ponds, especially during the rainy season.

Cumulative projects within one mile of the HEU that have been built, or are proposed to be built, are on parcels that are already developed and are not within or adjacent to riparian habitat nor jurisdictional wetlands or waters. Therefore, the HEU, in combination with cumulative projects, would not result in a considerable contribution to cumulative impacts to jurisdictional wetland and water, and the cumulative impact would be **Less than Significant**.

Wildlife Corridors and Nursery Sites

The vast majority of HEU opportunity sites are parcels that are currently developed, occupied by residents and domestic animals, and are surrounded by urban-suburban development. Animal movement in these parcels would not constitute a wildlife movement corridor and construction of the HEU opportunity sites would have no impact on wildlife movement corridors. Potential construction-related impacts on nesting birds and maternity roosting bats, inclusive of colonial roosters, could occur and addressed under *Nesting Birds and Roosting Bats*.

The cumulative projects identified in Section 4.0.3 of this EIR include 13 residential projects that have been built, or are proposed to be built, on parcels that are already developed. None of the cumulative projects, whether under construction, approved, or pending approval, is in a wildlife

corridor and, therefore, would have no potential impacts on wildlife corridors. However, potential construction-related impacts on nesting birds, inclusive of colonial roosters, could occur and addressed under *Nesting Birds and Roosting Bats*.

The HEU, in combination with cumulative projects, could result in a significant cumulative impact on nesting birds during construction. However, with implementation of **Mitigation Measure BIO-1a, Avoid and Minimize Impacts on Nesting Birds** and **BIO-1b, Avoid and Minimize Impacts on Roosting Bats** implementation of the HEU would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would **Less than Significant, with Mitigation**.

Policies and Ordinances

The HEU is primarily composed of currently developed planning areas, thereby limiting potential impacts on areas of special ecological significance identified in the Santa Clara County General Plan, such as baylands, freshwater marshes, riparian areas, serpentine geology, wildlife corridors, and endemic, native vegetation. Two ponds, which are potentially jurisdictional wetlands or waters are present in the HEU (parcel 649-24-013 and 649-23-001). Implementation of **BIO-3a, Aquatic Resources Delineation**, and **BIO-3b, Implement Condition 12 of the Santa Clara Valley Habitat Plan** avoids and minimizes impacts to wetlands and waters. Trees protected by the Santa Clara County Tree Preservation and Removal Ordinance could be removed or trimmed as part of project implementation and, if so, would comply with the Ordinance by only removing protected trees authorized by an approved County tree removal permit and by complying with the County's tree replacement requirements. Therefore, the HEU is consistent with the goals and policies under the Santa Clara County General Plan and Santa Clara County Tree Preservation and Removal Ordinance.

None of the cumulative projects, whether under construction, approved, or pending approval, have the potential to impact special-status plant or wildlife species, riparian habitat, sensitive natural communities, or wildlife corridors. However, the cumulative projects could potentially directly or indirectly impact nesting birds protected by the MBTA due to clearing and grubbing, tree trimming or removal, or increased noise, vibration and/or visual disturbance during construction, which could cause nest/roost failure or abandonment. These cumulative projects would be required to comply with applicable regulatory requirements protecting biological resources, Santa Clara County General Plan and Santa Clara County Tree Preservation and Removal Ordinance, and project-specific mitigation measures (where applicable) like those of the HEU; therefore, implementation of the HEU would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would be **Less than Significant**.

Adopted Habitat Conservation Plan

None of the Habitat Plan covered species or natural communities are expected to occur in the HEU housing opportunity sites. However, portions of the project area are located within fee zones and are subject to conditions identified in Chapter 6 of the Habitat Plan. Applicable fees and conditions would be determined during the entitlement or permitting phase for the proposed project and the project would be required to comply with such fees and conditions, as well as additional mitigation measures as described under the impact discussions, above.

Because the City of San José is a permittee under the Habitat Plan, cumulative projects within the City of San José would be subject Habitat Plan fees and conditions, as well as project-specific mitigation measures (where applicable) like those of the HEU.

The HEU, in combination with cumulative projects, could result in a significant cumulative impact on biological resources covered under the Habitat Plan. However, with compliance with application Habitat conditions and fees, and project-specific mitigation measures (as applicable), implementation of the HEU would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would be less than significant.

Stanford Community Plan

Special-status Plant Species and Sensitive Natural Communities

Development areas associated with the SCP update do not include habitat that would support special-status plant species or sensitive natural communities and implementation of the SCP update would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would be **Less than Significant**.

Special-status Wildlife

Similar to the HEU, construction within the SCP update area could result in direct impacts on nesting birds and special-status roosting bats due to trimming or removal of trees that could support nesting birds or roosting bats. Indirect construction-related impacts on nesting birds and roosting bats could include construction noise, vibration, and human activity near active bird nests and bat roosts during construction.

Cumulative projects within one mile of the SCP update housing opportunity sites are in the Cities of Menlo Park and Palo Alto. Three of the cumulative projects are under construction or approved and would have been required to comply with applicable regulatory requirements protecting biological resources, the relevant municipalities' local policies and ordinances, and project-specific mitigation measures (where applicable) like those of the SCP update. In addition, cumulative projects in these cities would have been required to comply with the conditions and fees in the Stanford Conservation Plan. The six projects that are pending approval would be constructed in already developed areas in the cities of Menlo Park and Palo Alto. These projects could potentially directly or indirectly impact nesting birds utilizing street trees and ornamental landscaping due to tree removal, clearing and grubbing, and increased noise, vibration and/or visual disturbance during construction, which could cause nest failure or abandonment.

The SCP update, in combination with cumulative projects, could result in a significant cumulative impact on nesting birds during construction. However, with implementation of **Mitigation Measure BIO-1a, Avoid and Minimize Impacts on Nesting Birds,** implementation of the SCP update would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would be less than significant.

Riparian Habitat and Jurisdictional Wetlands or Waters

Construction associated with the SCP update has no potential to directly impact riparian habitat nor jurisdictional wetland or waters. All the cumulative projects within one mile of the affected areas of the SCP update area have been built, or are proposed to be built, on parcels that are already developed. None of the cumulative projects, whether under construction, approved, or pending approval, are within or adjacent to riparian habitat or jurisdictional wetlands or waters. Therefore, the SCP update, in combination with cumulative projects, would not result in a considerable contribution to cumulative impacts to jurisdictional wetlands or waters, and the cumulative impact would be **Less than Significant**.

Wildlife Corridors and Nursery Sites

The SCP update primarily includes parcels that are currently developed. Parcel 142-04-036b is not developed; however, it is part of a larger undeveloped area that is surrounded by the Stanford campus and Stanford Shopping Center and would be used only by wildlife species that tolerate human habitation. Animal movement in these parcels would not constitute a wildlife movement corridor and construction of the SCP update opportunity sites would have no impact on wildlife movement corridors. Potential construction-related impacts on nesting birds and maternity roosting bats, inclusive of colonial roosters, could occur and addressed under *Nesting Birds and Roosting Bats*.

The cumulative projects identified in Section 4.0.3 of this EIR include 13 residential projects that have been built, or are proposed to be built, on parcels that are already developed. None of the cumulative projects, whether under construction, approved, or pending approval, is in a wildlife corridor and, therefore, would have no potential impacts on wildlife corridors. However, potential construction-related impacts on nesting birds, inclusive of colonial roosters, could occur and addressed under *Nesting Birds and Roosting Bats*.

The SCP update, in combination with cumulative projects, could result in a significant cumulative impact on nesting birds and roosting bats during construction. However, with implementation of **Mitigation Measure BIO-1a, Avoid and Minimize Impacts on Nesting Birds** and **BIO-1b, Avoid and Minimize Impacts on Roosting Bats**, implementation of the SCP update would not result in a considerable contribution to cumulative impacts; therefore, the cumulative impact would be **Less than Significant, with Mitigation**.

Policies and Ordinances

The SCP update opportunity sites are currently developed parcels, thereby limiting potential impacts on biodiversity and areas of special ecological significance, such as baylands, freshwater marshes, riparian areas, serpentine geology, wildlife corridors, and endemic, native vegetation. None of these habitats is present in the SCP update study area. The cumulative projects are also planned for currently developed, highly urbanized parcels that lack sensitive biological resources. Therefore, the SCP update, in combination with cumulative projects, would not result in a considerable contribution to cumulative impacts to consistency with local policies and ordinances, and the cumulative impact would be **Less than Significant**.

Adopted Habitat Conservation Plan

The Stanford HCP covers three listed species: California red-legged frog, California tiger salamander, and San Francisco garter snake, none of which are expected in the SCP update housing opportunity sites. In addition, the SCP housing opportunity sites are within Stanford HCP Zone 4, which does not support and cannot sustain the covered species (Stanford, 2018). Cumulative projects are planned for currently developed, highly urbanized parcels that lack suitable habitat for any special-status species. Therefore, the SCP update, in combination with cumulative projects, would not result in a considerable contribution to cumulative impacts to an adopted habitat conservation plan, and the cumulative impact would be **Less than Significant**.

4.3.5 References

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4.4 Cultural Resources

4.4.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects related to cultural resources. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to cultural resources. Further below, existing plans and policies relevant to cultural resources associated with implementation of the proposed project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to cultural resources that could result from implementation of the HEU in the context of existing conditions.

While this EIR is a program-level EIR and covers the entirety of Santa Clara County, the County has identified housing opportunity sites where housing could be developed to meet the County's Regional Housing Needs Allocation. Additionally, the action would include an update to the Stanford Community Plan (SCP), which includes expanded housing opportunities on the Stanford campus, as well as designation of a potential future elementary school site on the Stanford campus within the West Campus Development District. Accordingly, this section provides a site-level analysis of potential impacts to cultural resources within the housing opportunity sites and the portion of the West Campus Development District that has been identified as a potential future school site, as well as a program-level analysis for the entire County.

The term *indigenous*, rather than *prehistoric*, is used as a synonym for Native American (except when quoting), while *pre-contact* is used as a chronological adjective to refer to the period prior to Euroamerican arrival in Santa Clara County. *Indigenous* and *pre-contact* are often, but not always, synonymous, since the former refers to a cultural affiliation and the latter chronological order.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994);
- Stanford University Community Plan (2000);
- County of Santa Clara Historic Context Statement (Rev. 2012); and

- Santa Clara County Heritage Resource Inventory Update: South County (2003).

4.4.2 Environmental Setting

Archaeological Setting

Categorizing the pre-contact period into broad cultural stages allows researchers to describe a broad range of archaeological resources with similar cultural patterns and components during a given time frame, thereby creating a regional chronology. This section provides a brief discussion of the pre-contact chronology for the area known now as Santa Clara County.

Archaeologists developed individual cultural chronological sequences tailored to the archaeology and material culture of each subregion of California. Each of these sequences is based principally on the presence of distinctive cultural traits and stratigraphic separation of deposits. Milliken et al. (2007) provide a framework for the interpretation of the San Francisco Bay Area. The authors divided human history in California into three periods: the *Early Period*, the *Middle Period*, and the *Late Period*. In many parts of California, four periods are defined; the fourth being the *Paleoindian Period* (11500–8000 B.C.), characterized by big-game hunters occupying broad geographic areas. Evidence of human habitation during the Paleoindian Period has not yet been discovered in the San Francisco Bay Area. Economic patterns, stylistic aspects, and regional phases further subdivide cultural periods into shorter phases. This scheme uses economic and technological types, socio-politics, trade networks, population density, and variations of artifact types to differentiate between cultural periods.

During the Early Period (Lower Archaic, 8000–3500 B.C.), geographic mobility continued from the Paleoindian Period and is characterized by the milling slab and handstone as well as large wide-stemmed and leaf-shaped projectile points. The first cut shell beads and the mortar and pestle are first documented in burials during the Early Period (Middle Archaic, 3500–500 B.C.), indicating the beginning of a shift to sedentism. During the Middle Period, which includes the Lower Middle Period (Initial Upper Archaic, 500 B.C.–A.D. 430), and Upper Middle Period (Late Upper Archaic, A.D. 430–1050), geographic mobility may have continued, although groups began to establish longer term base camps in localities from which a more diverse range of resources could be exploited. The first rich black middens are recorded from this period. The addition of milling tools, obsidian, and chert concave-base projectile points, as well as the occurrence of sites in a wider range of environments, suggest that the economic base was more diverse. By the Upper Middle Period, mobility was being replaced by the development of numerous small villages. Around A.D. 430, a dramatic cultural disruption occurred as evidenced by the sudden collapse of the *Olivella* saucer bead trade network. During the Initial Late Period (Lower Emergent, A.D. 1050–1550), social complexity developed toward lifeways of large, central villages with resident political leaders and specialized activity sites. Artifacts associated with the period include the bow and arrow, small corner-notched projectile points, and a diversity of beads and ornaments.

Ethnographic Setting

A compilation of ethnohistorical, historical, and archeological data indicates that the San Francisco Bay Area was inhabited by a cultural group known as the Ohlone before the arrival of Europeans (Milliken, 1995). While traditional anthropological literature portrayed the Ohlone peoples as having a static culture, today it is better understood that many variations of culture and ideology existed within and between villages. While these static descriptions of separations between native cultures of California make it an easier task for ethnographers to describe past behaviors, this approach masks Native adaptability and self-identity. California's Native Americans never saw themselves as members of larger cultural groups, as described by anthropologists. Instead, they saw themselves as members of specific village communities, perhaps related to others by marriage or kinship ties, but viewing the village as the primary identifier of their origins.

Levy (1978) describes the language group spoken by the Ohlone (often referred to as "Costanoan" in the literature). This term is originally derived from a Spanish word designating the coastal peoples of Central California. Today Costanoan is used as a linguistic term that refers to a larger language family that included distinct sociopolitical groups that spoke at least eight languages of the Penutian language group. The Ohlone once occupied a large territory from San Francisco Bay in the north to the Big Sur and Salinas Rivers in the south.

Economically, the Ohlone engaged in hunting and gathering. Their territory encompassed both coastal and open valley environments that contained a wide variety of resources, including grass seeds, acorns, bulbs and tubers, bear, deer, elk, antelope, a variety of bird species, and rabbit and other small mammals. The Ohlone acknowledged private ownership of goods and songs, and village ownership of rights to land and/or natural resources; they appear to have aggressively protected their village territories, requiring monetary payment for access rights in the form of clam shell beads, and even shooting trespassers if caught.

In 1770, the Ohlone lived in approximately 50 separate and politically autonomous nations. The Ohlone in Santa Clara County, spoke Tamien, also known as Tamyen or Santa Clara Costanoan. During the Mission Period (1770 to 1835), native populations, especially along the California coast, were brought—usually by force—to the missions by the Spanish missionaries to provide labor. The missionization caused the Ohlone people to experience cataclysmic changes in almost all areas of their life, particularly a massive decline in population caused by introduced diseases and declining birth rate, resulting in large part from colonization by the Spanish missionaries. Following the secularization of the missions by the Mexican government in the 1830s, most Native Americans gradually left the missions and established rancherias in the surrounding areas (Levy, 1978).

After European contact, Ohlone life ways were severely disrupted by missionization, disease, and displacement. Today the Ohlone still have a strong presence in the San Francisco Bay Area and are very interested in their historic-era and pre-contact past.

Historic Setting

History

The County has prepared two context statements, *County of Santa Clara Historic Context Statement* and *Santa Clara County Heritage Resource Inventory Update*, to establish the chronology of development in Santa Clara County. While the HEU covers all of Santa Clara County, the HEU housing opportunity sites are either vacant lots or developed with 20th century buildings and structures. Therefore, the following history, which is taken from the *County of Santa Clara Historic Context Statement*, focuses on 20th century development:[1]

> The business of fruit production, the combination of growing, packing and canning, continued to be the focus of Santa Clara County agriculture in the early twentieth century. Fruit production peaked in the 1920s. With the increased ratio of crop value to land unit, large farms that had evolved in the nineteenth century out of the ranchos became unnecessary. The increased land prices, cultivation costs, and growing population of ready buyers led to the subdivision of large farmlands into highly specialized "fruit ranches" that were 3 to 50 acres in size.
>
> The introduction of the automobile and commercial development of the trucking industry in the early part of the twentieth century had a significant impact on land use patterns throughout Santa Clara County. Until about 1910, local residents relied on horse-drawn vehicles for local transportation and the railroad, with its many depots, for longer distances. The automobile greatly extended the distance an individual could travel to acquire goods and services.
>
> INTERWAR PERIOD (1918-1945)
>
> In the early 1920s, the Western Pacific Railroad alignment between Fremont and San José was constructed. The freight (1921) and passenger depots (1923) were built on East Santa Clara Street between North Twenty-Seventh and North Twenty-Eighth Streets (Holmes 1985). The construction of this railroad changed land uses in some areas from residential and agricultural to industrial use. In 1931, Western Pacific ended passenger service and the East San José passenger depot was closed. Both depots have since been demolished. In 1982, Western Pacific was merged with Union Pacific, which still owns the old right-of-way through East San José (Holmes 1985). In 1927, the Southern Pacific Railroad constructed the Newhall Yard on the old Stockton Ranch property east of the City of Santa Clara.
>
> By 1928, all of San José's city streets had been paved and old wooden bridges were being replaced by concrete bridges. In 1930, San José had the greatest weekday auto traffic count in California and was the only city in the state whose weekday traffic count exceeded that of holidays (James and McMurry 1933). Highway improvements included the widening of the San Francisco and Oakland

[1] Dill Design Group, *County of Santa Clara Historic Context Statement*, revised February 2012, page 23.

highways in 1929-1932, the construction of the Bayshore Highway in the Santa Clara County in 1927 and realigning and widening the Santa Cruz Highway. With increased automobile competition, streetcar lines were abandoned in the 1920s and 1930s and replaced by private bus lines. In the mid-1950s, Bayshore Freeway (101) was completed, bisecting the East San José area.

World War II, like the Gold Rush a century before, had a major effect on the changing complexion of Santa Clara County. The San Francisco Bay area was the gateway to the Pacific theater from 1941 to 1945. The large naval air station at Moffett Field became a center of much activity. Thousands of military personnel were brought to the area for training and processing, exposing the Santa Clara Valley to public view.

Events at Stanford University were also setting the stage for significant developments in the post-war period. Frederick Terman became an engineering professor at Stanford in 1930. Under his guidance, the university became a leader in the field of electronics. Many of Stanford's pre-war graduates played important roles in the post-war development of the local electronics industry.

PERIOD OF INDUSTRIALIZATION AND SUBURBANIZATION (1945-1975)

William Hewlett and David Packard, two of Professor Terman's students at Stanford University, developed electronic test equipment in a Palo Alto garage in 1939. During World War II, this small company obtained government contracts and continued to grow during the post-war period. In 1954, the Stanford Industrial Park was established attracting the companies of Hewlett-Packard and the Varian brothers (also students of Terman) as well as Sylvania, Philco-Ford, General Electric, and Lockheed's research laboratory. These companies formed the nucleus of what became known as Silicon Valley. Soon after World War II, the business community launched an active campaign to attract new non-agricultural related industries to Santa Clara County. Early industries that established plants in the Santa Clara Valley included Chicago's International Mineral and Chemical Corporation's Accent plant in 1946, the General Electric plant in the early 1950s, and in the 1950s International Business Machines (IBM) began to expand their West Coast operations in San José that were established in 1943. By the 1960s, Santa Clara County's economic base was dependent upon the electronic and defense industries. The 1970s saw the development of the personal computer industry stimulated by Apple's "user friendly" computers.

In 1949, the San José Airport was completed on the remaining undeveloped Stockton Ranch acreage. Attracted by the increasing job market, the population of the Santa Clara Valley experienced phenomenal growth after 1950. Between 1950 and 1975 the population increased from 95,000 to over 500,000. Correspondingly, the municipal boundaries of the City of San José spread from

> 17 square miles in 1950 to over 120 square miles in 1970. Orchards were replaced with subdivisions and shopping centers. San José's expansion and urban growth can be directly related to the appointment of City Manager Dutch Hamann in 1950 by the pro-growth city council. Under Hamann's pro-annexation policy, San José annexed 1,419 outlying areas by the end of 1969 when Hamann left the position. Between 1950 and 1969, residential subdivisions replaced orchards at amazing speed. Rural roads were widened into freeways, and expressways and boulevards were lined with restaurants and automobile salesrooms. The automobile was the basic mechanism that allowed the development of the Santa Clara Valley. In the years following World War II the American public intensified its love affair with the automobile. Beginning in the early years of the twentieth century, America, and California in particular, became a car-oriented society by mid-century. This aspect of American culture is reflected in the architecture and resource types of the contemporary period. Suburban housing tracts are characterized by prominent, attached two or three car garages. Commercially, the Industrialization and Urbanization Period is characterized by the proliferation of fast food chains and other quick service, car-oriented establishments.
>
> Santa Clara County cities and towns along major transportation arteries grew exponentially. The commercial migration, once centered in downtown San José, started in 1956 when the first store at Valley Fair, San José's first regional shopping center, opened for business. Major and minor strip mall shopping centers sprung up to serve outlying residential areas throughout the County, attracting additional residential and commercial development.

Palo Alto[2]

The following is an excerpt from the *County of Santa Clara Historic Context Statement* prepared in 2012:

> Established at the same time as Stanford University, Palo Alto was incorporated in 1894. Conceived by the Stanfords and originally built as a "dry" town near the University's student population, Palo Alto serves as a home and central shopping area for the professors who work at the university. Located on the San Francisco Peninsula, not far from the bay and extending to the foothills of the Coastal Range, this city of over 58,000 is on the northern border of Santa Clara County, between unincorporated Santa Clara County and the cities of Mountain View and Los Altos. To the north, Palo Alto abuts San Mateo County, including the communities of Menlo Park and East Palo Alto.

2 Dill Design Group, *County of Santa Clara Historic Context Statement*, revised February 2012, page 77.

Stanford University

Stanford University is a private university that was founded in 1855 by Leland and Jane Stanford. From its inception, Stanford University was planned as a residential campus. Frederick Law Olmsted's 1887 master plan for Stanford University included a residential community surrounding the core academic campus with neighborhoods radiating diagonally from all four corners of the main quad.[3] It is largely located in an unincorporated portion of Santa Clara County.

San José[4]

The following is an excerpt from the *County of Santa Clara Historic Context Statement* prepared in 2012:

> The largest city in Santa Clara County is San José, one of the largest cities in the United States as well. Its area encompasses 174 square miles, and almost 900,000 people today call it home. The city boundaries stretch throughout the Santa Clara Valley and surrounding foothills. The city extends from Alviso on San Francisco Bay to Coyote at the head of the South County and from Milpitas and the unincorporated east foothills to a complex western border that abuts the cities of Mountain View, Santa Clara, Cupertino, Sunnyvale, Saratoga, Monte Sereno, Campbell, and the town of Los Gatos, as well as numerous unincorporated County pockets. At its beginning in 1777, it was one of only two secular Spanish developments in California (along with Los Angeles) it was neither mission nor presidio when most Spanish settlements were one or the other. It was the first capital of the State of California, incorporated in 1850.

Current Setting

This current setting focuses on the housing opportunity sites, which are spread out throughout the County in the following areas and a possible future elementary school site at Stanford's campus.

Stanford University

There are three housing opportunity sites on the Stanford University campus (**Table 4.4-1**). Two of the sites are on Quarry Road near El Camino Real (APN 142-04-036); they are in an area of commercial development on the northern edge of the Stanford University Campus. The two Quarry Road parcels flank the Stanford Health Care facility at 211 Quarry Road and are across the street from the Stanford Shopping Center. The sites on Quarry Road do not include any historic-age buildings or structures.

[3] Angoloti, Elena, Sapna Martatia, Felicia Bill, Laura Jones, and Koji Ozawa, *The Row Neighborhood: Historic Context and District Evaluation,* 2015, p. 5.

[4] Dill Design Group, *County of Santa Clara Historic Context Statement*, revised February 2012, page 78.

TABLE 4.4-1
HOUSING OPPORTUNITY SITES - STANFORD

Address / APN	Description	Eligibility
Quarry Road / 142-04-036	Vacant lot	N/A – no historic-age buildings or structures are visible from the public right-of-way
Quarry Road / 142-04-036	Parking lot	N/A – no historic-age buildings or structures are visible from the public right-of-way
Escondido Village / 142-04-036 and 142-09-006	Graduate residential housing	Peter Coutts Library/Ayshire Farm – Local Landmark (142-09-006). Additional potentially historic-age buildings/structures present (142-04-036)

The third housing opportunity site on the Stanford University campus is located in Escondido Village, a graduate residential community on Escondido Road between Campus Drive and Stanford Avenue. The Peter Coutts Library/Ayshire Farm, an eligible local Landmark, is located on this site.

A relocated potential future school location is in the West Campus Development District. The Palo Alto Stock Farm Horse Barn (a.k.a. Red Barn), a National Register listed building and local Landmark, and the golf course, which has not previously been evaluated as a potential historical resource, are in the West Campus Development District. However, the school site would not be located at either one of these locations.

San José

There are 18 housing opportunity sites in six areas of San José. The first area, which includes 1515 and 1587 Nort Capitol Avenue, is adjacent to I-680. The combined site is currently occupied by a VTA Park and Ride Lot (1515 North Capitol Avenue, APN 245-01-004) and a rural residential parcel (1587 North Capitol Avenue, APN 245-01-003) (**Table 4.4-2**). The area is generally characterized by residential development, primarily single-family homes, with a small shopping center across Hostetter Road to the northwest. The VTA Park and Ride Lot does not appear to have any historic-age buildings present. The rural residential parcel appears to have historic-age buildings/structures present.

The second area includes seven properties on Vaughn Avenue, West San Carlos Avenue, and Rutland Avenue in the Burbank neighborhood. West San Carlos Avenue is a commercial corridor with residential neighborhoods to the north and south.

The third area includes two properties on Thornton Way and Moorpark Avenue, southeast of the State Route 17 and I-280. The area includes a mix of single family and multi-family homes as well as commercial and office buildings.

The fourth area includes one property on Camden Avenue in the Cambrian Park neighborhood. The commercial property is located on the southwest corner of Camden and Leigh avenues. This portion of Camden Avenue is a combination of residential and commercial properties.

TABLE 4.4-2
HOUSING OPPORTUNITY SITES – SAN JOSÉ

Address / APN	Description	Eligibility
1587 N. Capitol Avenue	Accessory building	Potentially historic-age buildings/structures present
1515 N. Capitol Avenue	Orchard	N/A – no historic-age buildings or structures are visible from the public right-of-way
974 Vaughn Avenue / 277-06-025	Residence	Potentially historic-age buildings/structures present
312 Vaughn Avenue / 277-07-027	VTA Park and Ride Lot	N/A – no historic-age buildings or structures are visible from the public right-of-way
1930-1936 W. San Carlos / 277-07-028 and -029	Auto Center West – commercial building	Potentially historic-age buildings/structures present
1924 W. San Carlos / 277-08-030	San José Tattoo – commercial building	Potentially historic-age buildings/structures present
1904 W. San Carlos / 277-08-031	Commercial building	Potentially historic-age buildings/structures present
308 Rutland Avenue / 277-12-027	Commercial building	Potentially historic-age buildings/structures present
1800 W. San Carlos / 277-12-029	Cash 4 Cars – commercial building	Potentially historic-age buildings/structures present
2400 Moorpark Avenue / 282-02-037	Health center – commercial building	Potentially historic-age buildings/structures present
800 Thornton Way / 282-03-016	Commercial building	Potentially historic-age buildings/structures present
14520 Camden Avenue / 419-12-044	Strip mall (Cask N Flask Liquor, Subs Alicious, cellphone repair, barbershop) – commercial building	Potentially historic-age buildings/structures present
350 N. White Road / 599-01-064	7-11 – commercial building	Potentially historic-age buildings/structures present
282 Vista Avenue / 599-39-047	Residence	Potentially historic-age buildings/structures present
125 Kirk Avenue / 601-07-066	Residence	Potentially historic-age buildings/structures present
14830 Corralitos Lane / 612-21-004	Vacant lot	N/A – no historic-age buildings or structures are visible from the public right-of-way
3504 East Hills Drive / 601-25-119	Vacant lot	N/A – no historic-age buildings or structures are visible from the public right-of-way
S. Watt and Tully roads (649-23-001 and -023)	Golf course	Potentially historic-age buildings/structures/landscape present

The fifth area includes five properties on N. White Road, Vista Avenue, Kirk Avenue, Corralitos Lane and East Hills Drive between I-680 and the foothills. The North White Road property is a commercial building north of McKee Road in an area of concentrated commercial development surrounded by residential buildings. The Vista Avenue and Corralitos Lane properties are in the East Foothills and Alum Rock neighborhoods. The Kirk Avenue and East Hills Drive properties are in the Alum Rock neighborhood.

The sixth area includes two parcels (649-23-001 and -023) on South White and Tully roads that constitute the former and decommissioned Pleasant Hills Golf Course. The golf course was constructed circa 1967 and closed in 2004.

Previously Identified Cultural Resources

For the purposes of this section, cultural resources are defined as physical evidence of a place of past human activity, including sites, objects, landscapes, or structures of significance to a group of people traditionally associated with it. Archaeological resources can be both pre-contact and historic-era and consist of cultural resources, which are on the surface or in the subsurface. Historic resources are historic-era (i.e., 50 years old or older) buildings or structures that have been determined as significant and eligible for, or listed on, the National Register of Historic Places (National Register) and/or the California Register of Historical Resources (California Register) and/or the Santa Clara County Heritage Resources Inventory.

ESA completed records searches at the Northwest Information Center (NWIC) of the California Historical Resources Information System on September 14, 2022 (File No. 22-0436), October 27, 2022 (File No. 22-0691), and January 17, 2023 (File No. 22-1068). The reviews focused on the proposed housing opportunity sites and potential future school location on Stanford's campus. Previous surveys, studies, and site records were accessed. Records were also reviewed in the Built Environment Resources Directory (BERD) for Santa Clara County, which contains information on places of recognized historical significance including those evaluated for listing in the National Register, the California Register, the California Inventory of Historical Resources, California Historical Landmarks, and California Points of Historical Interest. The purpose of the records search was to (1) determine whether known cultural resources have been recorded within the County; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites; and (3) develop a context for the identification and preliminary evaluation of cultural resources.

Identified Historic Resources

The following provides a list of previously identified historic resources listed locally on the Historic Resources Inventory (**Table 4.4-3**). There are no listed National or California register properties on any of the housing opportunity sites. The reconnaissance survey in October 2022 provided important information on the current general architectural setting of the housing opportunity sites, however, it did not verify the previously identified historic resources or identify any additional resources since evaluation was outside of the scope of this effort.

TABLE 4.4-3
PREVIOUSLY IDENTIFIED HISTORIC RESOURCES

Name of Property (if applicable)	Location	Source
Coyote Depot Complex	8215 Monterey Road, Coyote	HRI Update
Coyote Grange Hall	8140 Monterey Road, Coyote	HRI Update
Coyote Ranch	No. 1 Coyote Ranch Road, Coyote	HRI Update
Old Stone Building	9500 Malech Road, Coyote	HRI Update
Orvis Stevens Ranch	9611 Malech Road, Coyote	HRI Update
Bell's Station	15110 Pacheco Pass Highway, Gilroy	HRI Update
Bertero Winery	4100B Hecker Pass Highway, Gilroy	HRI Update
Bloomfield Ranch	Monterey Road and Bloomfield Avenue, Gilroy	HRI Update
Bonesio Winery	11550 Watsonville Road, Gilroy	HRI Update
Calhoun Ranch	4355 Monterey Road, Gilroy	HRI Update
Casa Del Rancho	610 San Felipe Road, Gilroy	HRI Update
Cordes House	10550 Watsonville Road, Gilroy	HRI Update
Edwin Willson House and Barn	6650 Holsclaw Road, Gilroy	HRI Update
Eschenburg-Silva Barn	3665 Pacheco Pass Highway, Gilroy	HRI Update
Fellom Ranch House	3575 Leavesley Road, Gilroy	HRI Update
Frank Norris Cabin	7155L Redwood Retreat Road, Gilroy	HRI Update
Fraser-Ellis House	4945 Frazier Lake Road, Gilroy	HRI Update
Furlong House	6860 Holsclaw Road, Gilroy	HRI Update
Gilroy Hot Springs	13800 Gilroy Hot Springs Road, Gilroy	HRI Update
Harrison-Clifton-Phegley House	2080 Pacheco Pass Highway, Gilroy	HRI Update
Hartshorn Ranch	7949 Whitehurst Road, Gilroy	HRI Update
Henry Miller Family Cemetery	4355 Monterey Highway, Gilroy	HRI Update
Hirasake-Sakai Ranch	800 Pacheco Pass Highway, Gilroy	HRI Update
Horace Wilson Ranch	1980 Pacheco Pass Highway, Gilroy	HRI Update
Kickham Ranch	7290 Holsclaw Road, Gilroy	HRI Update
Mayock House	Gavilan College, Gilroy	HRI Update
Milne House	8440 Burchell Road, Gilroy	HRI Update
Morandi Winery-Cassa Brothers	4525 Hecker Pass Highway, Gilroy	HRI Update
Nelson-Jones-Hoenck House	9480 Murray Avenue, Gilroy	HRI Update
Rofinella Winery	4390 Hecker Pass Highway, Gilroy	HRI Update
San Ysidro Presbyterian Church	6780 Holsclaw Road, Gilroy	HRI Update
San Felipe Church	Gavilan College, Gilroy	HRI Update
Uriah Wood House	5411 Pacheco Pass Highway, Gilroy	HRI Update
Vanumanutangi	7155I Redwood Retreat Road, Gilroy	HRI Update
White-Sturla Ranch	1855 Pacheco Pass Highway, Gilroy	HRI Update
Barney Machado Barn	14905 Santa Teresa Boulevard	HRI Update
Bevilacqua House #1	675 Peebles Avenue, Morgan Hill	HRI Update
Bevilacqua House #2	565 Peebles Avenue, Morgan Hill	HRI Update

TABLE 4.4-3 (CONTINUED)
PREVIOUSLY IDENTIFIED HISTORIC RESOURCES

Name of Property (if applicable)	Location	Source
Castillon Farm	2214 Tennant Avenue, Morgan Hill	HRI Update
Cochrane-Jackson House	6000 E. Dunne Avenue, Morgan Hill	HRI Update
Coe-PineRidge Ranch	East end of Dunne Avenue, Morgan Hill	HRI Update
Colombini House	350 Peebles Avenue, Morgan Hill	HRI Update
Emilio Guglielmo Winery	1480 East Main Avenue, Morgan Hill	HRI Update
Fountain Oaks Ranch	2880 Tennant Avenue, Morgan Hill	HRI Update
Kellogg House	16010 Carey Avenue, Morgan Hill	HRI Update
Machado School	15130 Sycamore Avenue, Morgan Hill	HRI Update
Malaguerra Winery	East end of Burnett Avenue, Morgan Hill	HRI Update
Marchetti Winery	12775 Uvas Road, Morgan Hill	HRI Update
Miller Summer House Ruins	7850 Pole Line Road, Gilroy	HRI Update
Noll Ranch	1855 East Main Street, Morgan Hill	HRI Update
Stephens-Thomas House and Barn	17350 Hill Road, Morgan Hill	HRI Update
Tilton House	19665 Hale Avenue, Morgan Hill	HRI Update
Arnold House	455 E. Fitzgerald Avenue #E, San Martin	HRI Update
San Martin Presbyterian Church	13200 Lincoln Avenue, San Martin	HRI Update
San Martin Winery	13000 Depot Street, San Martin	HRI Update
Shield's House	13310 Lincoln Avenue, San Martin	HRI Update
Baldanzi House	468 Leigh Avenue, San José	HRI Update
Baldwin House	334 Rutland Avenue, San José	HRI Update
Bern House	19 Boston Avenue, San José	HRI Update
Bern's Court	12 Boston Avenue, San José	HRI Update
Brooklyn Avenue Bungalow Court	26 Brooklyn Avenue, San José	HRI Update
Brooklyn Avenue House	139 Brooklyn Avenue, San José	HRI Update
Buehring House	136 Cleveland Avenue, San José	HRI Update
Dorsa House	36 Brooklyn Avenue, San José	HRI Update
Douglas Street House	1425 Douglas Street, San José	HRI Update
Drew House	403 Leigh Avenue, San José	HRI Update
Elliott House	365 Raymond Avenue, San José	HRI Update
Fierro House	102 Topeka Avenue, San José	HRI Update
Hiatt House	101 Wabash Avenue, San José	HRI Update
Hinkley House	393 Rutland Avenue, San José	HRI Update
Leland Avenue House	336 Leland Avenue, San José	HRI Update
Mileham House	484 Arleta Avenue, San José	HRI Update
Oteri House	57 Boston Avenue, San José	HRI Update
Owen House	30 Boston Avenue, San José	HRI Update
Page Street House	319 Page Street, San José	HRI Update
Perriera House	383 Leland Avenue, San José	HRI Update

TABLE 4.4-3 (CONTINUED)
PREVIOUSLY IDENTIFIED HISTORIC RESOURCES

Name of Property (if applicable)	Location	Source
Pioneer Grocery Store	398 Irving Avenue, San José	HRI Update
Richards House	404 Leland Avenue, San José	HRI Update
Richmond Avenue House No. 2	413 Richmond Avenue, San José	HRI Update
Rutland Avenue House	482 Rutland Avenue, San José	HRI Update
Sellitti House	367 Arleta Avenue, San José	HRI Update
Sidensol House	492 Arleta Avenue, San José	HRI Update
Thomsen-McCrory House	39 Wabash Avenue, San José	HRI Update
Vizzusi House	327 Leland Avenue, San José	HRI Update
Wabash Avenue House	47 Wabash Avenue, San José	HRI Update
Willard Avenue House	410 South Willard Avenue, San José	HRI Update
Montebello School	15101 Montebello Road, Cupertino	HRI Update
Perrone Ranch	17100 Montebello Road, Cupertino	HRI Update
Picchetti Ranch	13100 Montebello Road, Cupertino	HRI Update
Woodhills	22800 Prospect Road, Cupertino	HRI Update
Hale Ranch Tank House	410 Border Hill Drive, Los Altos	HRI Update
Kotano-En	Ravine Road, Los Gatos	HRI Update
Alma College Complex	19480 Bear Creek Road, Los Gatos	HRI Update
Averill House	22951 Summit Road, Los Gatos	HRI Update
Bohemia	22160 Loma Prieta Way, Los Gatos	HRI Update
Holy City	21200 Old Santa Cruz Highway, Los Gatos	HRI Update
Menuhin House	Alma Bridge Road, Los Gatos	HRI Update
Montezuma School for Boys	19480 Bear Creek Road, Los Gatos	HRI Update
Schultheis House	Old Santa Cruz Highway, Los Gatos	HRI Update
Wright's Station	Austrian Dam and Los Gatos Creek	HRI Update
Curtner-Weller Estate	1414 El Camino Higuera, Milpitas	HRI Update
Laguna Cemetery	Ed Levin Park, Milpitas	HRI Update
Laguna School	4001 New Calaveras Road, Milpitas	HRI Update
Casa Grande	21350 Almaden Road, San José	HRI Update
Employees Cottages	21650, 21660, 21676, 21684, 21692, Almaden Road, San José	HRI Update
Hacienda Cemetery	Bertram Road, San José	HRI Update
Hacienda Hotel	21747 Bertram Road, San José	HRI Update
Helping Hand	21756 Bertram Road, San José	HRI Update
House No. 1	21472 Almaden Road, San José	HRI Update
House No. 2	21474 Almaden Road, San José	HRI Update
House No. 3	21490 Almaden Road, San José	HRI Update
House No. 4	21498 Almaden Road, San José	HRI Update
House No. 5	21506 Almaden Road, San José	HRI Update
House No. 6	21512 Almaden Road, San José	HRI Update

TABLE 4.4-3 (CONTINUED)
PREVIOUSLY IDENTIFIED HISTORIC RESOURCES

Name of Property (if applicable)	Location	Source
House No. 11	21550 Almaden Road, San José	HRI Update
House No. 12	21560 Almaden Road, San José	HRI Update
House No. 13	21570 Almaden Road, San José	HRI Update
House No. 14	21590 Almaden Road, San José	HRI Update
House No. 15	21600 Almaden Road, San José	HRI Update
House No. 16	21620 Almaden Road, San José	HRI Update
Pfeiffer House	18611 Graystone Lane, San José	HRI Update
St. Anthony's Church	21800 Bertram Road, San José	HRI Update
Toll Gate House	21744 Almaden Road, San José	HRI Update
Vichy Springs	Almaden Road, San José	HRI Update
Bailey House	23201 McKean Road, San José	HRI Update
Belknap House	5325 Alum Rock Avenue, San José	HRI Update
Cottlle Ranch	5285 Snel Avenue, San José	HRI Update
Hillside Orchard	509 Porter Lane, San José	HRI Update
Holt House	2662 Monterey Road, San José	HRI Update
Joseph D. Grant Ranch	18450 Mt. Hamilton Road, San José	HRI Update
Lick Observatory	Mount Hamilton Road, San José	HRI Update
Miguelita Creek Bridge	Alum Rock Avenue, San José	HRI Update
Novell-D-Amico House	11150 Mount Hamilton Road, San José	HRI Update
Rancho Canada de Pala	16100 Mount Hamilton Road, San José	HRI Update
Valley Medical Center Building H12	751 South Bascom Avenue, San José	HRI Update
Bernal-Johnson-Norred Ranch	350 Bernal Road, San José	HRI Update
Jacoba Bernal-Fisher House	272 Curie Drive, San José	HRI Update
Pedro Bernal House	400 Bernal Road, San José	HRI Update
400 Bernal Road, San José	14831 Pierce Road, Saratoga	HRI Update
Villa Montalvo	15400 Montalvo Road, Saratoga	HRI Update
Dyer House	Skyline Boulevard, Saratoga	HRI Update
Welch-Hurst	Welch-Hurst House, Saratoga	HRI Update
Main Quad and Memorial Church	450 Serra Mall, Stanford University	HRI Update
Cecil H. Green Library West	459 Lasuen Mall, Stanford University	HRI Update
Cooksey House	550 San Juan Street, Stanford University	HRI Update
Dunn-Bacon House	565 Mayfield Avenue, Stanford University	HRI Update
Durand-Kirkman House	623 Cabrillo Avenue, Stanford University	HRI Update
Electioneer Statue	Fremont Road, Stanford University	HRI Update
Encina Hall	616 Serra Street, Stanford University	HRI Update
Escondite Cottage	890 Escondido Road, Stanford University	HRI Update
Fire Truck House	433 Santa Teresa St, Stanford University	HRI Update
Frenchman's Tower	Frenchman's Tower, Stanford University	HRI Update

TABLE 4.4-3 (CONTINUED)
PREVIOUSLY IDENTIFIED HISTORIC RESOURCES

Name of Property (if applicable)	Location	Source
Griffen-Drell House	570 Alvarado Row, Stanford University	HRI Update
Hanna House	737 Frenchman's Rd, Stanford University	HRI Update
Hesperides	766 Santa Ynez Ave, Stanford University	HRI Update
Hoover Tower	550 Serra Mall, Stanford University	HRI Update
The Knoll	660 Lomita Court, Stanford University	HRI Update
Leland Stanford Jr. Museum	Lomita Drive, Stanford University	HRI Update
Owen House	553 Salvatierra Walk, Stanford University	HRI Update
Red Barn-Palo Alto Stock Farm	Fremont Road, Stanford University	HRI Update
Stanford Barn-Palo Alto Winery	700 Welch Road, Stanford University	HRI Update
Thomas Welton Stanford Gallery	419 Lasuen Mall, Stanford University	HRI Update
Tower House-Frenchman's Library	860 Escondido Road, Stanford University	HRI Update
Dirigible Hangar No. 1	Moffett Field	HRI Update
Unitary Plan Wind Tunnel	Ames Research Center, Moffett Field	HRI Update

NOTES: HRI –Historic Resources Inventory

Of the 24 potential housing opportunity sites, nine are parking lots (no buildings present), two are vacant (no buildings present), and 13 have buildings that appear to meet the historic age threshold and have not yet been evaluated. None of the sites contain a historic landmark or previously identified historic resource.

Identified Archaeological Resources

The NWIC records searches indicated that there are no pre-contact or historic-era archaeological resources recorded within the potential housing opportunity sites or the potential future school location on Stanford's campus. There are two recorded historic-era resources recorded within 0.25 mile of the housing opportunity sites. There are six pre-contact resources recorded within 0.25 mile of the potential future school location on Stanford's campus. **Table 4.4-4** describes the eight archaeological resources within 0.25 mile the potential housing opportunity sites and the Stanford potential future school location.

TABLE 4.4-4
PREVIOUSLY RECORDED ARCHAEOLOGICAL RESOURCES

Name/Type of Resource	Nearest Opportunity Site	Source	Description	Eligibility
Santa Clara County Valley Medical Center Cemetery (P-43-002692/ CA-SCL-920H)	San José (APN 282-020-37)	NWIC	Historic – cemetery	Recommended eligible for the National Register and California Register
Well-001H (P-43-003555)	San José (APN 245-010-04)	NWIC	Historic – buried well	Not evaluated for the National Register or California Register
Oak Knoll (P-41-000259/P-43-002239)	Potential Future Stanford School Location	NWIC	Pre-contact –occupation and cemetery site with extensive midden, groundstone, and lithics	Not evaluated for the National Register or California Register
Sand Hill Road Site (P-43-000295)	Potential Future Stanford School Location	NWIC	Pre-contact – occupation and cemetery site; and Historic-era – remains of Buelna-Rodriquez Adobe residence	Not evaluated for the National Register or California Register
Creekbank Site (P-43-000579)	Potential Future Stanford School Location	NWIC	Pre-contact – scatter of occupation debris including shell, groundstone and lithics	Not evaluated for the National Register or California Register
Lower Golf Course Site (P-43-000581)	Potential Future Stanford School Location	NWIC	Pre-contact – occupation and cemetery site with extensive midden, groundstone, and lithics	Not evaluated for the National Register or California Register
Area A (P-43-000587)	Potential Future Stanford School Location	NWIC	Pre-contact – occupation site with shell, lithics, and hearth-related artifacts; and, Historic-era – dense late 19th to early 20th century deposit of bricks, plaster, glass and ceramics	Not evaluated for the National Register or California Register
Upper Golf Course (P-43-000616)	Potential Future Stanford School Location	NWIC	Pre-contact – occupation site with midden, groundstone, lithics, and bedrock milling features; and Historic-era – late 1800s to mid-1900s occupation materials including glass, ceramics, metal, and brick	Not evaluated for the National Register or California Register

SOURCE: NWIC, 2022

There are also many archaeological resources recorded within the boundary of the County that are in proximity to the HEU's housing opportunity sites. There are 40 archaeological resources documented by the Office of Historic Preservation (OHP, 2012) as eligible for the National Register within Santa Clara County. There are many more archaeological resources in Santa Clara County that are eligible for the National Register and/or the California Register that have

not yet been evaluated or have been evaluated since the latest version of the OHP list was produced in 2012.

4.4.3 Regulatory Setting

Federal

Under federal law, historical and archaeological resources are considered through the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. 306108), and its implementing regulations. Before an "undertaking" (e.g., federal funding or issuance of a federal permit) is implemented, Section 106 of the NHPA requires federal agencies to consider the effects of the undertaking on historic properties (i.e., properties listed in or eligible for listing in the national register) and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on any undertaking that would adversely affect properties eligible for listing in the National Register. Under the NHPA, a property is considered significant if it meets the National Register listing criteria A through D, at 36 Code of Federal Regulations 60.4, as follows:

> The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and that:
>
> a) Are associated with events that have made a significant contribution to the broad patterns of our history, or
>
> b) Are associated with the lives of persons significant in our past, or
>
> c) Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or
>
> d) Have yielded, or may be likely to yield, information important in prehistory or history.

For a resource to be eligible for the National Register, it must also retain enough integrity to be recognizable as a historic property and to convey its significance. Resources that are less than 50 years old are generally not considered eligible for the National Register.

Federal review of the effects of undertakings on significant cultural resources is carried out under Section 106 of the NHPA and is often referred to as "Section 106 review." This process is the responsibility of the federal lead agency and occurs when an undertaking involves federal funding or a federal approval action. Section 106 review typically involves a four-step procedure, which is described in detail in the implementing regulations of the NHPA (36 Code of Federal Regulations 800):

- Define the Area of Potential Effects in which an undertaking could directly or indirectly affect historic properties;
- Identify historic properties in consultation with the State Historic Preservation Office and interested parties;
- Assess the significance of effects of the undertaking on historic properties; and

- Consult with the State Historic Preservation Officer, other agencies, and interested parties to develop an agreement that addresses the treatment of historic properties and notify the Advisory Council on Historic Preservation and proceed with the project according to the conditions of the agreement.

State

The State of California implements the NHPA of 1966, as amended, through its statewide comprehensive cultural resource surveys and preservation programs. The California Office of Historic Preservation, as an office of the California Department of Parks and Recreation, implements the policies of the preservation act on a statewide level. The Office of Historic Preservation also maintains the California Historical Resources Inventory. The State Historic Preservation Officer (SHPO) is an appointed official who implements historic preservation programs within the state's jurisdictions.

CEQA and the California Register of Historical Resources

The California Register is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1[a]). Certain resources are determined by the statute to be automatically included in the California Register, including those formally determined eligible for or listed in the National Register (PRC 5024.1[d][1]). These resources are termed "historical resources."

Based on Section 15064.5(a) of the CEQA Guidelines, historical resources include, but are not limited to, any object, building, structure, site, area, place, record, or manuscript that is historically or archaeologically significant or that is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Generally, a resource is considered by a lead agency to be "historically significant" if the resource meets the criteria for listing in the California Register (PRC Section 5024.1), or qualifies as a "unique historical resource" (PRC Section 21083.2).

To be eligible for the California Register, a cultural resource must meet one or more of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

For a resource to be eligible for the California Register, it must also retain enough integrity of location, design, setting, materials, workmanship, feeling, and association to be recognizable as a

historical resource and to convey its significance. Resources that are less than 45 years old are generally not considered eligible for the California Register.

Impact assessment under CEQA considers only historically significant cultural resources; that is, resources that meet CEQA criteria for eligibility to the California Register (historical resources) or qualify as unique archaeological resources, as detailed below. Impacts on resources that do not meet these criteria are not considered in impact assessment under CEQA. Similarly, for projects with federal involvement, only resources that meet the criteria of eligibility for the National Register receive further consideration in impact analysis.

CEQA considers archaeological resources as an intrinsic part of the physical environment and thus requires that, for any project, the potential of the project to adversely affect archaeological resources be analyzed (CEQA Section 21083.2). For a project that may have an adverse effect on a significant archaeological resource, CEQA requires preparation of an environmental impact report (CEQA Section 21083.2 and CEQA Guidelines Section 15065). CEQA recognizes two different categories of significant archaeological resources: "unique" archaeological resource (CEQA Section 21083.2) and an archaeological resource that qualifies as a "historical resource" under CEQA (CEQA Section 21084.1 and CEQA Guidelines Section 15064.5).

Health and Safety Code, Sections 7052 and 7050.5

Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the Native American Heritage Commission (NAHC).

Other Relevant State Regulations

Sections of the Public Records Act (Government Code §§6254(r), 6254.10), Health and Safety Code (§7050.5), Penal Code (§622.5), and Public Resources Code (§622.5) provide guidance for protection of archaeological resources and human remains. These codes provide protection from unauthorized excavation, looting, or vandalism; guidance following discovery of human remains; penalty for injuring or destroying objects of historic or archaeological interest; and penalty for unauthorized disturbance or removal of archaeological or historical features.

Local

Santa Clara County Ordinance Code

Historic Preservation Ordinance of the County of Santa Clara (Division C-17 – Historic Preservation)

The Heritage Preservation Ordinance outlines the County's Heritage Resource Inventory process and criteria, County landmark designation process and criteria, the responsibilities of the Historical Heritage Commission, and the role of the Board of Supervisors in these processes. A landmark is defined as "a historic resource designated as a landmark by the County of Santa Clara

pursuant to the provisions of Article III" of the Historic Preservation Ordinance. A resource must meet the following designation criteria:

A. *Fifty years or older.* If less than 50 years old, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the historic resource and/or the historic resource is a distinctive or important example of its type or style; and

B. *Retains historic integrity.* If a historic resource was moved to prevent demolition at its former location, it may still be considered eligible if the new location is compatible with the original character of the property; and

C. *Meets one or more of the following criteria of significance:*

    1. Associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

    2. Associated with the lives of persons important to local, California or national history;

    3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or

    4. Yielded or has the potential to yield information important to the pre-history or history of the local area, California, or the nation.

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of the County of Santa Clara (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements within the General Plan include goals and policies for the physical development of the County. General Plan strategies and policies related to cultural resources, referred to as heritage resources by the County, and relevant to implementation of the HEU are listed below.

Countywide and Rural Unincorporated Area Issues & Policies

Strategies and policies relating to cultural resources, described as heritage resources in the General Plan, are in two different sections of the document: countywide issues and policies and rural unincorporated area issues and policies. The strategies and policies for heritage resources in these two sections have very similar text, the main difference is the location of these resources within the County. Therefore, for the purposes of this list, for those strategies and policies which are similar, we have included the text from the countywide section, but provided the naming convention for both versions of the topic.

Strategy: The general approach to cultural heritage resource protection outlined by the General Plan consists of three basic strategies

Policy C-RC 49/R-RC 81: Cultural heritage resources within Santa Clara County should be preserved, restored wherever possible, and commemorated as appropriate for their scientific, cultural, historic and place values.

Policy C-RC 50/R-RC 82: Countywide, the general approach to heritage resource protection should include the following strategies:

1. Inventory and evaluate heritage resources.

2. Prevent or minimize adverse impacts on heritage resources.

3. Restore, enhance, and commemorate resources as appropriate.

Strategy #1: Inventory and Evaluate Heritage Resources.

***Policy C-RC 51*:** Inventories of heritage resources should be maintained as the basis for local decision-making regarding such resources.

Policy R-RC 83: The County's Heritage Resources database shall be maintained and used to review private development projects and guide the design of public projects.

Strategy #2: Prevent or Minimize Adverse Impacts on Heritage Resources.

***Policy C-RC 52*:** Prevention of unnecessary losses to heritage resources should be ensured as much as possible through adequate ordinances, regulations, and standard review procedures. Mitigation efforts, such as relocation of the resource, should be employed where feasible when projects will have significant adverse impact upon heritage resources.

Policy C-RC 53: Cities should balance plans for urban redevelopment with the objectives of heritage resource preservation in such cases where potential conflicting interest may arise. Case should be taken to integrate heritage resources with new development wherever possible.

Policy R-RC 85: No heritage resource shall knowingly be allowed to be destroyed of lost through a discretionary action (zoning, subdivision site approval, grading permit, building permit, etc.) of the County of Santa Clara unless:

a. The site or resource has been reviewed by experts and the County Historic Heritage Commission and has been found to be of insignificant value; or

b. There is an overriding public benefit from the project and compensating mitigation to offset the loss is made part of the project.

Policy R-RC 86: Projects in areas found to have heritage resources shall be conditioned and designed to avoid loss or degradation of the resources. Where conflict with the resource is unavoidable, mitigation measures that offset the impact may be imposed.

Policy R-RC 87: Land divisions in areas with heritage resources shall be encouraged to cluster building sites in locations which will minimize the impacts to heritage resources.

Policy R-RC 88: For projects receiving environmental assessment, expert opinions and field reconnaissance may be required if needed at the applicant's expense to determine the presence, extent, and condition of suspected heritage resources and the likely impact of the project upon the resources.

Policy R-RC 89: Demolition permits proposed for designated heritage resources shall be referred to the Historic Heritage Commission for review and recommendation to the Board of Supervisors.

Policy R-RC 90: Heritage and old growth trees, particularly redwoods, should not be cut, except in instances where public safety is jeopardized.

Policy R-RC 91: The application of historic district zoning to areas containing historic structures shall be encouraged.

Policy R-RC 92: The participation of concerned citizens and professionals dealing with heritage resources in the identification of sites and the review and conditioning of projects by its boards and commissions shall be encouraged by the County.

Strategy #3: Restore, Enhance and Commemorate Resources.

***Policy C-RC 54/R-RC 93*:** Heritage resources should be restored, enhanced, and commemorated as appropriate to the value and significance of the resource. All historic rehabilitation activities should comply with the Secretary of the Interior's Standards for Rehabilitation.

Policy C-RC 55/R-RC 94: Public awareness and appreciation of existing heritage resources and their significance should be enhanced through community organizations, neighborhood associations, the educational system, and governmental programs.

Policy C-RC 56/R-RC84: Heritage resource acquisition, preservation, restoration, and interpretation projects eligible for funding with County Parks Charter Funds are identified in the "Santa Clara County Heritage Resources Inventory" adopted by the Board of Supervisors.

Special Area Policies – New Almaden Historical Area

***Policy R-LU 97*:** The New Almaden Historical Area, a nationally registered historic site, shall be preserved under the provisions of the special Historical Conservation Zoning District (H1) applied to the area.

Stanford University Community Plan

The current Stanford University Community Plan was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the Community Plan is to guide future use and development of Stanford University-owned lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The Community Plan was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. Any revisions to the Community Plan must also be made according to the provisions of State law for adopting and amending general plans. Community strategies and policies related to cultural resources and relevant to implementation of the HEU and Community Plan Update are listed below.

Resource Conservation Strategy #7: Inventory and Evaluate Heritage Resources.

***Policy SCP-RC-21*:** Maintain informational databases and formal inventories of heritage resources as the basis for local decision-making regarding historic buildings, archaeological and paleontological sites, heritage trees, and landscape features.

Resource Conservation Strategy #8: Protect Heritage Resources Through Avoidance, Adaptive Reuse and Sensitive Planning Design.

***Policy SCP-RC 22*:** Protect heritage resources, including sites, structures, and trees in campus development through careful campus land use planning, individual project design, project review, use of appropriate guidelines, and other implementation plans.

Policy SCP-RC 23: Protect the integrity of significant archaeological sites and other heritage resources. Ensure the confidentiality of archaeological site locations in conformance with state laws.

Policy SCP-RC 24: Protect archaeological and paleontological resources in any environmental enhancement activities involving creek restoration and flood control.

Policy SCP-RC 25: Give priority to the avoidance or adaptive reuse of historic structures over demolition whenever possible.

Resource Conservation Strategy #10: Maintain and Enhance the Scenic Values of Urbanized Area Settings

Policy SCP-RC 30**:** Preserve significant historic landscape elements within the fabric of the campus' architecture and design.

4.4.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to cultural resources are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project would have a significant impact on the environment if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to Public Resources Code §15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code §15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

Methodology and Assumptions

This is a program-level EIR that considers the potential impacts from implementing the proposed project. While the HEU would be applicable Countywide, special focus was given to the HEU's housing opportunity sites in unincorporated San Jose, on the Stanford campus, and the potential future school location on the Stanford campus. Impacts on cultural resources are evaluated using the criteria listed above and based on information included in the Santa Clara County General Plan (1994) and the Stanford University Community Plan (2000). Impacts to historical resources were also informed by a reconnaissance-level survey conducted in October 2022 that was supervised by a qualified architectural historian.

Impacts and Mitigation Measures

Impacts

Impact CR-1: Implementation of the proposed project could cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

CEQA Guidelines define a historical resource as any building, structure, site, or object listed in or determined to be eligible for listing in the California Register or determined by a lead agency to be significant in the architectural, engineering, scientific, economic, agricultural, educational,

social, political, or cultural annals of California. The following discussion focuses on historic-age architectural and structural resources. Archaeological resources, including archaeological resources that are potentially historical resources according to CEQA Guidelines Section 15064.5, are addressed under Impact CR-2, below.

HEU and Stanford Community Plan

The primary purpose of the HEU component of the proposed project is to comply with the requirements of State law by updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing, and providing a list of viable development sites to meet the County's RHNA requirement plus a buffer. The County has identified the housing opportunity sites discussed above as potential locations for new multifamily housing. As described above in the Environmental Setting, archival research considered known and potential historical resources on the HEU housing opportunity sites and the potential future school location as well as whether or not buildings and structures that are historic-age, and are therefore considered as potentially eligible, are present at those locations.

Modification or demolition of buildings associated with physical development that could occur under the proposed project could result in damage to or destruction of historical resources, which would constitute a significant impact.

As detailed in the Regulatory Setting above, there are several federal, state, and local regulations in place to protect historical resources. CEQA requires lead agencies to determine, prior to approval, if a project would have a significant adverse effect on historical resources and requires the lead agency to prescribe any feasible mitigation measures that would reduce significant impacts.

In addition, the General Plan and Stanford University Community Plan include policies and implementation programs designed to identify and protect historical resources. For example, General Plan Policy C-RC 50/R-RC 82 and Stanford Community Plan Policies SCP-RC-21 through SCP-RC-25 call for the identification, prevention or minimization of adverse impacts and restoration of resources. General Plan Policy C-RC 49/R-RC 81 calls for the preservation and restoration of resources.

While the aforementioned regulations and policies to protect historical resources are aimed at protecting resources by requiring projects to identify and mitigate impacts to potential historical resources, there remains the potential for construction activities undertaken as a result of the project to damage or destroy historical resources. A number of the housing opportunity sites contain buildings that potentially meet the age criteria for eligibility but have not yet been evaluated, so their eligibility status cannot be determined. In addition, since the project considers development that has not yet been proposed and therefore may not occur until an unknown time in the future, it is possible that some existing buildings that do not currently meet the age criteria for eligibility could meet that criterion at a later time. As such, the eligibility status of those structures cannot be determined and known at this time. Nevertheless, if development were to be undertaken at some point in the future and if potentially eligible resources were to be demolished

or otherwise lost, a potentially significant impact could occur. Accordingly, the following mitigations are prescribed:

Mitigation Measure CR-1A: Identify Historical Resources.

Prior to any demolition work or significant alterations to any building or structure that is 50 years old or older, the County shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards evaluate the building or structure for eligibility for listing on the National Register, California Register, and as a County Historic Landmark.

Mitigation Measure CR-1B: Identify Character-Defining Features.

Prior to any demolition work or significant alterations initiated at a known historical resource or a resource identified via implementation of Mitigation Measure CR-1A, the County shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards identifies character-defining features of each historical resource. Despite being presumed or having been previously determined eligible for listing in the National Register and/or California Register, character-defining features of the historical resources that would be demolished or may be significantly altered may not have been explicitly or adequately identified. According to guidance from the National Park Service, a historical resource "must retain… the essential physical features [i.e., character-defining features] that enable it to convey its historic identity. The essential physical features are those features that define both *why* a property is significant…and *when* it was significant" (National Park Service, 1997). The identification of character-defining features is necessary for complete documentation of each historical resource as well as appropriate public interpretation and salvage plans.

Mitigation Measure CR-1C: Document Historical Resources Prior to Demolition or Alteration.

Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified via implementation of Mitigation Measure 4.5-1A, the County shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service's standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled drawings and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4"x5") black-and-white negatives and 8"x10" enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.

Significance After Mitigation: Development provided for under the proposed project could result in the demolition or significant alteration of historical resources, which would constitute a substantial adverse change in the significance of the resources. While the mitigation measures included above would require identification and documentation of the resources, they would not fully mitigate these actions to a less-than-significant

level if these resources were permanently lost. Therefore, even with implementation of Measures CR-1A, CR-1B, and CR-1C the impact would be **significant and unavoidable**.

Impact CR-2: Implementation of the proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. (*Less than Significant Impact, with Mitigation*)

This section discusses archaeological resources, both as historical resources according to CEQA Guidelines Section 15064.5, as well as unique archaeological resources, as defined in California Public Resources (PRC) (CEQA) Section 21083.2(g).

HEU and Stanford Community Plan

As described above in the *Environmental Setting*, a records search did not identify previously recorded pre-contact archaeological resources in the housing opportunity sites or within the potential future school location on the Stanford campus. However, there are many pre-contact archaeological resources within the County boundary. Given the long history of pre-contact and historic-era human occupation, the County is considered sensitive for the presence of subsurface cultural resources.

Archaeological resources have the potential to contain intact deposits of artifacts, associated features, and burials that could contribute to the regional pre-contact or historic record and be of substantial importance to members of the local and regional community. Ground disturbance associated with physical development that could occur under the HEU could result in damage to or destruction of these resources, which would constitute a significant impact.

As detailed in the *Regulatory Setting* above, there are federal, state, and local regulations in place to protect archaeological resources and human remains. CEQA requires lead agencies to determine, prior to approval, if a project would have a significant adverse effect on historical or unique archaeological resources and requires the lead agency to make provisions for handling the inadvertent discovery of historical or unique archaeological resources during construction.

In addition, the proposed SCP update and the existing General Plan include policies and implementation programs designed to identify and protect archaeological resources that could be adversely affected by development activities. For example, the General Plan's three basic strategies to inventory and evaluate heritage resources, prevent or minimize adverse impacts on heritage resources, and restore, enhance, and commemorate resources and associated policies aim to identify and protect cultural resources.

While the goal of the aforementioned policies is to protect archaeological resources and human remains, exact procedures are not outlined on how these policies are to be enacted. Therefore, there remains the potential for ground-disturbing construction activities to inadvertently damage or destroy archaeological resources or human remains because these policies and programs do not establish a project review process for cultural resources or an exact policy for inadvertent

discovery of archaeological resources during project construction. Nor do these policies and programs address tribal involvement during the inadvertent discovery of indigenous resources during project construction.

While there are no known archaeological resources within the housing opportunity sites or the potential future school location, only some of the sites have been previously surveyed for cultural resources. Therefore, there may be unknown archaeological resources or human remains within these areas. Therefore, the HEU is considered to have a **potentially significant** impact on archaeological resources.

Mitigation Measure CR-2A: Cultural Resources Study Requirements.

The County shall ensure that a cultural resources records search is performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area of all discretionary housing development projects arising from the HEU that require ground disturbance (i.e., excavation, trenching, grading, etc.). To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology must review the results and identify if the project would potentially impact cultural resources. Additionally, the County shall consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Santa Clara County to determine if there are tribal cultural resources that may be impacted by development of housing opportunity sites or the possible future elementary school site on Stanford's campus and allow tribes to request additional project- and site-specific mitigation.

If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years. Additional research, including subsurface testing, monitoring during construction, and/or a cultural resources awareness training may be required to identify, evaluate, and mitigate impacts to cultural resources, as recommended by the SOIS-qualified archaeologist. If avoidance is not feasible, the County shall consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Santa Clara County for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (if the resource is pre-contact or indigenous) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). A cultural report detailing the results of the research shall be prepared and submitted for review by the County and a final draft shall be submitted to the NWIC. Once the report has been approved by the County, the County may issue appropriate permits.

Mitigation Measure CR-2B: Inadvertent Discovery of Cultural Resources.

If pre-contact or historic-era archaeological resources are encountered during project construction and implementation, all construction activities within 100 feet shall halt and the County shall be notified. Pre-contact archaeological materials might include obsidian

and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-age materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology shall inspect the findings within 24 hours of discovery.

If the County determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. If preservation in place is feasible, this may be accomplished through one of the following means as per Program LU-22.1.6 of the General Plan: (1) siting improvements to completely avoid the archaeological resource; (2) incorporating the resource into a park or dedicated open space, or by deeding the resource into a permanent conservation easement; (3) capping and covering the resource before building the project on the resource site after the resource has been thoroughly studied by a SOIS qualified archaeologist and a report written on the findings.

If avoidance is not feasible, the County shall consult with appropriate Native American tribes (if the resource is pre-contact), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).

Significance After Mitigation: Implementation of Mitigation Measures CR-2A and CR-2B, would reduce the potential impact to a **less-than-significant** level because all projects with ground-disturbance would be reviewed by an SOIS qualified archaeologist and any potential archaeological resources identified would be evaluated and treated appropriately, including consulting with Native American representatives.

Impact CR-3: Implementation of the proposed project could disturb human remains, including those interred outside of designated cemeteries (*Less than Significant Impact, with Mitigation*)

HEU and Stanford Community Plan

As described above, there are known cultural resources with human remains within the County boundary. Based on the overall sensitivity of the County for cultural resources, there is the potential for previously unknown human remains to be discovered during ground-disturbing activities. In the event that human remains are discovered, including those interred outside of formal cemeteries, the human remains could be inadvertently damaged or lost, which would be a

significant impact for the purposes of CEQA. Therefore, the HEU is considered to have a **potentially significant** impact on archaeological resources and human remains.

Mitigation Measure CR-3: Inadvertent Discovery of Human Remains.

Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5 (CEQA). According to the provisions in CEQA, if human remains are encountered, the Project applicant shall ensure that all work in the immediate vicinity of the discovery shall cease and necessary steps are taken to ensure the integrity of the immediate area. The Santa Clara County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the landowner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.

Significance After Mitigation: Implementation of Mitigation Measures CR-3 would reduce the potential impact to human remains to a **less-than-significant** level because all laws and regulations regarding the inadvertent discovery of human remains would be followed.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to cultural resources could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact CR-4: Implementation of the proposed project, in combination with other cumulative development, could cause a substantial adverse change in the significance of historical resources pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

HEU and Stanford Community Plan

The geographic context for the analysis of cumulative historical resources impacts is cumulative development in Santa Clara County.

Future development under the proposed project as well as other residential projects within Santa Clara County could potentially impact historical resources that may be present. The cumulative effect of this future development is the continued loss of significant historical resources. Potential

future development increases the likelihood that additional historical resources could be lost. It is therefore possible that cumulative development could result in the demolition or destruction of significant historical resources. The loss of these resources would result in a significant impact, and impacts associated with the proposed project would be considered cumulatively considerable, resulting in a **significant impact**.

Implementation of Measures CR-1 through CR-3, which would require previously unevaluated historic-age resources be evaluated, character-defining features of historic resources be identified, and documentation of those significant historic resources that would be altered or demolished, would reduce the severity of impacts associated with the proposed project, but they would remain significant. As a result, the significant impact would be considered cumulatively considerable and a significant cumulative effect.

> **Mitigation Measure:** Implement **Mitigation Measures CR-1A, CR-1B,** and **CR-1C**.
>
> **Significance After Mitigation:** Because demolition or significant alteration of potential historical resources could result in a substantial adverse change in the significance of historical resources, no measures would fully mitigate these actions to a less-than-significant level. Therefore, even with implementation of Measures CR-1A, CR-1B, and CR-1C the impact would be **significant and unavoidable**.

Impact CR-5: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect on the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or a tribal cultural resource as defined in Public Resources Code Section 21074 or could disturb human remains, including those interred outside of formal cemeteries. (*Less than Significant Impact, with Mitigation)*

HEU and Stanford Community Plan

The geographic context for the analysis of cumulative archaeological resource and human remains impacts is the cumulative development of the County of Santa Clara.

Since much of Santa Clara County was developed either as urban or agricultural landscapes prior to widespread awareness and concern about archaeological resources, or before implementation of regulations to protect such resources, it can be assumed that many significant pre-contact and historic-era archaeological resources have been disturbed or destroyed by construction work associated with the development of the County over numerous decades of urban construction and agricultural activities.

Future development in the County under the proposed project could include excavation and grading that could potentially impact archaeological resources and human remains that may be present. The cumulative effect of this future development is the continued loss of cultural remains. Potential future development increases the likelihood that additional archaeological resources could be uncovered and potentially impacted. It is therefore possible that cumulative development could result in the demolition or destruction of unique archaeological resources,

which could contribute to the erosion of the pre-contact and historic archaeological record of the region. The loss of these resources would result in a potentially significant cumulative impact, and the project's contribution would be cumulatively considerable prior to mitigation.

Though archaeological resources can sometimes be preserved when discovered during excavation, there is no guarantee that these resources can be protected and preserved. The proposed project would contribute a negligible **less than significant** impact after the implementation of Measures CR-2A, CR-2B, and CR-3 which would require a SOIS qualified archaeologist to conduct a review of discretionary housing projects prior to construction, the cessation of activities in the vicinity of archaeological finds or unanticipated human remains, and tribal consultation when indigenous resources or human remains are inadvertently identified during project construction. As a result, the less-than-significant incremental impact would not be cumulatively considerable and thus would not combine with the incremental impact of other projects in the cumulative scenario to cause a significant cumulative effect.

4.4.5 References

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4.5 Energy

4.5.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects related to energy resources. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to energy use. Further below, existing plans and policies relevant to energy conservation associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to energy resources that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the project's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR. No comments relating to energy were received during either NOP comment period.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).

4.5.2 Environmental Setting

State Energy Profile

In 2020, total energy usage in California was 7,070 trillion British thermal units (BTU) (the most recent year for which these specific data are available), which equates to an average of 198 million BTU per capita per year. These figures place California second among the 50 states and the District of Columbia in total energy use and 48th in per-capita consumption. Of California's total energy usage, the breakdown by sector is roughly 34 percent transportation, 24.6 percent industrial, 19.6 percent commercial, and 21.8 percent residential (United States Energy Information Administration [USEIA], 2023).

California relies on a regional power system composed of a diverse mix of natural gas, renewable, hydroelectric, coal, and nuclear gas generation resources. Approximately 70 percent of the electrical power needed to meet California's demand is produced in the state; the balance,

approximately 30 percent, is imported from the Pacific Northwest and the Southwest. In 2020, California's in-state electricity use was derived from natural gas (48 percent); coal (< 1 percent); large hydroelectric resources (9 percent); nuclear sources (9 percent); renewable resources that include geothermal, biomass, small hydroelectric resources, wind, and solar (33 percent) (CEC, 2023a). **Table 4.5-1** summarizes the statewide and regional usage.

TABLE 4.5-1
EXISTING ANNUAL STATE AND REGIONAL ENERGY USE

Energy Type	Amount
Electricity (State/PG&E service area)[a]	280,738 GWh / 78,588 GWh
Natural Gas (State/PG&E service area)[a]	1,232,858,394 MMBTU / 450,746,500 MMBTU
Gasoline (Statewide/Santa Clara County)[b]	12,572 million gallons / 599 million gallons
Diesel (Statewide/ Santa Clara County)[b]	3,559 million gallons / 99 million gallons

NOTES:
MMBTU = million British thermal units; MWh = megawatt-hours; PG&E = Pacific Gas and Electric Company.

SOURCES: [a] CEC, 2023b; [b] CEC, 2022a

Electricity

Electricity, as a consumptive utility, is a man-made resource. The production of electricity requires the consumption or conversion of resources—including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources—into useable energy. The delivery of electricity involves several system components for distribution and use. Electricity is distributed through a network of transmission and distribution lines commonly called a power grid.

Energy capacity, or electrical power, is generally measured in watts (W), while energy use is measured in watt-hours. For example, if a light bulb has a capacity rating of 100 W, the energy required to keep the bulb on for 1 hour would be 100 watt-hours. If ten 100 W bulbs were on for 1 hour, the energy required would be 1,000 watt-hours or 1 kilowatt-hour. On a utility scale, the capacity of a generator is typically rated in megawatts (MW), which is 1 million watts, while energy usage is measured in megawatt-hours (MWh) or gigawatt-hours, which is one billion watt-hours.

Beginning in April 2017, unincorporated Santa Clara County communities started receiving 100 percent carbon-free electricity from Silicon Valley Clean Energy (SVCE), a non-profit, public agency, formed in 2016 by twelve South Bay communities, including Santa Clara County, to source clean electricity. Customers with existing PG&E accounts are automatically enrolled in SVCE's GreenStart electric generation service, which is 100 percent carbon-free. The energy is sourced from 50 percent renewables such as wind and solar, and 50 percent from large hydro. For a small premium, residents may also choose to upgrade to GreenPrime to receive 100 percent renewable and 100 percent carbon-free power (County of Santa Clara, 2022). See **Table 4.5-2,** which summarizes SVCE's power mix and compares it with the 2019 overall power mix for the state.

TABLE 4.5-2
SVCE & PG&E 2020 POWER CONTENT LABELS

Energy Resources	SVCE GreenPrime	SVCE GreenStart	2020 CA Power Mix
Eligible Renewables[a]	100.0%	42.5%	33.1%
Biomass & Biowaste	*0.0%*	*2.8%*	*2.5%*
Geothermal	*0.0%*	*1.9%*	*4.9%*
Eligible Hydroelectric	*0.0%*	*5.2%*	*1.4%*
Solar	*75.0%*	*18.3%*	*13.2%*
Wind	*25.0%*	*14.3%*	*11.1%*
Coal	0.0%	0.0%	2.7%
Large Hydroelectric	0.0%	47.5%	12.2%
Natural Gas	0.0%	0.0%	37.1%
Nuclear	0.0%	9.5%	9.3%
Other	0.0%	0.3%	0.2%
Unspecified Power[b]	0.0%	0.2%	5.4%
TOTAL	100.0%	100.0%	100.0%

NOTES:

a. The eligible renewable percentage above does not reflect Renewables Portfolio Standard (RPS) compliance, which is determined using a different methodology.
b. Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source.

SOURCES: SVCE, 2021.

Although SVCE procures this power, Pacific Gas & Electricity (PG&E) continues to deliver electricity over existing power lines, maintain the lines, send bills, and provides customer service. Customers may also opt out of enrolling in SVCE and remain on PG&E's bundled service.

PG&E's electricity distribution system consists of electric distribution lines and interconnected transmission lines. PG&E's service area stretches from Eureka in the north to Bakersfield in the south, and from the Pacific Ocean in the west to the Sierra Nevada in the east providing service to 5.5 million electric customer accounts and 4.5 million natural gas customer accounts (PG&E, 2023a). PG&E produces and purchases energy from a mix of conventional and renewable generating sources. Approximately 31 percent of PG&E's 2020 electricity purchases were from renewable sources, as shown in Table 4.5-2 (PG&E, 2023b). Refer to Table 4.5-1 for a summary of electricity use in the state and PG&E service area.

Natural Gas

Natural gas is a combustible mixture of simple hydrocarbon compounds (primarily methane) that is used as a fuel source. Natural gas consumed in California is obtained from naturally occurring reservoirs and delivered through high-pressure transmission pipelines. Natural gas provides almost one-third of California's total energy requirements and is measured in terms of both cubic feet and BTU.

PG&E's natural gas pipe delivery system includes distribution pipelines and transportation pipelines that deliver gas originating from gas fields in California, the U.S. Southwest, the U.S. Rocky Mountains, and Canada to storage facilities and eventually to individual businesses or residences. PG&E provides natural gas transportation services to "core" customers and to "non-core" customers (industrial, large commercial, and natural gas–fired electric generation facilities) that are connected to its gas system in its service territory. Core customers can purchase natural gas procurement service (natural gas supply) from either PG&E or non-utility third-party gas procurement service providers (referred to as "core transport agents"). When core customers purchase gas supply from a core transport agent, PG&E still provides gas delivery, metering, and billing services to those customers. When PG&E provides both transportation and procurement services, PG&E refers to the combined service as "bundled" natural gas service.

PG&E does not provide procurement service to non-core customers, who must purchase their gas supplies from third-party suppliers. PG&E offers backbone gas transmission, gas delivery (local transmission and distribution), and gas storage services as separate and distinct services to its non-core customers. Access to PG&E's backbone gas transmission system is available for all natural gas marketers and shippers, as well as non-core customers. PG&E also delivers gas to off-system customers (i.e., outside of PG&E's service territory) and to third-party natural gas storage customers. 2020 natural gas usage for the state and the PG&E service region are also shown in Table 4.5-1.

Transportation Energy

In 2022, 13.6 billion gallons of gasoline and 3.17 billion gallons of diesel fuel were consumed in California (CDTFA, 2023a; CDTFA, 2023b). Petroleum-based fuels currently account for more than 85 percent of ground transportation fuel use in California (USEIA, 2021).

The State is now working on developing flexible strategies to reduce petroleum use. Over the last decade, California has implemented several policies, rules, and regulations to improve vehicle efficiency, increase the development and use of alternative fuels, reduce vehicle miles traveled (VMT) and reduce air pollutants and GHG emissions from the transportation sector. Accordingly, total gasoline consumption in California has declined. According to fuel sales data from the California Energy Commission (CEC), fuel consumption in Santa Clara County was approximately 599 million gallons of gasoline and 99 million gallons of diesel fuel in 2021 (CEC, 2022a). Refer to Table 4.5-1 for a summary of statewide fossil fuel consumption in 2020.

4.5.3 Regulatory Setting

Federal

Corporate Average Fuel Economy Standards

Established by the U.S. Congress in 1975, the Corporate Average Fuel Economy (CAFE) standards reduce energy consumption by increasing the fuel economy of cars and light trucks. The National Highway Traffic Safety Administration (NHTSA) and U.S. Environmental Protection Agency (USEPA) jointly administer the CAFE standards. Congress has specified that

CAFE standards must be set at the "maximum feasible level" with consideration given to (1) technological feasibility; (2) economic practicality; (3) effect of other standards on fuel economy; and (4) the need for the nation to conserve energy.[1]

In August 2012, standards were adopted for model years 2017 through 2025 for passenger cars and light-duty trucks. According to U.S. EPA, a model year 2025 vehicle would emit half the greenhouse gas (GHG) emissions of a model year 2010 vehicle (U.S. EPA, 2012). Notably, the State of California harmonized its vehicle efficiency standards through 2025 with the federal standards at this time (refer to Section 2.2.13, California Air Resources Board *Advanced Clean Cars Program*).

In August 2018, U.S. EPA and the National Highway Traffic Safety Administration proposed maintaining the 2020 corporate average fuel economy and carbon dioxide ($CO_{2)}$ standards for model years 2021 through 2026. The estimated corporate average fuel economy and CO_2 standards for model year 2020 vehicles are 43.7 miles per gallon (mpg) and 204 grams of CO_2 per mile for passenger cars and 31.3 mpg and 284 grams of CO_2 per mile for light trucks, projecting an overall industry average of 37 mpg, as compared to 46.7 mpg under the standards issued in 2012. In September 2019, U.S. EPA finalized the Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program and announced its decision to withdraw the Clean Air Act preemption waiver granted to the State of California in 2013 (US.E. PA & NHTSA, 2019). However, on March 9, 2022, U.S. EPA reinstated California's authority under the Clean Air Act to implement its own GHG emissions standards and mandate for zero-emission vehicle sales (U.S. EPA, 2022).

State

Warren-Alquist Act

In 1974, the California Legislature enacted the Warren-Alquist Act, which led to the creation of the California Energy Commission (CEC). This law also incorporated the following three key provisions designed to address energy demand:

- The Warren-Alquist Act directed the CEC to formulate and adopt the nation's first energy conservation standards for buildings constructed and appliances sold in California.
- The law removed the responsibility for electricity demand forecasting from the utilities, which had a financial interest in high demand projections, and transferred it to a more impartial CEC.
- The CEC was directed to embark on an ambitious research and development program, with a particular focus on fostering what were characterized as non-conventional energy sources.

[1] For more information on the CAFE standards, refer to https://www.nhtsa.gov/laws-regulations/corporate-average-fuel-economy.

California Public Utilities Commission

The California Public Utilities Commission (CPUC) is a state agency, created by a constitutional amendment that regulates privately owned utilities providing telecommunications, electric, natural gas, water, railroad, rail transit, and passenger transportation services, and in-state moving companies. CPUC is responsible for assuring that California utility customers have safe, reliable utility services at reasonable rates, while protecting customers from fraud. CPUC regulates the planning for and approval of the physical construction of electric generation, transmission, and distribution facilities, and local distribution pipelines for natural gas.

California Energy Commission

The CEC is the primary energy policy and planning agency in California. Created by the California Legislature in 1974, the CEC has five major responsibilities: (1) Forecast future energy needs and keep historical energy data; (2) license thermal power plants 50 megawatts or larger; (3) promote energy efficiency through appliance and building standards; (4) develop energy technologies and support renewable energy; and (5) plan for and direct the state response to energy emergencies.

Senate Bill 1389

Senate Bill (SB) 1389 (PRC Sections 25300–25323) requires the CEC to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing the electricity, natural gas, and transportation fuel sectors in California, and to provide policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the state economy; and protect public health and safety (PRC Section 25301(a)).

The 2019 Integrated Energy Policy Report provides the results of CEC assessments on a variety of energy issues facing California:

- Energy efficiency;
- Strategies related to data for improved decisions in the Existing Buildings Energy Efficiency Action Plan;
- Building energy efficiency standards;
- The impact of drought on California's energy system;
- Achieving 50 percent renewables by 2030;
- The California Energy Demand Forecast;
- The Natural Gas Outlook;
- The Transportation Energy Demand Forecast;
- Alternative and Renewable Fuel and Vehicle Technology Program benefits updates;
- An update on electricity infrastructure in Southern California;
- An update on trends in California sources of crude oil;
- An update on California nuclear plants; and

- Other energy issues.

California Global Warming Solutions Act of 2006 and Senate Bill 32

In 2006, Governor Arnold Schwarzenegger signed AB 32, the California Global Warming Solutions Act of 2006 (California Health and Safety Code, division 25.5), which focused on reducing GHG emissions in California to 1990 levels by 2020. Under Health and Safety Code division 25.5, the California Air Resources Board (CARB) has the primary responsibility for reducing GHG emissions in California; however, AB 32 also tasked the CEC and CPUC with providing information, analysis, and recommendations to CARB regarding strategies to reduce GHG emissions in the energy sector.

In 2016, Governor Jerry Brown signed SB 32 and its companion bill, AB 197. SB 32 and AB 197 amended Health and Safety Code Division 25.5 and established a new climate pollution reduction target of 40 percent below 1990 levels by 2030, with provisions to ensure that the benefits of state climate policies reach into disadvantaged communities. Refer to Section 4.7, *Greenhouse Gas Emissions*, for additional details regarding these statutes.

Assembly Bill 117 and Senate Bill 790

In 2002, the State of California enacted AB 117, enabling public agencies and joint powers authorities to form Community Choice Aggregation programs. SB 790 strengthened the provisions of AB 117 by creating a "code of conduct" to which the incumbent utilities must adhere in their activities relative to these programs. A Community Choice Aggregation program allows a city, county, or group of cities and counties to pool electricity demand and purchase or generate power on behalf of customers within their jurisdictions to provide local choice. Community choice aggregators work with PG&E to deliver power to its service area. The community choice aggregator is responsible for electricity generation (procuring or developing power) while PG&E is responsible for the delivery of electricity, power line maintenance, and monthly billing.

Senate Bills 1078, 350 and 100

The State of California adopted standards to increase the percentage of electricity that retail sellers, including investor-owned utilities and community choice aggregators, must provide from renewable resources. The standards are referred to as the Renewables Portfolio Standard (RPS). The standards reduce use of non-renewable energy sources, thereby reducing GHG emissions and other negative impacts that are associated with use of non-renewable, finite energy sources. California's RPS program was established in 2002 by SB 1078, with the initial requirement that 20 percent of electricity retail sales be served by renewable resources by 2017. The program was accelerated in 2015 with SB 350, which mandated a 50 percent RPS by 2030. SB 350 includes interim annual RPS targets with three-year compliance periods and requires that 65 percent of RPS procurement be derived from long-term contracts of 10 or more years.

On September 10, 2018, Governor Brown signed SB 100, which further increased the California RPS and requires retail sellers and local publicly owned electric utilities to procure eligible renewable electricity for 44 percent of retail sales by December 31, 2024; 52 percent by

December 31, 2027; and 60 percent by December 31, 2030. SB 100 also specifies that CARB should plan for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045.

CPUC and the CEC jointly implement the RPS program. The responsibilities of the CPUC are to: (1) determine annual procurement targets and enforce compliance; (2) review and approve the renewable energy procurement plan of each investor-owned utility; (3) review contracts for RPS-eligible energy; and (4) establish the standard terms and conditions used in contracts for eligible renewable energy (CPUC, 2023).

Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

In 2004, CARB adopted the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling to reduce public exposure to emissions of diesel particulate matter (California Code of Regulations [CCR] title 13, section 2485 [13 CCR section 2485]). The measure applies to diesel-fueled commercial vehicles with gross vehicle weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered. This measure prohibits diesel-fueled commercial vehicles from idling for more than five minutes at any given location. The primary goal of this regulation is to reduce public health impacts from diesel emissions, but compliance with the measure also results in energy savings in the form of reduced fuel consumption from unnecessary idling.

California Building Standards Code (Title 24, Parts 6 and 11)

The California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR] Title 24, Part 6) were adopted to ensure that building construction and system design and installation achieve energy efficiency and preserve outdoor and indoor environmental quality. The current California Building Energy Efficiency Standards (Title 24 standards) are the 2022 Title 24 standards, which became effective on January 1, 2023. This update to the building code provides crucial steps in the state's progress toward 100 percent clean carbon neutrality by midcentury (CEC, 2022b). The 2022 Energy Code builds on California's technology innovations, encouraging energy efficient approaches to encourage building decarbonization, emphasizing in particular on heat pumps for space heating and water heating. This set of Energy Codes also strengthens ventilation standards to improve indoor air quality and extends the benefits of photovoltaic and battery storage systems and other demand flexible technology to work in combinations with heat pumps to enable California buildings to be responsive to climate change. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code. The Energy Code includes measures that will reduce energy use in single family, multifamily, and nonresidential buildings. These measures will:

1. Affect newly constructed buildings by adding new prescriptive and performance standards for electric heat pumps for space conditioning and water heating, as appropriate for the various climate zones in California;

2. Require photovoltaic (PV) and battery storage systems for newly constructed multifamily and selected nonresidential buildings;
3. Update efficiency measures for lighting, building envelope, HVAC; and
4. Make improvements to reduce the energy loads of certain equipment covered by (i.e., subject to the requirements of) the Energy Code that perform a commercial process that is not related to the occupant needs in the building (such as refrigeration equipment in refrigerated warehouses, or air conditioning for computer equipment in data processing centers).

CCR Title 24, Part 11 is commonly referred to as the CALGreen Code. The 2022 CALGreen Code that took effect on January 1, 2023, included new mandatory measures including Electric Vehicle (EV) charging requirements for residential and non-residential buildings (CBSC, 2022). The 2022 CALGreen update simplifies the code and its application in several ways. It offers new voluntary prerequisites for builders to choose from, such as battery storage system controls and heat pump space, and water heating, to encourage building electrification. While the previous 2019 CALGreen Code only requires provision of EV Capable spaces with no requirement for chargers to be installed at multifamily dwellings, the 2022 CALGreen code mandates chargers (CBSC, 2022).

California Air Resources Board Advanced Clean Trucks Program

On June 25, 2020, CARB adopted the Advanced Clean Trucks rule, which requires truck manufacturers to transition from diesel vehicles to electric zero-emission vehicles beginning in 2024, with the goal of reaching 100 percent zero-emission vehicles by 2045. The goal of the legislation is to help California meet its climate targets of a 40 percent reduction in GHG emissions and a 50 percent reduction in petroleum use by 2030, and an 80 percent reduction in GHG emissions by 2050.

Truck manufacturers will be required to sell zero-emission vehicles as an increasing percentage of their annual sales from 2024 through 2035. Companies with large distribution fleets (50 or more trucks) will be required to report information about their existing fleet operations to identify future strategies for increasing zero-emission fleets statewide (CARB, 2021).

Zero-emission vehicles are two to five times more energy efficient than diesel vehicles, and the Advanced Clean Trucks rule will reduce GHG emissions with the co-benefit of reducing dependence on petroleum fuels.

California Air Resources Board Advanced Clean Car Program

The Advanced Clean Cars emissions-control program, approved by CARB in 2012, is closely associated with the Pavley regulations. The program requires the production of a greater number of zero-emissions vehicle models for years 2015 through 2025, to control smog, soot, and GHG emissions. This program includes the Low-Emissions Vehicle regulations, intended to reduce emissions of criteria air pollutants and GHGs from light- and medium-duty vehicles; and the Zero-Emissions Vehicle regulations, which require manufacturers to produce an increasing number of pure zero-emissions vehicles (battery and fuel cell electric vehicles) and include the provision to produce plug-in hybrid electric vehicles between 2018 and 2025. The increase in

low- and zero-emissions vehicles will result in a decrease in the consumption of non-renewable fuels such as gasoline and diesel. The Advanced Clean Cars II regulations were adopted in 2022, imposing the next level of low-emission and zero-emission vehicle standards for model years 2026-2035 that contribute to meeting federal ambient air quality ozone standards and California's carbon neutrality targets. By 2035 all new passenger cars, trucks and SUVs sold in California will be zero emissions (CARB, 2023).

California Environmental Quality Act

Under CEQA (PRC Section 21100(b)(3)), EIRs are required to discuss the potential significant energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. If the analysis of a proposed project shows that the project may result in significant environmental effects due to the wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources, then the EIR must identify mitigation measures to address that energy use. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include project size, location, orientation, equipment use, and any renewable energy features that could be incorporated into the project (CEQA Guidelines Section 15126.2(b)).

CEQA Guidelines Appendix F lists the energy-related topics that should be analyzed in an EIR, and more specifically identifies the following topics for consideration in the evaluation of energy impacts in an EIR, to the extent the topics are applicable or relevant to the proposed project:

- The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project, including construction, operation, maintenance, and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
- The effects of the project on local and regional energy supplies and on requirements for additional capacity.
- The effects of the project on peak and base-period demands for electricity and other forms of energy.
- The degree to which the project complies with existing energy standards.
- The effects of the project on energy resources.
- The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.[2]

The effects of the project relevant to each of these issues are addressed later in this section of this EIR.

[2] CEQA Guidelines Appendix F(II)(C).

Regional

Plan Bay Area

The Metropolitan Transportation Commission (MTC) is the federally recognized Metropolitan Planning Organization for the nine-county Bay Area, which includes Santa Clara County. On July 18, 2013, *Plan Bay Area* was jointly approved by ABAG's Executive Board and the MTC (MTC & ABAG, 2013). On July 26, 2017, the MTC adopted *Plan Bay Area 2040*, a focused update that builds upon the growth pattern and strategies developed in the original *Plan Bay Area*, but with updated planning assumptions that incorporate key economic, demographic, and financial trends since the original plan was adopted (MTC & ABAG, 2017). Further, in October 2021, MTC and ABAG adopted *Plan Bay Area 2050,* which is now the official long-range plan that addresses housing, the economy, transportation, and the environment in the Bay Area through the implementation of 35 strategies, including those that address energy use both directly and indirectly through the promotion of greener buildings and use of alternative modes of transportation (MTC & ABAG, 2021).

Local

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of the unincorporated areas of Santa Clara County (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements within the General Plan include goals and policies for the physical development of unincorporated Santa Clara County. General Plan strategies and policies related to energy resources and relevant to implementation of the project are listed below.

Strategy 1: Reduce transportation energy demand and oil-dependency.

***Policy C-RC-79*:** Energy use and fossil fuel dependency in the transportation sector should be reduced by the following general means:

a. growth management policies and implementation to minimize increases in the extent of the urbanized area and to promote balanced, compact urban development;

b. land use and development standards which support alternative transportation modes;

c. travel demand management, TDM, and transportation system operational efficiency;

d. expanded transit service; and

e. increased availability and use of alternative fuels.

***Policy C-RC-80*:** Sub-regional/countywide planning for Santa Clara County should place major emphasis on the inter-related goals, strategies and policies for improving energy efficiency in transportation, air quality, and reducing traffic congestion.

Strategy 2: Conserve energy in residential and other sectors.

***Policy C-RC-81*:** Energy conservation in existing buildings and homes, particularly those pre-dating adoption of energy-efficiency building code standards, should be improved and encouraged.

***Policy C-RC-82*:** Alternatives to non-renewable energy sources should be encouraged and implemented in the design of new buildings and incorporated in the redesign and reconstruction of older buildings.

***Policy C-RC-83*:** Industrial and agricultural processes should be modified wherever feasible to take advantage of energy savings, to reduce operational costs, and to enhance competitiveness.

Strategy 3: Increase consumer and general public awareness through education.

***Policy C-RC-84*:** Countywide efforts to promote energy efficiency and conservation awareness should be continued and coordinated through public utilities, community organizations, the educational system, industries, and government. Direction and assistance of local gas and electric utilities should be sought in the development of education programs.

Stanford University Community Plan

The current Stanford University Community Plan was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the Community Plan is to guide future use and development of Stanford lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The Community Plan was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. Any revisions to the Community Plan must also be made according to the provisions of State law for adopting and amending general plans. The Community Plan contains no additional community strategies and policies related to energy resources and relevant to implementation of the project.

Santa Clara County Reach Codes

Recognizing that the most cost effective and low-risk ways to reduce GHG emissions is through electrification of buildings coupled with encouraging the use of EVs, on December 7, 2021, the County Board of Supervisors approved Ordinance NS-1100.135 (County of Santa Clara, 2021) amending the 2019 California Green Building Code to require building electrification and EV infrastructure in all new construction in unincorporated Santa Clara County. The ordinance requires all new construction to use electricity (not natural gas) for water heating, space heating, cooking, clothes drying, indoor and outdoor fireplaces, and decorative appliances. Known as "reach codes," these ordinances go beyond state minimum requirements to require rather than encourage electrification of buildings. New dwellings are also required to have wiring installed that will facilitate installation of battery storage for additional resiliency, cost-effectiveness, and environmental sustainability. The ordinance went into effect on February 14, 2022, and applies to all building uses with limited exceptions for accessory dwelling units that are contained entirely within a single-family residence that has existing infrastructure such as natural gas piping, hospitals, and correctional facilities; and buildings in which all-electric appliances are not feasible. All exempted buildings will be required to be pre-wired for transition to all-electric in the future. High-rise residential buildings will also be required to have a solar panel system installed.

The ordinance also includes EV infrastructure standards for new construction. Requirements for EV infrastructure range from a minimum of two EV outlets for single-family homes and townhouses to high-capacity charging systems and parking lot spaces reserved for charging use in larger non-residential projects.

4.5.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to energy are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project would have a significant impact on the environment if it would:

- Cause wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Methodology and Assumptions

This analysis considers the State CEQA Guidelines Appendix G thresholds, as described above, in determining whether the project's implementation would result in the inefficient, wasteful, or unnecessary use of energy. The evaluation is based on a review of regulations and their applicability to the project. As discussed earlier, there are several plans and policies at the federal, state, and local levels to increase energy conservation and the use of renewable energy. Consistency with these regulations would also ensure that the project would not result in the inefficient, wasteful, or unnecessary use of energy.

Impacts and Mitigation Measures

Impacts

Impact EN-1: Implementation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction and operation. (*Less than Significant Impact*)

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The construction and operation facilitated by the project, which would allow for greater densities than currently allowed within unincorporated Santa Clara County would increase energy consumption, as described below. Future development facilitated by the project would be subject to permitting requirements and may also involve project-level environmental review.

Construction

Energy use during future construction would primarily occur in association with fuel use for construction equipment and vehicle operation. Energy use would vary throughout the construction period of projects based on the construction activities being performed and would

cease upon the completion of construction. Fuels used for construction would typically include diesel and gasoline; use of natural gas and electricity would be minimal.

Heavy-duty equipment associated with construction during development allowed by the project would most likely rely on diesel fuel, as would vendor trucks involved in delivery of materials to the individual construction sites and haul trucks exporting demolition material or other materials off site. Construction workers would travel to and from each of the parcels within each of the housing opportunity sites throughout the duration of construction. Construction worker trips in light-duty vehicles would primarily be gasoline-powered. All development proposed under the project would be subject to CARB's In-Use Off-Road Diesel Vehicle Regulation that applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulation (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; and (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology requirements.

Construction activities would use fuel-efficient equipment consistent with federal and state regulations, such as fuel efficiency regulations in CARB's Pavley Phase II standards; the anti-idling regulation in 13 CCR Section 2485; and fuel requirements for stationary equipment in 17 CCR Section 93115 (concerning the Airborne Toxic Control Measures). In accordance with 13 CCR Sections 2485 and 2449, idling by commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower would be limited to a maximum of five minutes. The intent of these regulations is to reduce construction emissions; however, compliance with the anti-idling and emission reduction regulations discussed above would also result in fuel savings from the more efficient use of equipment.

The diesel and gasoline use for construction activities would be temporary and constitute a small fraction of the regional usage; therefore, the construction energy demand of the project would be within the infrastructure service capabilities of regional suppliers and would not require additional local or regional capacity.

Overall, construction activities associated with development allowed by the project would not be unusual compared to overall local and regional demand for energy resources and would not involve characteristics that require equipment that would be less energy-efficient than at comparable construction sites in the region or state. Given required compliance with rules and regulations in place, the project would not result in the inefficient, wasteful, or unnecessary consumption of energy during construction. Therefore, impacts would be less than significant, and no mitigation is required.

Operation

Consistent with the County's Reach Code, future housing development would be constructed as all electric. Electricity would be used for operational building energy uses including but not limited to, lighting, appliances, air conditioning, space heating, and water heating. Natural gas Prior to development at individual parcel sites, applicants would be required to ensure that proposed development would meet Title 24 requirements applicable at that time, as required by state regulations through their plan review process. Title 24 reduces energy use in residential and commercial buildings through progressive updates to both the Green Building Standards Code (Title 24, Part 11) and the Energy Efficiency Standards (Title 24, Part 6). Title 24 standards are updated periodically (every 3 years). Provisions added to Title 24 over the years include consideration and incorporation of new energy efficiency technologies and methods for building features such as space conditioning, water heating, and lighting, as well as construction waste diversion goals. Additionally, some standards focus on larger energy-saving concepts such as reducing loads at peak periods and seasons, improving the quality of energy-saving installations, and performing energy system inspections.

Past updates to the Title 24 standards have proven effective in reducing building energy use; the 2013 update to the energy efficiency standards was estimated to reduce energy consumption in residential buildings by 25 percent relative to the 2008 standards (CEC, 2012). The 2019 Title 24 standards further reduced energy use compared to the 2016 standards, with single-family residential savings of 79 percent for electricity and 9 percent for natural gas. For low-rise multi-family buildings, savings are 79 percent for electricity and 5 percent for natural gas by requiring photovoltaic (PV) systems for new low-rise residential buildings under three stories (CEC, 2018).

As discussed in Section 4.5.3, *Regulatory Setting,* the County has adopted Reach Codes for new residential development that would reduce natural gas use, increase electricity use, and increase on-site solar energy production. All new residential buildings are required to be constructed as "all electric" buildings and produce a minimum amount of on-site solar energy (County of Santa Clara, 2021). The only residential exception to the "all electric" requirement would be for junior accessory dwelling units added to existing mixed-fuel buildings, which are not proposed by the project. Ultimately, at least in the Bay Area, the move towards all-electrification is also driven by the Bay Area Air Quality Management District's (BAAQMD) updated threshold that stipulates that any new natural gas use in the District constitutes a significant impact that cannot be mitigated. As a result, compliance of housing projects proposed under the project with the "all electric" requirement in the County's Reach Code would ensure that all future projects proposed for development under the project would be consistent with the BAAQMD's updated GHG thresholds.

With respect to vehicle usage, vehicle trips generated by housing development allowed by the project would increase the use of transportation fuels, primarily gasoline and diesel. Enhanced fuel economies realized pursuant to federal and state regulatory actions such as increasingly stringent CAFE/Pavley standards for vehicle fuel efficiency, and transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would decrease future gasoline fuel demands per VMT. Additionally, the location of the many parcels identified for development by the project that are proximate to regional and local transit facilities reduces

VMT within the region, acting to also reduce regional vehicle energy demands. The result is seen as a reduction in the countywide VMT per capita with full implementation of the project. Therefore, transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary and the project would be consistent with regulations to reduce transportation energy use.

Conclusion

Through compliance with the regulatory requirements in place and cited above and also discussed under **Impact EN-2** below, energy use associated with the construction and operation of housing facilitated by the project would not be considered unnecessary and wasteful. Therefore, the impact would be **less than significant**.

Though the project would not generate a significant impact with respect to energy use, Mitigation Measure AQ-2c, presented in Section 4.3, *Air Quality,* of this EIR, requires the use of cleaner construction equipment meeting the USEPA's Tier 4 Final standards if subsequent projects proposed as part of the project are found to generate construction emissions in excess of BAAQMD's project-level construction thresholds. Newer equipment meeting the Tier 4 Final standards would also be more energy efficient compared to older equipment, which would further reduce energy use during construction.

Mitigation Measures: None required.

Impact EN-2: Implementation of the proposed project update would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (*Less than Significant Impact*)

Construction

All development proposed under the project would be subject to CARB's In-Use Off-Road Diesel Vehicle Regulation that applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulation (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; and (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology requirements.

Construction activities would use fuel-efficient equipment consistent with federal and state regulations, such as fuel efficiency regulations in CARB's Pavley Phase II standards; the anti-idling regulation in 13 CCR Section 2485; and fuel requirements for stationary equipment in 17 CCR Section 93115 (concerning the Airborne Toxic Control Measures). In accordance with 13 CCR Sections 2485 and 2449, idling by commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower would be limited to a maximum of five minutes. The intent of

these regulations is to reduce construction emissions; however, compliance with the anti-idling and emission reduction regulations discussed above would also result in fuel savings from the more efficient use of equipment.

Operation

Implementation of development allowed by the project update would occur between 2023 and 2040. Thus, further energy use reductions beyond the current 2022 standards can be anticipated from future Title 24 code revision cycles, as building permits are issued at future dates corresponding to those code updates. Goals and policies encouraged by the County, including those set forth in the General Plan; as well as adherence to the County's Reach Codes also support increased energy conservation in new development, such as that which would occur under the project. These requirements would increase onsite energy generation, decrease the amount of energy required for building operation, and ensure that building energy use related to development facilitated by the project would not be inefficient or wasteful and would comply with applicable regulations and energy efficiency goals.

In addition, as part of the RPS program detailed earlier, electric utilities including investor-owned utilities and community choice aggregators are required to increase the percentage of electricity provided from renewable resources. Though the RPS program does not necessarily increase energy efficiency, implementation of this program reduces use of non-renewable energy sources. The legislation requires utilities to increase the percentage of electricity obtained from renewable sources to 33 percent by 2020 and 50 percent by 2030. SB 100 furthered these standards to require electric utilities to procure eligible renewable electricity for 44 percent of retail sales by 2024, 52 percent by 2027, and 60 percent by December 2030. SB 100 also specifies that CARB should plan for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045. CPUC and the CEC jointly implement the RPS program and PG&E and SVCE, the electric utility providers to Santa Clara County, are required to adhere to these standards and deadlines. As such development facilitated by the project would be consistent with these regulations.

Conclusion

As development under the project would be required to implement the regulatory requirements discussed above, construction and operation of housing facilitated by the project would be consistent with all applicable plans, policies and regulations developed to encourage energy conservation and renewable energy use. The impact would be **less than significant.**

Though the project update would not generate a significant impact with respect to compliance with state or local plans for renewable energy or energy efficiency, future development under the project would implement Mitigation Measures GHG-1a and GHG-1b. As discussed in section 4.7, *Greenhouse Gas Emissions,* subsequent development projects proposed under the project would implement Mitigation Measure GHG-1a, which states that future development under the project shall not be eligible for exceptions from the "all electric" requirement in the County's Reach Codes, and Mitigation Measure GHG-1b, which states that subsequent development under the project would comply with the EV charging requirements in the most recently adopted

version of CALGreen Tier 2 at the time the building permit application is filed. These measures ensure that all future projects proposed for development under the project would be consistent with the BAAQMD's updated GHG thresholds and would further reduce use of gasoline and diesel fuels during operation.

Mitigation Measures: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to energy resources could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Cumulative impacts of the project related to the wasteful, inefficient, or unnecessary consumption of energy during construction and operation and the potential to conflict with or obstruct adopted energy conservation plans or violate energy efficiency standards would be the same as discussed for the project above. Energy consumption effects related to individual projects are localized and would not combine with similar effects in other locations. However, contributed growth in the Santa Clara County and throughout PG&E and SVCE's service areas could contribute to ongoing increases in demand for electricity and natural gas, which are discussed below.

Impact EN-3: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not in result energy use that would be considered wasteful and unnecessary, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency under cumulative conditions. ***(Less than Significant Impact)***

The project, in conjunction with cumulative development in the County, would increase housing in an already developed area and result in increased energy consumption. Potential impacts to energy resources from future development would be site-specific and would require applications for development permits that would be evaluated on a case-by-case basis. Additionally, any future development would be subject to compliance with all federal, state, and local requirements for energy efficiency, including the California Energy Code Building Energy Efficiency Standards (CCR Title 24, Part 6), the CALGreen Code (CCR Title 24, Part 11), and SB 743. Consequently, future development, including development facilitated by the project, would not result in significant environmental impacts from the wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation, and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the cumulative energy impact would be **less than significant.**

Mitigation Measures: None required.

4.5.5 References

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4.6 Geology, Paleontological Resources, and Mineral Resources

4.6.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects related to geology, paleontological resources, and mineral resources. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to geology, paleontological resources, and mineral resources. Further below, existing plans and policies relevant to geology, paleontological resources, and mineral resources associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to geology, paleontological resources, and mineral resources that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR. No comments relating to geology, paleontological resources, and mineral resources were received during the NOP comment period.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).

4.6.2 Environmental Setting

Regional Geology

The HEU lies within the geologically complex Coast Ranges Geomorphic Province[1]. The tectonics of the San Andreas Fault and other major faults in the western part of California have played a major role in the geologic history of the area, driven by the interaction of the Pacific and North American Tectonic Plates. The region is marked by northwest-trending elongated ranges and narrow valleys that roughly parallel the coast and the San Andreas Fault Zone. Geologic materials are mostly composed of marine sedimentary deposits, metamorphic rocks, and volcanic rocks.

[1] A geomorphic province is a regional area that possesses similar bedrock, structure, history, and age.

Local Geology

Geologic mapping by D.L. Wagner, E.J. Bortugno, and R.D. McJunkin (Wagner, Bortugno, & McJunkin) indicates that the housing opportunity sites are underlain by Holocene-age alluvium and Pleistocene-age alluvium (Wagner, Bortugno, & McJunkin, 1991). Alluvium consists of a variable mixture of sand, gravel, silt, and clay.

Geologic Hazards

Faulting

Surface Fault Rupture

The State Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) prohibits the development of structures for human occupancy across active fault traces. Under this Act, the California Geological Survey (CGS) has established "Zones of Required Investigation" on either side of an active fault that delimits areas susceptible to surface fault rupture. The zones are referred to as Earthquake Fault Zones (EFZs) and are shown on official maps published by the CGS. In addition, the County of Santa Clara has delineated additional fault rupture zones (County of Santa Clara, 2022). Surface rupture occurs when the ground surface is broken due to fault movement during an earthquake; typically, these types of hazards occur within 50 feet of an active fault.

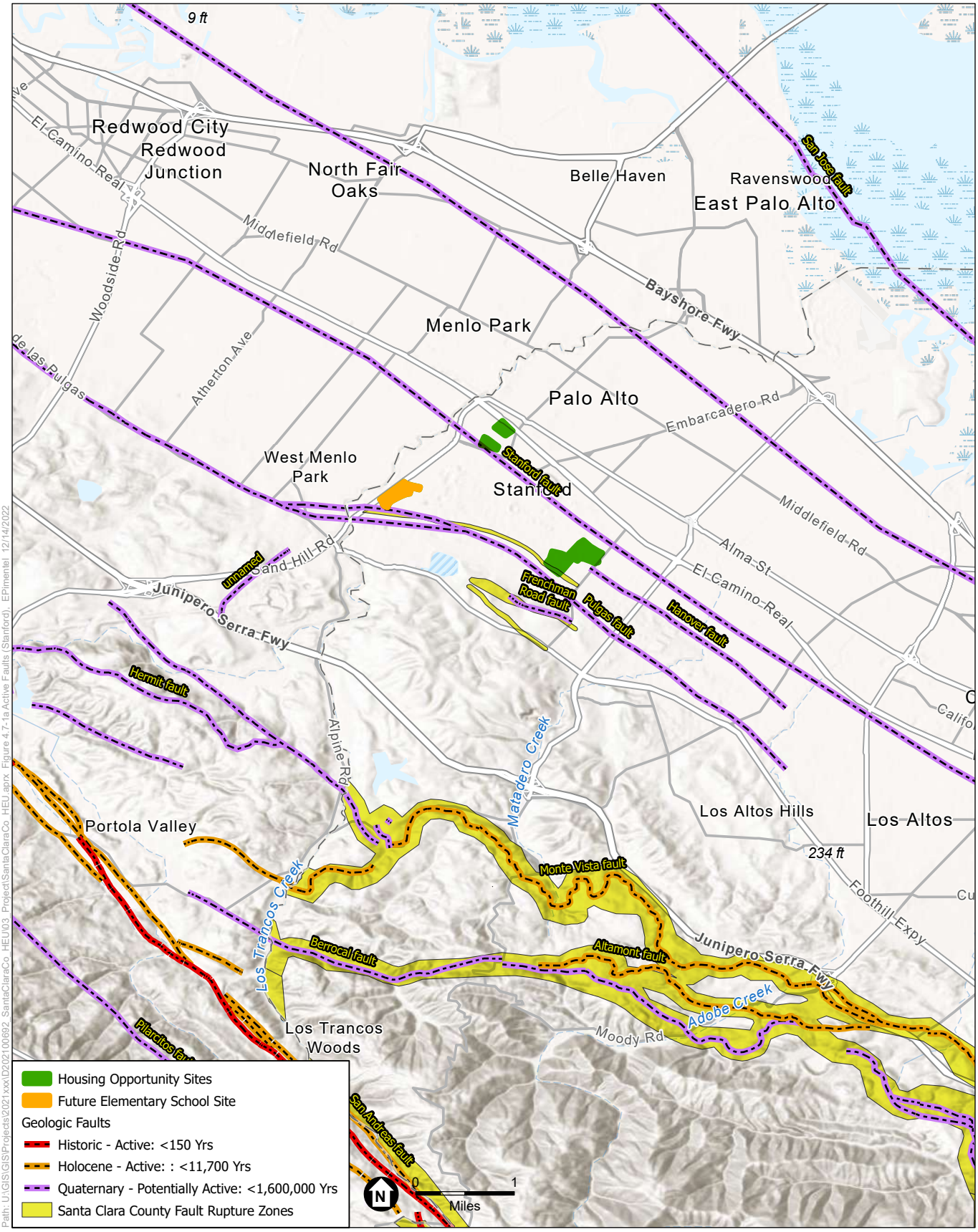
Figure 4.6-1a through **Figure 4.6-1c** depict the established EFZs, County of Santa Clara fault rupture zones, and other potentially active faults in proximity to the housing opportunity sites. All of the housing opportunity sites, except for one of the Alum Rock housing opportunity sites (see Figure 4.6-1b), are outside of established EFZs; one of the Alum Rock sites is within an established EFZ and a County of Santa Clara fault rupture zone due to its proximity to the Evergreen fault, which is part of the Hayward fault zone (see Figure 4.6-1b). In addition, one of the Stanford sites is within a designated County of Santa Clara fault rupture zone (see Figure 4.6-1a).

Seismic Ground Shaking

Ground shaking occurs due to a seismic event and can cause extensive damage to life and property and may affect areas hundreds of miles away from the earthquake's epicenter. The extent of the damage varies by event and is determined by several factors, including (but not limited to) magnitude and depth of the earthquake, distance from epicenter, duration and intensity of the shaking, underlying soil and rock types, and integrity of structures.

The entire San Francisco Bay Area, including the housing opportunity sites, could be subject to strong groundshaking during earthquakes. The 2014 Working Group on California Earthquake Probabilities (WGCEP)[2] concluded that there is a 72 percent probability that a magnitude (M_W) 6.7 earthquake or higher could occur in the San Francisco Bay Area before the year 2045 (Field et al., 2015).

[2] Also referred to as WGCEP 2014, this is a working group comprised of seismologists from the U.S. Geological Survey (USGS), California Geological Survey (CGS), Southern California Earthquake Center (SCEC), and California Earthquake Authority (CEA).



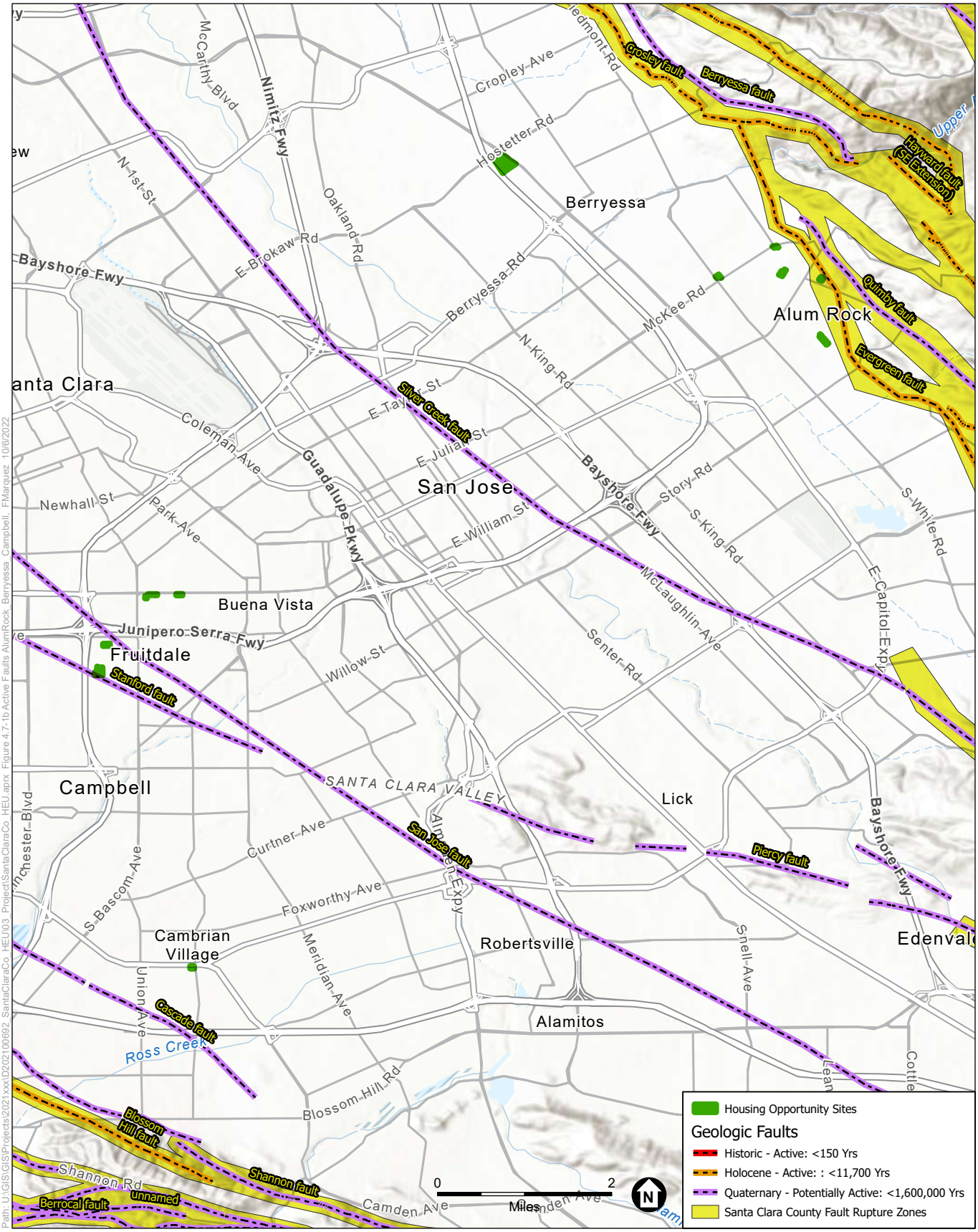
SOURCE: County of Santa Clara, 2022;

Esri, 2022; ESA, 2022; CGS, 2010

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-1a
Active Faults
Stanford

ESA



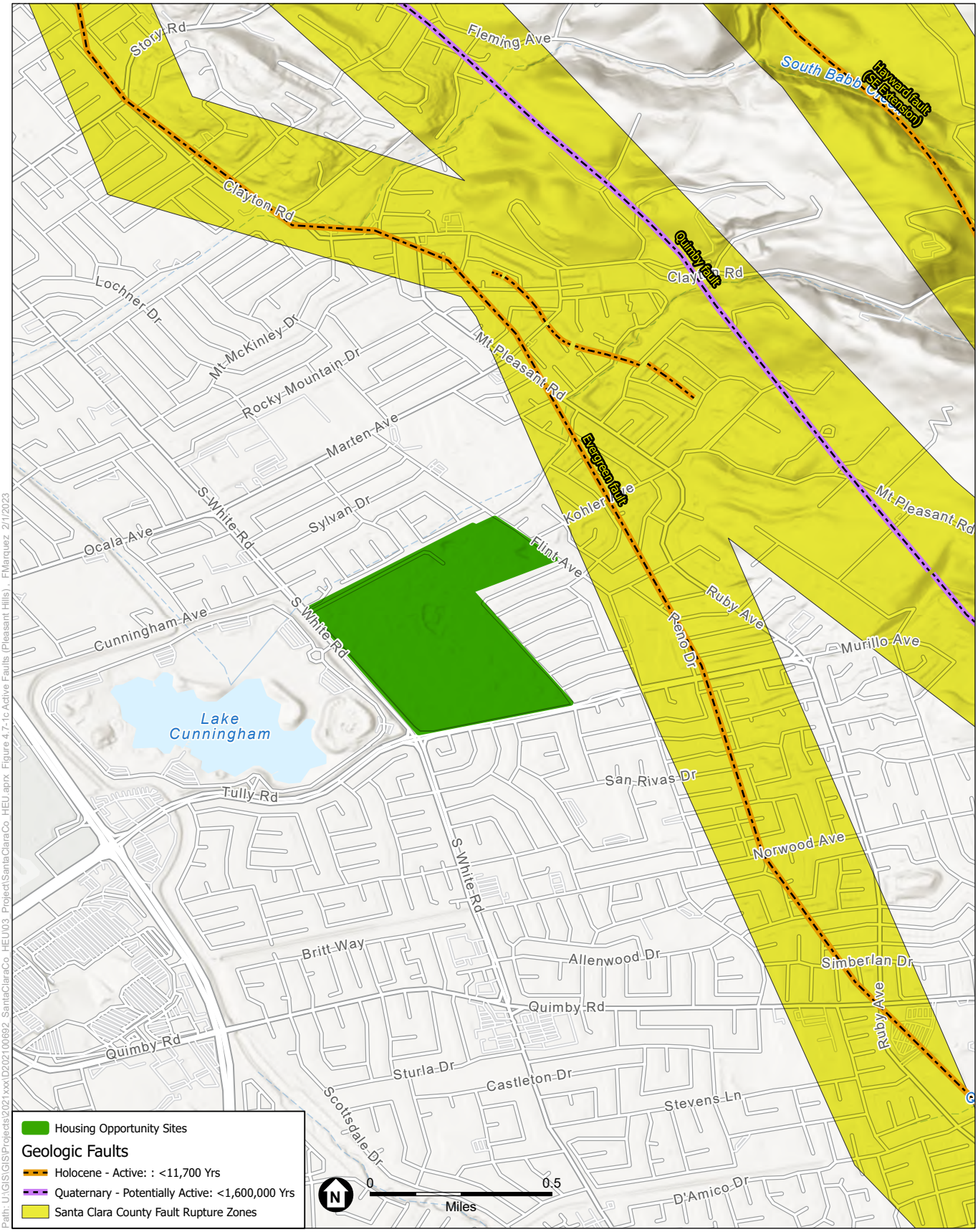
SOURCE: County of Santa Clara, 2022;

Esri, 2022; ESA, 2022; CGS, 2010

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-1b
Active Faults
Alum Rock, Berryessa and Fruitdale

ESA



SOURCE: ESA, 2022

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Figure 4.6-1c
Active Faults
Pleasant Hills

ESA

As depicted in Figure 4.6-1a through Figure 4.6-1c, all of the housing opportunity sites are in proximity to both active and potentially active faults.

Liquefaction and Lateral Spreading

Liquefaction is a phenomenon in which unconsolidated, water saturated sediments become unstable due to the effects of strong seismic shaking. During an earthquake, these sediments can behave like a liquid, potentially causing severe damage to overlying structures. Lateral spreading is a variety of minor landslide that occurs when unconsolidated liquefiable material breaks and spreads due to the effects of gravity, usually down gentle slopes. Liquefaction-induced lateral spreading is defined as the finite, lateral displacement of gently sloping ground as a result of pore-pressure buildup or liquefaction in a shallow underlying deposit during an earthquake. The occurrence of this phenomenon is dependent on many complex factors, including the intensity and duration of ground shaking, particle-size distribution, and density of the soil.

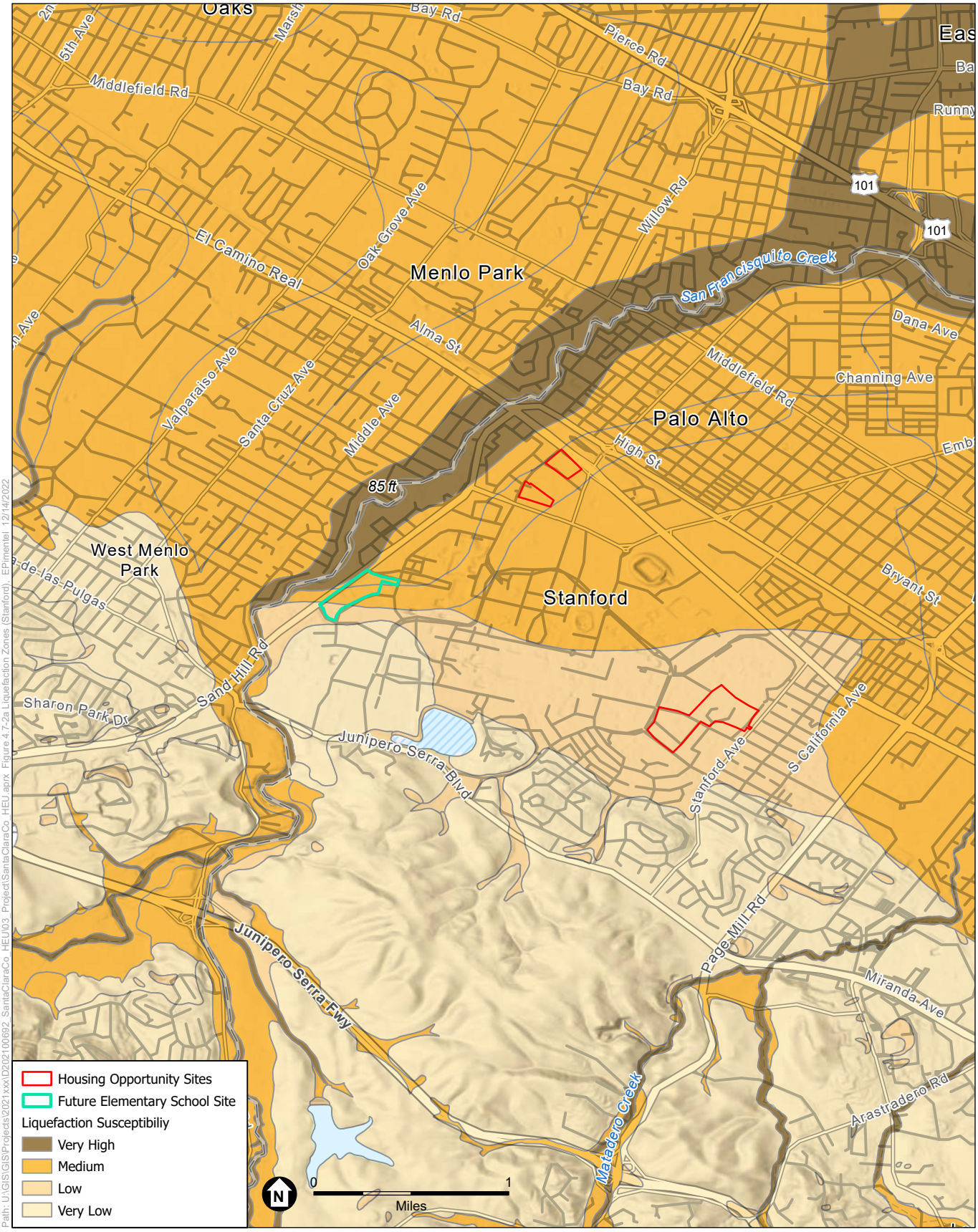
The potential damaging effects of liquefaction include differential settlement, loss of ground support for foundations, ground cracking, heaving and cracking of structure slabs due to sand boiling, and buckling of deep foundations due to ground settlement. Dynamic settlement (i.e., pronounced consolidation and settlement from seismic shaking) may also occur in loose, dry sands above the water table, resulting in settlement of and possible damage to overlying structures. In general, a relatively high potential for liquefaction exists in loose, sandy soils that are within 50 feet of the ground surface and are saturated (below the groundwater table). Lateral spreading can move blocks of soil, placing strain on buried pipelines that can lead to leaks or pipe failure.

Figures 4.6-2a through **Figure 4.6-2d** depict the known liquefaction hazard zones in proximity to the housing opportunity sites. The liquefaction hazard zones are labelled as either *very low*, *low*, *medium*, *high*, or *very high*. None of the housing opportunity sites are within a high or very high liquefaction hazard zone; the sites are either within a medium, low, or very low liquefaction hazard zone.

Landslides

Landslides are one of the various types of downslope movements in which rock, soil, and other debris are displaced due to the effects of gravity. The potential for material to detach and move down slope depends on multiple factors including the type of material, water content, and steepness of terrain. Generally, earthquake-induced landslides occur within deposits of a moderate to high landslide potential, when ground shaking triggers slope failures during or as a result of a nearby earthquake.

Figure 4.6-3a through **Figure 4.6-3d** depict the known landslide hazard zones in proximity to the housing opportunity sites. None of the housing opportunity sites are within a designated landslide hazard zone.



SOURCE: ESA, 2022

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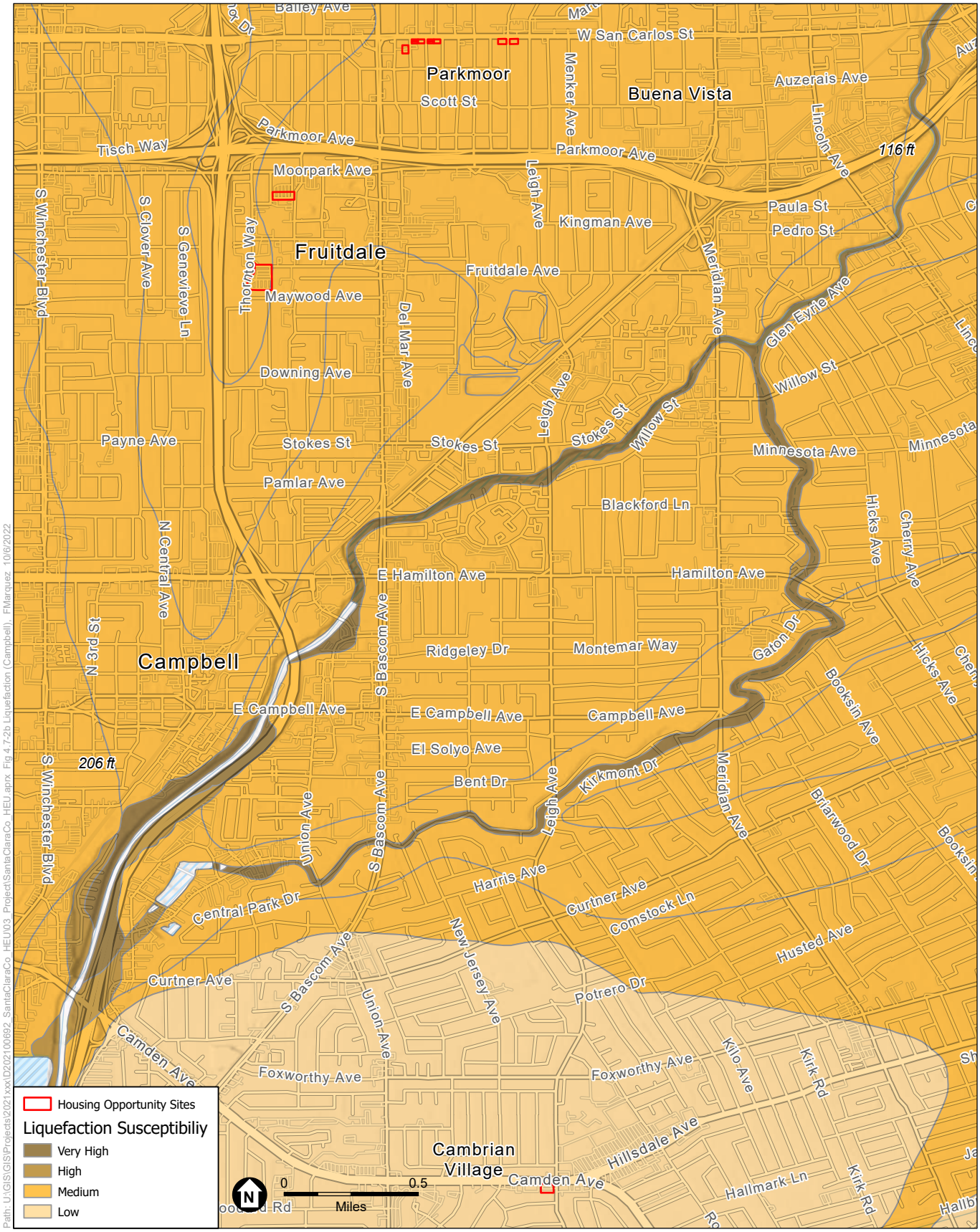
Figure 4.6-2a
Liquefaction Zones
Stanford

ESA

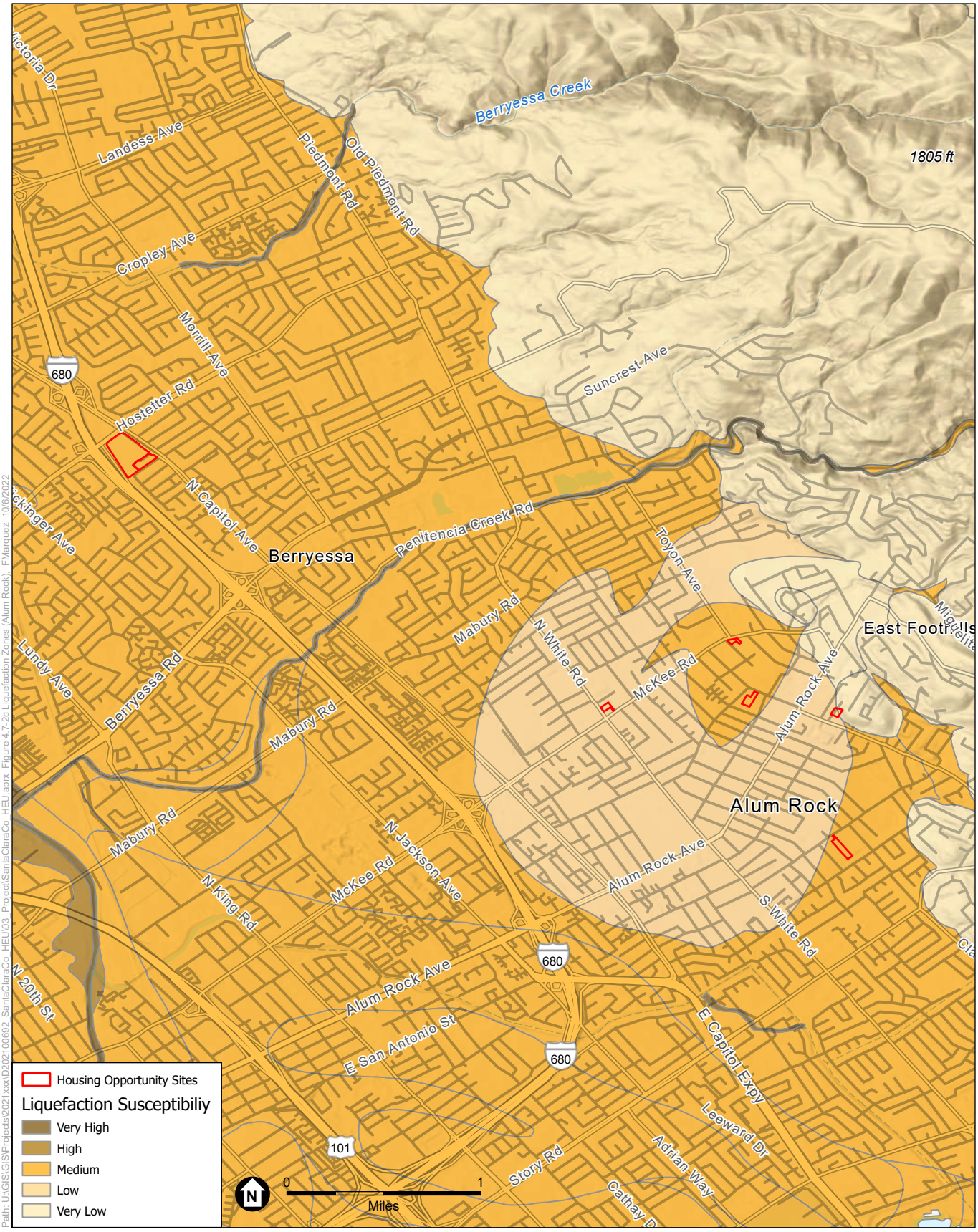


SOURCE: ESA, 2021

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-2b
Liquefaction Zones
Fruitdale

ESA

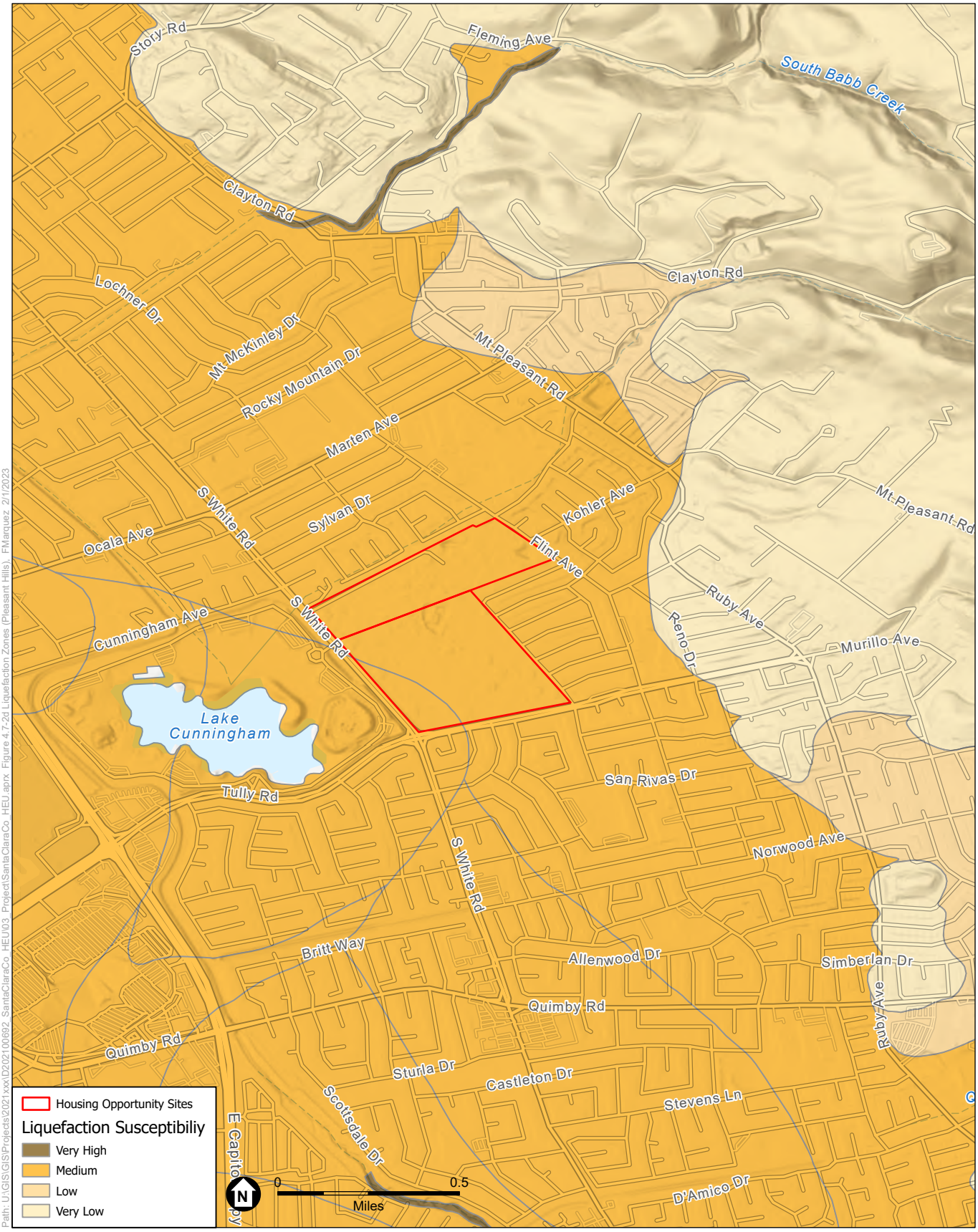


SOURCE: ESA, 2021

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-2c
Liquefaction Zones
Alum Rock

ESA

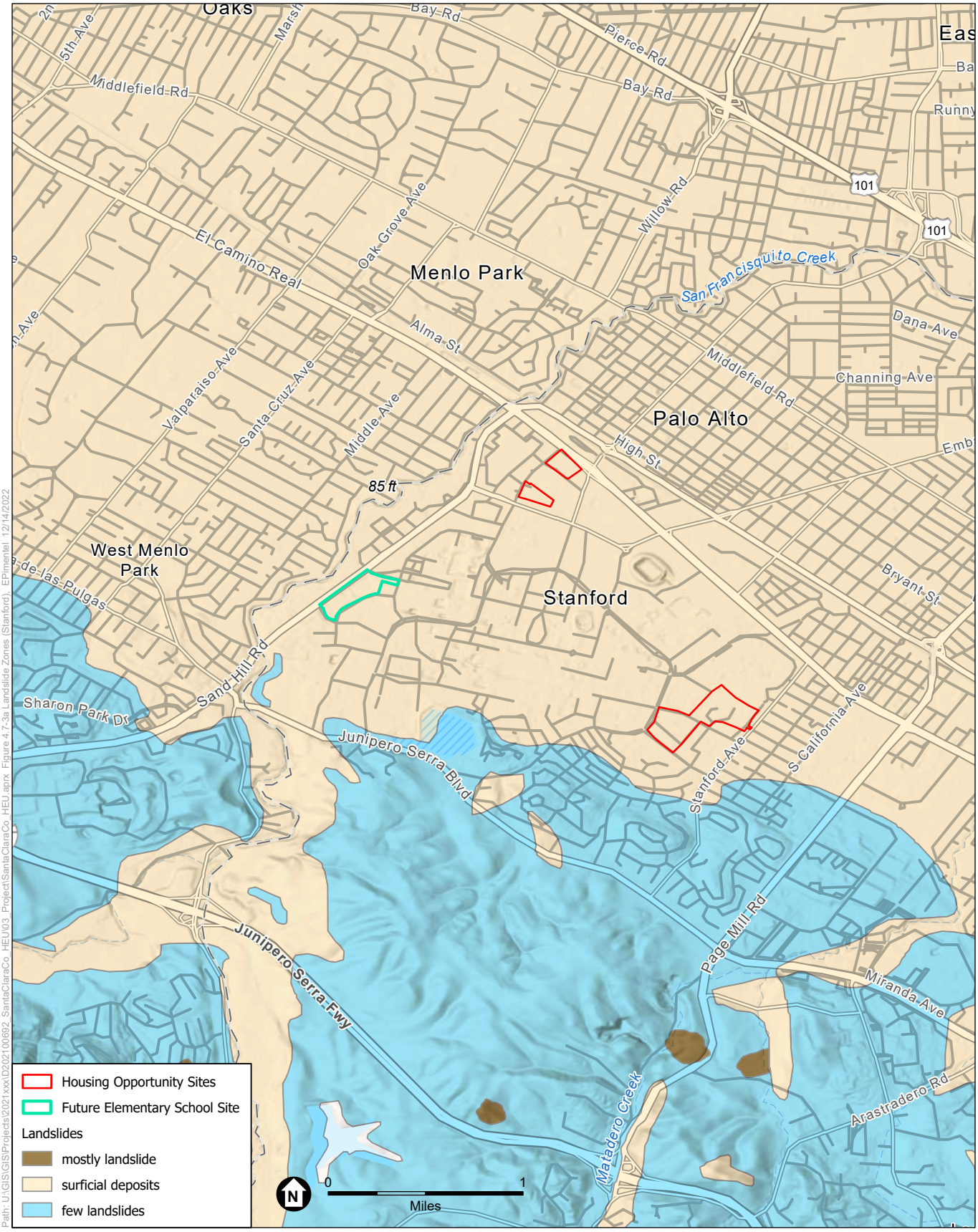


SOURCE: ESA, 2022

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-2d
Liquefaction Zone
Pleasant Hills

ESA



SOURCE: ESA, 2022

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-3a
Landslide Zones
Stanford

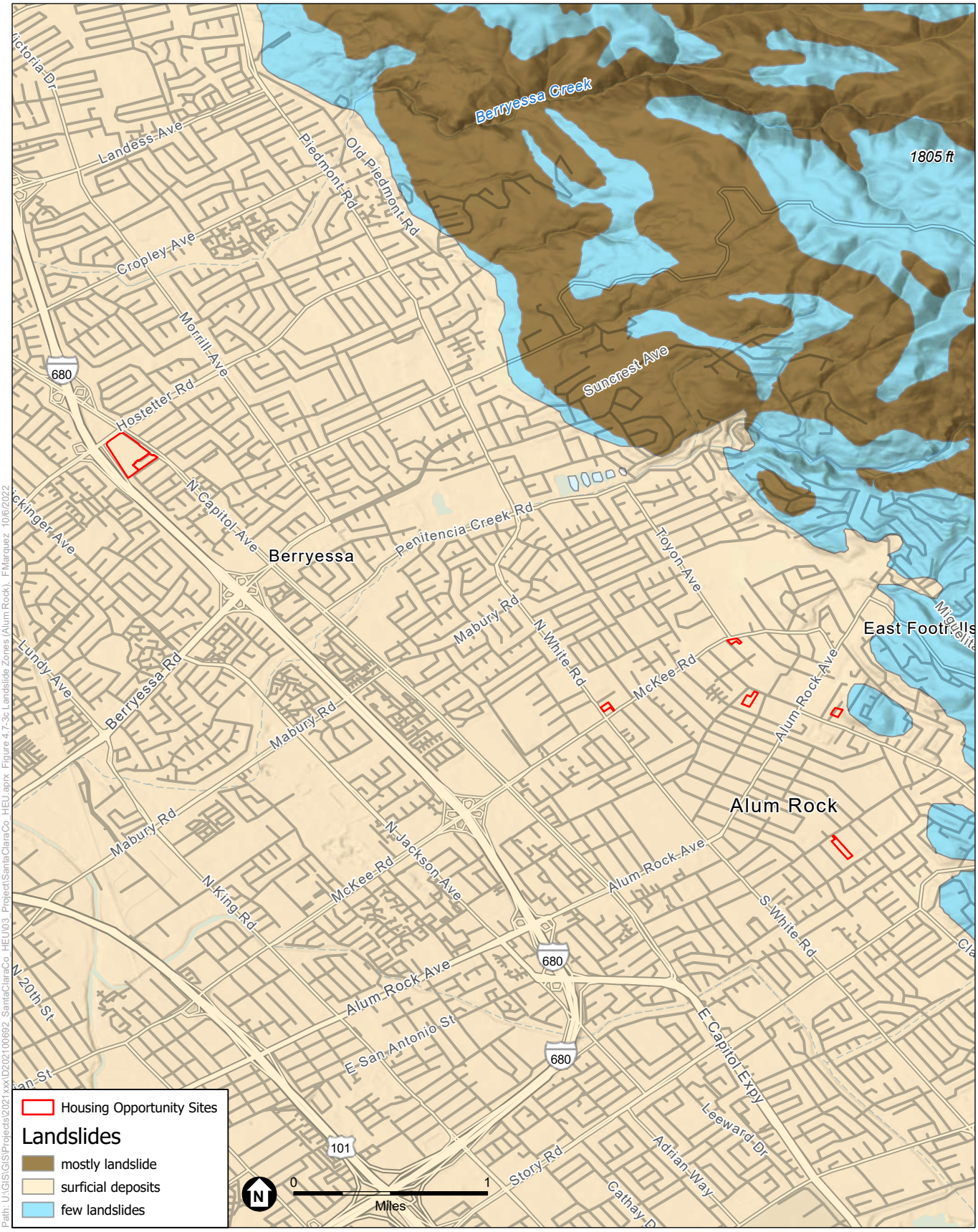
ESA

SOURCE: ESA, 2021

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-3b
Landslide Zones
Fruitdale

ESA

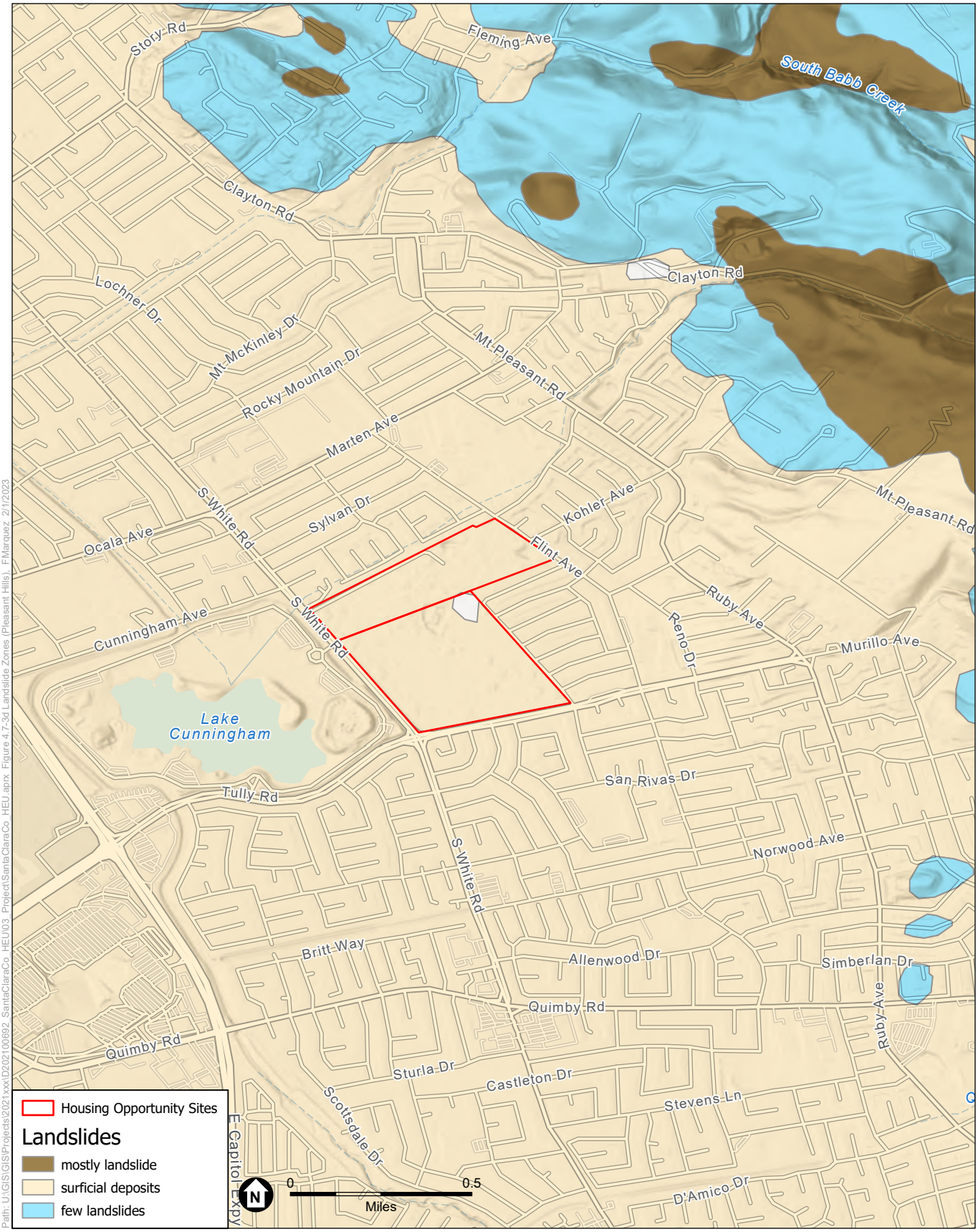


SOURCE: ESA, 2021

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-3c
Landslide Zones
Alum Rock

ESA



SOURCE: ESA, 2022

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-3d
Landslide Zones
Pleasant Hills

ESA

Soils

Expansive Soils

Expansive soils are soils that possess a "shrink-swell" characteristic, also referred to as linear extensibility. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying; the volume change is reported as a percent change for the whole soil. Changes in soil moisture can result from rainfall, landscape irrigation, utility leakage, roof drainage, and/or perched groundwater.[3] This cyclical change in soil volume is measured using the coefficient of linear extensibility (COLE) (NRCS, 2017). The Natural Resources Conservation Service (NRCS) relies on linear extensibility measurements to determine the shrink-swell potential of soils. If the linear extensibility percent is more than 3 percent (COLE=0.03), shrinking and swelling may cause damage to buildings, roads, and other structures (NRCS, 2017). Structural damage may occur incrementally over a long period of time, usually as a result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils.

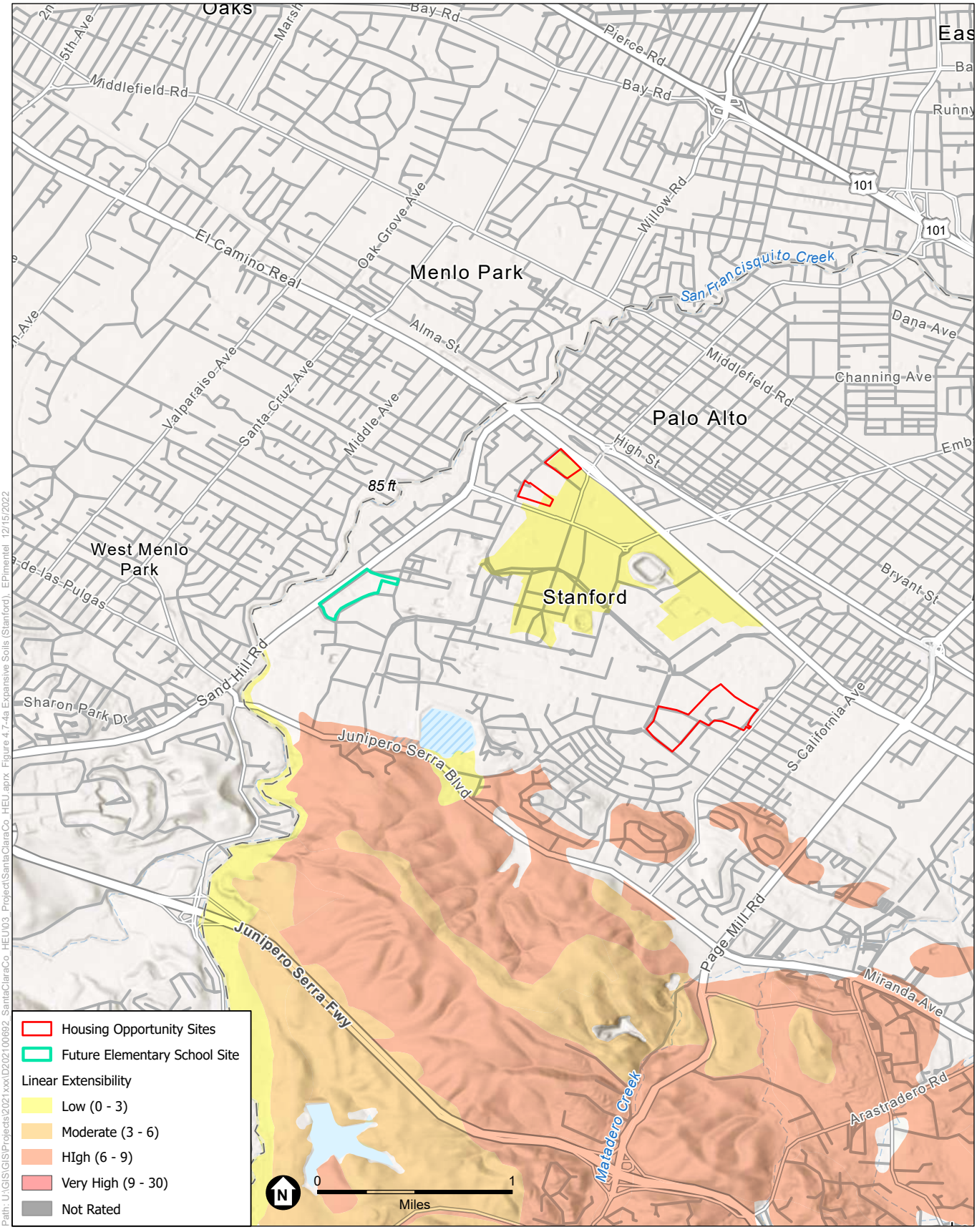
Figure 4.6-4a through **Figure 4.6-4d** depict areas of varying soil expansion potential in proximity to the housing opportunity sites. The project would not include new developments within areas of very high soil expansion potential. The Stanford, Alum Rock, Fruitdale, and Pleasant Hill Golf Course sites are in areas with low to no soil expansion potential.

Paleontological Resources

Paleontological resources are the mineralized (fossilized) remains of prehistoric plants and animals, including body fossils, such as bones, bark or wood, and shell, as well as trace fossils, such as shell, leaf, skin, or feather impressions, footprints, burrows, or other evidence of an organism's life or activity. These resources are located within sedimentary rocks or alluvium and are considered to be nonrenewable.

The Society of Vertebrate Paleontology (SVP) has established standard guidelines that outline professional protocols and practices for conducting paleontological resource assessments and surveys; monitoring and mitigation; data and fossil recovery; sampling procedures; and specimen preparation, identification, analysis, and curation (SVP, 2010). Most practicing professional vertebrate paleontologists adhere closely to the SVP's assessment, mitigation, and monitoring requirements as provided in its standard guidelines.

[3] Perched groundwater is a local saturated zone above the water table that typically exists above an impervious layer (such as clay) of limited extent.

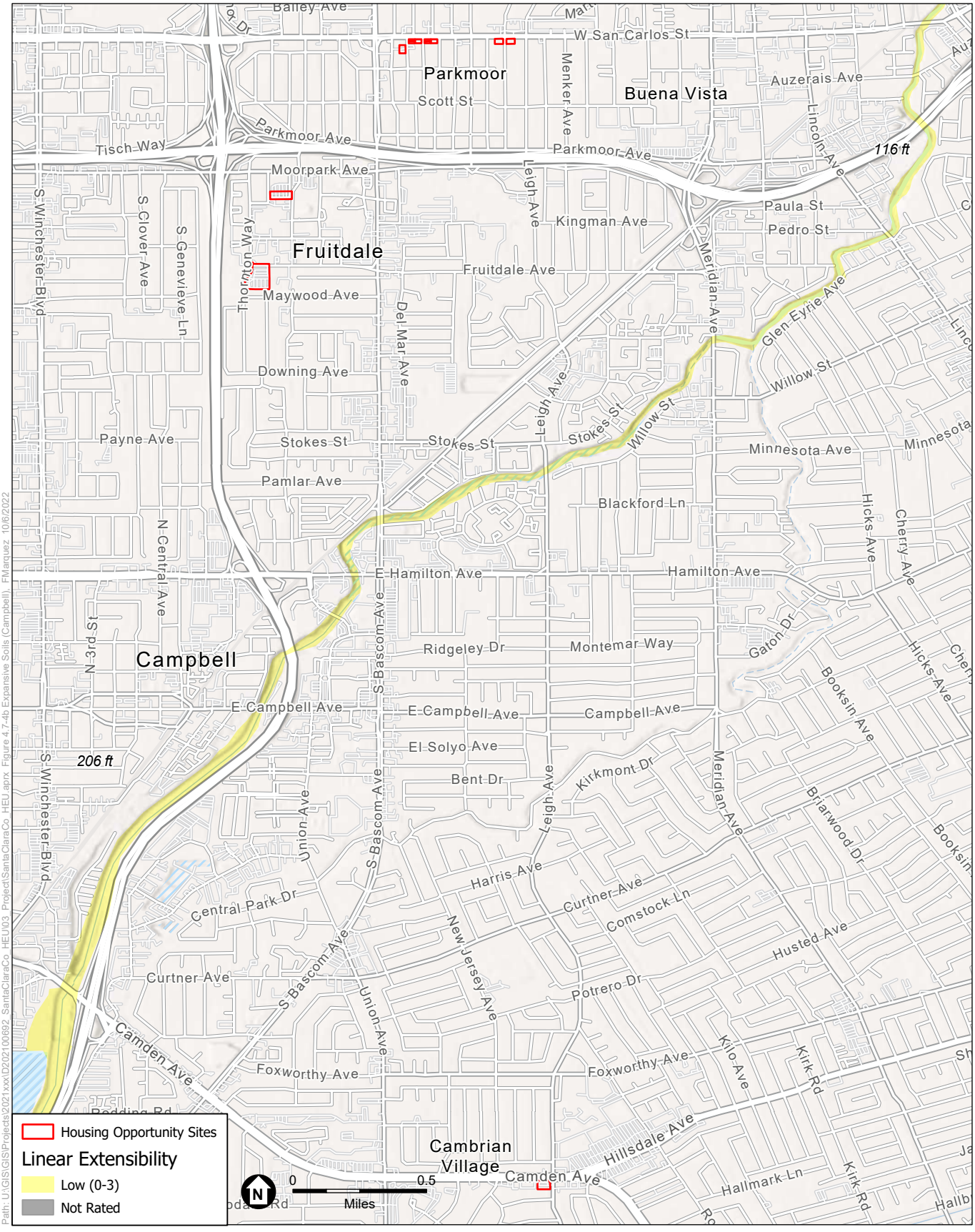


SOURCE: ESA, 2022

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-4a
Expansive Soils
Stanford

ESA

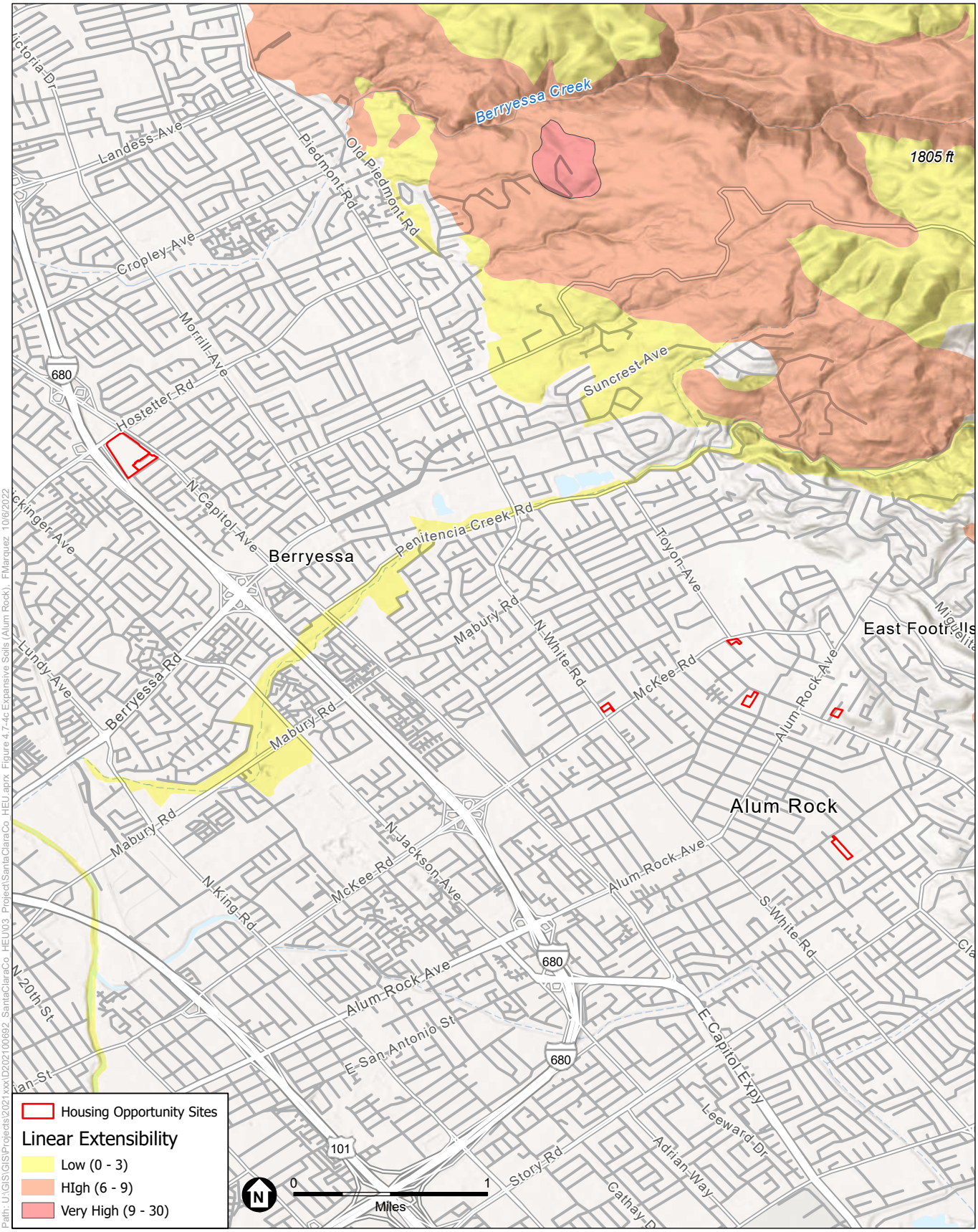


SOURCE: ESA, 2021

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-4b
Expansive Soils
Fruitdale

ESA



SOURCE: ESA, 2021

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.6-4c
Expansive Soils
Alum Rock

ESA

The SVP (SVP, 2010: 11) defines a significant fossil resource as:

> Fossils and fossiliferous deposits, here defined as consisting of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils, and other data that provide taphonomic, taxonomic, phylogenetic, paleoecologic, stratigraphic, and/or biochronologic information. Paleontological resources are considered to be older than recorded human history and/or older than middle Holocene (i.e., older than about 5,000 radiocarbon years).

Based on the significance definitions of SVP (2010), all identifiable vertebrate fossils are considered to have significant scientific value. This position is adhered to because vertebrate fossils are relatively uncommon, and only rarely would a fossil locality yield a statistically significant number of specimens of the same genus. Therefore, every vertebrate fossil found has the potential to provide significant new information on the taxon it represents, its paleoenvironment,[4] and/or its distribution. Furthermore, all geologic units in which vertebrate fossils have previously been found are considered to have high sensitivity. Identifiable plant and invertebrate fossils are considered significant if found in association with vertebrate fossils or if defined as significant by project paleontologists, specialists, or local government agencies.

Paleontological sensitivity is defined as the potential for a geologic formation to produce scientifically significant fossils. This is determined by rock type, past history of the geologic unit in producing significant fossils, and fossil localities recorded from that unit. Paleontological sensitivity is derived from the known fossil data collected from the entire geologic unit, not just from a specific survey. In its *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Non-renewable Paleontologic Resources,* the SVP (2010:1–2) defines four categories of paleontological sensitivity (potential) for rock units: high, low, undetermined, and no potential:

- ***High Potential***: Rock units from which vertebrate or significant invertebrate, plant, or trace fossils have been recovered are considered to have a high potential for containing additional significant paleontological resources.
- ***Low Potential***: Rock units that are poorly represented by fossil specimens in institutional collections, or based on general scientific consensus only preserve fossils in rare circumstances and the presence of fossils is the exception not the rule.
- ***Undetermined Potential***: Rock units for which little information is available concerning their paleontological content, geologic age, and depositional environment.
- ***No Potential***: Rock units like high-grade metamorphic rocks (such as gneisses and schists) and plutonic igneous rocks (such as granites and diorites) that will not preserve fossil resources.

As indicated by geologic mapping, the surficial geology within the project area is composed of Holocene-age alluvium and Pleistocene-age alluvium.

[4] A paleoenvironment is the past environment of an area during a given time period in the past.

As discussed, in general, Holocene-age alluvial deposits are considered to have a low potential to contain significant paleontological resources, based on the relatively recent age of the deposits (SVP, 2010); the youngest Holocene-age deposits (i.e., younger than 5,000 radiocarbon years) have a particularly low potential. Deposits that date to the middle Holocene (i.e., older than 5,000 radiocarbon years) have a potential that increases as the depth into the deposits increases. While the exact depth at which the transition to older sediments is not known for the individual housing opportunity sites, fossils have been discovered in central California as shallow as 5 to10 feet below ground surface (Jefferson, 1991a; Jefferson, 1991b).

In general, Pleistocene-age sedimentary deposits are considered to have a high potential to contain significant paleontological resources, as is evident by the numerous fossil discoveries throughout California (Dundas et al., 2009; Ngo et al., 2013; Sub Terra Consulting, 2017; UCMP, 2022a)—as well as within Santa Clara County (UCMP, 2022b). The exact transition from Holocene- to Pleistocene-age deposits is not known in the project area; however, Pleistocene-age fossils have been encountered in Santa Clara County in deposits mapped as Holocene-age alluvium, indicating fossiliferous deposits have been encountered at shallow depths in Holocene-age alluvium (Maguire & Holroyd, 2016).

Records that are available through the University of California Museum of Paleontology (UCMP) online fossil localities database indicate 12 Pleistocene-age vertebrate fossil localities within Santa Clara County (UCMP, 2022b). While there are no records of Holocene-age vertebrate fossil localities in Santa Clara County (UCMP, 2022b), as discussed above, Pleistocene-age fossils have been recovered from deposits mapped as Holocene-age alluvium.

In summary, the surficial Holocene-age alluvial deposits are considered to have a low potential to contain significant paleontological resources, with the potential increasing to high within the deeper layers of the unit; any Pleistocene-age deposits encountered in the subsurface are considered to have a high potential to encounter significant paleontological resources.

Mineral Resources

According to the Santa Clara County General Plan, there are a number of mineral resource deposits in the County, eight of which are currently being quarried (Santa Clara County, 1994). The mineral resources in the County are construction aggregates (i.e., sand, gravel, and crushed stone), limestone, and—to a lesser extent—salts derived from evaporation ponds at the edge of the San Francisco Bay. An adequate supply of these resources is of local, state, and regional importance (Santa Clara County, 1994).

CGS provides information about California's nonfuel mineral resources and classifies lands throughout the State that contain regionally significant mineral resources as mandated by the Surface Mining and Reclamation Act (SMARA) of 1975. Nonfuel mineral resources include metals such as gold, silver, iron, and copper; industrial metals such as boron compounds, rare-earth elements, clays, limestone, gypsum, salt, and dimension stone; and construction aggregate including sand, gravel, and crushed stone. The classification process involves the determination

of Production-Consumption (P-C) Region boundaries, based on identification of active aggregate operations (Production) and the market area served (Consumption).

The classification of mineral resources is a joint effort of the State and local governments. It is based on geologic factors and requires that the State Geologist classify the mineral resources area as one of the four Mineral Resource Zones (MRZs), described below:

- MRZ-1: Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- MRZ-2: Areas where adequate information indicates that significant mineral deposits are present, or a where it is judged that a likelihood exists for their presence.
- MRZ-3: Areas containing mineral deposits the significance which cannot be evaluated from available data.
- MRZ-4: Areas where available information is inadequate for assignment to any other MRZ.

MRZ-2 areas are where significant mineral deposits are known to be present. None of the housing opportunity sites would be within in an established MRZ-2 (Kohler-Antablin, 1996; Key, 2021). Neither the County's General Plan nor the Stanford Community Plan (SCP) include any data that suggest any of the housing opportunity sites are within an established MRZ-2.

Regulatory Setting

Federal

There are no federal regulations pertaining to Geology and Paleontology that are applicable to the proposed HEU.

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to protect structures for human occupancy from the hazard of surface faulting. In accordance with the act, the State Geologist has established regulatory zones—called earthquake fault zones—around the surface traces of active faults and has published maps showing these zones. Buildings for human occupancy cannot be constructed across surface traces of faults that are determined to be active. Because many active faults are complex and consist of more than one branch that may experience ground surface rupture, earthquake fault zones extend approximately 200 to 500 feet on either side of the mapped fault trace.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act was passed in 1990 following the Loma Prieta earthquake to reduce threats to public health and safety and to minimize property damage caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones, and cities, counties, and other local permitting agencies to regulate certain development projects

within these zones. For projects that would locate structures for human occupancy within designated Zones of Required Investigation, the Seismic Hazards Mapping Act requires project applicants to perform a site-specific geotechnical investigation to identify the potential site-specific seismic hazards and corrective measures, as appropriate, prior to receiving building permits. The *CGS Guidelines for Evaluating and Mitigating Seismic Hazards* (Special Publication 117A) provides guidance for evaluating and mitigating seismic hazards (CGS 2008).

California Building Code

The California Building Code (CBC), which is codified in Title 24 of the California Code of Regulations, Part 2, was promulgated to safeguard the public health, safety, and general welfare by establishing minimum standards related to structural strength, means of egress to facilities (entering and exiting), and general stability of buildings. The purpose of the CBC is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within its jurisdiction. Title 24 is administered by the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. Under State law, all building standards must be centralized in Title 24 or they are not enforceable. The provisions of the CBC apply to the construction, alteration, movement, replacement, location, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout California.

The 2023 edition of the CBC is based on the 2022 International Building Code (IBC) published by the International Code Council, which replaced the Uniform Building Code (UBC). The code is updated triennially, and the 2019 edition of the CBC was published by the California Building Standards Commission on July 1, 2022, and took effect starting January 1, 2023. The 2023 CBC contains California amendments based on the American Society of Civil Engineers (ASCE) Minimum Design Standard ASCE/SEI 7-16, Minimum Design Loads for Buildings and Other Structures, provides requirements for general structural design and includes means for determining earthquake loads[5] as well as other loads (such as wind loads) for inclusion into building codes. Seismic design provisions of the building code generally prescribe minimum lateral forces applied statically to the structure, combined with the gravity forces of the dead and live loads of the structure, which the structure then must be designed to withstand. The prescribed lateral forces are generally smaller than the actual peak forces that would be associated with a major earthquake. Consequently, structures should be able to (1) resist minor earthquakes without damage; (2) resist moderate earthquakes without structural damage but with some nonstructural damage; and (3) resist major earthquakes without collapse, but with some structural as well as nonstructural damage. Conformance to the current building code recommendations does not constitute any kind of guarantee that significant structural damage would not occur in the event of a maximum magnitude earthquake; however, it is reasonable to expect that a structure designed in accordance with the seismic requirements of the CBC should not collapse in a major earthquake.

The earthquake design requirements take into account the occupancy category of the structure, site class, soil classifications, and various seismic coefficients, all of which are used to determine

[5] A load is the overall force to which a structure is subjected in supporting a weight or mass, or in resisting externally applied forces. Excess load or overloading may cause structural failure.

a seismic design category (SDC) for a project. The SDC is a classification system that combines the occupancy categories with the level of expected ground motions at the site; SDC ranges from A (very small seismic vulnerability) to E/F (very high seismic vulnerability and near a major fault). Seismic design specifications are determined according to the SDC in accordance with CBC Chapter 16. CBC Chapter 18 covers the requirements of geotechnical investigations (Section 1803), excavation, grading, and fills (Section 1804), load bearing of soils (Section 1806), as well as foundations (Section 1808), shallow foundations (Section 1809), and deep foundations (Section 1810). For SDCs D, E, and F, Chapter 18 requires analysis of slope instability, liquefaction, and surface rupture attributable to faulting or lateral spreading, plus an evaluation of lateral pressures on basement and retaining walls, liquefaction and soil strength loss, and lateral movement or reduction in foundation soil-bearing capacity. It also addresses measures to be considered in structural design, which may include ground stabilization, selecting appropriate foundation type and depths, selecting appropriate structural systems to accommodate anticipated displacements, or any combination of these measures. The potential for liquefaction and soil strength loss must be evaluated for site-specific peak ground acceleration magnitudes and source characteristics consistent with the design earthquake ground motions.

Requirements for geotechnical investigations are included in Appendix J, CBC Section J104, Engineered Grading Requirements. As outlined in Section J104, applications for a grading permit are required to be accompanied by plans, specifications, and supporting data consisting of a soils engineering report and engineering geology report. Additional requirements for subdivisions requiring tentative and final maps and for other specified types of structures are in California Health and Safety Code Sections 17953 to 17955 and in 2013 CBC Section 1802. Testing of samples from subsurface investigations is required, such as from borings or test pits. Studies must be done as needed to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness.

The design of the proposed homes and associated infrastructure would be required to comply with CBC requirements, which would make the HEU consistent with the CBC.

National Pollutant Discharge Elimination System (NPDES) Construction General Permit

Construction associated with the HEU would disturb one acre or more of land surface and could affect the quality of stormwater discharges into waters of the United States; therefore, it would be subject to the *NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Order 2022-0057-DWQ; NPDES No. CAS000002). The Construction General Permit regulates construction-related discharges of pollutants in stormwater to waters of the United States from sites that disturb one or more acres of land surface, or that are part of a common plan of development or sale that disturbs more than one acre of land surface. The permit regulates stormwater discharges associated with construction or demolition activities, such as clearing and excavation; construction of buildings; and linear underground projects, including installation of water pipelines and other utility lines.

The Construction General Permit requires that construction sites be assigned a Risk Level of 1 (low), 2 (medium), or 3 (high), based both on the sediment transport risk at the site and the receiving waters risk during periods of soil exposure (e.g., grading and site stabilization). The sediment risk level reflects the relative amount of sediment that could potentially be discharged to receiving water bodies and is based on the nature of the construction activities and the location of the site relative to receiving water bodies. The receiving waters risk level reflects the risk to the receiving waters from the sediment discharge. Depending on the risk level, the construction projects could be subject to the following requirements:

- Effluent standards;
- Good site management "housekeeping;"
- Non-stormwater management;
- Erosion and sediment controls;
- Run-on and runoff controls;
- Inspection, maintenance, and repair; or
- Monitoring and reporting requirements.

The Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific best management practices (BMPs) designed to prevent sediment and pollutants from contacting stormwater from moving off site into receiving waters. The BMPs fall into several categories, including erosion control, sediment control, waste management and good housekeeping, and are intended to protect surface water quality by preventing the off-site migration of eroded soil and construction-related pollutants from the construction area. Routine inspection of all BMPs is required under the provisions of the Construction General Permit. In addition, the SWPPP is required to contain a visual monitoring program, a chemical monitoring program for non-visible pollutants, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

The SWPPP must be prepared before the construction begins. The SWPPP must contain a site map(s) that delineates the construction work area, existing and proposed buildings, parcel boundaries, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project area. The SWPPP must list BMPs and the placement of those BMPs that the applicant would use to protect stormwater runoff. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Examples of typical construction BMPs include scheduling or limiting certain activities to dry periods, installing sediment barriers such as silt fence and fiber rolls, and maintaining equipment and vehicles used for construction. Non-stormwater management measures include installing specific discharge controls during certain activities, such as paving operations, vehicle and equipment washing and fueling. The Construction General Permit also sets post-construction standards (i.e., implementation of BMPs to reduce pollutants in stormwater discharges from the site following construction).

In the Project area, the Construction General Permit is implemented and enforced by the San Francisco Bay Regional Water Quality Control Board, which administers the stormwater permitting program. Dischargers must electronically submit a notice of intent and permit registration documents to obtain coverage under this Construction General Permit. Dischargers are to notify the San Francisco Bay Regional Water Quality Control Board of violations or incidents of non-compliance and submit annual reports identifying deficiencies in the BMPs and explaining how the deficiencies were corrected. The risk assessment and SWPPP must be prepared by a State Qualified SWPPP Developer, and implementation of the SWPPP must be overseen by a State Qualified SWPPP Practitioner. A legally responsible person, who is legally authorized to sign and certify permit registration documents, is responsible for obtaining coverage under the permit.

Municipal Regional Stormwater Permit for the San Francisco Bay Region

Discharges of stormwater runoff from municipal separate storm sewer systems (MS4s) are regulated by the Municipal Regional Stormwater NPDES Permit, under Order No. R2-2022-0018; NPDES Permit No. CAS612008, issued by the San Francisco Bay Regional Water Quality Control Board, effective July 1, 2022. An MS4 is a stormwater conveyance system that is owned by a municipality (or other public entity) that discharges to waters of the United States; is not a combined sewer; and not part of a sewage treatment plant or publicly owned treatment works (RWQCB 2022).

Under CWA Section 402(p), stormwater permits are required for discharges from MS4s that serve populations of 100,000 or more. The Municipal Regional Permit (MRP) manages the Phase I Permit Program (serving municipalities of more than 100,000 people), the Phase II Permit Program (for municipalities of fewer than 100,000 people), and the Statewide Storm Water Permit for the California Department of Transportation.

The State Water Board and the individual regional water boards implement and enforce the MRP. Multiple municipalities, including Santa Clara County, along with the City of Santa Clara (County) and Valley Water are co-permittees. These entities formed the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) to collectively address waste discharge requirements (WDRs) and manage stormwater runoff from storm drains and watercourses within their jurisdictions. Member agencies implement pollution prevention, source control, monitoring, and outreach to reduce stormwater pollution in waterways and protect the water quality and beneficial uses of San Francisco Bay and Santa Clara County creeks and rivers (SCVURPPP 2021). Pollutants of concern in the Guadalupe River watershed (where the Project would be located) include mercury, PCBs, and trash, among others.

Public Resources Code Section 5097.5 and Section 30244

State requirements for management of paleontological resources are included in Public Resources Code (PRC) Section 5097.5 and Section 30244. These statutes prohibit the removal of any paleontological site or feature from public lands without permission of the jurisdictional agency, define the removal of paleontological sites or features as a misdemeanor, and require reasonable mitigation of adverse impacts on paleontological resources from developments on public (state, county, city, district) lands.

Local

Santa Clara County Geologic Hazard Ordinance

The Santa Clara County Geologic Hazard Ordinance (Sections C12-600 through C12-624) establishes the minimum requirements for the geologic evaluation of land, based on proposed land uses and geologic hazard zones. Similar to the state Seismic Hazard Zonation Act and the CBC, the ordinance defines the types of geologic reports and establishes requirements for reports, contains procedures for determining whether a geologic report is required and the review of reports, and the recording of acknowledgment statements.

When construction is proposed on property located within a geologic hazard zone, a site-specific geologic investigation must be performed. The report, prepared and signed by a certified engineering geologist, must be submitted for review by the County Geologist, prior to approval of the application.

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of the County (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements within the General Plan include goals and policies for the physical development of the County. General Plan strategies and policies related to geologic hazards and relevant to implementation of the HEU are listed below.

Strategy #2: Minimize the Resident Population Within High Hazard Areas

> ***Policy C-HS 30*:** Local jurisdictions' urban development and land use policies should minimize the resident population within areas subject to high natural hazards in order to reduce: (a) the overall risk to life and property; and (b) the cost to the general public of providing urban services and infrastructure to urban development.
>
> ***Policy C-HS 31***: Cities should not expand Urban Service Areas into undeveloped areas of significant hazards,
>
> ***Policy C-HS 32***: Areas of significant natural hazards shall be designated in the County's General Plan as Resource Conservation Areas with low development densities in order to minimize public exposure to avoidable risks.

Stanford University Community Plan

The current Stanford University Community Plan was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the Community Plan is to guide future use and development of Stanford lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The Community Plan was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. All revisions to the Community Plan must also be made according to the provisions of State law for adopting and amending general plans. Community

strategies and policies related to geologic hazards and paleontological resources and relevant to implementation of the HEU and Community Plan Update are listed below.

The Resource Conservation (RC) chapter of the plan contains strategies and policies relevant to paleontological resources:

Strategy #7: Inventory and Evaluate Heritage Resources

***Policy SCP-RC 22*:** Maintain informational databases and formal inventories of heritage resources as the basis for local decision-making regarding historic buildings, archaeological and paleontological sites, heritage trees, and landscape features

Strategy #8: Protect Heritage Resources Through Avoidance, Adaptive Reuse, and Sensitive Planning and Design

***Policy SPC-RC 25*:** Take into account the need to protect archeological and paleontological resources in any environmental enhancement activities involving creek restoration and flood control.

The Health and Safety (HS) chapter of the plan contains strategies and policies relevant to geological hazards:

Strategy #4: Design, Locate, and Regulate Development to Avoid or Withstand Hazards

***Policy SCP-HS* 6:** Avoid significant geologic hazard areas, such as unstable slopes, in locating new development. For projects proposed within areas of concern, provide geologic reports of investigations which quantify the risks and recommend mitigation measures. Such reports must be reviewed and approved by the County Geologist.

***Policy SCP-HS 7*:** Through the development review process, ensure compliance with all applicable County ordinances and other laws, regulations, and codes for seismic evaluation and the design of new and existing buildings and campus infrastructure.

***Policy SCP-HS 8*:** Designate such lands with significant geologic hazards Special Conservation Areas in the Community Plan Land Use map.

Strategy #8: Protect Heritage Resources Through Avoidance, Adaptive Reuse, and Sensitive Planning and Design

***Policy SPC-RC 25*:** Take into account the need to protect archeological and paleontological resources in any environmental enhancement activities involving creek restoration and flood control.

4.6.3 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to geology, paleontological resources, and mineral resources are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project would have a significant impact on the environment if it would:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

   i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;

   ii. Strong seismic ground shaking;

   iii. Seismic-related ground failure, including liquefaction;

   iv. Landslides.

b) Result in substantial soil erosion or the loss of topsoil;

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;

d) Be located on expansive[6] soil creating substantial direct or indirect risks to life or property;

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water;

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

g) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

h) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Issues Not Discussed in Impacts

Criteria listed above that are not applicable to actions associated with the HEU are identified below, along with a supporting rationale as to why further consideration is unnecessary and a no-impact determination is appropriate.

Criterion a(iv): ***Landslides***. There are no active or historic landslides within any of the housing opportunity sites. Because of the relatively flat topography, impacts related to landslides are not expected to affect any of the housing opportunity sites, nor would the housing opportunity sites directly or indirectly cause substantial adverse effects related to landslides, whether seismically induced or gravity-induced. Therefore, relative to landslides, **no impact** would occur.

Criteria e: ***Septic Systems*****.** All development that could occur as a result of the proposed project's implementation would connect to exiting sanitary sewer systems. Use of septic systems would not be required. Therefore, relative to septic systems and soil suitability, **no impact** would occur.

[6] Appendix G cites Table 18-1-B of the 1994 Uniform Building Code. However, in California, expansive soils are currently defined in California Building Code (2019) Section 1803.5.3.

Criteria g and h: ***Mineral Resources***. MRZ-2 areas are zones where significant mineral deposits are known to be present. None of the housing opportunity sites would be located within in an established MRZ-2. Neither the County of Santa Clara General Plan nor the SCP include any data that suggest any housing opportunity sites are within an established MRZ-2. Additionally, the proposed project does not propose any activities that would result in the loss of availability of a known mineral resource. As such, there would be **no impact** in relation to the loss of availability of a known mineral resource.

Methodology and Assumptions

Information for this assessment of impacts related to geology and paleontological resources is based on a review of information gathered from geologic maps, scientific literature, museum records, and data from the U.S. Geological Survey (USGS), CGS, and NRCS.

Development activities associated with the proposed project would be regulated by the various laws, regulations, and policies summarized in the Regulatory Setting. Compliance with applicable federal, state, and local laws and regulations is assumed in this analysis, and local and state agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. It should be noted that compliance with many of the regulations is a condition of permit approval.

A significant impact would occur if development activities associated with the project could not be mitigated for after consideration of applicable regulatory requirements. For those impacts considered to be significant, mitigation measures are proposed to reduce the identified impacts.

Impacts and Mitigation Measures

Impacts

Impact GEO-1: Implementation of the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. (*Less than Significant Impact*)

The injection of water or the extraction of groundwater, crude oil, or natural gas has the potential to trigger movement along a fault. The proposed project does not include the injection or extraction of fluids or gas and therefore could not directly cause an earthquake or movement along a fault.

Housing Element Update

All but one of the housing opportunity sites would not be developed within an established EFZ. One of the housing opportunity sites at Alum Rock would be located within an EFZ and a County of Santa Clara fault rupture zone, due to the proximity to the Evergreen Fault, which is part of the Hayward Fault Zone (see Figure 4.6-1b).

However, as required by California law and the County of Santa Clara Geologic Hazard Ordinance, any new developments would be subject to the design criteria of the CBC and the

County's ordinance, which requires that all improvements be constructed to withstand anticipated impacts from regional fault sources. Each new development would be required to obtain a site-specific geotechnical report prior to the issuance of individual grading permits and each new development would be required to retain a licensed geotechnical engineer to design new structures. The CBC standards and the County's ordinance require all new developments to be designed consistent with a site-specific, design-level geotechnical report, which would be fully compliant with the seismic recommendations of a California-registered professional geotechnical engineer. Adherence to the applicable CBC and County requirements would ensure that development facilitated by the project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving surface fault rupture. Therefore, impacts would be **less than significant**.

Stanford Community Plan

The housing sites and potential future school location on the Stanford campus are not located within an established EFZ. However, one of the Stanford sites is within a County of Santa Clara fault rupture zone (see Figure 4.9-1a). As required by California law and the County of Santa Clara Geologic Hazard Ordinance, any new developments would be subject to the design criteria of the CBC and County of Santa Clara ordinance, which requires that all improvements be constructed to withstand anticipated impacts from regional fault sources. Each new development would be required to obtain a site-specific geotechnical report prior to the issuance of individual grading permits and each new development would be required to retain a licensed geotechnical engineer to design new structures. The CBC standards and County of Santa Clara ordinance require all new developments to be designed consistent with a site-specific, design-level geotechnical report, which would be fully compliant with the seismic recommendations of a California-registered professional geotechnical engineer. Adherence to the applicable CBC and County requirements would ensure that development facilitated by the proposed project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving surface fault rupture. Therefore, impacts would be **less than significant**.

Mitigation Measure: None required.

Impact GEO-2: Implementation of the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. (*Less than Significant Impact*)

The injection of water or the extraction of groundwater, crude oil, or natural gas has the potential to trigger movement along a fault. The project does not include the injection or extraction of fluids or gas and therefore could not directly cause an earthquake or movement along a fault.

HEU and Stanford Community Plan

Due to the proximity to the active fault zones depicted in Figures 4.6-1a, b, and c, new developments allowable under the proposed project would be subject to strong seismic ground shaking in the event of an earthquake originating from one of the previously mentioned fault

zones. Strong seismic ground shaking could potentially cause damage to new developments, resulting in loss, injury, or death.

As required by California law and the County of Santa Clara Geologic Hazard Ordinance, any new developments would be subject to the seismic design criteria of the CBC and the County Ordinance, which requires that all improvements be constructed to withstand anticipated ground shaking from regional fault sources. Each new development would be required to obtain a site-specific geotechnical report prior to the issuance of individual grading permits; each new development would be required to retain a licensed geotechnical engineer to design new structures to withstand probable seismically induced ground shaking. The CBC standards and the County Ordinance require all new developments to be designed consistent with a site-specific, design-level geotechnical report, which would be fully compliant with the seismic recommendations of a California-registered professional geotechnical engineer. Adherence to the applicable CBC and the County Ordinance requirements would ensure that development facilitated by the project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Therefore, impacts would be **less than significant**.

Mitigation Measure: None required.

Impact GEO-3: Implementation of the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including liquefaction. (*Less than Significant Impact*)

HEU and Stanford Community Plan

Based on the available data (i.e., geologic mapping, liquefaction susceptibility mapping, and groundwater data), any new development facilitated by the proposed project would be subject to—at the very least—moderate soil liquefaction. New developments facilitated by the project would be subjected to the damaging effects of liquefaction in the event of an earthquake in the region.

As required by California law, any new developments would be subject to the seismic design criteria of the CBC and the County of Santa Clara Geologic Hazard Ordinance, which requires that all improvements be constructed to withstand any anticipated seismic-related ground failures, including liquefaction, due to ground shaking from regional fault sources. Each new development would be required to obtain a site-specific geotechnical report prior to the issuance of individual grading permits; each new development would be required to retain a licensed geotechnical engineer to investigate and evaluate each new development site and design new structures to withstand probable seismic-related ground failures, such as liquefaction. The CBC and County ordinance standards require all new developments to be designed consistent with a site-specific, design-level geotechnical report, which would be fully compliant with the seismic recommendations of a California-registered professional geotechnical engineer. Liquefaction hazards can generally be addressed through site preparation measures or foundation design

measures such as removal and replacement of liquefiable soils, densification of these soils, or specific foundation design recommendations. Implementation of these measures in accordance with building code requirements can effectively reduce the hazard to minimize any potential for substantive damage.

Compliance with all applicable CBC and County ordinance requirements would ensure that development facilitated by the proposed project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Therefore, impacts would be **less than significant**.

Mitigation Measure: None required.

Impact GEO-4: Implementation of the proposed project would not result in substantial soil erosion or the loss of topsoil. (*Less than Significant Impact*)

HEU and Stanford Community Plan

Construction

New developments facilitated by the proposed project would include ground disturbance activities, such as grading, grubbing, or mass excavation. These ground disturbing activities are some examples of activities that could contribute to substantial soil erosion or the loss of topsoil. Any new development that would require the disturbance of one or more acres during construction would be subject to the requirements of the NPDES Construction General Permit. The NPDES Construction General Permit requires the preparation and implementation of a SWPPP, which would include BMPs designed to control and reduce soil erosion. The BMPs may include dewatering procedures, storm water runoff quality control measures, watering for dust control, and the construction of silt fences, as needed. Compliance with this independently enforceable existing requirement, and implementation of these soil and erosion control measures would ensure that impacts related to erosion and soil loss would be **less than significant**.

Operation

Once constructed, development facilitated by the proposed project would be subject to Municipal Regional Stormwater Permit for the San Francisco Bay Region which regulate stormwater discharges in lands under the water quality jurisdiction of the San Francisco Bay Region in Santa Clara County. These permits require that the housing opportunity sites be developed to collect, infiltrate, and treat stormwater falling on the sites such that erosion does not occur and the runoff does not exceed the capacity of the existing municipal stormwater collection systems. With compliance with the permits, stormwater on the development sites would be controlled to prevent erosion and loss of topsoil, resulting in impacts that would be **less than significant**.

Mitigation Measure: None required.

Impact GEO-5: Implementation of the proposed project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (*Less than Significant Impact*)

HEU and Stanford Community Plan

As discussed above, areas associated with the proposed project would be subject to the potential effects of unstable soils. Any new developments that are proposed in areas determined to be susceptible to geotechnical hazards (e.g., liquefaction or landslide) would be subject to the damaging effects of these hazards. Also discussed above is the requirement that subjects all new developments to the building standards of the CBC. Included in this requirement is the obligation to retain a geotechnical engineer to analyze the conditions at each specific new development site. Geotechnical investigations include the analysis of potential unstable soil conditions at a site. If unstable soil conditions are determined to be present at a given site, the geotechnical report specific to that site would include site-specific design requirements to implement to reduce or avoid adverse effects associated with unstable soils.

Compliance with CBC and County requirements, including implementation of recommendations provided in site-specific geotechnical reports would reduce or avoid impacts related to unstable soils. The proposed project would not directly or indirectly result in adverse effects related to unstable soils, and the impact would be **less than significant**.

Mitigation Measure: None required.

Impact GEO-6: Implementation of the proposed project would not be located on expansive soil creating substantial direct or indirect risks to life or property. (*Less than Significant Impact*)

Housing Element Update

The HEU would not include new developments within areas of very high soil expansion potential. The Alum Rock, Fruitdale, and Pleasant Hill Golf Course sites would be constructed on soils with low to no soil expansion potential. While current data suggests that the soils underlying these sites demonstrate low expansion potential, analysis of expansive soils is a standard requirement of geotechnical investigations, as the CBC outlines specific soil engineering parameters to identify and mitigate for expansive soils. If expansive soils are detected during the geotechnical investigation, the geotechnical would be required to provide recommendations to address expansive soils, which may include removal and/or treatment.

Compliance with the CBC requirement to determine the potential for expansive soils for each housing opportunity site under the HEU would ensure that any problematic soils are identified and soil engineering requirements are implemented. Soil engineering is used to adjust the existing problematic properties of certain soils so that they are suitable for new developments. Adherence to the requirements of the CBC and geotechnical investigation would avoid impacts resulting from potentially expansive soils. Therefore, the proposed project would not create substantial

direct or indirect risks to life or property related to expansive soils, and impacts would be **less than significant.**

Stanford Community Plan

The Stanford housing opportunity sites and the potential future school location would be constructed on soil with low to no soil expansion potential. As discussed above, a geotechnical investigation would be required prior to construction. While there is a low—or no—soil expansion potential, the geotechnical investigation will identify any potentially problematic soils. Adherence to the requirements of the CBC and geotechnical investigation would avoid impacts resulting from potentially expansive soils. The project would not result in substantial direct or indirect risks to life or property related to expansive soils, and impacts would be **less than significant.**

Mitigation Measure: None required.

Impact GEO-7: Implementation of the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (*Less than Significant Impact, with Mitigation*)

HEU and Stanford Community Plan

Geologic mapping indicates that the surficial deposits within the project area are composed of alluvium of both Holocene and Pleistocene-age alluvium.

A review of geologic maps of the area, the UCMP online fossil localities database, and available scientific literature indicates that the Holocene-age alluvium has a low potential to contain significant paleontological resources near the surface, but the potential increases in the deeper, older layers of these deposits. The Pleistocene-age alluvium is considered to have a high potential to contain significant paleontological resources, due to the numerous previous fossil discoveries within the formation from Santa Clara County.

The addition of new developments in the project area would require grading and excavation during the construction phases of future projects. Paleontological resources may be encountered in deep excavations (generally, approximately 6 or more feet, depending on site-specific information) into previously undisturbed Holocene-age alluvium where Pleistocene-age sediments are present. Excavations at any depth in previously undisturbed deposits of the Pleistocene-age alluvium have the potential to encounter significant paleontological resources. If significant paleontological resources are encountered and inadvertently destroyed during construction of new developments, that would constitute a **potentially significant impact**.

To ensure potential impacts to significant paleontological resources are less than significant **Mitigation Measure GEO-1: Determination of Paleontological Potential** would be required to ensure that each new development that includes excavation to depths of greater than 6 feet below grade will undergo individual CEQA analyses and be assigned paleontological sensitivity specific

to each site based on site-specific project information (i.e., the extent of ground disturbance and potential geologic units that would be encountered). Based on the project-specific details, individual paleontological resource assessment reports will be prepared and would include appropriate mitigation to be implemented to reduce potential impacts to significant paleontological resources.

Mitigation Measure GEO-1: Determination of Paleontological Potential.

Prior to issuance of a grading permit for any project that requires ground disturbance (i.e., excavation, grading, trenching, etc.) in previously undisturbed deposits of Holocene-age alluvium and Pleistocene-age alluvium below a depth of six feet, the project will undergo a CEQA-level analysis to determine the potential for a project to encounter significant paleontological resources, based on a review of site-specific geology and the extent of ground disturbance associated with each project. The analysis shall include but would not be limited to: 1) a paleontological records search, 2) geologic map review, and 3) peer-reviewed scientific literature review. If it is determined that a site has the potential to disturb or destroy significant paleontological resources, a professional paleontologist (meeting the Society of Vertebrate Paleontology [SVP] standards), will be retained to recommend appropriate mitigation to reduce or avoid significant impacts to paleontological resources, based on project-specific information. Such measures could include but would not be limited to: 1) preconstruction worker awareness training, 2) paleontological resource monitoring, and 3) salvage of significant paleontological resources.

Significance After Mitigation: Implementation of Mitigation Measure GEO-1 would ensure that a thorough analysis of the potential to encounter significant paleontological resources would be performed in accordance with SVP standard guidelines. If it is determined that the potential exists for a project to encounter and destroy significant paleontological resources, the appropriate steps will be followed to ensure that a professional paleontologist is retained to prepare a paleontological resource management plan (or similar), which will include appropriate mitigation recommendations to avoid a potentially significant impact. Compliance with Mitigation Measure GEO-1 would reduce impacts to **less than significant**.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to geology, paleontological resources, and mineral resources could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact GEO-C: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect related to geology, paleontological resources, and mineral resources. (*Less than Significant Impact, with Mitigation)*

As discussed above, the proposed project would have no impact related to landslides or mineral resources. Therefore, the project would neither cause or contribute to any potential significant cumulative impact regarding these considerations, and impacts related to landslides and mineral resources are not considered further. The potential for the proposed project to cause or contribute to a potential significant cumulative impact with respect to the remaining geology, soils, or paleontological resources considerations is evaluated below.

Impacts related to geology and paleontological resources tend to be site-specific and depend on the local geology and soil conditions. For these reasons, the geographic scope for potential cumulative impacts consists of the project sites and adjacent areas.

The area would be subject to potential strong, seismically-induced ground shaking and seismic-induced ground failures (e.g., landslides, liquefaction). However, as discussed in the preceding impact analyses, development facilitated by the project would be designed and constructed in accordance with the most current building code requirements, and the potential for the project to exacerbate seismic hazards would be less than significant. State and local building regulations and standards have been established to address and reduce the potential for projects to cause or exacerbate seismic hazard impacts. Any cumulative projects that are occurring in proximity to the project sites would be required to comply with the same applicable provisions of these laws and regulations. Compliance with these requirements would limit the potential for impacts to a less than significant level. The purpose of the CBC (and related local ordinances such as the County of Santa Clara Geologic Hazard Ordinance) is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within its jurisdiction. Based on compliance with these requirements, the incremental impacts of the project combined with impacts of other projects in the area would not combine to cause a significant cumulative impact related to seismic hazards.

If site drainage is not managed properly, drainage from the housing opportunity sites in combination with drainage from other cumulative project sites could cause soil erosion or loss of topsoil at a local and regional level. As with the proposed project, all other cumulative projects would be required to comply with the same existing codes, standards, and permitting requirements (e.g., preparation of a SWPPP under the state construction general permit and compliance with the Regional Stormwater Permit) to reduce erosion impacts. Potential impacts to soil erosion and loss of topsoil would be reduced through the implementation of the BMPs identified in the SWPPP. Requirements in the state construction general permit are designed to reduce adverse cumulative effects of erosion and sedimentation. Compliance with stormwater control requirements would reduce the overall cumulative impact to a less than significant level.

The geographic scope of cumulative impacts to paleontological resources includes the project sites and adjacent areas where deposits with a high potential to contain paleontological resources could be disturbed. If there were paleontological resources that extended across areas of ground

disturbance of the project sites and cumulative projects, the projects could result in the loss of paleontological resources, a potentially significant impact.

However, cumulative projects would be required to protect paleontological resources with mitigation similar to Mitigation Measure GEO-1: Determination of Paleontological Potential. Implementation of the mitigation measure would effectively avoid the potential loss of paleontological resources in the event of inadvertent discovery during construction and the impacts form the construction of the project sites and cumulative projects would be less than significant.

Mitigation Measure GEO-1: Determination of Paleontological Potential.

Prior to issuance of a grading permit for any project that requires ground disturbance (i.e., excavation, grading, trenching, etc.) in previously undisturbed deposits of Holocene-age alluvium and Pleistocene-age alluvium below a depth of six feet, the project will undergo a CEQA-level analysis to determine the potential for a project to encounter significant paleontological resources, based on a review of site-specific geology and the extent of ground disturbance associated with each project. The analysis shall include but would not be limited to: 1) a paleontological records search, 2) geologic map review, and 3) peer-reviewed scientific literature review. If it is determined that a site has the potential to disturb or destroy significant paleontological resources, a professional paleontologist (meeting the Society of Vertebrate Paleontology [SVP] standards), will be retained to recommend appropriate mitigation to reduce or avoid significant impacts to paleontological resources, based on project-specific information. Such measures could include but would not be limited to: 1) preconstruction worker awareness training, 2) paleontological resource monitoring, and 3) salvage of significant paleontological resources.

Significance After Mitigation: Implementation of Mitigation Measure GEO-1 would ensure that a thorough analysis of the potential to encounter significant paleontological resources would be performed in accordance with SVP standard guidelines. If it is determined that the potential exists for a project to encounter and destroy significant paleontological resources, the appropriate steps will be followed to ensure that a professional paleontologist is retained to prepare a paleontological resource management plan (or similar), which will include appropriate mitigation recommendations to avoid a potentially significant impact. Compliance with Mitigation Measure GEO-1 will reduce impacts to **less than significant**.

4.6.4 References

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4.7 Greenhouse Gas Emissions

4.7.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects related to greenhouse gases (GHGs) and climate change. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to GHGs. Further below, existing plans and policies relevant to GHGs associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to GHGs that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR. No comments relating to GHG emissions were received during the NOP comment period.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).
- County of Santa Clara Sustainability Master Plan (2021a).
- BAAQMD CEQA Air Quality Guidelines (2023).
- California Air Resources Board (CARB) Scoping Plan (2022a).

4.7.2 Environmental Setting

The following section summarizes the environmental setting including an introduction to the science behind climate change, the various GHGs that contribute to climate change, and the impacts of climate change specifically to California. It also provides GHG inventories for the U.S., California, San Francisco Bay Area, and Santa Clara County.

Climate Science

"Global warming" and "climate change" are common terms used to describe the increase in the average temperature of the earth's near-surface air and oceans since the mid-20th century. Natural

processes and human actions have been identified as affecting the climate. The Intergovernmental Panel on Climate Change (IPCC) has concluded that variations in natural phenomena such as solar radiation and volcanoes produced most of the warming from pre-industrial times to 1950. However, increasing GHG concentrations resulting from human activity since the 19th century, such as fossil fuel combustion, deforestation, and other activities, are believed to be a major factor in climate change. GHGs in the atmosphere naturally trap heat by impeding the exit of solar radiation that has hit the earth and is reflected back into space—a phenomenon sometimes referred to as the "greenhouse effect." Some GHGs occur naturally and are necessary for keeping the Earth's surface inhabitable. However, increases in the concentrations of these gases in the atmosphere during the last 100 years have trapped solar radiation and decreased the amount that is reflected into space, intensifying the natural greenhouse effect, and resulting in the increase of global average temperature.

Carbon dioxide (CO_2), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are the principal GHGs. When concentrations of these gases exceed historical concentrations in the atmosphere, the greenhouse effect is intensified. CO_2, methane, and nitrous oxide occur naturally and are also generated through human activity. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas methane results from off-gassing, natural gas leaks from pipelines and industrial processes, and incomplete combustion associated with agricultural practices, landfills, energy providers, and other industrial facilities. Nitrous oxide emissions are also largely attributable to agricultural practices and soil management. CO_2 sinks include vegetation and the ocean, which absorb CO_2 through sequestration and dissolution, and are two of the largest reservoirs of CO_2 sequestration. Other human-generated GHGs include fluorinated gases such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, which have much higher heat-absorption potential than CO_2 and are byproducts of certain industrial processes.

CO_2 is the reference gas for climate change, as it is the GHG emitted in the highest volume. The effect that each of the GHGs have on global warming is the product of the mass of their emissions and their global warming potential (GWP). GWP indicates how much a gas is predicted to contribute to global warming relative to how much warming would be predicted to be caused by the same mass of CO_2. For example, methane and nitrous oxide are substantially more potent GHGs than CO_2, with GWPs of 25 and 298 times that of CO_2 respectively, which has a GWP of 1 (CARB, 2023).

In emissions inventories, GHG emissions are typically reported as metric tons (MT) of CO_2 equivalent (CO_2e). CO_2e is calculated as the product of the mass emitted of a given GHG and its specific GWP. While methane and nitrous oxide have much higher GWPs than CO_2, CO_2 is emitted in higher quantities and it accounts for the majority of GHG emissions in CO_2e, both from commercial developments and human activity in general.

Effects of Global Climate Change

The scientific community's understanding of the fundamental processes responsible for global climate change has improved over the past decade, and its predictive capabilities are advancing. However, there remain scientific uncertainties in, for example, predictions of local effects of climate change, occurrence, frequency, and magnitude of extreme weather events, effects of

aerosols, changes in clouds, shifts in the intensity and distribution of precipitation, and changes in oceanic circulation. Due to the complexity of and inability to accurately model Earth's climate system, the uncertainty surrounding climate change may never be eliminated completely. Nonetheless, the IPCC's AR5 states that is extremely likely that the dominant cause of the observed warming since the mid-20th century is the anthropogenic increase in GHG concentrations (IPCC, 2014). The National Academies of Science from 80 countries have issued statements endorsing the consensus position that humans are the dominant cause for global warming since the mid-20th century (Cook et al., 2016).

The Fourth California Climate Change Assessment (Fourth Assessment), published in 2018, found that the potential impacts in California due to global climate change include: loss in snow pack; sea-level rise; more extreme heat days per year; more high ozone days; more extreme forest fires; more severe droughts punctuated by extreme precipitation events; increased erosion of California's coastlines and sea water intrusion into the Sacramento and San Joaquin Deltas and associated levee systems; and increased pest infestation (California Office of Planning and Research [OPR], California Energy Commission [CEC] & California Natural Resources Agency [CNRA], 2018). The Fourth Assessment's findings are consistent with climate change studies published by the CNRA since 2009, starting with the *California Climate Adaptation Strategy* (CNRA, 2009) as a response to the Governor's Executive Order S-13-2008. In 2014, the CNRA rebranded the first update of the 2009 adaptation strategy as the *Safeguarding California Plan* (CNRA, 2014). The 2018 update to *Safeguarding California Plan* identifies hundreds of ongoing actions and next steps state agencies are taking to safeguard Californians from climate impacts within a framework of 81 policy principles and recommendations (CNRA, 2018).

In 2016, the CNRA released *Safeguarding California: Implementation Action Plans* in accordance with Executive Order B-30-15, identifying a lead agency to lead adaptation efforts in each sector (CNRA, 2016). In accordance with the 2009 *California Climate Adaptation Strategy*, the CEC was directed to develop a website on climate change scenarios and impacts that would be beneficial for local decision makers. The website, known as Cal-Adapt, became operational in 2011. The information provided on the Cal-Adapt website represents a projection of potential future climate scenarios comprised of local average values for temperature, sea-level rise, snowpack and other data representative of a variety of models and scenarios, including potential social and economic factors. Below is a summary of some of the potential effects that could be experienced in California as a result of global warming and climate change.

Temperature Increase

The primary effect of adding GHGs to the atmosphere has been a rise in the average global temperature. The impact of human activities on global temperature is readily apparent in the observational record. Since 1895, the contiguous US has observed an average temperature increase of 1.5°F per century (National Oceanic and Atmospheric Association [NOAA], 2019). The 5-year period from 2014–2018 was the warmest on record for the contiguous U.S. (NOAA, 2019); of the top 10 hottest years on record in the U.S., seven have occurred since the year 2000, with the top six years all occurring since 2012 (Climate Central, 2022).

The Fourth Assessment indicates that average temperatures in California could rise 5.6°F to 8.8°F by the end of the century, depending on the global trajectory of GHG emissions (OPR, CEC & CNRA, 2018). According to the Cal-Adapt website, Santa Clara County could experience an average increase in temperature of approximately 4.9 to 7.6°F by 2070–2090, compared to the baseline 1961–1990 period (Cal-Adapt, 2023).

With climate change, extreme heat conditions and heat waves are predicted to impact larger areas, last longer, and have higher temperatures. Heat waves, defined as three or more days with temperatures above 90°F, are projected to occur more frequently by the end of the century. Extreme heat days and heat waves can negatively impact human health. Heat-related illness includes a spectrum of illnesses ranging from heat cramps to severe heat exhaustion and life-threatening heat stroke (Red Cross Red Climate Crescent Center [RCCC], 2019).

Wildfires

The hotter and dryer conditions expected with climate change will make forests more susceptible to extreme wildfires. A recent study found that, if GHG emissions continue to rise, the frequency of extreme wildfires burning over approximately 25,000 acres would increase by nearly 50 percent, and the average area burned statewide each year would increase by 77 percent, by the year 2100. In the areas that have the highest fire risk, the cost of wildfire insurance is anticipated to rise by 18 percent by 2055 and the fraction of property insured would decrease (Westerling, 2018).

Air Quality

Higher temperatures, conducive to air pollution formation, could worsen air quality in California and make it more difficult for the state to achieve air quality standards. Climate change may increase the concentration of ground-level ozone, which can cause breathing problems, aggravate lung diseases such as asthma, emphysema, chronic bronchitis, and cause chronic obstructive pulmonary disease (COPD) but the magnitude of the effect, and therefore, its indirect effects, are uncertain. Emissions from wildfires can lead to excessive levels of particulate matter, ozone, and volatile organic compounds (NOAA, 2023). Additionally, severe heat accompanied by drier conditions and poor air quality could increase the number of heat-related deaths, illnesses, and asthma attacks throughout the state (RCCC, 2019).

Precipitation and Water Supply

There is a high degree of uncertainty with respect to the overall impact of global climate change on future water supplies in California. Studies indicate considerable variability in predicting precise impacts of climate change on California hydrology and water resources. Increasing uncertainty in the timing and intensity of precipitation will challenge the operational flexibility of California's water management systems. Warmer and wetter winters would increase the amount of runoff available for groundwater recharge; however, this additional runoff could occur at a time when some basins are either being recharged at their maximum capacity or are already full. Conversely, reductions in spring runoff and higher evapotranspiration because of higher temperatures could reduce the amount of water available for recharge (CNRA, 2018).

Climate change could alter water quality in a variety of ways, including through higher winter flows that reduce pollutant concentrations (through dilution) or increase erosion of land surfaces and stream channels, leading to higher sediment, chemical, and nutrient loads in rivers. Water temperature increases and decreased water flows can result in increasing concentrations of pollutants and salinity. Increases in water temperature alone can lead to adverse changes in water quality, even in the absence of changes in precipitation.

Hydrology and Sea Level Rise

As discussed above, climate changes could potentially affect: the amount of snowfall, rainfall and snowpack; the intensity and frequency of storms; flood hydrographs (flash floods, rain or snow events, coincidental high tide and high runoff events); sea-level rise and coastal flooding; coastal erosion; and the potential for saltwater intrusion. Sea-level rise can be a product of global warming through two main processes: expansion of seawater as the oceans warm and melting of ice over land. A rise in sea levels could result in coastal flooding and erosion and could jeopardize California's water supply. Sea level has risen eight to nine inches (21–24 centimeters) since 1880. In 2021, global sea level set a new record high of 97 mm (3.8 inches) above 1993 levels. The rate of sea level rise is accelerating; it has more than doubled from 0.06 inches (1.4 millimeters) per year throughout most of the twentieth century to 0.14 inches (3.6 millimeters) per year from 2006–2015. In many locations along the U.S. coastline, high-tide flooding is now 300 percent to more than 900 percent more frequent than it was 50 years ago. Models project that average sea level rise for the contiguous United States could be 2.2 meters (7.2 feet) by 2100 and 3.9 meters (13 feet) by 2150 (NOAA, 2022). Rising seas could impact transportation infrastructure, utilities, and regional industries.

Agriculture

California has a massive agricultural industry that represents over 13 percent of total US agricultural revenue (California Department of Food and Agriculture [CDFA], 2020). Higher CO_2 levels can stimulate plant production and increase plant water-use efficiency. However, a changing climate presents significant risks to agriculture due to changes in maximum and minimum temperatures, reduction of winter chill hours, extreme heat leading to additional costs for livestock cooling and losses in production, and declines in water quality, groundwater security, soil health, and pollinator species, and increased pest pressures (CNRA, 2018).

Ecosystems and Wildlife

Increases in global temperatures and the potential resulting changes in weather patterns could have ecological effects on a global and local scale. Increased concentrations of GHGs are likely to accelerate the rate of climate change. As stated in the *Safeguarding California Plan*, "species and ecosystems in California are valued both for their intrinsic worth and for the services they provide to society. Air purification, water filtration, flood attenuation, food provision, recreational opportunities such as fishing, hunting, wildlife viewing, and more are all services provided by ecosystems. These services can only be maintained if ecosystems are healthy and robust and continue to function properly under the impacts of climate change. A recent study examined the vulnerability of all vegetation communities statewide in California and found that 16 of 29 were

highly or nearly highly vulnerable to climate change, including Western North American freshwater marsh, Rocky Mountain subalpine and high montane conifer forest, North American Pacific coastal salt marsh, and more."

Soil moisture is likely to decline in many regions, and intense rainstorms are likely to become more frequent. With climate change, ecosystems and wildlife will be challenged by the spread of invasive species, barriers to species migration or movement in response to changing climatic conditions, direct impacts to species health, and mismatches in timing between seasonal life-cycle events such as species migration and food availability (CNRA, 2018).

Public Health

Global climate change is also anticipated to result in more extreme heat events (OPR, CEC & CNRA, 2018). These extreme heat events increase the risk of death from dehydration, heart attack, stroke, and respiratory distress, especially with people who are ill, children, the elderly, and the poor, who may lack access to air conditioning and medical assistance. A warming planet is expected to bring more severe weather events, worsening wildfires and droughts, a decline in air quality, rising sea levels, increases in allergens and in vector-borne diseases, all of which present significant health and wellbeing risks for California populations (CNRA, 2018).

While the possible outcomes and the feedback mechanisms involved are not fully understood and much research remains to be done, the potential for substantial environmental, social, and economic consequences over the long term may be great. All of these impacts will have either direct or indirect negative effects for residents and businesses in the County.

Emissions Inventories

United States GHG Emissions

In 2021, the United States emitted about 6,340 $MMTCO_2e$, or 5,586 $MMTCO_2e$ after accounting for sequestration from the land use sector. Emissions increased by 6 percent from 2020 to 2021 (after accounting for sequestration from the land sector). The increase was driven largely by an increase in CO_2 emissions from fossil fuel combustion, which increased by 7 percent relative to 2020. This increase in fossil fuel consumption emissions was due primarily to economic activity rebounding after the height of the COVID-19 pandemic. GHG emissions in 2021 (after accounting for sequestration from the land sector) were 17 percent below 2005 levels (United States Environmental Protection Agency [USEPA], 2023).

Of the major sectors nationwide, transportation accounts for the highest volume of GHG emissions (approximately 28 percent), followed by electricity (25 percent), industry (23 percent), commercial and residential (13 percent), and agriculture (11 percent) (USEPA, 2023).

California GHG Emissions

CARB compiles GHG inventories for the state. Based on the 2020 GHG inventory data (the latest year for which data is available from CARB), emissions from GHG emitting activities statewide were 369.2 $MMTCO_2e$ (CARB, 2022b). Between 1990 and 2021, the population of California

grew by approximately 10 million from 29.6 to 39.5 million (California Department of Finance [CDF], 2022a). This represents an increase of approximately 34 percent from 1990 population levels. In addition, the California economy, measured as gross state product, grew from $773 billion in 1990 to $3.14 trillion in 2019, representing an increase of approximately 306 percent (more than three times the 1990 gross state product) in today's dollars (CDF, 2022b).

Despite the population and economic growth, CARB's 2020 statewide inventory indicated that California's net GHG emissions in 2020 were 35.3 $MMTCO_2e$ lower than 2019 levels and 61.8 $MMTCO_2e$ below the 2020 GHG Limit of 431 $MMTCO_2e$ codified in California Health and Safety Code Division 25.5, also known as the Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32). **Table 4.7-1** identifies and quantifies statewide anthropogenic GHG emissions and sinks (e.g., carbon sequestration due to forest growth) in 1990 and 2020. As shown in the table, the transportation sector is the largest contributor to statewide GHG emissions at approximately 38 percent in 2020.

TABLE 4.7-1
CALIFORNIA GHG EMISSIONS INVENTORY

Category	Total 1990 Emissions Using IPCC SAR ($MMTCO_2e$)	Percent of Total 1990 Emissions	Total 2020 Emissions Using IPCC AR4 ($MMTCO_2e$)	Percent of Total 2020 Emissions
Transportation	150.7	35%	135.8	37%
Electric Power	110.6	26%	59.5	16%
Commercial & Residential Fuel Use	44.1	10%	38.7	11%
Industrial	103.0	24%	73.3	20%
Recycling and Waste[a]	—	—	8.9	2%
High GWP/Non-Specified[b]	1.3	<1%	21.3	6%
Agriculture/Forestry	23.6	6%	31.6	9%
Forestry Sinks	-6.7	-2%	—[c]	—
Net Total (IPCC SAR)	**426.6**	**100%**[e]	**—**	**—**
Net Total (IPCC AR4)[d]	**431**	**100%**[e]	**369.2**	**100%**[e]

NOTES:

AR4 = Fourth Assessment Report; GWP = global warming potential; IPCC = Intergovernmental Panel on Climate Change; $MMTCO_2e$ = million metric tons of carbon dioxide equivalents; SAR = Second Assessment Report

a Included in other categories for the 1990 emissions inventory.
b High GWP gases are not specifically called out in the 1990 emissions inventory.
c Revised methods under development (not reported for 2020).
d CARB revised the state's 1990-level GHG emissions using GWPs from the IPCC AR4.
e Total of individual percentages may not add up to 100% due to rounding

SOURCES: CARB, 2007; CARB, 2022b.

Bay Area GHG Emissions

Based on 2015 data, in the nine-county San Francisco Bay Area, GHG emissions from the transportation sector represented the largest source of GHG emissions at 41 percent, followed by stationary industrial sources at 26 percent, electricity generation and co-generation at 14 percent,

and fuel use (primarily natural gas) by buildings at 10 percent. The remaining 8 percent of emissions is composed of fluorinated gas emissions and emissions from solid waste and agriculture. According to BAAQMD, of the total transportation emissions in 2015, on-road sources accounted for approximately 87 percent, while off-road sources accounted for the remainder (BAAQMD, 2017a).

Santa Clara County GHG Emissions

Table 4.7-2 summarizes GHG emissions in Santa Clara County for 2017, the most recent year for which data are available. As shown, the transportation sector is the largest contributor to countywide GHG emissions, while natural gas combustion is the largest contributor to GHG emissions in unincorporated Santa Clara County. Unincorporated county emissions are approximately 3.7 percent of countywide emissions.

TABLE 4.7-2
SANTA CLARA COUNTY GREENHOUSE GAS EMISSIONS FOR 2017

Emissions Sector	County Emissions (MT CO_2e)	Unincorporated County Emissions (MT CO_2e)
Residential Electricity	357,751	14,276
Commercial Electricity	2,020,766	94,308
Residential Natural Gas	1,205,906	48,503
Commercial Natural Gas	1,214,604	126,474
Passenger VMT	3,868,364	33,052
Commercial VMT	984,542	8,412
Off-road VMT	515,612	32,282
Waste	574,003	40,500
Water	34,912	6,766
Wastewater	12,881	520
Total[a]	**10,789,339**	**405,091**

NOTES: CO_2e = carbon dioxide equivalent; MT = metric tons; VMT = vehicle miles traveled.

a Values may not add up to the total due to rounding.

SOURCE: County of Santa Clara, 2021b.

4.7.3 Regulatory Setting

Federal

U.S. Environmental Protection Agency "Endangerment" and "Cause or Contribute" Findings

The U.S. Supreme Court held that the United States Environmental Protection Agency (USEPA) must consider regulation of motor vehicle GHG emissions. In *Massachusetts v. Environmental Protection Agency* et al., twelve states and cities, including California, together with several environmental organizations sued to require the USEPA to regulate GHGs as pollutants under the

Clean Air Act (127 S. Ct. 1438 (2007)). The Supreme Court ruled that GHGs fit within the CAA's definition of a pollutant and the USEPA had the authority to regulate GHGs.

On December 7, 2009, the USEPA Administrator signed two distinct findings regarding GHGs under Section 202(a) of the CAA:

- **Endangerment Finding:** The current and projected concentrations of the six key GHGs—CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6—in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The combined emissions of these GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution that threatens public health and welfare.

These findings did not, by themselves, impose any requirements on industry or other entities. However, these actions were a prerequisite for implementing GHG emissions standards for vehicles.

Vehicle Emissions Standards

In 1975, Congress enacted the Energy Policy and Conservation Act, which established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, USEPA and the National Highway Traffic Safety Administration (NHTSA) are responsible for establishing additional vehicle standards. In August 2012, standards were adopted for model years 2017 through 2025 for passenger cars and light-duty trucks. According to these standards, a model year 2025 vehicle would emit half the GHG emissions of a model year 2010 vehicle (USEPA and NHTSA, 2010). Notably, the State of California harmonized its vehicle efficiency standards through 2025 with the federal standards at this time (see *Advanced Clean Cars Program* below).

In August 2018, EPA and the NHTSA proposed maintaining the 2020 corporate average fuel economy (CAFE) and CO_2 standards for model years 2021 through 2026. The estimated CAFE and CO_2 standards for model year 2020 are 43.7 miles per gallon (mpg) and 204 grams of CO_2 per mile for passenger cars and 31.3 mpg and 284 grams of CO_2 per mile for light trucks, projecting an overall industry average of 37 mpg, as compared to 46.7 mpg under the standards issued in 2012. In September 2019, EPA finalized the Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program and announced its decision to withdraw the Clean Air Act preemption waiver granted to the State of California in 2013 (USEPA & NHTSA, 2019). In March 2022, the USEPA reinstated California's waiver restoring the state's authority to set and enforce more stringent standards than the federal government, including California's GHG emission standards and zero emission vehicle mandate.[1]

[1] California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision, 87 Fed. Reg. 14,332 (Mar. 14, 2022), https://www.federalregister.gov/documents/2022/03/14/2022-05227/california-state-motor-vehicle-pollution-control-standards-advanced-clean-car-program.

State

California has promulgated a series of executive orders, laws, and regulations aimed at reducing both the level of GHGs in the atmosphere and emissions of GHGs within the state. The major components of California's climate protection initiative are reviewed below. CARB is the agency with regulatory authority over air quality issues in California. CARB adopts regulations designed to reduce criteria pollutants, toxic air contaminants, and GHG emissions; and establishes vehicle emission standards. As discussed earlier, CARB is responsible for preparing, adopting, and updating California's GHG inventory. Additional responsibilities of CARB with respect to specific state mandates are discussed below.

CEQA Guidelines

The *CEQA Guidelines* are embodied in the California Code of Regulations (CCR), Title 14, beginning with Section 15000. The current *CEQA Guidelines* Section 15064.4 states that "a lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project." Section 15064.4 further states:

> *A lead agency should consider the following factors, when determining the significance of impacts from greenhouse gas emissions on the environment:*
>
> *(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;*
>
> *(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.*
>
> *(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see e.g., section 15183.5(b)).*

The *CEQA Guidelines* also state that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including plans or regulations for the reduction of GHG emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located (*CEQA Guidelines* Section 15064(h)(3)).

The *CEQA Guidelines* do not require or recommend a specific analytical method or provide quantitative criteria for determining the significance of GHG emissions, nor do they set a numerical threshold of significance for GHG emissions. Section 15064.7(c) clarifies that "when adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

When GHG emissions are found to be significant, *CEQA Guidelines* Section 15126.4(c) includes the following direction on measures to mitigate GHG emissions:

Consistent with Section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:

(1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision.

(2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures.

(3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions.

(4) Measures that sequester greenhouse gases.

(5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

State of California Executive Orders (EO)

EO S-1-07 and Update to the Low Carbon Fuel Standard

EO S-1-07, signed by Governor Schwarzenegger in 2007 established a low carbon fuel standard (LCFS) with a goal to reduce the carbon intensity of transportation fuels sold in California by at least 10 percent by 2020. In September 2018, CARB extended the LCFS program to 2030, making significant changes to the design and implementation of the program, including a doubling of the carbon intensity reduction to 20 percent by 2030.

EO B-16-12

In March 2012, Governor Brown issued an executive order establishing a goal of 1.5 million zero-emission vehicles (ZEVs) on California roads by 2025. In addition to the ZEV goal, EO B-16-12 stipulated that by 2015 all major cities in California would have adequate infrastructure and be "zero-emission vehicle ready"; that by 2020 the state would have established adequate infrastructure to support one million ZEVs; that by 2050, virtually all personal transportation in the state will be based on ZEVs; and that GHG emissions from the transportation sector will be reduced by 80 percent below 1990 levels.

EO B-30-15

Governor Brown signed Executive Order B-30-15 on April 29, 2015, which:

- Established a new interim statewide reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030;
- Ordered all state agencies with jurisdiction over sources of GHG emissions to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 reduction targets; and

- Directed CARB to update the Climate Change Scoping Plan (Scoping Plan) to express the 2030 target in terms of $MMTCO_2e$.

EO B-48-18

On January 26, 2018, Governor Brown issued an executive order establishing a goal of 5 million ZEVs on California roads by 2030.

EO B-55-18

On September 10, 2018, Governor Brown signed EO B-55-18, committing California to total, economy-wide carbon neutrality by 2045. EO B-55-18 directs CARB to work with relevant state agencies to develop a framework to implement an accounting to track progress toward this goal. AB 1395 would codify this carbon neutral target.

EO N-79-20

On September 23, 2020, Governor Newsom signed EO N-79-20, which sets new statewide goals for phasing out gasoline-powered cars and trucks in California. EO N-79-20 requires that 100 percent of in-state sales of new passenger cars and trucks are to be zero-emission by 2035; 100 percent of in-state sales of medium- and heavy-duty trucks and busses are to be zero-emission by 2045 where feasible; and 100 percent of off-road vehicles and equipment sales are to be zero-emission by 2035 where feasible.

State of California Policy and Legislation

Assembly Bill 117 and Senate Bill 790

In 2002, the state of California passed AB 117, enabling public agencies and joint power authorities to form a Community Choice Aggregation (CCA). SB 790 strengthened it by creating a "code of conduct" that the incumbent utilities must adhere to in their activities relative to CCAs. CCAs allow a city, county, or group of cities and counties to pool electricity demand and purchase/generate power on behalf of customers within their jurisdictions to provide local choice. CCAs work with PG&E to deliver power to its service area. The CCA is responsible for the electric generation (procure or develop power) while PG&E is responsible for electric delivery, power line maintenance, and monthly billing.

Senate Bills 1078 and 107

SB 1078 (Chapter 516, Statutes of 2002) required retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Assembly Bill 32 and Senate Bill 32

The California Global Warming Solutions Act of 2006 (AB 32) required that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction was to be accomplished by enforcing a statewide cap on GHG emissions that would be phased in starting in 2012.

In 2016, SB 32 and its companion bill AB 197 amended Health and Safety Code Division 25.5, establishing a new climate pollution reduction target of 40 percent below 1990 levels by 2030, and included provisions to ensure that the benefits of state climate policies reach disadvantaged communities.

Climate Change Scoping Plan

A specific requirement of AB 32 was to prepare a Climate Change Scoping Plan for achieving the maximum technologically feasible and cost-effective GHG emission reduction by 2020. CARB developed and approved the initial scoping plan in 2008, outlining the regulations, market-based approaches, voluntary measures, policies, and other emission reduction programs that would be needed to meet the 2020 statewide GHG emission limit and initiate the transformations needed to achieve the state's long-range climate objectives (CARB, 2008).

CARB approved the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan Update) in December 2017. The 2017 Scoping Plan Update outlines the proposed framework of action for achieving the 2030 GHG target of 40 percent reduction in GHG emissions relative to 1990 levels (CARB, 2017). Through a combination of data synthesis and modeling, CARB determined that the target statewide 2030 emissions limit is 260 $MMTCO_2e$, and that further commitments will need to be made to achieve an additional reduction of 50 $MMTCO_2e$ beyond current policies and programs. The cornerstone of the 2017 Scoping Plan Update is an expansion of the cap-and-trade program to meet the aggressive 2030 GHG emissions goal and ensure achievement of the 2030 limit set forth by EO B-30-15.

In the 2017 Scoping Plan Update, CARB recommends statewide targets of no more than 6 $MTCO_2e$ per capita by 2030 and no more than 2 $MTCO_2e$ per capita by 2050. CARB acknowledges that because the statewide per-capita targets are based on the statewide GHG emissions inventory that includes all emissions sectors in the state, it is appropriate for local jurisdictions to derive evidence-based local per-capita goals based on local emissions sectors and growth projections.

To demonstrate how a local jurisdiction can achieve its long-term GHG goals at the community plan level, CARB recommends developing a geographically specific GHG reduction plan (i.e., climate action plan) consistent with the requirements of CEQA Section 15183.5(b). A so-called "CEQA-qualified" GHG reduction plan, once adopted, can provide local governments with a streamlining tool for project-level environmental review of GHG emissions, provided there are adequate performance metrics for determining project consistency with the plan. Absent conformity with such a plan, CARB recommends "that projects incorporate design features and GHG reduction measures, to the degree feasible, to minimize GHG emissions. Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." While acknowledging that recent land use development projects in California have demonstrated the feasibility to achieve zero net additional GHG emissions (e.g., Newhall Ranch Resource Management and Development Plan), the 2017 Scoping Plan Update states that:

> *Achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of*

> *a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA. Lead agencies have the discretion to develop evidence-based numeric thresholds (mass emissions, per capita, or per service population) consistent with this Scoping Plan, the State's long-term GHG goals, and climate change science…To the degree a project relies on GHG mitigation measures, CARB recommends that lead agencies prioritize on-site design features that reduce emissions, especially from VMT [vehicle miles traveled], and direct investments in GHG reductions within the project's region that contribute potential air quality, health, and economic co-benefits locally.*

In May 2022, CARB adopted the 2022 update to the Scoping Plan. The 2022 Scoping Plan Update assesses progress toward the statutory 2030 GHG reduction target, while laying out a path to achieving carbon neutrality no later than 2045. The 2022 Scoping Plan Update focuses on outcomes needed to achieve carbon neutrality by assessing paths for clean technology, energy deployment, natural and working lands, and others, and is designed to meet the state's long-term climate objectives and support a range of economic, environmental, energy security, environmental justice, and public health priorities (CARB, 2022a).

Assembly Bill 1279 (California Climate Crisis Act)

In August 2022, the California Legislature passed a package of significant climate legislation that includes a codification of the state's goal to reach net-zero by 2045. With the passage of AB 1279, California has locked in a pathway for it to reach net-zero by no later than 2045. This enables the legislature, communities, and businesses to start long-term planning, with certainty, for a safer future today. Critically, this goal requires California to cut GHG emissions by 85 percent compared to 1990 levels, ensuring the state uses all available solutions to sharply cut pollution from industrial facilities, vehicles, power plants and more. The Governor signed AB 1279 into law on September 16, 2022.

Cap-and-Trade Program

Initially authorized by the California Global Warming Solutions Act of 2006 (AB 32) and extended through the year 2030 with the passage of AB 398 (2017), the California Cap-and-Trade Program is a core strategy that the state is using to meet its GHG reduction targets for 2020 and 2030, and ultimately achieve an 80 percent reduction from 1990 levels by 2050. CARB designed and adopted the California Cap-and-Trade Program to reduce GHG emissions from "covered entities"[2] (e.g., electricity generation, petroleum refining, cement production, and large industrial facilities that emit more than 25,000 $MTCO_2e$ per year), setting a firm cap on statewide GHG emissions and employing market mechanisms to achieve reductions.[3] Under the Cap-and-Trade Program, an overall limit is established for GHG emissions from capped sectors. The statewide cap for GHG emissions from the capped sectors commenced in 2013. The cap declines over time. Facilities subject to the cap can trade permits to emit GHGs.[4]

2 "Covered entity" means an entity in California that has one or more of the processes or operations and has a compliance obligation as specified in Subarticle 7 of the Cap-and-Trade Regulation; and that has emitted, produced, imported, manufactured, or delivered in 2008 or any subsequent year more than the applicable threshold level specified in section 95812(a) of the Regulation.

3 17 CCR 95800–96023.

4 See generally 17 CCR 95811 and 95812.

Senate Bill 375

Signed into law on October 1, 2008, SB 375 supplements GHG reductions from new vehicle technology and fuel standards with reductions from more efficient land use patterns and improved transportation. Under the law, CARB approved GHG reduction targets in February 2011 for California's 18 federally designated regional planning bodies, known as Metropolitan Planning Organizations. The target reductions for the Bay Area are a regional reduction of per-capita GHG emissions from cars and light-duty trucks by 7 percent by 2020 and by 15 percent by 2035, compared to a 2005 baseline.

Senate Bill 743

In 2013, Governor Brown signed SB 743, which added Public Resources Code Section 21099 to CEQA. SB 743 changed the way that transportation impacts are analyzed in Transit Priority Areas (TPAs) under CEQA, better aligning local environmental review with statewide objectives to reduce GHG emissions, encourage infill mixed-use development in designated priority development areas, reduce regional sprawl development, and reduce VMT in California.

As required under SB 743, OPR developed potential metrics to measure transportation impacts that may include, but are not limited to, VMT, VMT per capita, automobile trip generation rates, or automobile trips generated. The new VMT metric is intended to replace the use of automobile delay and level of service as the metric to analyze transportation impacts under CEQA.

In its 2018 *Technical Advisory on Evaluating Transportation Impacts in CEQA*, OPR recommends different thresholds of significance for projects depending on land use types (OPR, 2018a). For example, residential and office space projects must demonstrate a VMT level that is 15 percent less than that of existing development to determine whether the mobile-source GHG emissions associated with the project are consistent with statewide GHG reduction targets. With respect to retail land uses, any net increase of VMT may be sufficient to indicate a significant transportation impact.

Senate Bills 1078 and 107

SB 1078 (Chapter 516, Statutes of 2002) required retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Senate Bill X 1-2

SB X 1-2, signed by Governor Brown in April 2011, enacted the California Renewable Energy Resources Act. The law obligated all California electricity providers, including investor-owned and publicly owned utilities, to obtain at least 33 percent of their energy from renewable resources by the year 2020.

Senate Bill 350

SB 350, the Clean Energy and Pollution Reduction Act of 2015 (Chapter 547, Statutes of 2015), was approved by Governor Brown on October 7, 2015. SB 350 increased the standards of the

California RPS program by requiring that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased from 33 percent to 50 percent by December 31, 2030. The act requires the State Energy Resources Conservation and Development Commission to establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in existing electricity and natural gas final end uses of retail customers by January 1, 2030.

Senate Bill 100

On September 10, 2018, Governor Brown signed SB 100, establishing that 100 percent of all electricity in California must be obtained from renewable and zero-carbon energy resources by December 31, 2045. SB 100 also creates new standards for the RPS goals that were established by SB 350 in 2015. Specifically, the law increases the percentage of energy that both investor-owned utilities and publicly owned utilities must obtain from renewable sources from 50 percent to 60 percent by 2030. Incrementally, these energy providers must also have a renewable energy supply of 33 percent by 2020, 44 percent by 2024, and 52 percent by 2027. The updated RPS goals are considered achievable, because many California energy providers are already meeting or exceeding the RPS goals established by SB 350.

Senate Bill 1020

On September 16, 2022, Governor Newsom signed SB 1020, which establishes interim targets to the policy framework originally established in SB 100 to require renewable energy and zero-carbon resources to supply 90 percent of all retail electricity sales by 2035 and 95 percent of all retail electricity sales by 2040. This will help ensure that the state makes steady and accountable progress towards decarbonizing the entire statewide electricity grid. The bill also requires all state agencies to rely on 100 percent renewable energy and zero-carbon resources to serve their own facilities by 2035.

Advanced Clean Cars Program

In January 2012, pursuant to Recommended Measures T-1 and T-4 of the 2008 Scoping Plan, CARB approved the Advanced Clean Cars Program, a new emissions-control program for model years 2017 through 2025. In response to a midterm review of the standards in March 2017, CARB directed staff to begin working on post-2025 model year vehicle regulations (Advanced Clean Cars II) to research additional measures to reduce air pollution from light-duty and medium-duty vehicles. Additionally, as described earlier, in September 2020, Governor Newsom signed EO N-79-20 that established a goal that 100 percent of California sales of new passenger car and trucks be zero-emission by 2035 and directed CARB to develop and propose regulations toward this goal. The primary mechanism for achieving these targets for passenger cars and light trucks is the Advanced Clean Cars II Program. CARB adopted the ACC II regulations on August 25, 2022.

Mobile Source Strategy

In May 2016, CARB released the updated Mobile Source Strategy that demonstrates how the state can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the

next 15 years. The strategy promotes a transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled (VMT). The Mobile Source Strategy calls for 1.5 million ZEVs (including plug-in hybrid electric, battery-electric, and hydrogen fuel cell vehicles) by 2025 and 4.2 million ZEVs by 2030. The strategy also calls for more-stringent GHG requirements for light-duty vehicles beyond 2025 as well as GHG reductions from medium-duty and heavy-duty vehicles and increased deployment of zero emission trucks primarily for class 3 through 7 "last mile" delivery trucks in California. Statewide, the Mobile Source Strategy would result in a 45 percent reduction in GHG emissions from mobile sources and a 50 percent reduction in the consumption of petroleum-based fuels (CARB, 2016).

Similar to the 2016 Mobile Source Strategy, the 2020 Strategy is a framework that identifies the levels of cleaner technologies necessary to meet the many goals and high-level regulatory concepts that would allow the state to achieve the levels of cleaner technology. The 2020 Strategy will inform the development of other planning efforts including the State Implementation Plan (SIP) which will translate the concepts included into concrete measures and commitments for specific levels of emissions reductions, the 2022 Climate Change Scoping Plan (2022 Scoping Plan Update), and Community Emissions Reduction Plans (CERPs) required for communities selected as a part of CARB's Community Air Protection Program. Central to all of these planning efforts, and CARB actions on mobile sources going forward, will be environmental justice as CARB strives to address longstanding environmental and health inequities from elevated levels of toxics, criteria pollutants, and secondary impacts of climate change (CARB, 2021). The 2020 Mobile Source Strategy illustrates that an aggressive deployment of ZEVs will be needed for the state to meet federal air quality requirements and the state's climate change targets.

Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

In 2004, CARB adopted the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling to reduce public exposure to diesel particulate matter emissions (13 CCR Section 2485). The measure applies to diesel-fueled commercial vehicles with gross vehicle weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered. This measure prohibits diesel-fueled commercial vehicles from idling for more than five minutes at any given location. While the goal of this measure is primarily to reduce public health impacts from diesel emissions, compliance with the regulation also results in GHG reduction and energy savings in the form of reduced fuel consumption from unnecessary idling.

Airborne Toxic Control Measure for Stationary Compression Ignition Engines

In 2004, CARB adopted an Airborne Toxic Control Measure to reduce public exposure to emissions of diesel particulate matter and criteria pollutants from stationary diesel-fueled compression ignition engines (17 CCR Section 93115). The measure applies to any person who owns or operates a stationary compression ignition engine in California with a rated brake horsepower greater than 50, or to anyone who either sells, offers for sale, leases, or purchases a stationary compression ignition engine. This measure outlines fuel and fuel additive

requirements; emissions standards; recordkeeping, reporting and monitoring requirements; and compliance schedules for compression ignition engines.

Truck and Bus Regulation

In addition to limiting exhaust from idling trucks, in 2008 CARB approved the Truck and Bus Regulation to reduce the emissions of oxides of nitrogen and particulate matter from existing diesel vehicles operating in California (13 CCR Section 2025). The phased regulation aims to reduce emissions by requiring installation of diesel soot filters and encouraging the retirement, replacement, or retrofit of older engines with newer emission-controlled models. This regulation will be implemented in phases, with full implementation by 2023.

CARB also promulgated emissions standards for off-road diesel construction equipment of greater than 25 horsepower such as bulldozers, loaders, backhoes, and forklifts, as well as many other self-propelled off-road diesel vehicles. The In-Use Off-Road Diesel-Fueled Fleets regulation adopted by CARB on July 26, 2007, aims to reduce emissions by installing diesel soot filters and encouraging the retirement, replacement, or repowering of older, dirtier engines with newer emissions-controlled models (13 CCR Section 2449). The compliance schedule requires full implementation by 2023 in all equipment for large and medium fleets and by 2028 for small fleets.

Senate Bill 1383 (Short-Lived Climate Pollutants)

SB 1383, enacted in 2016, requires statewide reductions in short-lived climate pollutants across various industry sectors. The climate pollutants covered under SB 1383 include methane, fluorinated gases, and black carbon—all GHGs with a much higher warming impact than CO_2 and with the potential to have detrimental effects on human health. SB 1383 requires CARB to adopt a strategy to reduce methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030. The methane emissions reduction goals include a 75 percent reduction in the level of statewide disposal of organic waste from 2014 levels by 2025 and requires that clean streams of organic material be collected and recycled into new end-products like compost or biofuel as well as edible food waste recovery.

Assembly Bill 341

AB 341, which became law in 2011, established a new statewide goal of 75 percent recycling through source reduction, recycling, and composting by 2020. The new law changed the way that the state measures progress toward the 75 percent recycling goal, focusing on source reduction, recycling, and composting. AB 341 also requires all businesses and public entities that generate four cubic yards or more of waste per week and multifamily residential dwellings with five units or more to have a recycling program in place (California Legislative Information, 2011). The purpose of the law is to reduce GHG emissions by diverting commercial solid waste to recycling efforts and expand the opportunity for additional recycling services and recycling manufacturing facilities in California.

Assembly Bill 1826

AB 1826, known as the Commercial Organic Waste Recycling Law, became effective on January 1, 2016, and requires businesses and multi-family complexes (with five units or more) that generate

specified amounts of organic waste (compost) to arrange for organics collection services. The law phases in the requirements on businesses with full implementation realized in 2019:

- **First Tier:** Commenced in April 2016, the first tier of affected businesses included those that generate eight or more cubic yards of organic materials per week.
- **Second Tier:** In January 2017, the affected businesses expanded to include those that generate four or more cubic yards of organic materials per week.
- **Third Tier:** In January 2019, the affected businesses expanded further to include those that generate four or more cubic yards of commercial solid waste per week.

State of California Building Codes

California Building and Energy Efficiency Standards (Title 24)

The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although the standards were not originally intended to reduce GHG emissions, increased energy efficiency and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and non-residential buildings subject to the standard. The standards are updated periodically (typically every three years) to allow for the consideration and inclusion of new energy efficiency technologies and methods.

On August 11, 2021, the CEC adopted the 2022 Energy Code was approved by the California Building Standards Commission (CBSC) for inclusion into the California Building Standards Code. This update to the building code provides crucial steps in the state's progress toward 100 percent clean carbon neutrality by midcentury (CEC, 2022). The 2022 Energy Code builds on California's technology innovations, encouraging energy efficient approaches to encourage building decarbonization, emphasizing in particular on heat pumps for space heating and water heating. This set of Energy Codes also strengthens ventilation standards to improve indoor air quality and extends the benefits of photovoltaic and battery storage systems and other demand flexible technology to work in combinations with heat pumps to enable California buildings to be responsive to climate change. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code. The Energy Code includes measures that will reduce energy use in single family, multifamily, and nonresidential buildings. These measures will:

1. Affect newly constructed buildings by adding new prescriptive and performance standards for electric heat pumps for space conditioning and water heating, as appropriate for the various climate zones in California;
2. Require photovoltaic (PV) and battery storage systems for newly constructed multifamily and selected nonresidential buildings;
3. Update efficiency measures for lighting, building envelope, HVAC; and
4. Make improvements to reduce the energy loads of certain equipment covered by (i.e., subject to the requirements of) the Energy Code that perform a commercial process that is not related

to the occupant needs in the building (such as refrigeration equipment in refrigerated warehouses, or air conditioning for computer equipment in data processing centers).

California Green Buildings Standards Code

The California Green Building Standards Code, Part 11, Title 24, California Code of Regulations, known as CALGreen, is the first-in-the-nation mandatory green building standards code. In 2007, CBSC developed green building standards in an effort to meet the goals of California's landmark initiative AB 32. The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, require low-pollution-emitting substances that cause less harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment. CALGreen covers a number of fields, with regulations encompassing energy efficiency, water conservation, sustainable building materials, site design, and air quality.

Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the state. Such mandatory measures include energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The CALGreen Code is reviewed and updated on a three-year cycle.

The 2022 CALGreen Code that took effect on January 1, 2023, included new mandatory measures including Electric Vehicle (EV) charging requirements for residential and non-residential buildings (CBSC, 2022). The 2022 CALGreen update simplifies the code and its application in several ways. It offers new voluntary prerequisites for builders to choose from, such as battery storage system controls and heat pump space, and water heating, to encourage building electrification. While the previous 2019 CALGreen Code only requires provision of EV Capable spaces with no requirement for chargers to be installed at multifamily dwellings, the 2022 CALGreen code mandates chargers (CBSC, 2022).

Regional

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that regulates stationary sources of air pollution in the nine San Francisco Bay Area counties. BAAQMD regulates GHG emissions through the following plans, programs, and guidelines.

Clean Air Plan

BAAQMD and other air districts prepare clean air plans in accordance with the federal and state Clean Air Acts. On April 19, 2017, the BAAQMD Board of Directors adopted the 2017 *Clean Air Plan: Spare the Air, Cool the Climate*, an update to the 2010 Clean Air Plan (BAAQMD, 2017a). The Clean Air Plan is a comprehensive plan that focuses on the closely related goals of protecting public health and protecting the climate. Consistent with the state's GHG reduction targets, the plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

BAAQMD Climate Protection Program

BAAQMD established a climate protection program to reduce pollutants that contribute to global climate change and affect air quality in the San Francisco Bay Area Air Basin. The climate protection program includes measures that promote energy efficiency, reduce VMT, and develop alternative sources of energy, all of which assist in reducing GHG emissions and reducing air pollutants that affect the health of residents. BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines were prepared to assist in the evaluation of air quality impacts of projects and plans proposed in the Bay Area. The guidelines also include recommended assessment methods for air toxins, odors, and GHG emissions. The 2017 update to the BAAQMD CEQA Guidelines (BAAQMD, 2017b) include significance thresholds for GHG emissions based on the emission reduction goals for 2020 articulated by the California Legislature in AB 32. In April 2022, in response to SB 32 and 2017 Scoping Plan Update targets for 2030 and EO B-15 target for carbon neutrality no later than 2045, the BAAQMD adopted updated CEQA significance thresholds for GHGs (BAAQMD, 2022) and included them in the 2023 update to the BAAQMD CEQA Guidelines (BAAQMD, 2023).

For land use development projects, the BAAQMD recommends using the approach endorsed by the *California Supreme Court in Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204), which evaluates a project based on its effect on California's efforts to meet the state's long-term climate goals. As the Supreme Court held in that case, a project that would be consistent with meeting those goals can be found to have a less-than-significant impact on climate change under CEQA. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change (62 Cal.4th 220–223). Applying this approach, the BAAQMD recommends that new land use development projects incorporate the BAAQMD-identified design elements to do their "fair share" of implementing the goal of carbon neutrality by 2045 (discussed more under *Significance Thresholds* below).

Alternately, a local government may prepare a qualified GHG reduction strategy that is consistent with SB 32 goals. If a project is consistent with an adopted qualified GHG reduction strategy and general plan that addresses the project's GHG emissions, it can be presumed that the project will not have significant GHG emissions under CEQA (BAAQMD, 2022).

Metropolitan Transportation Commission/Association of Bay Area Governments

Sustainable Communities Strategy—Plan Bay Area

The Metropolitan Transportation Commission (MTC) is the federally recognized Metropolitan Planning Organization for the nine-county Bay Area, which has adopted Plan Bay Area that includes the region's Sustainable Communities Strategy, as required under SB 375, and the 2040

Regional Transportation Plan. A central GHG reduction strategy of Plan Bay Area is the concentration of future growth in Priority Development Areas (PDAs) and Transit Priority Areas (TPAs). To be eligible for PDA designation, an area must be within an existing community, near existing or planned fixed transit or served by comparable bus service and planned for more housing. Some of the proposed HEU housing opportunity sites are located within a PDA. A TPA is an area within 0.5 miles of an existing or planned major transit stop such as a rail transit station, a ferry terminal served by transit, or the intersection of two or more major bus routes (MTC & ABAG, 2013).

On July 26, 2017, MTC adopted *Plan Bay Area 2040*, a focused update that builds upon the growth pattern and strategies developed in the original Plan Bay Area but with updated planning assumptions that incorporate key economic, demographic, and financial trends since the original plan was adopted (MTC & ABAG, 2017).

On October 21, 2021, the MTC and the Executive Board of the ABAG jointly adopted Plan Bay Area 2050 and its related supplemental reports. Plan Bay Area 2050 connects the elements of housing, the economy, transportation and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. In the short-term, the plan's Implementation Plan identifies more than 80 specific actions for MTC, ABAG and partner organizations to take over the next five years to make headway on each of the 35 strategies (MTC & ABAG, 2021). It will be several years before the regional transportation model (and therefore county and local transportation models) are updated to reflect Plan Bay Area 2050; the models currently incorporate data from Plan Bay Area 2040.

Local

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development within the County (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements within the General Plan include goals and policies for the physical development of the County. There are no General Plan strategies and policies related to GHGs and climate change and relevant to implementation of the project.

Stanford University Community Plan

The current Stanford University Community Plan was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the Community Plan is to guide future use and development of Stanford lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The Community Plan was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. Any revisions to the Community Plan must also be made according to the provisions of State law for adopting and amending general plans. The Community Plan does not contain any community strategies and policies related to GHGs and climate change. However, strategies and policies related to air quality and relevant to

implementation of the project would also help reduce GHG emissions (see Section 4.2, *Air Quality*).

County of Santa Clara Sustainability Master Plan

The Sustainability Master Plan (County of Santa Clara, 2021a) presents a vision and roadmap to build and maintain a healthy and safe County by reducing climate pollution, adapting to a changing global climate, enhancing natural resources and the environment, fostering a prosperous and just regional economy, and meeting the needs of current and future generations to ensure all people have equitable opportunities to reach their full potential. The vision is achieved through promoting strategies and solutions across four Priority Areas that together include eight goals, 30 strategies, and 90 targets to monitor the implementation of the County's sustainability vision.

Santa Clara County Reach Codes

Recognizing that the most cost effective and low-risk ways to reduce GHG emissions is through electrification of buildings coupled with encouraging the use of EVs, on December 7, 2021, the County Board of Supervisors approved Ordinance NS-1100.135 (County of Santa Clara, 2021c) amending the 2019 California Green Building Code to require building electrification and EV infrastructure in all new construction in unincorporated Santa Clara County. The ordinance requires all new construction to use electricity (not natural gas) for water heating, space heating, cooking, clothes drying, indoor and outdoor fireplaces, and decorative appliances. Known as "reach codes," these ordinances go beyond state minimum requirements to require rather than encourage electrification of buildings. New dwellings are also required to have wiring installed that will facilitate installation of battery storage for additional resiliency, cost-effectiveness, and environmental sustainability. The ordinance went into effect on February 14, 2022, and applies to all building uses with limited exceptions for:

- Junior Accessory Dwelling Units that are contained entirely within a single-family residence that has existing infrastructure such as natural gas piping;
- Hospitals and correctional facilities; and
- Buildings in which all-electric appliances are not feasible.

All exempted buildings will be required to be pre-wired for transition to all-electric in the future. High-rise residential buildings will also be required to have a solar panel system installed.

The ordinance also includes EV infrastructure standards for new construction. Requirements for EV infrastructure range from a minimum of two EV outlets for single-family homes and townhouses to high-capacity charging systems and parking lot spaces reserved for charging use in larger non-residential projects.

All new one- and two-family dwellings and townhouses with attached private garages are required to have installed a Level 2 EV Ready space[5] and a Level 1 EV Ready space[6]. New multifamily buildings with less than or equal to 20 dwelling units are required to provide one Level 2 EV Ready space per dwelling unit with parking. For multifamily buildings with more than 20 units, for the first 20 units, at least one parking space per dwelling unit shall be provided with a Level 2 EV Ready space. Twenty-five percent of the remaining dwelling units with parking spaces shall be provided with at least one Level 2 EV Ready space per unit. In addition, each dwelling unit with parking spaces that does not have at least one Level 2 EV Ready space shall be provided with at least one Level 1 EV Ready space.

4.7.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to GHGs are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project would have a significant impact on the environment if it would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

The CEQA Guidelines do not prescribe specific methods for performing an assessment, do not establish specific thresholds of significance, and do not mandate specific mitigation measures. Rather, the CEQA Guidelines emphasize the lead agency's discretion to determine the appropriate methods and thresholds of significance consistent with various factors prescribed by CEQA Guidelines section 15064.4. The State of California has not adopted emissions-based thresholds for GHG emissions under CEQA. The OPR technical advisory titled *Discussion Draft CEQA and Climate Change Advisory* (OPR, 2018b) states that:

> *[N]either the CEQA statute nor the CEQA Guidelines prescribe thresholds of significance or particular methodologies for perming an impact analysis. This is left to lead agency judgment and discretion, based upon factual data and guidance from regulatory agencies and other sources where available and applicable. Even in the absence of clearly defined thresholds for GHG emissions,*

[5] A Level 2 EV Ready space is a parking space served by a complete electric circuit with a minimum of 208/240 volt, 40-ampere capacity, including the required electric panel capacity; an overcurrent protection device; a minimum one-inch diameter raceway that may include multiple circuits as allowed by the County Electrical Code; properly sized conductors; grounding and bonding; and either (a) a receptacle labelled "Electric Vehicle Outlet" with at least a ½ inch font adjacent to the parking space, or (b) a blank labelled Electric Vehicle Supply Equipment (EVSE) with a minimum output of 40 amperes.

[6] A Level 1 EV Ready space is a parking space served by a complete electric circuit with a minimum of 110/120 volt, 20-ampere capacity, including electric panel capacity; an overprotection device; a minimum one-inch diameter raceway that may include multiple circuits as allowed by the County Electrical Code; properly sized conductors; grounding and bonding; and either (a) a receptacle labelled "Electric Vehicle Outlet" with at least a ½ inch font adjacent to the parking space, or (b) labelled EVSE.

> *such emissions must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact.*

Furthermore, the advisory document indicates that "in the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a 'significant impact,' individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice." Section 15064.7(c) of the CEQA Guidelines specifies that "when adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

GHG Emissions

The County, as the CEQA lead agency, has discretion to choose thresholds of significance, including thresholds adopted or recommended by other agencies or recommended by experts, such as those recommended by BAAQMD, provided that the lead agency's decision to use such thresholds is supported by substantial evidence (OPR, 2018b). As discussed previously, in April 2022, BAAQMD adopted new significance thresholds that address the state's SB 32 GHG emissions reduction goals and carbon neutrality goal for 2045, as stipulated in Executive Order B-55-18. BAAQMD also published a Justification Report that provides the substantial evidence that lead agencies need to support their use of these thresholds (BAAQMD, 2022).

The recommended plan-level GHG thresholds adopted by the BAAQMD are as follows:

A. Meet State's goals to achieve emissions 40 percent below 1990 levels by 2030, and carbon neutrality by 2045; OR

B. Be consistent with a local GHG Reduction Strategy that meets the criteria under CEQA Guidelines section 15183.5(b).

The recommended project-level GHG thresholds adopted by BAAQMD are as follows:

A. Projects must include, at a minimum, the following project design elements:

    1. Buildings

        a. The project will not include natural gas appliances or natural gas plumbing (in both residential and non-residential development).

        b. The project will not result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

    2. Transportation

        a. Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen [California Green Building Standards Code] Tier 2.

b. Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent).

   OR

   Meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

   i. *Residential projects*: 15 percent below the existing VMT per capita.

   ii. *Office projects*: 15 percent below the existing VMT per employee.

   iii. *Retail projects*: no net increase in existing VMT.

OR

B. Be consistent with a local GHG Reduction Strategy that meets the criteria under the CEQA Guidelines section 15183.5(b).

BAAQMD has not adopted significance thresholds that address construction emissions.

The BAAQMD's plan-level thresholds consider planning documents to have a less-than-significant climate impact if they demonstrate that GHG emissions from the jurisdiction will decline in accordance with California's GHG reduction targets of 40 percent below 1990 levels by 2030 and carbon neutrality by 2045 with the full implementation of the plan. This BAAQMD threshold reiterates the GHG reduction and carbon neutrality goals adopted by the State but does not provide a mechanism or metrics for plans to evaluate consistency with these goals.

Alternatively, BAAQMD recommends that a planning document's impact may be evaluated based on consistency with a qualified GHG Reduction Strategy adopted by a local jurisdiction which includes elements as described in the State CEQA Guidelines Section 15183.5(b)(1). The County currently does not have an adopted qualified GHG Reduction Strategy. As a result, option (B) of the BAAQMD's plan-level thresholds would not be applicable.

Therefore, to ensure consistency with the State's GHG reduction goals, the BAAQMD's project-level thresholds detailed earlier have been used for this analysis. Specifically, option (A) of the project-level thresholds is used as the significance threshold in this analysis. The BAAQMD's recommended thresholds of significance have been developed based on typical residential and commercial land use projects and typical long-term communitywide planning documents such as general plans and similar long-range development plans and would be applicable to future projects facilitated by the project.

Applying the BAAQMD's updated project-level thresholds to the project analyzed in this analysis evaluates the capacity for all future projects facilitated by the project to contribute their fair share GHG emission reductions to achieving the State's goals to achieve emissions 40 percent below 1990 levels by 2030 and carbon neutrality by 2045, as stipulated in BAAQMD's adopted plan-level threshold (A). This is the same logic that the BAAQMD uses to determine the significance of project-level GHG emissions. In other words, if all future projects proposed for development facilitated by the project consume no natural gas (1)(a), avoid wasteful, inefficient, or

unnecessary electrical usage (1)(b), comply with EV requirements in CALGreen Tier 2 (2)(a), and achieve the SB 743 target of 15 percent reduction in VMT per capita below the regional average (2)(b), then collectively all projects would have a less-than-significant impact on climate change and would be consistent with the statewide targets for 2030 and 2045, and the project themselves would have a less-than-significant impact on climate change. The BAAQMD has provided the required substantial evidence for this argument in their justification report (BAAQMD, 2022). To summarize,

> *If a project is designed and built to incorporate these design elements, then it will contribute its portion of what is necessary to achieve California's long-term climate goals—its "fair share"—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change. If the project does not incorporate these design elements, then it should be found to make a significant climate impact because it will hinder California's efforts to address climate change.*

In summary, for purposes of this analysis, a significant GHG impact would be identified if development facilitated by the project does not incorporate the following performance standards adopted by the BAAQMD:

1. No natural gas to all projects proposed for development facilitated by the HEU;
2. Avoid wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines;
3. Compliance with EV requirements in the most recently adopted version of CALGreen Tier 2; and
4. Consistency with the SB 743 target of at least 15 percent reduction in VMT per capita below countywide average. This amounts to 26.3 miles per resident, which is 85 percent of the 2040 countywide average of 30.9 miles per resident.

Consistency with Plans, Policies, and Regulations for GHG Reduction

GHG impacts are also evaluated by assessing whether the HEU would conflict with applicable GHG reduction strategies and local actions approved or adopted by CARB, ABAG, and the County. As discussed in the Regulatory Setting, several plans and policies are in place to help the County, the Bay Area and the State reduce GHG emissions consistent with the State's emission reduction targets for 2030 and 2050. The 2022 Scoping Plan, ABAG's Plan Bay Area 2040, the Santa Clara County Sustainability Master Plan, and the County's General Plan strategies and policies would all apply to the project and all are intended to reduce GHG emissions to meet the statewide targets set forth in AB 32, as amended by SB 32. Thus, the significance of the HEU's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the project would conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions, including: CARB's 2017 and 2022 Scoping Plans; SB 32, E-3-05 and AB 1279; Plan Bay Area 2040; the Santa Clara County Sustainability Master Plan; CALGreen and County Reach Codes.

Methodology and Assumptions

GHG emissions and global climate change represent cumulative impacts from human activities and development projects locally, regionally, statewide, nationally, and worldwide. GHG emissions from all of these sources cumulatively contribute to the significant adverse environmental impacts of global climate change. No single project could generate enough GHG emissions to noticeably change the global average temperature; instead, the combination of GHG emissions from past, present, and future projects around the world has contributed and will continue to contribute to global climate change and its associated environmental impacts.

No thresholds have been established for assessing whether the GHG emissions of a project would be considered a cumulatively considerable contribution to global climate change; however, all reasonable efforts should be made to minimize a project's contribution to global climate change. In addition, although GHG emissions impacts are recognized exclusively as cumulative impacts,[7] such impacts must also be evaluated at a project level under CEQA (California Air Pollution Control Officers Association [CAPCOA], 2008). To evaluate GHG emissions impacts, this analysis determines whether the project would be qualitatively consistent with BAAQMD's project-level GHG thresholds. This evaluation is considered in a cumulative context because the analysis of GHG emissions is only relevant in a cumulative context. GHG emissions associated with the three alternatives have been quantified for informational purposes only.

GHG emissions impacts have also been evaluated by assessing whether the project would conflict with applicable GHG emissions reduction strategies and local actions approved or adopted by CARB, BAAQMD, MTC, and Santa Clara County.

Impacts and Mitigation Measures

Impacts

Impact GHG-1: Implementation of the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. (*Less than Significant Impact, with Mitigation*)

Housing Element Update and Stanford Community Plan Update

GHG emissions from development facilitated by the project would result in both direct and indirect emissions from construction and operational activities. Direct GHG emissions that would be generated during construction include emissions from the combustion of fuel (e.g., gasoline and diesel) in construction equipment and vehicles. Indirect GHG emissions during construction would be generated from electricity used to power any electric construction equipment, lighting at construction sites and for conveyance of water used for dust suppression activities. Upon completion of construction, housing projects would generate direct GHG emissions primarily from area sources (such as use of consumer products in home, landscaping equipment, etc.) and

[7] California Air Pollution Control Officers Association, 2008. *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.* January 2008. Available online at http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf. Accessed on June 30, 2022.

on-road motor vehicle trips. As detailed above, the County's Reach Codes prohibit natural gas in all new construction for space and water heating; therefore, no direct GHG emissions would be generated from building energy use. However, indirect operational GHG emissions would be generated from the increase in electricity use associated with building energy use along with water and wastewater treatment and conveyance.

For the evaluation of GHG impacts, the BAAQMD's GHG thresholds address the two main direct sources of GHG emissions in land use development projects: building energy use and motor vehicle trips.

Compliance with No Natural Gas Requirement

As detailed in the Regulatory Setting, the County has adopted Reach Codes as part of Ordinance NS-1100.135. Reach Codes are amendments to the State's Energy and Green Building Standards Codes to reduce GHG emissions and include requirements beyond those required by the current Energy Code. Reach Codes adopted by the County in December 2021 require all newly constructed buildings to be all-electric buildings. The ordinance defines an all-electric building as a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for its space heating, water heating (including pools and spas), cooking and clothes drying. The requirements in the Reach Codes go beyond the standards in the 2022 Update to the Title 24 standards that went into effect on January 1, 2023. The 2022 Title 24 standards establish electric-ready requirements in new homes, but do not explicitly prohibit natural gas. Ultimately, however, the move towards all-electrification is also driven by the BAAQMD's updated threshold that stipulates that any new natural gas use in the Bay Area constitutes a significant impact that cannot be mitigated. Since the County's Reach Codes do not allow any exceptions to the all-electric requirement for residential buildings, the Reach Codes would be consistent with this BAAQMD GHG threshold, which requires all-electric buildings with no exceptions.

Avoid wasteful, inefficient, or unnecessary electrical usage

As discussed under Impact EN-1 of *Section 4.5, Energy* of this EIR, development facilitated by the project would not result in wasteful, inefficient, or unnecessary use of electricity. Compliance with the all-electric requirement in the County's Reach Codes and Tier 2 EV Requirements in CALGreen discussed below would result in an increase in electricity use; however, as these requirements are in place to ensure that development proposed in the County and the region complies with the State's GHG reduction goals, the increase would not be considered wasteful, inefficient or unnecessary. In addition, the County's Reach Codes include requirements for onsite photovoltaic systems which would offset part of this increase. Compliance with Title 24 energy efficiency standards and the inherent location of many of the housing opportunity sites in areas with access to transit would also ensure that electricity usage associated with building energy use and transportation would not be wasteful, inefficient or unnecessary. Therefore, future development projects facilitated by the project would be consistent with this BAAQMD GHG threshold.

Future development facilitated by the project would be served by Silicon Valley Clean Energy (SVCE), a CCA that provides electricity with at least 50 percent and up to 100 percent from renewable resources. Although using a CCA does not affect the amount of electricity used, the purpose of this requirement is to reduce electricity-related GHG emissions, which a CCA would lessen or avoid independent of the amount of electricity consumed.

Compliance with Tier 2 EV Requirements in CALGreen

The 2019 California Green Building Standards Code ("CALGreen", Title 24, Part 11) required new construction and major alterations include "EV Capable" parking spaces which have electrical panel capacity, a dedicated branch circuit, and a raceway to the EV parking spot to support future installation of charging stations.

In addition to the mandatory requirements, CALGreen encourages local jurisdictions to raise the sustainable goals by publishing two "voluntary" tiers of additional requirements, referred to as Tier 1 and Tier 2. Tier 1 adds additional requirements beyond the mandatory measures. Tier 2 further increases the requirements. The CALGreen tiers are only mandatory where local ordinances have specifically adopted them.[8]

In October 2021, the CEC approved the 2022 CALGreen Building Standards Code which added to the 2019 CALGreen mandatory requirements. For multifamily development projects, CALGreen 2022 Tier 2 standards require that 40 percent of the total number of parking spaces to be equipped with low power Level 2 EV charging receptacles. For multifamily parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use per dwelling unit. In addition, for projects with 20 or more dwelling units, 15 percent of the total number of parking spaces are required to be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents and guests (CBSC, 2002).

According to the County's Reach Code, new multifamily residential buildings with less than 20 dwelling units are required to have at least one parking space per unit to be Level 2 EV Ready[9]. For multifamily buildings with more than 20 dwelling units, for the first 20 dwelling units, at least one parking space per dwelling unit is to be provided with a Level 2 EV Ready space. In addition, 25 percent of the remaining dwelling units shall be provided with one Level 2 EV Ready space per unit and the remaining units shall be provided with at least one Level 1 EV Ready space per unit. All housing projects proposed as part of the project would be required to meet the EV infrastructure requirements in the County's Reach Code. However, these requirements in the County's Reach Code do not require installation of EVSE. Therefore, standards in the County's Reach Code would not meet the EV infrastructure requirements set forth in the 2022 CALGreen Tier 2 standards.

8 "EV Capable" refers to a parking space that is linked to a listed electrical panel with sufficient capacity to provide at least 110/120 volts and 20 amperes to the parking space.

9 "Level 2 EV Ready" refers to a parking space served by a complete electrical circuit with 208/240 volt, 40-ampere capacity. The electric circuit would have sufficient capacity to support EV charging in the future when it is linked to the EV Ready space.

According to the BAAQMD's adopted GHG thresholds, subsequent projects facilitated by the project would be required to show compliance with EV requirements in the version of CALGreen Tier 2 adopted at the time of project review to meet this GHG threshold. As discussed earlier, the CALGreen standards will continue to be updated on a triennial basis with evolving requirements for EV charging. Similarly, the County would also likely update its Reach Code. However, based on the current code, compliance of future HEU and SCP update projects with requirements in the County's Reach Codes would not ensure compliance with 2022 Tier 2 CALGreen requirements. Therefore, the project would not be consistent with the BAAQMD GHG threshold for EV charging infrastructure.

Consistency with SB 743 VMT Reduction Target of 15 percent below the regional average

As detailed earlier, with the adoption of SB 743, the State of California changed the method of traffic analysis required through CEQA for publicly- and privately-initiated projects. SB 743 requires project reviews under CEQA to evaluate the transportation impacts of new developments in terms of VMT, rather than on-road congestion and automobile delay. Based on the County's travel demand forecasting model, it is estimated that the service population increase due to the complete implementation of the project in 2040 would generate a VMT of 407,683 miles resulting in a VMT per capita of 16.5. The Countywide average for 2040 without implementation of the project is estimated to be 30.9 miles per capita.

Based on these findings, the VMT generated per capita by projects facilitated by the project would be 47 percent below the countywide average VMT per capita in 2040. Therefore, the project would exceed the 15 percent reduction requirement stipulated in the BAAQMD's GHG threshold for VMT.

Conclusion

Because compliance with the County's Reach Code would not ensure compliance with CALGreen Tier 2 EV requirements, the project would not comply with BAAQMD's updated GHG thresholds, and thus would result in a **potentially significant impact** requiring mitigation. The following mitigation measure is prescribed to address this impact.

> **Mitigation Measure GHG-1: Require implementation of most recent CALGreen Tier 2 standards for EV infrastructure.**
>
> Subsequent housing development projects facilitated by the project shall comply with EV charging requirements in the most recently adopted version of CALGreen Tier 2 at the time that a building permit application is filed.
>
> **Significance after Mitigation:** With the implementation of Mitigation Measures GHG-1, all subsequent housing projects facilitated by the project would be consistent with the BAAQMD's updated GHG significance thresholds. Compliance with these thresholds would mean that these projects would not generate GHG emissions either directly or indirectly, that would have a significant impact on the environment. Therefore, this impact is determined to be **less than significant with mitigation**.

Impact GHG-2: Implementation of the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. (*Less than Significant Impact, with Mitigation*)

Consistency of the project with respect to CARB's 2017 and 2022 Scoping Plan, Plan Bay Area 2040, the County's Sustainability Master Plan, CALGreen codes and the County's Reach Code is discussed below.

CARB 2017 Scoping Plan Update, SB 32, and EO S-3-05

The 2017 Scoping Plan Update adopted by CARB establishes the framework for achieving the 2030 statewide GHG reduction target of 40 percent below 1990 levels. The 2017 Scoping Plan Update includes local actions that land use development projects and municipalities can implement to support the statewide goal. The 2017 Scoping Plan Update also illustrates in Figure 5 that achieving the 2030 target is consistent with progress toward achieving the 2050 level included in EO S-3-05 and that depending on the success in achieving the 2030 target, it may be possible to achieve the 2050 target earlier than EO S-3-05 (CARB, 2017). The BAAQMD's updated project-level GHG CEQA thresholds are designed to demonstrate consistency with CARB's 2017 Scoping Plan Update and the statewide goal of carbon neutrality by 2045 pursuant to EO B-55-13 for new projects and plans. As described under Impact GHG-1, with the implementation of Mitigation Measure GHG-1, the project would be consistent with all four design elements included in BAAQMD's updated GHG thresholds. Therefore, implementation of the project would also be consistent with the statewide emissions reduction goal for 2030 required by SB 32 and achieved through the 2017 Scoping Plan Update.

The 2017 Scoping Plan Update incorporates a broad array of regulations, policies, and state plans designed to reduce GHG emissions. Those that are applicable to the construction and operation of development provided for under the project are listed in **Table 4.7-3**. Actions, plans, and programs that are not under the control or influence of local jurisdictions, such as the Cap-and-Trade program, are not included in the table.

TABLE 4.7-3
CONSISTENCY WITH APPLICABLE GHG REDUCTION ACTIONS IN 2017 SCOPING PLAN UPDATE

Sector / Source	Category / Description	Consistency Analysis
Energy and Water		
California Renewables Portfolio Standard (RPS) and SB 100	SB 100 requires that the proportion of electricity from renewable sources be 60 percent renewable power by 2030 and 100 percent renewable power by 2045.	**Consistent.** Electricity supplied to housing development facilitated by the project would be provided by SVCE and Pacific Gas and Electric (PG&E). SVCE and PG&E are required to comply with SB 100 and the RPS.
California Renewables Portfolio Standard and SB 350	SB 350 requires that the proportion of electricity from renewable sources be 50 percent renewable power by 2030 (superseded by SB 100). It also requires the state to double the energy efficiency savings in existing final end uses of electricity and natural gas by retail customers through energy efficiency and conservation.	**Consistent.** Electricity to development proposed as part of the project would be provided through SVCE and PG&E. SVCE and PG&E are required to comply with both the RPS and SB 350 and will meet these standards. SVCE provides clean energy, including from sources such as wind and solar that are 100 percent carbon-free and is on target to provide 100 percent renewable energy by 2025.

TABLE 4.7-3 (CONTINUED)
CONSISTENCY WITH APPLICABLE GHG REDUCTION ACTIONS IN 2017 SCOPING PLAN UPDATE

Sector / Source	Category / Description	Consistency Analysis
California Building Efficiency Standards (CCR, Title 24, Part 6)	Energy Efficiency Standards for Residential and Nonresidential Buildings	**Consistent.** Buildings constructed facilitated by the project would be designed to comply with the most recent version of Title 24 Building Energy Efficiency Standards at the time of individual project review.
California Green Building Standards Code (CCR, Title 24, Part 11 - CALGreen)	California's Green Building Standards (CALGreen) Code includes energy and water efficiency requirements, as well as waste management and other design regulations that apply to residential and nonresidential buildings.	**Consistent.** Buildings constructed as part of the project would comply with mandatory CALGreen requirements. In addition, Mitigation Measure GHG-1 would go beyond mandatory CALGreen measures to require voluntary Tier 2 EV charging requirements for all housing developed facilitated by the project.
Senate Bill X7-7	The Water Conservation Act of 2009 sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. Each urban retail water supplier shall develop water use targets to meet this goal.	**Consistent.** All water service providers to the County are required to comply with SB X7-7 standards. In addition, CALGreen standards include requirements for water efficiency and conservation, which all future projects facilitated by the project would be required to comply with. Mandatory requirements include prescriptive requirements for flow rate for plumbing fixtures and metering devices.
Mobile Sources		
Advanced Clean Cars Program (ACC) and Mobile Source Strategy (MSS)	In 2012, CARB adopted the ACC program to reduce criteria pollutants and GHG emissions for model year vehicles 2015 through 2025. ACC requires the reduction of criteria pollutants and GHG emissions from light- and medium-duty vehicles. ACC also includes the ZEV regulation, which requires manufacturers to produce an increasing number of pure ZEVs (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles (PHEV) in the 2018 through 2025 model years. The Mobile Source Strategy (2016) calls for 1.5 million ZEVs (including plug-in hybrid electric, battery-electric, and hydrogen fuel cell vehicles) on the road by 2025, and 4.2 million ZEVs by 2030.	**Consistent.** These standards would apply to all vehicles used by future residents of housing development facilitated by the project, and to construction workers traveling to and from the construction sites as required by CALGreen. In addition, Mitigation Measure GHG-1 would go beyond mandatory CALGreen regulatory requirements for EV charging infrastructure to require voluntary Tier 2 requirements for all development allowed facilitated by the project and would therefore accommodate future EV charging stations.
SB 375	SB 375 establishes mechanisms for the development of regional targets for reducing passenger vehicle GHG emissions. Under SB 375, CARB is required, in consultation with the state's Metropolitan Planning Organizations, to set regional GHG reduction targets for the passenger vehicle and light-duty truck sector for 2020 and 2035. CARB's current targets call for the Bay Area to reduce per-capita vehicular GHG emissions 10 percent by 2020 and 19 percent by 2035 from a 2005 baseline.	**Consistent.** Development facilitated by the project would be consistent with MTC and ABAG Plan Bay Area 2040 goals and objectives under SB 375 to implement "smart growth." The project identifies housing opportunity sites in infill locations with access to public transportation. Though some of the sites are better served by transit than others, there would be an overall per-capita decrease in reliance on automobiles with the implementation of the project, thereby reducing VMT and associated GHG emissions. Upon full implementation of the project in 2040, the residential VMT generated per capita facilitated by the project is projected to be 47 percent lower than the Countywide average. The baseline Countywide average is estimated to be 30.9 miles per resident in 2040. Housing developed as part of the project would generate 16.5 miles per resident, well below 26.3 miles per resident, which is 85 percent of the Countywide baseline as required by SB 375.

TABLE 4.7-3 (CONTINUED)
CONSISTENCY WITH APPLICABLE GHG REDUCTION ACTIONS IN 2017 SCOPING PLAN UPDATE

Sector / Source	Category / Description	Consistency Analysis
Solid Waste		
California Integrated Waste Management Act (IWMA) of 1989 and AB 341	IWMA requires all California cities to divert 50-percent of all solid waste from landfill disposal through source reduction, recycling, and composting activities. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.	**Consistent.** Franchised collection service in unincorporated Santa Clara County is managed by Consumer and Environmental Protection Agency's Integrated Waste Management Services. Residential waste collection and recycling services would be provided to all future housing developed facilitated by the project. The County has adopted ordinances and policies along with an Accepted Materials List in compliance with SB 1383. The solid waste ordinance adopted by the County regulates the collection, disposal, and processing of organic waste in accordance with State law.

As shown above, the project would implement all applicable actions identified in the 2017 Scoping Plan Update to reduce energy use, conserve water, reduce waste generation, promote EV use, and reduce vehicle travel consistent with statewide strategies and regulations. In addition, as detailed under Impact GHG-1, the project would be consistent with the BAAQMD's updated GHG significance thresholds which in turn mean that the project would be consistent with and contribute its fair share to the BAAQMD's GHG reductions required to meet the statewide GHG reduction goal for 2030 pursuant to SB 32 and the 2017 Scoping Plan Update.

AB 1279 and CARB 2022 Scoping Plan

The CARB *2022 Scoping Plan For Achieving Carbon Neutrality* was approved in December 2022 and expands on prior scoping plans and recent legislation, such as AB 1279, by outlining a technologically feasible, cost-effective, and equity-focused path to achieve the state's climate target of reducing anthropogenic GHG emissions to 85 percent below 1990 levels and achieving carbon neutrality by 2045 or sooner (CARB, 2022a). To achieve carbon neutrality by 2045, the 2022 Scoping Plan contains GHG emissions reductions, technology, and clean energy mandated by statutes; reduction of short-lived climate pollutants; and mechanical CO_2 capture and sequestration actions. **Table 4.7-4** shows the consistency of the project with the reduction measures and recommendations contained in CARB's 2022 Scoping Plan.

TABLE 4.7-4
CONSISTENCY OF THE PROJECT WITH THE 2022 SCOPING PLAN

2022 Scoping Plan Action	Consistency Determination
Increase in Renewable Energy and Decrease in Oil and Gas Use Actions	Consistent with the County's Reach Code, all housing development proposed as part of the project would be constructed as all electric buildings. Electricity from SVCE supplied to the housing projects contains a minimum of 50 percent renewables with the percentage increasing in future years to meet Sb 100 requirements. Implementation of the project would reduce overall countywide VMT per resident, thereby reducing transportation fuel use. Mitigation Measure GHG-1 would require installation of EV charging infrastructure consistent with CALGreen Tier 2 standards and beyond the County's Reach Code requirements. This would help reduce oil use by promoting the use of clean electricity as a transportation fuel instead.

TABLE 4.7-4 (CONTINUED)
CONSISTENCY OF THE PROJECT WITH THE 2022 SCOPING PLAN

2022 Scoping Plan Action	Consistency Determination
Low Carbon Fuels Actions	The Low Carbon Fuel Standard is designed to decrease the carbon intensity of California's transportation fuel pool and provide an increasing range of low-carbon and renewable alternatives, which reduce petroleum dependency and achieve air quality benefits and is implemented at the state level. With the implementation of Mitigation Measure GHG-1, the project would encourage the use of clean, low-carbon electricity as an alternative to petroleum-based fossil fuels for transportation.
Expansion of Electrical Infrastructure Actions	Mitigation Measure GHG-1 would require installation of EV charging infrastructure consistent with CALGreen Tier 2 standards and beyond City's Reach Code requirements.
Climate Ready and Climate-Friendly Buildings	All future development proposed as part of the project would comply with current Title 24 and CALGreen standards which promote energy efficiency, increased use of renewable energy and incorporation of sustainable design features in construction and operation.
Expanded Use of Zero-Emission Mobile Source Technology Actions	Mitigation Measure GHG-1 would require installation of EV charging infrastructure consistent with CALGreen Tier 2 standards and beyond City's Reach Code requirements.
Mechanical Carbon Dioxide Removal and Carbon Capture and Sequestration Actions	Not applicable.
Improvements to Oil and Gas Facilities Actions	Not applicable.
Reduced High-GWP Fluorinated Gases Actions	Not applicable.
Forest, Shrubland, and Grassland Management Actions	Not applicable.
Agricultural Actions	Not applicable.
Organic Waste Diversion and Composing Actions	Franchised collection service in Unincorporated Santa Clara County is managed by Consumer and Environmental Protection Agency's Integrated Waste Management Services. Consistent with SB 1383, the County would provide mandatory organic waste diversion and composting services to all residents of housing facilitated by the project. The County has adopted ordinances and policies along with an Accepted Materials List in compliance with SB 1383. The solid waste ordinance adopted by the County regulates the collection, disposal, and processing of organic waste in accordance with State law.
Afforestation, Urban Forestry Expansion, Urban Greening, Avoided Natural and Working Land Use Conversion, and Wetland Restoration Actions	Not applicable.
Reduced VMT Actions	Development facilitated by the project would be consistent with MTC and ABAG Plan Bay Area 2040 goals and objectives under SB 375 to implement "smart growth." The project identifies housing opportunity sites in infill locations with access to public transportation. Though some of the sites are better served by transit than others, there would be an overall per-capita decrease in reliance on automobiles with the implementation of the project, thereby reducing VMT and associated GHG emissions. Upon full implementation of the project in 2040, the residential VMT generated per capita under the project is projected to be 47 percent lower than the Countywide average. The baseline Countywide average is estimated to be 30.9 miles per resident in 2040. Housing developed as part of the project would generate in 16.5 miles per resident, well below 26.3 miles per resident, which is 85 percent of the Countywide baseline as required by SB 375.

SOURCES: CARB 2022a

Plan Bay Area 2040

Pursuant to SB 375, ABAG and the MTC adopted *Plan Bay Area 2040* to establish targets and strategies for meeting the region's needs for housing at all income levels, while reducing GHG emissions by private passenger cars and light-duty truck traffic. The core strategy of *Plan Bay Area 2040* is to encourage growth in existing communities along the existing transportation network, focusing new development in PDAs and TPAs in urbanized centers where more public transit and other mobility options are available to reduce the use of cars and light trucks. In addition to encouraging focused growth through significant transit and roadway performance investments, *Plan Bay Area 2040* directs funding to neighborhood active-transportation and complete-streets projects, climate initiatives, lifeline transportation and access initiatives, pedestrian and bicycle safety programs, and PDA planning. Some of the proposed housing opportunity sites are located within a priority development area. In addition, most of the project's dwelling units would be located in urban areas in proximity to urban amenities and alternative transportation options and could take advantage of the complementary land uses to reduce vehicular trip making and reduce vehicular trip length, both of which reduce per capita VMT. As discussed in Section 4.14, *Transportation*, of this EIR, notwithstanding the fact that the project would not meet the significance threshold of 15 percent below the regional per capita VMT set forth in the OPR Technical Advisory and would therefore have a significant transportation impact, the project would generate fewer miles per capita when compared to the Countywide average and the Countywide residential VMT per capita would decrease with the addition of the project. The project is therefore consistent with *Plan Bay Area 2040* for GHG emissions reductions. Most of the project sites are located in areas that have already been determined to fall below applicable VMT metrics based on their proximity to quality transit facilities. In addition, all of the projects would be developed at higher densities, which generally results in lower VMT. As such, and on balance, the project's overall VMT is expected to fall below applicable GHG emissions thresholds, and the project would therefore be consistent with *Plan Bay Area 2040*, particularly since the project would be directed towards developing higher-density residential development on infill sites alongside the existing transportation network and in proximity to quality transit options. These are all goals of the Plan, and the project would help to fulfill those goals.

Santa Clara County Sustainability Master Plan

The County of Santa Clara's Sustainability Master Plan (SMP) integrates the County's many existing policies, programs, practices, and countywide initiatives that promote the three core elements of sustainability: Environment, Economy, and Equity. The SMP's mission is achieved through promoting actions across four Priority Areas that combine include eight goals, 30 strategies, and 90 targets to monitor the implementation of the County's sustainability vision.

The strategies and targets that guide the County's progress towards the eight goals identified in the SMP are primarily implementable at the county level through ordinances and policies and would also be applicable to the development of future housing projects facilitated by the project. Strategies in the SMP aim to transition to a 100 percent renewable energy system by 2045, enhance energy efficiency of existing buildings and electrify new buildings to help the County become carbon neutral and support a transition to zero waste and zero emissions. All

development in the county, including development facilitated by the project would be required to comply with these strategies and hence not conflict with the SMP.

CALGreen Code and Santa Clara County Reach Codes

Development facilitated by the project would be required to comply with the most recent update to the CALGreen Code. All projects facilitated by the project would also be required to comply with the County's Reach Codes that aim to achieve energy savings and GHG reductions beyond the State's minimum requirements. In addition, Mitigation Measures GHG-1 would require all housing development facilitated by the project to be constructed to comply with Tier 2 EV charging requirements in the applicable CALGreen code at the time of individual project review.

Conclusion

With implementation of new Mitigation Measures GHG-1, the project would not conflict with the GHG reduction targets established by EO S-3-05, SB 32, and AB 1279, or the reduction measures identified in CARB's 2017 and 2022 Scoping Plans. In addition, the project would not conflict with Plan Bay Area or the Santa Clara County Sustainability Master Plan, and would be subject to measures in the CALGreen Code and the County's Reach Codes.

Mitigation: Implement Mitigation Measures GHG-1.

Significance after Mitigation: With the implementation of Mitigation Measures GHG-1, all subsequent housing projects facilitated by the project would be consistent with the BAAQMD's updated GHG significance thresholds. Compliance with these thresholds would mean that these projects would not generate GHG emissions that would conflict with the State's GHG reduction goals or plans and policies in place to achieve these goals. Therefore, this impact would be considered **less than significant with mitigation**.

Cumulative Impacts

Global GHG emissions are inherently a cumulative concern that is understood for CEQA purposes to be an existing significant and adverse condition. Accordingly, the significance of GHG emissions in this analysis is determined based on whether such emissions would have a cumulatively considerable impact on global climate change. Although the geographic scope of cumulative impacts related to GHG emissions is global, this analysis focuses on the project's direct and/or indirect generation of GHG emissions on the region and the state. CAPCOA considers GHG impacts to be exclusively cumulative impacts, in that no single project could, by itself, result in a substantial change in climate (CAPCOA, 2008). Therefore, the evaluation of cumulative GHG impacts presented in this section considers whether the project would make a considerable contribution to cumulative emissions of GHG. Implementation of the project would result in a less than significant impact with mitigation. Implementation of Mitigation Measures GHG-1a and GHG-1b would ensure consistency with the State's 2030 GHG reduction goals. Therefore, the project's incremental impact relative to GHG emissions in the cumulative context would also be **less than significant with mitigation**.

4.7.5 References

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4.8 Hazards and Hazardous Materials

4.8.1 Introduction

This section evaluates the effects of the Housing Element Update (HEU) and Stanford Community Plan Update (SCP) to result in substantial adverse effects related to hazards and hazardous materials. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to hazards and hazardous materials. Further below, existing plans and policies relevant to hazards and hazardous materials associated with implementation of the HEU are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to hazards and hazardous materials that could result from implementation of the HEU in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR.

The Department of Toxic Substances Control (DTSC) provided a generic (i.e., not specific to this project) form letter in response to the first NOP stating that the Cortese List may not include all active hazardous materials sites and further investigation may be needed depending on site conditions and history, that an environmental regulatory agency such as the DTSC or Regional Water Quality Control Board (RWQCB) be consulted for sites known to have hazardous materials issues, that aerially deposited lead may be present along roadways due to the addition of lead in gasoline until 1992, that structures to be demolished be tested for the presence of hazardous materials such as asbestos-containing materials (ACM) and lead-based paint (LBP), that fill imported for site construction be tested to ensure the fill is free of contamination, and that sites previously used for agriculture be tested for organochlorine pesticides.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Combined State Water Resources Control Board (SWRCB) GeoTracker and DTSC Envirostar Website (SWRCB/DTSC, 2022).
- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).

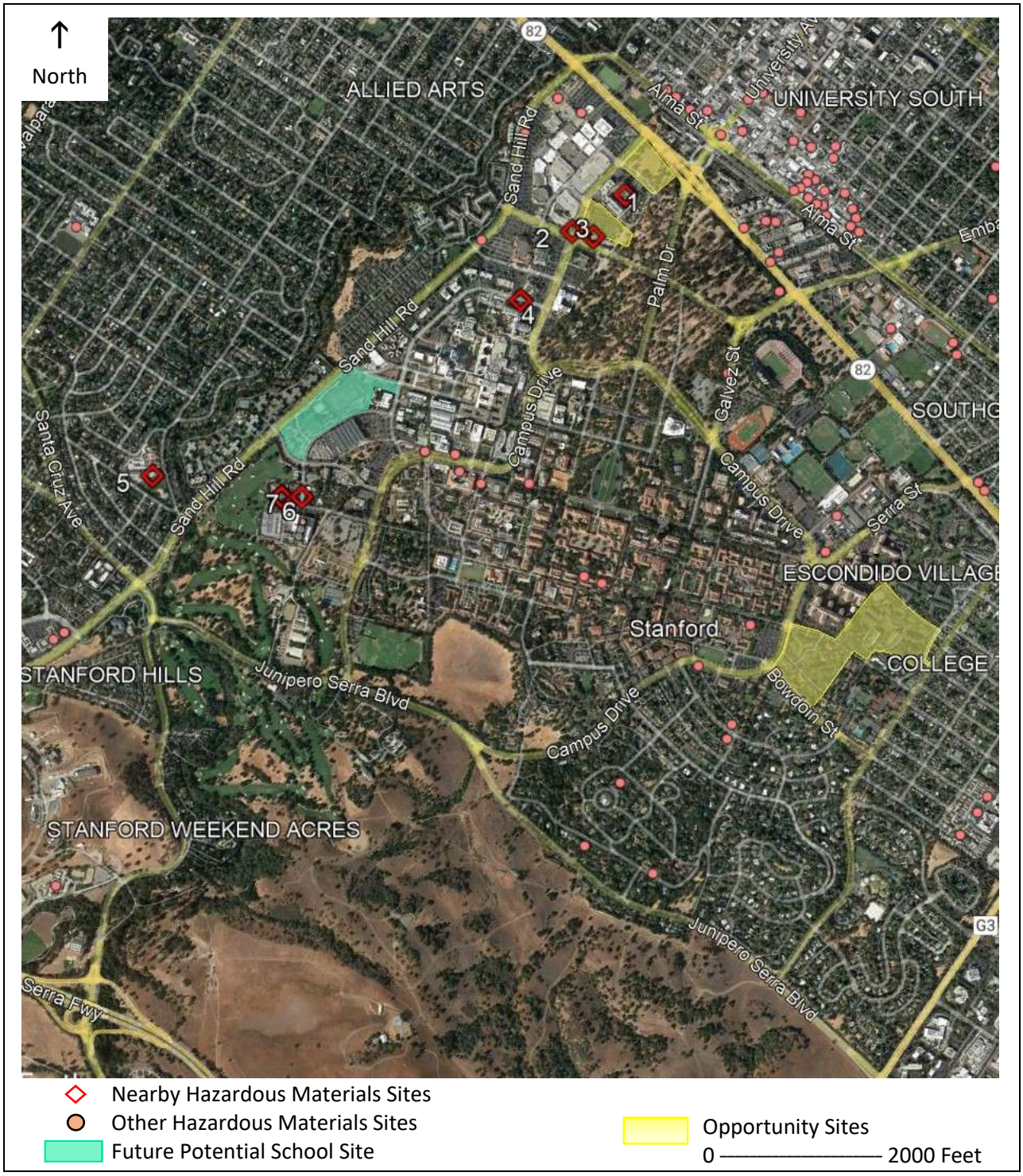
4.8.2 Environmental Setting

Hazardous Materials Sites

Active and closed hazardous materials sites that have reported spills or releases are tracked on the SWRCB GeoTracker and DTSC EnviroStor websites, which can be viewed simultaneously (SWRCB/DTSC, 2022). The combined websites identify active and closed hazardous materials cleanup sites, permitted facilities, and various other regulatory records, some of which are not about spills or releases (e.g., operating permits. The combined websites were searched for hazardous materials cleanup sites that are on or close to housing opportunity sites, and may have the potential to adversely affect the development of those locations. Hazardous materials sites that are "nearby" are considered to be those that are adjacent to or upgradient of a project location. **Table 4.8-1** lists the nearby hazardous materials sites along with their current status of investigation and cleanup. The housing opportunity sites are shown on the figures listed below, along with hazardous materials cleanup sites. The figures identify nearby hazardous materials cleanup sites with a red diamond and a site number, keyed to Table 4.8-1.

- **Figure 4.8-1, Hazardous Materials Sites – Stanford Area**
- **Figure 4.8-2, Hazardous Materials Sites – North Capitol and Hostetter**
- **Figure 4.8-3, Hazardous Materials Sites – I-280 and I-880 Area**
- **Figure 4.8-4, Hazardous Materials Sites – Alum Rock Area**
- **Figure 4.8-5, Hazardous Materials Sites – Camden and Leigh Avenues**
- **Figure 4.8-6, Hazardous Materials Sites – Former Pleasant Hills Golf Course**

Most of the listed sites are closed cases where the regulatory agency overseeing investigation and cleanup has concluded that the site no longer poses a risk to people and the environment. Site closure means that the site has been cleaned up to established regulatory action levels, which also means that residual levels of chemicals at concentrations below the regulatory action levels may be present in soil and/or groundwater at and near these closed sites. Most of the closed sites are leaking underground storage tank (LUST) sites that had leaks of fuel and/or waste oil that have since been cleaned up. The remaining closed sites include Cleanup Program Sites, tiered permit sites (i.e., operating permits), and various other sites that have not had spills or releases. Only two of the listed sites are open cases being investigated and cleaned up (i.e., remediated), as summarized below. There is a closed LUST site at the former Pleasant Hills Golf Course site and this site is also described further, below.

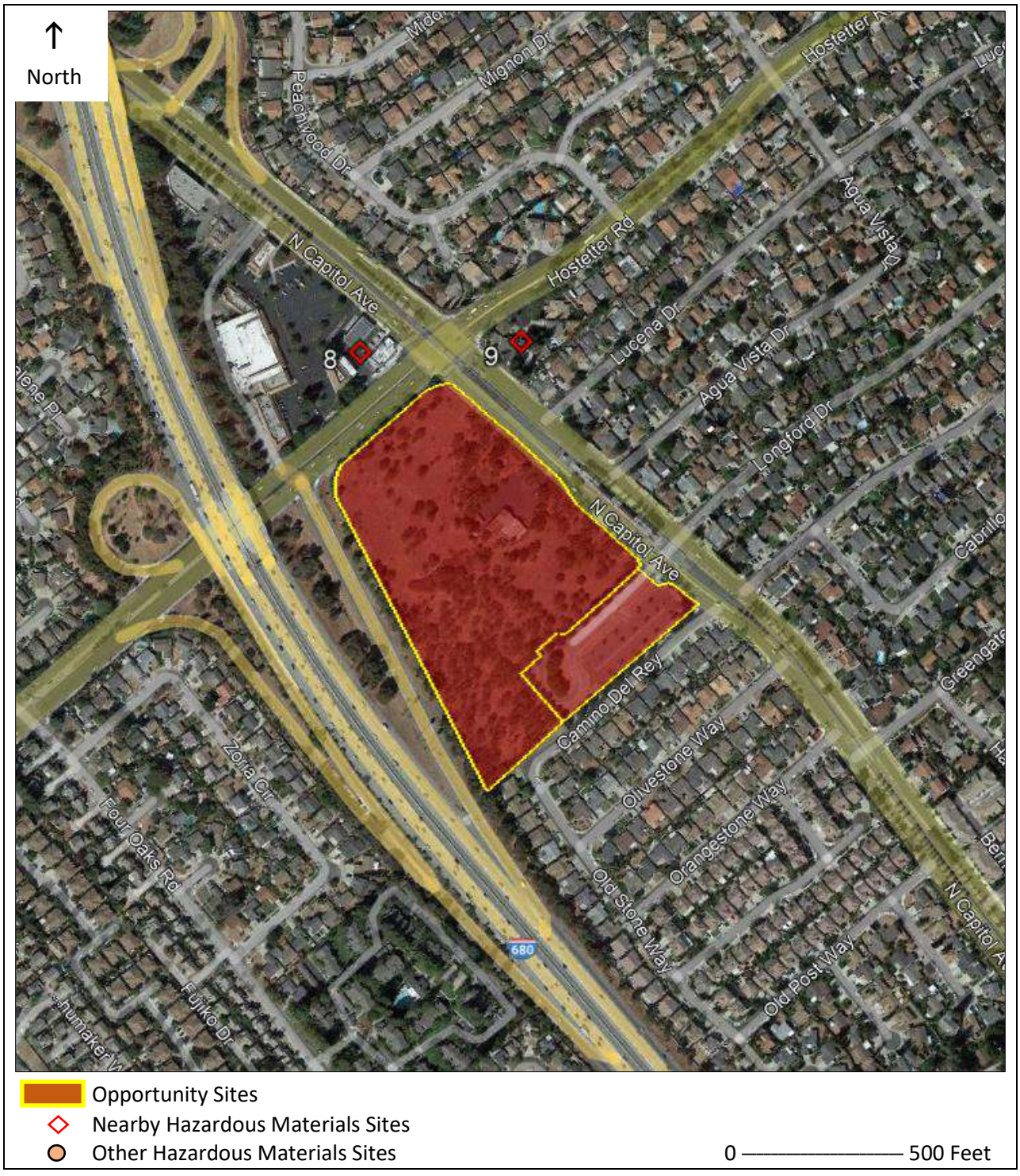


Santa Clara County Housing Element and Stanford Community Plan Update - 202100692

SOURCE: Google, 2022

Figure 4.8-1

Hazardous Materials Sites – Stanford Area

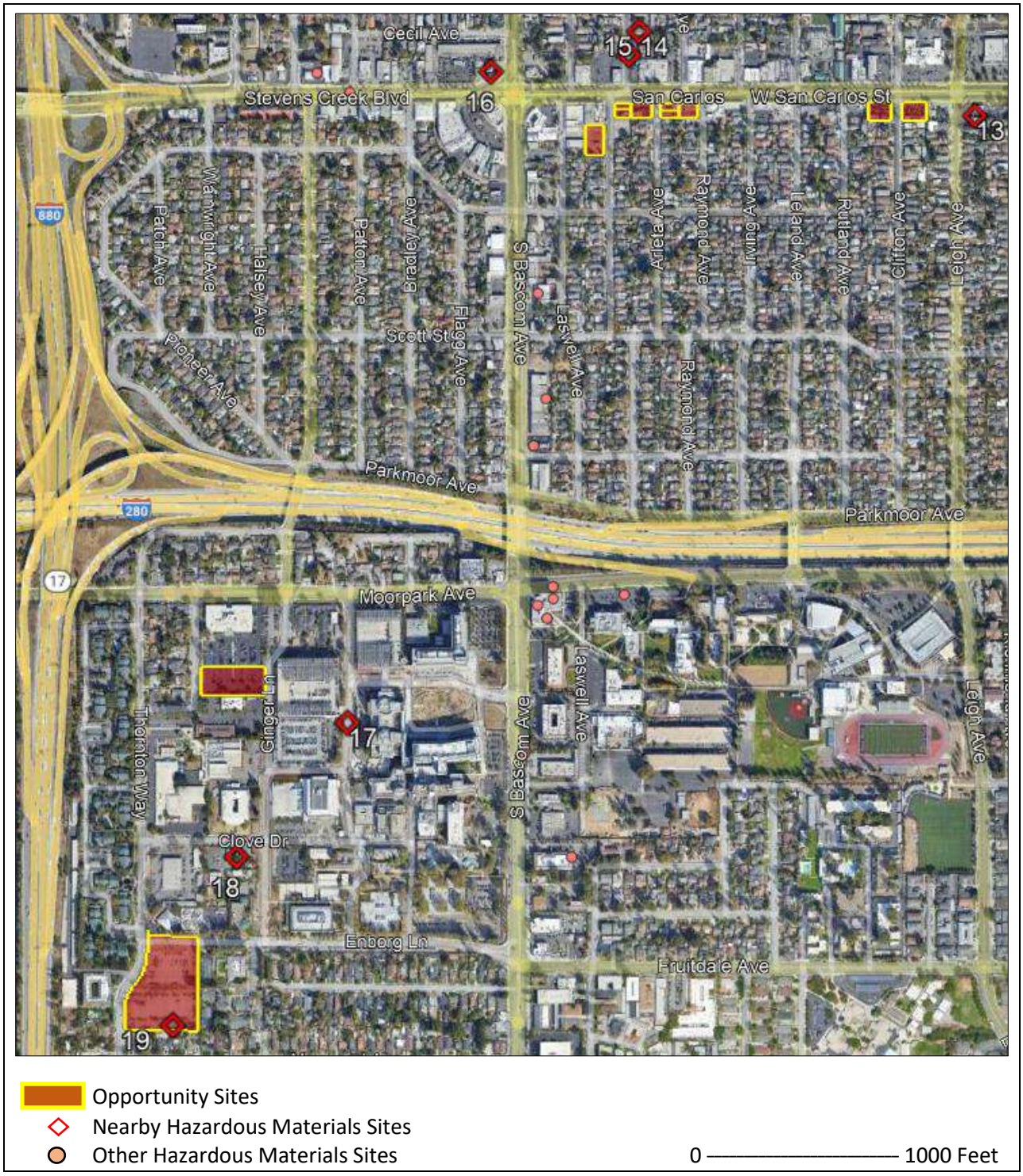


Santa Clara County Housing Element and Stanford Community Plan Update - 202100692

SOURCE: Google, 2022

Figure 4.8-3

Hazardous Materials Sites – North Capitol and Hostetter



Santa Clara County Housing Element and Stanford Community Plan Update - 202100692

SOURCE: Google, 2022

Figure 4.8-3

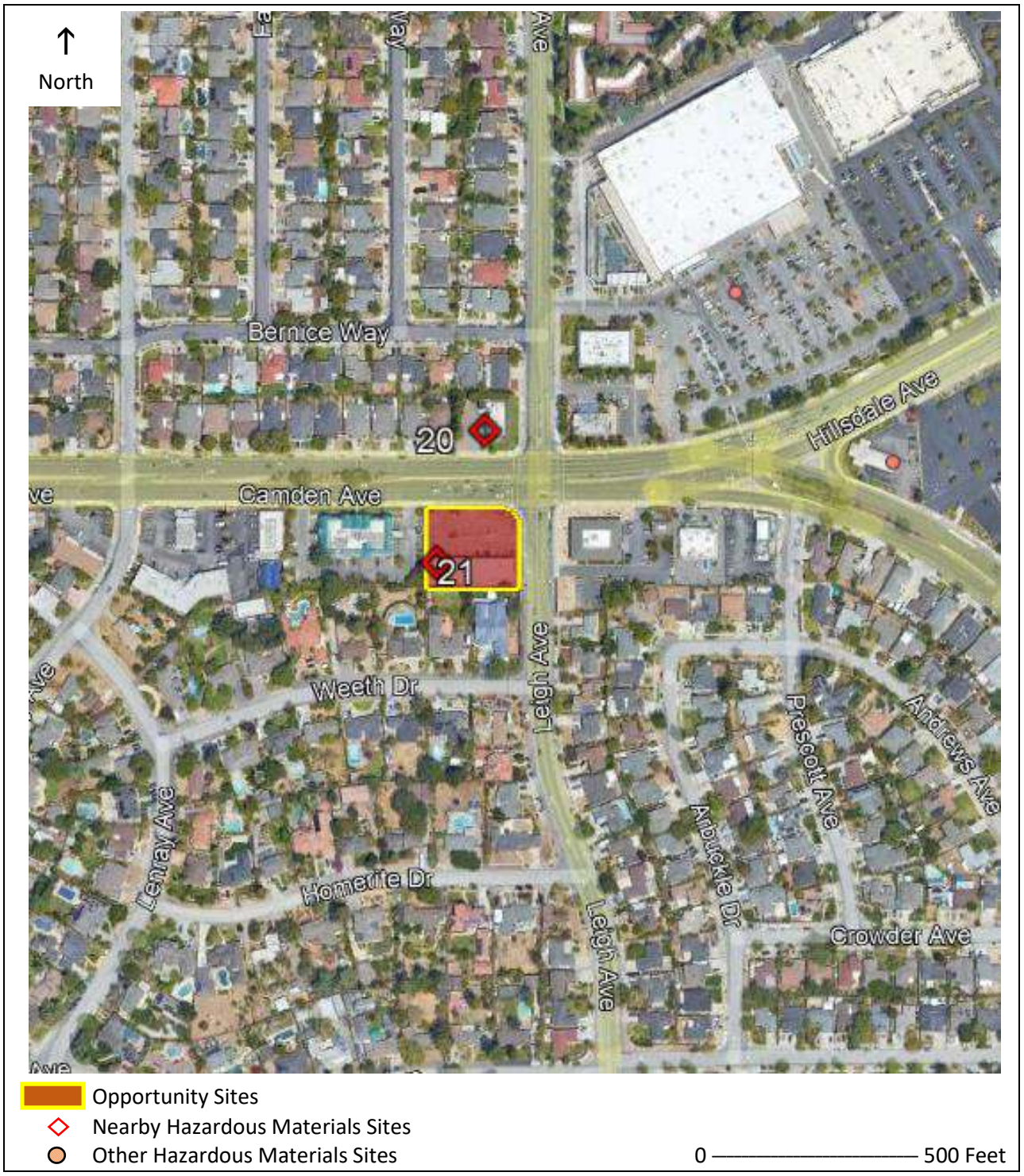
Hazardous Materials Sites – I-280-I-880 Area

Santa Clara County Housing Element and Stanford Community Plan Update - 202100692

SOURCE: Google, 2022

Figure 4.8-4

Hazardous Materials Sites – Alum Rock



Santa Clara County Housing Element and Stanford Community Plan Update - 202100692

SOURCE: Google, 2022

Figure 4.8-5

Hazardous Materials Sites – Camden and Leigh Avenues

Santa Clara County Housing Element and Stanford Community Plan Update - 202100692

SOURCE: Google, 2022

Figure 4.8-6

Hazardous Materials Sites – Pleasant Hills Golf Course

TABLE 4.8-1
NEARBY HAZARDOUS MATERIALS SITES

Site Number and Name	Address	Site Type	Status
1 – Stanford University Medical Center	211 Quarry Road, Palo Alto	LUST	Case Closed
2 – Chevron #9-9000	480 Quarry Road, Palo Alto	LUST	Case Closed
3 – Mobil	375 Arboretum Road, Palo Alto	LUST	Case Closed
4 – Stanford Children's Hospital	701 Welch Avenue, Stanford	Cleanup Program Site	Case Closed
5 – Oak Knoll Elementary School	1895 Oak Knoll Lane, Menlo Park	School Investigation	No Action Required
6 – Stanford University	480 Oak Road, Palo Alto	Cleanup Program Site	Case Closed
7 – Stanford University	525 Oak Road, Palo Alto	Cleanup Program Site	Case Closed
8 – Shell Oil	1601 North Capitol Avenue, San José	LUST	Case Closed
9 – Shell Oil	1601 North Capitol Avenue, San José	LUST	Case Closed
10 – Gasco 723	3105 McKee Road, San José	LUST	Case Closed
11 – Private Residence	253 North White Road, San José	LUST	Case Closed
12- Country Club Gas	3495 McKee Road, San José	LUST	Open – Remediation
13 – Beacon #584	1744 San Carlos, San José	LUST	Case Closed
14 – Private Residence	48 Cleveland Street, San José	LUST	Case Closed
15 – Antiques Colony	30 Cleveland Street, San José	LUST	Case Closed
16 – Regal Gambucci	2211 Stevens Creek Boulevard, San José	LUST	Case Closed
17 – Santa Clara Valley Medical Center	751 South Bascom Avenue, San José	LUST	Case Closed
18 – Santa Clara County Repair Facility	2401 Clove Drive, San José	LUST	Case Closed
19 – Santa Clara County Office of Education	900 Thornton Avenue, San José	LUST	Case Closed
20 – Chevron #9-3291	1871 Camden Avenue, San José	LUST	Case Closed
21 – Swiss Cleaners	14540 Camden Avenue, San José	Imminent & Substantial Endangerment Order	Active
22 – Pleasant Hills Golf Course	2050 S. White Road, San José	LUST	Case Closed

NOTES: LUST = Leaking underground storage tank

SOURCE: SWRCB/DTSC, 2022

Site 12, Country Club Gas – The Country Club Gas site at 3495 McKee Road in San José is a LUST site that is in the process of being investigated and cleaned up. The most recent letter from the regulatory agency, the County of Santa Clara Department of Environmental Health, states that additional investigation and cleanup will be required (CSCDEH, 2022). The most recent groundwater monitoring report reports that the direction of groundwater flow for the monitoring events conducted between 2012 and 2021 have ranged from north to west northwest (WellTest, 2022). This direction of groundwater is away from the housing opportunity site located to the south across McKee Road, meaning this site would not be able to affect the housing opportunity site.

Site 21, Swiss Cleaners – The Swiss Cleaners site at 14540 Camden Avenue in San José is a former dry cleaner site that is listed as an active State Response or national priority List (NPL) site. Perchloroethene (PCE, also referred to as tetrachloroethene) was used as the dry-cleaning solvent at this facility from 1966 until 2009 (E2C, 2022). PCE was detected in soil under the concrete slab under the dry-cleaning machine in 2009. After investigation, a soil vapor extraction (SVE) system was installed to recover the solvent and its degradation byproducts and has operated cyclically from February 9, 2021, to the present. The SVE system has reduced the concentrations of dry-cleaning solvent. The consultant has recommended continuing SVE operations to further reduce dry cleaning solvent concentrations. This former dry cleaner is located in the far western portion of the existing strip mall building on the housing opportunity site. The former dry-cleaners suite is currently vacant.

Site 22, Former Pleasant Hills Golf Course – The former Pleasant Hills Golf Course site at 2050 South White Road in San José is a former LUST site that was closed on December 9, 1999. In November 1998 one 500-gallon gasoline UST was removed from the site. Two soil samples collected from beneath the tank contained detectable concentrations of methyl tert-butyl ether (MTBE) (SCVWD, 1999). A follow-up boring was drilled at the location of the UST to a depth of 45 feet below ground surface (bgs); the soil samples collected from this boring did not contain detectable concentrations of MTBE. A “grab" groundwater sample collected from this boring contained traces of gasoline, MTBE, and Benzene (SCVWD, 1999). A second boring was drilled to a depth of 36 feet bgs in the assumed downgradient direction (west-southwest); no chemicals were detected in the soil or groundwater from this location (SCVWD, 1999).

Although there were detectable levels of MTBE, gasoline, and Benzene at this site, the SWRCB concluded that the contamination was not a risk to the public or the environment because, at the time of the investigation, the concentrations appeared to be below the levels of regulatory concern (SCVWD, 1999). However, the regulatory requirements have been updated to be more stringent since 1999, and the residual contamination at this site may be considered an environmental concern.

Although this LUST site has been closed since 1999, it is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List).

Schools

Schools located within 0.25 miles of a housing opportunity site are listed below in **Table 4.8-2**.

TABLE 4.8-2
SCHOOLS

School	Address
Bing Nursery School	890 Escondido Road, Stanford
Escondido Elementary School	850 Escondido Road, Stanford
Ida Jew Academy	1944 Flint Avenue, San José
August Boeger Middle School	1944 Flint Avenue, San José
Valle Vista Elementary School	2400 Flint Avenue, San José
Garden of Joy Montessori International School	2052 Flintcrest Drive, San José
Candyland Day Care	3011 Almond Drive, San José
Cedar Grove Elementary School	2702 Sugarplum Drive, San José

SOURCE: Google Street Maps 2022

Airports

The Reid-Hillview County Airport is within 2 miles of the housing opportunity sites at the former Pleasant Hills Golf Course site and the sites near Alum Rock. The former Pleasant Hill Golf Course site is approximately 0.9 miles northeast of the Reid-Hillview County Airport; the northern end of the runway at the Reid-Hillview County Airport is 1.9 miles south of the southern edge of the housing opportunity site accessed from East Hills Drive in San José (APN 601-25-119, Alum Rock/East Foothills). Neither of the housing opportunity sites are located within the airport's safety or noise hazard zones (Windus, 2020). The former Pleasant Hills Golf Course site is located within the airport's height restriction area within the 283–433-foot height restriction area (Windus, 2020).

The Norman Y. Mineta San José International Airport is located just beyond 2 miles from the housing opportunity sites on West San Carlos Street in San José.

Emergency Response and Evacuation Plans

The *Santa Clara County Emergency Operations Plan* (EOP) is an all-hazards document describing the County of Santa Clara Office of Emergency Management incident management organization, compliance with relevant legal statutes, other relevant guidelines, whole community engagement, continuity of government focus, and critical components of the incident management structure (CSCOEM 2022). While the EOP is not intended to address specific emergency responses, scenarios, hazards, or threats, the EOP has six hazard-specific and four function-specific annexes to the EOP that provide information for informed evacuation decision-making such as power shut off, flood, excessive heat, storm, wildfire, earthquake, emergency communications, access and functional needs, disaster cost recovery, and donations management. The operational area and signatories include the County and all cities including the Cities of San José and Palo Alto.

The primary goal of the EOP is to guide local decision makers and emergency personnel in handling emergencies consistent with the State requirements and in coordination with other State and local agencies and plans. The EOP emphasizes preparedness in advance of emergencies and development of appropriate and timely responses to emergencies when they occur. The EOP establishes a framework for organizing and managing emergency response; provides policies, responsibilities and procedures to protect persons, property and the environment; and sets forth concepts and procedures for field response, Emergency Operations Center activities and disaster recovery.

Wildland Fires

The California Department of Forestry and Fire Protection (CAL FIRE) maps areas of significant fire hazard based on fuels, terrain, weather, and other relevant factors. These zones, referred to as Fire Hazard Severity Zones, then determine the requirements for special building codes designed to reduce the ignition potential of buildings. None of the housing opportunity sites are located within a designated fire hazard severity zone (CAL FIRE, 2022).

4.8.3 Regulatory Setting

Federal

The primary federal agencies with responsibility for hazardous materials management include the U.S. Environmental Protection Agency (USEPA), U.S. Department of Labor Occupational Safety and Health Administration (Fed/OSHA), and the U.S. Department of Transportation (USDOT). Federal laws, regulations, and responsible agencies are summarized in **Table 4.8-3**.

State and local agencies often have either parallel or more stringent rules than federal agencies. In most cases, state law mirrors or overlaps federal law and enforcement of these laws is the responsibility of the state or of a local agency to which enforcement powers are delegated. For these reasons, the requirements of the law and its enforcement are discussed under either the State or local agency section.

State

The primary State agencies with responsibility for hazardous materials management in the region include the DTSC and the RWQCB within the California Environmental Protection Agency (Cal EPA), California Occupational Safety and Health Administration (Cal/OSHA), California Department of Health Services (CDHS), California Highway Patrol (CHP), and the California Department of Transportation (Caltrans). State laws, regulations, and responsible agencies are summarized in **Table 4.8-4**.

TABLE 4.8-3
FEDERAL LAWS AND REGULATIONS RELATED TO HAZARDOUS MATERIALS MANAGEMENT

Classification	Law or Responsible Federal Agency	Description
Hazardous Materials Management	Community Right-to-Know Act of 1986 (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA))	Imposes requirements to ensure that hazardous materials are properly handled, used, stored, and disposed of and to prevent or mitigate injury to human health or the environment in the event that such materials are accidentally released.
Hazardous Waste Handling	Resource Conservation and Recovery Act of 1976 (RCRA)	Under RCRA, the USEPA regulates the generation, transportation, treatment, storage, and disposal of hazardous waste from "cradle to grave."
	Hazardous and Solid Waste Act	Amended RCRA in 1984, affirming and extending the "cradle to grave" system of regulating hazardous wastes. The amendments specifically prohibit the use of certain techniques for the disposal of some hazardous wastes.
Hazardous Materials Transportation	USDOT	USDOT has the regulatory responsibility for the safe transportation of hazardous materials. The USDOT regulations govern all means of transportation except packages shipped by mail (49 CFR).
	U.S. Postal Service (USPS)	USPS regulations govern the transportation of hazardous materials shipped by mail.
Occupational Safety	Occupational Safety and Health Act of 1970	Fed/OSHA sets standards for safe workplaces and work practices, including the reporting of accidents and occupational injuries (29 CFR 1910).
Airports	Federal Aviation Administration (FAA)	Restrictions on the height of buildings, antennas, trees, and other objects near Reid-Hillview County Airport are regulated by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77. The FAR Part 77 map is used by the FAA and the Santa Clara County Airport Land Use Commission (ALUC) to identify potential obstructions and hazards to aviation traffic. A Comprehensive Land Use Plan (CLUP) has been prepared by the Santa Clara County Airport Land Use Commission (ALUC). The CLUP seeks to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace.

TABLE 4.8-4
STATE LAWS AND REGULATIONS RELATED TO HAZARDOUS MATERIALS MANAGEMENT

Classification	Law or Responsible State Agency	Description
Hazardous Materials Management	Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program); CUPA (Health and Safety Code Sections 25404 et seq)	In January 1996, Cal EPA adopted regulations, which implemented a Unified Program at the local level. The agency responsible for implementation of the Unified Program is called the Certified Unified Program Agency (CUPA), which for the County of Santa Clara is the Hazardous Materials Compliance Division (HMCD). HMCD has been certified by the state to be the CUPA to administer the CUPA programs throughout Santa Clara County, except in the cities of Santa Clara, Gilroy, and Sunnyvale, which are themselves CUPAs.
	California Fire Code	The California Fire Code regulates the storage and handling of hazardous materials, including the requirement for secondary containment, separation of incompatible materials, and preparation of spill response procedures.

TABLE 4.8-4 (CONTINUED)
STATE LAWS AND REGULATIONS RELATED TO HAZARDOUS MATERIALS MANAGEMENT

Classification	Law or Responsible State Agency	Description
Hazardous Waste Handling	California Hazardous Materials Release Response Plan and Inventory Law of 1985; CUPA	The California Hazardous Materials Release Response Plan and Inventory Law of 1985 (Business Plan Act) requires that businesses that store hazardous materials onsite prepare a Hazardous Materials Business Plan (HMBP) and submit it to the local CUPA.
	California Hazardous Waste Control Act; DTSC	Under the California Hazardous Waste Control Act, California Health and Safety Code, Division 20, Chapter 6.5, Article 2, Section 25100, et seq., DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in California. The hazardous waste regulations establish criteria for identifying, packaging, and labeling hazardous wastes; dictate the management of hazardous waste; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous wastes that cannot be disposed of in landfills. DTSC is also the administering agency for the California Hazardous Substance Account Act. California Health and Safety Code, Division 20, Chapter 6.8, Sections 25300 et seq., also known as the State Superfund law, providing for the investigation and remediation of hazardous substances pursuant to State law.
Hazardous Materials Transportation	Titles 13, 22, and 26 of the California Code of Regulations	Regulates the transportation of hazardous waste originating in and passing through the state, including requirements for shipping, containers, and labeling.
	CHP and Caltrans	These two state agencies are primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies.
Occupational Safety	Cal/OSHA	Cal/OSHA has primary responsibility for developing and enforcing workplace safety regulations in California. Because California has a federally approved OSHA program, it is required to adopt regulations that are at least as stringent as those found in Title 29 of the Code of Federal Regulations (CFR). Cal/OSHA standards are generally more stringent than federal regulations.
	Cal/OSHA regulations (Title 8 CCR)	Concerning the use of hazardous materials in the workplace require employee safety training, safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation.
Construction Storm Water General Permit (Construction General Permit; Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ)	RWQCB	Dischargers whose project disturbs one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one of more acres, are required to obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ). Construction activity subject to this permit includes clearing, grading, grubbing, and other disturbances to the ground such as excavation and stockpiling, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of a facility. The Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific Best Management Practices (BMPs) designed to prevent sediment and pollutants from contacting stormwater from moving offsite into receiving waters. The BMPs fall into

TABLE 4.8-4 (CONTINUED)
STATE LAWS AND REGULATIONS RELATED TO HAZARDOUS MATERIALS MANAGEMENT

Classification	Law or Responsible State Agency	Description
		several categories, including erosion control, sediment control, waste management and good housekeeping, and are intended to protect surface water quality by preventing the off-site migration of eroded soil and construction-related pollutants from the construction area.
Municipal Separate Storm Sewer System (MS4) Permit NPDES No. CAS612008 and Order No. R2-2015-0049	RWQCB	The MS4 permit requires permittees (in this case, Santa Clara County Permittees, including the County and the various cities) to reduce pollutants and runoff flows from new development and redevelopment using BMPs to the maximum extent practical. The MS4 permittees entities formed the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) to collectively address waste discharge requirements (WDRs) and manage stormwater runoff from storm drains and watercourses within their jurisdictions. Member agencies implement pollution prevention, source control, monitoring, and outreach to reduce stormwater pollution in waterways and protect the water quality and beneficial uses of San Francisco Bay and Santa Clara County creeks and rivers.
Underground Infrastructure	California Code of Regulations Section 4216-4216.9	Section 4216-4216.9 "Protection of Underground Infrastructure" requires an excavator to contact a regional notification center (e.g., Underground Services Alert or Dig Alert) at least two days prior to excavation of any subsurface installations. Any utility provider seeking to begin a project that could damage underground infrastructure can call Underground Service Alert, the regional notification center for southern California. Underground Service Alert will notify the utilities that may have buried lines within 1,000 feet of the project. Representatives of the utilities are then notified and are required to mark the specific location of their facilities within the work area prior to the start of project activities in the area.

Assembly Bill 747

AB 747 was adopted in 2019 and requires safety elements to be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. The law authorizes a city or county that has adopted a local hazard mitigation plan, emergency operations plan, or other document that fulfills commensurate goals and objectives to use that information in the safety element to comply with this requirement by summarizing and incorporating by reference that other plan or document in the safety element.

Senate Bill 99

SB 99 was adopted in 2019, and requires a city or county, upon the next revision of the housing element on or after January 1, 2020, to review and update the safety element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes.

Local

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program), codified in California Health and Safety Code Sections 25404 et seq., requires the administrative consolidation of six hazardous materials and waste programs under one agency, a Certified Unified Program Agency (CUPA). The following programs are consolidated under the unified program:

- Hazardous Materials Release Response Plans, and Inventory (also referred to as Hazardous Materials Business Plans)
- California Accidental Release Program
- Underground Storage Tanks
- Aboveground Petroleum Storage Spill Prevention Control and Countermeasures
- Hazardous Waste Generation and Onsite Treatment
- Uniform Fire Code Plans and Inventory Requirements

As previously noted, the State Secretary for Environmental Protection designated the County of Santa Clara is the Hazardous Materials Compliance Division (HMCD). HMCDs are charged with the responsibility of conducting compliance inspections of over hazardous materials facilities within their jurisdictional areas. These facilities and businesses handle hazardous materials, generate or treat a hazardous waste, and/or operate underground storage tanks. The HMCDs use education and enforcement to minimize the risk of chemical exposure to human health and the environment. The HMCD forwards important facility information to local fire prevention agencies that enables them to take appropriate protective action in the event of an emergency at regulated facilities. To legally store and use hazardous materials above the trigger quantities, users must apply for permits and demonstrate satisfactory compliance with regulations. The quantities that trigger disclosure are based on the maximum quantity on site at any time:

- 55 gallons, 500 pounds, or 200 cubic feet for 30 days or more at any time in the course of a year
- Any amount of hazardous waste
- Category I or II pesticides
- Explosives
- Extremely hazardous substances above the threshold planning quantity

Santa Clara County General Plan, Safety Element

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of the County (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements

within the General Plan include goals and policies for the physical development of the County. General Plan strategies and policies in the Safety and Noise chapter related to hazards and hazardous materials and relevant to implementation of the HEU are listed below.

Hazardous Materials:

Strategy #1: Manage Hazardous Materials Safely and Efficiently - By adhering to adopted building and development standards (i.e., Uniform Fire Code, Uniform Building Code, Hazardous Materials Management Plan, etc.), the County and cities can ensure that new development is designed and maintained in a manner that will shield or distance people and the environment from dangerous materials and activities.

Policy C-HS 14*:* All feasible measures to safely and effectively manage hazardous materials and site hazardous materials treatment facilities should be used, including complying with all federal and state mandates.

Policy C-HS 15: To achieve a more effective, efficient and economical regulatory environment, all feasible means to simplify and coordinate locally implemented hazardous materials management regulations should be considered.

Strategy #2: Ensure the Adequacy of Local Hazardous Waste Treatment Facilities - Where the use of hazardous materials is deemed necessary and appropriate, the County and cities should enforce reliance upon safe and cost-effective procedures. Through adoption and enforcement of the County Hazardous Waste Management Plan and other mandated hazardous materials programs, the County and cities can also ensure the safety, availability and adequacy of local hazardous waste treatment and disposal facilities.

Policy C-HS 15.1**:** Proposals to establish hazardous waste management facilities in Santa Clara County that are subject to the authority of the Countywide Hazardous Waste Management Plan (CHWMP) shall comply with all substantive and procedural provisions of that plan and with all applicable state and federal laws concerning the establishment and safe operation of such facilities.

Policy C-HS 15.2**:** The cities and County of Santa Clara shall ensure that all relevant discretionary land use and development decisions:

a. Are consistent with the intent and provisions of the Countywide Hazardous Waste Management Plan (CHWMP), especially the facilities siting map and criteria, which identify potentially suitable areas for siting needed waste management facilities; and,

b. Do not unnecessarily limit the availability of sites suitable for potential hazardous waste management facilities, as identified in the CHWMP facilities siting criteria and map.

Policy C-HS 16**:** To ensure criteria effectiveness and the adequacy of local facilities, periodically review and evaluate the facilities siting criteria of the Santa Clara County Hazardous Waste Management Plan.

Emergency Preparedness:

Strategy #1: Plan for Immediate Disaster Response - Through wise land use and development practices, people and the environment can be protected from a wide range of natural or human-caused disasters. Prudent actions in advance of these occurrences can

substantially reduce the level of chaos, death and damage which might ordinarily be expected. Such actions can also minimize the period of time following a disaster before we can return to normal life. To be successful, our efforts must involve every segment of the community; government, business, and the public. We must all know what to do when a disaster strikes.

***Policy C-HS 17**:* Local governments should comply with all federal and state regulations regarding emergency planning and preparedness.

***Policy C-HS 18**:* Local government, business, and community organizations should cooperate in preparing the most effective emergency response plans and procedures feasible.

***Policy C-HS 19**:* The County and cities should comply with federal and state hazardous materials regulations and planning activities, including, the Countywide Hazardous Waste Management Plan, the Hazardous Materials Area Plan, and the Operations Section of the County Emergency Plan regarding a hazardous materials incident.

Strategy #2: Plan for Immediate Disaster Response - Critical to emergency preparedness is having a plan to pull ourselves together after disaster strikes. This entails giving considerable though now to what we'll need to help ourselves get back to a normal state. All segments of the community should cooperate to ensure that, when disaster occurs, recovery is as swift as possible.

Local governments have an obligation to maintain law and order, and to quickly restore essential public services. Initially, this may have to be accomplished amid widespread destruction, damaged public infrastructure, and without any assistance from outside the county. Private industry, too, must think through the same scenario; what will be needed to resume doing business under extraordinary conditions.

***Policy C-HS 22**:* Ensure that critical emergency services and equipment normally provided by outside agencies will be available in each jurisdiction to the extent possible (i.e., public health, mental health, coroner, fire suppression, etc.).

***Policy C-HS 23**:* Local governments and hazardous materials users should work jointly to identify the most effective and economically feasible measures to prevent hazardous materials incidents and ensure the swift post-incident recovery of all effected.

Stanford University Community Plan

The current Stanford University Community Plan was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the Community Plan is to guide future use and development of Stanford lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The Community Plan was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. Any revisions to the Community Plan must also be made according to the provisions of State law for adopting and amending general plans. Community strategies and policies related to hazards and hazardous materials and relevant to implementation of the HEU and Community Plan Update are listed below.

Resource Conservation:

Strategy #4, Reduce Non-Point Source Pollution: Non-point source pollution has been identified as a major regional problem, accounting for approximately half of the contaminants discharged into San Francisco Bay. This type of pollution stems from a variety of sources on the campus, such as streets, parking lots, agricultural waste and runoff, erosion, and chemical or other waste from research activities. Stanford and the County's efforts to reduce non-point source pollution are diverse, ranging from public education to development and implementation of best management practices.

***Policy SCP-RC 11*:** Require Stanford to continue the use of appropriate best management practices to reduce non-point source pollution in agricultural, recreational, and academic areas and for construction activities, and include these practices as terms and conditions of leases of Stanford lands.

***Policy SCP-RC 12*:** In planning for new development and redevelopment, utilize site, building and landscape design features which serve to reduce non-point source pollution.

Health and Safety:

Strategy #6, Manage Hazardous Materials Safely and Efficiently: The strategy for hazardous material management and its associated policies focuses on issue of oversight and emphasizes compliance with the significant existing array of regulations and laws governing hazardous materials. It also incorporates a broadly recognized need to find substitute materials and reduce volumes of hazardous materials as much as possible to reduce risk levels.

***Policy HS 13*:** Employ all feasible measures to safely and effectively manage hazardous materials and wastes and to site hazardous wastes treatment facilities.

***Policy HS 14*:** Ensure compliance with all federal, state, and local regulations concerning hazardous waste management and disposal.

***Policy HS 17*:** Coordinate with Stanford and local jurisdictions in both reducing general risk levels and preparing for emergency response.

***Policy HS 18*:** Stanford shall prepare and maintain effective and feasible emergency plans for disaster response and recovery.

***Policy HS 19*:** Consider emergency prevention and ability for emergency response in review of development projects on the campus with regard to access, seismic risks, flooding, fire, and other emergency issues.

4.8.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to hazards and hazardous materials are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project would have a significant impact on the environment if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;

- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the area; and
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Issues Not Discussed in Impacts

Due to the nature of the proposed project, there would be no impact related to the following topics for the reasons described below:

- **Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires**. As discussed in Section 4.8.2, *Environmental Setting, Wildland Fires*, none of the housing opportunity sites are located within a CALFIRE-designated fire hazard zone or within a County-designated Wildland-Urban Interface zone. More information on the lack of wildfire risk to the project development locations can be found in Section 4.17 of this EIR, Environmental Topics Not Subjected to Detailed Analysis. As explained there, implementation of the proposed project would result in no impacts related to wildfire. Accordingly, this issue was not subjected to detailed analysis in the EIR and is not discussed further here.

Methodology and Assumptions

This environmental analysis of the potential impacts related to hazards and hazardous materials is based on a review of the results of a review of published reports, database research, the County of Santa Clara General Plan, and the Stanford Community Plan.

The project would be regulated by the various laws, regulations, and policies summarized above in Section 4.8.3, *Regulatory Setting*. Compliance with applicable federal, state, and local laws and regulations is assumed in this analysis and local and state agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with many of the regulations is a condition of permit approval.

A significant impact would occur if, after considering the features described in the Project Description and the required compliance with regulatory requirements, a significant impact would

still occur. For those impacts considered to be significant, mitigation measures are proposed to reduce the identified impacts.

Impacts and Mitigation Measures

Impacts

Impact HAZ-1: Implementation of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (*Less than Significant Impact*)

HEU and Stanford Community Plan

Construction

During the construction phase, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. The routine use or an accidental spill of hazardous materials could result in inadvertent releases, which could adversely affect construction workers, the public, and the environment.

Construction activities would be required to comply with numerous hazardous materials regulations designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to protect worker safety, and to reduce the potential for a release of construction-related fuels or other hazardous materials into the environment, including stormwater and downstream receiving water bodies. Contractors would be required to prepare and implement Hazardous Materials Business Plans (HMBPs) that would require that hazardous materials used for construction would be used properly and stored in appropriate containers with secondary containment to contain a potential release. The California Fire Code would also require measures for the safe storage and handling of hazardous materials.

As discussed in Section 4.6, *Geology, Paleontological Resources, and Mineral Resources*, construction contractors would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for construction activities according to the National Pollutant Discharge Elimination System (NPDES) Construction General Permit requirements. The SWPPP would list the hazardous materials (including petroleum products) proposed for use during construction; describe spill prevention measures, equipment inspections, equipment and fuel storage; protocols for responding immediately to spills; and describe BMPs for controlling site runoff.

In addition, the transportation of hazardous materials would be regulated by the USDOT, Caltrans, and the CHP. Together, federal and state agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of accidental release.

Finally, in the event of a spill that releases hazardous materials at a development site, a coordinated response would occur at the federal, state, and local levels, including the Santa Clara

County Fire Department, the Palo Alto Fire Department, or the San José Fire Department, depending on the location of the spill. In the event of a hazardous materials spill, the fire and police departments would be simultaneously notified and sent to the scene to respond and assess the situation.

The required compliance with the numerous laws and regulations discussed above that govern the transportation, use, handling, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to the use or accidental release of hazardous materials and would render this impact **less than significant**.

Operations

Once constructed, development projects would use and store small quantities of typical chemicals such as household cleaning solutions, paints and thinners, and motor fuel (e.g., vehicles and lawn mowers). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (i.e., less than 5 gallons). Given that the quantities would be small, routine use or an accidental spill of hazardous materials would render this impact **less than significant**.

Mitigation Measure: None required.

Impact HAZ-2: Implementation of the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (*Less than Significant Impact*)

HEU and Stanford Community Plan

As discussed in Section 4.8.2, *Environmental Setting, Schools,* there are several schools located within 0.25 mile of the Stanford area housing opportunity sites and potential future school location. None of the other housing opportunity sites in San José are located within 0.25 mile of a school. The construction of residential units under the HEU and potential future development of a school on the Stanford campus would include the handling of hazardous materials (though not acutely hazardous materials), as discussed above in Impact HAZ-1. The route to some of the locations could use roads that could pass near a school. The accidental release or spill of hazardous materials transported through the vicinity near the school could expose school children and workers to hazardous materials.

Construction

As discussed in Impact HAZ-1, there are numerous regulations covering the transportation, use, storage, and disposal of hazardous materials during construction activities. The required compliance with these regulations would ensure that nearby schools would not be exposed to hazardous materials. In addition, as discussed in Section 3.14, *Transportation*, construction that could affect nearby traffic due to temporary lane closures would be required to apply for and comply with the requirements of an encroachment permit from the local jurisdiction. Encroachment permits include the requirement to prepare and implement a construction traffic

control plan, which would manage the movement of vehicles, including those transporting hazardous materials on roads, including those adjacent to or near schools.

The required compliance with the numerous laws and regulations discussed above that govern the transportation, use, handling, and disposal of hazardous materials would limit the potential for creation of hazardous conditions near schools due to the use or accidental release of hazardous materials, and would render this impact **less than significant**.

Operations

Once constructed, the developed properties would use and store small quantities of chemicals typical in residential and school uses, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., vehicles and lawn mowers). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (i.e., less than 5 gallons). Given that the quantities would be small, the routine use or an accidental spill of hazardous materials near a school would render this impact **less than significant**.

Mitigation Measure: None required.

Impact HAZ-3: Implementation of the proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. (*Less than Significant Impact with Mitigation*)

HEU and Stanford Community Plan

Construction

As discussed in Section 4.8.2, *Environmental Setting, Hazardous Materials Sites,* there are two active hazardous materials cleanup sites located on the housing opportunity sites: 1) at the corner of Camden and Leigh Avenues in San José (see Figure 4.8-5) and at the former Pleasant Hills Golf Course site (see Figure 4.8-6). In addition, relative to all of the housing opportunity sites and the potential future school location on the Stanford campus, there are various nearby closed hazardous materials cleanup sites that may have residual levels of contamination in soil and/or groundwater near or under some of the project locations. Finally, the records search for active and closed hazardous materials sites was conducted during the preparation of this EIR; new hazardous materials spill or release sites may occur subsequent to the preparation of this EIR. Therefore, construction facilitated by the project's implementation could encounter contamination associated with a hazardous materials site that expose people or the environment to hazardous materials.

Consequently, construction activities have the potential to encounter hazardous materials. To address encountering contaminated materials during construction, each development project would be required to implement the following mitigation measures:

Mitigation Measure HAZ-1, Conduct Phase I Environmental Site Assessment

Prior to development on any project site, the project applicant shall conduct a Phase I Environmental Site Assessment in general accordance with the current version of ASTM 1527 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. This Standard requires checking regulatory agency databases such as the SWRCB GeoTracker and DTSC EnviroStor websites for the status of hazardous waste sites and landfill investigations and cleanups at the time of the proposed development, visually inspecting sites for hazardous materials, and interviewing persons knowledgeable about the site regarding hazardous materials use. The results of the Phase I assessment may indicate the potential or actual presence of hazardous materials, which would require subsequent investigations and cleanups. These investigations and cleanups would be required to comply with the regulatory requirements summarized in the Regulatory Setting.

Mitigation Measure HAZ-2: Health and Safety Plan

Before the start of ground-disturbing activities, including grading, trenching, or excavation, or structure demolition on any project site, the project applicant shall require that construction contractor(s) retain a qualified professional to prepare a site-specific health and safety plan (HASP) in accordance with federal Occupational Safety and Health Administration regulations (29 CFR 1910.120) and California Occupational Safety and Health Administration regulations (8 CCR Section 5192).

The HASP shall be implemented by the construction contractor(s) to protect construction workers, the public, and the environment during all ground-disturbing and construction activities. HASPs shall be submitted to the County of Santa Clara Department of Environmental Health for review before the start of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The HASP shall include, but not be limited to, the following elements:

- Designation of a trained, experienced site safety and health supervisor who has the responsibility and authority to develop and implement the site HASP.
- A summary of all potential risks to demolition and construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals.
- Specified personal protective equipment and decontamination procedures, if needed.
- The requirement to prepare documentation showing that HASP measures have been implemented during construction (e.g., tailgate safety meeting notes with signup sheet for attendees).
- A requirement specifying that any site worker who identifies hazardous materials has the authority to stop work and notify the site safety and health supervisor.
- Emergency procedures, including the route to the nearest hospital.
- Procedures to follow if evidence of potential soil or groundwater contamination is encountered (such as soil staining, noxious odors, debris or buried storage containers). These procedures shall be followed in accordance with hazardous waste operations regulations and specifically include, but not be limited to, immediately stopping work in the vicinity of the unknown hazardous materials release; notifying the County and retaining a qualified environmental firm to perform sampling and remediation.

Mitigation Measure HAZ-3: Site Management Plan

In support of the HASP described in Mitigation Measure HAZ-2, the project applicant for the specific work proposed shall require that contractor(s) develops and implements a site management plan (SMP) for the management of soil, soil gas, and groundwater before any ground-disturbing activity for properties with known or suspected contamination. The SMP shall include the following, at a minimum:

- Site description, including the hazardous materials that may be encountered.
- Roles and responsibilities of onsite workers, supervisors, and the regulatory agency.
- Training for site workers focused on the recognition of and response to encountering hazardous materials.
- Protocols for the materials (soil and dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner.
- Reporting requirement to the County of Santa Clara Department of Environmental Health, documenting that site activities were conducted in accordance with the SMP.

The SMP shall be submitted to the County of Santa Clara Department of Environmental Health for review before the start of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The contract specifications shall mandate full compliance with all applicable federal, state, and local regulations.

Significance After Mitigation: With implementation of Mitigation Measure HAZ-1, each development site would evaluated through an application to the County for development prior to construction to assess whether hazardous materials issues are present that could affect the development of the site. If hazardous materials issues are identified, Mitigation Measures HAZ-2 and HAZ-3 would establish procedures to investigate and clean up hazardous materials encountered during construction in a manner that would meet applicable regulatory standards. Implementation of these mitigation measures would reduce the impact to **less than significant**.

Operations

Once constructed, the residences and potential future school would use and store small quantities of chemicals typical of residential and school uses, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., vehicles and lawn mowers). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (i.e., less than 5 gallons). Given that the quantities would be small, the routine use or an accidental spill of hazardous materials near a school would render this impact **less than significant**.

Impact HAZ-4: Implementation of the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (*Less than Significant Impact*)

HEU and Stanford Community Plan

Construction activities would require construction workers, equipment, and materials to enter and exit development sites. In addition, the construction activities may require temporary road restrictions of closures on public roads to facilitate access to the sites or to construct utilities to existing utilities in roads. Temporary road closures could adversely affect emergency vehicles passing by the construction sites.

Construction

As discussed in Section 3.14, *Transportation*, development projects that affect nearby traffic due to temporary lane closures would be required to apply for and comply with the requirements of an encroachment permit from the local jurisdiction. Encroachment permits include the requirement to prepare and implement a construction traffic control plan, which would manage the movement of construction vehicles accessing and exiting the site. In addition, the traffic control plan would describe procedures to manage traffic flow if temporary road closures are necessary (e.g., construction of utility trenches to access existing utilities in a public road or sidewalk). The required compliance with traffic control plans would ensure that emergency response vehicles would be able to pass by active construction sites and would render this impact **less than significant**.

Operations

Once constructed, the housing opportunity sites would not restrict or close roads and would render this impact **less than significant**.

Mitigation Measure: None required.

Impact HAZ-5: Implementation of the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area related to a public airport or public use airport. (*Less than Significant Impact*)

HEU and Stanford Community Plan

As discussed in Section 4.8.2, *Environmental Setting, Airports*, the Reid-Hillview County Airport is within 2 miles of the housing opportunity sites at the former Pleasant Hills Golf Course site and the sites near Alum Rock. However, neither of the housing opportunity sites are located within the airport's safety or noise hazard zones. The former Pleasant Hills Golf Course site is within the airport's 283–433-foot height restriction area. None of the other housing opportunity sites or the potential future school site on the Stanford campus are located within 2 miles of an airport, nor are they included in any safety or noise hazard zones as delineated in an airport land use plan.

Construction

As none of the project locations are located within any delineated safety or noise hazard zones, the project would not result in a noise or safety hazard to people working or residing in the area. Additionally, FAA regulations would prohibit any structures at the former Pleasant Hills Golf Course site from being constructed above the established height restriction without special permission from the FAA. As such, impacts related to noise and safety concerns would be **less than significant**.

Operation

As the FAA building height restrictions applicable to the Pleasant Hills Golf Course would be applied to any structures there, no impact would occur during operation. Additionally, as stated above, none one the other sites associated with the project are located within any established safety or noise hazard zone. The impact during operations would therefore be **less than significant**.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to hazards and hazardous materials could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects described in Section 4.0.3, *Cumulative Impacts*. As previously discussed, the project would have no impact with respect to wildfire hazards. Accordingly, the project could not contribute to cumulative impacts related to that topic and is not discussed further.

The geographic area affected by the project and its potential to contribute to cumulative impacts varies based on the environmental resource under consideration. The geographic scope of analysis for cumulative hazardous materials impacts encompasses and is limited to the project's development sites and their immediately adjacent area. This is because impacts relative to hazardous materials are generally site-specific and depend on the nature and extent of the hazardous materials release, and existing and future soil and groundwater conditions. For example, hazardous materials incidents tend to be limited to a smaller and more localized area surrounding the immediate spill location and extent of the release and could only be cumulative if two or more hazardous materials releases spatially overlapped.

The timeframe during which the project could contribute to cumulative hazards and hazardous materials effects includes the construction and operations phases. For the project, the operations phase is assumed to be permanent. However, similar to the geographic limitations discussed above, it should be noted that impacts relative to hazardous materials are generally time-specific. Hazardous materials events could only be cumulative if two or more hazardous materials releases occurred at the same time, as well as overlapping at the same location.

Impact HAZ-6: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect related to hazards and hazardous materials. (*Less than Significant Impact*)

HEU and Stanford Community Plan

Cumulative Impacts During Project Construction

Significant cumulative impacts related to hazards and hazardous materials could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects discussed above to substantially increase risk that people or the environment would be exposed to hazardous materials.

The construction activities for all these cumulative projects would be subject to the same regulatory requirements discussed for the proposed project for compliance with existing hazardous materials regulations, including spill response. Cumulative projects that have spills of hazardous materials would be required to remediate their respective sites to the same established regulatory standards as the proposed project. This would be the case regardless of the number, frequency, or size of the release(s). The responsible party associated with each spill would be required to remediate site conditions to the same established regulatory standards. The residual less-than-significant effects of the project that would remain after mitigation would not combine with the potential residual effects of cumulative projects to cause a potential significant cumulative impact because residual impacts would be highly site-specific and would be remediated to below regulatory standards. Accordingly, no significant cumulative impact with respect to the use of hazardous materials would result. For the above reasons, the proposed project would not cause or contribute to a cumulatively considerable impact with respect to the use of hazardous materials, and impacts would be **less than significant**.

Construction for two or more projects that occur at the same time and use the same roads could cause interference with emergency access. However, development projects that affect nearby traffic due to temporary lane closures would be required to apply for and comply with the requirements of an encroachment permit from the local jurisdiction. Encroachment permits include the requirement to prepare and implement a construction traffic control plan, which would manage the movement of construction vehicles accessing and exiting the site. In addition, the traffic control plan would describe procedures to manage traffic flow if temporary road closures are necessary (e.g., construction of utility trenches to access existing utilities in a public road or sidewalk). The required compliance with traffic control plans would ensure that emergency response vehicles would be able to pass by active construction sites and would render this impact **less than significant**.

Mitigation Measure: None required.

Cumulative Impacts During Project Operation

Significant cumulative impacts related to operational hazards could occur if the incremental impacts of the project combined with those of one or more of the above-listed projects to cause a substantial increase in risk that people or the environment would be exposed to hazardous materials used or encountered during the operations phase.

Once constructed, the residences would use and store small quantities of chemicals typical in residences and school facilities, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., cars and lawn mowers). Few of the chemicals would be considered hazardous materials (e.g., bleach) and the anticipated volumes would be small (i.e., less than 5 gallons). Given that the quantities would be small, the implementation of the proposed project would not cause or contribute to a cumulatively significant impact with respect to the use of hazardous materials, and impacts would be **less than significant**.

For the cumulative projects, the nature and the use of hazardous materials for the cumulative projects would be similar to that of the proposed project, in that the cumulative project components involving the handling, storage, and disposal of hazardous materials would be required to prepare and implement an HMBP and comply with applicable regulations, including those governing containment, site layout, and emergency response and notification procedures in the event of a spill or release. Transportation and disposal of wastes, such as spent cleaning solutions, would also be subject to regulations for the safe handling, transportation, and disposal of chemicals and wastes. As noted previously, such regulations include standards to which parties responsible for hazardous materials releases must return spill sites, regardless of location, frequency, or size of release, or existing background contaminant concentrations to their original conditions. Therefore, compliance with existing regulations regarding hazardous materials transport would reduce the risk of environmental or human exposure to such materials. The combined effects of the project and cumulative projects would not be cumulatively considerable result in a significant cumulative impact, and impacts would be **less than significant**.

4.8.5 References

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4.9 Hydrology and Water Quality

4.9.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to potentially result in substantial adverse effects related to Hydrology and Water Quality. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to water quality, surface waters, groundwater, and flooding. Further below, existing plans and policies relevant to hydrology and water quality associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to water resources that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR. Comments relevant to hydrology and water quality included those submitted by Valley Water, which focused on water supplies, groundwater, easements, well registration, and flood potential in the HEU and SCP update area. The Mid-Peninsula Open Space District commented regarding potential impacts associated with loss of permeability (of the landscape), water infiltration to recharge groundwater, and associated effects on downstream creeks.

The California Department of Fish and Wildlife noted potential impacts to riparian habitats including the Llagas Creek drainage channel in Gilroy and alteration of hydrology through diversion of water, and the City of Morgan Hill submitted comments concerning water and sewer capacity. With respect to these comments, it should be noted that the second NOP and the revised list of HEU housing opportunity sites do not include any sites in Gilroy or Morgan Hill, so potential impacts specific to those areas will not be discussed further. However, impacts related to riparian issues are evaluated as applicable in Section 4.3 of this EIR, *Biological Resources*. Likewise, impacts related to water and sewer capacity are addressed where applicable in Section 4.16 of this EIR, *Utilities and Service Systems*.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994).
- Stanford University Community Plan (SCP; 2000).
- Water Quality Control Plan San Francisco Bay Region (2018).

- FEMA National Flood Hazard Layer (2009).
- Groundwater Management Plan for the Santa Clara and Llagas Subbasins (2021).
- Water Supply Assessment, County of Santa Clara 6th Cycle Housing Element Update. San Jose Water (2023). See **Appendix C** of this EIR.
- Santa Clara County Housing Element Update Water Supply Assessment – Stanford University. West Yost (2023). See **Appendix C** of this EIR.

4.9.2 Environmental Setting

Santa Clara County is in the Santa Clara Valley between the Santa Cruz Mountains to the west and the Diablo Range to the east. The climate in this region is characterized by coastal and bay influences, with mild to moderate temperatures year-round. The region averages approximately 14.5 inches of rain per year, with rainfall generally occurring between October and May, as is typical for California's Mediterranean climate.

The entirety of the HEU and SCP update would be located within an area under the water quality jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB).

Surface Waters

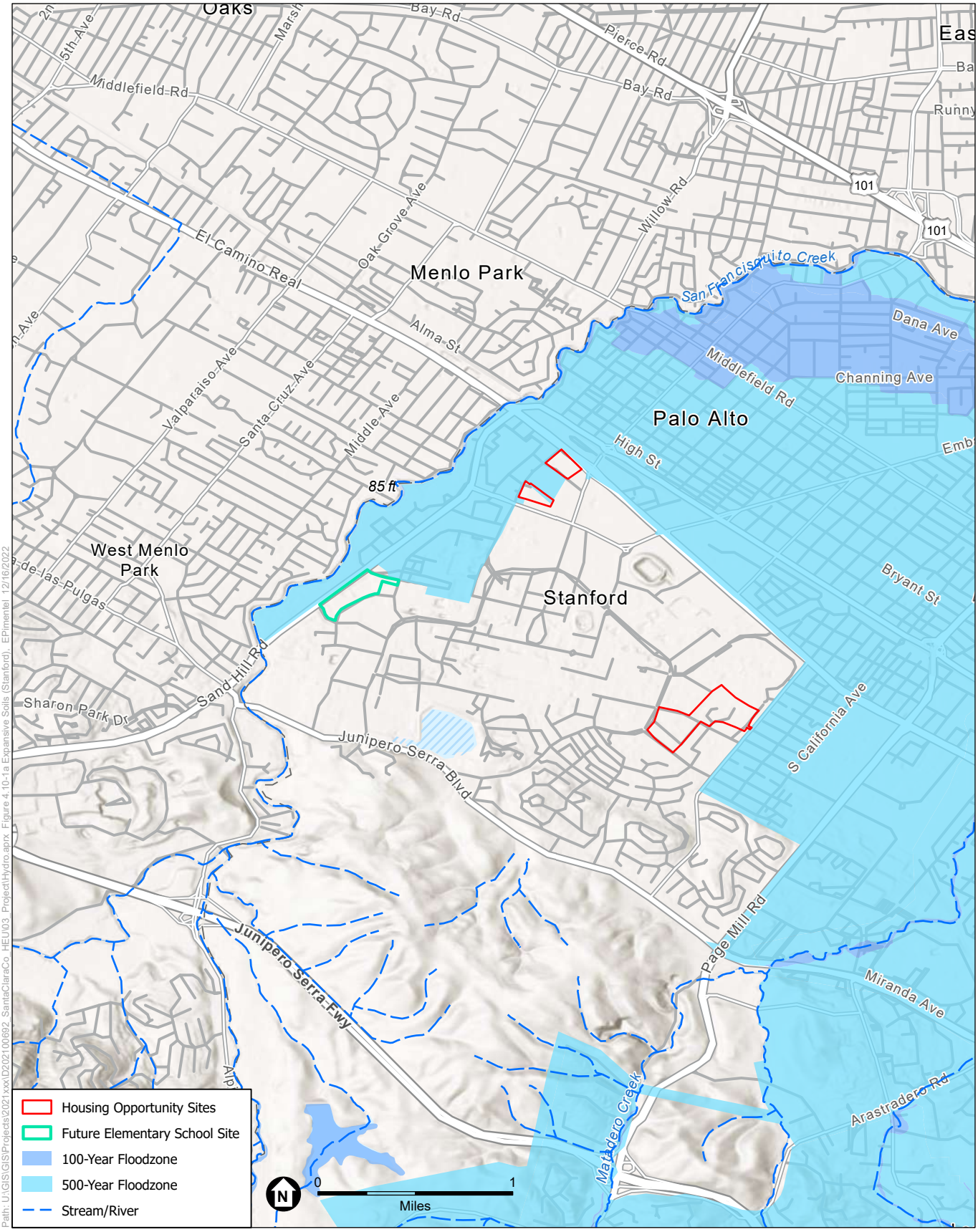
The project area includes multiple watersheds in the San Francisco Bay basin. Surface waters are depicted in **Figures 4.9-1a** through **4.9-1d**.

San José Housing Opportunity Sites

The only San José housing opportunity sites that include or are near surface waters are at the former Pleasant Hills Golf Course just west of the Valle Vista neighborhood. The Pleasant Hills Golf Course is bordered by Flint Creek on the north side (north of Flint Crest Drive) and flanked by South White Road to the west and Tully Road to the south. An unnamed ephemeral waterway crosses through the site as depicted on Figure 4.9-1d. Flint Creek is an ephemeral waterway which, along with Little Silver Creek contributes seasonal flows to Lake Cunningham just southwest of the proposed HEU sites. Lake Cunningham is a 50-acre surface reservoir within a park managed by San José Regional Parks. Flint Creek and Lake Cunningham are in the Lower Silvercreek subwatershed; Lower Silvercreek is a tributary to Coyote Creek.

Stanford Community Plan

The SCP area is within the San Francisquito Creek and Los Trancos Creek watersheds in the western portion of the SCP area, and the Matadero Creek watershed encompassing the eastern portion of the SCP area. The San Francisquito Creek headstream is in the Santa Cruz Mountains at the confluence of Bear Creek and Corte Madera Creek (below Searsville Reservoir). The creek runs approximately 13 miles, and after exiting the foothills near Junipero Serra Boulevard and Alpine Road continues into a confined channel, eventually draining into the Bay south of the Dumbarton Bridge. Los Trancos Creek joins San Francisquito Creek downstream between I-280 and the Stanford Golf Course. Substantial portions of San Francisquito Creek and its tributaries

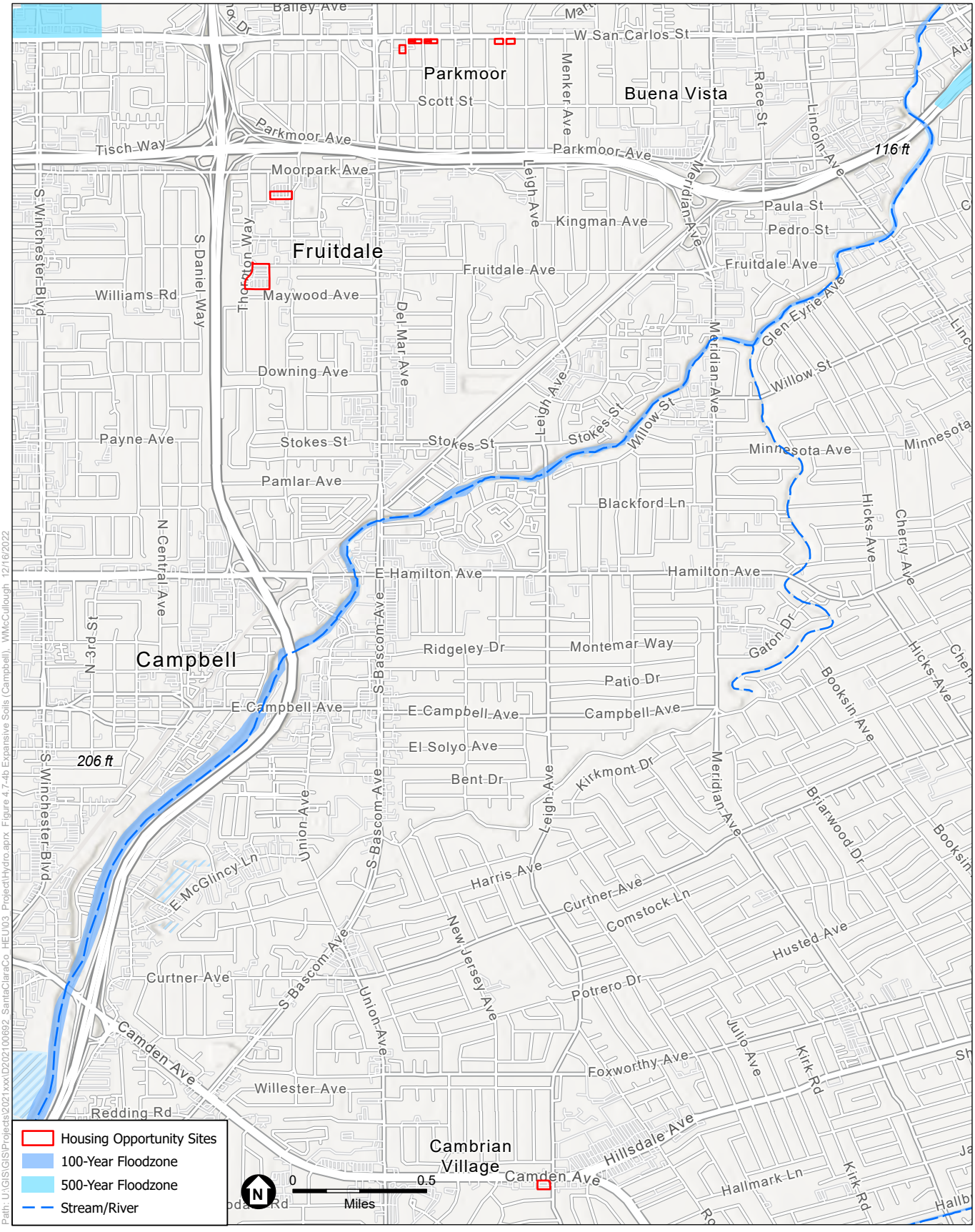


SOURCE: ESA, 2022

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.9-1a
Flood Zones and Surface Water
Stanford

ESA

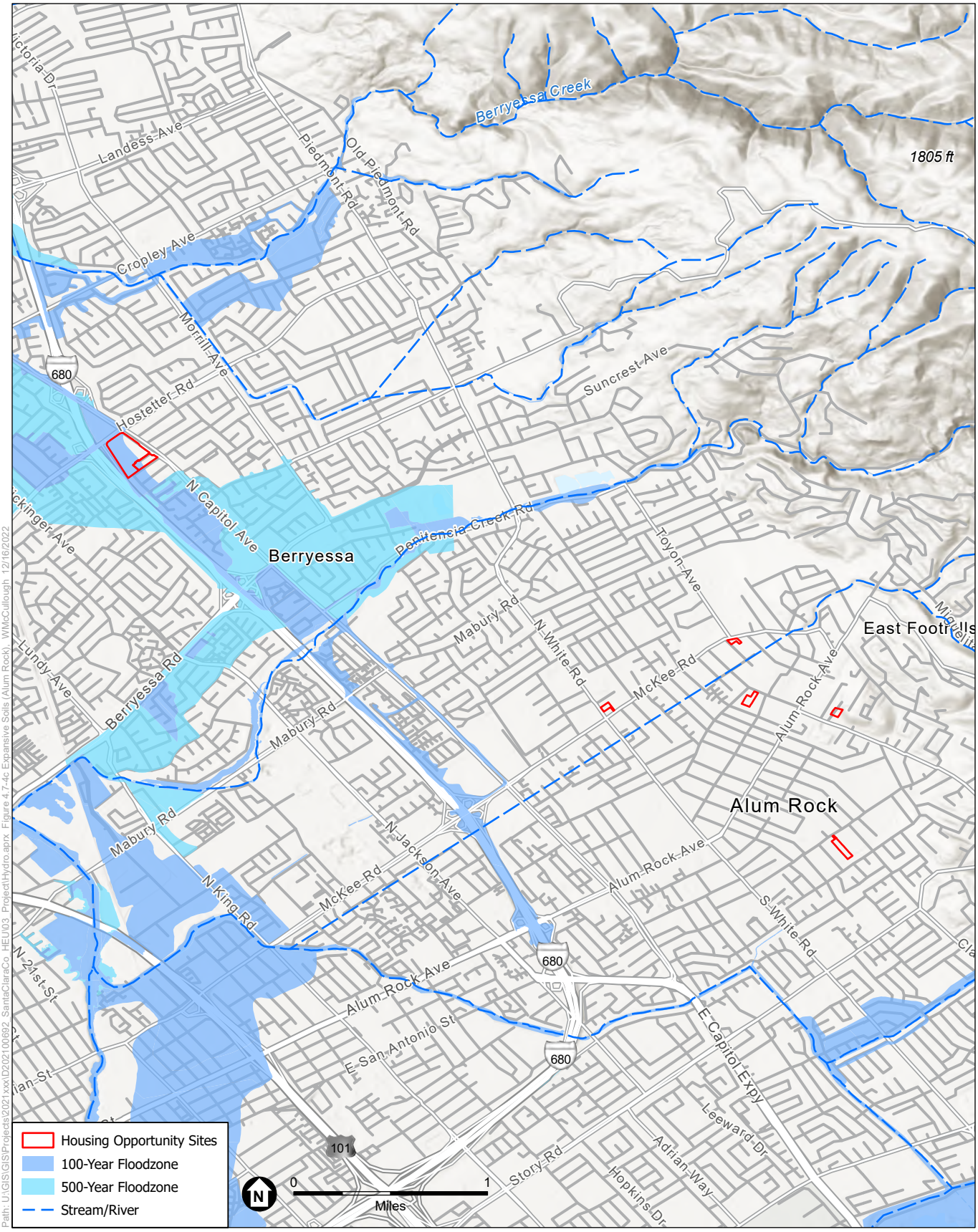


SOURCE: ESA, 2021

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.9-1b
Flood Zones and Surface Water
Fruitdale

ESA

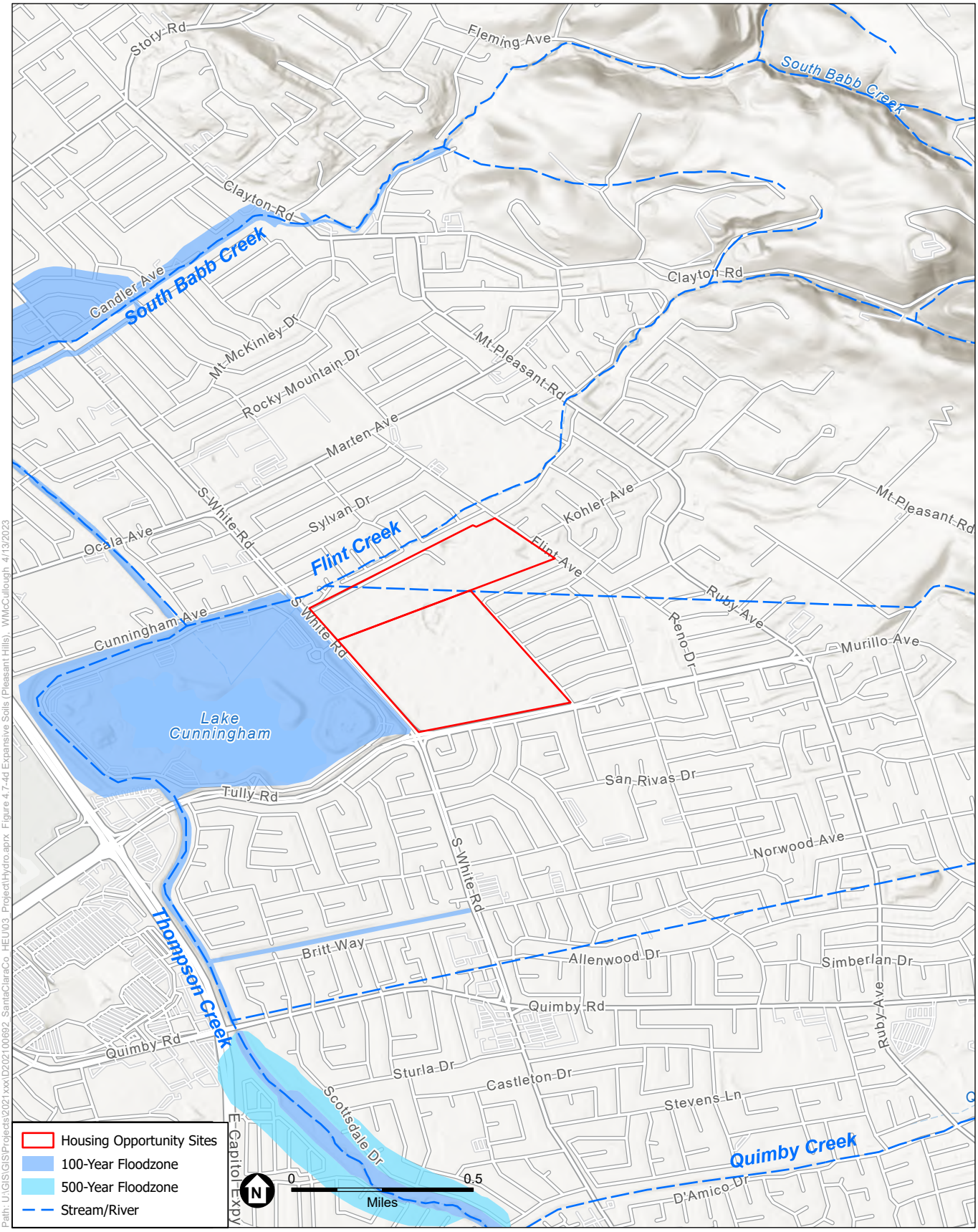


SOURCE: ESA, 2021

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.9-1c
Flood Zones and Surface Water
Alum Rock

ESA



SOURCE: ESA, 2022

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.9-1d
Flood Zones and Surface Water
Pleasant Hills

ESA

dry up in by mid-summer in all but the wettest rain years. Matadero Creek also has its headwaters in the Santa Cruz Mountains and proceeds northeasterly for 8 miles before joining Adobe Creek and discharging to the San Francisco Bay.

Flooding and Drainage

Flooding is inundation of normally dry land as a result of a rise in surface water levels or rapid accumulation of stormwater runoff during storm events. The Federal Emergency Management Agency (FEMA), through its Flood Insurance Rate Mapping (FIRM) program, designates areas where urban flooding could occur during 100-year and 500-year flood events (see Figures 4.9-1a through 4.9-1d). Statistically, a 100-year flood event has a one-percent probability of occurring in a single year, though as a practical matter 100-year floods can occur in consecutive years or periodically throughout a decade. A 500--year flood event has a 0.2 percent probability of occurring in a single year. As can be seen in Figures 4.9-1a through 4.9-1d, there are several locations within the project area that lie within the 100--year floodplain.

Surface Water Quality

A review of the California 2022 Integrated Report Map shows that multiple creeks in the County are listed on the Clean Water Act 303(d) list[1] (SWRCB, 2022a). San Francisquito Creek (extending from Searsville Lake to the South San Francisco Bay) is listed on the Clean Water Act (CWA) 303(d) list as impaired for pollutants such as trash, sedimentation/siltation, and diazinon (RWQCB, 2018a). South San Francisco Bay and several tributaries passing through the San José area are also listed on the 303(d) list for various pollutants as shown on **Table 4.9-1** (RWQCB, 2018b).

Groundwater Resources

Groundwater in the Santa Clara Valley Groundwater Basin naturally flows towards San Francisco Bay from the uplands in the southwest. Reverse groundwater gradients, from San Francisco Bay toward the uplands, have been seen when pumping has exceeded the rate of recharge. Natural recharge occurs by infiltration of water from streams that enter the valley from the upland areas within the drainage basin and by percolation of precipitation that falls directly on the valley floor. The groundwater recharge areas in the Santa Clara Plain are generally along the perimeter of the subbasin, generally east of Highway 680 and west of Highway 280, with confined areas within the flatland valley, roughly bisected by Highway 101.

According to the 2020 UWMP prepared by Valley Water, groundwater conditions throughout the County are sustainable, with managed and in-lieu recharge programs maintaining adequate storage to meet annual water supply needs and provide a buffer against drought or other shortages. Although groundwater levels declined during the recent (2012-2016) statewide drought, groundwater levels in the Santa Clara and Llagas subbasins quickly recovered after that period of drought, mainly due to Valley Water's comprehensive water management activities and proactive response measures (Valley Water 2021). In the year 2020, managed recharge in the subbasin provided about 63 percent of the total inflow and groundwater pumping accounted for

[1] The term 303(d) list is short for the state's list of impaired and threatened waters (e.g., stream/river segments, lakes). The state identifies the pollutant causing the impairment, when known.

about 91 percent of outflows. In 2020, the outflows exceeded the inflows, resulting in a net decrease in countywide groundwater storage of 21,700 AF from 2019 to 2020 (Valley Water, 2020).

TABLE 4.9-1
CWA 303(D) LISTED SURFACE WATERS

CWA 303(d) Listed Surface Water	Listed pollutant	Source	Status
San Francisquito Creek			
	Diazinon	Unknown	Being addressed by a USEPA-approved[b] TMDL [c]
	Sedimentation/siltation	Unknown	TMDL required
	Trash	Unknown	Being addressed by an action other than a TMDL
South San Francisco Bay			
	Mercury	Unknown	Being addressed by a USEPA-approved TMDL
	Dieldrin	Unknown	TMDL required
	Selenium	Unknown	TMDL required
	DDT	Unknown	TMDL required
	Chlordane	Unknown	TMDL required
	PCBs	Unknown	Being addressed by a USEPA-approved TMDL
	Dioxin compounds	Unknown	TMDL required
	Furon compounds	Unknown	TMDL required
	Invasive species	Unknown	TMDL required
Los Gatos Creek			
	Diazinon	Unknown	Being addressed by a USEPA-approved[b] TMDL [c]
	Temperature, water	Unknown	TMDL required.
Matadero Creek			
	Diazinon	Urban runoff/storm sewers	Being addressed by a USEPA-approved[b] TMDL [c]
	Trash	Unknown	Being addressed by an action other than a TMDL
Coyote Creek			
	Diazinon	Unknown	Being addressed by a USEPA-approved TMDL
	Toxicity	Unknown	TMDL required
	Trash	Unknown	Being addressed by an action other than a TMDL

NOTES:

a The term 303(d) list is short for the State's list of impaired and threatened waters (e.g., stream/river segments, lakes). The State identifies the pollutant causing the impairment, when known.
b USEPA = U.S. Environmental Protection Agency
c TMDL refers to total maximum daily load which is the maximum quantity of a particular contaminant that a waterbody can assimilate without experiencing adverse effects on the beneficial use identified.

SOURCE: California State Water Quality Control Board, 2022a.

The estimated annual recharge rate of the San Francisquito Creek watershed ranges from 4,000 to 8,000 acre-feet per year, which is equivalent to a range of 3.6 to 7.2 million gallons per day (mgd). Depth to groundwater ranges between 30 to 60 feet below ground surface in the SCP Area. Groundwater on the Stanford campus is obtained from the San Francisquito Cone subbasin, which is part of the larger Santa Clara Valley groundwater basin.

The northern portion of the project area (including the SCP update land) overlies the southern end of the Santa Clara Groundwater Subbasin (groundwater basin number 2-009.02; DWR, 2004; or "subbasin") of the Santa Clara Valley Groundwater Basin. The subbasin is not adjudicated, nor has it been found by the Department of Water Resources (DWR) to be in a condition of overdraft (i.e., where groundwater extraction exceeds recharge). As part of the implementation of the Sustainable Groundwater Management Act (SGMA), discussed in additional detail in the regulatory setting, the subbasin was ranked as a "high priority" subbasin under the Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization process in 2019.

Local water suppliers in this region do not rely principally on groundwater for their water supplies; however, Stanford University supplements its non-potable landscape irrigation system by pumping groundwater into its Lake water system. Stanford can also treat and pump groundwater into the domestic water system in the event of an emergency or other operational need (Stanford, 2022).

Groundwater Quality

The majority of wells in Santa Clara County produce high quality water meeting drinking water standards with no need for additional treatment beyond disinfection (Valley Water, 2021). The exception to this involves elevated nitrite levels in the southern portion of the County, which is not a part of the HEU's study area.

Water Supply

Project development sites located in San José would be served by San José Water, which provides water to the City of San José and other jurisdictions in the area from a diverse portfolio of water supplies. These include imported treated surface water from Valley Water's local reservoirs, the State Water Project, and the federally funded Central Valley Project San Felipe Division. San José Water also draws groundwater from the Santa Clara Subbasin, which is part of the larger Santa Clara Valley Basin. On average, groundwater from the subbasin accounts for 30 to 40 percent of San José Water's total water supply. San José Water also enjoys pre-1914 surface water rights to Saratoga Creek, Los Gatos Creek, and their associated watersheds. San José Water also utilizes recycled water supplies. Groundwater pumping by San José Water over the last several years is shown below in **Table 4.9-2**. The values shown represent acre feet per year (AFY).

TABLE 4.9-2
HISTORICAL GROUNDWATER VOLUME PUMPED BY SAN JOSÉ WATER, AFY

2016	2017	2018	2019	2020
32,644	42,194	36,075	32,825	53,276

SOURCE: San José Water. 2023. County of Santa Clara 6th Cycle Housing Element Update Water Supply Assessment. (Appendix C of this EIR)

Water supplies for the Stanford campus are also diverse. Stanford's primary source of potable water supply is from the San Francisco Regional Water System (RWS), which is operated by the San Francisco Public Utilities Commission (SFPUC). This water is purchased by Stanford from SFPUC under a wholesale contract. Stanford has the capability to supplement potable supplies with groundwater if needed. In addition, Stanford uses local surface supplies and groundwater for non-potable uses like landscape irrigation. The non-potable distribution system is referred to as the Lake Water System. Groundwater pumped from five Stanford-owned and operated wells over the Santa Clara Valley Groundwater Subbasin is currently used only for non-potable uses such as landscape irrigation and is relied upon most during dry years, although groundwater could be used to supplement potable water supply from SFPUC if needed. Groundwater is also pumped into Stanford's Felt Reservoir for rediversion into the Lake Water System. Groundwater pumping on the Stanford campus over the last several years is shown below in **Table 4.9-3**. The values shown represent acre feet per year (AFY).

TABLE 4.9-3
HISTORICAL GROUNDWATER VOLUME PUMPED BY STANFORD, AFY

2016	2017	2018	2019	2020
690	456	554	0	0

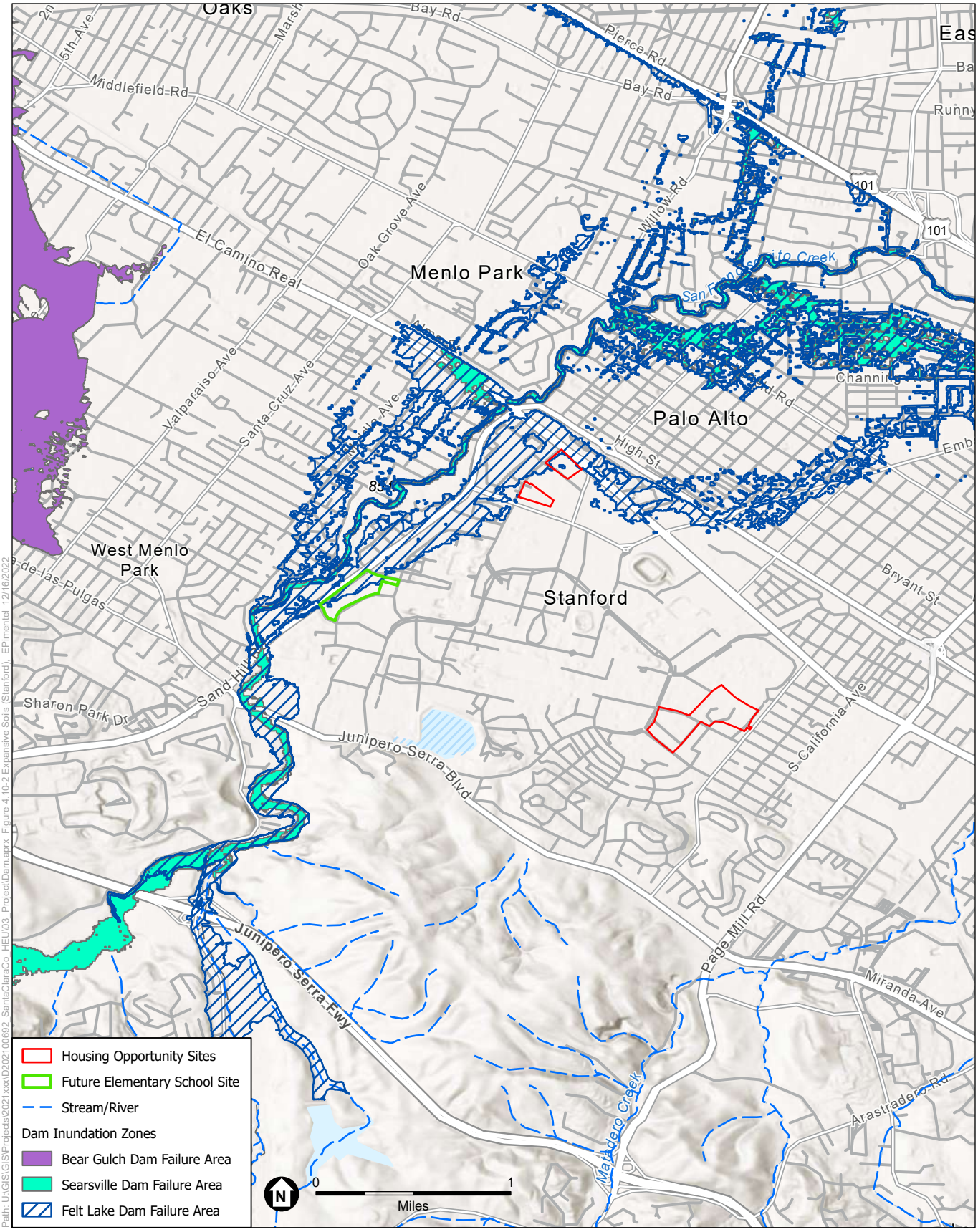
SOURCE: West Yost. 2023. Santa Clara County Housing Element Update Water Supply Assessment. (Appendix C of this EIR)

Inundation from Dam Failure

Dam failure is the uncontrolled release of impounded water (such as a lake or reservoir) behind a dam. Possible causes for dam failure include poor maintenance, flooding, landslides, earthquakes, vandalism, or other issues. Dam failure is extremely rare. There are 10 reservoirs in Santa Clara County owned by the Santa Clara Valley Water District (Valley Water) that present a risk of downstream inundation in the event of a dam failure that could result from an earthquake or other catastrophic event. None of the reservoirs have a dam breach inundation zone that overlaps with any of the HEU housing opportunity sites in San José.

The dam inundation zones for the SCP update area include the (hypothetical sunny day failure) of Searsville Dam and Felt Lake (DSOD, 2021). The southwestern HEU opportunity site within the SCP area could become partially inundated if the dams at Searsville Reservoir and Felt Lake were to become structurally compromised, as depicted on **Figure 4.9-2**. Stanford is currently planning for major modifications to Searsville Dam and Felt Lake to address fish passage, sedimentation, water storage capacity, and seismic upgrades (Stanford, 2020).

Felt Lake (CA00670) owned by Stanford University, is a 900 acre-feet (AF) capacity reservoir with an earthen embankment constructed in 1930. The assessed condition for this structure is satisfactory, meaning that no existing or potential dam safety deficiencies are recognized, and acceptable performance is expected under all loading conditions (static, hydrologic, seismic) in accordance with the minimum applicable state or federal regulatory criteria or tolerable risk guidelines. The downstream hazard rating for this structure is categorized as extremely high.



SOURCE: ESA, 2022; DWR, 2021

Santa Clara County Housing Element and Stanford Community Plan Update

Figure 4.9-2
Dam Inundation Zones
Stanford

ESA

Searsville Dam and Reservoir, also owned by Stanford University, was constructed in 1892 as an 1,840 AF capacity reservoir. Over the intervening years, sedimentation has greatly reduced the reservoir to less than 10 percent of its original capacity. Water stored at Searsville Reservoir provides one of several sources of non-potable water used at Stanford for landscape irrigation, agriculture, and fire protection. Due to drought, limited use of the impounded water has occurred in recent years (Stanford University, 2015). The assessed condition of the dam is satisfactory and downstream hazard rating is categorized as extremely high (DSOD, 2021).

Tsunami and Seiche Hazards

Tsunamis are ocean waves generated by vertical movement of the sea floor, normally associated with earthquakes or volcanic eruptions. With the exception of a small area in the northern part of the County encompassing Alviso and Guadalupe sloughs, most of Santa Clara County is outside of an identified tsunami inundation zone (DOC, 2019). None of the HEU opportunity sites or the SCP area are located in such a zone.

A seiche is a standing wave or an oscillation in an enclosed or partially enclosed body of water. The term originates from a Swiss French dialect meaning “to sway back and forth.” Sources of seiche activity include seismic events such as earthquakes or fault slips. The key requirement for the formation of a seiche is that a body of water be at least partially bounded, allowing for a standing wave to form. Felt Reservoir is the only reservoir within the SCP update area that could be subject to seiches, however this reservoir is not close enough to present a seiche risk to the SCP area. There are no reservoirs of adequate size in vicinity of the HEU sites to present seiche risks to the housing opportunity sites.

Sea Level Rise

The Santa Clara County Office of Sustainability has developed a tool for climate risk assessment, adaptation, and resilience planning, including high resolution mapping to identify geographic areas in the County that may be vulnerable to conditions of sea level rise by mid- or end of the 21st century. A review of current sea level rise maps indicates that the northern portion of the County adjacent to San Francisco Bay is at risk of storm surge and sea level rise (Santa Clara County, 2022). None of the HEU or SCP opportunity sites are close enough to San Francisco Bay to be within the mapped areas of vulnerability.

4.9.3 Regulatory Setting

Federal

Clean Water Act

The Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (CWA) was enacted in 1948 and expanded in 1972 as a basic structure for regulating discharges of pollutants into the waters of the United States and regulating water quality standards for surface waters (USEPA, 2019). The U.S. Environmental Protection Agency (USEPA) is the federal agency responsible for water quality management pursuant to the CWA. The purpose of the

CWA is to protect and maintain the quality and integrity of the Nation's waters by requiring states to develop and implement state water plans and policies. The relevant sections of the CWA are summarized below.

CWA Section 402: National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program under Section 402 of the CWA is one of the primary mechanisms for controlling water pollution through the regulation of sources that discharge pollutants into waters of the United States. USEPA has delegated authority of issuing NPDES permits in California to the SWRQB, which has nine Regional Water Quality Control Boards (RWQCBs). The proposed project is located in the San Francisco Bay Region (Region 2). The San Francisco Bay RWQCB regulates water quality in the project area. The NPDES permit program is discussed in detail under *State Regulations*.

National Flood Insurance Program

FEMA determines flood elevations and floodplain boundaries based on studies by USACE. FEMA also distributes the Flood Insurance Rate Maps, or FIRMs, used in the National Flood Insurance Program (NFIP). These maps identify the locations of special flood hazard areas, including 1-percent-annual-chance (100-year) floodplains.

Code of Federal Regulations Title 44, Part 60, sets forth federal regulations that govern development in floodplains. Those regulations enable FEMA to require municipalities participating in the NFIP to adopt certain flood hazard reduction standards for construction and development in 100-year floodplains. These standards are described in the discussion of local regulations later in this section.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act, also known as the Porter-Cologne Act (Division 7 of the California Water Code), provides the basis for water quality regulation in California. The Porter-Cologne Act defines water quality objectives as the limits or levels of water constituents that are established for reasonable protection of beneficial uses of surface, ground, and saline waters of the state. The State Water Resources Control Board (State Water Board) administers water rights, water pollution control, and water quality functions throughout California, while the San Francisco Bay Regional Water Quality Control Board conducts planning, permitting, and enforcement activities.

The Porter-Cologne Act requires each regional water board to establish a regional basin plan with objectives for achieving and maintaining water quality, while acknowledging that water quality may change to some degree without unreasonably affecting beneficial uses. Changes in water quality are allowed if the change is consistent with the state's maximum beneficial use, does not unreasonably affect present or anticipated beneficial uses, and does not result in water quality less than that prescribed in the basin plans.

Construction General Stormwater Permit

As described in Section 4.6, *Geology, Soils, and Paleontological Resources*, the Project would be subject to the NPDES *General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities*, referred to here as the "Construction General Permit" (State Water Board Order WQ 2022-0057-DWQ, NPDES No. CAS000002). The Construction General Permit requires development of a stormwater pollution prevention plan (SWPPP) that includes best management practices (BMPs) to prevent sediment and pollutants from entering a waterway, and that regulates stormwater discharges from construction or demolition activities, such as clearing and excavation; construction of buildings; and linear underground projects, including installation of water pipelines and other utility lines (SWRCB, 2022b).

Dewatering Permit

Construction activities such as excavation and trenching in areas with shallow groundwater would require dewatering, which would be subject to the Regional Water Board construction dewatering permit requirements. Dewatering operations are regulated under State requirements for stormwater pollution prevention and control. Discharge of non-stormwater from a trench or excavation that contains sediments or other pollutants to sanitary sewer storm drain systems, creek bed (even if dry), or receiving waters without treatment is prohibited. Discharge of uncontaminated groundwater from dewatering is a conditionally exempted discharge by the Regional Water Board. However, the removed water could potentially be contaminated with chemicals released from construction equipment or sediments from excavation. Therefore, disposal of dewatering discharge would require permits either from the Regional Water Board for discharge to surface creeks and groundwater or from local agencies for discharge to storm or sanitary sewers. The dewatering permit lists non-stormwater discharge controls specifically for dewatering operations. Discharge of water resulting from dewatering operations would require an NPDES Permit, or a waiver (exemption) from the Regional Water Board (applicable to the location of the site), which would establish discharge limitations for specific chemicals if they occur in the dewatering effluent.

State Water Resources Control Board Order WQ 2016-0068-DDW, Water Reclamation Requirements for Recycled Water Use

The State Water Board established general conditions for the use of recycled water, in part to offset demand for water resources. Only treated municipal wastewater for non-potable uses can be permitted, such as landscape or crop irrigation, dust control, and industrial/commercial cooling, consistent with the tertiary disinfection standards in Title 22 of the California Code of Regulations.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act of 2014, effective January 1, 2015, authorizes local agencies to manage groundwater in a sustainable manner and allows limited state intervention when necessary to protect groundwater resources.

The SGMA defined "sustainable groundwater management"; established a framework for local agencies to develop plans and implement strategies to sustainably manage groundwater resources; prioritized the basins with conditions of overdraft (ranked as high and medium priority); and set a 20-year timeline for implementation. Basins were initially prioritized under the SGMA by the California Department of Water Resources in 2014 under the California Statewide Groundwater Elevation Monitoring Program.

The HEU and SCP update would be located in the Santa Clara subbasin of the Santa Clara Valley groundwater basin, which has been identified by the Department of Water Resources as a high priority subbasin. Sustainability goals identified by Valley Water, the groundwater sustainability agency for the planning area are as follows (Valley Water 2021):

- Manage groundwater to ensure sustainable supplies and avoid land subsidence;
- Aggressively protect groundwater from the threat of contamination.

Department of Water Resources Division of Safety of Dams

California regulates dams to prevent failure, safeguard life, and protect property through the Department of Water Resources (DWR) Division of Safety of Dams (DSOD). There are more than 1,200 jurisdictional sized dams in California. DSOD ensures dam safety by reviewing alterations, overseeing dam construction, and performing annual safety inspections. The DSOD maintains maps of inundation zones for (hypothetical sunny day failure) of the dams under its jurisdiction. The mapped inundation zones for Felt Lake and Searsville Dam slightly overlap with the Stanford University opportunity sites as depicted on Figure 4.9-2.

Regional

Regional Water Quality Control Plans (Basin Plans)

The HEU would be partially located within the region under the jurisdiction of the San Francisco RWQCB, which establishes regulatory standards and objectives for water quality in the region in the *San Francisco Bay Basin (Region 2) Water Quality Control Plan*, commonly referred to as the Basin Plan (RWQCB 2019). Portions of the HEU (Morgan Hill and Gilroy) would be located within the Central Coast Region, subject to the regulatory standards of the *Water Quality Control Plan for the Central Coastal Basin* (Region 3). The Basin Plans identify existing and potential beneficial uses for surface water and groundwater and provide numerical and narrative water quality objectives designed to protect those uses. Designated beneficial uses for surface waters and groundwater in the study area are provided in **Table 4.9-4**.

TABLE 4.9-4
DESIGNATED BENEFICIAL USES FOR WATER BODIES IN THE STUDY AREA

Water Body	Designated Beneficial Uses
Guadalupe River	GWR, COLD, MIGR, RARE, SPWN, WARM, REC-1, REC-2
San Francisquito Creek	COLD, MIGR, RARE, SPWN, WARM, WILD, REC-1, REC-2
Matadero Creek	COLD, MIGR, RARE, SPWN, WARM, WILD, REC-1, REC-2
Deer Creek	COLD, RARE, WARM, WILD, REC-1, REC-2
Los Trancos Creek	COLD, MIGR, RARE, SPWN, WARM, WILD, REC-1, REC-2
Los Gatos Creek, lower	GWR, COLD, MIGR, RARE, SPWN, WARM, REC-1, REC-2
Flint Creek	WARM, WILD, REC-1, REC-2
Coyote Creek	GWR, COMM, MIGR, RARE, SPWN, WARM, WILD, REC-1, REC-2
Santa Clara Valley Groundwater Basin, San Mateo Plain subbasin	MUN, PROC, IND, AGR,
Santa Clara Valley Groundwater Basin, Santa Clara subbasin	MUN, PROC, IND, AGR
Santa Clara Valley Groundwater Basin, Llagas subbasin	MUN, PROC, IND, AGR

NOTES:

Existing and Potential Beneficial Uses Key:

AGR (Agricultural Supply); COLD (Cold Freshwater Habitat); COMM (Commercial and Sport Fishing); EST (Estuarine habitat); IND (Industrial Service Supply; MIGR (Fish Migration); MUN (Municipal and Domestic Supply); REC-1 (Water Contact Recreation); REC-2 (Noncontact Water Recreation); POW (Hydropower Generation); PROC (Industrial Process Supply); SHELL (Shellfish Harvesting); SPWN (Fish Spawning); RARE (Preservation of Rare and Endangered Species); WARM (Warm Freshwater Habitat); WILD (Wildlife Habitat).

SOURCES: SFB RWQCB, 2017; CC RWQCB 2019.

National Pollutant Discharge Elimination System Waste Discharge Regulations

Municipal Regional Stormwater Permit for the San Francisco Bay Region

Discharges of stormwater runoff from municipal separate storm sewer systems (MS4s) are regulated by the Municipal Regional Stormwater NPDES Permit, under Order No. R2-2022-0018; NPDES Permit No. CAS612008, issued by the San Francisco Bay Regional Water Quality Control Board, effective July 1, 2022. An MS4 is a stormwater conveyance system that is owned by a municipality (or other public entity) that discharges to waters of the United States; is not a combined sewer; and not part of a sewage treatment plant or publicly owned treatment works (RWQCB 2022).

Under CWA Section 402(p), stormwater permits are required for discharges from MS4s that serve populations of 100,000 or more. The Municipal Regional Permit (MRP) manages the Phase I Permit Program (serving municipalities of more than 100,000 people), the Phase II Permit Program (for municipalities of fewer than 100,000 people), and the Statewide Storm Water Permit for the California Department of Transportation.

The State Water Board and the individual water boards implement and enforce the MRP. Multiple municipalities, including Santa Clara County, along with the City of Santa Clara

(County) and Valley Water are co-permittees. These entities formed the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) to collectively address waste discharge requirements (WDRs) and manage stormwater runoff from storm drains and watercourses within their jurisdictions. Member agencies implement MRP Provision C.3 measures including pollution prevention, source control, post construction low impact development (LID) site design, stormwater treatment, monitoring, and outreach to reduce stormwater pollution (associated with new or redevelopment projects) and protect the water quality and beneficial uses of San Francisco Bay and Santa Clara County creeks and rivers (SCVURPPP 2021). Pollutants of concern in the Guadalupe River watershed (where the Project would be located) include mercury, PCBs, and trash, among others.

Local

County of Santa Clara

Nonpoint Source Pollution Ordinance

Division B11.5 of the County of Santa Clara Ordinance Code contains requirements for nonpoint source pollution. The intent of the code division is to protect and enhance the water quality of water courses in Santa Clara County. Pursuant to the Code, the requirements in the division shall be implemented in a manner consistent with the federally mandated nonpoint source pollution measures and the NPDES Municipal Storm Water Discharge Phase I and Phase II permits issued to the County by the San Francisco Bay and Central Coast RWQCBs, respectively.

Chapter IV of Division B11.5 contains stormwater pollution prevention requirements for construction, including the requirement to implement and maintain best management practices (BMPs) consistent with the California Stormwater Quality Association (CASQA) Best Management Practices Handbook. Construction sites with a County permit must submit either a Stormwater Pollution Prevention Plan or erosion/pollution control plan showing BMPs. The code also contains requirements for BMP maintenance, as well as County site inspection, and enforcement.

Requirements for post construction and for new development or redevelopment (outlined Chapter V of Division B11.5) include provisions for demonstrated compliance with permanent stormwater treatment measures, source control, hydromodification management measures, low impact development[2] (LID) treatment. Operation and maintenance agreements for stormwater treatment and management are subject to enforcement and must be consistent with the most recent adopted version of the County NPDES Permit (County of Santa Clara, 2022).

Standards of Construction in Special Flood Hazard Areas

Section C12-816 of the County of Santa Clara Ordinance Code contains standards of construction for all flood hazard areas, including the following elevation and flood proofing standards required

[2] Low Impact Development or LID treatment, as defined in the Santa Clara County Code, "employs principals such as preserving and recreating natural landscape features and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product."

for residential and nonresidential construction in unincorporated Santa Clara County (Santa Clara County, 2022).

> (3) *Elevation and floodproofing.*
>
> a. *Residential construction.* All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
>
> 1. In AE, AH, A1—30 Zones, elevated two feet above the base flood elevation.
> 2. In an AO zone, elevated above the highest adjacent grade to a height two feet above the depth number specified in feet on the FIRM, or elevated at least four feet above the highest adjacent grade if no depth number is specified.
> 3. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated two feet above the base flood elevation; as determined under Section C12-813(3).
>
> Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator
>
> b. *Nonresidential construction.* All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section C12-816(3)a. or:
>
> 1. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section C12-816(3)a., so that the structure is watertight with walls substantially impermeable to the passage of water;
> 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and 3. Be certified by a registered civil engineer or architect that the standards of Section C12-816(3)b.1. and Section C12-816(3)b.2. are satisfied. Such certification shall be provided to the Floodplain Administrator.

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of the County (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements within the General Plan include goals and policies for the physical development of the County. General Plan strategies and policies related to water supply, water quality and watershed management and relevant to implementation of the HEU are listed below.

Water Supply Resources

Strategy #1: Conserve and Reclaim Water

> ***Policy*: *C-RC 5***: An adequate, high quality water supply for Santa Clara County should be considered essential to the needs of households, business and industry.
>
> ***Policy C-RC 6 A:*** comprehensive strategy for meeting long term projected demand for water should at a minimum include the following:

a. Continued conservation and increased reclamation;

b. Securing additional sources as supplemental supply;

c. System and local storage capacity improvements; and

d. Drought contingency planning and groundwater basin management programs.

Policy C-RC 7: Countywide land use and growth management planning should be coordinated with overall water supply planning by the SCVWD in order to maximize dependability of long-term water supply resources.

Policy C-RC 8: Environmental impacts of all state and local water supply planning and decision-making should be taken into full consideration.

Policy C-RC 9: Conservation should continue to be considered an integral component of local water "supply" resources, effectively minimizing the amount of supplemental supplies which must be obtained from other sources.

Policy C-RC 10: Educational measures should be continued/increased in order inform the public of the need for conservation over the long term, rather than as a temporary response to periodic drought.

Policy C-RC 11: Domestic conservation should be encouraged throughout Santa Clara County by a variety of means, including reduced flow devices, drought-resistant landscaping, and elimination of wasteful practices.

Policy C-RC 12: More efficient use of water for agricultural irrigation and industrial processes should be promoted through improved technology and practices.

Policy C-RC 13: Use of reclaimed wastewater for landscaping and other uses, including groundwater recharge if adequately treated, should be encouraged, and developed to the maximum extent possible.

Strategy #2: Obtain Additional Imported Water Sources

***Policy C-RC 14*:** Reforms of the state-wide system of water allocation and distribution should be encouraged which facilitate the ability of urban area water suppliers to purchase needed supplies through market mechanisms.

Strategy #3: Make system and Local Storage Capacity Improvements

***Policy C-RC 15*:** Potential for new and/or expanded local reservoirs should be thoroughly examined as a part of any long-term strategy for assuring adequate water supply, taking into full account environmental and financial feasibility.

Policy C-RC 16: Seismic safety considerations for new and existing reservoirs should be addressed in order to ensure water supply and public safety in the event of earthquake.

Strategy #4: Maintain Drought Contingency and Groundwater Basin Management Plans

Water Quality and Watershed Management

Strategy #1: Reduce Non-Point Source Pollution

***Policy C-RC 18*:** Water quality countywide should be maintained and improved where necessary to ensure the safety of water supply resources for the population and the preservation of important water environments and habitat areas.

***Policy C-RC 19*:** The strategies for maintaining and improving water quality on a countywide basis, in addition to ongoing point source regulation, should include:

a. effective non-point source pollution control;

b. restoration of wetlands, riparian areas, and other habitats which serve to improve Bay water quality; and

c. comprehensive Watershed Management Plans and "best management practices" (BMPs).

***Policy C-RC 20*:** Adequate safeguards for water resources and habitats should be developed and enforced to avoid or minimize water pollution of various kinds, including:

a. erosion and sedimentation;

b. organic matter and wastes;

c. pesticides and herbicides;

d. effluent from inadequately functioning septic systems;

e. effluent from municipal wastewater treatment plants;

f. chemicals used in industrial and commercial activities and processes;

g. industrial wastewater discharges;

h. hazardous wastes; and

i. non-point source pollution.

Strategy #2: Restore Wetlands, Riparian Areas, and Other Habitats that Improve Bay Water Quality

***Policy C-RC 25*:** Wetlands restoration for the purpose of enhancing municipal wastewater treatment processes, improving habitat and passive recreational opportunities should be encouraged and developed where cost-effective and practical.

Strategy #3: Prepare and implement Comprehensive Watershed Management Plans

Policy C-RC 26: Comprehensive watershed management plans should be developed and implemented through intergovernmental coordination. Water supply watersheds should receive special consideration and additional protection.

Health and Safety

Strategy #3 Design, Locate and Regulate Development to Avoid or Withstand Hazards

Policy C-HS 33 Development in areas of natural hazards should be designed, located, and otherwise regulated to reduce associated risks, by regulating the type, density, and placement of development where it will not:

a. be directly jeopardized by hazards;

b. increase hazard potential; and

c. increase risks to neighboring properties.

Strategy #4 Reduce the Magnitude of the Hazard, If Feasible.

Policy C-HS 33: Flood control measures should be considered part of an overall community improvement program and advance the following goals, in addition to flood control:

a. resource conservation;

b. preservation of riparian vegetation and habitat;

c. recreation; and

d. scenic preservation of the county's streams and creeks.

Stanford University Community Plan

The current SCP was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the SCP is to guide future use and development of Stanford lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The SCP was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. All revisions to the SCP must also be made according to the provisions of State law for adopting and amending general plans. Community strategies and policies related to hydrology and water quality and relevant to implementation of the proposed project are listed below.

Health and Safety

Flood Hazards

Strategy 5: Design, Locate and Regulate Development to Withstand Hazards.

Policy SCP-HS 9: Require Stanford to design development and infrastructure improvements including storm drainage detention facilities, to accommodate runoff from future development so as to achieve no increase in peak flows.

Policy SCP-HS 10: Stanford shall maintain and enhance surface and subsurface drainage systems.

Policy SCP-HS 11: Stanford shall control erosion from future development in order to limit sediment from reaching the storm drain system and creeks, to avoid hydrological impact.

Resource Conservation

Water Quality and Watershed Management

Strategy 4: Reduce Non-Point Source Pollution

Policy SCP-RC 12**:** Continue the use of appropriate best management practices to reduce non-point source pollution in agricultural, recreational, and academic areas and for construction activities, and include these practices as terms and conditions of leases of Stanford lands.

Policy SCP-RC 13: In planning for new development and redevelopment, utilize site, building, and landscape design features which serve to reduce non-point source pollution.

Policy SCP-RC 14: Promote and participate in interjurisdictional efforts to identify and reduce non-point source pollution and to develop economically viable best management practices for improving water quality.

Policy SCP-RC15: Emphasize groundwater recharge through natural percolation and filtration over increased runoff to storm drains and creeks.

Strategy 5: Enhance and Restore Wetlands, Riparian Areas and other Habitats that Improve Watershed Quality

***Policy SCP*-RC 16:** Assist Stanford in identifying and implementing agricultural and other land management practices that promote native species and that contribute to erosion control.

Policy SCP-RC 17: Avoid development in riparian areas and wetlands.

Policy SCP-RC 18: Maintain native plant communities south of Junipero Serra Boulevard and in Campus Open Space areas such as oak woodlands, chaparral, and riparian trees and shrubs that serve to prevent soil erosion and creek bank collapse.

Strategy 6: Prepare and Implement Comprehensive Watershed Management Plans

Policy SCP-RC-21: Support and encourage Stanford's participation in regional watershed management planning and implementation for watersheds including Stanford lands.

4.9.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to hydrology and water quality are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project could have a significant impact on hydrology and water quality if it would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
    i. result in substantial erosion or siltation on- or off-site,
    ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite,
    iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or
    iv. impede or redirect flood flows.

4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Issues Not Discussed in Impacts

There is no risk for release of pollutants associated with tsunamis or other coastal hazards because the project's development sites are not coastal, nor are they located within a tsunami inundation zone. As discussed in the environmental setting, a review of Santa Clara County maps indicates that none of the proposed HEU or SCP housing opportunity sites are close enough to San Francisco Bay to be vulnerable to conditions of sea level rise. Therefore, tsunami and sea level rise hazards are not discussed in this impact section.

Methodology and Assumptions

Impacts on hydrology and water quality are evaluated using the CEQA Appendix G criteria listed above. Impacts are evaluated based on information included in the Santa Clara County General Plan, Stanford Community Plan, Water Quality Control Plans for the San Francisco Bay Basin, the Santa Clara Valley Urban Pollution Prevention Program stormwater guidance, and the applicable municipal codes pertaining to stormwater and development standards near creeks and in floodways, as identified in the local regulatory setting of this section.

Development projects that could result from the HEU or SCP update implementation would be regulated by the various laws, regulations, and policies summarized above in Section 4.9.3, *Regulatory Setting*. Compliance with applicable federal, state, and local laws and regulations is assumed in this analysis and local and state agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with many of the regulations is a condition of permit approval.

After considering the implementation of the project as described in Chapter 3, *Project Description*, and assumed compliance with the required regulatory requirements, the environmental analysis below identifies if the defined significance thresholds would be exceeded and, therefore, a significant impact would occur. For those impacts considered to be significant, mitigation measures are proposed to reduce the identified impacts.

Impacts and Mitigation Measures

Impacts

Impact HYD-1: Implementation of the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. (*Less than Significant Impact, with Mitigation*)

Development projects facilitated by the proposed project would have a significant impact if such development would directly or indirectly violate water quality standards or waste discharge requirements (WDRs) pursuant to NPDES Permit requirements (described under Regional

Regulatory Setting in Section 4.9.3) in effect in Santa Clara County. A violation could occur if the development would substantially increase pollutant load levels, either through the direct introduction of contaminants or indirectly through stormwater pollution, which could compromise beneficial uses of surface waters or groundwaters.

Housing Element Update – Construction

Construction of the housing units that could result from the HEU's implementation would involve ground disturbing activities such as trenching and excavation, removal of trees and other vegetation, and grading. As soil disturbing activities occur across a landscape, the potential for erosion and sedimentation increases. Disturbed soils are typically more susceptible to erosion from rain and wind, which in the absence of preventative measures, can lead to mobilization of sediments and silt through runoff. Erosion can escalate under storm events where slopes are steep.

To accomplish such construction, heavy equipment such as bulldozers, graders, earth movers, heavy trucks, trenching equipment and other machinery. Such machinery could contribute pollutants to stormwater runoff in the form of fuels, oil, lubricants, antifreeze, or hydraulic fluid. Sediment, silt, or construction debris mobilized during construction could also violate water quality standards or result in an unauthorized discharge to receiving waters, such as San Francisquito Creek, Flint Creek, Coyote Creek, or tributaries. Degradation of water quality could affect beneficial uses of these water bodies (see Table 4.9-2) which (in the absence of runoff controls) could result in exceedances of water quality standards.

However, as described in the regulatory setting, construction projects that disturb one or more acres of ground disturbance, or less than one acre but would be part of a larger plan of development or sale, would be required to obtain coverage under the NPDES Construction General Permit. Preparation of a SWPPP, along with implementation and maintenance of BMPs during construction, is required for compliance with the NDPES Construction General Permit. In addition to BMPs for erosion control, a SWPPP would include BMPs to prevent other contaminants (e.g., solvents, concrete, paint, petroleum products) from unauthorized discharge to downstream waters or groundwater.

With adherence to these standards and NPDES Construction General Permit requirements along with implementation of measures described in the SWPPP, development under the HEU would not generate water quality violations during construction and the impact would be **less than significant**.

Stanford Community Plan Update – Construction

Lands considered under the SCP update would be subject to the same regulatory requirements as described above for the HEU. In addition to those considerations, if construction activities were to damage or destroy existing wells within or near the housing opportunity sites and potential future school location, contamination of groundwater could result. Stanford has historically conducted well surveys for the lands under their jurisdiction. Based on the long history at the Stanford Campus, there may be inactive wells on campus, which, if physically compromised during construction or not properly abandoned (consistent with Valley Water requirements) could

act as a vertical conduit for contamination of groundwater. This effect would be considered a potentially significant impact.

To reduce this impact, the following mitigation measure is prescribed.

> **Mitigation Measure 4.9-1, Stanford Well Review**: Prior to issuance of a demolition or building permit, Stanford shall review its historic wells survey to determine the potential for encountering any groundwater wells within the area of proposed improvements and confirm that no historic wells not properly closed are located at the location of the proposed development. If discovered, and the well is no longer part of operations and was not abandoned in accordance with applicable requirements, Stanford shall fulfill the applicable well abandonment/destruction permit requirements. Stanford shall contact the applicable regulatory agency to locate existing inactive wells and confirm adherence to well abandonment/ destruction requirements.
>
> **Significance after Mitigation:** The recommended measures would ensure that development design proposed under the Community Plan Update considers site-specific locations for wells within the vicinity of such development would not be compromised and result in vertical contamination of groundwater resources. With implementation of these measures, potential construction-related impacts on groundwater quality would be reduced to **less-than-significant** levels.

HEU and Stanford Community Plan Update – Operation

Once constructed, development proposed under the proposed project would be subject to municipal regional permit stormwater requirements (Order No. R2-2022-0018; NPDES Permit No. CAS612008) which regulate stormwater discharges in lands under the water quality jurisdiction of the San Francisco Bay Region in Santa Clara County.

As described in the regulatory setting, development considered under the project Update would also be subject to regulatory requirements in effect in Santa Clara County governing nonpoint source pollution. Post construction requirements for new development or redevelopment (outlined Chapter V of the County Code) include provisions for demonstrated compliance with permanent stormwater treatment measures, source control, hydromodification management measures, low impact development design measures, which would effectively limit contamination of surface and groundwater. Development in the northern portion of the county would be designed in a manner consistent with the guidelines of the Santa Clara Valley Urban Pollution Prevention Program. Adherence with these guidelines and regulatory requirements and implementation, maintenance, and monitoring of these measures would limit operational impacts under this criterion to **less than significant** levels.

> **Mitigation Measures:** None required.

Impact HYD-2: Implementation of the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. (*Less than Significant Impact*)

The consideration of groundwater resources under this criterion includes both the anticipated project demand for groundwater resources and its alteration of the recharge capability of the basins. If, for example, development made possible by implementation of the proposed project were to require substantial quantities of groundwater during construction or operation, or if the development were to include placement of impervious surfaces to the extent that there would be an appreciable reduction in the overall recharge area for the groundwater basin, such activities could be considered potentially significant.

As discussed in the Environmental Setting, the groundwater recharge areas in the Santa Clara Plain are generally along the perimeter of the subbasin, with confined areas within the flatland portion of Santa Clara Valley. Placement of impervious surfaces within groundwater recharge areas would decrease the groundwater recharge capability of the subbasins. This potential impact would be avoided by the required hydromodification management measures and LID treatment, consistent with SCVUPPP guidance, which would include pervious pavement and treat stormwater as a resource for groundwater recharge.

A significant impact would occur if the project would result in a net reduction in the subsurface aquifer volume or lower the groundwater table. As noted, that portion of Santa Clara County where the HEU sites and the SCP area are located is in the Santa Clara Valley groundwater basin, identified by DWR as a high priority basin under SGMA. As discussed in the setting section, the Santa Clara basin, although a high priority basin, is not currently in an overdraft condition.

A Water Supply Assessment (WSA) was prepared for the proposed project by West Yost. It is attached to this EIR as **Appendix B**. The WSA evaluated the water supply available to the Stanford Campus via its sources of supply, and also incorporated the results of a separate WSA prepared by San José Water for its water supplies. Collectively, the WSA evaluates the water supply for both the housing opportunity sites in San José and also the Stanford campus housing opportunity sites and the potential future school location on the Stanford campus.

With respect to water supply available to the HEU opportunity sites in San José, potable water supply to the sites would be provided by San José Water using a mix of imported surface water, groundwater, and local surface water. Groundwater would make up only a portion of the project's water supply, and the proportion of supply attributed to groundwater would vary depending on San José Water's operational parameters. The WSA prepared for the project by San José Water noted that under extended supply pressures, groundwater basins can enter overdraft conditions, which can have a series of consequences including land subsidence. The threat of overdraft conditions was witnessed in the recent 2012-2016 drought when groundwater levels declined. However, groundwater levels in the Santa Clara Subbasin quickly recovered after the drought due to Valley Water's proactive response. In general, the WSA determined that sufficient water supplies are available to serve the proposed project as well as other demands placed on the water supply by additional growth in the region. Further, San José Water can implement both voluntary

and mandatory conservation measures in the event of water shortage. Based upon these considerations, the development of the housing opportunity sites in San José would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

Water supply to the Stanford campus and the development of the HEU sites there and the potential future school location would be provided via purchased water, supplemented by groundwater for non-potable uses. The non-potable distribution system is referred to as the Lake Water System. Groundwater pumped from five Stanford-owned and operated wells over the Santa Clara Valley Groundwater Subbasin is currently used only for non-potable uses such as landscape irrigation and is relied upon most during dry years, although groundwater could be used to supplement potable water supply from SFPUC if needed. Groundwater is also pumped into Stanford's Felt Reservoir for rediversion into the Lake Water System.

Groundwater is currently used only for non-potable uses, and Table 4.9-3 earlier in this section noted that the amount of groundwater pumped during the most recent drought varied between 456 and 690 AFY over a three-year period. More recently, no groundwater has been utilized. The WSA prepared for the project by West Yost determined that the projected water demand for the project on the Stanford campus would be 257 AFY, all of which would be supplied via purchased water from SFPUC. The WSA noted that during a period of shortage, groundwater could be used to supplement the potable water supply. The WSA determined that Stanford could withdraw up to 1,700 AFY from its wells on a continuous basis without impacting water quality in the aquifer or causing unacceptable impacts such as excessive drawdown or land subsidence. A 2014 groundwater study also indicated that during drought periods, withdrawals of up to 5,000 AFY may be made for a brief one-to-two-year period by Stanford or others in the basin, if followed by a low-use period during which the aquifer could recover.

Based on the above, water for the project would be supplied by purchased SFPUC water but could be supplemented by groundwater during a period of prolonged shortage. However, the amount of groundwater available in comparison to the project's water requirements is substantial. Water could be pumped at comparatively high volumes to supply the needs of the project and other campus uses without causing excessive drawdown of the aquifer. Accordingly, the development of the housing opportunity sites and the potential future school site on the Stanford campus would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

Based upon the above considerations for both the San José housing opportunity sites and the housing opportunity sites and potential future school location on the Stanford campus, the project's impact to groundwater supplies would be **less than significant**.

Mitigation Measures: None required.

Impact HYD-3: Implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would : i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows. (*Less than Significant Impact*)

HEU and Stanford Community Plan Update

Construction and Operation

As described under Impact HYD-1, development proposed under the project would be subject to Construction General Permit requirements (including implementation of a SWPPP) and County requirements that would include the implementation and maintenance of BMPs to control erosion and reduce runoff that would otherwise be transported to the stormwater collection systems. Through the reduction of runoff, these measures would effectively reduce erosion and siltation of surface waters.

No alteration of surface waters is proposed under the project; however, development would include placement of impervious surfaces and would be considered regulated projects, subject to hydromodification management and LID design measures. As described in Section 4.16, *Utilities*, the stormwater conveyance system at Stanford University consists of a series of subsurface piping and drainage ditches. The northwestern and southeast portions of campus are within the San Francisquito Creek and Matadero Creek watersheds, respectively. Runoff generated within the San Francisquito Creek watershed is conveyed through large pipelines to San Francisquito Creek, just south of El Camino Real; runoff generated within the Matadero Creek watershed is conveyed to a large Caltrans storm drain along El Camino Real, which then conveys and discharges storm water to Matadero Creek.

Title B, Chapter IV of the County of Santa Clara Ordinance Code contains established measures to prevent and reduce stormwater pollution such as development runoff requirements including performance standards to address construction and post-construction impacts to water quality. Consistent with Water Quality and Watershed Management County General Plan Strategy 1, and Stanford Community Plan Strategy 4 related to non-point source pollution, these standards are needed to minimize pollutants in storm water runoff and protect watercourses.

Santa Clara County is a permittee of the MRP. A stormwater management plan is required as part of the review process for development in the County which creates or replaces 10,000 square feet of impervious surface area. Compliance with provision C.3 of the MRP must be demonstrated at the time of application for development including rezoning, tentative map, conditional use permit, variance, site development review, design review, development agreement or building permit (County of Santa Clara, 2022). Source control of pollution, site design, and stormwater treatment measures are required for new and redevelopment. In addition to providing treatment and source control, projects recreating or replacing an acre or more of impervious area (unless exempted) must also provide flow controls (or hydromodification management measures) so that post project runoff does not exceed estimated pre-project rates and durations. Regulated projects for which

building or grading permits are issued must include Low Impact Development (LID) design measures (such as pervious paving or bioretention areas) for stormwater capture and pretreatment.

Based upon the assumed compliance with each of the considerations outlined above, the impact of the proposed project's implementation on stormwater runoff, erosion, storm drainage, and flooding would be **less than significant**.

Mitigation Measures: None required.

Impact HYD-4: In a flood hazard, seiche, or dam breach inundation zone, implementation of the proposed project would not risk release of pollutants due to inundation. ***(Less than Significant Impact)***

HEU and Stanford Community Plan Update

Inundation across portions of the development sites associated with the project could occur in the event of localized flooding (Figures 4.9-1a through 4.9-1d) or regionally in the event of dam failure (Figure 4.9-2) or seiche. As depicted in Figures 4.9-1a through 4.9-1d, several of the project sites are located within special flood hazard areas. The western portion of the Alum Rock site (as an example) is located in the 100-year (1 percent chance) flood zone (see Figure 4.9-1c). Development on this site would be subject to Santa Clara County requirements for development within special flood hazard areas, as described in the regulatory setting. For residential development, elevation and flood proofing would be required consistent with Santa Clara County requirements, which would reduce flooding impacts to the site and surroundings. Similarly, the SCP area would be subject to County controls applicable to development within flood zones, which would reduce potential impacts associated with release of contaminants.

As described in Section 4.8, *Hazards and Hazardous Materials*, construction and land uses (i.e., residences) allowed by the HEU or SCP are anticipated to introduce urban contaminants (such as heavy metals, oils, grease, pesticide residues, etc.) to the areas. There are no potential project development sites that would be affected by or contribute contaminants in the event of dam failure. However, as depicted in Figure 4.9-2, the inundation zone for a hypothetical sunny day failure of the dams at Felt Lake and Searsville Reservoir could impact the SCP update area. Groundwater could also be impacted by such an event. However, in consideration of the noted positive structural condition assessments for the two dams whose inundation zones are mapped to cross the SCP update area, it is highly unlikely that the structures present risks to the project. Furthermore, extensive flooding associated with a hypothetical sunny day failure of Searsville Dam is also highly unlikely to occur given that the water capacity of the reservoir has been reduced to 10 percent of its original capacity due to drought and sedimentation. Therefore, due to the low level of risk for dam failure inundation, impacts associated with release of contaminants would be **less than significant**.

Mitigation Measures: None required.

Impact HYD-5: Implementation of the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. ***(Less than Significant Impact)***

HEU and Stanford Community Plan Update

Construction

As discussed under Impact HYD-1, the proposed project has the potential to increase contamination of local surface waters that are identified as impaired due to existing contamination (Table 4.9-1). However, as also noted in this section, there are numerous regulatory controls and requirements under the construction general permit in effect to limit unauthorized discharges. The County requires that grading and drainage (under proposed development) adhere to specific standards for source control and pretreatment to reduce runoff and remove contaminants from the County's storm drain system. With implementation and enforcement of such regulatory controls, the project's development would not conflict or obstruct implementation of water quality requirements for the effective basin plans. Project impacts under this criterion would be **less than significant**.

As also described in Impact HYD-1, mitigation is recommended to reduce the potential for vertical contamination of wells on the Stanford Campus, which could otherwise be compromised through construction considered under the project. With implementation of mitigation measure HYD-1, the project would not conflict with the Basin Plan. Impacts would be **less than significant with mitigation**.

Operation

As noted in this section, Valley Water provides water from other watersheds and groundwater basins to the municipalities and other users in Santa Clara County, including to San José Water. This section, therefore, considers if the use of this water would conflict with sustainable groundwater management. As discussed under Impact HYD-3, the project's impact to groundwater supplies would be less than significant. Neither San José Water nor Stanford University is reliant on groundwater for its primary water supply. The groundwater basin is currently in a stable condition, due to the various groundwater management measures conducted by Valley Water and conservation conducted by municipal water users. Further, development of projects exceeding 500 units would be subject to State requirements, such that a project specific WSA would need to be submitted to ensure that adequate water supplies are available during normal, dry, and multiple dry years to support future residents. Based upon these considerations, the project's operation would not conflict with sustainable groundwater management. Impacts would therefore be **less than significant**.

Mitigation Measures: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively

considerable impacts. Significant cumulative impacts related to hydrology and water quality could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

The geographic area affected by the project and its potential to contribute to cumulative impacts varies based on the environmental resource under consideration. The geographic scope of analysis for cumulative hydrology and water quality impacts is limited to the potential development sites in Santa Clara County and the list of residential projects in Section 4.0.3 of this EIR, *Cumulative Impacts*. The timeframe during which the project could contribute to cumulative hydrology and water quality impacts includes the construction and operational phases. For the development sites, the operations phase is assumed to be permanent.

Impact HYD-6: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable future development, would result in a less than significant cumulative impact with respect to hydrology and water quality. ***(Less than Significant Impact)***

The Santa Clara basin is a high priority groundwater basin, though not currently in condition of overdraft. As discussed under Impact HYD-2, Valley Water (the main water supplier in the County) does not rely on groundwater as its primary water supply. Although the proposed project and other recently constructed and reasonably foreseeable future projects would place demands on potable water, these demands would be evaluated on a case-by case basis, along with regional water budgeting in the UWMPs in effect for each development site and would be subject to changes invoked under any adopted water shortage contingency plans during conditions of drought. Even when considered in the cumulative context, the proposed project would not result in cumulatively significant impacts on groundwater levels.

As described in Section 4.0.3 (Table 4.0-1), there are numerous other residential "pipeline" developments recently constructed, proposed to be constructed, or under construction in the vicinity of the project's development sites, as well as additional residential and nonresidential growth anticipated through the year 2040. Like the future development projects that could be facilitated by the proposed project, such development or redevelopment is subject to regional and local stormwater management guidelines and requirements. Projects involving the creation or replacement of 10,000 square feet of impervious surface area would be subject to hydromodification management controls and LID design standards and would be required to demonstrate in their stormwater control management plans that run off from disturbed sites is adequately controlled. Therefore, when considered in the cumulative context, hydrology and water quality impacts would be controlled through existing regulatory requirements and would not be cumulatively significant. Cumulative impacts would be less than significant.

Mitigation Measures: None required.

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4.10 Land Use and Planning

4.10.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project"), to result in substantial adverse effects related to land use and planning. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to land use and planning. Further below, existing plans and policies relevant to land use and planning associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to land use and planning that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR.

Comments relevant to land use and planning were submitted in response to the first NOP circulated on August 8, 2022. Such comments included: concerns regarding the proposed HEU's consistency with Countywide growth management policies, including policies that address the provision of urban services in rural areas; a request for the Draft EIR to identify specific proposed changes to County zoning designations and general plan designations, for which specific sites, the anticipated net effect to the number of housing units, and the resultant environmental impacts; a request for more detailed maps (at a larger scale) of all proposed housing opportunity sites, showing current city boundaries (city limits and city urban service areas) in the vicinity of the sites; and a request that the County evaluate a project alternative that plans for anticipated future growth solely within existing cities' urban service areas. It should be noted, however, that the second NOP issued on March 21, 2023, and the revised list of HEU housing opportunity sites, do not include any sites that are not within an existing urban services area, so these issues will not be discussed further.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).

4.10.2 Environmental Setting

Project Location

Santa Clara County is located in the San Francisco Bay Area and encompasses 1,300 square miles. The County is located at the southern end of San Francisco Bay and is the Bay Area's most populous county, with 15 cities and nearly two million people. The present urban and rural landscape of Santa Clara County is diverse, comprising a complex social and economic setting that overlays a rich historic, multi-cultural, and natural environment. In the early 20th century, the area was promoted as the "Valley of the Heart's Delight" due to its natural beauty, including a significant number of orchards. Then in 1939, the first major technology company to be based in the area was founded. Today, the County is headquarters to approximately 6,000 high technology companies, some of which are the largest technology companies in the world.

While most of the urbanized areas in the County are under the jurisdiction of individual cities, the County maintains jurisdiction of 7,348 acres that are designated as Urban Service Areas and are planned for eventual annexation to a city's jurisdiction. Lands owned by Stanford University and subject to the County's Stanford Community Plan (SCP) comprise slightly over 4,000 acres, and the remaining 596,070 acres in the unincorporated County area comprise rural parts of the County. The County's regional location and boundaries are shown in Figure 3-1, in Chapter 3, *Project Description*.

As described in Chapter 3, *Project Description*, and discussed in this section, the HEU would identify sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State law.

Table 3-2 in Chapter 3, *Project Description*, lists all the potential housing opportunity sites identified by the County and their proposed development densities, and Figure 3-2 in Chapter 3, *Project Description*, shows their locations.

Stanford Lands Under County Jurisdiction

Lands owned by Stanford University and subject to the County's SCP broadly consist of the Stanford central campus and the Stanford foothills within Santa Clara County. Stanford's central campus, including academic and academic support facilities and housing, is concentrated north of Junipero Serra Boulevard and located within Stanford's Academic Growth Boundary (see below under "Stanford Community Plan" for a discussion of the Academic Growth Boundary). The largely undeveloped Stanford lands within the foothills south of Junipero Serra Boulevard are located outside of Stanford's Academic Growth Boundary.

The Stanford campus within the Academic Growth Boundary includes a diverse mix of land uses, including classrooms, academic offices, laboratory space, athletic venues, museums, performance and arts venues, lands for outdoor learning, student housing, faculty/staff housing, support facilities, and open spaces.

The mostly undeveloped Stanford foothills include a mixture of grasslands, woodlands, and riparian areas. The Stanford foothills also support livestock grazing and other agricultural uses, academic facilities, a portion of the Stanford Golf Course, and public and private trails. Within unincorporated Santa Clara County, Interstate 280 (I-280) and Page Mill Road are the two major roads that divide the Stanford foothills.

There are three housing opportunity sites on Stanford lands. Two of the sites are on Quarry Road near El Camino Real in an area of commercial development on the northern edge of the Stanford campus. The two Quarry Road parcels flank the Stanford Health Care facility at 211 Quarry Road and are across the street from the Stanford Shopping Center. The third housing opportunity site on Stanford lands is located in Escondido Village, a graduate residential community between Campus Drive and Stanford Avenue.

In addition to the three housing opportunity sites on Stanford lands described above, Stanford lands under County jurisdiction also include an area adjacent to and southeast of Sand Hill Road that is currently occupied by sports fields and some vacant land. The location is within the West Campus Development District, not including that portion occupied by the Stanford Golf Course. This general area is part of the SCP update evaluated in this EIR and provides an alternative potential future school location in lieu of the general location in the eastern portion of Stanford lands outside of the Academic Growth Boundary that was previously identified in the existing SCP adopted in 2000. This new school location would be closer to existing housing and the proposed new housing sides identified in the HEU.

San José

San José is the largest city in Santa Clara County and one of the largest cities in the United States. Located in the center of the Santa Clara Valley on the southern shore of San Francisco Bay, San José covers an area of approximately 180 square miles and has an estimated population of 976,482 as of 2022 (State of California, Department of Finance, 2022).

As listed in Table 3-2 in Chapter 3, *Project Description* and shown on Figure 3-2 in Chapter 3, *Project Description*, the HEU identifies 21 housing opportunity sites in six areas of San José.

4.10.3 Regulatory Setting

Federal

No federal plans, policies, regulations, or laws related to land use and planning are applicable to the proposed implementation of the HEU.

State

Housing Elements

State law requires that housing elements be updated every eight years (California Government Code Section 65588). The housing element must identify residential sites adequate to accommodate a variety of housing types for all income levels and to meet the needs of special

population groups, such as the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in the need for emergency shelter (California Government Code Section 65583).

Regional

Association of Bay Area Governments Regional Housing Needs Allocation

On December 16, 2021, the Association of Bay Area Governments (ABAG) adopted its Final Regional Housing Needs Assessment (RHNA), assigning Santa Clara County an allocation of 3,125 units, distributed among four income categories: very-low income, low income, moderate income, and above moderate income. This allocation represents the County's share of the region-wide housing need of 441,176 units.

Plan Bay Area

SB 375 requires all metropolitan regions in California to complete a sustainable community strategy (SCS) as part of a regional transportation plan. In the Bay Area, the Metropolitan Transportation Commission (MTC) and ABAG are jointly responsible for developing and adopting a SCS that integrates transportation, land use, and housing to meet GHG reduction targets set by the California Air Resources Board (CARB).

Plan Bay Area 2050, adopted in October 2021, serves as the SCS for the Bay Area, in accordance with SB 375. Plan Bay Area 2050 is comprised of 35 strategies across the elements of housing, the economy, transportation, and the environment. A core household and employment growth strategy of Plan Bay Area is "focused growth" in existing communities along the existing transportation network. Key to implementing this focused growth strategy are Priority Development Areas (PDAs) and Transit-Rich Areas (TRAs), as recommended and approved by local governments. As defined by the plan, PDAs are areas where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. Plan Bay Area also recommends increasing non-auto travel mode share and reducing vehicle miles traveled per capita and per employee by promoting transit-oriented development, transit improvements, and active transportation modes such as walking and bicycling.

Prior to Plan Bay Area 2050, Plan Bay Area 2040, adopted in 2017, was the most recent regional transportation plan and sustainable community strategy for the Bay Area region. Plan Bay Area 2050 updates Plan Bay Area 2040 and is consistent with the current Regional Housing Needs Allocation cycle. However, since Plan Bay Area 2050 was adopted in late 2021, Plan Bay Area 2040 continues to serve as the basis for regional and county-wide transportation models until the models are updated. Updates to the models are anticipated within the next several years.

For a discussion of the project's consistency with the regional housing projections in Plan Bay Area, see Chapter 4.12, *Population and Housing*, of this Draft EIR. For a discussion of the proposed HEU's consistency with Plan Bay Area as it relates to greenhouse gas emissions, see Chapter 4.7, *Greenhouse Gas Emissions*, of this Draft EIR.

Local

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of Santa Clara County (County of Santa Clara, 1994). The most fundamental policy of the General Plan pertains to countywide growth management and the accommodation of urban development. It stipulates that urban types and densities of development be located only within cities' urban service areas (areas planned for urbanization), in locations suitable for such development. Outside cities' urban service areas, only non-urban uses and development densities are allowed, to preserve natural resources, rural character, and minimize population exposure to significant natural hazards, such as landslides, earthquake faults, and wildfire. As a whole, the Countywide growth management policies (provided below) have historically been referred to as the "joint urban development policies," held in common by the cities, County, and County Local Agency Formation Commission (LAFCO), which controls city formation and expansion. However, based on the 1985 Land Use Policy Agreement between the County, the City of Palo Alto and Stanford University, LAFCO and the County recognize the Stanford Community Plan area as an exception to the policy requiring urban level of development only within the cities' urban service areas.

Based on the urban development policies, the Land Use Plan and policies further define allowable land uses and development potential for all unincorporated lands. Inside urban service areas, the policy of the County General Plan is to defer to the policies of the applicable city's land-use plan in defining (a) allowable uses and (b) densities of development. Outside urban service areas, all lands are assigned a land use designation, or classification. Principal designations for privately-owned lands are Hillside, Ranchlands, Agriculture, and Rural Residential. Typical densities of development range from 20 to 160 acres per parcel, depending on the designation, for lots created by subdivision. General Plan policies related to land use and planning and relevant to implementation of the HEU are listed below.

Growth and Development

Policy C-GD 1: Most of the future urban growth of Santa Clara County should be accommodated within the existing urban areas, through infill development, rather than through expansion of the urbanized area into hillsides and resource areas.

Policy C-GD 2: Urban development shall occur only within cities' urban service areas (USAs) and under city jurisdiction. The County shall not allow urban development on unincorporated lands outside cities' urban service areas.

Policy C-GD 3: Urban service areas should generally include only those areas suited for urban development. Development of such areas should be:

a. reasonably serviceable with public facilities and services;
b. relatively free from risks associated with natural hazards;
c. without substantial adverse environmental impact;
d. not likely to create severe off-site impacts on surrounding areas; and

e. without cumulative adverse impacts on the county's water supply watersheds or any other natural resource.

Policy C-GD 4: Development activity should minimize degradation of the natural environment and avoid diminishment of heritage resources.

Policy C-GD 6: Hazard and resource areas with the following characteristics shall be considered unsuited for urban development:

a. flood potential, including areas designated as floodways, tidal zones, coastal high hazard areas and federal flood insurance rate zones by the National Flood Insurance Program;
b. seismic and geologic hazards (see Safety chapter for complete description of types of seismic and geologic hazards);
c. sanitary landfill sites;
d. areas of soil creep, saturated soils, and areas where the water table is 3 feet or less below the surface;
e. prime agricultural soils;
f. bay wetlands;
g. water supply watersheds;
h. riparian corridors; and
i. areas generally above 15% slope.

Policy C-GD 7: Urban expansion should be planned on a staged, orderly basis, consistent with applicable plans (e.g. city, County, countywide plans) and the availability of needed urban services and facilities. The discouragement of expansion of cities' Urban Service Areas should be recommended to the LAFCO.

Policy C-GD 8: Proposals to annex lands or expand a city's urban service area boundaries shall be approved only if:

a. the city, special districts and affected school districts have the ability to provide all needed public services and facilities to the area within five years and without lessening existing levels of service;
b. the existing supply of land within the city's USA accommodates no more than five years of planned growth;
c. the area proposed for urban development is contiguous to existing urbanized areas.

Policy C-GD 11: Unincorporated lands intended for urbanization should be annexed to cities at a time consistent with cities' development schedules.

Policy C-GD 12: Annexation outside of Urban Service Areas shall not be permitted.

Policy: U-LM 1: Urban unincorporated areas within city Urban Service Areas should eventually be annexed into the city.

Stanford Community Plan

The SCP was adopted in 2000 as a component of the Santa Clara County General Plan. The SCP augments the County General Plan and articulates the goals, strategies, and policies for Stanford lands in the tributary of Santa Clara County.

The Academic Growth Boundary (AGB) is the primary mechanism for promoting compact urban development and resource conservation on the Stanford campus and defines the allowable development for areas within and outside the AGB. In general, all uses associated with the educational and residential function of the campus are directed inside the AGB (i.e., within the central campus), while areas outside the AGB (i.e., within the foothills) are reserved for open space and academic activities that require the foothill setting for their basic functioning.

Under the SCP a four-fifths vote of the County Board of Supervisors is required to alter the AGB. Such an alteration may only be triggered if Stanford reaches 17.3 million square feet of academic and support facilities and student housing. This amount of square footage represents the 12.3 million square feet of academic and student housing facilities that existed in 2000, plus an additional five million square feet of growth estimated by multiplying Stanford's historic growth rate of 200,000 square feet per year by 25 years. The Academic Growth Boundary will continue to remain in place unless amended by a majority vote of the Board of Supervisors. Some of the applicable policies from the existing SCP Growth and Development chapter are listed below.

> ***Policy SCP-GD 1:*** Establish and maintain an Academic Growth Boundary (AGB) as shown on Figure 1.3. Direct future development on Stanford lands within the AGB, consistent with the Community Plan land use designations.
>
> ***Policy SCP-GD 2:*** Retain the location of the Academic Growth Boundary as shown in Figure 1.3 for at least 25 years, and until the building area of academic and support facilities and student housing reaches 17,300,000 square feet.
>
> ***Policy SCP-GD 3:*** Allow modification of the location of the Academic Growth Boundary within 25 years of its initial approval only upon a four-fifths vote of the Board of Supervisors.
>
> ***Policy SCP-GD 4:*** The design and intensity of growth within the Academic Growth Boundary should facilitate transit usage. There should be a mixture of uses to allow for a high degree of pedestrian and bike trips. The location of uses should facilitate non-auto trips.
>
> ***Policy SCP-GD 5:*** The design and intensity of development outside the Academic Growth Boundary should be very low intensity supporting academic field research, research needing remote locations, agricultural and recreational uses.
>
> ***Policy SCP-GD 6:*** Incremental additional development within the Academic Growth Boundary may only be permitted through a General Use Permit approved by the County.

2000 General Use Permit

The most recent General Use Permit was approved in 2000 and is the implementation document that permits additional academic facilities and housing units and establishes conditions of approval for development of Stanford lands in unincorporated Santa Clara County, consistent with the goals, strategies, and policies of the SCP. Key functions of the 2000 General Use Permit

are to establish the allowed land uses, specify the quantity of new academic and academic support space and related infrastructure that may be constructed; specify the quantity of housing units and student beds that may be constructed; and identify conditions of approval that apply to new construction and campus operations to minimize effects to the surrounding community and environment.

The 2000 General Use Permit divides Stanford lands into ten development districts in which the distribution of development within the campus is estimated. Nine of the development districts are located within the Academic Growth Boundary: Campus Center, Quarry; Arboretum; Department of Athletics, Physical Education, and Recreation (DAPER) and Administrative; East Campus; San Juan; Lagunita; Lathrop; and West Campus. The tenth district includes lands outside the Academic Growth Boundary in the Foothills Development District.

1985 Land Use Policy Agreement

In recognition of Stanford's multi-jurisdictional setting, the County of Santa Clara, the City of Palo Alto, and Stanford entered into a three-party agreement entitled the "1985 Land Use Policy Agreement." The agreement defines what land uses may remain in the unincorporated County and what uses must be annexed to Palo Alto; affords Palo Alto review opportunities for Stanford projects on the unincorporated County lands; and recognizes that Stanford's lands are held in perpetual trust for educational purposes. The agreement calls for maintenance of an informational document known as the Protocol, which outlines adopted land use designations, regulations, restrictions, and review and referral procedures for land use and development on the Stanford campus.

County of Santa Clara Zoning Ordinance

The County of Santa Clara Zoning Ordinance implements the Santa Clara County General Plan and regulates land use and development within the unincorporated areas of Santa Clara County. The current County zoning districts for HEU housing opportunity sites are listed in Table 3-2 in Chapter 3, *Project Description*. Descriptions of the County zoning districts applicable to the proposed project are included below.

Exclusive Agriculture (A)

The purpose of the Exclusive Agriculture district, also known as the A district, is to preserve and encourage the long-term viability of agriculture and agricultural lands, recognizing the vital contributions agriculture makes to the economy and quality of life within the county. The intent of this district is to reserve those lands most suitable for agricultural production for agricultural and appropriate related uses. This zoning district will provide stability for ongoing agricultural operations and provide for new uses necessary to support a viable local agriculture industry. This district is also intended to retain in open space uses those lands which may be suitable for future urbanization until such time as they are included within a city's urban service area and public facilities and services can be economically provided, consistent with community plans and objectives. This district is meant to apply to all portions of the county designated as Agriculture: Large-Scale, Agriculture: Medium-Scale, and Open Space Reserve in the general plan. Of the 21

housing opportunity sites in San José listed in Chapter 3 of this Draft EIR, *Project Description*, only two are zoned as the A district, and both are located on the former Pleasant Hills Golf Course in the eastern portion of San José.

General Commercial (CG)

The purpose of the General Commercial district, also known as the CG district, is to provide, at readily accessible locations, a wide variety of retail, service, and administrative establishments that are required to serve a large trading area population. The CG district is intended to be applied within urban service areas to commercial areas designated in a corresponding manner by the applicable city general plan.

Neighborhood Commercial (CN)

The purpose of the Neighborhood Commercial district, also known as the CN district, is to accommodate, at convenient locations, those limited commercial uses which are necessary to meet basic shopping and service needs of persons residing in surrounding areas. The CN district is intended to be applied within urban service areas to commercial areas designated in a corresponding manner by the applicable city general plan.

General Use Special Purpose Base District (A1)

The purpose of the A1 district is to provide a flexible base zoning district that allows general residential and agricultural uses and provides opportunities through the Use Permit process for other uses and developments that are appropriate for a particular location, consistent with the objectives, goals and policies of the general plan. The A1 zoning district applied to Stanford lands requires that a Use Permit, i.e., the General Use Permit, be granted for development and operation of academic activities. Allowable uses within the A1 district include agriculture, commercial, residential, schools, colleges and vocational schools, recycling, and retail with a Use Permit. SCP Policy SCP-LU-3 and 2000 General Use Permit Condition of Approval F.2.c allow high-density housing for faculty and staff at a density of more than 15 units per acre if such housing is compatible with surrounding building densities and designs.

R1 (One-Family Residence)

The purpose of the One-Family Residence district, also known as the R1 district, is to provide for single-family dwellings, and for the orderly and efficient arrangement of dwellings, yards, accessory buildings, and other residential site improvements.

R1-n2 – Residential (Burbank)

The purpose of the -n Neighborhood Preservation combining districts is to provide neighborhood-specific development standards for certain urban unincorporated areas (unincorporated lands within a city's urban service area). Where necessary and appropriate, they augment the base zoning district regulations to better address a particular area's historic development patterns and characteristics, significant and problematic discrepancies between the standards of the County and the adjoining city, and unique area-specific development issues. More fundamentally, they

are intended to provide effective, practical, and appropriate development standards to maintain and improve the quality of residential neighborhoods. These districts are also intended to implement the policies of the Santa Clara County General Plan regarding development within, and the annexation of, urban unincorporated areas.

As specified in Section 3.40.040 of the County Zoning Ordinance, in recognition of the eclectic and historical character of housing within the central Burbank area, the following specific standards and requirements shall apply to all dwellings in zoning districts that contain the "-n2" combining designation.

A. **Front Yard Setbacks.** Front yard setbacks shall be 20 feet.

B. **Floor Area Ratio.** Floor area ratio (FAR) shall not exceed 0.50. Floor area ratio calculations must be noted on building permit site plans. These computations must be verified, stamped, and signed by either a licensed architect, registered civil engineer, or licensed land surveyor. A cumulative total of 800 square feet for all accessory dwelling units on a lot shall not count toward floor area.

R1-6 (One-Family Residence)

The R1-6 district is a lot-size and setbacks combining district as defined in Chapter 3.10 of the County Zoning Ordinance. The R1-6 designation applies a 6,000-square-foot-minimum lot area and 25-foot-minimum front and rear setbacks and 6-foot-minimum side setbacks to the R1 (One-Family Residence) base district.

R1-8 (One-Family Residence)

The R1-8 district is a lot-size and setbacks combining district as defined in Chapter 3.10 of the County Zoning Ordinance. The R1-8 designation applies an 8,000-square-foot-minimum lot area and 25-foot-minimum front and rear setbacks and 8-foot-minimum side setbacks to the R1 (One-Family Residence) base district.

Architecture and Site Approval

Architecture and Site Approval (ASA) is required as specified in the County Zoning Ordinance and sections C12-350.1 through C12-350.7 of the County Ordinance Code. ASA is typically required in conjunction with commercial, institutional, office, industrial or multiple family residential uses. The purpose of ASA is to maintain the character and integrity of zoning districts by promoting quality development in harmony with the surrounding area, through consideration of all aspects of site configuration and design, and to generally promote the public health, safety and welfare. The procedure commonly augments the Use Permit process by providing a means for establishing detailed conditions on proposed developments.

4.10.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to land use and planning are based on Appendix G of the *CEQA Guidelines*. Implementation of the project would have a significant impact on the environment if it would:

- Physically divide an established community.
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Methodology and Assumptions

The analysis of potential impacts related to land use and planning in this EIR evaluates the potential for the project to result in substantial adverse effects related to land use and planning, including physical division of an established community and the potential for implementation of the project to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

State law requires the County to update the Housing Element of the County General Plan for the 6th cycle, while making any changes to other elements of the General Plan needed to maintain internal consistency and comply with State law, as well as undertaking related changes to the County's zoning ordinance. To comply with these State mandates, the County is proposing to update its Housing Element 2023-2031 via the HEU, which is the subject of this Draft EIR. Since the HEU also includes housing opportunity sites on Stanford University lands within unincorporated Santa Clara County, an update to the SCP is also proposed as part of the HEU, as described in Chapter 3, *Project Description*, of this Draft EIR. The County also proposes to undertake changes to the County's Zoning Ordinance that are needed to reflect the updated Housing Element and to maintain consistency with the General Plan, as necessary under the law.

Because these zoning and policy changes are part of the project being analyzed, the analysis does not consider inconsistency with existing plan policies or codes to necessarily be indicative of significant physical environmental impacts. Adverse physical effects on the environment that could result from implementation of the HEU, including the changes to zoning and General Plan land use designations addressed in this chapter, are evaluated and disclosed in technical sections throughout this Draft EIR.

Impacts and Mitigation Measures

Impacts

Impact LU-1: Implementation of the proposed project would not physically divide an established community. (*No Impact*)

Housing Element Update

As described in Chapter 3, *Project Description*, the proposed HEU would adopt an updated Housing Element for the period from January 2023 to January 2031 in accordance with State law. The updated Housing Element would include goals, objectives, policies, and implementation programs that address the maintenance, preservation, improvement, and development of housing in unincorporated Santa Clara County. In addition, the HEU would identify sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State law. Table 3-2 in Chapter 3, *Project Description*, lists all the potential housing opportunity sites identified by the County and their proposed development densities, and Figure 3-2 in Chapter 3, *Project Description*, shows their locations.

Because the County has been assigned a large RHNA for the 6th Cycle, the County has been compelled to consider a wider range of sites than it has during past cycles. First, in accordance with the County's General Plan and the County's longstanding commitment to concentrate development in urban areas, only the urban unincorporated areas are intended to receive urban services and infrastructure. These areas are intended to eventually be annexed to their surrounding city and for that reason the County's General Plan leaves the planning for these areas to the relevant city, and therefore planning for these areas is typically covered in the relevant city's general plan. However, the County has identified several sites that are in the Urban Services Area (USA), particularly in the USAs in the City of San José that have remained unincorporated and undeveloped, including some sites listed by the City of San José in its 4th RHNA cycle. The County is including those sites and is considering using those sites to meet its 6th Cycle RHNA requirement, along with proposing the requisite changes to the County's General Plan to allow for their use. Second, the County is considering reusing sites on the Stanford Campus listed by the County in its 4th RHNA cycle that have not yet been developed.

While implementation of the HEU would result in the development of new housing at higher densities than currently exist in many areas, these changes would not alter the physical layout such that movement within or across the sites would be obstructed. The HEU also does not propose any roadways, such as freeways, that would divide established communities or isolate individual neighborhoods within the communities. Consequently, implementation of the HEU would have **no impact** related to the division of an established community.

Mitigation: None required.

Stanford Community Plan

As described in Chapter 3, *Project Description*, since the HEU also includes housing opportunity sites on Stanford University lands within unincorporated Santa Clara County, an update to the

SCP is also proposed as part of the HEU. The SCP update would facilitate the development of remaining net new academic, academic support, and residential uses authorized under the existing 2000 General Use Permit; however, the SCP update would not increase the amount of net new development authorized under the existing 2000 General Use Permit.

Academic and academic support and housing development under the SCP update would be constructed on contiguous Stanford land located entirely within the Stanford General Use Permit boundary. Specifically, this development would occur on vacant land, infill sites, and redevelopment sites located within the Academic Growth Boundary. The SCP update would not include any permanent physical barriers or obstacles to circulation that would impede movement across existing public rights-of-way that cross Stanford lands or restrict existing patterns of movement between the Stanford land and adjacent neighborhoods. Therefore, the SCP update would have **no impact** regarding physically dividing an established community.

Mitigation: None required.

Impact LU-2: Implementation of the proposed project would not cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (*Less than Significant Impact*)

Housing Element Update

As noted earlier, the proposed HEU would adopt an updated Housing Element in accordance with State law. The updated Housing Element would include goals, objectives, policies, and implementation programs that address the maintenance, preservation, improvement, and development of housing in unincorporated Santa Clara County. In addition, the HEU would identify sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State law. Table 3-2 in Chapter 3, *Project Description*, lists all the potential housing opportunity sites identified by the County and their proposed development densities, and Figure 3-2 in Chapter 3, *Project Description*, shows their locations. The County also proposes to undertake changes to the County's Zoning Ordinance that are needed to reflect the updated Housing Element and to maintain consistency with the General Plan and proposes to rezone housing opportunity sites and the zoning districts identified in the Housing Element for those sites.

Implementation of the HEU would have a significant environmental impact if it would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Physical environmental impacts resulting from implementation of the HEU are discussed in the applicable environmental resource sections in this Draft EIR.

Implementation of the HEU would result in changes to existing land use designations and zoning in several areas, and those changes would result in the allowance of higher density residential

development than that which is currently allowed. As part of the HEU's adoption, existing land use designations and zoning that do not conform to the densities identified in the HEU would be amended to reflect the new General Plan. Also, the HEU would explain the County's RHNA requirements and include policies necessary to advance the County's housing program notwithstanding potentially competing policies. With adoption of the HEU and conforming changes to the General Plan land use designations and zoning, the HEU would therefore be consistent with applicable general plan designations and zoning, as amended, and the impact would be **less than significant**.

Mitigation: None required.

Stanford Community Plan

As described in Chapter 3, *Project Description*, the SCP update recommends a coordinated approach to housing and circulation policy and implementation measures. This approach is intended to result in Stanford University providing the housing needed to accommodate future growth of academic and academic support uses directly on campus or other contiguous Stanford land-grant lands. The SCP update would facilitate the development of remaining net new academic, academic support, and residential uses authorized under the existing 2000 General Use Permit; the SCP update would not increase the amount of net new development authorized under the existing 2000 General Use Permit. Adoption of changes regarding proposed new development as well as approval of amendments to the SCP would ensure that implementation of the proposed SCP update would have a **less-than-significant impact** regarding consistency with land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect.

Mitigation: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to land use and planning could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*. The geographic scope for cumulative effects related to land use is Santa Clara County.

Impact LU-3: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not physically divide an established community. (*Less than Significant Impact*)

While implementation of the project would result in the development of new housing at higher densities than currently exist in many areas, these changes, or changes that would occur as a result of cumulative development, would not alter the physical layout such that movement within or across the sites would be obstructed. For instance, neither the project nor cumulative projects

would include physical obstructions (e.g., freeways or other impenetrable linear features) that would divide established communities or isolate individual neighborhoods within the communities. Consequently, the cumulative impact would be **less than significant**.

Mitigation: None required.

Impact LU-4: Implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (*Less than Significant Impact*)

As discussed under Impact LU-2, implementation of the project would not result in a significant impact with respect to conflicts with land use plans or policies because the proposed project would include zoning and plan amendments needed to ensure consistency. As such, implementation of the project would not contribute to a cumulative effect due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Consequently, the cumulative impact would be **less than significant**.

Mitigation: None required.

4.10.5 References

County of Santa Clara. 1994. *County of Santa Clara General Plan*. Available online: https://plandev.sccgov.org/ordinances-codes/general-plan. Accessed September 15, 2022.

County of Santa Clara. 2000. *Stanford University Community Plan*. Available online: https://stgenpln.blob.core.windows.net/document/SU_CP.pdf. Accessed September 15, 2022.

State of California, Department of Finance (DOF). 2022. E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2021-2022. May 2022. Available online: https://dof.ca.gov/Forecasting/Demographics/Estimates/estimates-e5-2010-2021/. Accessed October 31, 2022.

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4.11 Noise

4.11.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects related to noise and vibration. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to noise and vibration. Further below, existing plans and policies relevant to noise and vibration associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts from noise and vibration that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR. No comments related to noise were received during either NOP comment period.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).

Technical Background and Noise Terminology

Noise can be generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) that is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. Therefore, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to

the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A weighting and is expressed in units of A-weighted decibels (dBA). Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

This time-varying characteristic of environmental noise is described using statistical noise descriptors. The most frequently used noise descriptors are summarized below:

- **L_{eq}:** the energy-equivalent sound level is used to describe noise over a specified period of time, typically one hour, in terms of a single numerical value. The L_{eq} is the constant sound level, which would contain the same acoustic energy as the varying sound level, during the same time period (i.e., the average noise exposure level for the given time period).
- **L_{max}:** the instantaneous maximum noise level for a specified period of time.
- **L_{dn}:** is a 24-hour day and night A-weighted noise exposure level, which accounts for the greater sensitivity of most people to nighttime noise by weighting noise levels at night ("penalizing" nighttime noises). Noise between 10:00 p.m. and 7:00 a.m. is weighted (penalized) by adding 10 dB to take into account the greater annoyance of nighttime noises.
- **CNEL:** similar to L_{dn}, the Community Noise Equivalent Level (CNEL) adds a 5-dB "penalty" for the evening hours between 7:00 p.m. and 10:00 p.m. in addition to a 10-dB penalty between the hours of 10:00 p.m. and 7:00 a.m.

As a general rule, in areas where the noise environment is dominated by traffic, the L_{eq} during the peak-hour is generally within one to two decibels of the L_{dn} at that location.

Effects of Noise on People

When a new noise is introduced to an environment, human reaction can be predicted by comparing the new noise to the ambient noise level, which is the existing noise level comprised of all sources of noise in a given location. In general, the more a new noise exceeds the ambient

noise level, the less acceptable the new noise will be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1-dB cannot be perceived;
- Outside of the laboratory, a 3-dB change is considered a just-perceivable difference;
- A change in level of at least 5-dB is required before any noticeable change in human response would be expected; and
- A 10-dB change is subjectively heard as approximately a doubling in loudness and can cause an adverse response.

The perceived increases in noise levels shown above are applicable to both mobile and stationary noise sources. These relationships occur in part because of the logarithmic nature of sound and the decibel system. The human ear perceives sound in a non-linear fashion; hence, the decibel scale was developed. Because the decibel scale is based on logarithms, two noise sources do not combine in a simple additive fashion, rather logarithmically. For example, if two identical noise sources produce noise levels of 50 dBA, the combined sound level would be 53 dBA, not 100 dBA.

Noise Attenuation

Stationary point sources of noise, including stationary mobile sources such as idling vehicles, attenuate (lessen) at a rate between 6 dB for hard sites and 7.5 dB for soft sites for each doubling of distance from the reference measurement. Hard sites are those with a reflective surface between the source and the receiver such as parking lots or smooth bodies of water. No excess ground attenuation is assumed for hard sites and the changes in noise levels with distance (drop-off rate) is simply the geometric spreading of the noise from the source. Soft sites have an absorptive ground surface such as soft dirt, grass, or scattered bushes and trees. In addition to geometric spreading, an excess ground attenuation value of 1.5 dB (per doubling distance) is normally assumed for soft sites. Line sources (such as traffic noise from vehicles) attenuate at a rate between 3 dB for hard sites and 4.5 dB for soft sites for each doubling of distance from the reference measurement.

Noise levels may also be reduced by intervening structures, such as a row of buildings, a solid wall, or a berm located between the receptor and the noise source.

Fundamentals of Vibration

As described in the Federal Transit Administration's (FTA) Transit Noise and Vibration Impact Assessment Manual (FTA, 2018), ground borne vibration can be a serious concern for nearby neighbors, causing buildings to shake and rumbling sounds to be heard. In contrast to airborne noise, ground borne vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads. Some common sources of ground borne vibration are trains, buses and heavy trucks on rough roads, and construction activities such as blasting, sheet pile-driving, and operation of heavy earth-moving equipment.

There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal, which is measured in inches per second (in/sec). The PPV is most frequently used to describe vibration impacts to buildings. The root mean square (RMS) amplitude is most frequently used to describe the effect of vibration on the human body. The RMS amplitude is defined as the average of the squared amplitude of the signal. Decibel notation (V_{db}) is commonly used to express RMS. The decibel notation acts to compress the range of numbers required to describe vibration. Typically, ground borne vibration generated by man-made activities attenuates rapidly with distance from the source of the vibration. Sensitive receptors for vibration assessment include structures (especially older masonry structures), people who spend a lot of time indoors (especially residents, students, the elderly and sick), and vibration sensitive equipment such as hospital analytical equipment and equipment used in computer chip manufacturing.

The effects of ground borne vibration include movement of the building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. In extreme cases, the vibration can cause damage to buildings. Building damage is not a factor for most projects, with the occasional exception of blasting and pile-driving during construction. Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by only a small margin.

4.11.2 Environmental Setting

Existing Noise-Sensitive Land Uses

Human response to noise varies considerably from one individual to another. Effects of noise at various levels can include interference with sleep, concentration, and communication, and can cause physiological and psychological stress and hearing loss. Given these effects, some land uses are considered more sensitive to noise levels than others due to the duration and nature of time people spend at these uses. In general, residences are considered most sensitive to noise as people spend extended periods of time in them, including the nighttime hours. Therefore, noise impacts to rest and relaxation, sleep, and communication are highest at residential uses. Schools, hotels, hospitals, nursing homes, and recreational uses are also considered to be more sensitive to noise as activities at these land uses involve rest and recovery, relaxation and concentration, and increased noise levels tend to disrupt such activities. Places such as churches, libraries, and cemeteries, where people tend to pray, study, and/or contemplate, are also sensitive to noise but due to the limited time people spend at these uses, impacts are usually tolerable. Commercial and industrial uses are considered the least noise sensitive.

Existing Noise Environment

The noise environment in and around the County is influenced by vehicular traffic along arterial roadways such as Tully Road and White Road. Other noise sources in the region include the Valley Transit light rail operations and Caltrain operations. Average noise levels during the day and night range from 75 to 79 dBA, L_{dn} near Interstate 280 to 65 to 69 dBA, L_{dn} near Camden Avenue, as indicated in the City of San José's Road Noise Map tool. Noise levels in rear yards of homes can be as low as 49 dBA in locations far away from highways or arterial roadways.

Traffic noise modeling was conducted using existing traffic volumes for roadways near to housing opportunity sites that were identified as part of the transportation analysis. Results of this traffic modeling are presented in **Table 4.11-1** and are representative of transportation noise levels generated along identified roadways.

TABLE 4.11-1
EXISTING CNEL TRAFFIC NOISE LEVELS ALONG STREETS IN THE VICINITY OF THE HOUSING ELEMENT UPDATE

Roadway	Location	Existing (2022) Traffic Noise Level (CNEL)
Bascom Avenue	between Olive Avenue and Forest Avenue	69
Bascom Avenue	between Maywood Avenue and Lindaire Avenue	68
Camden Avenue	between New Jersey Avenue and Leigh Avenue	72
Capitol Avenue	between I-680 and Hostetter Road	68
Fleming Avenue	between Neves Way and Mahoney Drive	63
Hostetter Road	between I-680 and Capitol Avenue	71
Hostetter Road	between Capitol Ave and Peachwood Drive	68
Kirk Avenue	between Summit Avenue and Madeline Drive	70
Kirk Avenue	between Madeline Drive and Hyland Avenue	59
Leigh Avenue	between Camden Avenue and Weeth Drive	65
McKee Road	between Challenger Avenue and White Road	70
McKee Road	between La Pala Drive and Delia Street	68
Moorpark Avenue	between SR 17 and Thornton Way	69
Quarry Road	between Campus Dr and El Camino Real	64
San Carlos Street	between Vaughn Avenue and Arleta Avenue	68
San Carlos Street	between Leigh Avenue and Richmond Avenue	68
Stanford Avenue	between Bowdoin Street and El Camino Real	59
Stevens Creek Blvd	between Bascom Avenue and Bradley Avenue	68
Thornton Way	between Clove Drive and Moorpark Avenue	60
Toyon Avenue	between Cortese Circle and McKee Road	61
Tully Road	between White Road and Buckhill Court	67
White Road	between White Court and Westboro Drive	69
White Road	between Florence Court and Rose Avenue	68
White Road	between Kentridge Drive and McKee Road	67
White Road	between Tully Road and Cunningham Lake Avenue	69

NOTES:

a Noise levels were determined using methodology described in the Fedaeral Highway Administation (FHWA)s Traffic Noise Model Technical Manual.

SOURCE: ESA, 2023 (Appendix D)

4.11.3 Regulatory Setting

Federal

Noise Control Act

In 1972, the Noise Control Act was established to address the concerns of noise as a growing danger to the health and welfare of the Nation's population, particularly in urban areas. In 1974, in response to the Noise Control Act, the U.S. Environmental Protection Agency (EPA) published Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. (U.S. EPA, 2074) **Table 4.11-2** summarizes U.S. EPA findings for residential land uses.

TABLE 4.11-2
SOUND LEVELS THAT PROTECT PUBLIC HEALTH (DBA)

Category	Measure of Exposure	Indoor			Outdoor		
		Activity Interference	Hearing Loss	To Protect Against Both Effects	Activity Interference	Hearing Loss	To Protect Against Both Effects
Residential with Outside Space	L_{dn}	45	70	45	55	70	55
Residential with No Outside Space	L_{dn}	45	70	45	-	-	-

NOTES: Sound levels are yearly average equivalent in decibels; the exposure period which results in hearing loss at the identified level is a period of forty years.

SOURCE: U.S. Environmental Protection Agency, Information of Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an adequate Margin of Safety, 1974.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) aims to ensure worker safety and health in the United States by working with employers and employees to create better working environments. With regard to noise exposure and workers, OSHA regulations set forth accepted criteria to protect the hearing of workers exposed to occupational noise. Noise exposure regulations are listed in 29 Code of Federal Regulations (CFR) Section 1910.95. Section 1910.95(c)(1) states that an employer shall administer a hearing conservation program whenever noise exposure levels equal or exceed an 8-hour time-weighted average sound level of 85 dBA.

Federal Aviation Administration

The Federal Aviation Administration (FAA) has published guidelines for land use compatibility in 14 CFR Part 150. For aviation noise analyses, the FAA has determined that the 24-hour cumulative exposure of individuals to noise resulting from aviation activities must be established in terms of L_{dn} as FAA's primary metric. However, the FAA recognizes CNEL as an alternative metric for assessing aircraft (e.g., helicopters) noise exposure in California.

Based on FAA standards, a significant noise impact would occur if analysis shows that the project would cause noise sensitive areas to experience an increase in the aircraft noise level of 1.5 dB CNEL or more when aircraft levels are 65 dBA CNEL or higher. In addition, a significant noise impact would occur if noise sensitive land uses would be newly exposed to levels of 65 dBA CNEL or higher as a result of a project. For example, a 1.5 dB increase at an aircraft noise level of 63.5 dBA CNEL that brings the aircraft noise level to 65 dBA CNEL would be considered a significant impact.

According to Chapter 65 of Title 42 of the United States Code, and Articles 3 and 3.5 of Chapter 4 of Division 9 of the Public Utilities Code of the State of California, local enforcement of noise regulations and land use regulations related to noise control of airports (e.g., helistops) are preempted by the FAA.

State

Title 24

Title 24 of the California Code of Regulations codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings.

Department of Industrial Relations

The Division of Occupational Safety and Health (DOSH) protects workers and the public from safety hazards through its California Divisions of Occupational Safety and Health (Cal/OSHA) program. The Cal/OSHA Program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing technical assistance to employers and workers about workplace safety and health issues. DOSH enforces noise standards in the workplace in conjunction with OSHA through the CAL/OSHA program.

Local

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of the County of Santa Clara (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements within the General Plan include goals and policies for the physical development of the County. General Plan strategies and policies related to noise and vibration and relevant to implementation of the project are listed below.

Strategy #1: Prevent or Minimize Noise Conflicts

> ***Policy C-HS 24*:** Environments for all residents of Santa Clara County free from noises that jeopardize their health and well-being should be provided through measures which promote noise and land use compatibility.

***Policy C-HS 25*:** Noise impacts from public and private projects should be mitigated.

Strategy #2: Provide Adequate Sound Buffers

***Policy C-HS 26*:** New development in areas of noise impact (areas subject to sound levels of 55 DNL or greater) should be approved, denied, or conditioned so as to achieve a satisfactory noise level for those who will use or occupy the facility (as defined in "Noise Compatibility Standards for Land Use" and "Maximum Interior Noise Levels for Intermittent Noise").

Strategy #3: Minimize Exposure to Airport Noise

***Policy C-HS 27*:** Land uses approved by the County and the cities shall be consistent with the adopted policies of the Santa Clara County Airport Land Use Commission Plan.

Stanford University Community Plan

The current Stanford University Community Plan was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the Community Plan is to guide future use and development of Stanford lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The Community Plan was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. Any revisions to the Community Plan must also be made according to the provisions of State law for adopting and amending general plans. Community strategies and policies related to noise and vibration and relevant to implementation of the HEU and Community Plan Update are listed below.

Strategy #8: Prevent or Minimize Excessive Noise

***Policy SCP-HS 21*:** Identify potential noise-producing uses and determine needs for mitigation using applicable County, local, and other government standards when evaluating proposals for new Stanford facilities.

***Policy SCP-HS 22*:** Locate new land uses and development projects to conform with County noise compatibility standards for land uses.

***Policy SCP-HS 23*:** Minimize noise from construction equipment and other operational sources, through engineering solutions, hours of operation, delivery schedules, and the location of specific noise sources as far away from sensitive receptors as possible.

County of Santa Clara Ordinance Code

The Santa Clara County Ordinance Code includes regulations associated with noise. Within Title B Regulations specifically, Division B11 – Environmental Health, Chapter 8 – Control of Noise and Vibration details a noise policy that is meant to protect the peace and well-being of Santa Clara County residents from excessive and unnecessary noise. **Table 4.11-3** summarizes the maximum permissible noise exterior noise limits by receiving land use.

TABLE 4.11-3
OUTDOOR NOISE LIMITS

Receiving Land Use Category	Time Period	Noise Level (dBA)
One- and Two-Family Residential	10 p.m.—7 a.m.	45
	7 a.m.—10 p.m.	55
Multiple-Family Dwelling	10 p.m.—7 a.m.	50
Residential Public Space	7 a.m.—10 p.m.	55
Commercial	10 p.m.—7 a.m.	60
	7 a.m.—10 p.m.	65
Light Industrial	Any Time	70
Heavy Industrial	Any Time	75

SOURCE: Santa Clara County, 2023.

Additionally, Section 5-207 Prohibited Acts (h) Air Conditioning and Air Handling Equipment of the Ordinance Code establishes maximum noise levels from air handling equipment at the nearest neighboring residential properties, windows and patios. Specifically, such equipment is prohibited from generating a noise level in excess of 45 dBA at any point on a neighboring residential property line, or 40 dBA at the center of neighboring patio or outside the neighboring living area window nearest the equipment location.

Section B11-154 Prohibited acts (b)(6) Construction/demolition, specifically addresses noise from construction activities within the County:

a. No Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between weekdays and Saturday hours of 7:00 p.m. and 7:00 a.m., or at any time on Sundays or holidays, that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by variance. This section will not apply to the use of domestic power tools as specified in Subsection 11.

b. Where technically and economically feasible, construction activities will be conducted in a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedule.

    i. *Mobile equipment*. Maximum noise levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment (**Table 4.5-4**).

    ii. *Stationary equipment.* Maximum noise levels for repetitively scheduled and relatively long-term operation (periods of ten days or more) of stationary equipment (**Table 4.11-5**).

TABLE 4.11-4
MAXIMUM NOISE LEVELS FOR NONSCHEDULED, INTERMITTENT, SHORT-TERM OPERATION OF MOBILE EQUIPMENT (LESS THAN 10 DAYS)

	Single- and Two-Family Dwelling Residential Area	Multifamily Dwelling Residential Area	Commercial Area
Daily, except Sundays and legal holidays 7:00 a.m.—7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holiday	50 dBA.	55 dBA	60 dBA

SOURCE: Santa Clara County, 2020.

TABLE 4.11-5
MAXIMUM NOISE LEVELS FOR REPETITIVELY SCHEDULED AND RELATIVELY LONG-TERM OPERATION OF STATIONARY EQUIPMENT (10 DAYS OR MORE)

	Single- and Two-Family Dwelling Residential Area	Multifamily Dwelling Residential Area	Commercial Area
Daily, except Sundays and legal holidays 7:00 a.m.—7:00 p.m.	60 dBA	65 dBA	70 dBA
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holiday	50 dBA.	55 dBA	60 dBA

SOURCE: Santa Clara County, 2020.

4.11.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to noise and vibration are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project would have a significant impact on the environment if it would:

- Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Generate excessive groundborne vibration or groundborne noise levels; or
- For a project located within the vicinity of a private air strip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the region surrounding the Project Site to excessive noise levels.

Issues Not Discussed in Impacts

Expose people or structures to or generate excessive groundborne noise levels. The second criterion above relates to groundborne vibration and groundborne noise levels, but only the issue

of groundborne vibration is relevant to the project. Groundborne noise occurs when vibrations transmitted through the ground result in secondary radiation of noise. Groundborne noise is generally associated with underground railway operations and with construction activities such as blasting, neither of which are likely to result from implementation of the proposed project. Future planned development within the County would not involve equipment that would produce groundborne vibration; therefore, no impacts related to the exposure of people or structures to, or the generation of, excessive groundborne noise levels would occur in connection with the project. The potential for construction activities to result in groundborne vibration is addressed below in Impact NOI-3.

Methodology and Assumptions

Information for this assessment of impacts relative to noise and vibration is based on a review of County Plans, including the Santa Clara County General Plan, and existing and future traffic volumes provided by Hexagon Transportation Consultants.

Roadside noise levels were calculated for the same roadways analyzed in Section 4.14, *Transportation*. The street segments selected for analysis are those expected to be most directly impacted by the proposed project. These streets are forecast to experience the greatest percentage increase in traffic generated by development under the project.

CEQA generally requires the consideration of both the Existing Plus Project condition and Cumulative Plus Project condition when evaluating whether a project would expose existing sensitive receptors to traffic noise that would result in a substantial increase over existing conditions. The analysis in Impact NOI-4 presents the traffic noise increases along roadways within the County under the project in comparison to both existing and cumulative (2040) conditions.

The California Supreme Court's *CBIA v. BAAQMD* decision[1] has indicated that the impact of existing environmental conditions on a project's future users or residents are generally not required to be considered in a CEQA evaluation, except when the project may exacerbate existing hazards or existing conditions. CEQA analysis is therefore concerned with a project's impact on the environment, rather than with the environment's impact on a project and its users or residents. Thus, with existing traffic noise on proposed sensitive land uses, the County is not required under CEQA to consider the effects of locating new receptors into an area where such noise levels already exist. Therefore, traffic noise exposure on existing future sensitive receptors within the County is not assessed in this Draft EIR. It should be noted, however, that *CBIA v. BAAQMD* decision does not preclude jurisdictions like the County from considering these types of impacts during its own planning and development review processes.

[1] *California Building Industry Association v. Bay Area Air Quality Management District,* S213478. (A135335, A136212; 218 Cal.App.4th 1171; Alameda County Superior Court; RG10548693. Filed December 17, 2015.)

Impacts and Mitigation Measures

Impacts

Impact NOI-1: Construction activities associated with implementation of the proposed project would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Significant and Unavoidable Impact, with Mitigation*)

HEU and Stanford Community Plan Update

With implementation of the project, the primary source of temporary noise within the County and on the Stanford campus would be from demolition and construction. Construction activities would involve both off-road construction equipment (e.g., excavators, dozers, cranes, etc.) and transport of workers and equipment to and from construction sites. **Table 4.11-6** shows typical noise levels produced by the types of off-road equipment that would likely be used during future construction areas within the County. In addition, depending on the types of buildings constructed and the specific area, development of residential uses could require impact pile driving or similar equipment that could generate high noise levels.

To quantify construction-related noise exposure at the nearest sensitive land uses, it is assumed that the two loudest pieces of construction equipment would operate within 50 feet of a sensitive receptor.

TABLE 4.11-6
REFERENCE CONSTRUCTION EQUIPMENT NOISE LEVELS (50 FEET FROM SOURCE)

Type of Equipment	L_{max}, dBA	Hourly L_{eq}, dBA/Percent Use[a]
Backhoe	80	76/40
Jackhammer	85	78/20
Roller	85	78/20
Compactor	80	73/20
Paver	85	82/50
Crane	85	77/16
Grader	85	81/40
Concrete Mixer Truck	85	81/40
Loader	80	76/40
Air Compressor	80	76/40
Excavator	85	81/40
Auger Drill Rig	84	77/20
Pile Driver	101	94/20

NOTES:
a Percent used during the given time period (usually an hour – hourly L_{eq}) were obtained from the FHWA Roadway Construction Noise Model User's Guide.

SOURCE: FHWA, 2006.

Under the project, sensitive receptors located within 50 feet of an excavator or other standard construction equipment producing similar levels of noise could be exposed to a noise level of 82 dBA L_{eq}. This would be an increase of 10 to 23 dBA above the existing CNEL[2] traffic noise levels along streets in the vicinity of the identified housing opportunity sites (see Table 4.11-1 above). Additionally, if impact pile driving were necessary for foundation construction, noise levels of up to 94 dBA could be generated with increases over 30 dBA or higher. These predicted noise levels could exceed the daytime and nighttime noise standards established in Section B11-154 Prohibited acts (b)(6)(b) Construction/demolition of the County of Santa Clara Ordinance Code. The specific noise impacts and need for mitigation for each development project would be evaluated on a site-specific basis during the approval process for each project. There are several standard mitigation measures that may be appropriate and feasible to mitigate construction-related noise impacts. These mitigation measures are identified in Mitigation Measures NOI-1 and NOI-2 below.

While development under the project could also trigger the need for infrastructure upgrades that could occur in proximity to sensitive uses, such projects tend to progress linearly and, therefore, would not be expected to result in localized increases in noise affecting a given receptor for a prolonged period of time.

Mitigation Measure NOI-1: Best Management Practices for Construction Noise Control.

Noise Control. Require contractors to implement noise controls for on-site activities and describe measures that shall be implemented to reduce the potential for noise disturbance at adjacent or nearby residences. Noise control measures required by the specification include:

- Contractor is responsible for taking appropriate measures, including muffling of equipment, selecting quieter equipment, erecting noise barriers, modifying work operations, and other measures to bring construction noise into compliance.
- Each internal combustion engine used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without said muffler.
- Best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all equipment and trucks.
- Stationary noise sources (e.g., chippers, grinders, compressors) shall be located as far from sensitive receptors as possible. If they must be located near receptors, adequate muffling (with enclosures) shall be used. Enclosure opening or venting shall face away from sensitive receptors. Enclosures shall be designed by a registered engineer regularly involved in noise control analysis and design.
- Material stockpiles as well as maintenance/equipment staging and parking areas (all on site) shall be located as far as practicable from residential receptors.

[2] The CNEL metric is a 24-hour metric that penalizes noise during the evening and nighttime hours. For traffic noise, the CNEL is typically within 2 to 2.5 dBA of the peak traffic hour (Caltrans 2013).

- If impact equipment (e.g., jack hammers, pavement breakers, and rock drills) is used, the contractor is responsible for taking appropriate measures, including but not limited to the following:
  - Hydraulically or electric-powered equipment shall be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where the use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used (a muffler can lower noise levels from the exhaust by up to about 10 dB). External jackets on the tools themselves shall be used, where feasible, which could achieve a reduction of 5 dB. Quieter procedures, such as drilling rather than impact equipment, will be used whenever feasible. It is the contractor's responsibility to implement any mitigations necessary to meet applicable noise requirements.
  - Impact construction including jackhammers, hydraulic backhoe, concrete crushing/recycling activities, and vibratory pile drivers will be limited to between 8:00 a.m. and 4:00 p.m., Monday through Friday, within residential communities, and will be limited in duration to the maximum extent feasible.

NOI-2: Noise Control for Pile Installation Activities.

When pile driving would occur within 300 feet of a noise-sensitive receptor, implement "quiet" pile-driving technology (such as pre-drilling of piles, sonic pile drivers, auger cast-in-place, or drilled-displacement), where feasible, in consideration of geotechnical and structural requirements and conditions.

- Where the use of driven impact piles cannot be avoided, properly fit impact pile driving equipment with an intake and exhaust muffler and a sound-attenuating shroud, as specified by the manufacturer.
- Limit pile driving activities to weekdays from 9:00 a.m. to 4:00 p.m. if occurring within 500 feet of a noise-sensitive receptor.
- Notify neighboring noise-sensitive receptors within 500 feet of a PMA construction area at least 30 days in advance of high-intensity noise-generating activities (e.g., well drilling, pile driving, and other activities that may generate noise levels greater than 90 dBA at noise sensitive receptors) about the estimated duration of the activity.

Significance after Mitigation: Mitigation Measures NOI-1 and NOI-2 would reduce, to the extent feasible, the severity of noise generated by demolition and construction activities and reduce the potential annoyance to nearby residents and others who could be disturbed by these activities. Implementation of Mitigation Measures NOI-1 is projected to reduce noise levels associated with demolition and construction activities for construction by 5 to 10 dBA, while Mitigation Measure NOI-2 would reduce noise levels associated with pile installation activities by 17 dBA. However, because of the potential proximity of receptors, it could still be likely that during peak construction activities, noise levels in excess of 10 dBA over ambient may still occur at some sensitive receptors on or near the project site after mitigation, and the construction noise impact would be **significant and unavoidable with mitigation**.

Impact NOI-2: Stationary noise sources from development associated with the proposed project would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Less than Significant Impact*)

HEU and Stanford Community Plan Update

Since residential uses are not typically associated with excess stationary noise production, the development of housing potentially facilitated by the project would have minimal potential to result in new noise-producing stationary sources to developed areas of the County. Air conditioning units could potentially increase noise exposure at existing nearby noise-sensitive uses. However, at the present time, the type, size, and the location of any air handling equipment that may be associated with housing developed under the project is unknown. Section B11-152 Exterior Noise Limits of the County of Santa Clara Ordinance Code establishes maximum noise levels at the nearest residential properties, presented in **Table 4.11-3** above. Therefore, for housing sites under the project, any impacts associated with the potential for future stationary noise sources conflicting with local noise standards would be **less than significant**.

Mitigation Measures: None required.

Impact NOI-3: Implementation of the proposed project would not result in exposure of persons to or generation of excessive groundborne vibration levels. (*Less than Significant Impact*)

HEU and Stanford Community Plan Update

Construction activities potentially facilitated by implementation of the project would occur in a variety of locations throughout the County under the project, which may require activities or use of off-road equipment known to generate some degree of vibration. Activities that would potentially generate excessive vibration, such as blasting or impact pile driving, would not be expected to occur from housing development under the project, as such activities would typically be associated with high-rise development that is not envisioned. Receptors sensitive to vibration include structures (especially older masonry structures), people (especially residents, the elderly, and the sick), and equipment (e.g., magnetic resonance imaging equipment, high resolution lithographic, optical and electron microscopes). Regarding the potential effects of groundborne vibration to people, except for long-term occupational exposure, vibration levels rarely affect human health.

Since specific future projects within the County are unknown at this time, it is conservatively assumed that the construction areas associated with these future projects could be located within 50 feet of sensitive land uses.

The primary vibration-generating activities associated with development would occur during grading, placement of underground utilities, and construction of foundations. **Table 4.11-6** shows the typical vibration levels produced by construction equipment at various distances. The most

substantial source of groundborne vibrations associated with housing development construction would be the use of drill rigs for foundation piers, if required.

According to the Caltrans' *Transportation and Construction Vibration Guidance Manual,* the building damage threshold for historic and some older buildings is 0.25 PPV (in/sec). As indicated in **Table 4.11-7**, construction activities at distances of 25 feet or further from the nearest existing buildings would be well below the threshold of 0.25 PPV to avoid structural damage to historic and older buildings. For these reasons, project-related construction and operational groundborne vibration impacts would be **less than significant**.

TABLE 4.11-7
VIBRATION LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	PPV (in/sec)[a]	
	At 25 Feet (Reference)	At 50 feet
Large Bulldozer	0.089	0.35
Auger Drill Rig	0.089	0.35
Loaded Trucks	0.076	0.30
Jackhammer	0.035	0.14

NOTES:

a Vibration amplitudes for construction equipment assume normal propagation conditions and were calculated using the following formula: PPV (equip) = PPV (ref) x (25/D)1.1 where:

PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
PPV (ref) = the reference vibration level in in/sec from pp. 31–33 and Table 18 of the Caltrans Vibration Guidance Manual, as well as Table 12-2 of the FTA's Noise and Vibration Guidance Manual
D = the distance from the equipment to the receiver

SOURCES: Caltrans, Transportation *and Construction Vibration Guidance Manual*, April 2020, pp. 29–34, http://www.dot.ca.gov/hq/env/noise/publications.htm, accessed on December 21, 2021; FTA, *Transit Noise and Vibration Impact Assessment Manual*, September 2018, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed April 21, 2023.

Mitigation Measures: None required.

Impact NOI-4: Transportation activities under the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (*Less than Significant Impact*)

HEU and Stanford Community Plan Update

Vehicular traffic noise increases associated with the proposed project were estimated using algorithms found in the FHWA's *Traffic Noise Model Technical Manual* and the estimated 2022 and 2040 traffic volumes provided in this EIR's traffic analysis for the No Project and with Project scenarios. The results of the vehicular traffic noise modeling effort for the project are summarized in **Table 4.11-8**.

TABLE 4.11-8
EXISTING AND PROJECTED LDN TRAFFIC NOISE LEVELS ALONG STREETS
HOUSING ELEMENT UPDATE

Roadway Segment	Traffic Noise Level, LDN[a]			
	Existing Condition (2022)[b]	2022 with Project	2022 Plus Project minus 2022 Existing Condition	Significant Increase (Yes or No)?[c]
Bascom Avenue between Olive Avenue and Forest Avenue	69	69	0.1	No
Bascom Avenue between Maywood Avenue and Lindaire Avenue	68	68	0.1	No
Camden Avenue between New Jersey Avenue and Leigh Avenue	72	72	0.0	No
Capitol Avenue between I-680 and Hostetter Road	68	69	0.4	No
Fleming Avenue between Neves Way and Mahoney Drive	63	63	0.0	No
Hostetter Road between I-680 and Capitol Avenue	71	71	0.5	No
Hostetter Road between Summit Avenue and Madeline Drive	68	68	0.0	No
Kirk Avenue between Summit Avenue and Madeline Drive	70	70	0.0	No
Kirk Avenue between Madeline Drive and Hyland Avenue	59	59	0.0	No
Leigh Avenue between Camden Avenue and Weeth Drive	65	65	0.0	No
McKee Road between Challenger Avenue and White Road	70	70	0.0	No
McKee Road between La Pala Drive and Delia Street	68	68	0.0	No
Moorpark Avenue between SR 17 and Thornton Way	69	69	0.1	No
Quarry Road between Campus Drive and El Camino Real	64	64	0.2	No
San Carlos Street between Vaughn Avenue and Arleta Avenue	68	68	0.1	No
San Carlos Street between Leigh Avenue and Richmond Avenue	68	68	0.0	No
Stanford Avenue between Bowdoin Street and El Camino Real	59	59	0.0	No
Stevens Creek Blvd between Bascom Avenue and Bradley Avenue	68	68	0.1	No
Thornton Way between Clove Drive and Moorpark Avenue	60	61	1.3	No
Toyon Avenue between Cortese Circle and McKee Road	61	61	0.0	No
Tully Road between White Road and Buckhill Court	67	67	0.0	No
White Road between White Court and Westboro Drive	69	69	0.4	No
White Road between Florence Court and Rose Avenue	68	68	0.5	No
White Road between Kentridge Drive and McKee Road	67	67	0.1	No
White Road between Tully Road and Cunningham Lake Avenue	69	71	1.8	No

NOTES:

a Noise levels were determined using methodology described in FHWA's Traffic Noise Model Technical Manual.
b Existing sensitive receptors exposed to a traffic noise increase greater than 3 dB between Existing and 2040 Plus Project conditions is considered a significant impact.
c The 2040 Project contribution to any traffic noise increase is considered considerable if existing sensitive receptors are exposed to a traffic noise increase between 2040 No Project and 2040 Plus Project conditions is greater than 3 dB.

SOURCE: ESA, 2022 (Appendix B of this EIR)

According to Caltrans, a 3 dB increase in noise is considered barely perceptible to the average human.[3] As shown in Table 4.11-8**,** none of the sensitive land uses along roadway segments analyzed would be exposed to an increase in traffic noise that would exceed 2 dB. Therefore, the increase in vehicular traffic along local roadways would not result in the exposure of adjacent existing sensitive land uses substantial increases in vehicular traffic noise and the impact would be **less than significant**.

Mitigation Measures: None required.

Impact NOI-5: Implementation of the proposed project would not expose people residing or working in the project area to excessive noise levels due to being located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport. ***(Less than Significant Impact)***

HEU and Stanford Community Plan Update

There are four public use airports in Santa Clara County: 1) Palo Alto Airport; 2) San Martin Airport; 3) Norman Y. Mineta San José International Airport; and 4) Reid-Hillview County Airport. The Palo Alto Airport is located approximately 3 miles from the nearest prospective housing opportunity site on Quarry Road (Stanford). The Palo Alto Airport Comprehensive Land Use Plan Report (Santa Clara County Airport Land Use Commission, 2016) indicates that the existing 55 dBA CNEL noise contour of Palo Alto Airport does not extend west of US-101 and is approximately 3 miles northeast of the Quarry Road site.

The San Martin Airport is located over 20 miles from the nearest prospective housing opportunity site (Camden Avenue), and would therefore have no noise impacts to any portion of the project areas.

Norman Y. Mineta San José International Airport is located approximately two miles from the nearest prospective housing opportunity site on West San Carlos Street (San José). The Norman Y. Mineta San José International Airport Master Plan Update Project indicates that the existing 60 dBA CNEL noise contour of the airport does not extend west of The Alameda and is approximately 1.9 miles northeast of the W San Carlos Street site.

The Reid-Hillview County Airport is located approximately 0.9 miles from the nearest prospective housing opportunity site at the former Pleasant Hills golf course on South White Road (San José). The Reid-Hillview County Airport Master Plan indicates that the existing 60 dBA CNEL noise contour of Reid-Hillview County Airport does not extend east of Capitol Expressway and is approximately 0.7 miles west of the South White Road site.

Based upon these considerations, aircraft operations of all four of the County Airports would not impact the potential occupants of any of the prospective housing opportunity sites of the project area.

[3] California Department of Transportation (Caltrans), 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. September 2013.

Mitigation Measures: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to noise and vibration could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact NOI-6: Construction activities associated with implementation of the proposed project update, when combined with other past, present, or reasonably foreseeable projects, would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Less than Significant Impact*)

Development that could occur with implementation of the project update and the cumulative projects listed in Table 4.0-1 (see Section 4.0 of this EIR), if constructed contemporaneously, could result in construction noise levels higher than those of development of the project alone at some receptor locations. Three of the 13 foreseeable projects are already under construction and, therefore, construction of these projects would not combine with construction activities associated with development under the project.

As discussed in Impact NOI-1, above, sensitive receptors located within 50 feet of an excavator or other standard construction equipment producing similar levels of noise could be exposed to a noise level of 82 dBA L_{eq} and receptors within 50 feet of pile driving could be exposed to noise levels of 94 dBA L_{eq} . However, all 10 of the remaining cumulative projects would be located 1,400 feet or further from the nearest opportunity sites and, at this distance, noise from an excavator would be attenuated to 48 dBA, which would be well below typical daytime noise levels for a suburban area. Therefore, under the project, likely construction equipment operations from multiple construction projects happening simultaneously in close proximity are unlikely to combine to create cumulative noise impacts. Therefore, cumulative impacts associated with future construction activities conflicting with local noise standards would be **less than significant**, notwithstanding the fact that other cumulative projects would not contribute to a cumulative construction noise impact, because the project alone could result in a significant and unavoidable construction noise impact as discussed in Impact NOI-1, Mitigation Measures NOI-1 and NOI-2 would still apply.

Mitigation Measure: Mitigation Measures NOI-1 and NOI-2.

Impact NOI-7: Stationary noise sources from development within the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Less than Significant Impact*)

Development that could occur with implementation of the project and the cumulative development described in Section 4.0 of this EIR, could result in stationary source noise levels higher than those of development of the project alone at some receptor locations.

As discussed in Impact NOI-2, above, air conditioning units installed as part of development resulting from implementation of the project could be expected to increase noise exposure at existing nearby noise-sensitive uses or affect proposed noise-sensitive uses in the vicinity.

At the present time, the type, size, and the location of any air handling equipment that may be associated with developed under the project is unknown. However, all 13 of the cumulative projects would be located 1,400 feet or further from the nearest housing opportunity sites and, at this distance, noise from an HVAC system would be attenuated to well below typical daytime noise levels for a suburban area and would therefore not contribute considerably to the cumulative noise environment.

As discussed in Impact NOI-2, Section B11-152 Exterior Noise Limits of the Santa Clara County Ordinance Code establishes maximum noise levels at the nearest residential properties. Because these requirements would apply to all past, present, or reasonably foreseeable projects as well as from development with the proposed project, the cumulative impact with respect to stationary noise sources potentially resulting in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance would be **less than significant**.

Mitigation Measures: None required.

Impact NOI-8: Construction activities associated with implementation of the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in exposure of persons to or generation of excessive ground borne vibration levels. (*Less than Significant Impact*)

Development that could occur with implementation of the project and the cumulative development described in Section 4.0 of this EIR could be constructed contemporaneously. Regarding the potential for a cumulative vibration-related damage impact to occur, because vibration impacts are based on instantaneous PPV levels and are only impactful for very short distances, worst-case groundborne vibration levels from construction are generally determined by whichever individual piece of equipment generates the highest vibration levels. Unlike the analysis for average noise levels, in which noise levels of multiple pieces of equipment can be combined to generate a maximum combined noise level, instantaneous peak vibration levels do not combine in this way. Vibration from multiple construction sites, even if they are located close

to one another, would not combine to raise the maximum PPV. For this reason, the cumulative impact of construction vibration from multiple construction projects located near one another would generally not combine to further increase vibration levels. In essence, vibration effects are highly localized.

Additionally, all 13 of the cumulative projects would be located 1,400 feet or more from the nearest housing opportunity sites and, at this distance, vibration from construction activities would be attenuated to well below typical levels in a suburban environment.

Vibration impacts resulting from construction of subsequent projects under the project would not combine with vibration effects from cumulative projects in the vicinity. Therefore, cumulative groundborne vibration impacts related to potential damage effects and interference with vibration-sensitive equipment would be ***less than significant***.

Mitigation Measures: None required.

Impact NOI-9: Transportation activities under the proposed project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (*Less than Significant Impact*)

Development that could occur with implementation of the project and the cumulative development described in Section 4.0 of this EIR could result in increased roadside noise levels generated by an increase in roadway traffic. Vehicular traffic noise increases associated with the project inclusive of projected development in the cumulative year 2040 scenario were estimated using algorithms found in the FHWA's *Traffic Noise Model Technical Manual* and the estimated 2040 traffic volumes provided in this Draft SEIR's traffic analysis for the project. The results of the vehicular traffic noise modeling effort for the project are included below in **Table 4.11-9**.

According to Caltrans, a 3 dB increase in noise is considered barely perceptible to the average human.[4] As can be seen from the increases in roadside noise presented in Table 4.11-9, the cumulative increase in roadside noise levels compared to baseline 2021 conditions along all roadways analyzed was less than 3 dBA. Therefore, the cumulative increase in roadside noise levels would be **less than significant**.

Mitigation Measure: None required.

[4] California Department of Transportation (Caltrans), 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. September 2013.

TABLE 4.11-9
EXISTING AND PROJECTED LDN TRAFFIC NOISE LEVELS ALONG STREETS
HOUSING ELEMENT UPDATE

Roadway Segment	Traffic Noise Level, LDN[a]			
	Existing Condition (2022)[b]	2040 with Project	2040 Plus Project minus 2022 Existing Condition	Significant Increase (Yes or No)?[c]
Bascom Avenue between Olive Avenue and Forest Avenue	69	70	0.5	No
Bascom Avenue between Maywood Avenue and Lindaire Avenue	68	70	1.9	No
Camden Avenue between New Jersey Avenue and Leigh Avenue	72	73	1.2	No
Capitol Avenue between I-680 and Hostetter Road	68	69	0.7	No
Fleming Avenue between Neves Way and Mahoney Drive	63	64	0.6	No
Hostetter Road between I-680 and Capitol Avenue	71	71	0.3	No
Hostetter Road between Summit Avenue and Madeline Drive	68	68	0.0	No
Kirk Avenue between Summit Avenue and Madeline Drive	70	70	0.1	No
Kirk Avenue between Madeline Drive and Hyland Avenue	59	59	0.1	No
Leigh Avenue between Camden Avenue and Weeth Drive	65	66	0.8	No
McKee Road between Challenger Avenue and White Road	70	71	0.5	No
McKee Road between La Pala Drive and Delia Street	68	69	0.9	No
Moorpark Avenue between SR 17 and Thornton Way	69	71	2.1	No
Quarry Road between Campus Drive and El Camino Real	64	64	0.0	No
San Carlos Street between Vaughn Avenue and Arleta Avenue	68	70	1.5	No
San Carlos Street between Leigh Avenue and Richmond Avenue	68	69	1.5	No
Stanford Avenue between Bowdoin Street and El Camino Real	59	60	1.3	No
Stevens Creek Blvd between Bascom Avenue and Bradley Avenue	68	68	0.3	No
Thornton Way between Clove Drive and Moorpark Avenue	60	60	0.0	No
Toyon Avenue between Cortese Circle and McKee Road	61	61	0.3	No
Tully Road between White Road and Buckhill Court	67	67	0.0	No
White Road between White Court and Westboro Drive	69	70	1.1	No
White Road between Florence Court and Rose Avenue	68	69	1.2	No
White Road between Kentridge Drive and McKee Road	67	67	0.5	No
White Road between Tully Road and Cunningham Lake Avenue	69	71	2.1	No

NOTES:
a Noise levels were determine using methodology described in FHWA's Traffic Noise Model Technical Manual.
b Existing sensitive receptors exposed to a traffic noise increase greater than 3 dB between Existing and 2040 Plus Project conditions is considered a significant impact.
c The 2040 Project contribution to any traffic noise increase is considered considerable if existing sensitive receptors are exposed a traffic noise increase between 2040 No Project and 2040 Plus Project conditions is greater than 3 dB.

SOURCE: ESA, 2022 (Appendix B of this EIR)

4.11.5 References

Caltrans, 2020. *Transportation and Construction Vibration Guidance Manual*, April 2020, Table 19, p. 38, https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf, accessed April 24, 2023.

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U.S. Department of Transportation, Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed April 27, 2023.

U.S. EPA, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*, March 1974.

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4.12 Population and Housing

4.12.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects related to population and housing. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to population and housing. Further below, existing plans and policies relevant to population and housing associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to population and housing that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR. Comments relevant to population and housing included concerns that the proposed HEU housing opportunity sites might not be sufficient to meet the County's current and future housing needs, and that the County should adopt a more aggressive HEU that would provide substantially more housing.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).
- U.S. Census Bureau: QuickFacts (2021).
- California Department of Finance (2021).

4.12.2 Environmental Setting

Population

Santa Clara County

In 2021, the County had an estimated population of 1,885,508 residents (U.S. Census Bureau. 2021a), with approximately 95.5 percent of residents living in incorporated cities and towns and about 4.5 percent living in unincorporated portions of the County.

Between 2010 and 2020, the population in Santa Clara County increased by 9.2 percent, which was greater than the Bay Area region, which experienced a population increase of 8.4 percent over the same period. **Table 4.12-1** below shows the population trends for 2010-2020 for the entire County and the Bay Area region.

TABLE 4.12-1
SANTA CLARA COUNTY POPULATION TRENDS, 2010-2020

	2010	2020	% Change from 2010-2020
Santa Clara County	1,781,642	1,945,166	9.2%
Bay Area Region[a]	7,150,739	7,748,930	8.4%

NOTES:

a. The nine-county Bay Area Region includes Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties.

SOURCE: California Department of Finance, E-4 Series (CDOF 2021a).

Over the next 20 years, population growth in the County is projected to increase by 27.8 percent, which is greater than projected population growth in the Bay Area region, which is expected to experience a population increase of 21.9 percent over the same period. **Table 4.12-2** below shows the population projections for 2020-2040 for the County and the region.

TABLE 4.12-2
SANTA CLARA COUNTY POPULATION PROJECTIONS, 2020–2040

	2020	2030	2040	% Change from 2020-2040
Santa Clara County	1,986,340	2,217,750	2,538,320	27.8%
Bay Area	7,920,225	8,689,440	9,652,945	21.9%

SOURCE: Association of Bay Area Governments, Projections 2040 by Jurisdiction (ABAG 2019)

City of San José

The City of San José encompasses approximately 180 square miles. In 2021, the City had an estimated population of 983,489 residents (U.S. Census Bureau. 2021c), which represented approximately half, or 52.2 percent, of Santa Clara County's total population. Between 2010 and 2020, the population in the City increased by 10.1 percent, which is slightly greater than Santa Clara County, which experienced a population increase of 9.2 percent, and the Bay Area region, which experienced a population increase of 8.4 percent, over the same period. **Table 4.12-3** below shows the population trends for 2010-2020 for the City, County, and the region.

TABLE 4.12-3
CITY OF SAN JOSÉ POPULATION TRENDS, 2010-2020

	2010	2020	% Change from 2010-2020
City of San José	945,942	1,041,466	10.1%
Santa Clara County	1,781,642	1,945,166	9.2%
Bay Area Region[a]	7,150,739	7,748,930	8.4%

NOTES:

a. The nine-county Bay Area Region includes Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties.

SOURCE: California Department of Finance, E-4 Series (CDOF 2021a).

Over the next 20 years, population growth in the City is projected to increase by approximately a third, or 33.9 percent, which is greater than projected population growth in Santa Clara County, which is expected to experience a population increase of 27.8 percent, and the Bay Area region, which is expected to experience a population increase of 21.9 percent, over the same period. **Table 4.12-4** below shows the population projections for 2020-2040 for the City, County, and the region.

TABLE 4.12-4
CITY OF SAN JOSÉ POPULATION PROJECTIONS, 2020–2040

	2020	2030	2040	% Change from 2020-2040
City of San José	1,028,210	1,189,660	1,377,145	33.9%
Santa Clara County	1,986,340	2,217,750	2,538,320	27.8%
Bay Area	7,920,225	8,689,440	9,652,945	21.9%

SOURCE: Association of Bay Area Governments, Projections 2040 by Jurisdiction (ABAG 2019)

Housing

Santa Clara County

In 2021, an estimated 693,240 housing units were located in Santa Clara County. Between 2010 and 2020, the number of housing units in the County increased by 6.7 percent, which exceeded the Bay Area regional growth rate in housing units of 5.0 percent. **Table 4.12-5** below shows the housing trends for 2010-2020 for the County and the region.

TABLE 4.12-5
SANTA CLARA COUNTY HOUSING TRENDS, 2010-2020

	2010	2020	% Change from 2010-2020
Housing Units[a]			
Santa Clara County	631,920	674,558	6.7%
Bay Area Region[b]	2,783,991	2,924,264	5.0%

NOTES:

a. "Housing units" are all housing (occupied and unoccupied housing units).
b. The nine-county Bay Area Region includes Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties.

SOURCE: California Department of Finance, E-4 and E-5 Series (CDOF 2021a; 2021b).

Over the next 20 years, the growth in the number of housing units in Santa Clara County is projected to increase by 24.8 percent, which is greater than projected growth in housing units in the Bay Area region, which is expected to experience a 17.4 percent increase in housing units over the same period. **Table 4.12-6** below shows the housing projections for 2020-2040 for the County and the region.

TABLE 4.12-6
SANTA CLARA COUNTY HOUSING PROJECTIONS, 2020–2040

	2020	2030	2040	% Change from 2010-2020
Santa Clara County	706,565	767,750	881,655	24.8%
Bay Area	2,971,440	3,158,760	3,488,970	17.4%

SOURCE: Association of Bay Area Governments, Projections 2040 by Jurisdiction (ABAG 2019)

City of San José

Between 2010 and 2020, the number of housing units in the City increased by 7.2 percent, which exceeded Santa Clara County's growth rate in housing units of 6.7 percent and the region's growth rate in housing units of 5.0 percent. **Table 4.12-7** below shows the housing trends for 2010-2020 for the City, County, and the region.

TABLE 4.12-7
CITY OF SAN JOSÉ HOUSING TRENDS, 2010-2020

	2010	2020	% Change from 2010-2020
Housing Units[a]			
City of San José	314,038	336,507	7.2%
Santa Clara County	631,920	674,558	6.7%
Bay Area Region[b]	2,783,991	2,924,264	5.0%

NOTES:

a. "Housing units" are all housing (occupied and unoccupied housing units).
b. The nine-county Bay Area Region includes Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties.

SOURCE: California Department of Finance, E-4 and E-5 Series (CDOF 2021a; 2021b).

Over the next 20 years, the growth in the number of housing units in the City is projected to increase by a third, or 33 percent, which is greater than the projected growth in housing units in Santa Clara County and the Bay Area region, which are expected to experience increases in housing units of 24.8 percent and 17.4 percent, respectively, over the same period. **Table 4.12-8** below shows the housing projections for 2020-2040 for the City, County, and the region.

TABLE 4.12-8
CITY OF SAN JOSÉ HOUSING PROJECTIONS, 2020–2040

	2020	2030	2040	% Change from 2010-2020
City of San José	344,665	390,415	458,490	33.0%
Santa Clara County	706,565	767,750	881,655	24.8%
Bay Area	2,971,440	3,158,760	3,488,970	17.4%

SOURCE: Association of Bay Area Governments, Projections 2040 by Jurisdiction (ABAG 2019)

4.12.3 Regulatory Setting

Federal

Fair Housing Act

The federal Fair Housing Act (42 U.S.C. 3601 et seq.), enacted in 1968, prohibits discrimination by direct providers of housing, such as landlords and real estate companies, as well as other entities, such as municipalities, banks or other lending institutions and homeowner insurance companies whose discriminatory practices make housing unavailable to persons because of race or color, religion, sex, national origin, familial status, or disability.

State

California Housing Element Law

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their General Plans to address housing conditions and needs in the community. Housing elements are prepared approximately every eight years, following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and "make adequate provision for the existing and projected needs of all economic segments of the community," among other requirements. The County adopted its current housing element in 2014 and must adopt an updated housing element for the 6th cycle.

State law mandates that all cities and counties zone land appropriately to accommodate the increasing needs of regional population growth. Regional housing needs are determined by the California Department of Housing and Community Development (HCD).

There have been substantial changes to State laws regarding housing in the recent years, including changes to housing element requirements (for example requiring that housing elements affirmatively further fair housing), changes to facilitate production of Accessory Dwelling Units (ADUs) and other forms of housing, and changes that limit local agencies' ability to condition or deny applications for affordable housing.

Regional

The Association of Bay Area Governments (ABAG) is the comprehensive regional planning agency and council of governments for the nine-county San Francisco Bay Area Region. Its members include the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma counties and 101 cities and towns of the San Francisco Bay region.

ABAG determines the distribution of the regional housing need through its Regional Housing Needs Allocation (RHNA) process. For the period from 2023 to 2031, HCD has identified a need of more than 441,000 housing units in the Bay Area — more than double the amount from the last eight-year cycle (187,000 units between 2015 and 2023). ABAG distributes this regional housing need to local jurisdictions, including allocations for very low income, low income, moderate income, and above moderate households (ABAG, 2021).

As discussed in Chapter 3, *Project Description*, jurisdictions in the Bay Area are currently updating their housing elements for the 6th cycle, representing the eight-year planning period from 2023 to 2031. ABAG adopted the Final Regional Housing Needs (RHNA) Plan for the region in December 2021 (ABAG, 2021) and unincorporated Santa Clara County's RHNA is 3,125 units, distributed among four income categories. The housing allocation for Santa Clara County by income category is enumerated in **Table 4.12-9**. The County's HEU must plan for housing that meets this RHNA, plus an appropriate buffer.

TABLE 4.12-9
6TH CYCLE (2023-2031) ABAG HOUSING ALLOCATIONS FOR UNINCORPORATED SANTA CLARA COUNTY

Income Category	Citywide Total Housing Units	Portion of Total Allocation
Very Low	828	26.5%
Low	477	15.3%
Moderate	508	16.3%
Above Moderate	1,312	42.6%
Total	3,125	100%

SOURCE: ABAG. 2021. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031. Available at: https://abag.ca.gov/sites/default/files/documents/2021-12/proposed%20Final_RHNA_Allocation_Report_2023-2031.pdf. Accessed January 12, 2023.

Plan Bay Area 2040 and Plan Bay Area 2050

Plan Bay Area 2040 is a regional planning document prepared jointly by ABAG and the Metropolitan Transportation Commission (MTC) that utilizes a multipronged strategy to address housing affordability, transportation requirements, the region's widening income disparities and economic hardships faced by low- and middle-income workers, and the Bay Area's vulnerabilities to natural disasters such as earthquakes and floods. Three principal issues form the core of the Action Plan:

- **Housing**: Lower the share of income spent on housing and transportation costs, lessen displacement risk, and increase the availability of housing affordable to low- and moderate-income households.
- **Economic Development**: Improve transportation access to jobs, increase middle wage job creation, and maintain the region's infrastructure.
- **Resilience**: Enhance climate protection and adaptation efforts, strengthen open space protections, create healthy and safe communities, and protect communities against natural hazards.

As discussed previously, based on the RHNA allocations for housing units from ABAG, each jurisdiction must update their housing element to show the proposed allocations of housing. While the RHNA focuses on the eight-year cycle, Plan Bay Area 2040 focuses also on the longer-term vision for growth through 2040.

In October 2021, ABAG and MTC adopted an updated plan; Plan Bay Area 2050 (ABAG & MTC, 2021). While the plan has been adopted, it will take up to three years for the plan's growth forecast to be integrated into MTC's transportation model, after which updates to each county's transportation model will take place. For these reasons, and for purposes of this EIR, Plan Bay Area 2040 is referenced as the regional plan containing regional population, housing and employment projections.

Local

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of unincorporated Santa Clara County (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements within the General Plan include goals and policies for the physical development of the County. General Plan strategies and policies related to population and housing and relevant to implementation of the proposed project are listed below.

Growth and Development

Strategy #1: Promote Compact Urban Development Patterns

Policy GD 1. Most of the future urban growth of Santa Clara County should be accommodated within the existing urban areas, through infill development, rather than through expansion of the urbanized area into hillsides and resource areas.

Policy GD 2. Urban development shall occur only within cities' urban service areas (USAs) and under city jurisdiction. The County shall not allow urban development on unincorporated lands outside cities' urban service areas.

Policy GD 3. Urban service areas should generally include only those areas suited for urban development. Development of such areas should be:

a. reasonably serviceable with public facilities and services;

b. relatively free from risks associated with natural hazards;

c. without substantial adverse environmental impact;

d. not likely to create severe off-site impacts on surrounding areas; and

e. without cumulative adverse impacts on the county's water supply watersheds or any other natural resource.

Policy C-GD 29. Land use and development patterns that enhance the cost effectiveness of transportation and other urban infrastructure investments should be encouraged.

Policy C-GD 30. Cities should make maximum use of vacant or underutilized lands within the existing urban area for application of compact and mixed-use development principles. Wherever possible, expansion of the urbanized area should also incorporate such principles.

Policy C-GD 31. Mixed land use and compact developments should be encouraged in urban areas wherever appropriate and compatible with city plans and existing development for the purposes of enhancing community identity, creating more affordable housing, reduced auto dependency, trip reduction, and improved environmental quality.

Policy C-GD 32. Mixed land use and compact development should be encouraged which clusters employment, residential, and the types of land uses, goods, and services customarily needed on a daily basis around transit stations, along transit corridors, and in other appropriate urban locations.

Strategy #2: Achieve More Balanced Growth and Development

Policy C-GD 37. Within the urban areas of Santa Clara County, a balance should be achieved and maintained between employment levels, housing supply, infrastructure capacity, and environmental quality.

Policy C-GD 38. Increases in employment should be consistent with the following: a. the rate of housing supply increase; b. the ability of cities and districts to provide needed urban services and infrastructure without lessening levels of service to existing neighborhoods; and c. the attainment of environmental quality standards.

Policy C-GD 39. Geographic separation of housing and employment should be reduced to the maximum extent possible through a variety of means, including:

a. increased housing opportunity in job-rich cities where feasible;

b. mixed use and compact development patterns, including on-site housing for employment centers; and

c. increased housing densities along transit corridors, or "transportation-efficient land use," combined with mixed use "urban activity centers" at transit stations.

Policy C-GD 40. Improved balance between employment and housing opportunities should include the need for: a. increased overall supply and more varied types of housing; b. housing costs commensurate with household income distribution; and c. increased proximity of housing to employment centers.

Policy C-GD 41. Cities should take maximum advantage of the development potential of their vacant land supply and underutilized industrial/commercial lands to achieve more balanced growth and development.

Economic Well-Being

Strategy #4: Improve Quality of Life for All Segments of the Population

Policy C-EC 8. Local governments, as part of an overall economic development program, should work to maintain and improve the overall quality of life in Santa Clara County by:

a. increasing the supply of affordable housing;

b. improving our transportation network and facilitating alternative transportation modes;

c. improving the quality of our schools;

d. providing an adequate system of public parks and open space lands;

e. maintaining a healthy environment;

f. providing a diversity of cultural and recreational opportunities; g. providing adequate and efficient public services; and

g. maintaining the beauty of our physical setting.

Housing

Strategy #1: Plan for a Balanced Housing Supply

Policy HG 1. The planning for the supply and diversity of housing in each part of the urbanized areas county shall provide for existing and expected employment and household needs and a diversity of affordability that matches the diversity of household

incomes, while respecting the capacity of constructed or planned public systems and services.

Strategy #2: Promote cooperation and collaboration on housing development

Policy HG 4. The County and the cities should work cooperatively to ensure that there is a balanced housing supply sufficient to achieve countywide economic, social, and environmental objectives. Further opportunities for inter-agency, intergovernmental, interregional, and public/private cooperation should be sought out and encouraged.

Policy HG 5. Intergovernmental and public and private cooperation shall be encouraged to achieve an adequate supply of affordable housing that meets changing demographic needs in Santa Clara County.

Stanford University Community Plan

The current Stanford University Community Plan was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the Community Plan is to guide future use and development of Stanford lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The Community Plan was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. Any revisions to the Community Plan must also be made according to the provisions of State law for adopting and amending general plans. Community strategies and policies related to population and housing and relevant to implementation of the proposed project are listed below.

Housing

Strategy #1: Increase the Supply and Affordability of Housing

Policy SCP-H 4. Develop housing at densities that make more efficient use of land and enhance the affordability of housing.

Policy SCP-H 8. Streamline the review and approval of housing projects to the extent possible consistent with County standards, land use policy, and State law.

Strategy #2: Balance Housing Needs with Neighborhood Conservation

Policy SCP-H 11. Promote location of housing near compatible and neighborhood-serving support uses and facilities, such as child care, shopping, and recreation, and promote inclusion of such neighborhood-serving facilities in housing areas, as appropriate.

Policy SCP-H 13. Recognize and enhance the character of existing residential areas for faculty/staff and students.

Policy SCP-H 14. Balance concerns about the compatibility of new housing development in existing neighborhoods with the need for increased housing supply and improved affordability.

Policy SCP-H 16. Balance concerns about the compatibility of new housing development on the campus periphery with existing off-campus neighborhoods with the need for increased housing supply and improved affordability.

4.12.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to population and housing are based on Appendix G of the *CEQA Guidelines*. Implementation of the project would have a significant impact on the environment if it would:

- Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Methodology and Assumptions

The project would update the County's Housing Element and the SCP and enact conforming rezonings to facilitate development of additional housing. Importantly, the first significance threshold above requires an evaluation of whether a project would induce "unplanned growth," which it would not, since the Housing Element itself is a plan. Similarly, the Regional Housing Needs Allocation (RHNA) Plan and the housing requirements contained therein is also a plan, as is the Stanford Community Plan. It thus follows that the project's conformance with those plans would avoid a significant environmental impact. Nonetheless, the analysis informs consideration of whether implementation of the project would induce substantial unplanned population growth and is supplemented with a consideration of whether the planned development of new housing would displace existing people or housing, necessitating construction of replacement housing.

Impacts and Mitigation Measures

Impacts

Impact PH-1: Implementation of the project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan

Implementation of the project would provide for the development of additional housing units in selected unincorporated areas within the City of San José and on the Stanford campus. These housing units would meet population demand that ABAG has projected to occur during the eight-year period of the 6th cycle. While no specific development proposals are directly associated with the project, the HEU and SCP would plan for development of between 6,198 and 8,441 new

housing units in the unincorporated County, which is expected to enable the County to meet the 3,125 units assigned to the County through the RHNA process plus a substantial buffer. In doing so, the Housing Element and SCP would be updated to identify specific sites for multifamily housing in the two geographies mentioned above. In addition, the County would rezone those sites as necessary to meet the requirements of State law.

If all sites on the Stanford campus were developed at the planned densities to accommodate between 1,680 and 2,160 new housing units, the population on the campus would increase by approximately 4,855 to 6,242 persons, based on a factor of 2.89 persons-per-household, which is the average number of persons per household in the project area as defined by the Valley Transportation Authority (VTA) travel demand model.[1] Furthermore, if all of the identified sites in unincorporated San José were developed at the planned densities to accommodate between 4,518 and 6,281 new housing units, the unincorporated areas within the City could accommodate an additional approximately 13,057 to 18,152 persons. In total, the project would facilitate the development of housing units to accommodate an additional 17,912 to 24,394 persons.

The number of housing units and resultant population growth assumes that each parcel identified in the inventory of housing opportunity sites would be developed at somewhat less than its maximum potential under its proposed zoning, which reflects constraints that exist at each site. It is important to note that the identification of housing sites in the HEU does not mean that housing will necessarily be constructed on those sites at the planned unit count or desired level of affordability. Although the County must plan for housing development, it does not directly build, or require to be built, any housing. Instead, the identification of housing sites is intended to plan for and encourage housing, and future development on identified sites would be at the discretion of individual property owners and would be largely dependent on market forces, and in the case of affordable housing, on available funding and/or other incentives.

Combined, the proposed project could result in between 6,198 and 8,441 new housing units. By definition, these units would be "planned" rather than unplanned and would conform to the County's Zoning Ordinance as amended, as well as the ABAG RHNA Plan.

Development of additional housing units on the Stanford campus and in unincorporated areas within the City of San José would be infill in nature and would not require extension of services to previously undeveloped areas. Any upsizing or improvement to existing infrastructure would be designed to serve only the planned housing and would not enable growth or facilitate unplanned growth beyond that housing.

Based upon these considerations, implementation of the proposed project would not directly or indirectly induce unplanned population growth to the area, and the impact would therefore be **less than significant**.

[1] The VTA model serves as the primary travel demand forecasting tool for the County. The model is a mathematical representation of travel within the nine Bay Area counties, as well as Santa Cruz, San Benito, Monterey, and San Joaquin counties. The base model structure was developed by the Metropolitan Transportation Commission (MTC) and further refined by the City/County Association of Governments and Santa Clara Valley Transportation Authority for use within San Mateo County and Santa Clara County.

Mitigation Measure: None required.

Impact PH-2: Implementation of the project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. (*Less than Significant Impact*)

Housing Element Update

A majority of the housing opportunity sites are already developed with some sort of use, be it residential or commercial uses; the remaining sites are vacant. Accordingly, in order to develop additional residential uses on those parcels at the densities greater than that which is currently present, it stands to reason that the existing structures on the sites would need to be removed and higher-intensity residential use developed in its place. For example, a collection of parcels with single-family uses could be combined and redeveloped into a multi-family residential project. Under such a scenario, the existing residents would vacate their properties, though such a circumstance would be voluntary through the sale of their properties to the prospective developer(s). Regardless, residential use on the sites would be perpetuated, though at a higher density, and there would be a *net increase* in available housing on the site. Therefore, the construction of replacement housing elsewhere would not be required. As such, the implementation of the project would not displace substantial numbers of existing people or housing, and construction of replacement housing elsewhere would not be required. The impact would be **less than significant**.

Mitigation Measure: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to population and housing could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact PH-3: Implementation of the project, when combined with other past, present, or reasonably foreseeable projects, would not result in a substantial adverse effect related to population and housing. (*Less than Significant Impact*)

Unplanned Growth

As discussed under the analysis for Impacts PH-1 and PH-2, implementation of the project would have a less than significant impact with respect to unplanned population growth or residential displacement. As discussed above, the project represents a maximum-development scenario by which population and housing effects in the unincorporated County are evaluated. The potential

population and housing growth provided for by the project conforms to the ABAG RHNA Plan and ABAG's predictions about population growth and housing demand that is expected to occur in the Bay Area region during 2023-2031. Under the project, if growth were to occur at the maximum densities specified, that growth would conform to the County's zoning code, as amended, as well as the ABAG RHNA Plan, and would thus constitute "planned growth."

Other jurisdictions in the Bay Area have or are in the process of updating their Housing Elements in response to RHNA allocations presented by ABAG. Updates to those Housing Elements would also conform to the housing unit and buffer requirements of the RHNA Plan, and those jurisdictions would also update and amend their General Plans and zoning codes to meet the requirements of the RHNA Plan. Similar to the County's planned growth as described above, growth in these other jurisdictions would therefore be similarly "planned" and would not contribute to a cumulatively considerable effect as relates to unplanned growth.

Residential Displacement

As discussed above under Impact PH-2, the project would support existing County and regional policies concerning the provision of more housing to meet anticipated regional demand. The project would not redesignate or rezone an existing residential area to a nonresidential use. Other jurisdictions throughout the region are undergoing a similar transition as each responds to the substantial increase in each jurisdiction's RHNA allocation and regional efforts to provide more housing, particularly at affordable price points. Ultimately, the number of housing units in the County and the region would increase and would help to address the region's housing needs, particularly as the number of jobs in the region also increases.

Conclusion

Based upon each of the above considerations, implementation of the project would not be cumulatively considerable, and the impact would therefore be **less than significant**.

Mitigation Measure: None required.

4.12.5 References

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4.13 Public Services and Recreation

4.13.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects related to public services and recreation. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to public services and recreation. Further below, existing plans and policies relevant to public services and recreation associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to public services and recreation that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR.

A comment relevant to public services was received in response to the first NOP suggesting that providing public services to areas outside of defined urban service areas would run counter to existing County policy. It should be noted, however, that the second NOP and the revised list of HEU housing opportunity sites do not include any sites that are not within an existing urban services area, so the issue will not be discussed further.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).
- Palo Alto Comprehensive Plan Update (2017).
- Menlo Park Housing Element Update Subsequent EIR (2023).
- Envision San José 2040 General Plan EIR (2011).

4.13.2 Environmental Setting

Fire Protection Services

Fire protection for the housing opportunity sites located in San José would be provided by San José Fire Department (SJFD). Fire protection for the Stanford Community Plan area, including the housing opportunity sites on the Stanford campus, would be provided by the City of Palo Alto Fire Department (PAFD).

San José Fire Department

The SJFD provides fire protection and emergency services for all areas within the jurisdictional boundaries of the City of San José. The SJFD operates 33 fire stations throughout San José and is organized into five battalions geographically located throughout the City. Each battalion contains a subset of fire stations that provide response in a smaller geographical area. The SJFD has approximately 719 sworn personnel supporting fire and emergency response (SJFD, N.d.).

The housing opportunity sites in the Alum Rock and Berryessa neighborhoods are primarily served by Stations 2 and 19, which are organized under Battalion 2 (East), and Station 23, which is organized under Battalion 5 (North). The housing opportunity sites in the unincorporated pocket of San José generally north of Interstate 280 and south of West San Carlos Street between South Bascom Avenue and Meridian Avenue and within the vicinity of the Santa Clara Valley Medical Center are primarily served by Stations 4 and 10, which are organized under Battalion 10 (West), while the housing opportunity site located in the Cambrian Park neighborhood is primarily served by Station 17, which is organized under Battalion 13 (South). Finally, the housing opportunity sites located on the former Pleasant Hills Golf Course located in the East San José neighborhood are primarily served by Fire Station 21, which is organized under Battalion 2 (East).

Generally, SJFD requests for service are received as 911 calls and answered by a communications call taker, then prioritized using a nationally standardized fire or medical priority dispatching system questionnaire. Requests for service are divided into Priority 1 emergencies,[1] Priority 2 emergencies,[2] and non-emergencies. In 2020-2021, SJFD responded to approximately 94,700 total Priority 1 and 2 incidents and 100 non-emergencies, including 57,100 medical incidents, 5,100 fire incidents, and 32,600 other incidents (i.e., good intent calls, rescues, and false alarms) (City of San José, 2021).

The SJFD has a response time goal of eight minutes for Priority 1 emergencies and 13 minutes for Priority 2 emergencies. This standard is to be achieved on 80 percent of incidents. In 2020–2021, SJFD responded to 73 percent of Priority 1 incidents within the City's time standard of eight minutes, thus not meeting its target. However, SJFD responded to 93 percent of Priority 2 incidents within 13 minutes, thus meeting its target (City of San José, 2021).

[1] Priority 1: A time-critical emergency involving an immediate threat to life and/or property.

[2] Priority 2: A request in which critical intervention is required, but the situation has stabilized and is unlikely to worsen in the short term.

Palo Alto Fire Department

The PAFD provides fire protection and suppression, and emergency medical service (EMS), for all areas within the jurisdictional boundaries of Palo Alto in addition to some of the unincorporated land surrounding the City limits, including the Stanford campus. The PAFD currently maintains six full-time fire stations (Stations 1 through 5; and Station 6 on the Stanford campus), and one seasonal fire station (Station 8, located on Page Mill Road south of campus) which is operated during the summer months. The PAFD is currently staffed with over 81 personnel (PAFD, 2021). The housing opportunity sites on the Stanford Campus would be served by Station 6, located at 711 Serra Street, on campus, and Station 1, located at 301 Alma Street, approximately 0.25 miles east of campus.

From July 2021 to December of 2021, PAFD responded to a total of 3,678 calls for service. Approximately eighty-seven percent (87 percent) of the calls were generated from Palo Alto, eleven percent (11 percent) from Stanford, and the remainder, from neighboring cities or requests for regional and statewide resource requests. Most calls were for emergency medical services, making up 58 percent of the responses (PAFD, 2021).

The PAFD has a response time goal of eight minutes, 90 percent of the time, for fire emergencies and emergency medical requests, and 12 minutes, 90 percent of the time, for paramedic (advanced life support) calls. From July 2021 to December of 2021, the PAFD arrived on scene to fire calls within eight minutes, 80 percent of the time, thus not meeting its fire suppression response time goal. However, over the same period, the PAFD arrived on scene to emergency medical calls within eight minutes, 90 percent of the time, thus meeting its emergency medical service response time goal (PAFD, 2021).

Police Protection

Police protection for the housing opportunity sites located in the City of San José would be provided by the San José Police Department (SJPD). Police protection for the Stanford Community Plan area, including the housing opportunity sites on the Stanford campus, would be provided by the Stanford Department of Public Safety, in conjunction with the Santa Clara County Sheriff's Office.

San José Police Department

The San José Police Department (SJPD) provides police protection services throughout the City. The SJPD responds to both emergency and non-emergency calls for service in each of the City's 16 patrol districts, which are further broken down into police beats. The 16 patrol districts comprise four divisions, each containing four districts (SJPD, 2022a). The housing opportunity sites in the Alum Rock and Berryessa neighborhoods are located within District "W" (William) of the Foothill Division while the housing opportunity sites within the unincorporated pocket of San José north of Interstate 280 (I-280) and in the vicinity of the Santa Clara Valley Medical Center are located within District "F" (Frank) and District "S" (Sam) of the Western Division. Finally, the housing opportunity site located in the Cambrian Park neighborhood is located within District "A" (Adam) of the Southern Division while the housing opportunity sites located on the Pleasant

Hills Golf Course located in the East San José neighborhood are located within District "P" (Paul) of the Foothill Division (SJPD, 2022b). Although the County Sheriff currently provides police protection services in these unincorporated areas, SJPD would assume these responsibilities if and when the housing opportunity sites are annexed.

The SJPD has one police station open to the public, at 201 West Mission Street, approximately 3.0 to 6.4 miles from the housing opportunity sites. The SJPD also has four community policing centers and one police substation that are currently closed to the public due to staffing issues. In 2020–2021, the SJPD had 1,159 authorized sworn positions and 558 authorized civilian positions. Of the 1,159 authorized sworn positions, 934 were actual full-duty, street-ready as of June 2021 (City of San José, 2021).

In 2020–2021, SJPD handled approximately 1.2 million total calls for service. The number of emergency calls totaled 611,144 while the number of non-emergency calls totaled about 468,000. Requests for service are divided into Priority 1 emergencies,[3] Priority 2 emergencies,[4] Priority 3 emergencies,[5] and Priority 4 emergencies.[6] In 2020-2021, the SJPD responded to approximately 188,600 Priority 1–4 incidents: 8,700 Priority 1 responses (5 percent), 86,700 Priority 2 responses (46 percent), 70,200 Priority 3 responses (37 percent), and 23,000 Priority 4 responses (12 percent) (City of San José, 2021).

In 2020–2021, the Citywide average response time for Priority 1 calls was 7.1 minutes, which did not meet the SJPD's target of six minutes. The Citywide average of 22.8-minute response time for Priority 2 calls also did not meet the SJPD's target of 11 minutes (City of San José, 2021).

Stanford Department of Public Safety

The Stanford Department of Public Safety (DPS), under the authority of the County of Santa Clara's Sheriff's Department, provides police protection services on the Stanford campus; the University contracts with the Palo Alto Police Department (PAPD) for emergency dispatching services. The Stanford DPS provides a variety of services, including law enforcement, crime prevention, emergency response, and traffic and parking control. A Memorandum of Understanding (MOU) regarding police services between the County of Santa Clara and Stanford provides for sworn Stanford Deputy Sheriffs to have full law enforcement powers to make arrests and enforce State laws and County ordinances. The MOU does not contain an expiration date (Stanford and County of Santa Clara, 2007; Stanford University, 2022).

The administrative functions for Stanford DPS are currently housed in the Fire and Police facility at 711 Serra Street on the Stanford campus. Currently, the Stanford DPS has 33 staff, including sworn officers, and non-sworn staff, such as for community service and traffic and parking control. When Stanford DPS has temporary needs for additional police support (e.g., large events)

3 Priority 1: A time-critical emergency involving an immediate threat to life and/or property.

4 Priority 2: An event that has occurred, for which the suspect may be near but is no longer at the scene and/or no imminent threat exists to life or property.

5 Priority 3: A non-emergency involving property damage or the potential for property to be damaged (a police report may be requested or required).

6 Priority 4: A non-emergency without present or potential damage to property, in which the suspect is gone.

it contracts with private security companies that provide additional off-duty officers. The Stanford DPS uses a variety of factors, including call volumes and population, to determine the adequacy of its staffing levels (Santa Clara County 2018).

Santa Clara County Sherriff's Office

The Santa Clara County Sheriff's Office provides police protection services to all unincorporated areas of Santa Clara County, including the Stanford campus (in conjunction with Stanford DPS) as discussed above, as well as the City of Saratoga, Town of Los Altos Hills, and the community of Moffett Field. The Santa Clara County Sheriff's Office has approximately 2,025 personnel, of which 1,453 are sworn law enforcement officers. (Santa Clara County Sheriff's Office, 2022).

Public Schools

Housing opportunity sites in the City of San José are served by five elementary school/middle districts (Alum Rock Union, Berryessa Union, Luther Burbank, Campbell Union, and Cambrian) and two high school districts (East Side Union and Campbell Union). The Stanford Community Plan area, including the housing opportunity sites on the Stanford campus, is served by the Palo Alto Unified School District.

Alum Rock Union School District

Alum Rock Union School District (USD) serves grade K-8 students in the Alum Rock neighborhood of San José. The Alum Rock USD operates 13 elementary schools, four middle schools, and four TK-8 schools. In 2021-2022, total student enrollment for the entire Alum Rock USD was 9,226 students: 5,777 elementary school students (grade K-5) and 3,449 middle school students (grade 6-8) (CDE, 2022). Based on average enrollment over the last 10 years, the Alum Rock USD has the capacity to accommodate approximately 11,266 students, and thus has room to serve over 2,400 additional students.

The closest schools to housing opportunity sites in the Alum Rock neighborhood are Millard McCollum Elementary, approximately 0.5 miles west/northwest of the sites, Linda Vista Elementary, within a 0.3-mile radius of the sites, Horace Cureton Elementary, approximately 0.7 miles southeast of the sites, and Joseph George Middle School, about 0.7 miles southeast of the sites.

Berryessa Union School District

Berryessa Union School District (USD) serves grade K-8 students in the Berryessa neighborhood of San José. The Berryessa USD operates 10 elementary schools and three middle schools. In 2021-2022, total student enrollment for the entire Berryessa USD was 6,258 students: 4,167 elementary school students (grade K-5) and 2,091 middle school students (grade 6-8) (CDE, 2022). Based on average enrollment over the last 10 years, the Berryessa USD has the capacity to accommodate approximately 7,215 students, and thus has room to serve over 950 additional students.

The closest schools to housing opportunity site in the Berryessa neighborhood are Cherrywood Elementary, approximately 0.25 miles east of the site, and Sierramont Middle School, about 0.9 miles northeast of the site.

Mount Pleasant Elementary School District

The Mount Pleasant Elementary School District (ESD) serves grade K-8 students in the East San José neighborhood of San José. Mount Pleasant ESD operates three elementary schools, one middle school, and one charter STEM academy. In 2021-2022, total student enrollment for the entire Mount Pleasant ESD was 1,710 students: 1,114 elementary school students (grade K-5) and 596 middle school students (grade 6-8) (CDE, 2022). Based on average enrollment over the last 10 years, the Mount Pleasant ESD has the capacity to accommodate approximately 2,266 students, and thus has room to serve over 550 additional students.

The closest schools to housing opportunity sites in the East San José neighborhood are Valle Vista Elementary, approximately 0.2 miles east of the sites, and August Boeger Middle School, about 0.4 miles north of the sites.

East Side Union High School District

East Side Union High School District (UHSD) serves grade 9-12 students in eastern San José. East Side UHSD operates 11 traditional high schools, five alternative high schools, and 12 charter schools. In 2021-2022, total student enrollment for the entire East Side UHSD was 25,174 students (CDE, 2022). Based on average enrollment over the last 10 years, the East Side UHSD has the capacity to accommodate approximately 26,477 students, and thus has room to serve over 1,300 additional students.

The housing opportunity sites in the Alum Rock neighborhood are within the attendance boundaries for James Lick High School, approximately 0.6 miles southwest of the sites, while the housing opportunity site in the Berryessa neighborhood is within the attendance boundaries for Independence High School, about 1.9 miles south of the site.

Luther Burbank School District

Luther Burbank School District consists of a single school, the Luther Burbank School, which serves grade K-8 students in the unincorporated pocket of San José north if I-280; the school is approximately 0.15 miles southeast/southwest of the sites in this pocket. In 2021-2022, the Luther Burbank school had an enrollment of 437 students (CDE, 2022a). Based on average enrollment over the last 10 years, the school has the capacity to accommodate approximately 519 students, and thus has room to serve over 80 additional students.

Campbell Union School District

Campbell Union School District (USD) serves grade K-8 students in San José, Campbell, Santa Clara, Los Gatos, and Monte Sereno. The Campbell USD operates eight elementary schools, two middle schools, and two TK-8 schools. In 2021-2022, total student enrollment for the entire Campbell USD was 6,230 students: 4,272 elementary school students (grade K-5) and 1,958

middle school students (grade 6-8) (CDE, 2022). Based on average enrollment over the last 10 years, the Campbell USD has the capacity to accommodate approximately 7,246 students, and thus has room to serve over 1,000 additional students.

The housing opportunity sites within the vicinity of the Santa Clara Valley Medical Center are within the attendance boundaries for Lynhaven Elementary School, approximately 1.2 miles west of the sites, and Monroe Middle School, about 0.5 miles southwest of the sites.

Cambrian School District

Cambrian School District serves grade K-8 students in the Cambrian Park neighborhood of San José. The district operates four elementary schools, one middle school, and one STEM magnet school (grade K-8). In 2021-2022, total student enrollment for the entire Campbell USD was 2,985 students: 1,920 elementary school students (grade K-5) and 1,065 middle school students (grade 6-8) (CDE, 2022a). Based on average enrollment over the last 10 years, the Cambrian School District has the capacity to accommodate approximately 3,356 students, and thus has room to serve about 370 additional students.

The housing opportunity site in the Cambrian Park neighborhood is within the attendance boundaries for Steindorf Elementary School, approximately northeast of the site, and Price Middle School, about 0.8 miles north of the site.

Campbell Union High School District

Campbell Union High School District (UHSD) serves grades 9-12 students in San José, Campbell, Saratoga, Santa Clara, Los Gatos, and Monte Sereno. The Campbell UHSD operates six high schools and in 2020-2021 had a total student enrollment of 8,583 students (CDE, 2022a). Based on average enrollment over the last 10 years, Campbell UHSD has the capacity to accommodate approximately 7,968 students, and thus is presently over capacity by about 600 students.

The housing opportunity sites in the unincorporated pocket of San José north of I-280 and in the vicinity of Santa Clara Valley Medical Center are within the attendance boundaries of Del Mar High School, approximately 0.8 miles southeast of the sites, while the housing opportunity site in the Cambrian Park neighborhood is within the attendance boundaries for Lehigh High School, about 1.3 miles south of the site.

Palo Alto Unified School District

The Palo Alto Unified School District (PAUSD) serves the City of Palo Alto, portions of the towns of Los Altos and Portola Valley, and the Stanford University campus. The PAUSD operates 12 elementary schools, three middle schools, and two high schools. In 2021-2022, total student enrollment for the entire PAUSD was 10,509 students: 4,211 elementary school students (grades K-5); 2,338 middle school students (grades 6-8); and 3,960 high school students (grades 9-12) (CDE, 2022). Based on average enrollment over the last 10 years, the PAUSD has the capacity to accommodate approximately 11,937 students, and thus the district has additional room to serve over 1,400 additional students.

The housing opportunity sites located in the northwestern portion of the Stanford campus adjacent to the Stanford Shopping Center are within the attendance boundaries for Nixon Elementary School, approximately two miles southeast of the sites, Fletcher Middle School, about 3.5 miles southeast of the sites, and Gunn High School, approximately 3.2 miles southeast of the sites, while the housing opportunity site near Stanford Avenue on the southern border of the campus is within the attendance boundaries for Escondido Elementary School, approximately 0.1 miles south of the site, Greene Middle School, about 1.4 miles northeast of the site, and Palo Alto High School, approximately 0.6 miles north of the site.

Parks and Recreation

The housing opportunity sites in the City of San José would be served by the City of San José Department of Parks, Recreation, and Neighborhood Services. The Stanford Community Plan area, including the housing opportunity sites on the Stanford campus, would be served by extensive open space and recreation facilities on campus, as well as parks and recreation facilities off campus in the cities of Palo Alto and Menlo Park. Finally, all the housing opportunity sites would be served by County parks and recreational facilities located throughout the County.

City of San José Department of Parks, Recreation & Neighborhood Services

The City of San José Department of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of parks, trails, community centers, and other recreational facilities in the City. The City has 199 neighborhood parks and 10 regional parks, as well as other facilities, such as community gardens, trails, swimming pools, and skate parks. Excluding golf courses, the developed portion of these facilities covered 1,794 acres. There were an additional 1,422 acres of open space and undeveloped land (City of San José, 2021).

The closest neighborhood park to the housing opportunity sites in the Alum Rock neighborhood is Fleming Park, approximately 0.4 miles northeast of the sites, while the closest neighborhood parks to the housing opportunity site in the Berryessa neighborhood are Cataldi Park, approximately 0.4 miles north of the site, Flickinger Park, about 0.3 miles southwest of the site, and Brooktree Park, approximately 0.4 miles west of the site. In addition, the closest neighborhood park to the housing opportunity sites located in the unincorporated pocket of San José north of I-280 is Buena Vista Park, approximately 0.4 miles southeast of the sites, while the closest neighborhood parks to the housing opportunity sites located in the vicinity of the Santa Clara Valley Medical Center are Frank M. Santana Park, approximately 0.5 miles northwest of the sites and Marijane Hamann Park, about 0.5 miles southwest of the sites. Next, the closest neighborhood parks to the housing opportunity site in the Cambrian Park neighborhood are Camden Park, approximately 0.5 miles northwest of the site, and Branham Park, about 0.3 miles southeast of the site. Finally, the closest neighborhood parks to the housing opportunity sites in the East San José neighborhood are Fernish Park, approximately 0.2 miles northeast of the sites, and Groesbeck Hill Park, about 0.7 miles southeast of the sites. In addition, Lake Cunningham Park, a 50-acre regional park owned and operated by the City, is located directly adjacent west of the housing opportunity sites in East San José.

Stanford University Open Space and Recreation

Stanford provides athletic and recreation facilities, and open space areas, consisting of groves, lawns, courtyards, and plazas that support outdoor gatherings, picnicking, casual recreation, and peaceful contemplation. The University maintains approximately 265 acres of land designated as Campus Open Space in the Stanford Community Plan, including the Arboretum, the Oval and the area surrounding Lagunita. Stanford also maintains a network of trails around the campus perimeter (e.g., Stanford Perimeter Trail), as well as throughout the areas of lands designated Campus Open Space. The Stanford Perimeter Trail links to the Matadero Creek Trail, which runs along Page Mill Road. In addition to these primary multi-use paths, Stanford maintains four miles of the Dish Recreation Route which provides hiking and jogging access to the public from approximately sunrise to sunset throughout the year.

In terms of recreational facilities, Stanford provides play fields for intramural sports, club sports, and general recreation, several recreation centers that are open to students and Stanford affiliates, and recreation courts, such tennis and sand volleyball courts.

Palo Alto City Parks

The City of Palo Alto Open Space and Parks Division provides parks, recreational facilities, and other public spaces in the City. The Open Space and Parks Division maintains over 162 developed acres of urban park lands including baseball fields, tennis courts, dog runs, and a lawn bowling green. The City of Palo Alto also provides approximately 4,000 acres of open space, including the 1,940-acre Baylands Preserve (City of Palo Alto, 2022).

The nearest City parks facilities to the housing opportunity sites on northwestern portion of campus adjacent to the Stanford Shopping Center are El Camino Park, approximately 0.1 miles north, El Alto Park, about 0.25 miles north, and Heritage Park, approximately 0.25 miles east, while the closest City parks facilities to the housing opportunity site along Stanford Avenue on the southern border of the campus are Cameron Park, approximately 0.1 miles east, Mayfield Park, about 0.25 miles east, Werry Park, approximately 0.15 miles southeast, and Weisshaar Park, about 0.25 miles southeast.

Menlo Park City Parks

The Menlo Park Library and Community Services Department is responsible for providing recreational programs for residents of Menlo Park. The department maintains 13 parks, two public pools, two gymnasiums, and one gymnastics center. Included in the park and recreational areas are tennis courts, softball diamonds, picnic areas, dog parks, playgrounds, a skate park, a shared use performing arts center, soccer fields, and open space (Menlo Park Community Services Department 2022). The nearest City parks facilities to the northern boundary of the Stanford campus are Nealon and Jack W. Lyle parks, approximately 0.7 miles north.

Santa Clara County Parks

Santa Clara County Parks and Recreation Department owns and operates 28 regional parks encompassing over 52,000 acres of land (Santa Clara County Parks, 2022). The closest County

parks facility to the Stanford campus is Rancho San Antonio County Park, approximately 6.6 miles south of campus. With respect to the housing opportunities in San José, the closest County parks facilities to the housing opportunity sites in the Alum Rock and Berryessa neighborhoods is Penitencia Creek County Park, approximately two miles west of the Alum Rock sites and about 1.5 miles southeast of the Berryessa site. Furthermore, the nearest County parks facility to the housing opportunity sites in the unincorporated pocket north of I-280, in the vicinity of the Santa Clara Valley Medical Center, and in Cambrian Park is Los Gatos Creek County Park, approximately 3.7 miles southwest of the unincorporated pocket sites, 2.9 miles southwest of the medical center sites, and 1.5 northwest of the Cambrian Park site. Finally, the nearest County Parks facility to the housing opportunity sites in East San José is Hellyer County Park, approximately 3.2 miles southwest of the sites.

Libraries

Library services in San José are provided by the San José Public Library System. Library services for the Stanford Community Plan area, including the housing opportunity sites on the Stanford campus, are provided by existing academic libraries on the campus and the Palo Alto City Library System. The Santa Clara County Library District also provides library services throughout Santa Clara County.

San José Public Library System

In 2020-21, the San José Public Library System had over 2.5 million materials available for checkout and a staff of 511. In 2020- 2021, nearly 3.8 million items were circulated, a decline from 7 million the previous year due to the COVID-19 pandemic (City of San José, 2021).

The City's library system operates one main library and 25 branch libraries. The Dr. Martin Luther King Jr. Main Library, a joint San José State University/San José Public Library facility, is located at the corner of San Fernando and Fourth Streets, in Downtown San José. The closest branch to the housing opportunity sites in the Alum Rock neighborhood is the Dr. Roberto Cruz Alum Rock Branch library, approximately 0.6 miles west/southwest of the sites, while the closest branch to the housing opportunity site in the Berryessa neighborhood is the Berryessa Branch library, about 1.6 miles east of the site. In addition, the closest branch library to the housing opportunity sites located in the unincorporated pocket of San José north of I-280 is the Rose Garden Branch library, approximately 0.6 miles north of these sites, while the closest branch library to the housing opportunity sites located in the vicinity of the Santa Clara Valley Medical Center is the Bascom Branch Library, about 0.5 miles southeast of theses site. Next, the closest branch to the housing opportunity site in the Cambrian Park neighborhood is the Cambrian Branch Library, approximately 0.5 miles northeast of the site. Finally, the closest branch to the housing opportunity sites located in East San José is the Mt. Pleasant Neighborhood Library (Bridge Branch), approximately .6 miles north of the sites.

Palo Alto City Library System

The Palo Alto City public library system operates five libraries and an eBranch online library: Children's, Downtown, College Terrace, Mitchell Park, and Rinconada. The closest library

branch to the housing opportunity sites located in the northwestern portion of campus adjacent to the Stanford Shopping Center is the Downtown Library branch, approximately 0.5 miles east of the sites, while the closest library branch to the housing opportunity site along Stanford Avenue on the southern border of the campus is College Terrace Library branch, approximately 0.25 miles southeast of the site. In 2020-21, the library system circulated 842,786 items and had 97,523 visitors (Palo Alto City Library System, 2022). Between 2006 and 2015, all City libraries were renovated to expand services and collections (City of Palo Alto 2017).

Santa Clara County Library District

The Santa Clara County Library District has nine library branches throughout Santa Clara County, including locations in Campbell, Cupertino, Los Altos, Milpitas, Saratoga, and Los Altos.

4.13.3 Regulatory Setting

Federal

National Fire Protection Association 1710

National Fire Protection Association (NFPA) 1710 is the standard for the organization and deployment of fire suppression operations, emergency medical operations, and special operations to the public by career fire departments. NFPA developed NFPA 1710 as an industry standard for the deployment of fire suppression operations to ensure safe and effective fire service operations. The Standard stipulates that the first fire engine should arrive to 90 percent of emergency calls within a range of 6:15 and 6:45 minutes. It is recognized that the NFPA 1710 Standard is the optimal national standard and is not regularly achieved in rural areas or areas otherwise far removed from firefighting service providers.

State

California Fire Code

The California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout the State of California. The Fire Code includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, and fire safety during construction and demolition.

Senate Bill 50

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), authorizes school districts to levy developer fees to finance the construction or reconstruction of school facilities, and restricts the ability of local agencies to deny project approvals on the basis that public school

facilities (classrooms, auditoriums, etc.) are inadequate. School impact fees are collected at the time when building permits are issued. Payment of school fees is required by SB 50 for all new residential development projects and is considered full and complete mitigation of any school impacts. School impact fees are payments to offset capital cost impacts associated with new developments, which result primarily from costs of additional school facilities, related furnishings and equipment, and projected capital maintenance requirements. As such, agencies cannot require additional mitigation for any impacts on school facilities or due to the inadequacy of school facilities. Indirect impacts related to school attendance or construction of new facilities must still be considered under CEQA (e.g., indirect impacts on traffic, air quality, noise).

California Government Code, Section 65995(b), and Education Code Section 17620

SB 50 amended California Government Code Section 65995, which contains limitations on Education Code Section 17620, the statute that authorizes school districts to assess development fees within school district boundaries. Government Code Section 65995(b)(3) requires the maximum square footage assessment for development to be increased every two years, according to inflation adjustments. According to California Government Code Section 65995(3)(h), the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities." School districts are responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Quimby Act

The Quimby Act of 1975 authorizes cities and counties to pass ordinances requiring developers to set aside land, donate conservation easements or pay fees for park improvements. The Quimby Act sets a standard park space to population ratio of up to 3 acres of park space per 1,000 persons. Cities with a ratio of higher than three acres per 1,000 persons can set a standard of up to 5 acres per 1,000 persons for new development. Per the Quimby Act, the calculation of a City's park space to population ratio is based on a comparison of the population count of the last federal census to the amount of City-owned parkland. A 1982 amendment to the law (AB 1600) requires agencies to clearly show a reasonable relationship between the public need for a recreation facility or park land, and the type of development project upon which the fee is imposed.

Mitigation Fee Act (California Government Code 66000-66008)

Enacted as AB 1600, the Mitigation Fee Act requires a local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied. This Act became enforceable on January 1, 1989.

Local

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of unincorporated county lands (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements within the General Plan include goals and policies for the physical development of the County. General Plan goals and policies relevant to implementation of the project are listed below.

Goal 3: Planned, orderly urban expansion.

***Policy 3.1*:** Expansion of the urban area only when it occurs in a logical, orderly, and efficient manner, consistent with countywide plans and policies and the ability of local agencies to anticipate and provide necessary urban services and facilities in a cost-effective manner.

Goal 4: Urban Development appropriately located.

***Policy 4.2*:** Urban development only within city urban service areas.

Goal 5: Efficient and adequate urban services.

***Policy 5.1*:** All urbanized areas provided efficiently with necessary urban services and facilities.

***Policy 5.2*:** Optimal and efficient use of all new and existing infrastructure.

***Policy 5.3*:** Adequate and timely maintenance of urban infrastructure.

Stanford University Community Plan

The current Stanford University Community Plan was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the Community Plan is to guide future use and development of Stanford lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The Community Plan was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. All revisions to the Community Plan must also be made according to the provisions of State law for adopting and amending general plans. Community Plan strategies and policies related to public services and recreation and relevant to implementation of the HEU and Community Plan Update are listed below.

Strategy: Plan for parks and open space land within the Academic Growth Boundary.

***Policy SCP-OS 9*:** Identify and preserve significant open space through use of the Campus Open Space designation in order to maintain the quality and character of the central campus.

***Policy SCP-OS 10*:** Require Stanford to maintain recreational open space to meet existing and future recreational needs of the Stanford community.

***Policy SCP-OS 11*:** Balance concerns about the maintenance of buffers between the University and Cities of Palo Alto and Menlo Park with the need for increased housing supply and improved affordability.

Strategy: Adequate Plan for Risk Reduction, Immediate Disaster Response and Post-Disaster Recovery

***Policy SCP-HS 17*:** Stanford shall prepare and maintain effective and feasible emergency plans for disaster response and recovery.

***Policy SCP-HS 18*:** Consider emergency prevention and ability for emergency response in review of development projects on the campus with regard to access, seismic risks, flooding, fire, and other emergency issues.

***Policy SCP-HS 19*:** Stanford shall promote coordination at the neighborhood level and within campus student housing areas to achieve improved earthquake or other disaster preparedness and response capabilities.

4.13.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to public services and recreation are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project would have a significant impact on the environment if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:
  - Fire Protection;
  - Police Protection;
  - Schools;
  - Parks; or
  - Other Public Facilities.
- Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Methodology and Assumptions

Potential direct impacts to public services are analyzed by considering potential substantial adverse physical impacts that would be associated with the provision of new or physically altered

governmental facilities, or the need for new or physically altered governmental facilities, as directed by the Significance Thresholds defined in Appendix G of the *CEQA Guidelines*. Consistent with CEQA Guidelines Section 15145, the analysis does not speculate regarding impacts where the location and/or design of potential new facilities are unknown. Potential direct impacts to recreation are discussed related to the accelerated substantial physical deterioration of recreational facilities and the construction/expansion of recreational facilities. The cumulative analysis considers potential public services and recreation impacts of the project's implementation combined with cumulative development in the City.

For purposes of the impact analysis, it is assumed that any projects developed as a result of the project's implementation would be required to comply with all applicable requirements as described above in Section 4.13.3, *Regulatory Setting*. For instance, it is assumed that any projects developed as a result of the project would be required to comply with adopted impact fee requirements, as well as coordination requirements with applicable service providers.

Impacts and Mitigation Measures

Impacts

Impact PSR-1: Implementation of the proposed project would not result in an increase in demand for fire protection and emergency medical response services that would require new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (*Less than Significant Impact*)

Housing Element Update

While no specific development proposals are directly associated with the HEU, theoretical development would result in an increase in population consistent with ABAG's forecasted population increase for the 2023-2031 period, and thus an increase in demand for fire protection and emergency medical services from fire and emergency protection agencies serving the housing opportunity sites. The increase in population resulting from the HEU would be expected to generate the typical range of service calls, including fire, emergency medical service, and other incidents. New fire personnel, vehicles, and equipment would likely be required to provide adequate service and response times to serve future development. Therefore, the costs to maintain equipment and facilities and to train and equip personnel would also increase. However, the additional personnel and materials costs would likely be gradual as the increase in population associated with development under the HEU would occur incrementally over time.

In addition, as housing opportunity sites are annexed into neighboring jurisdictions (with the exception of those on the Stanford campus), adequate fire protection services would be assessed as a part of the annexation process. As such, it would be possible to assess the need for additional fire personnel and equipment and address these needs to ensure that adequate fire service standards are maintained. However, as a matter of information, if the construction or expansion of facilities to accommodate additional personnel or equipment should become necessary, CEQA review, compliance with General Plan provisions and applicable Municipal Code regulations, and

payment of impact fees would all be required. Therefore, the impact of the HEU on fire protection and emergency medical response services would be **less than significant**.

Stanford Community Plan

The SCP update would facilitate the development of remaining net new academic, academic support, and residential uses authorized under the existing 2000 General Use Permit; the SCP update would not increase the amount of net new development authorized under the existing 2000 General Use Permit. All development facilitated under the SCP update would be served by the existing on-campus Fire Station 6.

As discussed above, the PAFD provides fire protection and EMS to the Stanford campus, and maintains firefighters, including paramedics, and fire-fighting and medical response apparatus at Fire Station 6. As growth allowed under the 2000 General Use permit has been accounted for under existing campus planning documents and the SCP update would not increase the amount of development on campus, it is expected that current fire station facilities would be adequate to serve existing requirements on the Stanford campus under the existing 2000 General Use Permit, and thus new or physically altered fire protection facilities would not be required.

Furthermore, Stanford would continue to pay the City of Palo Alto [or other qualified fire protection/EMS service provider(s) should Stanford contract with another qualified entity(ies)] a fair share contribution annually for fire protection/EMS services from the service provider(s). The City of Palo Alto and Stanford are currently under a five-year contract through July 03, 2023, for PAFD to provide fire protection and EMS services to Stanford, with automatic renewal every five years, unless either party chooses to terminate.

Finally, all new development on the Stanford campus would comply with all fire and life safety codes; code compliance is currently provided by the Stanford University Fire Marshal's Office (SUFMO). As new individual developments facilitated under the SCP update are proposed, the SUFMO would review building plans to ensure the project provides for adequate emergency access, fire hydrants, automatic sprinkler systems, fire alarm systems, water flow, and other fire code requirements. The SUFMO would also inspect the construction work as it progresses to ensure that each individual development meets applicable code compliance. For these reasons, the impact of the SCP update on fire protection and emergency medical response services would be **less than significant**.

Mitigation Measures: None required.

Impact PSR-2: Implementation of the proposed project would not result in an increase in demand for police protection services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (*Less than Significant Impact*)

Housing Element Update

While no specific development proposals are directly associated with the HEU, theoretical development would result in an increase in population and thus an increase in demand for police protection services from law enforcement agencies that serve the housing opportunity sites. The increase in population resulting from the HEU would be expected to generate the typical range of service calls. Additional police personnel, vehicles, and equipment would likely be required to provide adequate response times to serve future growth. Therefore, the costs to maintain equipment and facilities as well as to train and equip personnel would also increase. However, the additional personnel and materials costs would likely be gradual as the increase in population associated with development under the HEU would occur incrementally over time.

In addition, as housing opportunity sites are annexed into neighboring jurisdictions, as would be the case with project sites located within the City of San José Urban Service Area, adequate police protection services would be assessed as a part of the annexation process. As such, it would be possible to assess the need for additional law enforcement personnel and equipment to ensure that adequate police service standards are maintained. However, as a matter of information, if the construction or expansion of facilities to accommodate additional personnel or equipment should become necessary, CEQA review, compliance with General Plan provisions and applicable Municipal Code regulations, and payment of impact fees would all be required. Therefore, the impact of the HEU on police protection services would be **less than significant**.

Stanford Community Plan

The SCP update would facilitate the development of remaining net new academic, academic support, and residential uses authorized under the existing 2000 General Use Permit; the SCP update would not increase the amount of net new development authorized under the existing 2000 General Use Permit. Development facilitated by the SCP update would be served by the Stanford DPS for law enforcement, crime prevention, emergency response, and traffic and parking control. Stanford also has certain investigative support from the Santa Clara County Sheriff's Department, and contracts with the PAPD for emergency dispatching services.

The Stanford DPS operates out of the Public Safety Building and Departmental Operations Center, which was recently completed in 2021. As growth allowed under the 2000 General Use permit has been accounted for under existing campus planning documents and the SCP update would not increase the amount of development on campus, the existing facility is expected to provide adequate space for Stanford DPS under the existing 2000 General Use Permit, and thus new or physically altered fire protection facilities would not be required. Furthermore, Stanford would continue to pay the City of Palo Alto a fair share contribution annually as compensation for the communication and emergency dispatch services it would receive from the PAPD. The City is currently constructing a new Public Safety Building that would house the PAPD, as well

as its emergency dispatch center and other services, and will accommodate existing and future police and emergency planning facility needs of the City. This facility is expected to provide adequate space for PAPD to operate for the foreseeable future; no new and/or expanded facilities are planned. For these reasons, the impact of the SCP update on police protection services would be **less than significant**.

Mitigation Measures: None required.

Impact PSR-3: Implementation of the proposed project would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives, construction of which would have significant physical environmental impacts. (*Less than Significant Impact*)

Housing Element Update

While no specific development proposals are directly associated with the HEU, theoretical development would result in an increase in population and thus an increase in school-aged children that could be enrolled in local schools. As discussed above, except for Campbell UHSD, all of the local school districts serving the housing opportunity sites have capacity to serve new students. However, this capacity could be attributed to the drop off in student enrollment that occurred during the COVID-19 pandemic, and in the future, less capacity may be available to serve new students as former students return to school. As a result, facility updates to increase capacity in the Campbell UHSD could be required, and facility updates to increase capacity in the other districts may be required. However, since no concrete plans are currently available for any of the police facility upgrades that might be required at some future time if the HEU is implemented, it is not possible to speculate on the environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process and would only result in localized impacts. Pursuant to state law (Government Code section 65996), payment of school impact fees to the affected school districts would provide full and complete school facilities mitigation. As a result, the impacts related to potential new school facilities would be **less than significant**.

Stanford Community Plan

The SCP update would facilitate the development of remaining net new academic, academic support, and residential uses authorized under the existing 2000 General Use Permit for up to 10 years; the SCP update would not increase the amount of net new development authorized under the existing 2000 General Use Permit. School-age children that would be generated by the amount of remaining residential units under the 2000 General Use Permit and facilitated by the SCP update would be served by the PAUSD.

The addition of school-age students to the PAUSD would be diffused over various grade levels and schools. Since residential development allowed under 2000 General Use Permit and facilitated by the SCP update would occur incrementally up to 10 years, the number of school-age

students generated by growth on campus would also occur incrementally over this span. The PAUSD is expected to experience declining enrollment at least through 2026/27 and currently has capacity to serve an additional 1,028 students (Chow, 2023). In addition, growth allowed under the 2000 General Use permit has been accounted for under existing campus planning documents and the SCP update would not increase the amount of development on campus. For these reasons, it is expected that existing PAUSD school facilities would be adequate to serve growth on campus, and thus new or physically altered school facilities would not be required.

The SCP update does provide an alternative potential future school location from the school location identified in the current SCP. The alternative location would be on the east side of Sand Hill Road between South Pasteur Drive and Stock Farm Road within the West Campus Development District (not including any portion occupied by the Stanford Golf Course). Should the PAUSD determine that a new school is needed to serve growth in the district, particularly from new growth on the Stanford campus, this location may be available. Generally, the potential environmental effects associated with construction and operation of the school are addressed in the various topical sections of this EIR, though it is expected that if and when a school facility is actually proposed on the Stanford property, additional CEQA review and compliance with General Plan provisions and applicable Municipal Code regulations would be required. As mentioned above, payment of school impact fees to the affected school districts would provide full and complete school facilities mitigation. When considering all these factors, the impact of the SCP update on schools would be **less than significant**.

Mitigation Measures: None required.

Impact PSR-4: Implementation of the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (*Less than Significant Impact*)

Housing Element Update

While no specific development proposals are directly associated with the HEU, theoretical development would accommodate an increase in population consistent with ABAG forecasts, and thus an increased use in existing neighborhood and regional parks and recreation facilities. Full buildout of the HEU, however, would likely occur incrementally over many years, and some of the development projects undertaken as part of the HEU's implementation would likely include parks and recreational facilities as part of their own development. Further, new developments would be required to pay fees towards recreational facilities, as prescribed in the Quimby Act, which would provide a source of funding for the development of new facilities, should they be required. Further, since no concrete plans are currently available for any of the recreational facilities that might be required if the HEU is implemented, it is not possible to speculate as to the environmental effects that could occur. Regardless, any actual construction that may be proposed in the future would be required to undergo a separate environmental review process and would only result in localized impacts. Even if development were to occur more rapidly than anticipated,

these same requirements would still apply and would address and respond to increased facilities needs as appropriate.

It is not anticipated that the increase in the residential population would adversely affect park and recreational facilities through overuse, since the increased use of these facilities would be spread across existing facilities Citywide. For this reason, the HEU would not cause or accelerate the physical deterioration of existing neighborhood and regional parks or other recreational facilities.

Based upon each of these considerations, impacts to park and recreational facilities would be **less than significant**.

Stanford Community Plan

The SCP update would facilitate the development of remaining net new academic, academic support, and residential uses authorized under the existing 2000 General Use Permit; the SCP update would not increase the amount of net new development authorized under the existing 2000 General Use Permit. The SCP update would facilitate the development of new recreation facilities, as well as the relocation or replacement of certain on-site recreation facilities, that are intended to serve development permitted under the 2000 General Use Permit.

On-Campus Park and Recreational Facilities

Under the SCP update, the location and amount (265 acres) of land designated as Campus Open Space on the Stanford campus would not change from current conditions. With a projected residential population of 17,560 under the 2000 General Use Permit this equates to more than 15 acres of designated Campus Open Space per 1,000 campus residents, and thus future growth on the campus that would be facilitated by the SCP update is not expected to result in overuse that could lead to substantial degradation of parks and recreation facilities and would not create a need for construction of new onsite park, recreation and open space facilities.

Additionally, while the lands designated Campus Open Space on the Stanford campus would be sufficient to support the campus residential population anticipated under the SCP update, Stanford may construct new recreation facilities. This would contribute to added park and recreation facilities to serve the campus population. Since no concrete plans are currently available for any of the recreational facilities that might be required or proposed, it is not possible to speculate as to the environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process and would only result in localized impacts.

Off-Campus Park and Recreational Facilities

As discussed previously, none of the public park or recreation facilities off campus appear to be substantially deteriorated under existing uses. Furthermore, based on review of the descriptions of public park and recreation facilities in municipal documents, none of the public park or recreation facilities were identified as substantially deteriorated. Cyclical maintenance upgrades are included in the capital budget programs, and the public park and recreation facilities appear to be well-maintained.

Conclusion

Based on the analysis conducted above, Stanford is expected to provide adequate on-campus sports, fitness, and recreation facilities for faculty, staff and students allowed under the 2000 General Use Permit and further facilitated by the SCP update. Any new and expanded indoor recreation facilities would be authorized as needed as part of the academic and academic support space authorized by the 2000 General Use Permit. This analysis also demonstrates that there would not be substantial deterioration of off-campus public park and recreation facilities associated with increased visitors to those facilities from campus residents allowed under the 2000 General Use Permit and facilitated by the SCP update. Consequently, the impact of the SCP update with respect to the accelerated physical deterioration of on- and off-campus parks and recreation resources would be **less than significant**.

Mitigation Measures: None required.

Impact PSR-5: Implementation of the proposed project would not include recreational facilities or require the construction or expansion of parks or recreational facilities which might have an adverse physical effect on the environment. (*Less than Significant Impact*)

Housing Element Update

While no specific development proposals are directly associated with the HEU, theoretical development would result in an increase in population consistent with that forecasted by ABAG, and thus an increased demand for local parks and recreation facilities. As a matter of information, individual projects under the HEU would be subject to each jurisdiction's park impact fees, which require the payment of fees to offset the increased costs of providing new park facilities for new development.

As the residential population of each affected jurisdiction increases resulting from the HEU, the construction of new parks and recreational facilities in each jurisdiction could occur. The park projects developed as a result of the park impact fees would be required to undergo environmental review as they are identified and would only result in localized impacts. Appropriate measures would be identified and implemented as applicable to reduce any construction-related or operational effects of those facilities. Therefore, the impact of the HEU on parkland would be **less than significant**.

Stanford Community Plan

As discussed above, Stanford could potentially upgrade some of its existing campus recreation facilities or possibly construct new facilities if desired. The creation of new open spaces and construction of recreational amenities on the Stanford campus would result in physical effects. These effects could be associated with construction, such as noise, archeological impacts, air quality impacts such as emissions of dust and other pollutants, including diesel exhaust, and temporary street closures or other traffic obstructions. Generally, the environmental effects of the SCP are assessed at a programmatic level in each of the topical sections of this EIR, including Section 4.2, *Air Quality*, 4.3, *Biological Resources*, 4.8, *Hazardous Materials*, 4.9, *Hydrology*

and Water Quality, 4.11, *Noise and Vibration*, and 4.14, *Transportation*. Mitigation measures outlined in their respective sections to reduce construction and operational impacts would similarly apply to on-campus park and recreation facility development. Therefore, the impact of the SCP on recreational facilities would be **less than significant**.

Impact PSR-6: Implementation of the proposed project would not result in substantial adverse impacts associated with the provision of or the need for new or physically altered library facilities. (*Less than Significant Impact*)

Housing Element Update

While no specific development proposals are directly associated with the HEU, theoretical development could result in an increase in population consistent with ABAG's forecast, and thus an increase in demand for library facilities within each jurisdiction. Further, projects constructed under the HEU would likely unfold incrementally over many years. While it is possible that the population increases associated with the HEU during that time could require expansion or construction of new library facilities, no concrete plans are currently available, and it is not possible to speculate as to the environmental effects that could occur. Regardless, any actual construction that could be proposed in the future would be required to undergo a separate environmental review process and would only result in localized impacts. Even if development were to occur more rapidly than anticipated, these same requirements would still apply and would address and respond to increased facilities needs as appropriate. Based upon these considerations, the HEU's impact on library services would be **less than significant**.

Stanford Community Plan

On-Campus Library Facilities

Stanford University provides extensive library resources on the Stanford campus. The resources are primarily for the research and educational needs of students, faculty, and staff. As growth allowed under the 2000 General Use permit has been accounted for under existing campus planning documents and the SCP update would not increase the amount of development on campus, on campus library facilities would be sufficient to meet the academic needs of future growth on campus.

Off-Campus Library Facilities

The new campus population allowed by the 2000 General Use Permit and facilitated under the HEU and SCP update could also place an increased demand on Palo Alto City library system to meet their needs. As discussed above, between 2006 and 2015, all City libraries were renovated to expand services and collections. As growth allowed under the 2000 General Use permit has been accounted for under existing campus planning documents and the SCP update would not increase the amount of development on campus, it is expected that these newly renovated facilities would be adequate to serve future growth on campus. In addition, future development would be required to contribute impact fees to offset potential impacts from increased demand in library facilities and to ensure library facilities remain adequate.

Conclusion

Based on the analysis conducted above, Stanford is expected to provide adequate library services on campus. The analysis also demonstrates that there would not be substantial deterioration of off-campus libraires associated with increased visitors to those facilities from campus residents allowed under the 2000 General Use Permit and further facilitated by the SCP update. Consequently, the impact of the SCP update on library services would be **less than significant**.

Mitigation Measures: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to public services and recreation could occur if the incremental impacts of the proposed project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections described in Section 4.0.3, *Cumulative Impacts*.

Impact PSR-7: The proposed project, combined with cumulative development in the vicinity of the HEU housing opportunity sites and Countywide, would not result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental or facilities, construction of which could have significant physical environmental impacts. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan Update

The proposed project, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity would increase the demand for fire protection and emergency medical response services, police protection services, public schools, recreational facilities, and libraries. As described in Section 4.0.3, there are numerous other housing developments proposed to be constructed or under review within or adjacent to the jurisdictions where the housing opportunity sites would be located. As discussed above the previous impact discussions, the proposed project would have less than significant impacts with respect to fire protection, emergency medical response services, police, school, recreation, and library facilities. As stated there, impacts to public service and recreation facilities caused by increased residential development and implementation of the proposed project would be offset by payment of standard fees, compliance with existing policies and regulations, and required environmental review for facility improvement projects if and when the need for such improvements are identified. These same requirements would apply to cumulative development of other residential projects in the vicinity, and for the region generally. Thus, cumulative impacts to public service and recreational facilities would be less than significant. Therefore, when considered in the cumulative context, the proposed project's public services-related impacts would not be cumulatively considerable, and thus the cumulative impact of the project with respect to public services and recreation facilities would be **less than significant**.

4.13.5 References

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4.14 Transportation

4.14.1 Introduction

This section evaluates the effects of the project, which includes the Housing Element Update (HEU) the Stanford Community Plan (SCP) update, and related rezonings, on transportation, focusing on changes to the Santa Clara County General Plan that may result in new or more severe impacts, and describes any mitigation measures needed to address any such impacts.

Specifically, this section describes existing and future transportation and circulation within Santa Clara County, describes the analysis methodology and regulatory framework, identifies potential transportation-related impacts of the HEU, and identifies the recommended mitigation measures for identified significant impacts.

Prior to July 1, 2020, transportation impact criteria used roadway congestion, or level of service (LOS), as the primary study metric for planning and environmental review purposes. However, the passage of Senate Bill (SB) 743 required OPR to establish a new vehicle miles traveled (VMT) metric for identifying and mitigating transportation impacts under CEQA in an effort to meet the State's goals to reduce GHG emissions, encourage infill development, and improve public health through more active transportation (non-driving transportation modes such as walking and biking). CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to CEQA Section 21099(b)(1), automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA. OPR identified vehicle miles traveled (VMT) as the required CEQA transportation metric for determining potentially significant environmental impacts[1]. In December 2018, the California Natural Resources Agency certified and adopted the CEQA Guidelines update package, including the section implementing SB 743 (CEQA Guidelines Section 15064.3). OPR developed a Technical Advisory on Evaluating Transportation Impacts in CEQA, which contains OPR's technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures.

In accordance with SB 743 for purposes of determining potentially significant environmental impacts, this EIR will focus only on VMT as the threshold of significance. The County of Santa Clara does not have established significance criteria for evaluating VMT. For the purpose of evaluating potential transportation impacts for projects in unincorporated Santa Clara County, the County generally follows the Office of Planning and Research (OPR)'s Technical Advisory on Evaluating Transportation Impacts in CEQA to the extent applicable to and appropriate for the particular project.[2]

[1] California Office of Planning and Research (OPR). 2016. Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA, Implementing Senate Bill 743 (Steinberg, 2013). January 20.

[2] OPR. 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. Website: opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf. December 18.

The information in this chapter is based on travel demand modeling, analyses, and identification of mitigations, if any, developed by Hexagon Transportation Consultants, Inc. The analyses were conducted in accordance with the current standards and methodologies required by law and set forth by the OPR's Technical Advisory.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR.

During the first NOP comment period, transportation-related comments were received from Caltrans. Those comments clarified the requirements related to VMT analysis and contributions by projects to transportation impact fees that benefit multi-modal and regional transit improvements. This EIR considers impacts related to VMT and multi-modal and transit facilities.

During the second NOP comment period, the City of Palo Alto submitted comments requesting that the EIRs analysis consider cumulative VMT impacts in relation to the City's own 6th Cycle HEU process. Cumulative impacts related to VMT are assessed in the cumulative impact analysis later in this section. The City also requested that the EIR consider impacts to its General Plan level of service (LOS) policies, as well as safety, transit, bicycle, and pedestrian operations. With respect to these issues, the County notes that no applications for specific projects have been submitted for any of the identified housing opportunity sites on the Stanford campus, thus rendering detailed impact analysis of these impacts speculative and infeasible at this time. However, the EIR does address these impacts in a general and qualitative manner later in this section.

Other Issues of Concern

The Board of Supervisors, at their December 13, 2022, regular meeting, requested an analysis of the potential traffic impacts in the College Terrace neighborhood resulting from the planned Housing Opportunity Site in the East Campus area. While potential traffic congestion no longer constitutes an environmental impact for CEQA purposes, this analysis is provided for informational purposes responsive to the issue.

Historically, traffic associated with Stanford University has caused concern for surrounding communities when traffic backs up on major roads, typically during peak traffic times, and drivers seek alternative routes, creating "cut-through" traffic in some neighborhoods. Since the mid-1970s this issue has been addressed in the College Terrace neighborhood through a series of road modifications that effectively prevent cut-through traffic. Over time, all the streets within College Terrace have received physical changes to discourage or prevent cut-through traffic. These include roundabouts, stop sign-controlled intersections, and road barricades that effectively discourage cut-through traffic. For example, every street that runs from Stanford Avenue to

California Avenue has been blocked at one end or the other to discourage cut-through traffic. There are also numerous stop signs and speed bumps to discourage through traffic.[3]

Based on a review of the existing traffic patterns and street network within College Terrace, it is unlikely that additional housing constructed in the East Campus area would noticeably increase traffic in this neighborhood. This is based on several factors including the long-standing traffic calming improvements that have already been implemented, the low VMT rate expected for future housing (see Table 4.14-2), and the stringent traffic controls within the SCP.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1995-2010).
- Stanford University Community Plan (2000).

4.14.2 Environmental Setting

This section describes the existing conditions for transportation facilities in the City, including roadway network, transit service, and pedestrian and bicycle facilities in the vicinity of the areas where housing is proposed in the HEU.

Existing Roadway Network

Regional access to the County is provided via US-101, Interstate 280 (I-280), Interstate 680 (I-680), Interstate 880 (I-880), State Route 17 (SR-17), and State Route 130 (SR-130). Freeways that provide access to other cities within the County include State Route 237 (SR-237), State Route 87 (SR-87), and State Route 85 (SR-85). Significant arterials in the County include El Camino Real, Capitol Expressway, Central Expressway, Montague Expressway, Lawrence Expressway, San Tomas Expressway, and Almaden Expressway.

Roadways near the proposed housing sites that weren't described in the above are described below. Descriptions are provided using roadway classifications defined by Caltrans and the Federal Highway Administration (FHWA).

San Carlos Street is an east-west, four-lane arterial street in the vicinity of the proposed housing sites in the Campbell area of San José, extending from Bascom Avenue in the west to 4th Street in the east. West of Bascom Avenue, the road transitions to Stevens Creek Boulevard. San Carlos Street has a posted speed limit is 35 mph. Sidewalks are present along both sides of the street. Crosswalks are provided at major intersections.

[3] Source: https://norcalapa.org/2021/01/the-slow-streets-of-college-terrace/

Leigh Avenue is a north-south, two to four-lane arterial street in the vicinity of the proposed housing sites in the Campbell and Cambrian Village areas of San José, extending from San Carlos Street in the north to Blossom Hill Road in the south. North of San Carlos Street, the road transitions to Shasta Avenue. South of Camden Avenue, Leigh Avenue has two lanes. North of Camden Avenue, Leigh Avenue has four lanes. The posted speed limit within the vicinity of the proposed housing sites is 35 mph. Sidewalks are present on both sides of Leigh Avenue. Crosswalks are provided at major intersections. Class II bike lanes are provided between Moorpark Avenue and Fruitdale Avenue.

Bascom Avenue is a north-south, six-lane arterial street in the vicinity of the proposed housing sites in the Campbell area of San José, extending from I-880 in the north to SR-85 in the south. North of I-880, the road transitions to Washington Street. South of SR-85, the road transitions to Los Gatos Boulevard. The posted speed limit within the proposed housing sites is 35 mph. Sidewalks are present along most of the roadway, except for a small section on the west side between San Carlos Street and Elliot Street. Crosswalks are provided at major intersections. Class II bike lanes are provided between Fruitdale Avenue and Southwest Expressway.

Camden Avenue is an east-west, six-lane major arterial street in the vicinity of the proposed housing sites in the Cambrian Village area of San José, extending from SR-17 in the west to Harry Road to the east. The posted speed limit in the vicinity of the housing sites is 40 mph. Sidewalks are present on both sides of Camden Avenue. Crosswalks are provided at major intersections. East of Leigh Avenue, bicycle facilities are provided along both sides of the street striped as Class II bike lanes. On-street parking is mostly prohibited along most of Camden Avenue near the proposed housing sites.

Hostetter Road is an east-west, four to six-lane minor/major arterial street in the vicinity of the proposed housing sites in the Berryessa area of San José, extending from Lundy Avenue in the west to Old Piedmont Road in the east. West of Lundy Avenue, the road transitions to Murphy Avenue. The posted speed limit along Hostetter Road 40 mph west of Capitol Avenue and 35 mph east of Capitol Avenue. Sidewalks are present along Hostetter Road. Crosswalks are provided at major intersections. Bicycle facilities are present along both sides of the street and are striped as Class II bike lanes. On-street parking is prohibited on both sides of the street.

Capitol Avenue is a north-south, four to six-lane major arterial street in the vicinity of the proposed housing sites in the Berryessa and Alum Rock areas of San José, extending from Montague Expressway in the north to Capitol Expressway to the south. North of Capitol Avenue, the road transitions to Great Mall Parkway. The posted speed limit 35 mph. Sidewalks are present along Capitol Avenue. Crosswalks are provided at major intersections. Bicycle facilities are provided along the street and are striped as Class II bike lanes. On-street parking is prohibited along Capitol Avenue. The Orange Light Rail Line provides transit along Capitol Avenue and provides its services north of Capitol Avenue.

McKee Road is an east-west, four-lane major/minor arterial street in the vicinity of the proposed housing sites in the Alum Rock area of San José, extending from US-101 in the west and Alum Rock Avenue in the east. The posted speed limit is 40 mph. Sidewalks are present along McKee Road and crosswalks are provided at major intersections. Bicycle facilities are provided along both sides of the street. On-street parking is prohibited on both sides of the street.

Alum Rock Avenue is an east-south, four-lane arterial street in the vicinity of the proposed housing sites in the Alum Rock area of San José, transitioning from Santa Clara Street at US-101 in the west and Miguelita Road in the east, where it transitions to Edgemont Drive. The posted speed limit is 40 mph. Sidewalks along the north side of the roadway for a short segment east of Kirk Avenue. On-street parking is permitted along both sides of the street.

White Road is a north-south, two to four-lane major/minor arterial street in the vicinity of the proposed housing sites in the Pleasant Hills area of San José, extending from Penitencia Creek Road in the north and Aborn Road in the south. North of Penitencia Creek Road, White Road transitions to Piedmont Road. South of Aborn Road, the road transitions to San Felipe Road. The posted speed limit within the proposed housing sites is 35 mph. Sidewalks are present along White Road, except for a short segment along the east side between Pleasant Lake Lane and White Road, and crosswalks are provided at major intersections. Bicycle facilities are provided along both sides of the street and are striped as Class II bike lanes. On-street parking is prohibited on both sides of the street within the proposed housing sites.

Meadow Lane is a north-south, two-lane street in the vicinity of the proposed housing sites in the Alum Rock area of San José, between East Hills Drive in the north and transitions to Clayton Road at Story Road in the south. The posted speed limit is 25 mph. Sidewalks are present along Meadow Lane for the entire street. Crosswalks are provided at some intersections. On-street parking is provided along both sides of the street.

Tully Road is an east-west, six-lane arterial in the vicinity of the proposed housing sites in the Pleasant Hills area of San José that transitions from Curtner Avenue in the west at Monterey Highway and transitions to Murillo Avenue at Ruby Avenue in the east. The posted speed limit near the proposed housing sites is 35 mph. Bicycle facilities are present along Tully Road and are striped as Class IV protected bike lanes. On-street parking is prohibited along both sides of the street.

El Camino Real is a six-lane arterial that extends from Santa Clara County northerly to San Mateo County, a portion of which passes through the vicinity of the housing opportunity sites on the Stanford campus. Near the housing sites, El Camino Real has a raised, landscaped median with left-turn pockets provided at intersections. The speed limit is 35 mph. On-street parking is prohibited along certain street segments.

Sand Hill Road is a north-south, two- to four-lane road that extends from Portola Road in the south to El Camino Real in the north. In the vicinity of the proposed housing sites on the Stanford campus, Sand Hill Road is a four-lane roadway, and the posted speed limit is 35 mph. Striped Class II bike lanes are present along both sides of the street. On-street parking is prohibited along both sides of the street.

Page Mill Road is a north-south, four-lane arterial adjacent to the Stanford campus that transitions from Alpine Road at Skyline Boulevard in the south and transitions to Oregon Expressway at El Camino Real in the north. The posted speed limit is 35 mph. Striped Class II bike lanes are present along both sides of the street. On-street parking is prohibited along both sides of the street.

Stanford Avenue is an east-west, two-lane collector street in Palo Alto near the proposed housing sites on the Stanford campus, extending from Junipero Serra Boulevard in the west to Park Boulevard in the east. Within the vicinity of the proposed housing sites, there are sidewalks along both sides of the street. Bicycle facilities are present along Stanford Avenue and are striped as Class III bicycle routes. On-street parking is prohibited along the street.

Bowdoin Street is an east-west, two lane street on the Stanford campus, extending from Campus Drive in the west and transitions to Amherst Way in the east, east of Drake Way. Access to Bowdoin Street east of Stanford Avenue is restricted to westbound traffic only. The posted speed limit is 25 mph. Paved sidewalks exist along the south side of the street and a dirt path exists along the north side of the street between Stanford Avenue and Pine Hill Road. Striped Class II bike lanes are present along both sides of the street. On-street parking is prohibited along both sides of the street between Stanford Avenue and Pine Hill Road but is permitted west of Pine Hill Road.

Escondido Road is an east-west, two-lane street on the Stanford campus, extending from a cul-de-sac in the west, west of Arguello Way, to Stanford Avenue in the east. The posted speed limit is 15 mph. Striped Class II bike lanes are present along both sides of the street west of Comstock Circle. On-street parking is permitted along both sides of the street between Comstock Circle and the inbound driveway to Escondido Elementary School and along the north side of the street, west of Campus Drive.

Campus Drive is a two-lane street on the Stanford campus that begins and ends at Junipero Serra Boulevard and serves as the boundary for Stanford University. Campus Drive has a landscaped median east of Arguello Way with roundabouts at major intersections. The posted speed limit is 25 mph. Sidewalks are present along both sides of the road, and crosswalks are provided at major intersections. Bicycle facilities are provided along both sides of the street and are striped as Class II bike lanes. On-street parking is prohibited on both sides of the street within the proposed housing sites.

Arboretum Road is a north-south, four-lane street on the Stanford campus, extending from Sand Hill Road in the north to Galvez Street. The prima facie speed limit is 25 mph. There are sidewalks along most of Arboretum Road except for the west side of the street between Palm Drive and Galvez Street. Bicycle Facilities are present along Arboretum Road and are striped as Class II bike lanes. On-street parking is prohibited along both sides of the street.

Quarry Road is an east-west, four-lane collector street adjoining the Stanford campus in Palo Alto, extending from Campus Drive in the west to El Camino Real in the east. The prima facie speed limit is 25 mph. There are continuous sidewalks along both sides of the street. Bicycle

facilities are present along both sides of the street and are striped as Class II bike lanes. On-street parking is prohibited along Quarry Road.

Palm Drive is a north-south, four-lane street on the Stanford campus, transitioning from University Avenue in the north at El Camino Real and ends at the Stanford Oval in the south. The posted speed limit is 25 mph. There are Class I bicycle and pedestrian pathways along both sides of the street. On-street parking is prohibited along both sides of the street.

Existing Bicycle and Pedestrian Facilities

The County's existing bicycle facilities are classified according to the State's system of classification as identified in the Santa Clara Countywide Bike Plan 2018:

- Class I (bike path) – A Class I bicycle facility is completely separated from vehicles on a paved right-of-way and is commonly known as a bike path.
- Multi-use Pathway – A Multi-use Pathway is a Class I bicycle facility that allows both bicyclists and pedestrians to use the facility.
- Class II (bike lane) – A Class II bicycle facility is a striped and stenciled lane on an existing right-of-way shared with vehicles and is commonly known as a bike lane.
- Class III (bike route) – A Class III bicycle facility is identified through signage and/or pavement markings called "sharrows" indicating that bicyclists and drivers share the same travel lane and is commonly referred to as a bike route.
- Class IV (cycle track) – A Class IV bicycle facility is a striped lane with a vertical and physical separation, such as parking or bollards, from the vehicle travel lane and is commonly referred to as a protected bike lane.

The proposed project would facilitate development of housing units in several urbanized areas of the unincorporated County. These units have been generally grouped into geographic areas within the County for discussion below of existing bicycle and pedestrian facilities.

Cambrian Park Area

Class II bicycle facilities are provided on Leigh Avenue (from Curtner Avenue to Blossom Hill Road) and on Union Avenue (from Bascom Avenue to Los Gatos Almaden Road).

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The proposed housing site in this area is located in a mostly residential and commercial neighborhood with predominately single-family homes. Sidewalks are generally present on both sides of Camden Avenue, Union Avenue, and Leigh Avenue.

Hostetter Station, Alum Rock/East Foothills, and Pleasant Hills Areas

Class II bicycle facilities are provided on Capitol Avenue (from San José north City Limit near Trimble Road to Capitol Expressway), White Road (from Penitencia Creek Road to Aborn Road), McKee Road (King Road to Valley View Avenue), and Tully Road. Class III bicycle route is provided on Toyon Avenue, from Penitencia Creek Road to McKee Road.

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The proposed housing sites in this area are located in a residential area with mostly single-family homes. There are pedestrian facilities throughout the local streets.

Parkmoor/Burbank Neighborhood, and Fruitdale/Santa Clara Valley Medical Center Areas

Class II bicycle facilities are provided along Bascom Avenue from Fruitdale Avenue to Hamilton Avenue.

Class III bicycle facilities are generally provided on Scott Street, MacArthur Avenue, Pfeffer Lane, and Thornton Way.

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The proposed housing sites in this area are located in a mixed residential and commercial area with single-family homes. Two of the housing sites are located near the Santa Clara Valley Medical Center. The are pedestrian facilities along the local streets in the area.

Stanford Area

Class II bike facilities are provided along the following streets in the vicinity of the proposed housing sites: Sand Hill Road from El Camino Real to Portola Road in Woodside, Arboretum Road from Sand Hill Road to Quarry Road, Quarry Road from El Camino Real to Campus Drive, Palo Road from Quarry Road to Palm Drive, Palm Drive from Arboretum Road to Jane Stanford Way, Campus Drive from Junipero Serra Boulevard to Constanzo Street, Santa Teresa Street from Campus Drive to Lomita Drive, and Stanford Avenue.

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The proposed housing sites in this area are located in an area that consists of a mix of single-family housing, retail development, and Stanford University. There are pedestrian facilities along the local streets.

Existing Transit Service

Existing transit service in Santa Clara County is provided by the Valley Transportation Authority (VTA), Stanford Marguerite Shuttle, SamTrans, and Caltrain. The bus routes that provide services near the HEU sites are described in **Table 4.14-1**.

TABLE 4.14-1
EXISTING TRANSIT SERVICE

Bus Route	Route Description	Travelled Roadways	Weekday Hours of Operation	Headway
VTA Light Rail Orange Line	Mountain View – Alum Rock	Capitol Avenue, Great Mall Parkway, Tasman Drive, Java Drive, Moffett Park Drive, Manila Avenue, Central Expressway	5:20 AM – 12:46 AM next day	20 min
VTA Route 21	Stanford Shopping Center – Santa Clara Transit Center	Middlefield Road, San Antonio Road, California Street, Maude Avenue, Mathilda Avenue, Wolfe Road, Reed Street, Monroe Street	5:35 AM – 8:45 PM	30 min
VTA Route 22	Palo Alto Transit Center - Eastridge	El Camino Real, The Alameda, Santa Clara Street, King Road, Tully Road Capitol Expressway	4:27 AM – 2:59 AM next day	15 min
VTA Route 23	De Anza College – Alum Rock Station via Stevens Creek	Stevens Creek Boulevard, San Carlos Street, 1st Street, 2nd Street, Santa Clara Street, Alum Rock Avenue, Capitol Avenue	5:28 AM – 1:33 AM	15 min
VTA Route 25	De Anza College – Alum Rock Station via Valley Med	Stevens Creek Boulevard, De Anza Boulevard, Bollinger Road, Williams Road, Winchester Boulevard, Moorpark Avenue, Renova Drive, Bascom Avenue, Fruitdale Avenue, Meridian Avenue, Willow Street, Lelong Street, Graham Avenue, Keyes Street, Story Road, White Road	5:39 AM – 12:29 AM next day	15 min
VTA Route 61	Sierra & Piedmont – Good Samaritan Hospital	Samaritan Drive, Union Avenue, Bascom Avenue, Naglee Avenue, Taylor Street, Coleman Avenue, Hedding Street, 1st Street, Taylor Street, Berryessa Station Way, Berryessa Road, Morill Avenue, Piedmont Road, Sierra Road	5:20 AM – 10:48 PM	15 min
VTA Route 64A	Ohlone – Chynoweth Station – McKee & White	White Road, McKee Road, Julian Street, Santa Clara Street, The Alameda, Cahill Street, Montgomery Street, Bird Avenue, Coe Avenue, Lincoln Avenue, Almaden Expressway, Coleman Road, Winfield Boulevard, Chynoweth Avenue	5:22 AM – 11:30 PM	30 min
VTA Route 64B	Almaden Expressway & Camden – McKee & White	White Road, McKee Road, Julian Street, Santa Clara Street, The Alameda, Cahill Street, Race Street, Saddle Rack Street, Meridian Avenue, Camden Avenue, Almaden Expressway, Crown Boulevard, Trinidad Drive	5:58 AM – 9:08 PM	30 min

TABLE 4.14-1 (CONTINUED)
EXISTING TRANSIT SERVICE

Bus Route	Route Description	Travelled Roadways	Weekday Hours of Operation	Headway
VTA Route 68	San José Diridon Station – Gilroy Transit Station	Barack Obama Boulevard, Santa Clara Street, 1st Street, 2nd Street, Reed Street, Monterey Road, Blossom Hill Road, Endicott Boulevard, Great Oaks Parkway, Cottle Road, Santa Teresa Boulevard, Hale Avenue, Main Avenue	4:43 AM – 11:34 PM	15 min
VTA Route 70	Milpitas BART – Capitol Station via Jackson	Capitol Expressway, King Road, Rigoletto Drive, Quimby Road, Ocala Avenue, Adrian Road, Story Road, Jackson Avenue, Mabury Road, Berryessa Road, Flickinger Avenue, Hostetter Road, Morill Avenue, Montague Expressway	5:10 AM – 11:42 PM	30 min
VTA Route 71	Milpitas BART - Eastridge	Quimby Road, White Road, Piedmont Road, Landess Avenue, Montague Expressway	5:54 AM – 10:15 PM	20 – 30 min
VTA Express 101	Camden & Highway 85 – Stanford Research Park	Camden Avenue, Winchester Boulevard, Hamilton Avenue, Campbell Avenue, Lawrence Expressway, Stevens Creek Boulevard, Vallco Parkway, Wolfe Road, I-280, Page Mill Road, Deer Creek Road, Arastradero Road, Hillview Avenue, Hanover Street, El Camino Real, Hansen Way	6:16 AM – 8:21 AM & 4:10 PM – 6:34 PM	60 min
VTA Express 121	Gilroy/Morgan Hill – Lockheed Martin Station	Old Gilroy Street, Monterey Road, Dunne Avenue, Butterfield Boulevard, Cochrane Road, US 101, Great America Parkway, Tasman Drive, Lawrence Expressway, Caribbean Drive, Crossman Avenue, Java Drive, Mathilda Avenue	4:30 AM – 9:06 AM & 2:52 PM – 6:56 PM	60-120 min
VTA Rapid 523	San José State – Lockheed Martin via De Anza	5th Avenue, Mathilda Avenue, Evelyn Avenue, Sunnyvale Avenue, Sunnyvale-Saratoga Road, Homestead Road, Sterling Road, Stevens Creek Boulevard, San Carlos Street, 1st Street, 2nd Street, 6th Street, 7th Street, Santa Clara Street, San Fernando Street	6:11 AM – 10:41 PM	15 min
VTA Rapid 568	Gilroy Transit Center to San José Diridon	Barack Obama Boulevard, Santa Clara Street, 1st Street, 2nd Street, Reed Street, Monterey Road, Cochrane Road, Butterfield Boulevard, Old Gilroy Street	5:23 AM – 7:37 PM	30 min
SamTrans Route 280	Purdue/Fordham – Stanford Mall	Arboretum Road, Quarry Road, Manhattan Avenue, O'Connor Street, Bayshore Road, Newell Road, Pulgas Avenue, Purdue Avenue, Fordham Street	5:40 AM – 9:25 PM	60 min

TABLE 4.14-1 (CONTINUED)
EXISTING TRANSIT SERVICE

Bus Route	Route Description	Travelled Roadways	Weekday Hours of Operation	Headway
SamTrans Route 281	Onetta Harris Center – Stanford Mall	Aroboretum Road, Quarry Road, University Avenue, Donohoe Street, Bay Road, Market Place, Del Norte Avenue	6:00 AM – 10:31 PM	30 min
Marguerite Shuttle – East Bay Express	Fremont BART, Union City BART, and Ardenwood Park & Ride	Quarry Road, Campus Drive, Roth Way, Palo Road, Palm Drive, University Avenue, Bayfront Expressway	4:50 AM – 5:48 AM & 9:57 PM – 12:40 AM next day	-
Marguerite Shuttle – Hospital: Direct	Hoover Pavilion/Neuroscience Center and the Stock Farm Garage	Quarry Road, Welch Road, Pasteur Drive, Oak Road, Palo Road	5:00 AM – 9:19 AM & 3:00 PM – 6:19 PM	10 min
Marguerite Shuttle – Medical Center	Palo Alto Transit Center - Hoover Pavilion/Neuroscience Center	University Circle, Quarry Road, Palo Road, Welch Road, Pasteur Drive	5:06 AM – 9:34 AM & 2:52 PM – 6:42 PM	AM – 12 min & PM - 10 min
Marguerite Shuttle – P Line	Palo Alto Transit Center via Palm Drive	University Circle, Palm Drive	6:36 AM – 7:55 PM	12 min
Marguerite Shuttle – Line C	Palo Alto, Stanford West, and Escondido Village	Sand Hill Road, Pasteur Drive, Stock Farm Road, Campus Drive West, Jane Stanford Way, Bowdoin Street, Stanford Avenue, Olmsted Road	5:35 AM – 8:58 PM	34 min

NOTES: This table represents approximate weekday operation hours and headways in Santa Clara County, as of 2022.

Caltrain

Commuter rail service between San Francisco and Gilroy is provided by Caltrain, which currently operates 92 weekday trains. Within Santa Clara County there are 15 Caltrain stops, including two stops in Palo Alto, two stops in Mountain View, two stops in Sunnyvale, one stop in Santa Clara, five stops in San José, one stop in Morgan Hill, one stop in San Martin, and one stop in Gilroy. Caltrain operates between 4:22 AM and 12:52 AM the next day in the northbound direction., and between 4:51 AM and 1:45 AM the next day in the southbound direction. Caltrain provides passenger train service seven days a week and provides extended service to Morgan Hill and Gilroy during commute hours.

4.14.3 Regulatory Setting

Federal

Federal Highway Administration (FHWA)

The FHWA is a major agency of the U.S. Department of Transportation. In partnership with State and local agencies, the FHWA carries out Federal highway programs to meet the Nation's transportation needs. The FHWA administers and oversees Federal highway programs to ensure that Federal funds are used efficiently.

Americans with Disabilities Act

Titles I, II, III and V of the ADA have been codified in Title 42 of the United States Code, beginning at section 12101. Title III prohibits discrimination on the basis of disability in "places of public accommodation" (businesses and non-profit agencies that serve the public) and "commercial facilities" (other businesses). The regulation includes Appendix A to Part 36 (Standards for Accessible Design) establishing minimum standards for ensuring accessibility when designing and constructing a new facility or altering an existing facility. Examples of key guidelines include detectable warnings for pedestrians entering traffic where there is no curb, a clear zone of 48 inches for the pedestrian travel way, and a vibration-free zone for pedestrians.

State

California Department of Transportation (Caltrans)

Caltrans has authority over the State highway system, including freeways, interchanges, and arterial State Routes. Caltrans approves the planning, design, and construction of improvements for all State-controlled facilities and the associated interchanges for these facilities located in the County of Santa Clara. Caltrans requirements are described in their *Guide for the Preparation of Traffic Impact Studies* (Caltrans 2001), which covers the information needed for Caltrans to review the impacts on state highway facilities including freeway segments.

Statewide Transportation Improvement Program

The California Transportation Commission (CTC) administers transportation programming. Transportation programming is the public decision-making process, which sets priorities and funds projects envisioned in long-range transportation plans. It commits expected revenues over a multi-year period to transportation projects. The State Transportation Improvement Program (STIP) is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the State Highway Account and other funding sources. Caltrans manages the operation of State Highways in the County of Santa Clara.

AB 32 and Senate Bill 375

As a means to achieve the Statewide emission reduction goals set by AB 32 ("The California Global Warming Solutions Act of 2006"), SB 375 ("The Sustainable Communities and Climate Protection Act of 2008") directs the California Air Resources Board (CARB) to set regional targets for reducing GHG emissions from cars and light trucks. Using the template provided by the State's Regional Blueprint program to accomplish this goal, SB 375 seeks to align transportation and land use planning to reduce VMT through modified land use patterns.

There are five basic directives of the bill: 1) creation of regional targets for GHG emissions reductions tied to land use; 2) a requirement that regional planning agencies create a Sustainable Communities Strategy (SCS) to meet those targets (or an Alternative Planning Strategy if the strategies in the SCS would not reach the target set by CARB); 3) a requirement that regional transportation funding decisions be consistent with the SCS; 4) a requirement that the Regional Housing Needs Allocation numbers for municipal general plan housing element updates must conform to the SCS; and 5) CEQA exemptions and streamlining for projects that conform to the SCS. The implementation mechanism for SB 375 that applies to land uses in the County of Santa Clara is "Plan Bay Area 2050" adopted by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) in 2021 (see below).

Senate Bill 743

On September 27, 2013, Governor Brown signed Senate Bill (SB) 743. Among other things, SB 743 created a process for changing the analysis of transportation impacts under CEQA, with the analysis focusing on a project's VMT rather than impacts on intersection level of service (LOS). On December 30, 2013, the Governor's Office of Planning and Research (OPR) released a preliminary evaluation of alternative methods for transportation analysis. The original guidance documentation was geared toward projects in areas that are designated as transit priority areas, followed by other areas of the state. OPR issued another draft discussion document in March 2015, suggesting some new revisions to the formal CEQA Guidelines. In January 2016, OPR issued another guidance document and requested additional input. In 2018, the CEQA Guidelines were revised to reflect the process set forth in SB 743 and became effective later that year, and the VMT provisions of the updated CEQA Guidelines commenced on July 1, 2020 (although lead agencies had the right to elect to be governed by these provisions earlier than July 1, 2020).

The CEQA Guidelines now identify VMT as the most appropriate metric for evaluating a project's transportation impacts. With the California Natural Resources Agency's certification and adoption of the changes to the CEQA Guidelines, automobile delay and congestion, as measured by LOS and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA (Public Resources Code Section 21099, subdivision [b][3]). It should be noted that LOS is used outside of the CEQA document to evaluate other non-CEQA transportation impacts of development projects, such as congestion, circulation, and safety issues and concerns.

Regional

Metropolitan Transportation Commission

The Metropolitan Transportation Commission (MTC) is responsible for planning, coordinating, and financing transportation projects in the nine county Bay Area. The local agencies that comprise these nine counties help the MTC prioritize projects based on need, feasibility, and conformance with federal and local transportation policies. In addition to coordinating with local agencies, the MTC distributes State and federal funding through the Regional Transportation Improvement Program (RTIP).

Plan Bay Area

Plan Bay Area 2050 is a state-mandated, integrated long-range transportation and land use plan. As required by SB 375, all metropolitan regions in California must complete a Sustainable Communities Strategy as part of a Regional Transportation Plan. This strategy integrates transportation, land use and housing to meet greenhouse gas reduction targets set by the California Air Resources Board. The plan meets those requirements. In addition, the plan sets a roadmap for future transportation investments and identifies what it would take to accommodate expected growth. The plan neither funds specific transportation projects nor changes local land use policies.

In the Bay Area, the Metropolitan Transportation Commission and the Association of Bay Area Governments adopted the latest plan in 2021. Under Plan Bay Area 2050's strategies, just under half of all Bay Area households would live within one half-mile of frequent transit by 2050, with this share increasing to over 70 percent for households with low incomes. Transportation and environmental strategies that support active and shared modes, combined with a transit-supportive land use pattern, are forecasted to lower the share of Bay Area residents that drive to work alone from 50 percent in 2015 to 33 percent in 2050. Greenhouse gas emissions from transportation would decrease significantly as a result of these transportation and land use changes, and the Bay Area would meet the state mandate of a 19 percent reduction in per capita emissions by 2035.

Under the previous Plan Bay Area 2040, to meet the greenhouse gas reduction targets, that plan identifies priority development areas. The agencies estimate approximately 77 percent of housing and 55 percent of job growth will occur in the priority development areas between 2010 and

2040. Some of the proposed HEU housing inventory sites are located within a priority development area. It will be several years before the regional transportation model (and therefore county and local transportation models) are updated to reflect Plan Bay Area 2050; the models currently incorporate data from Plan Bay Area 2040.

Santa Clara County Congestion Management Program

VTA is responsible for maintaining the standards of the CMP roadway system in Santa Clara County (Santa Clara Valley Transportation Authority, 2017). VTA strives to maintain LOS E on all CMP monitored facilities. Based on VTA's Guidelines, a CMP intersection shall be included in a transportation analysis if a proposed development project would add 10 or more peak-hour vehicles per lane to any intersection movement; a CMP freeway segment shall be included in a TIA if a proposed development project would add traffic equal to at least 1 percent of the freeway segment's capacity (Santa Clara Valley Transportation Authority, 2014).

Local

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of the County of Santa Clara (Santa Clara County, 1995-2010). The various elements within the General Plan include strategies and policies for the physical development of the City. Strategies and policies related to transportation are listed below.

Strategy #1: Develop Urban Land Use Patterns that Support Travel Alternatives

Policy C-TR 4: Overall transportation planning for Santa Clara County should be integral and consistent with the goals and objectives of comprehensive, countywide planning regarding urban growth management, compact and mixed-use development patterns, environmental quality, and social and economic well-being.

Policy C-TR 5: The transportation plans and the land use plans, specific plans, and redevelopment plans of local jurisdictions should be consistent and mutually reinforcing in order to enhance transportation infrastructure investment.

Policy C-TR 6: Increase the proximity between housing and major employment areas to reduce commute distances and automobile-dependency by:

a. Increasing supply and affordability of units in northern portions of the county, as well as increasing employment-related land uses in the southern portion of the metropolitan area;

b. Applying the concepts of "balanced urban growth and development" in general to both the north and south valley areas;

c. Encouraging developers and employers to build on-site or near-site housing for potential workers at a planned commercial or industrial site, the cost of which is matched to the workers' wages;

d. Encouraging developers to provide pedestrian and bicycle paths that connect housing and employment sites so as to encourage walking and bicycling.

Policy C-TR 7: Appropriate urban densities, mixed-use development patterns, and other aspects of urban development which support use of travel alternatives and reduce auto-dependency should be employed along planned transportation corridor, within designated "urban activity centers," and within redeveloping areas of existing cities.

Policy C-TR 8: Urban design concepts and site development standards which facilitate use of transit and other travel alternatives should be adopted and implemented by local jurisdictions, to provide adequate:

a. Accessibility to transit and transit facilities;

b. Pedestrian and bicycle pathways and facilities, both on and between individual sites; and

c. Building design, orientation, on-site services and amenities which support the use of travel alternatives.

Strategy #2: Manage Travel Demand, System Efficiency, and Congestion

Policy C-TR 9: Transportation Demand Management (TDM) measures should be employed to make more efficient use of existing road and highway capacity by increasing vehicle occupancy and reducing the need for commute and other trips.

Policy C-TR 14: Reduce the number of workers who must drive by increasing the opportunities to telecommute; support and encourage the development and implementation of employer-based telecommuting programs.

Stanford Community Plan

The 1995 Santa Clara County General Plan serves as the principal means of setting goals and overall policy direction for physical development and use of lands within the unincorporated lands of Stanford within Santa Clara County. The Stanford Community Plan refines the policies of the General Plan as they apply to the Stanford area within the County. Strategies and policies related to transportation are listed below.

Strategy #1: Achieve "no net new commute trips" through land use and transportation demand management.

Policy SCP-C 1: Apply a "no net new commute trips" standard for campus-related trips in the commute direction during peak hours to the fullest extent allowed by law.

Policy SCP-C 2: Within the overall pattern of land uses on the campus, promote a development pattern that supports reduction in automobile dependency through the following approaches:

- New academic and residential development shall occur within the Academic Growth Boundary.

- Support services for campus residents and employees should be accommodated in close proximity to residential and academic facilities.

- New development should be located near existing transit services, particularly if extension of transit service to the new facilities would otherwise be infeasible or impractical.

Policy SCP-C 3: Encourage addition of housing in locations convenient to jobs on Stanford land in other jurisdictions, such as near Stanford Medical Center.

Policy SCP-C 4: Enhance pedestrian and bicycle access to and through the campus.

Policy SCP-C 5: Permit and encourage regular modification of Stanford's Transportation Demand Management (TDM) program to allow for changes in user needs and in available services over time.

Policy SCP-C 7: In addition to meeting the no net new commute trips standard, encourage Stanford to reduce automobile travel at non-commute hours and in non-commute directions, such as traffic associated with lunchtime activities by employees or travel by families of on-campus residents.

Strategy #2: Alleviate local congestion in the context of commute trip reduction.

Policy SCP-C 9: Maintain consistency with the procedures and adopted policies of the appropriate jurisdiction when evaluating local intersection service levels and defining mechanisms for addressing impacts.

Policy SCP-C 12: Consult with jurisdictions surrounding the campus regarding the potential non-commute traffic impacts of new development and activities at Stanford, and work with the jurisdictions to reduce potential effects on neighborhoods surrounding the campus.

4.14.4 Environmental Impacts and Mitigation Measures

The thresholds used to determine the significance of impacts related to transportation are based on Appendix G of the *CEQA Guidelines*. Implementation of the Project could have a significant impact on the environment if it would:

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

- Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b). For the purposes of this evaluation, this impact would be significant if Future multifamily housing development projects allowed by the project would have a VMT per capita greater than 85 percent of the regional average.

- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

- Result in inadequate emergency access.

Impacts and Mitigation Measures

Impact TRANS-1: Implementation of the proposed project would not conflict with an applicable program, plan, ordinance, or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. (*Less than Significant Impact*)

Implementation of the proposed project would be subject to and implement General Plan policies applicable to transit, bicycle, and pedestrian facilities and service. Additionally, development projects under the HEU would be subject to all applicable County and neighboring city guidelines, standards, and specifications related to transit, bicycle, or pedestrian facilities.

Specifically, the Stanford housing sites would be subject to and implement all applicable Stanford Community Plan policies. Policy SCP-C 12 requires Stanford to work with the neighboring jurisdictions to reduce potential effects on neighborhoods surrounding the campus. Per the Stanford University 2000 General Use Permit, Stanford must participate in any future neighborhood traffic studies initiated by the County of Santa Clara, City of Palo Alto, or City of Menlo Park in the area bounded by Middlefield Road, Willow Road/Santa Cruz Avenue/Sand Hill Road, Interstate 280, and Page Mill Road/Oregon Expressway.

Because implementation of the proposed project would be subject to all applicable County and city guidelines, standards, and specifications, the proposed project would not conflict with adopted policies, plans, or programs for transit, bicycle, or pedestrian facilities. Therefore, the project would result in a **less-than-significant impact** to transit, bicycle, and pedestrian facilities.

Mitigation Measures: None required.

Impact TRANS-2: Implementation of the proposed project would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

For the purpose of this EIR, the project is considered to generate a significant VMT impact if the buildout of the identified housing opportunity sites would result in a per capita VMT greater than 85 percent of the regional average.

Since the County of Santa Clara has not adopted its own VMT guidelines, for the purpose of analyzing the potential transportation impact related to potential future residential development projects consistent with the project, the evaluation of VMT impacts in this EIR follows the Office of Planning and Research's (OPR's) *Technical Advisory on Evaluating Transportation Impacts in CEQA.*[4] OPR's recommended VMT threshold is 15 percent below the regional average VMT per capita (or at or below 85 percent of the regional average VMT). Residential VMT is defined as home-based VMT as calculated by the VTA travel demand model. For projects in Santa Clara

[4] OPR. 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. Website: opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf. December 18.

County, the general practice defines the regional average as the countywide average, which includes the incorporated and unincorporated areas.

Many future individual residential development projects that are consistent with the proposed project, should they materialize, would also be evaluated for their own project-level VMT impact. However, this EIR recognizes that some future development projects facilitated by the proposed project could potentially be subject to ministerial approval, meaning they may not be subject to additional CEQA review. In other cases, some development projects meeting specific criteria could be exempt from additional VMT analysis under OPR's VMT guidelines, which provide various screening criteria to exempt residential projects from VMT, including:

- Projects generating fewer than 100 vehicle trips per day.
- Projects located in an identified low VMT area (less than 85 percent of regional average).
- Projects located within ½-mile of an existing major transit stop or within ½-mile of a high-quality transit corridor.
- Affordable housing developments with 100 percent affordable units.

The analysis described below is thus conducted in two steps. First described is the project's plan-level VMT impact. The project-level VMT impacts for individual housing opportunity sites are generally described afterwards.

VMT Evaluation Methodology

Travel Demand Model

VMT is defined as the total distance traveled by vehicles to and from a project site over a typical day. To estimate the project's effect on countywide residential VMT, the VTA travel demand forecast model was used. The VTA model is the best available model to represent travel within the County and serves as the primary forecasting tool for public agencies in Santa Clara County. The model is a mathematical representation of travel within the nine Bay Area counties, as well as Santa Cruz, San Benito, Monterey and San Joaquin counties. The base model structure was developed by the Metropolitan Transportation Commission (MTC) and further refined by the City/County Association of Governments and Santa Clara Valley Transportation Authority for use within San Mateo County and Santa Clara County.

There are four main components of the model: 1) trip generation, 2) trip distribution, 3) mode choice, and 4) trip assignment. The model uses socioeconomic inputs (i.e., population, income, employment) aggregated into geographic areas, called transportation analysis zones (TAZs) to estimate travel within the model area. There are 166 TAZs within the model to represent the unincorporated County, and 1,490 TAZs to represent the entirety of Santa Clara County.

VMT Evaluation for All HEU Housing Opportunity Sites

The baseline scenario for the HEU's VMT analysis is assumed as the year 2022 existing conditions. The baseline scenario assumes 604,011 households and 1,974,489 persons residing in Santa Clara County. As shown in Table 4.14-2, the VTA model estimated the Countywide

average residential VMT for this baseline scenario as 12.84 home-based VMT per capita. Using OPR's recommended VMT threshold of 15 percent below the regional average VMT per capita, the significance threshold for the project would be 10.91 home-based VMT per capita.

The VTA model was used to estimate the HEU units' VMT under the Baseline + project scenario. The HEU includes 8,441 units and 24,432[5] population. As shown in Table 4.14-2, the HEU units' average VMT per capita is estimated at 13.1 home-based VMT per capita, which exceeds the 10.91 significance threshold.

TABLE 4.14-2
VMT EVALUATION

Scenario	Home-Based VMT	Population	Home-Based VMT per Capita
Countywide Average	25,360,220	1,974,489	12.84
		VMT Impact Threshold (85%)	10.91
HEU units	320,059	24,432	13.1
		VMT Impact?	Yes

SOURCE: VTA travel demand forecast model, Hexagon Transportation Consultants, Inc., April 2023

VMT Evaluation of Housing Opportunity Sites on the Stanford University Campus

For informational purposes, a separate VMT analysis for the Stanford HEU housing sites was conducted. As shown in **Table 4.14-3**, the Stanford HEU units would generate residential VMT per capita of 7.63 under baseline + HEU conditions, which is well below the Countywide threshold of 10.91 (which is 15 percent below Countywide baseline average of 12.84). This is largely a function of two of the Stanford sites being located adjacent to high-quality transit facilities, which could be expected to substantially reduce VMT. Therefore, the Stanford HEU units, if developed as analyzed, would generate a less-than-significant VMT impact.

TABLE 4.14-3
STANFORD HEU SITES – VMT EVALUATION

Scenario	Home-Based VMT	Population	Home-Based VMT per Capita
Countywide Average	25,360,220	1,974,489	12.84
		VMT Impact Threshold (85%)	10.91
Baseline + HEU	73,567	9,636	7.63
		VMT Impact?	No

SOURCE: VTA travel demand forecast model, Hexagon Transportation Consultants, Inc., April 2023

[5] For purposes of this analysis, the highest proposed density for each of the housing sites was assumed to provide a worst-case scenario. Those density figures can be found in Table 3-2 in Chapter 3, *Project Description*, of this EIR. Since initiation of this analysis, the HEU highest potential density has been downward adjusted from 8,539 units to 8,441 units. This minor change in units is not expected to materially change the VMT conclusions.

For future individual housing development projects that would be facilitated by the project that would not be exempt from CEQA or VMT impact analysis, a separate, project-specific VMT analysis would be required. This analysis, which would be based on characteristics of the proposed project and its location, may result in exceedances of the VMT criteria of 15 percent below the regional average VMT per capita, particularly for housing sites that have limited access to transit. For this reason, the impact of the HEU on VMT is conservatively considered **Potentially Significant**, requiring mitigation.

Mitigation Measure TRANS-2: Implement VMT Reduction Measures.

Individual multifamily housing development proposals that are not exempt from CEQA or VMT impact analysis shall be required to provide a quantitative VMT analysis using the methodology specified by the County (or annexing city).. Projects that would result in a significant VMT impact shall include travel demand management measures and/or physical measures (i.e. improving multimodal transportation network, improving street connectivity) to reduce VMT, including but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook.

- Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook.
- Provide car-sharing, bike-sharing, or scooter-sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike-share, and 0.07 percent for scooter-share, per the CAPCOA Handbook. The higher car-share and bike-share values are for electric car and bike-share programs.
- Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.

Significance after Mitigation: Because the effectiveness of the above measures in reducing an individual project's VMT impact to a less than significant level cannot be determined until the specific characteristics of the project are known, the impact for projects that are not exempt from CEQA or VMT impact analysis would conservatively remain **significant and unavoidable with mitigation**.

Impact TRANS-3: Implementation of the proposed project would not result in designs for on-site circulation, access, and parking areas that fail to meet County or industry standard design guidelines. (*Less than Significant Impact*)

Particular development projects that are facilitated by the project, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements, would be designed according to the General Plan and other standards and subject to existing regulations that are aimed at reducing hazardous conditions with respect to circulation. The County's evaluation of projects' access and

circulation would incorporate analysis with respect to relevant standards for vehicular level of service and queueing, as well as for service to pedestrians, bicyclists, and transit users. Therefore, the project would result in a **less-than-significant impact** to transportation hazards.

Mitigation Measures: None required.

Impact TRANS-4: Implementation of the proposed project would not result in inadequate emergency access to development sites. (*Less than Significant Impact*)

There are no specific development projects currently being proposed as part of the proposed project; thus, specific housing projects that could arise following the project's adoption cannot be analyzed for their adequacy of emergency access at this time. However, the General Plan and other County standards and regulations include policies that would ensure efficient circulation and adequate access are provided in the County, which would help facilitate emergency response.

Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans that include use of alternate routes, sirens and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles.

Based on the above considerations, adequate emergency access would be provided to new development sites, and the impact would be **less than significant**.

Mitigation Measures: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the proposed project in combination with other past, present, and reasonably foreseeable future development that could cause cumulatively significant impacts. Significant cumulative impacts related to transportation could occur if the incremental impacts of the project combined with the incremental impacts of cumulative development would be significant, and if the project's contribution would be considerable. Cumulative development projections for 2040 are included in the project description and described in Section 4.0.3 of this EIR, *Cumulative Impacts*.

Impact TRANS-5: Implementation of the proposed project, in combination with cumulative development, would not conflict with an applicable program, plan, ordinance or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, bicycle, and pedestrian facilities. ***(Less than Significant)***

The findings of Impact TRANS-5 are identical to Impact TRANS-1. Because implementation of the project would be subject to all applicable County guidelines, standards, and specifications, the proposed project would not conflict with adopted policies, plans, or programs for transit, bicycle, or pedestrian facilities. Therefore, the project would result in a **less-than-significant impact** to transit, bicycle, and pedestrian facilities.

Mitigation Measures: None required.

Impact TRANS-6: Implementation of the proposed project, in combination with cumulative development, could exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

For the same reasons discussed under Impact TRANS-2, the cumulative + HEU analysis could also result in VMT that exceeds the significance threshold of 15% below the countywide home-based VMT per capita average. For this reason, the cumulative impact of the project is conservatively considered **Potentially Significant**, requiring mitigation.

Mitigation Measure TRANS-2: Implement VMT Reduction Measures.

Significance after Mitigation: The prescribed mitigation is the same as that outlined under Mitigation Measure TRANS-2. Because the effectiveness of the above measures in reducing an individual project's VMT impact to a less than significant level cannot be determined in this analysis, the impact for projects which do not screen out from VMT impact analysis would conservatively remain cumulatively **significant and unavoidable with mitigation**.

Impact TRANS-7: Implementation of the proposed project, in combination with cumulative development, would not result in designs for on-site circulation, access, and parking areas that fail to meet County or industry standard design guidelines. (*Less than Significant Impact*)

Impact discussion is identical to Impact TRANS-3. The project would result in a **less-than-significant impact** to transportation hazards.

Mitigation Measures: None required.

Impact TRANS-8: Implementation of the proposed project, in combination with cumulative development, would not result in inadequate emergency access to development sites. (*Less than Significant Impact*)

Impact discussion is identical to Impact TRANS-8. The project would result in a **less-than-significant impact** to emergency access.

Mitigation Measures: None required.

4.14.5 References

Santa Clara County. 1994. *Santa Clara County General Plan.* Available online: https://stgenpln.blob.core.windows.net/document/GP_Book_A.pdf. Accessed April 27, 2023

Santa Clara County. 2015. *2000 Stanford University Community Plan (Amended 2015).* Available online: https://stgenpln.blob.core.windows.net/document/SU_CP.pdf. Accessed April 27, 2023.

Santa Clara County. 2015. *2000 General User Permit (Amended 2015).* Available online: https://stgenpln.blob.core.windows.net/document/SU_GUP.pdf. Accessed April 27, 2023.

4.15 Tribal Cultural Resources

4.15.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects related to tribal cultural resources. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to tribal cultural resources. Further below, existing plans and policies relevant to tribal cultural resources associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to tribal cultural resources that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR. The County received comments from the Native American Heritage Commission (NAHC) which recommended, pursuant to PRC Section 21080.3.1(b), that the County conduct consultation with tribes that are affiliated with Santa Clara County. The NAHC also recommended that the County conduct a cultural resources records search of the California Historical Resources Information System (CHRIS) and that an archaeological inventory survey report be prepared along with a search of the NAHC's Sacred Lands File (SLF). In response to those requirements, the County contacted applicable tribes on October 13, 2022, and again on March 21, 2023. As of the public circulation date of this EIR, no requests for consultation have been received from applicable tribes.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).

4.15.2 Environmental Setting

Tribal cultural resources are sites, features, places, cultural landscapes, sacred places or objects, which are of cultural value to a tribe or tribes. These resources may also be on, or eligible for, listing in the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), or be determined by the lead agency to be considered tribal cultural resources. Tribal cultural resources also include pre-contact archaeological sites and human remains as discussed in Section 4.5 of this Draft EIR, *Cultural Resources*,

ethnographic sites, and historic-age landscapes and sites occupied, used, or spiritually and culturally valued by Native Americans. Section 4.5 of this Draft EIR, *Cultural Resources,* provides a comprehensive overview of the cultural setting including an archaeological, ethnographic, and historic overview of the County and surrounding area. Section 4.5 of this Draft EIR, *Cultural Resources*, also provides a review of the background research completed for the project.

Tribal Cultural Resources Identified in Areas Affected by the Project

Native American Outreach

In accordance with the requirements of Senate Bill 18 (SB 18) and AB 52 (Public Resources Code Section 21074(a)), City staff conducted Native American outreach and consultation efforts. On August 30, 2022, ESA submitted a request to the California Native American Heritage Commission (NAHC) for a search of the Sacred Lands File and a list of contacts for tribes with traditional lands or cultural places within or near the housing opportunity sites. The NAHC responded on October 6, 2022, stating that the file search was positive for sacred sites. The NAHC also provided the contact information for twelve tribal representatives from nine tribes for additional information.

Native American Consultation

The County sent tribal outreach letters to the twelve Native American representatives from nine tribes that were identified by the NAHC as having traditional lands or cultural places within or near the HEU opportunity sites. And an additional five Native American representatives from four additional tribes were contacted based on consultation lists received for other parts of Santa Clara County. Tribal consultation outreach letters were sent on October 14, 2022, and again on March 21, 2023. As of the public circulation date of this EIR, no requests for consultation have been received from applicable tribes.

Identification of Tribal Cultural Resources and Indigenous Cultural Resources

The results of the records search undertaken at the Northwest Information Center (NWIC) is detailed in Section 4.4, *Cultural Resources*. No pre-contact resources have been identified within the housing opportunity sites or in the general area identified as a potential future school site on the Stanford campus. However, there is one archaeological resource with a pre-contact component recorded within 0.25 mile of the housing opportunity sites, and there are six pre-contact resources recorded within 0.25 mile of the general area identified as a potential future school site on the Stanford campus. No additional tribal cultural resources have been identified as a result of tribal consultation.

4.15.3 Regulatory Setting

Federal

There are no federal laws or regulations specifically related to tribal cultural resources. Section 106 of the National Historic Preservation Act considers historic properties, which also

include traditional cultural properties.[1] Section 4.4.3, *Cultural Resources Regulatory Framework* provides a summary of Section 106 of the National Historic Preservation Act.

State

California Environmental Quality Act Statute and Guidelines

CEQA and the CEQA Guidelines include special procedures for identifying, analyzing, and disclosing significant impacts on Tribal Cultural Resources, which include all resources listed in or formally determined eligible for listing in the National Register, the California Register, or local registers.

California Register of Historical Resources

As with TCPs in the National Register, identification of Tribal Cultural Resources for the California Register emphasizes a place or feature's value and significance to living communities. AB 52, summarized in Section 3.6.1.2, *Regulatory Setting*, and discussed in more detail below, further clarified this designation process.

Native American Heritage Commission

The Native American Heritage Commission (NAHC) identifies and manages a catalog of places of special religious or social significance to Native Americans. This database, known as the Sacred Lands File, is a compilation of information on known graves and cemeteries of Native Americans on private lands and other places of cultural or religious significance to the Native American community. The NAHC also performs other duties regarding the preservation and accessibility of sacred sites and burials and the disposition of Native American human remains and burial items.

Public Resources Code sections 5097.9 through 5097.991 describe the duties and role of the NAHC and requires the cooperation of State and local agencies in carrying out their duties with respect to Native American resources.

California Public Resources Code and California Health and Safety Code Provisions Regarding Human Remains

California Health and Safety Code section 7050.5 protects human remains by prohibiting the disinterring, disturbing, or removing of human remains from any location other than a dedicated cemetery. Public Resources Code section 5097.98 and CEQA Guidelines Section 15064.5(e) also identify steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery. Health and Safety Code section 7052 states that the disturbance of Native American, or any other, human remains is a felony, unless the disturbance has been lawfully authorized.

[1] A Traditional Cultural Property is a property that is eligible for inclusion in the National Register of Historic Places based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community.

Public Resources Code Sections 21074, 21080, 21083 (Assembly Bill 52)

In September 2014, the California Legislature enacted Assembly Bill (AB) 52, which added provisions to the Public Resources Code regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 requires lead agencies to analyze project impacts on tribal cultural resources (PRC Sections 21074 and 21083.09). The law defines tribal cultural resources in a new section, PRC Section 21074. AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC Sections 21080.3.1, 21080.3.2, and 21082.3).

PRC Section 21084.3 addresses mitigation for tribal cultural resources impacts as follows:

a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.

b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:

- Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Protecting the resource

Assembly Bill 168 – Tribal Consultation under Streamlined Ministerial Approval Process (SB 35)

Assembly Bill 168 (AB 168), enacted in September 2020, amended the Government Code Sections 65400, 65913.4, and 65941.1, to add tribal consultation requirements to housing projects that would otherwise qualify for a streamlined ministerial approval process, which was mandated by Senate Bill 35 (SB 35) in 2017. SB 35 requires cities who are not meeting their demand for housing (as per the Regional Housing Needs Assessments) to allow developers to avoid the requirement of a CEQA document if the proposed housing meets specific requirements, such as

the number of units, zoning, affordability, and avoidance of specific environmental impacts. AB 168 added a requirement to SB 35 to prescribe that developers must submit a preliminary application with information about the project and the local government and must conduct tribal consultation with tribes, similar to what is required by CEQA and AB 52, to identify if there are tribal cultural resources that may be impacted by the project. If impacts to tribal cultural resources are identified, the project is ineligible for SB 35 streamlining and is subject to CEQA.

Senate Bill 18 – Tribal Consultation During Planning Decisions

Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code section 65300 et seq.) and specific plans (defined in Government Code section 65450 et seq.). The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places.

Local

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of the County (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements within the General Plan include goals and policies for the physical development of the County. General Plan strategies and policies related to tribal cultural resources and relevant to implementation of the project are listed below.

Countywide and Rural Unincorporated Area Issues & Policies

Strategies and policies relating to tribal cultural resources, which include cultural resources and are described as heritage resources in the General Plan, are in two different sections of the document: countywide issues & policies and rural unincorporated area issues & policies. The strategies and policies for heritage resources in these two sections have very similar text, the main difference is the location of these resources within the County. Therefore, for the purposes of this list, for those strategies and policies which are similar, we have included the text from the countywide section, but provided the naming convention for both versions of the topic.

> **Strategy:** The general approach to cultural heritage resource protection outlined by the General Plan consists of three basic strategies
>
> > ***Policy C-RC 49/R-RC 81:*** Cultural heritage resources within Santa Clara County should be preserved, restored wherever possible, and commemorated as appropriate for their scientific, cultural, historic and place values.
> >
> > ***Policy C-RC 50/R-RC 82:*** Countywide, the general approach to heritage resource protection should include the following strategies:

1. Inventory and evaluate heritage resources.
2. Prevent or minimize adverse impacts on heritage resources.
3. Restore, enhance, and commemorate resources as appropriate.

Strategy #1: Inventory and Evaluate Heritage Resources.

***Policy C-RC 51*:** Inventories of heritage resources should be maintained as the basis for local decision-making regarding such resources.

Policy R-RC 83: The County's Heritage Resources database shall be maintained and used to review private development projects and guide the design of public projects.

Strategy #2: Prevent or Minimize Adverse Impacts on Heritage Resources.

***Policy C-RC 52*:** Prevention of unnecessary losses to heritage resources should be ensured as much as possible through adequate ordinances, regulations, and standard review procedures. Mitigation efforts, such as relocation of the resource, should be employed where feasible when projects will have significant adverse impact upon heritage resources.

Policy C-RC 53: Cities should balance plans for urban redevelopment with the objectives of heritage resource preservation in such cases where potential conflicting interest may arise. Case should be taken to integrate heritage resources with new development wherever possible.

Policy R-RC 85: No heritage resource shall knowingly be allowed to be destroyed of lost through a discretionary action (zoning, subdivision site approval, grading permit, building permit, etc.) of the County of Santa Clara unless:

a. The site or resource has been reviewed by experts and the County Historic Heritage Commission and has been found to be of insignificant value; or

b. There is an overriding public benefit from the project and compensating mitigation to offset the loss is made part of the project.

Policy R-RC 86: Projects in areas found to have heritage resources shall be conditioned and designed to avoid loss or degradation of the resources. Where conflict with the resource is unavoidable, mitigation measures that offset the impact may be imposed.

Policy R-RC 87: Land divisions in areas with heritage resources shall be encouraged to cluster building sites in locations which will minimize the impacts to heritage resources.

Policy R-RC 88: For projects receiving environmental assessment, expert opinions and field reconnaissance may be required if needed at the applicant's expense to determine the presence, extent, and condition of suspected heritage resources and the likely impact of the project upon the resources.

Policy R-RC 89: Demolition permits proposed for designated heritage resources shall be referred to the Historic Heritage Commission for review and recommendation to the Board of Supervisors.

Policy R-RC 92: The participation of concerned citizens and professionals dealing with heritage resources in the identification of sites and the review and conditioning of projects by its boards and commissions shall be encouraged by the County.

Strategy #3: Restore, Enhance and Commemorate Resources.

***Policy C-RC 54/R-RC 93*:** Heritage resources should be restored, enhanced, and commemorated as appropriate to the value and significance of the resource. All historic rehabilitation activities should comply with the Secretary of the Interior's Standards for Rehabilitation.

Policy C-RC 55/R-RC 94: Public awareness and appreciation of existing heritage resources and their significance should be enhanced through community organizations, neighborhood associations, the educational system, and governmental programs.

Policy C-RC 56/R-RC84: Heritage resource acquisition, preservation, restoration, and interpretation projects eligible for funding with County Parks Charter Funds are identified in the "Santa Clara County Heritage Resources Inventory" adopted by the Board of Supervisors.

Stanford University Community Plan

The current Stanford University Community Plan was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the Community Plan is to guide future use and development of Stanford lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The Community Plan was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. Any revisions to the Community Plan must also be made according to the provisions of State law for adopting and amending general plans. Community strategies and policies related to tribal cultural resources and relevant to implementation of the project are listed below.

Resource Conservation Strategy #7: Inventory and Evaluate Heritage Resources.

***Policy SCP-RC-21*:** Maintain informational databases and formal inventories of heritage resources as the basis for local decision-making regarding historic buildings, archaeological and paleontological sites, heritage trees, and landscape features.

Resource Conservation Strategy #8: Protect Heritage Resources Through Avoidance, Adaptive Reuse and Sensitive Planning Design.

***Policy SCP-RC 22*:** Protect heritage resources, including sites, structures, and trees in campus development through careful campus land use planning, individual project design, project review, use of appropriate guidelines, and other implementation plans.

Policy SCP-RC 23: Protect the integrity of significant archaeological sites and other heritage resources. Ensure the confidentiality of archaeological site locations in conformance with state laws.

Policy SCP-RC 24: Protect archaeological and paleontological resources in any environmental enhancement activities involving creek restoration and flood control.

4.15.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to tribal cultural resources are based on Appendix G of the *CEQA Guidelines*. Implementation of the project would have a significant impact on the environment if it would:

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that: (i) is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or (ii) is determined at the discretion of the lead agency to be significant pursuant to criteria set forth Public Resources Code §5024.1(c).

Methodology and Assumptions

This is a program-level EIR that considers the potential impacts from implementing the project. While the HEU would be applicable Countywide, special focus was given to the housing opportunity sites and the possible future potential school location on Stanford's campus. Impacts on tribal cultural resources are evaluated using the criteria listed above based on information included in the Santa Clara County General Plan (1994) and the Stanford University Community Plan (2000).

Impacts and Mitigation Measures

Impacts

Impact TCR-1: Implementation of the project would not cause a substantial adverse change to tribal cultural resources, as defined in Public Resources Code Section 21074(a). (*Less than Significant Impact, with Mitigation*)

HEU and Stanford Community Plan Update

As described above in the *Environmental Setting* and in *Section 4.5.2 Environmental Setting for Cultural Resources*, the County includes indigenous or pre-contact cultural resources that are listed in or eligible for listing in the National Register, and/or the California Register, and resources that have not been evaluated for the National Register or California Register but are potentially eligible. Additionally, there may be previously unknown buried archaeological resources and/or tribal cultural resources that have not been recorded. No tribal cultural resources have been identified during tribal consultation. However, the NAHC sacred lands file search did have a positive result for sacred lands within the housing opportunity sites.

The County is a mix of urban and agricultural landscapes. Implementation of the project would result in gradual physical changes throughout the County, including a potential increase of multi-

family residential dwelling units, primarily located in the opportunity sites near urban areas. These changes would comprise a substantial intensification or concentration of physical development and could lead to the demolition of indigenous archaeological resources and/or tribal cultural resources. Additionally, associated infrastructure or other public works improvements could result in damage to or demolition of these kinds of resources.

As detailed in the *Regulatory Setting* above, there are federal, state, and local regulations in place to protect tribal cultural resources, including archaeological resources and human remains. CEQA requires lead agencies to determine, prior to approval, if a project would have a significant adverse effect on historical resources, tribal cultural resources, or unique archaeological resources and requires the lead agency to make provisions for the inadvertent discovery of historical or unique archaeological resources during construction, including tribal cultural resources.

As described previously in this section, SB 18 requires local governments to consult with tribes prior to making certain planning decisions and provides California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to cultural places. In accordance with the requirements of SB 18, County staff conducted Native American outreach and consultation efforts. As a part the SB 18 process for the proposed project, County staff sent tribal outreach letters to the twelve Native American representatives from nine tribes that were identified by the NAHC as having traditional lands or cultural places within or near the HEU opportunity sites. An additional five Native American representatives from four additional tribes were contacted based on consultation lists received for other parts of Santa Clara County. Tribal consultation outreach letters were sent on October 14, 2022, and again on March 21, 2023, to reflect changes to the HEU's list of housing opportunity sites. As of the public circulation date of this EIR, no requests for consultation have been received from applicable tribes.

In addition, the proposed project and other applicable elements of the General Plan includes policies and implementation programs designed to identify and protect archaeological resources that could be adversely affected by development activities. For example, the General Plan's three basic strategies to inventory and evaluate heritage resources, prevent or minimize adverse impacts on heritage resources, and restore, enhance, and commemorate resources and associated policies aim to identify and protect cultural resources.

While the goal of the aforementioned policies proposed under the project is to protect archaeological resources and human remains, exact procedures are not outlined on how these policies are enacted. Therefore, there remains the potential for ground-disturbing construction activities to inadvertently damage or destroy tribal cultural resources because these policies and programs do not address tribal consultation of projects or tribal involvement during the inadvertent discovery of indigenous resources during project construction.

Revisions to the Public Resources Code and the Government Code by AB 52 and AB 168 require local governments to consult with tribes during the review process for CEQA and for housing development projects that would otherwise be exempt from CEQA under changes made to the Government Code by SB 35.

No tribal cultural resources have been identified with the housing opportunity sites or the potential future school site on Stanford's campus as a result of tribal consultation. However, there are tribal cultural resources and indigenous archaeological resources that may be eligible for the California Register and/or the National Register within the larger County. Construction of housing in these areas could involve activities that would damage or destroy tribal cultural resources. Therefore, the project is considered to have a **potentially significant** impact on tribal cultural resources. Implementation of Measures CR-2A, CR-2B, and CR-3 is prescribed below.

Mitigation Measure CR-2A: Cultural Resources Study Requirements.

See Section 4.5 of this Draft EIR, *Cultural Resources*, for the text of this measure.

Mitigation Measure CR-2B: Inadvertent Discovery of Cultural Resources.

See Section 4.5 of this Draft EIR, *Cultural Resources*, for the text of this measure.

Mitigation Measure CR-3: Inadvertent Discovery of Human Remains.

See Section 4.5 of this Draft EIR, *Cultural Resources*, for the text of this measure.

Significance After Mitigation: Implementation of Measures CR-2A, CR-2B, and CR-3 would establish protocol to identify, evaluate, and address any potential impacts to previously unknown tribal cultural resources. With implementation of these mitigation measures, any potential impacts to tribal cultural resources would be reduced to a **less than significant** level.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to tribal cultural resources could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact TCR-2: Implementation of the project, when combined with other past, present, or reasonably foreseeable projects, would not cause a substantial adverse change to tribal cultural resources, as defined in Public Resources Code Section 21074(a). (*Less than Significant Impact, with Mitigation*)

HEU and Stanford Community Plan Update

The geographic scope for cumulative impacts to tribal cultural resources comprises the entire County of Santa Clara. This geographic scope of analysis is appropriate because the tribal cultural resources within this radius are expected to be similar to those that occur on the housing opportunity sites and the "potential future school location" on Stanford's campus because their proximity, similar environments, landforms, and hydrology are expected to have resulted in similar land-uses over time. Based on the tribal consultation, the professional experience of the

EIR's preparers, research, and the pre-contact context, there are no known tribal cultural resources within the housing opportunity sites or "potential future school location" on Stanford's campus, but there are tribal cultural resources within the larger Santa Clara County boundaries. There may also be tribal cultural resources within the County of Santa Clara that have not been documented or recorded.

In this context, the incremental impacts of the project could combine with similar incremental impacts of other projects in the cumulative scenario to cause or contribute to a significant cumulative impact. However, the project would contribute a negligible **less-than-significant** incremental impact after the implementation of Measures CR-2A, CR-2B, and CR-3 which would require an Secretary of the Interior-qualified archaeologist conduct a review of the project prior to construction, the cessation of activities and buffering of archaeological finds or unanticipated human remains, and tribal consultation when indigenous resources or human remains are unexpectedly discovered during project construction. As a result, the project's incremental impact would not be cumulatively considerable and would not result in a significant cumulative effect.

4.15.5 References

County of Santa Clara. 1994. *County of Santa Clara General Plan*. Available online: https://plandev.sccgov.org/ordinances-codes/general-plan. Accessed August 15, 2022.

County of Santa Clara. 2000. *Stanford University Community Plan*. Available online: https://stgenpln.blob.core.windows.net/document/SU_CP.pdf. Accessed August 15, 2022.

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4.16 Utilities and Service Systems

4.16.1 Introduction

This section evaluates the potential for the proposed project, which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") to result in substantial adverse effects related to utilities and service systems. Below, the Environmental Setting portion of this section includes descriptions of existing conditions relevant to utilities and service systems. Further below, existing plans and policies relevant to utilities and service systems associated with implementation of the project are provided in the Regulatory Setting section. Finally, the impact discussion evaluates potential impacts to utilities and service systems that could result from implementation of the project in the context of existing conditions.

Notice of Preparation Comments

A Notice of Preparation (NOP) for the Draft EIR was circulated on August 8, 2022, and a scoping meeting was held on August 23, 2022. A revised NOP reflecting changes to the HEU's list of opportunity sites was circulated on March 21, 2023. Both NOPs circulated for a period of 30 days, and the NOPs and the comments received during their respective comment periods can be found in **Appendix A** of this EIR.

Comments relevant to utilities and service systems stated that it would be difficult to provide urban services in rural area (i.e., water, sewer, stormwater, etc.). Specifically, a request was received to analyze whether enough water and sewer capacity would be available to serve housing opportunity sites located outside the City of Morgan Hills's Urban Service Area. It should be noted, however, that the second NOP and the revised list of HEU housing opportunity sites do not include any sites in Morgan Hill or Gilroy or any sites that are not within an existing urban services area, so the issue will not be discussed further.

Next, a comment was received requesting that the EIR analyze the environmental impacts associated with the development of new water and sewer lines. Finally, a comment was received stating that the HEU requires the preparation of a Water Supply Assessment. Both of these issues are assessed later in this section.

Information Sources

The primary sources of information referenced in this section included those listed below. Please note that a full list of references for this topic can be found at the end of this section.

- Santa Clara County General Plan (1994).
- Stanford University Community Plan (2000).
- Palo Alto Comprehensive Plan Update Environmental Impact Report (2017).
- Envision San José 2040 General Plan Environmental Impact Report (2011).

- Water Supply Assessment, County of Santa Clara 6th Cycle Housing Element Update. San José Water (2023). See **Appendix C** of this EIR.
- Santa Clara County Housing Element Update Water Supply Assessment – Stanford University. West Yost (2023). See **Appendix C** of this EIR.

4.16.2 Environmental Setting

Water

Water service to the housing opportunity sites in the unincorporated areas of San José would be provided by the San José Water Company (SJWC), which obtains its supply from imported water supplies, local surface water supplies, groundwater, and recycled water. Water service on the Stanford campus is provided independently by the University, which obtains its supply from imported water supplies, local surface water supplies, and groundwater.

A Water Supply Assessment (WSA) was prepared for each of the water providers that would serve the project. The San José Water Company (SJWC) prepared its own WSA for those project sites to which it would provide water service in the City of San José. A separate WSA was prepared by West Yost for project components on the Stanford campus. Finally, West Yost prepared a summary WSA for both the San José project sites and the Stanford project components, and that summary document forms the basis for the analysis in this EIR. All three documents are attached to this EIR as **Appendix C**.

Water Supply Availability

San José Water Company

SJWC obtains its water supplies from several sources, including purchased surface water, groundwater from the Santa Clara Subbasin, local surface water, and recycled water. Additional detail on these sources is provided below.

Purchased Surface Water

On average, purchased water from Valley Water makes up over half of SJWC's total water supply. This water originates from several sources including Valley Water's local reservoirs, the State Water Project and the federally funded Central Valley Project San Felipe Division. Water is piped into SJWC's system at various turnouts after it is treated at one of three Valley Water-operated water treatment plants. In 1981, SJWC entered into a 70-year master contract with Valley Water for the purchase of treated water. The contract provides for rolling three-year delivery schedules establishing fixed quantities of treated water to be delivered during each period. SJWC and Valley Water currently have a three-year treated water contract for fiscal years 2020/2021 – 2022/2023, with contract supplies of 70,723 acre-feet (AF) in 2020/2021, 70,723 AF in 2021/2022, and 71,858 AF in 2022/2023. The actual amount of water delivered depends on considerations including hydrologic variability, interruptions in Valley Water facility operations, and water quality.

Groundwater

On average, groundwater accounts for 30 to 40 percent of SJWC's total water supply. SJWC draws water from the Santa Clara Subbasin, which is part of the larger Santa Clara Valley Basin. The Santa Clara Subbasin consists of unconsolidated alluvial sediments and covers a surface area of 297 square miles in the northern part of Santa Clara County. The subbasin is not adjudicated. Valley Water is responsible for maintaining the subbasin and ensuring the subbasin does not become overdrafted. Aquifers in the subbasin are recharged naturally by rainfall and streams and artificially mainly by recharge ponds operated by Valley Water. Due to different land use and management characteristics, Valley Water further delineates the Santa Clara Subbasin into two groundwater management areas: the Santa Clara Plain and Coyote Valley. SJWC draws groundwater from the Santa Clara Plain portion, which covers a surface area of 280 square miles and has an operational storage capacity estimated to be 350,000 AF.

Local Surface Water

SJWC has "pre-1914 water rights" to surface water in Saratoga Creek, Los Gatos Creek, and associated watersheds, totaling approximately 72 million gallons per day, based on capacity of diversion works from Initial Statements of Water Diversion and Use. SJWC also filed for licenses in 1947 and was granted license number 4247 in 1956 by the State Water Resources Control Board (SWRCB) to draw 1419 AF/year (462 MG/year) from Saratoga Creek, and license number 10933 in 1979 to draw 6,240 AF/year (2,033 MG/year) from Los Gatos Creek.

Recycled Water

South Bay Water Recycling (SBWR) has been serving Silicon Valley communities since 1993 with a sustainable, high-quality recycled water supply. SBWR was created to reduce the environmental impact of freshwater effluent discharge into the salt marshes located at the south end of the San Francisco Bay, and to help protect the California clapper rail and the salt marsh harvest mouse.

In 1997, SJWC entered into a Wholesaler-Retailer Agreement with the City of San José to provide recycled water to SJWC's existing and new customers nearby SBWR recycled water distribution facilities, whereas the City of San José is the wholesaler and SJW is the retailer. At the time, the involvement of SJWC was largely to assist the City in meeting its wastewater regulatory obligations. In accordance with the terms of this agreement, SJWC allowed SBWR to construct recycled water pipelines in its service area, SJWC would only own the recycled water meters, while SBWR would own, operate, and maintain the recycled water distribution system.

In 2010, this Wholesaler-Retailer Agreement was amended to allow SJWC to construct recycled water infrastructure that would be owned, operated, and maintained by SJWC. Then in 2012, this Wholesaler- Retailer Agreement was again amended to allow SJWC to construct additional recycled water infrastructure.

Stanford University

Stanford's current primary source of potable water supply is from the San Francisco Regional Water System (RWS), which is operated by the San Francisco Public Utilities Commission

(SFPUC). This water is purchased by Stanford from SFPUC under a wholesale contract. Stanford has the capability to supplement potable supplies with groundwater if needed. In addition, Stanford uses local surface supplies and groundwater for non-potable uses, primarily for landscape irrigation. The non-potable distribution system is referred to as the Lake Water System. Details about each of these sources are provided below.

Surface Water from SFPUC

The SFPUC supplies water to both retail and wholesale customers. Retail customers include residents, businesses, and industries located within the City and County of San Francisco's boundaries. Wholesale customers include 26 cities and water supply agencies in Alameda, San Mateo and Santa Clara counties, including Stanford.

Stanford purchases treated water from SFPUC in accordance with the November 2018 Amended and Restated Water Supply Agreement between the City and County of San Francisco and Wholesale Customers in Alameda, San Mateo and Santa Clara Counties, which was adopted in 2019. The term of the agreement is 25 years, with a beginning date of July 1, 2009, and an expiration date of June 30, 2034. Per the agreement, Stanford has an Individual Supply Guarantee (ISG) of 3.03 million gallons per day (mgd), or 3,394 acre-feet per year (AFY), supplied by the SFPUC. Note that although expressed in units of mgd, the ISG is an overall annual average target. Daily or monthly usage may exceed this target, and this is not uncommon during the summer months. Over the last five years (2016-2020) Stanford has purchased between 46 percent and 49 percent of its ISG. Additional discussion of the SFPUC water supplies is provided in SFPUC's 2020 UWMP.

Groundwater

Groundwater pumped from five Stanford-owned and operated wells over the Santa Clara Valley Subbasin is currently used only for non-potable uses such as landscape irrigation and is relied upon most during dry years, although groundwater could be used to supplement potable water supply from SFPUC if needed. Groundwater is also pumped into Stanford's Felt Reservoir for rediversion into the Lake Water System.

Stanford's wells have a combined total pumping capacity of approximately 4,450 AFY. In the highest recent reporting year (FY 2013-14), Stanford withdrew a total of 1,142 AF from these wells. This was a dry year, and on average, Stanford pumps significantly less than this amount. A 2014 groundwater modeling study indicated that Stanford could withdraw up to 1,700 AFY from its wells on a continuous basis without impacting water quality in the aquifer or causing unacceptable impacts such as excessive drawdown or land subsidence.

Local Surface Water

Stanford holds a combination of riparian and pre-1914 appropriative rights reported under four Statements of Water Diversion and Use (S004660, S004661, S015695, and S015696) and one appropriative right licensed by SWRCB (L001723). These water rights support Stanford's diversion from Los Trancos Creek and San Francisquito Creek, two streams that flow through Stanford lands, which supply Stanford's Lake Water System. The rights provide water for recreation, irrigation, stock watering, and fire protection purposes.

Water is impounded seasonally (during periods of high flow) in two reservoirs above campus: Searsville Reservoir on Corte Madera Creek (just above its confluence with Bear Gulch Creek) and Felt Reservoir east of Los Trancos Creek. Water is then drawn from these reservoirs as needed. Because of the way in which waters from multiple sources commingle during diversion and storage, total diversion and usage statistics are reported in aggregate monthly quantities to the SWRCB on an annual basis. Together, the rights to diverted surface waters can yield 1,255 AFY to the Lake Water System. Lake water is not treated to meet domestic water quality standards. It is conveyed to campus via a separate system and used for the purposes of irrigation and backup fire protection.

Water Treatment and Distribution

Water Treatment

San José Water Company

Valley Water's imported and local surface water supplies are treated at three plants, the Rincondada, Penitencia, and Santa Teresa water treatment plants. The Santa Teresa Water Treatment Plant (WTP) is the largest of the three plants and serves San José. The facility has the capacity to treat and deliver 100 million gallons per day (MGD) (Valley Water, 2022).

San Francisco Public Utilities Commission

Water from SFPUC's RWS is treated at three plants serving the Hetch Hetchy, Alameda, and Peninsula water delivery systems. Water derived from the Hetch Hetchy system is treated by the Tesla WTP, which has a capacity of 315 MGD. Water derived from Alameda and Peninsula systems is treated at one of two treatment plants, the Sunol Valley WTP or the Harry Tracy WTP. The Sunol Valley WTP treats water from the Alameda system, and has a capacity of 160 MGD, while the Harry Tracy treats water from the Peninsula system, and has a capacity of 140 MGD (SFPUC, 2021).

Water Distribution

San José Water Company

In addition to its own water system, SJWC also operates, maintains, and improves the Cupertino Municipal Water System through a lease agreement. Combined, the SJWC and City of Cupertino water systems consist of approximately 2,450 miles of pipelines, 100 pressure zones, 225 booster pumps, 92 wells, 110 tanks and reservoirs, 11 raw water intakes, five raw water impoundments, three water treatment plants, and tens of thousands of other assets including valves, meters, service lines, fire hydrants, and chemical systems (SJWC, 2021).

Stanford University

Stanford's water infrastructure is made up of a network of supplies, storage and distribution facilities for domestic (potable), and non-potable sources. Specific components of Stanford's water service system include wells, reservoirs, pump stations, and creek diversion facilities, in addition to pipe networks (Santa Clara County 2018).

Wastewater

Wastewater generated in San José is treated at the San José-Santa Clara Regional Wastewater Facility (RWF), while wastewater generated on the Stanford campus is treated at the Palo Alto Regional Water Quality Control Plant (RWQCP).

Wastewater Treatment

San José-Santa Clara Regional Wastewater Facility

The San José-Santa Clara RWF is jointly owned by the cities of San José and Santa Clara and serves over 1.4 million people within a 300-square-mile area including San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. The facility has an average wet weather flow capacity of 167 MGD per day, of which approximately107 MGD is reserved for the City of San José (City of San José, 2011). In 2020, the facility treated a peak week flow of approximately 102 MGD, and thus it is operating at approximately 61 percent of its design capacity. Furthermore, about 66 MGD of the wastewater treated at the San José-Santa Clara RWF in 2020 was generated by San José, or about 61 percent of the City's treatment allocation (City of San José, 2020).

Palo Alto Regional Water Quality Control Plant

In addition to treating wastewater on the Stanford campus, the Palo Alto RWQCP treats wastewater generated in Palo Alto, Los Altos, Los Altos Hills, Mountain View, and the East Palo Alto Sanitary District. The facility has an average dry weather flow capacity of 39 MGD and an average wet weather flow of 80 MGD (City of Palo Alto 2017); approximately 2.11 MGD of the facility's average dry weather flow is reserved for the Stanford campus (Santa Clara County 2018). In 2021, the Palo Alto RWQCP treated an average dry weather flow of 16.4 MGD (City of Palo Alto 2022), and thus it is operating at approximately 42 percent of its design capacity (City of Palo Alto, 2012). Furthermore, about 0.82 MGD[1] of the wastewater treated at the facility was generated on the Stanford campus, approximately 39 percent of the Campus' treatment allocation.

Wastewater Conveyance

San José Sanitary Sewer System

San José's sanitary sewer system includes approximately 2,200 miles of sewer pipelines ranging from six to 90 inches in diameter. The topography of San José permits most of the sewer system to serve the City by gravity; areas that cannot rely on gravity are served by 16 sewer pump stations. Approximately 79 percent of the sewer lines are eight inches and smaller in diameter. The remaining 21 percent, primarily the 10-inch and larger pipes, comprise the trunk and interceptor system, which is the primary network for conveying flows generated from the City's service area to the San José-Santa Clara RWF. The interceptor system forms the backbone of the City's wastewater collection system and consists of approximately 28 miles of large sanitary sewer pipes ranging from 54-inches to 90-inches in diameter (City of San José, 2011).

[1] Approximately five percent of wastewater treated at the Palo Alto RWQCP is generated on the Stanford Campus (Weiss 2022) = 16.4 MGD X 0.05 percent = 0.82 MGD

Stanford Sanitary Sewer System

Wastewater generated by Stanford is collected in its sanitary sewer system and then conveyed off-site to and through the City of Palo Alto's sewer system to the Palo Alto RWQCP. The Stanford campus sanitary sewer system consists of 43 miles of sewer pipelines (Stanford, 2022c).

Stormwater Drainage

Stormwater in Santa Clara County is collected through a series of integrated and informal flooding control and stormwater drainage systems. The County administers the Santa Clara County Stormwater Management Program and coordinates the individual activities of National Pollutant Discharge Elimination System permits and programs with the cities Palo Alto and San José.

San José Storm Drainage System

San José's storm drainage system is comprised of a network of storm drain inlets, manholes, pipes, outfalls, channels, and pump stations designed to protect infrastructure and the traveling public from flood waters during storm events. The underground collection system consists of approximately 1,250 miles of reinforced concrete pipes varying in size from 12 to 144 inches in diameter that function by gravity to carry untreated stormwater to local creeks and rivers. Collected stormwater runoff is discharged to the creeks and rivers via storm outfall structures. The creeks and rivers, in turn, flow to the San Francisco Bay. In low lying areas of the City, stormwater pump stations are employed to facilitate drainage when gravity drainage is not possible or feasible (City of San José, 2011).

Stanford Storm Drainage System

The Stanford campus storm drainage system consists of an extensive network of piping and drainage ditches. The northwestern and southeast portions of campus are located with the San Francisquito Creek and Matadero Creek watersheds, respectively. Runoff generated within the San Francisquito Creek watershed is conveyed through large pipelines to San Francisquito Creek, just south of El Camino Real, while runoff generated within the Matadero Creek watershed is conveyed to a large Caltrans storm drain along El Camino Real, which then conveys storm water to Matadero Creek (Stanford, 2022d).

Other Utilities

Electricity and Natural Gas

Pacific Gas and Electric Company (PG&E) provides electric and natural gas service in Santa Clara County, including the City of San José. In the County, there are overhead and underground PG&E electric distribution systems, and overhead and underground secondary distribution and service system. There are also underground natural gas distribution systems.

In addition, electric service in San José is also provided by San José Clean Energy (SJCE), which is a community choice energy agency governed by the San José City Council as a City department. SJCE purchases power wholesale and makes retail sales to customers through

existing PG&E electrical infrastructure (San José Clean Energy, 2022). Finally, natural gas and electricity services are provided to the Stanford campus area by PG&E. Stanford purchases "direct access" electricity through an Energy Services Provided (ESP) for the majority (approximately 98 percent) of its campus operations in unincorporated Santa Clara County; however, PG&E provides electrical infrastructure and metering to all of the campus."

Telecommunication

The telecommunications systems serving the Stanford campus and City of San José consists of aboveground and buried telecommunications circuits from several providers, primarily AT&T, Verizon, and Comcast.

Solid Waste

Solid waste collection service in San José is provided by various franchised waste and recycling haulers. After collection, these haulers first take the solid waste to three material recover facilities in north San José prior to disposal in area landfills serving the City. Solid waste collection service on the Stanford campus is provided by Peninsula Sanitary Service, Inc., which provides recycling, composting, and solid waste management services.

Most of the municipal solid waste generated on the Stanford campus and in the City of San José is disposed of at the Newby Island Sanitary landfill in Milpitas while construction and demolition debris is processed at the Zanker Road Resource Recovery Facility in San José before disposal elsewhere. The Newby Island facility has a permitted capacity of 57.5 million cubic yards and is permitted to accept a maximum of 4,000 tons of solid waste per day. With a remaining disposal capacity of about 16.4 million cubic yards, Newby Island Sanitary landfill is expected to cease operation on January 1, 2041 (CalRecycle, 2022a). The Zanker Road facility recycles more than 80 percent of the construction and demolition debris that it receives, with even higher rates of recycling for many types of building materials. Residual materials are disposed of at the Newby Island landfill.

4.16.3 Regulatory Setting

National Pollutant Discharge Elimination System

The NPDES is a nationwide program for the permitting of surface water discharges, including from municipal and industrial point sources. In California, NPDES permitting authority is delegated to and administered by the nine regional water quality control boards (regional water boards). The San Francisco Bay Regional Water Board has set standard conditions for each permittee in the Bay Area, including effluent limitation and monitoring programs. In addition to issuing and enforcing compliance with NPDES permits, each regional water board prepares and revises the relevant basin plan (refer to the following discussion of state regulations).

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), Subtitle D, contained in Title 42 of the United States Code Section 6901 et seq. contains regulations for municipal solid waste landfills

and requires states to implement their own permitting programs incorporating the federal landfill criteria. The federal regulations address the location, operation, design, groundwater monitoring, and closure of landfills. The U.S. EPA waste management regulations are codified in 40 CFR 239–282. The RCRA Subtitle D is implemented by Title 27 of the PRC, approved by the U.S. EPA.

State

Urban Water Management Planning Act

California Water Code Section 10610 et seq. requires all public water systems that provide water for municipal purposes to more than 3,000 customers, or that supply more than 3,000 acre-feet per year (AFY), to prepare an Urban Water Management Plan (UWMP). UWMPs are key water supply planning documents for municipalities and water purveyors in California, and often form the basis of Water Supply Assessments (WSAs) (refer to the following discussion of Senate Bill [SB] 610 and SB 221) prepared for individual projects. UWMPs must be updated at least every 5 years on or before December 31, in years ending in 5 and 0.

The SFPUC, Valley Water, and SJWC adopted their 2020 UWMPs and associated Water Shortage Contingency Plans in June 2021 (SFPUC, 2021; Valley Water, 2021; SJWC, 2021).

Senate Bills 610 and 221

The purpose and legislative intent of SB 610 and SB 221, enacted in 2001, is to preclude the approval of certain development projects without specific evaluations performed and documented by the local water provider that indicate that water is available to serve the project. SB 610 requires the local water provider for a large-scale development project to prepare a WSA.[2] The WSA evaluates the water supply available for new development based on anticipated demand. The WSA must be included in the environmental document. The lead agency may evaluate the information presented in the WSA, and then must determine whether the projected water supplies would be sufficient to satisfy the project's demands in addition to existing and planned future uses.

SB 221 requires the local water provider to provide "written verification" of "sufficient water supplies" to serve subdivisions involving more than 500 residential units per Government Code Section 66473.7. Sufficiency is different under SB 221 than under SB 610. Under SB 221, sufficiency is determined by considering:

- The availability of water over the past 20 years;

[2] All projects that meet any of the following criteria require a WSA: (1) A proposed residential development of more than 500 dwelling units; (2) a proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space; (3) a proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space; (4) a proposed hotel or motel, or both, having more than 500 rooms; (5) a proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area; (6) a mixed-use project that includes one or more of the projects specified in SB 610; or (7) a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project.

- The applicability of any urban-water shortage contingency analysis prepared in compliance with Water Code Section 10632;
- The reduction in water supply allocated to a specific use by an adopted ordinance; and
- The amount of water that can be reasonably relied upon from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer.

As a result of the information contained in the written verification, as part of the tentative map approval process, a city or county may attach conditions to ensure that an adequate water supply is available to serve the proposed plan. Typically, following project certification, an additional water supply verification must be completed at the tentative map stage, prior to adoption of the final map, for certain tentative maps. In most cases, a WSA prepared under SB 610 would meet the requirement for proof of water supply under SB 221.

Bay-Delta Plan Amendment

In December 2018, the SWRCB adopted amendments to the Water Quality Control Plan for the San Francisco Bay Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. Portions of the projected water supply for the proposed project could be influenced by this action. The SWRCB is required by law to regularly review this plan. The adopted Bay-Delta Plan Amendment was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta. The Bay-Delta Plan Amendment requires the release of 40 percent of the "unimpaired flow" on the three tributaries from February through June in every year type, whether wet, normal, dry, or critically dry.

Portions of the projected water supply for the proposed project could be influenced by this action, particularly with respect to water supplied to Stanford by the SFPUC. The SWRCB stated that it intended to implement the Bay-Delta Plan Amendment on the Tuolumne River by the Year 2022, assuming all required approvals were obtained by that time. But implementation of the Plan Amendment has not occurred to date and is uncertain for several reasons:

- Since adoption of the Bay-Delta Plan Amendment, over a dozen lawsuits have been filed in both state and federal court, challenging the SWRCB's adoption of the Bay-Delta Plan Amendment, including two legal challenges filed by the federal government, at the request of the U.S. Department of Interior, Bureau of Reclamation in state and federal courts. These cases are in the early stage and there have been no dispositive court rulings to date.
- The Bay-Delta Plan Amendment is not self-implementing and does not allocate responsibility for meeting its new flow requirements to the SFPUC or any other water rights holders. Rather, the Plan Amendment merely provides a regulatory framework for flow allocation, which must be accomplished by other regulatory and/or adjudicatory proceedings, such as a comprehensive water rights adjudication or, in the case of the Tuolumne River, the 401 certification process in the Federal Energy Regulatory Commission's (FERC) relicensing proceeding for Don Pedro Dam. This process and the other regulatory and/or adjudicatory proceedings would likely face legal challenges and have lengthy timelines, and quite possibly

could result in a different assignment of flow responsibility (and therefore a different water supply impact on the SFPUC).

- In recognition of the obstacles to implementation of the Bay-Delta Plan Amendment, SWRCB Resolution No. 2018-0059 adopting the Bay-Delta Plan Amendment directed staff to help complete a "Delta watershed-wide agreement, including potential flow measures for the Tuolumne River" by March 1, 2019, and to incorporate such agreements as an "alternative" for a future amendment to the Bay-Delta Plan to be presented to the SWRCB "as early as possible after December 1, 2019." In accordance with the SWRCB's instruction, on March 1, 2019, SFPUC, in partnership with other key stakeholders, submitted a proposed project description for the Tuolumne River that could be the basis for a voluntary substitute agreement with the SWRCB ("March 1st Proposed Voluntary Agreement"). On March 26, 2019, the Commission adopted Resolution No. 19-0057 to support SFPUC's participation in the Voluntary Agreement negotiation process.
- In November 2022, the SFPUC, Modesto Irrigation District, and Turlock Irrigation District signed a memorandum of understanding with the State to advance a voluntary agreement for the Tuolumne River. The proposed eight-year program includes a combination of flow and non-flow measures sufficient to improve all life-stages of native fish populations in the lower Tuolumne River. The goal of the Voluntary Agreement is to strike the right balance between environmental stewardship and water reliability.
- Because of the uncertainties surrounding the implementation of the Bay-Delta Plan Amendment, the SFPUC 2020 UWMP analyzed two supply scenarios, one with the Bay-Delta Plan Amendment assuming implementation starting in 2023, and one without the Bay-Delta Plan Amendment. Results of these analyses are summarized as follows:
  - *If the Bay-Delta Plan Amendment is implemented*, SFPUC will be able to meet its contractual obligations to its wholesale customers as presented in the SFPUC 2020 UWMP in normal years but would experience significant supply shortages in dry years. In single dry years, supply shortages for SFPUC's wholesale customers collectively would range from 36 to 46 percent. In multiple dry years for SFPUC's wholesale customers collectively, supply shortages would range from 36 to 54 percent. Implementation of the Bay-Delta Plan Amendment will require rationing in all single dry and multiple dry years through 2045.
  - *If the Bay-Delta Plan Amendment is <u>not</u> implemented*, SFPUC would be able to meet 100 percent of the projected purchases of its wholesale customers during all year types through 2045 except during the fourth and fifth consecutive dry years for base year 2045 when 15 percent wholesale supply shortages are projected for SFPUC's total supply to all wholesale customers.
- In June 2021, in response to various comments from wholesale customers regarding the reliability of the RWS as described in SFPUC's 2020 UWMP, the SFPUC provided a memorandum describing SFPUC's efforts to remedy the potential effects of the Bay-Delta Plan Amendment. As described in the memorandum (see Appendix C of this EIR), SFPUC's efforts include the following:
  - Pursuing a Tuolumne River Voluntary Agreement.
  - Evaluating the drought planning scenario in light of climate change.
  - Pursuing alternative water supplies.
  - In litigation with the State over the Bay-Delta Plan Amendment.

– In litigation with the State over the proposed Don Pedro FERC Water Quality Certification.

Assembly Bill 325

Assembly Bill (AB) 325, the Water Conservation in Landscaping Act of 1990, directs local governments to require the use of low-flow plumbing fixtures and the installation of drought-tolerant landscaping in all new development. Pursuant to the Water Conservation in Landscaping Act, the California Department of Water Resources developed a Model Water Efficient Landscape Ordinance.

California Health and Safety Code Section 116555

Under California Health and Safety Code Section 116555, a public water system must provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Water Code Section 10608 et seq. (Senate Bill 7 or Senate Bill X7-7)

Water Code Section 10608 et seq. required urban retail water suppliers to set and achieve water use targets that would help the state achieve a 20 percent per capita reduction in urban water use by 2020. SB X7-7 required each urban retail water supplier to develop urban water use targets and an interim urban water use target, in accordance with specified requirements. The bill is intended to promote urban water conservation standards that are consistent with the California Urban Water Conservation Council's adopted best management practices and the requirements for demand management in California Water Code Section 10631 as part of UWMPs.

Senate Bill 7 (2016)

In September 2016, Governor Jerry Brown signed into law SB 7, which requires new multi-family residential rental buildings in California constructed after January 1, 2018, to include a sub-meter for each dwelling unit and to bill tenants in apartment buildings accordingly for their water use to encourage water conservation.

Executive Orders B-29-15 and B-37-16

In April 2015, Governor Brown issued Executive Order B-29-15, which called for mandatory water use reductions. The executive order required cuts for public landscaping and institutions that typically use large amounts of water (e.g., golf courses), banned new landscape irrigation installation, and required municipal agencies to implement conservation pricing, subsidize water-saving technologies, and implement other measures to reduce the state's overall urban water use by 25 percent. The order also required local water agencies and large agricultural users to report their water use more frequently.

In May 2016, Governor Brown issued Executive Order B-37-16, which made the mandatory water use reduction of 25 percent permanent and directed the California Department of Water Resources and State Water Board to strategize further water reduction targets. The order also made permanent the requirement that local agencies report their water use monthly. Additionally, certain wasteful practices such as sidewalk hosing and runoff-causing landscape irrigation were

permanently outlawed, while local agencies must prepare plans to handle droughts lasting 5 years.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Act (Division 7 of the California Water Code) provides the basis for water quality regulation in California. The Porter-Cologne Act defines water quality objectives as the limits or levels of water constituents that are established for reasonable protection of beneficial uses of surface, ground, and saline waters of the state. The State Water Board administers water rights, water pollution control, and water quality functions throughout California, while the San Francisco Bay Regional Water Board conducts regional planning, permitting, and enforcement activities. For additional requirements, refer to Section 4.9, *Hydrology and Water Quality*.

Water Quality Order No. 2004-12-DWQ

In July 2004, the State Water Board adopted Water Quality Order No. 2004-12-DWQ (General Order) which incorporates the minimum standards established by the Part 503 Rule and expands upon them to fulfill obligations to the California Water Code. However, since California does not have delegated authority to implement the Part 503 Rule, the General Order does not replace the Part 503 Rule. The General Order also does not preempt or supersede the authority of local agencies to prohibit, restrict, or control the use of biosolids subject to their jurisdiction, as allowed by law.

California Green Building Standards Code

Water and Wastewater

Part 11 of the Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards Code (CALGreen Code). The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, conserve natural resources, and promote the use of energy-efficient materials and equipment. Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the state. Mandatory measures related to water conservation include water-conserving plumbing fixture and appliance requirements, including flow rate maximums, compliance with state and local water-efficient landscape standards for outdoor potable water use in landscape areas, and recycled water systems, where available. The CALGreen Code was most recently updated in 2019 to include new mandatory measures for residential and non-residential uses; the 2019 amendments to the CALGreen Code became effective January 1, 2020. Updates include more stringent requirements for residential metering faucets, and a requirement that all residential and non-residential developments adhere to a local water efficient landscape ordinance or to the State of California's Model Water Efficient Landscape Ordinance, whichever is more stringent.

Solid Waste

As amended, the CALGreen Code (California Code of Regulations Title 24, Part 11) requires that readily accessible areas be provided for recycling by occupants of residential uses. The CALGreen Code also requires that residential building projects recycle and/or salvage for reuse a minimum of 65 percent of their non-hazardous construction and demolition waste or comply with a local

construction and demolition waste management ordinance, whichever is more stringent (Section 5.408.1). The 2016 version of the code increased the minimum diversion requirement for non-hazardous construction and demolition waste to 65 percent from 50 percent (in the 2013 and earlier versions) in response to AB 341, which declared the policy goal of the state that not less than 75 percent of solid waste generated would be source reduced, recycled, or composted by 2020.

Assembly Bill 939 (California Integrated Waste Management Act)

AB 939, enacted in 1989 and known as the Integrated Waste Management Act (Public Resources Code Section 40050 et seq.), requires each city and county in the state to prepare a Source Reduction and Recycling Element to demonstrate a reduction in the amount of waste being disposed to landfills. The act required each local agency to divert 50 percent of all solid waste generated within the local agency's service area by January 1, 2000. Diversion includes waste prevention, reuse, and recycling. SB 1016 revised the reporting requirements of AB 939 by implementing a per capita disposal rate based on a jurisdiction's population (or employment) and its disposal.

The Integrated Waste Management Act requires local agencies to maximize the use of all feasible source reduction, recycling, and composting options before using transformation (incineration of solid waste to produce heat or electricity) or land disposal. The act also resulted in the creation of the state agency now known as the California Department of Resources Recycling and Recovery (CalRecycle). Under the Integrated Waste Management Act, local governments develop and implement integrated waste management programs consisting of several types of plans and policies, including local construction and demolition ordinances. The act also set in place a comprehensive statewide system of permitting, inspections, and maintenance for solid waste facilities, and authorized local jurisdictions to impose fees based on the types and amounts of waste generated.

In 2011, AB 341 amended AB 939 to declare the policy goal of the state that not less than 75 percent of solid waste generated would be source reduced, recycled, or composted by the year 2020, and annually thereafter.

Assembly Bills 341 and 1826

AB 341, signed into law in 2012, requires multi-family dwellings to recycle. AB 1826 (2014) furthered diversion and recycling requirements by requiring that multi-family dwellings with more than five units also divert organic material. AB 1826 does not require multi-family dwellings to divert organic food waste.

Senate Bill 1383

SB 1383 established targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. SB 1383 granted CalRecycle the regulatory authority required to achieve the organic-waste disposal reduction targets. It also established a target of recovering not less than 20 percent of currently disposed edible food for human consumption by 2025.

Regional

National Pollutant Discharge Elimination System Waste Discharge Regulations

Discharges of stormwater runoff from municipal separate storm sewer systems (MS4s) are regulated by the Municipal Regional Stormwater NPDES permit, under Order No. R2-2015-0049; NPDES Permit No. CAS612008, issued by the San Francisco Bay Regional Water Board.

Under CWA Section 402(p), stormwater permits are required for discharges from MS4s that serve populations of 100,000 or more. The Municipal Regional Permit (MRP) manages the Phase I Permit Program (serving municipalities of more than 100,000 people), the Phase II Permit Program (for municipalities of fewer than 100,000 people), and the Statewide Storm Water Permit for the California Department of Transportation.

The State Water Board and the individual water boards implement and enforce the MRP. Multiple municipalities, including the City of San José, along with Santa Clara County, are co-permittees.

Municipal Regional Permit Provision C.3

Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area, or 5,000 square feet or more of impervious surface area for regulated projects involving special land use categories (i.e., auto service, retail gasoline station, restaurant, and/or uncovered parking), are required to implement site design, source control, and Low Impact Development–based stormwater treatment controls to treat post-construction stormwater runoff. Low Impact Development–based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and for using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures be properly installed, operated, and maintained.

In addition, the MRP requires new development and redevelopment projects that create or replace 1 acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, generate silt pollutants, or cause other impacts on local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimum size threshold, drain into tidally influenced areas or directly into San Francisco Bay, or drain into hardened channels, or if they are infill projects in sub-watersheds or catchment areas that are at least 65 percent impervious.

Local

Santa Clara County General Plan

The Santa Clara County General Plan is a comprehensive long-range general plan for the physical development of the County (County of Santa Clara, 1994). The General Plan contains the current County of Santa Clara Housing Element, which was adopted in 2015. The various elements within the General Plan include goals and policies for the physical development of the County.

General Plan strategies and policies related to utilities and service systems and relevant to implementation of the HEU are listed below.

Strategy: Conserve and Reclaim Water

Policies C-RC-9: Conservation should continue to be considered an integral component of local water "supply" resources, effectively minimizing the amount of supplemental supplies which must be obtained from other sources.

Policies C-RC-10: Educational measures should be continued/increased in order inform the public of the need for conservation over the long term, rather than as a temporary response to periodic drought.

Policies C-RC-11: Domestic conservation should be encouraged throughout Santa Clara County by a variety of means, including reduced flow devices, drought-resistant landscaping, and elimination of wasteful practices.

Policies C-RC-13: Use of reclaimed wastewater for landscaping and other uses, including groundwater recharge if adequately treated, should be encouraged and developed to the maximum extent possible.

Strategy: Obtain Additional Imported Water Sources

Policies C-RC-14: Reforms of the state-wide system of water allocation and distribution should be encouraged which facilitate the ability of urban area water suppliers to purchase needed supplies through market mechanisms.

Strategy: Make System and Local Storage Capacity Improvements

Policies C-RC-15: Potential for new and/or expanded local reservoirs should be thoroughly examined as a part of any long-term strategy for assuring adequate water supply, taking into full account environmental and financial feasibility.

Policies C-RC-16: Seismic safety considerations for new and existing reservoirs should be addressed in order to ensure water supply and public safety in the event of earthquake.

Strategy: Maintain Drought Contingency and Groundwater Basin Management Plans

Policies C-RC-15: Drought contingency plans and groundwater basin management programs should be reviewed and updated to prepare for the likelihood of future periods of short-term drought and to minimize:

a. the potential adverse impacts of drought upon households, business, and industry, and

b. the possibility of groundwater overdraft and land subsidence.

Strategy: Encourage Source Reduction and Reuse

Policies C-RC-66**:** Santa Clara County shall seek innovative and effective means of reducing the primary components of solid waste generated by homes and businesses, including but not limited to such efforts as reducing wastepaper, junk mail, unnecessary product containers, and yard waste.

Strategy: Facilitate Recycling and Promote Composting Strategy

***Policies C-RC-67*:** Adequate solid waste collection and recycling services shall be provided to all county residents. Recycling services for all commercial and industrial establishments shall be evaluated and expanded wherever feasible.

***Policies C-RC-68*:** Santa Clara County shall consider efforts to increase markets for goods produced from recycled/reused materials as an essential feature of all efforts to manage solid waste and conserve landfill capacity and shall include such considerations in policies regarding acquisition of materials, equipment, and facilities.

***Policies C-RC-70*:** Neighborhood and community composting centers should be explored and evaluated for purposes of reducing landfilled yard waste.

Strategy: Explore Transformation Opportunities Strategy

***Policies C-RC-71*:** Potential applications for waste transformation and energy generation technologies should be explored and encouraged.

Strategy: Plan for Adequate Landfill Capacity

***Policies C-RC-72*:** Decision-making regarding the siting of new landfills, the expansion of existing sites, and the location of other solid waste management facilities shall balance the need for such facilities with the full range of environmental quality issues involved.

***Policies C-RC-73*:** Santa Clara County acknowledges the need for long term disposal capacity and will strive to maintain 20 to 30 years of ongoing collective disposal capacity.

***Policies C-RC-74*:** Expansion of existing landfill sites should be encouraged and explored thoroughly in preference to siting new landfills.

Strategy: Prevent Wastewater Contamination of Groundwater Supplies

Policies C-HS-42: The long-term viability and safety of underground aquifers and groundwater systems countywide shall be protected to highest degree feasible.

Policies C-HS-43: Hazardous materials, whether commercial, industrial, agricultural, or residential in character, should not be disposed of in any wastewater or on-site wastewater treatment system.

Stanford University Community Plan

The current SCP was adopted in 2000 (County of Santa Clara, 2000). The primary purpose of the SCP is to guide future use and development of Stanford lands in a manner that incorporates key County General Plan principles of compact urban development, open space preservation, and resource conservation. The SCP was adopted as an amendment of the General Plan in the manner set forth by California Government Code Section 65350 et seq. Any revisions to the SCP must also be made according to the provisions of State law for adopting and amending general plans. In addition to the generally applicable policies in the County General Plan, the SCP includes several water quality and watershed management policies that apply specifically within the SCP area (pp. 104-110).

4.16.4 Environmental Impacts and Mitigation Measures

Significance Thresholds

The thresholds used to determine the significance of impacts related to utilities and services systems are based on Appendix G of the *CEQA Guidelines*. Implementation of the proposed project would have a significant impact on the environment if it would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Methodology and Assumptions

Potential impacts to utilities and service systems are discussed based on the CEQA Significance Thresholds included in Appendix G of the CEQA Guidelines as listed above. Impacts are evaluated largely based on information included in the Stanford Community Plan and the General Plan for the City of San José, and the UWMPs for the SFPUC, Valley Water, and SJWC, as identified in the local regulatory setting of this section. Water supply to serve the project is assessed using the WSA's prepared for the project by SJWC and West Yost, as described in the introduction to this section

Residential development projects that could result from the project's implementation would be regulated by the various laws, regulations, and policies summarized above in Section 4.16.3, *Regulatory Setting*. Compliance with applicable federal, state, and local laws and regulations is assumed in this analysis and local and state agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with many of the regulations is a condition of permit approval.

After considering the implementation of the project as described in Chapter 3, *Project Description*, and compliance with the required regulatory requirements, the environmental analysis below identifies if the defined significance thresholds would be exceeded and, therefore, a significant impact would occur.

Impacts and Mitigation Measures

Impacts

Impact UT-1: Implementation of the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan

Implementation of the project would provide for the development of additional housing units on the Stanford campus and in the City of San José that would result in a subsequent increase in demand for water, wastewater treatment, storm water drainage, electric power, natural gas, and telecommunications facilities. Individual projects may require utility infrastructure improvements to extend services to particular parcels. All the HEU opportunity sites are infill in nature and are in areas that have been urbanized and developed for many decades. Extension of utilities infrastructure would likely occur in existing adjacent roadways and, aside from short-term construction disturbance, would not result in any unusual or further environmental impacts than identified elsewhere in this EIR for overall construction activity associated with the project. Individual projects would also pay applicable development and utility capacity impact and connection fees to pay their fair share towards any necessary utility system facility upgrades.

Water

Stanford University owns and maintains the water distribution mains that provide water service to campus while SJWC owns and maintains the water distribution mains that provide water service to parcels located within its service area. Future development projects would be required to undergo environmental review when proposed. As part of that process, project applicants would be required to ensure that each provider has sufficient capacity to provide water as specific development projects are proposed. Projects would also be subject to each jurisdictions water connection fee, which pays for each project's fair share of capital facilities including those that serve the entire water system such as the aqueducts and raw water facilities, regional facilities such as treatment plants and distribution facilities, and future water supply upgrades needed to meet long-term increases in water demand created by new customers.

Development under each project would also be required to comply with the CALGreen Code, which requires that new construction use high-efficiency plumbing fixtures, such as high-efficiency toilets, urinals, showerheads, and faucet fixtures. For outdoor water use, the CALGreen Code requires that irrigation controllers be weather- or soil moisture–based and automatically account for rainfall or be attached to a rainfall sensor. Implementation of water conservation and efficiency measures would minimize the potable water demand generated and lessen the need for capacity or other improvements to the water system.

Wastewater

Stanford University owns and maintains the wastewater system that conveys wastewater generated on campus to the Palo Alto RWQCP while the City of San José owns and maintains the

wastewater system that conveys wastewater generated in the City to the San José-Santa Clara RWF. As discussed above, future development projects would be required to undergo environmental review when proposed. Through this process, the County and the City of San José would ensure that there is adequate sewage collection, treatment, and disposal facilities to serve specific development projects as they are proposed. Sewer connection fees would also be levied to ensure that each project pays its fair share for capital improvements to maintain and expand each system.

Development under the project would be required to comply with the CALGreen Code, which requires that new construction use high-efficiency plumbing fixtures, such as high-efficiency toilets, urinals, showerheads, and faucet fixtures. Implementation of water conservation and efficiency measures would reduce the wastewater generated.

Stormwater

Stanford University owns and maintains the stormwater drainage system on campus while the City of San José owns and maintains the stormwater drainage system in its jurisdiction. As discussed above, future development projects would be required to undergo environmental review when proposed. This process would ensure that impacts due to new development on the storm drainage systems on the Stanford campus and within each jurisdiction where the housing opportunity sites are located are considered. Developments facilitated by the project would also be subject to stormwater connection fees, which funds improvements to existing drainage facilities and infrastructure and designing and constructing future drainage facilities and infrastructure resulting from the demand on the system created by new development.

As part of the review process for individual development projects that create or replace 10,000 square feet of impervious surface area, preparation of a stormwater control plan would be required. In addition, projects recreating or replacing an acre or more of impervious area (unless exempted) must also provide flow controls (or hydromodification management measures) so that post-project runoff does not exceed estimated pre-project rates and durations. Regulated projects for which building or grading permits are issued must include Low Impact Development (LID) design measures (such as pervious paving or bioretention areas) for stormwater capture and pretreatment.

The County and each jurisdiction where the project sites would be located have regulatory requirements for stormwater management and discharge control. Project development would be required to demonstrate that stormwater capacity exceedances would not occur by completing and implementing a stormwater management and control plan for the projects complete with hydromodification area calculations and LID measures, as applicable. The stormwater management plans submitted for projects would be subject to engineering review and approval by the County and each jurisdiction.

Electricity, Natural Gas, and Telecommunications Facilities

PG&E provides electric and natural gas service in Santa Clara County, including the City of San José. In addition, electric service in San José is also provided by SJCE while Stanford obtains a majority of its electricity from Calpine. The telecommunications system serving the County

consists of aboveground and buried telecommunications circuits from several providers, primarily AT&T and Comcast. As discussed above, future development projects would be required to undergo environmental review when proposed. This process would ensure that adequate electricity, natural gas, and telecommunications facilities are provided at the time specific development projects are proposed. New meter and service connections would be coordinated with the provider at the time new development is proposed. As discussed in Section 4.5, *Energy*, future development would also be subject to a suite of programs and regulations that would reduce energy use.

Summary

Aside from short-term construction disturbance, no further environmental impacts would be generated beyond those identified elsewhere in this EIR for overall construction activity for the project. As such, implementation of the project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. The impact of the project with respect to utility infrastructure would be **less than significant**.

Mitigation Measures: None required.

Impact UT-2: Implementation of the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan

The WSAs that were prepared for the project determined that the projected water demand for the project would be approximately 1,443 AFY, with 1,186 AF of that amount being used to serve the housing sites in San José and 257 AF being used to serve the housing sites on the Stanford campus as well as the future potential school on the campus. Water supply availability and reliability for the housing opportunity sites served by SJWC is discussed below, and water supply for the proposed development on the Stanford campus is also discussed. The information and analysis presented here is based on the WSAs prepared by SJWC and West Yost, respectively, for the housing opportunity sites in San José and for the proposed development on the Stanford campus. These WSAs are included as Appendix C of this EIR.

San José Water Company

The WSA prepared by SJWC for the proposed housing opportunity sites in San José assumed that each site would be built at the maximum densities provided for in the HEU, or 6,281 units in total. The projected water demand for this number of units would be 1,186 AFY. This amount represents a 0.98 percent increase in total system usage when compared to SJWC's 2020 potable water production. The increased demand is consistent with forecasted demands represented in SJWC's 2020 UWMP, which projected a 12.2 percent increase in total system demand between 2020 demand and projected 2045 demand.

SJWC currently has contracts or owns rights to receive water from the following sources: 1) Groundwater from the Santa Clara Subbasin; 2) Imported and local surface water from Valley Water; 3) Local surface water from Los Gatos Creek, Saratoga Creek, and local watersheds; and 4) Recycled water from South Bay Water Recycling. SJWC also works closely with Valley Water to manage its demands and imported water needs. The projected water demand for this project is within previously determined growth projections for water demand in SJW's system.

As described in the SJWC WSA and based on Valley Water's water supply plans and UWMP projections, SJWC expects to be able to meet the needs of the service area through at least 2045 for average and single-dry years without a call for water use reductions. In the words of the WSA, "the impact of the proposed project is not consequential and SJWC has the capacity to serve this project through buildout based on current water supply capacity and Valley Water's proposed water supply projects." Valley Water is pursuing water supply solutions to meet the established level of service goal to provide 80 percent of annual water demand for drought years. After comparing estimated demand associated with this project to water supplies, based on both the SJWC and Valley Water UWMPs, SJWC has determined that the water quantity needed for the project is within normal growth projections and expects for there to be sufficient water available to serve the project.

Stanford University

The WSA prepared by West Yost for the proposed housing opportunity sites and future potential school on the Stanford campus assumed that each housing site would be built at the maximum densities provided for in the HEU, or 2,160 units in total, and that the potential future school would house 420 students. The projected water demand for this number of units would be 257 AFY, with 242 AFY required for the housing sites and 15 AFY required for the school.

Stanford's current primary source of potable water supply is from the San Francisco Regional Water System (RWS), which is operated by the SFPUC. This water is purchased by Stanford from SFPUC under a wholesale contract. Stanford has the capability to supplement potable supplies with groundwater if needed. In addition, Stanford uses local surface supplies and groundwater for non-potable uses, primarily for landscape irrigation.

Information regarding the reliability of purchased water from SFPUC for Stanford was provided by the Bay Area Water Supply & Conservation Agency (BAWSCA) in coordination with SFPUC. In December 2018, the State Water Resources Control Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The 2018 Bay-Delta Plan Amendment would require the release of 30 to 50 percent of the "unimpaired flow" from the Stanislaus, Merced, and Tuolumne Rivers, tributaries to the San Joaquin River, from February through June in every year type; thus, reducing available water supply for SFPUC. If implemented, the Bay-Delta Plan Amendment has the potential to have significant impacts on the reliability of water from SFPUC and on the availability of water during supply shortages. Because of the uncertainties surrounding the implementation of the Bay-Delta Plan Amendment, the SFPUC 2020 UWMP analyzed two supply scenarios, one with the Bay-Delta Plan Amendment assuming implementation starting in

2023, and one without the Bay-Delta Plan Amendment. Results of these analyses are summarized as follows:

- *If the Bay-Delta Plan Amendment is implemented*, SFPUC will be able to meet its contractual obligations to its wholesale customers as presented in the SFPUC 2020 UWMP in normal years but would experience significant supply shortages in dry years. In single dry years, supply shortages for SFPUC's wholesale customers collectively would range from 36 to 46 percent. In multiple dry years for SFPUC's wholesale customers collectively, supply shortages would range from 36 to 54 percent. Implementation of the Bay-Delta Plan Amendment will require rationing in all single dry and multiple dry years through 2045.

- *If the Bay-Delta Plan Amendment is not implemented*, SFPUC would be able to meet 100 percent of the projected purchases of its wholesale customers during all year types through 2045 except during the fourth and fifth consecutive dry years for base year 2045 when 15 percent wholesale supply shortages are projected for SFPUC's total supply to all wholesale customers.

Because of the uncertainties surrounding the implementation of the Bay-Delta Plan Amendment and its impacts on the Stanford water supply, the WSA prepared for the Stanford portion of the project presented findings for Stanford under two scenarios, one assuming the Bay-Delta Plan Amendment is not implemented and one assuming that the Bay-Delta Plan Amendment is implemented. The analysis found that *without* the Plan's implementation, the total projected water supplies determined to be available in single dry years and multiple dry years are only slightly lower than the projected water demand associated with Stanford's existing and planned future uses, including the proposed project, through 2045. Based on SFPUC's analysis, a 15 percent supply shortfall is projected during the fourth and fifth consecutive dry years for base year 2045. For Stanford, the projected SFPUC multiple dry year supply availability, in combination with Stanford's groundwater and local surface water supply availability, results in projected multiple dry year demand shortfalls (7 percent). These shortfalls are significantly less than the projected demand shortfalls if the Bay-Delta Plan Amendment is implemented.

The analysis found that *with* the Plan's implementation, significant supply shortfalls are projected in dry years for all agencies that receive water supplies from the SFPUC RWS. For Stanford, the projected SFPUC dry year supply availability, in combination with Stanford's groundwater and local surface water supply availability, results in projected demand shortfalls in a single dry year in 2045 (6 percent) and in multiple dry years (ranging from 6 to 33 percent) through 2045.

If demand shortfalls do occur (from any cause, such as droughts, impacted distribution system infrastructure, regulatory-imposed shortage restrictions, etc.), Stanford expects to meet these demand shortfalls through water demand reductions and other shortage response actions. The proposed project would be subject to the same water conservation and water use restrictions as other water users within Stanford's system. As described in the WSA, the SFPUC is implementing the Alternative Water Supply Program (AWSP) to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the RWS. In addition, the SFPUC, along with the Modesto Irrigation District and the Turlock Irrigation District, have entered into a memorandum of understanding with the State to develop a Voluntary Agreement for the Tuolumne River. The Tuolumne River Voluntary Agreement

provides a combination of flow and non-flow measures sufficient to improve all life-stages of native fish populations in the lower Tuolumne River. The goal of the Voluntary Agreement is to strike the right balance between environmental stewardship and water reliability.

Based on the above, while water supply shortfalls are projected for Stanford in single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, these projected shortfalls could be overcome through the SFPUC's various projects, programs and plans and further addressed through implementation of the water shortage contingency measures implemented by Stanford and SFPUC. In addition, development under the proposed project would be required to adhere to all applicable regulations that promote water conservation and water use efficiencies. While results of the previously mentioned AWSP projects, programs and plans and demand reductions cannot be quantified, it is reasonable to expect that many of the projects, programs and plans would be successful and additional water supplies and demand reductions can be obtained. For these reasons, development facilitated on the Stanford campus by the project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal years. In single dry and multiple dry years, demand reduction measures would further reduce demand to meet the water supply shortage.

Summary

Based upon the above information, and as detailed in the attached WSAs in Appendix C of this EIR, sufficient water supplies are available to serve the project. As is the case currently, shortages during dry years would be managed through conservation measures and demand management reductions. The project's impact with respect to water supply would therefore be **less than significant**.

Mitigation Measure: None required.

Impact UT-3: Implementation of the proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan

While no specific development proposals are directly identified in the HEU, theoretical development would result in an increase in population and thus an increased demand for wastewater treatment. , while

The County and each jurisdiction where the housing opportunity sites would be located charge sewer connection fees from new construction projects, which result in an added wastewater burden to ensure that new users pay their fair share for facilities and necessary capacity upgrades. There is excess capacity of approximately 65 MGD at the San José-Santa Clara RWF. With the future upgrade to the South County Regional WTP, approximately 4.8 MGD of excess capacity would be available.

Wastewater generated in San José is treated at the San José-Santa Clara RWF, including wastewater from the Burbank Sanitary District and the County Sanitation District No. 2-3, which contract with it. Assuming a design flow of 105 gallons per day per unit, the 4,518 to 6,6,281 units in San José could generate 474,390 to 659,505 gallons of wastewater per day or approximately 0.47 to 0.59 MGD. As a result, the amount of wastewater generated by the housing opportunity sites in San José would not exceed the excess capacity of the wastewater treatment facilities serving the City. In addition, individual project applicants would be required to ensure that adequate treatment capacity is available at the time specific development projects are proposed.

Wastewater generated on the Stanford campus is treated at the Palo Alto RWQCP. The Palo Alto RWQCP has an average dry weather flow capacity of 39 MGD and currently treats an average dry weather flow of approximately 16.4 MGD, While the San José/Santa Clara WPCP has an average dry weather flow capacity of 167 MGD and currently treats an average dry weather flow of about 102 MGD.

Assuming a design flow of 105 gallons per day per unit, the 1,680 to 2,160 units on the Stanford campus could generate 176,400 to 226,800 gallons of wastewater per day or approximately 0.18 to 0.23 MGD. The RWQCP has an average dry weather flow capacity of 39 MGD and an average wet weather flow capacity of 80 MGD and does not currently experience any major treatment system constraints. Of this capacity, an average dry weather flow of up to 2.11 MGD is reserved for the campus. With an average daily flow of 16.4 MGD, the RWQCP is currently operating at 42 percent of its capacity. Furthermore, with a current average daily sewer discharge of 0.82 MGD from the campus, Stanford is utilizing approximately two percent of the plant's total average dry weather flow capacity, and about 39 percent of the average dry weather flow capacity reserved for the campus.

As growth allowed under the 2000 General Use permit has been accounted for under existing campus planning documents and the SCP update would not increase the amount of authorized development on campus, it is expected that the remaining capacity of RWQCP, and the amount of that capacity specifically allocated to Stanford, would be adequate to serve new housing development on the campus. For these reasons, enough wastewater treatment capacity exists to serve the future development of the housing opportunity sites on campus, and the impact of the SCP update on wastewater treatment capacity would be less than significant.

Development under the project would be required to comply with the CALGreen Code, which requires that new construction use high-efficiency plumbing fixtures, such as high-efficiency toilets, urinals, showerheads, and faucet fixtures. Implementation of water conservation and efficiency measures would reduce the wastewater generated. Therefore, the project would not result in wastewater treatment capacity issues, and the impact of the project with respect to wastewater treatment capacity would be **less than significant**.

Mitigation Measures: None required.

Impact UT-4: Implementation of the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan Update

While no specific development proposals are directly associated with the project, theoretical development would generate solid waste during both construction and operation. During construction, construction-related debris would be generated. During operation, the additional residential uses would result in an increase in the demand for solid waste services.

Construction

As described in Section 4.16.3, *Regulatory Setting*, development projects are required to achieve 75 percent diversion under the CALGreen Code and create and maintain a construction waste management plan. The diversion requirement may be met through direct facility recycling, reuse of the materials on site, or donation to reuse and salvage businesses. The remaining residue from the materials that could not be recovered would be landfilled. Most construction and demolition debris produced in Santa Clara County is processed at the Zanker Road Resource Recovery Facility in San José before disposal elsewhere. The Zanker Road facility recycles more than 80 percent of the construction and demolition debris that it receives, with even higher rates of recycling for many types of building materials. Residual materials are disposed of at the Newby Island landfill. The Newby Island facility has a permitted capacity of 57.5 million cubic yards and is permitted to accept a maximum of 4,000 tons of solid waste per day. With a remaining disposal capacity of about 16.4 million cubic yards, Newby Island Sanitary landfill is expected to remain in operation until 2041 (CalRecycle, 2022a).

As a result, construction of development projects facilitated by the project are not expected to generate substantial amounts of solid waste during construction relative to the remaining capacity of the Newby Island Sanitary. Therefore, construction associated with development under the project would not generate solid waste in excess of local infrastructure and would not impair the attainment of State-level or local waste reduction goals, and the impact of the project on solid waste during construction would be **less than significant**.

Operation

The HEU could provide for the development of 6,198 to 8,441 new housing units in the County which would generate solid waste. Using the estimated number of new residents to the Stanford campus and in the City of San José (calculated in Section 4.12, *Population and Housing*) and an average disposal rate of 0.27 tons per person per year (City of San José, 2011; Santa Clara County, 2018), these new residential uses would generate up to approximately 18.9 tons of waste per day (6,899 tons per year),[3] which would primarily be disposed of at the Newby Island Landfill. The Newby Island Landfill has approximately 16.4 million cubic yards of remaining capacity (23 million tons) and has an expected closure date of 2041. Conservatively assuming all waste would be disposed at this landfill, the daily solid waste estimates associated with

[3] Solid waste generation = (0.27 tons/person/year X 24,394 persons) = 6,586 tons/year (or 18 tons/day).

development under the project would account for about 0.0045 percent of the permitted daily capacity of the New Island Sanitary Landfill, and as such implementation of the project would not generate substantial or excessive amounts of solid waste during operation relative to the capacity of this facility.

Development facilitated by the project would be required to comply with existing solid waste reduction requirements, including applicable federal, State and local solid waste statutes and regulations during operation. Compliance with existing policies and regulations, including the CALGreen building and State recycling and organic material diversion requirements, would reduce the non-renewable sources of solid waste, and minimize the solid waste disposal requirements of HEU implementation. Therefore, operation of development under the project would not generate solid waste in excess of local infrastructure and would not impair the attainment of State-level or local waste reduction goals, and the impact of the project on solid waste during operation would be **less than significant**.

Mitigation Measures: None required.

Impact UT-5: Implementation of the proposed project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan Update

During construction and operation associated with development facilitated by the project, development projects would be required to comply with federal, state, and local solid waste standards identified in Section 3.16.3, *Regulatory Setting*, such as the California Integrated Waste Management Act, AB 939, the CALGreen Code, AB 341 and AB 1826, and SB 1383. Peninsula Sanitary Service, Inc. oversees the collection, transfer, and disposal of residential garbage, recycling, and organics on the Stanford campus while various franchised waste and recycling haulers fulfill these functions in the City of San José. These haulers assist with keeping the County compliant with State-mandated recycling requirements (AB 341 and AB 1826), including recycling of organics. As a result, development under the project would not conflict with applicable waste reduction policies. Further, based on existing disposal rates and continued waste diversion by residents and employees in the County, growth facilitated by the project would continue to be in compliance with CALGreen and AB 939. Therefore, the impact of the project regarding compliance with solid waste regulations would be **less than significant**.

Mitigation Measures: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the project in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to utilities and service systems could

occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Section 4.0.3, *Cumulative Impacts*.

Impact UT-6: The proposed project, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to cumulative impacts on utilities and service systems. (*Less than Significant Impact*)

Housing Element Update and Stanford Community Plan

The proposed project, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects in the vicinity would incrementally increase the demand for utilities and service systems. As described in Section 4.0, there are numerous other housing developments proposed to be constructed, or under review approval consideration with the affected jurisdictions.

Water Supply

Cumulative impacts with respect to water service were considered within the geographic context of the SJWC's and the SFPUC's retail and wholesale service area. As stated under Impact UT-2, both the SJWC and Valley Water UWMPs anticipate that sufficient water supply is available to meet normal growth projections through 2024. These normal growth projections would include both the proposed project and cumulative projects.

For Stanford and SFPUC-supplied water, the adoption and potential implementation of the Bay-Delta Plan Amendment establishes a new paradigm of region-wide water supply issues within the geographic context of the SFPUC retail and wholesale service areas. All water suppliers on the San Francisco Bay Peninsula along with every other water supplier that receives surface water through the Bay-Delta are also grappling with these pending water supply challenges imposed under the Bay-Delta Plan Amendment. As previously discussed, development allowed under the project, in combination with cumulative development within the SFPUC retail and wholesale service areas would increase demand for water supply. As discussed above under Impact UT-2, Stanford and other water suppliers on the San Francisco Bay Peninsula would have adequate water supplies during normal or above-normal precipitation (years of normal supply) to meet projected demand through 2040 and 2045.

With respect to single dry and multiple dry years, the reliability of the RWS is anticipated to vary in different year types. All water suppliers on the San Francisco Bay Peninsula have relied on the supply reliability estimates provided by the SFPUC for the RWS and the drought allocation structure provided by SFPUC to estimate available RWS supplies in dry year types through 2045. These projections indicated that *without* the Bay-Delta Plan Amendment being implemented, the SFPUC would be able to supply 100 percent of projected RWS demands in all year types through 2045, except for the 4th and 5th consecutive dry year in 2045, during which 90 percent of projected RWS demands (85 percent of the wholesale demands) would be met. In those years, 4th and 5th dry years, conservation and water demand measures implemented by Stanford and all

other water suppliers San Francisco Bay Peninsula would further reduce demand to meet the water supply shortage.

In single dry and during multiple dry years with implementation of the Bay-Delta Plan Amendment the reliability of the RWS is anticipated to vary greatly and is expected to experience substantial water supply shortages. Water suppliers that currently depend on water conveyed through the Bay-Delta are expected to face supply shortfalls in single dry years (ranging from 27 to 32 percent) and in multiple dry years (ranging from 27 to 44 percent through 2040, with similar findings through 2045 based on SFPUC's analysis. Notably, numerous uncertainties regarding Bay-Delta Plan Amendment implementation remain, and thus this represents a worst-case water supply scenario in which the Bay-Delta Plan Amendment is implemented. Therefore, this worst-case water supply scenario establishes a new paradigm of region-wide potentially significant cumulative impacts within the geographic context of the SFPUC retail and wholesale service areas.

As presented and discussed in detail in Impact UT-2, the regional water suppliers, including SFPUC and other suppliers that rely on the Bay-Delta as a supply source have developed strategies and actions to address the projected dry year supply shortfalls. The regional and local strategies, plans and programs are discussed in Impact UT-2 and further discussed in the WSAs for the proposed project (Appendix C of this EIR).

Because of the numerous agencies involved, various project complexities, schedules, timing, approvals and environmental clearance requirements, the results of the plans, projects, and programs may not overcome the single dry and multiple dry year shortages – at least during early years of the proposed project's timeframe. Therefore, all water suppliers would need to implement their conservation and demand management measures to further reduce water demand to potentially meet the supply reductions. The conservation protocols for each district includes six levels to address shortage conditions ranging from up to 10 percent to greater than 50 percent of demand, identifies a suite of demand reduction measures to implement at each level, and identifies procedures to annually assess whether or not a water shortage is likely to occur in the coming year, among other things. Under the scenario which assumes Bay-Delta Plan Amendment implementation, the projected single dry year and multiple dry year shortfalls would likely require implementation of Stages 3, 4, or 5 of each protocol. All new development on the San Francisco Bay Peninsula would be subject to the same water conservation and water use restrictions.

Development allowed under the proposed project would also be required to comply with the CALGreen Code, which requires that new construction use high-efficiency plumbing fixtures, such as high-efficiency toilets, urinals, showerheads, and faucet fixtures. For outdoor water use, the CALGreen Code requires that irrigation controllers be weather- or soil moisture–based and automatically account for rainfall or be attached to a rainfall sensor. Finally, all new development would be required to adhere to the City's Water Efficient Landscaping Ordinance. These potential savings were not considered in the WSAs, and thus the demand reported above is conservative.

Based on the above, while water supply shortfalls are projected in single dry and multiple dry years with implementation of the Bay-Delta Plan Amendment, these projected shortfalls could be overcome through the SFPUC's various projects, programs, and plans and further addressed through implementation of the conservation and demand management measures. In addition, development under the project would be required to adhere to all applicable regulations that promote water conservation and water use efficiencies. While results of the projects, programs and plans and demand reductions cannot be quantified, it is reasonable to expect that many of the projects, programs and plans would be successful and additional water supplies and demand reductions can be obtained. For these reasons, implementation of the project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal years. In single dry and multiple dry years, conservation and demand management measures by all water suppliers would further reduce demand to meet the water supply shortage. As a result, the cumulative impact of the proposed project update with respect to water supply would be **less than significant**.

Wastewater Treatment

The geographic scope of the cumulative wastewater analysis is the service area of the Palo Alto RWQCP and the San José-Santa Clara RWP. As discussed above under Impact UT-3, each of these facilities has substantial excess capacity. As a result, the cumulative impact of the proposed project update with respect to wastewater would be **less than significant**.

Solid Waste

The geographic scope of the cumulative solid waste analysis is focused on the service areas of the landfills that would serve development facilitated by the project. Countywide, solid waste generated in the unincorporated portion of the county has been disposed of in 21 additional landfills for which capacity is available (CalRecycle 2019). In addition, all past, present, and foreseeable future projects have been and would be required to demonstrate that adequate landfill capacity is available to accommodate increased waste prior to any project approvals. Such projects have been and would also be required to comply with the recycling and reuse measures and targets established by CALGreen and AB 939 for construction and operational waste. As addressed under Impact UT-4, enough excess capacity exists in area landfills to serve growth facilitated by the project during construction and operation. Furthermore, as discussed under Impact PSR-4, growth facilitated by the project would continue to be in compliance with CALGreen and AB 939. For these reasons, the cumulative impact of the project with respect to solid waste would **be less than significant**.

Conclusion

As discussed above, implementation of the proposed project would have less than significant impacts with regard to utilities and service systems. Similar to the project, cumulative development would be subject to capacity fees and other regulations that contribute to long-term utilities planning and capacity improvements. Therefore, when considered in the cumulative context, the project's utilities and service system-related impacts would not be cumulatively considerable, and the cumulative impact of the project with respect to utilities and service systems would be **less than significant**.

Mitigation Measure: None required.

4.16.5 References

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4.17 Environmental Topics Not Subjected to Detailed Analysis

Pursuant to CEQA Guidelines Section 15128, this subsection describes the reasons that various possible effects of the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings (collectively, the "project") were determined not to be significant, or to have no impact, and, therefore, were not discussed in detail in this EIR. These determinations were generally made because the identified environmental resources are not present within or around the project or because development of the project would clearly have no effect with respect to the topic issue area. Further, no comments related to these issues were submitted during the Notice of Preparation (NOP) comment periods. These issue areas are described in this section with an explanation of why they are not evaluated further in this EIR.

4.17.1 Agricultural and Forestry Resources

Appendix G of the CEQA *Guidelines* specifies that an impact to agricultural and forestry resources would occur if a project would: 1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; 2) conflict with existing zoning for agricultural use, or a Williamson Act contract; 3) conflict with existing zoning, or cause rezoning of, forest land or timberland; 4) result in loss of forest land or conversion of forest land to non-forest use; or; 5) involve other changes that could result in conversion or farmland of forest land to non-agricultural use.

With respect to agricultural resources as relates to the HEU's housing opportunity sites and the Stanford University campus, all of the opportunity sites and the entirety of the Stanford campus are mapped as "Urban and Built-Up Land" or "Other Land" by the California Farmland Mapping and Monitoring Program (FMMP). This is a reflection of the fact that all of the HEU's opportunity sites and the Stanford campus are located in areas that are already urbanized. According to the FMMP map for Santa Clara County, there is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance designated on any portion of the planning areas (California Department of Conservation, 2018).

No existing farming or forestry operations are present on any of the HEU's housing opportunity sites or on the Stanford campus. The former Pleasant Hills golf course is zoned as "A – Agricultural" under the County's zoning code, but that designation is a broad category that "is also intended to retain in open space uses those lands which may be suitable for future urbanization until such time as they are included within a city's urban service area and public facilities and services can be economically provided, consistent with community plans and objectives" (County of Santa Clara, 2023) [Zoning ordinance, Chapter 2.20.010 (A)]. This foreseen future use is clearly applicable to this site, as it is fully surrounded by urban development, and no agricultural uses have taken place on the site for many decades.

With respect to forestry resources, no existing timber-harvest uses are located on or in the vicinity of the HEU's housing opportunity sites or the Stanford campus. None of the aforementioned areas are designated or zoned for such use.

Based on these considerations, implementation of the project would result in no impacts to agricultural and forestry resources. Accordingly, this issue was not subjected to detailed analysis in the EIR.

4.17.2 Mineral Resources

For the purposes of this analysis, mineral resources are defined as any non-fuel mineral resource that is obtained from the ground, including sand and gravel, cement, boron, crushed stone, gold, limestone, and other important excavated resources. Appendix G of the CEQA *Guidelines* specifies that an impact to mineral resources would occur if a project would: 1) result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or 2) or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

The California Geological Survey (CGS) provides information about California's nonfuel mineral resources and classifies lands throughout the State that contain regionally significant mineral resources as mandated by the Surface Mining and Reclamation Act (SMARA) of 1975. Nonfuel mineral resources include metals such as gold, silver, iron, and copper; industrial metals such as boron compounds, rare-earth elements, clays, limestone, gypsum, salt and dimension stone; and construction aggregate including sand, gravel, and crushed stone. The classification process involves the determination of Production-Consumption (P-C) Region boundaries, based on identification of active aggregate operations (Production) and the market area served (Consumption).

The classification of mineral resources is a joint effort of the State and local governments. It is based on geologic factors and requires that the State Geologist classify the mineral resources area as one of the four Mineral Resource Zones (MRZs), described below:

- MRZ-1: Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- MRZ-2: Areas where adequate information indicates that significant mineral deposits are present, or a where it is judged that a likelihood exists for their presence.
- MRZ-3: Areas containing mineral deposits the significance which cannot be evaluated from available data.
- MRZ-4: Areas where available information is inadequate for assignment to any other MRZ.

None of the HEU's housing opportunity sites or any area of the Stanford campus are located within in an established MRZ-2 (Kohler-Antablin, 1996). The County's General Plan, the City of San José's General Plan, and the SCP do not include any data that suggests any of the housing opportunity sites are within an established MRZ-2 or any type of extractive resources zone. Additionally, the project does not propose any activities that would result in the loss of availability of a known mineral resource. As such, there would be **no impact** in relation to the loss of availability of a known mineral resource.

4.17.3 Wildfire

Appendix G of the CEQA *Guidelines* specifies that an impact related to wildfire would occur if a project were located in or near a State Responsibility Area (SRA) or lands classified as a Very High Fire Hazard Severity Zone, and if it would: 1) substantially impair an adopted emergency response plan or emergency evacuation plan; 2) due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; 3) require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; and 4) expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

As defined by the Public Resources Code (PRC) Section 4126, State Responsibility Areas (SRA) are State- and privately-owned forest, watershed, and rangeland for which primary financial responsibility for preventing and suppressing wildland fires rests with the State. Fire protection in SRAs is typically provided by the California Department of Forestry and Fire Protection (CalFire) and/or its designees. SRAs, by definition, do not include lands within areas where fire management responsibility is managed by local fire departments, such as the San José Fire Department (SJFD) or the Palo Alto Fire Department (PAFD). These areas are known as Local Responsibility Areas (LRAs). As defined by CalFire, none of the HEU housing opportunity sites or any portion of the Stanford campus are located within a SRA. The entirety of the project area considered in this EIR are served by either SJFD or PAFD and are therefore in an LRA. As such, the portion of the CEQA criteria set forth in Appendix G of the CEQA Guidelines related to SRAs is not applicable to the project.

Further, as part of its Fire and Resources Assessment Program (FRAP), CalFire has mapped areas of significant fire hazards throughout the state. The maps classify lands into fire hazard severity zones (FHSZs), based on a hazard scoring system that takes into account localized factors such as fuel loading, slope, fire weather, and other relevant considerations, including areas where winds have been identified as a major cause of wildfire spread. Within SRAs, areas with assigned risk classifications are classified as Moderate, High, or Very High Fire Hazard Severity Zones.

CalFire only provides recommendations for Very High FHSZs within LRAs. In its FHSZ maps for Santa Clara County and the City of San José, no such areas were designated (CalFire 2007, 2008a, 2008b).

CalFire is currently in the process of updating its FHSZ maps across the state, and draft maps were released in late 2022. On its FHSZ map released on November 21, 2022, no Very High FHSZs affecting any of the HEU's housing opportunity sites or any portion of the Stanford campus were designated.

Based upon this information, the portion of the CEQA criteria set forth in Appendix G of the CEQA Guidelines related to Very High FHSZs is not applicable to the project.

At the County level, Santa Clara County has identified areas of high wildfire risk as part of its Wildland-Urban Interface (WUI) planning efforts. Maps produced as part of that effort identify areas in the County that abut wildland areas that contain wildfire fuels (Santa Clara County, 2009). None of the HEU's housing opportunity sites are located within or adjacent to a WUI area.

Based on these considerations, implementation of the project would result in no impacts related to wildfire. Accordingly, this issue was not subjected to detailed analysis in the EIR.

4.17.4 References

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Kohler-Antablin, Susan. 1996. *Generalized Mineral Land Classification Map of the South San Francisco Bay Production-Consumption Region*. California Division of Mines and Geology. Open File Report 95-13, Plate 1 of 23.

CHAPTER 5
Alternatives

Pursuant to the provisions of CEQA, this chapter describes and evaluates alternatives to the proposed project (which includes the Housing Element Update (HEU), the Stanford Community Plan (SCP) update, and related rezonings), including a "No Project" alternative, and identifies an "environmentally superior" alternative. The primary purpose of this section is to provide decision-makers and the public with a qualitative review of project alternatives that eliminate or substantially reduce any of a project's adverse environmental impacts while, at the same time, attaining most of the project objectives.

5.1 CEQA Requirements

CEQA requires that an EIR describe and evaluate a range of reasonable alternatives to the proposed project and evaluate the comparative merits of the alternatives (*CEQA Guidelines* Section 15126.6(a), (d)). The "range of alternatives" is governed by the "rule of reason," which requires the EIR to set forth only those potentially feasible alternatives necessary to foster informed decision-making and public participation (Section 15126.6(a), (f)).

The range of alternatives shall include alternatives that would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project (*CEQA Guidelines* Section 15126.6(a)-(c)). CEQA generally defines "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. In addition, the following may be taken into consideration when assessing the feasibility of alternatives: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and the ability of the proponent to attain site control (Section 15126.6(f)(1)). The EIR should briefly describe the rationale for selecting the alternatives to be discussed and identify any alternatives that were rejected as infeasible, briefly explaining the reasons (15126.6(c)).

The description or evaluation of alternatives does not need to be exhaustive, and an EIR need not consider alternatives for which the effects cannot be reasonably determined and for which implementation is remote or speculative. An EIR need not describe or evaluate the environmental effects of alternatives in the same level of detail as the proposed project, but must include enough information to allow meaningful evaluation, analysis, and comparison with the proposed project (*CEQA Guidelines* Section 15126.6(d)).

The "no project" alternative must be evaluated. This analysis shall discuss the existing conditions, as well as what could be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services (*CEQA Guidelines* Section 15126.6(e)(2)).

CEQA also requires that an environmentally superior alternative be selected from among the alternatives. The environmentally superior alternative is the alternative with the fewest or least severe adverse environmental impacts. When the "no project" alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives (*CEQA Guidelines* Section 15126.6(e)(2)).

5.1.1 Project Objectives

CEQA Guidelines Section 15124(b) requires the description of the project in an EIR to state the objectives sought by the project.

> "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project."

In keeping with this requirement, the County's project objectives are as follows:

- Update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the County between 2023 and 2031.
- Include an inventory of housing sites in the Housing Element and rezone those sites as necessary to meet the required Regional Housing Needs Allocation and to provide an appropriate buffer for achieving the RHNA.
- To affirmatively further fair housing (AFFH). In particular, to integrate AFFH into the process of site selection, outreach and policy/program development.
- Incentivize the development of housing, particularly affordable housing, suited to special needs and all income levels.
- Amend land use designations in the County's General Plan as needed to maintain internal consistency between the elements and comply with recent changes in State law.
- Make necessary General Plan amendments and zoning changes in a manner that affirmatively furthers fair housing while preserving the character of Santa Clara County and perpetuating the health, safety and welfare of both existing and future residents.
- Update the SCP policies to, among other things, incentivize the production of adequate and affordable housing, address transportation/circulation issues, establish parameters for future General Use Permit approvals, ensure provision of adequate municipal services; and relocate a potential future public school site.

5.1.2 Elimination and/or Reduction of Identified Significant Impacts

CEQA *Guidelines* § 15126.6(b) states that "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

Potentially significant environmental impacts that would result from the proposed project and SCP update project are evaluated in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, of this EIR. With implementation of standard conditions and requirements, as well as mitigation measures identified for each resource area significantly impacted, many of the potentially significant impacts resulting from the proposed project would be reduced to a less-than-significant level. The proposed project impacts listed below would remain significant and unavoidable even after mitigation, and the alternatives evaluated in this EIR have been selected because they are anticipated to reduce and/or eliminate one or more of the listed significant and unavoidable impacts associated with the proposed project.

Impact AQ-3: Construction and operation of individual development projects following adoption of the project could result in a cumulatively considerable net increase in criteria pollutants for which the region is in nonattainment status under an applicable federal, state, or regional ambient air quality standard. (*Significant and Unavoidable Impact, with Mitigation*)

Impact CR-1: Implementation of the project could cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Impact CR-4: Implementation of the project, in combination with other cumulative development, could cause a substantial adverse change in the significance of historical resources pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Impact NOI-1: Construction activities associated with implementation of the proposed project would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Significant and Unavoidable Impact, with Mitigation*)

Impact TRA-2: Implementation of the project would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

Impact TRA-6: Implementation of the project, in combination with cumulative development, would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

5.1.3 Factors in the Selection of Alternatives

The nature and scope of the range of alternatives to be discussed is governed by the "rule of reason." The CEQA *Guidelines* recommend that an EIR should briefly describe the rationale for selecting the alternatives to be discussed (Section 15126.6[c]). This alternatives analysis considers the following factors:

- The extent to which the alternative would accomplish most of the basic objectives of the proposed project;
- The extent to which the alternative would avoid or lessen the identified significant, or less-than-significant with mitigation, environmental effects of the proposed project;
- The feasibility of the alternative, taking into account site suitability, availability of infrastructure, general plan consistency, and consistency with other applicable plans and regulatory limitations;
- The extent to which an alternative contributes to considering a "reasonable range" of alternatives necessary to permit a reasoned choice; and
- The requirement of the CEQA *Guidelines* to consider a "No-Project" alternative, and to identify an "environmentally superior" alternative in addition to the no-project alternative (Section 15126.6[e]).

5.1.4 Alternatives Considered but Rejected from Further Evaluation

Several alternatives were considered for analysis and determined not to be feasible for the reasons explained in this section. These alternatives were not carried forward for analysis in this EIR.

Off-Site Alternative

The primary objective of the HEU is to ensure the County's conformance with State law and recent State policy and legislative directives concerning the provision of more housing. There would be no way to meet this objective with an alternative that did not focus on the County itself, and therefore this alternative was not analyzed further.

The primary purpose of the SCP update is to identify housing sites and update various policies applicable to the SCP area. Therefore, no off-site alternatives are appropriate.

Fewer Urban HEU Sites

The first Notice of Preparation (NOP) circulated for the project on August 8, 2022 included housing opportunity sites in the southern portion of the County near the Cities of Morgan Hill and Gilroy. Comments received concerning those sites suggested a potential for significant impacts related to agricultural resources, public services and recreation, and utilities and service systems. In addition, at the time of the first NOP's circulation, the County was in discussions with its municipal partners concerning identification of other opportunity sites in the more urban portions of the County, notably on unincorporated County islands in the City of San José. Based upon each of these considerations, the County decided to eliminate the Morgan Hill and Gilroy sites

from further consideration, and to add additional sites in the unincorporated urbanized areas of San José. A revised NOP was circulated to reflect this change on March 21, 2023. Ultimately, an HEU comprised of fewer urbanized sites was eliminated from further consideration due to the potential for significant environmental effects, and also in consideration of greater suitability and feasibility of developing housing in more urbanized areas, particularly with respect to development of affordable housing and minimizing VMT (e.g., proximity to job centers, services, and public transit).

More Intensive HEU

Consideration was given to developing an HEU and housing inventory with substantially greater density and a correspondingly greater number of housing units, notwithstanding the fact that the HEU, as proposed, would provide for a quantity of units that is between 181 percent and 272 percent above the County's RHNA. Providing even more units at greater densities could encourage development of more housing, which, in light of the current housing shortage, could be viewed as desirable.

Accordingly, consideration was given to developing an HEU and housing inventory with substantially greater density and a correspondingly greater number of housing units. However, as discussed in Chapter 3, *Project Description*, of this EIR, the proposed project identifies specific sites, densities, new residential units, and strategies appropriate for development of housing (in particular affordable units) necessary to meet the requirements of State-mandated housing requirements as manifested in the RHNA. An HEU and housing inventory alternative that would include sites, densities, and new residential units that would exceed the requirements of State law and the HEU as proposed would result in even greater environmental impacts than those identified for the proposed project increased extent and intensity of new development. Consequently, a more intensive HEU alternative would not meet the CEQA requirement to consider alternatives to the project that would avoid or substantially lessen any significant effects of the project. Based upon these considerations, this alternative was rejected from further consideration and was not carried forward for detailed analysis.

5.1.5 Alternatives to Lessen Identified Significant Effects

As noted in several of the topical sections of Chapter 4 of this EIR, potentially significant and unavoidable effects were identified proposed project in Section 5.1.2, and generally relate to the following categories: 1) air quality; 2) cultural resources; and 3) transportation. CEQA Guidelines Section 15126.6(b) notes that a principal purpose of alternatives is to identify feasible alternatives to a project or its location that are capable of avoiding or substantially lessening the significant effects of a project. To that end, the County contemplated feasible alternatives that could avoid or lessen the effects identified in the three categories listed above.

Air Quality

In Section 4.2 of this EIR, *Air Quality*, Impact AQ-3 found that construction and operation of individual development projects following adoption of the proposed project and SCP update could result in a cumulatively considerable net increase in criteria pollutants for which the region is in nonattainment status, even with prescribed mitigations. This impact is most closely

associated with larger projects and the analysis conservatively found that since the type and extent of larger residential development projects cannot currently be known, the potential impact must be considered significant and unavoidable until those projects are actually proposed and further analysis is conducted to determine if they would, in fact, exceed applicable emissions thresholds.

Developing an alternative that would avoid this impact is not feasible because prescribing mitigation measures or other restrictions that require individual development projects to be smaller in scale would constrain the development of housing and run counter to the goals of the HEU and State law. For instance, if the County were to adopt an alternative that would limit the size of developments to keep them below emissions screening thresholds, such an alternative could have the effect of discouraging developers from pursuing projects since required economies-of-scale might not be possible. This is particularly true for housing projects in the lower income ranges, where the scale of the project can have a direct bearing on the economic feasibility of a given project.

Further, an insistence on smaller projects would also limit the County's ability to effectively meet its RHNA requirements, since it is likely that one or more larger projects would be required to meet the unit goals articulated in the RHNA and the adopted HEU. Adoption of such an alternative would run counter to the requirements of State housing law, in that it would create direct obstacles to realization of the proposed project's intent. Meeting the State-mandated housing requirements to accommodate the project population and housing needs over the 2023-2031 period as manifested in the County's RHNA and applicable State law is the foremost objective of the proposed project.

For each of these reasons, an alternative that would lessen the proposed project's air quality impacts associated with larger projects was not carried forward for further analysis.

Cultural Resources

In Section 4.4 of this EIR, *Cultural Resources*, Impacts CR-1 and CR-4 determined that implementation of the proposed project could result in a significant and unavoidable impact to historic architectural resources (i.e., historic buildings), even with implementation of regulations, policies, and prescribed mitigations aimed to prevent or minimize impacts to historic architectural resources. Furthermore, as time passes, additional sites and buildings may qualify for consideration as historic resources in the future (i.e., existing buildings will become 45 years old or older). If a structure meeting the definition of a historic resource were to be demolished to make way for development of housing, then that impact would be significant. While the prescribed mitigation measures would require identification and documentation of the resource, they would not fully mitigate the impact to a less-than-significant level if that resource were permanently lost. This is a conservative conclusion and is not intended to suggest that such impacts or that the demolition of historic structures are being contemplated. Rather, the conclusion is based on the fact that such impacts cannot be entirely ruled out when considering any and all projects that could arise in the County with implementation of the proposed project, and housing development in general.

As with the previous discussion on significant and unavoidable impacts related to air quality, developing an alternative that would avoid this impact by guaranteeing that no impacts could occur is not feasible. For this topic, the only manner in which a significant impact could be guaranteed to not occur would be to disallow entirely any demolition of any structure that could be deemed historic. An alternative that would forbid any impacts to historic structures could place substantial limitations on the development of housing intended to meet the goals of the HEU. Further, adoption of such an alternative would run counter to the requirements of State housing law, in that it would create direct obstacles to realization of the proposed project's intent. Meeting the State-mandated housing requirements as manifested in the RHNA and applicable State law is the foremost objective of the proposed project.

Accordingly, consideration of an alternative that would impose such a condition was not carried forward for further analysis. Rather, this impact will be dealt with in the manner prescribed in Section 4.4 of this EIR, by requiring structures of eligible age to be assessed for eligibility as historic resources, per federal and State criteria, and for prescribed actions to be taken prior to removal in the event that an affirmative finding is made.

Noise

In Section 4.11 of this EIR, *Noise*, Impact NOI-1 determined that implementation of the project could result in a significant and unavoidable impact related to temporary noise during the construction of the development projects that would be facilitated by the project. This is a function of the fact that the various development sites identified in the HEU and SCP are located in proximity to sensitive noise receptors, such as adjacent existing residences and other urban uses. While mitigation measures were prescribed to limit noise created by heavy equipment during demolition and construction, the analysis determined that a significant and unavoidable impact would still occur, even with implementation of all feasible mitigation.

As with the previous discussion on significant and unavoidable impacts related to air quality, developing an alternative that would avoid this impact is not feasible because prescribing mitigation measures or other restrictions that require individual development projects to not create excessive levels of demolition and construction noise would constrain the development of housing and run counter to the goals of the HEU and State law. The fact is that demolition and construction activities create high levels of noise by their very nature. While mitigations can be implemented to limit the hours of such activities and require noise suppression on heavy equipment, the fact remains that demolishing an existing structure and operating heavy equipment are both noisy operations, and carrying out those activities in an area that is already urbanized will create temporary adverse noise effects to nearby sensitive receptors. While an alternative could be implemented that would require development to occur in areas where sensitive receptors are not present or are more distant from construction activities (i.e., in rural areas), such an alternative would run counter to the overall goal of providing housing to people where they actually need it, such as in areas that are close to employment centers, schools, and urban amenities. In addition, placing housing in rural areas that are further afield from employment centers, schools, and urban amenities would result in longer commuting distances for those residents, and would thus result in more severe impacts to pollutant emissions, greenhouse gas emissions, and VMT.

For each of these reasons, an alternative that would lessen the proposed project's temporary construction noise impacts was not carried forward for further analysis.

Transportation

Potential project impacts related to VMT are addressed in Impacts TRANS-2 and TRANS-6 of this EIR. As discussed in Impact TRANS-2, the EIR's analysis conformed to the Office of Planning and Research's (OPR) recommended VMT threshold of 15 percent below the regional average VMT per capita. Residential VMT is defined as home-based VMT as calculated by the VTA travel demand model. The VTA model estimated the unincorporated County's average residential VMT as 18.56 home-based VMT per capita. Unincorporated Santa Clara County's residential VMT under the Baseline + proposed project scenario was compared against the baseline scenario to determine the proposed project's impact on VMT. The Baseline + proposed project scenario includes in addition to baseline conditions the additional 8,441 HEU housing units and the 24,394 population increase in unincorporated Santa Clara County, compared to the baseline scenario. The model estimated unincorporated Santa Clara County's average residential VMT for the Baseline + proposed project scenario as 17.42 home-based VMT per capita, which is only 6 percent below the Baseline.

The analysis in Impact TRANS-2 determined that the residential VMT per capita for the project as a whole would be significant and unavoidable. In addition to considering VMT impacts associated with the proposed project as a whole, the analysis in Impact TRANS-2 considered the potential impacts associated with individual multifamily development projects allowed by the proposed project assuming that some future development projects may be ministerial, meaning they will not be subject to additional CEQA review. In other cases, the development projects may be exempt from additional VMT analysis under various circumstances that provide screening criteria to exempt residential projects from VMT analysis.[1]

The analysis noted that future individual development projects allowed by the proposed project that are subject to additional review and are not exempt from a VMT analysis would be subject to a separate, project-specific VMT analysis. This analysis, which would be based on the specific characteristics of the proposed project and its location, could potentially identify exceedances of the VMT criterion of 15 percent below the regional average VMT per capita, particularly for housing sites that have limited access to transit. For this reason, the impact of the proposed project was conservatively considered potentially significant, requiring mitigation. Accordingly, Mitigation Measure TRANS-2 requires that individual multifamily housing development proposals that are not exempt from VMT impact analysis be required to provide a quantitative VMT analysis. Projects that result in a significant impact would be required to include travel demand management measures and/or physical measures as described in the prescribed mitigation measure (e.g., improving the multimodal transportation network, improving street connectivity) to reduce VMT.

However, because the effectiveness of the measures included in Mitigation Measure TRANS-2 to reduce an individual project's VMT impact to a less-than-significant level cannot be determined

[1] It is assumed that any screening criteria established to exempt residential projects from VMT analysis would be based on substantial evidence that such criteria are indicative of less-than-significant VMT effects.

until the specific characteristics of the projects are known, Impacts TRANS-2 and TRANS-6 conservatively found that the impact for projects which do not screen out from VMT impact analysis would remain significant and unavoidable, even with mitigation.

In considering an alternative to avoid this impact, consideration was given to an alternative that would concentrate all housing opportunity sites associated with the proposed project to those areas of Santa Clara County that lie within identified low-VMT areas. Generally, these areas are close to quality transit facilities and are developed at relatively high densities. As stated in this EIR's transportation analysis, projects located in a low-VMT area are generally presumed to have a less-than-significant impact to VMT, assuming certain conditions are met. This is done by bringing transit, jobs, and housing together in downtowns, along main streets, and around rail stations. However, doing so would place serious constraints on the sites that the County could select for development of housing. The number of unincorporated "islands" in urban areas where VMT has been identified as low is limited. As would be expected, most low-VMT areas are located in urban cores within incorporated portions of Santa Clara County and are therefore not available for inclusion in the County's HEU. These constraints on site selection would limit the ability of the County to meet its RHNA obligations and provide a suitable buffer. The alternative would therefore not meet the objectives of the proposed project and would run counter to the requirements of State law. Therefore, this alternative was not carried forward for further analysis.

5.2 Description of Alternatives Selected for Analysis

Since no feasible or practical alternatives were identified that would effectively reduce one or more of the proposed projects significant and unavoidable effects, consideration was given to alternatives that might lessen the overall effects of the project, even those found to be less than significant. These deliberations resulted in the selection of one alternative to be carried forward for detailed evaluation and the conclusion that no other alternative was feasible and appropriate for further consideration. The County determined that this alternative, along with the No Project Alternative, represents a reasonable range of alternatives described and analyzed in this EIR. These alternatives are described in further detail and analyzed below.

- **Alternative 1: No Project**. This alternative assumes that the proposed project would not occur. The SCP update would not be adopted and the goals and policies within the existing Housing Element would remain unchanged. An update to the SCP would also not occur under this alternative. Finally, the housing opportunity sites inventory strategies proposed as part of the HEU to meet the requirements of State law, such as rezoning, increased densities, and/or updates to the Zoning Ordinance, would not occur under this alternative. However, residential development within the unincorporated County would continue to be directed and governed in the manner that it is currently provided for in the County's General Plan and Zoning Ordinance in their present forms.

- **Alternative 2: Lesser Intensity Alternative.** This alternative would only provide sufficient density/units to meet the County's RHNA allocation plus a 30 percent buffer. According to the County's RHNA, at a minimum, it must provide sufficient sites for development of 3,125 residential units between 2023-2031. With a 30 percent buffer (938 residential units), this alternative would provide 4,063 units, or approximately 30 to 50 percent fewer units than the proposed project. An update to the SCP would continue to occur under this alternative.

5.2.1 Alternative 1: No Project Alternative

CEQA requires consideration of the No Project Alternative, which addresses the impacts associated with not moving forward with the project. The purpose of analyzing the No Project Alternative is to allow decision-makers to compare the impacts of the project versus no project. Under the No Project Alternative, the proposed project would not be adopted and the goals and policies within the existing Housing Element would remain unchanged. An update to the SCP would also not occur under this alternative. Finally, the housing opportunity sites inventory strategies proposed as part of the proposed project to comply with the requirements of State law, such as rezoning, increased densities, and/or updates to the Zoning Ordinance, which are assumed to result in the production of approximately 6,198 and 8,441 new housing units, would not occur under this alternative. However, residential development within the County would continue to be directed and governed in the manner that it is currently under the No Project Alternative.

This alternative would not meet any of the objectives of the proposed project as defined above in Section 5.1.1. The No Project Alternative would not update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the County between 2023 and 2031; would not include an adequate inventory of housing sites and rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer; and would not integrate AFFH into the process of site selection, outreach and policy/program development. In addition, development of housing, particularly affordable housing suited to special needs and all income levels, would not be incentivized. Finally, necessary General Plan amendments and zoning changes would not be made in a manner that affirmatively furthers fair housing for both existing and future residents.

5.2.2 Alternative 2: Lesser Intensity Alternative

This alternative would only provide sufficient density/units to meet the County’s RHNA allocation plus a 30 percent buffer. According to the County’s RHNA, at a minimum, it must provide 3,125 residential units between 2023-2031. With a 30 percent buffer (938 residential units), this alternative would provide a potential of 4,063 units, or approximately 30 to 50 percent fewer units than the proposed project. An update to the SCP would continue to occur under this alternative.

This alternative was selected for analysis because it would result in a lower intensity of development that could lessen some of the project’s environmental effects. It would not, however, substantially lessen or eliminate the project’s significant and unavoidable effects for the reasons outlined previously and discussed further below. Nevertheless, the alternative was selected for analysis because it could potentially meet the County’s RHNA obligations while lessening some of the project’s effects.

5.3 Comparative Analysis of the Alternatives

This section presents a discussion of the comparative environmental effects of No Project Alternative (Alternative 1) and the Lesser Intensity Alternative (Alternative 2).

5.3.1 Comparison of Impacts Identified for the Proposed Project and the Alternatives

Alternative 1: No Project Alternative

Under the No Project Alternative, the proposed project would not be adopted and the goals and policies within the existing Housing Element would remain unchanged and the SCP would not be updated. Finally, housing opportunity sites identified as part of the HEU to meet the requirements of State law, such as rezoning to allow increased densities, would not occur under this alternative. However, this alternative would not preclude additional development in the County under existing land use and zoning regulations. As previously explained, the purpose of the HEU is to fulfill the County's RHNA requirements to meet the forecasted population growth and associated housing demand for the 2023-2031 period. Thus, it is assumed that this population growth and associated housing demand would still occur under the No Project Alternative.

Impacts

Aesthetics

The No Project Alternative would result in less than significant impacts related to aesthetics, as compared to the less than significant impacts associated with the proposed project. Under the No Project Alternative, residential development in the unincorporated portions of Santa Clara County could still take place, but at a lesser intensity at particular locations than that allowed under the proposed project. The County's existing land use and zoning designations would remain as they are currently, as would the County's development standards. While development would still occur, it would conform to existing land use designations and zoning requirements. This is not to say that the No Project Alternative could not result in changes to the visual environment. However, the overall visual effect of development could potentially be less than the proposed project, since densities could be less and the buildings potentially less prominent.

Air Quality

The No Project Alternative would likely result in lesser impacts to air quality, but would likely remain significant and unavoidable, the same as the proposed project. Under the No Project Alternative, residential development in unincorporated portions of Santa Clara County could still take place, but at a lesser intensity at particular locations than that provided for under the proposed project. This lesser-intensity development could emit fewer emissions, although larger projects could still potentially surpass applicable regulatory criteria, and therefore it cannot be stated with certainty that the potential impact would not remain unavoidably adverse. In addition, just because expanded residential development opportunities would not be provided for in unincorporated portions of Santa Clara County, this doesn't mean that the forecasted population growth and associated residential development would not occur elsewhere in Santa Clara County, such as in more distant rural areas, cities, or neighboring counties, such as in Alameda, San Mateo, and San Benito Counties, to meet the demand for housing for the many people who work in Santa Clara County. Some of this demand could be met by developing housing in areas that are far removed from the unincorporated urban areas of Santa Clara County in proximity to places of employment, transit, and services, thus increasing commute distances, VMT, and associated air

quality emissions, though it is not possible to speculate as to the ultimate effect since providing housing elsewhere would be outside of the County's control. However, it could be reasonably assumed that VMT under the No Project Alternative could be greater than the proposed project, and thus so would the associated pollutant emissions.

Biological Resources

The No Project Alternative would result in less-than-significant impacts to biological resources, similar to the proposed project. Under the No Project Alternative, residential development in unincorporated portions of Santa Clara County could still take place, but at a lesser intensity than that provided for under the proposed project. Regardless, potential impacts to biological resources would be subject to the same standards and regulatory requirements as the proposed project, and the impacts of the No Project Alternative would therefore be similar to the proposed project.

Cultural

The No Project Alternative would result in the same significant and unavoidable impacts to cultural resources as the proposed project. Under the No Project Alternative, residential development in unincorporated portions of Santa Clara County could still take place, but at a lesser intensity than that provided for under the proposed project. However, since the location and extent of that development is not currently known, there is no guarantee that individual projects proposed under the existing Housing Element would not adversely affect cultural resources during development, particularly historic buildings. Such an effect and loss of those resources could be significant and unavoidable, like the proposed project.

Energy

The No Project Alternative would result in less-than-significant impacts to energy, similar to the proposed project. Under the No Project Alternative, residential development in unincorporated portions of Santa Clara County could still take place, but at a lesser intensity than that provided for under the proposed project. Regardless, any development would still be held to the same energy standards, regardless of which alternative is adopted, and the impact would be less than significant, like the project.

Geology and Paleontological Resources

The No Project Alternative would result in less-than-significant impacts to geology and paleontological resources, similar to the proposed project. Under the No Project Alternative, residential development in unincorporated portions of Santa Clara County could still take place, but at a lesser intensity than that provided for under the proposed project. Regardless, potential impacts related to geology and paleontological resources would be subject to the same standards and regulatory requirements as the proposed project, and the impacts of the No Project Alternative would therefore be similar to that of the proposed project.

Greenhouse Gas Emissions

The No Project Alternative would result in less-than-significant effects to greenhouse gas emissions, similar to the proposed project. Under the No Project Alternative, residential development in unincorporated portions of Santa Clara County could still take place, but at a lesser intensity than that provided for under the proposed project. This lesser-intensity development could emit fewer greenhouse emissions than the proposed project. However, just because expanded residential development would not be provided for in unincorporated portions of Santa Clara County, this doesn't mean that residential development might not occur elsewhere in Santa Clara County, such as in more distant rural areas, cities, or in neighboring counties, such as in Alameda, San Mateo, and San Benito Counties, to meet the demand for housing for the many people who work in Santa Clara County. Some of this demand could be met by developing housing in areas that are far removed from the urban unincorporated portions of the County, thus increasing commute distances, VMT, and associated GHG emissions. Therefore, it could be reasonably assumed that VMT under the No Project Alternative could be greater than the proposed project, and thus so would the associated GHG emissions.

Hazards and Hazardous Materials

The No Project Alternative would result in less-than-significant impacts to hazards and hazardous materials, similar to the proposed project. Under the No Project Alternative, residential development in unincorporated portions of the County could still take place, but at a lesser intensity than that provided for under the proposed project. Regardless, potential impacts related to hazards and hazardous materials would be subject to the same standards and regulatory requirements as the proposed project, and the impacts of the No Project Alternative would therefore be similar to that of the proposed project.

Hydrology and Water Quality

The No Project Alternative would result in less-than-significant impacts to hydrology and water quality, similar to the proposed project. Under the No Project Alternative, residential development in unincorporated portions of the County could still take place, but at a lesser intensity than that provided for under the proposed project. Regardless, potential impacts related to hydrology and water quality would be subject to the same standards and regulatory requirements as the proposed project, and the impacts of the No Project Alternative would therefore be similar to that of the proposed project.

Land Use and Planning

The No Project Alternative would result in significant and unavoidable impacts related to land use and planning, as compared to the less-than-significant impacts associated with the proposed project. Under the No Project Alternative, residential development in unincorporated portions of the County could still take place, but at a lesser intensity that that provided for under the proposed project. Under the No Project Alternative, the proposed project would not be adopted and the goals and policies within the County's existing Housing Element would remain unchanged. The land use and zoning designations currently in place would continue under the land use decisions and development parameters that currently exist in unincorporated Santa Clara

County. However, this alternative would not provide housing to fulfill the requirements of State law or to meet the County's RHNA requirements, which would be a significant and unavoidable impact, as compared to the less-than-significant impacts associated with the proposed project.

Noise and Vibration

The No Project Alternative would result in less-than-significant impacts to noise and vibration, similar to the proposed project. Under the No Project Alternative, residential development in unincorporated portions of the County could still take place, but at a lesser intensity than that provided for under the proposed project. Regardless, potential impacts related to noise and vibration would be subject to the same standards and regulatory requirements as the proposed project, and the impacts of the No Project Alternative would therefore be similar to that of the proposed project.

Population and Housing

The No Project Alternative would result in a significant-and-unavoidable impact to population and housing, greater than the proposed project. Under the No Project Alternative, the proposed project would not be adopted and the goals and policies within the County's existing Housing Element would remain unchanged. Resulting population growth would be less and would be consistent with the County's current General Plan and zoning, thus constituting "planned" growth. However, this alternative would not provide housing to fulfill the requirements of State law or to meet the County's RHNA requirements, which would be a significant and unavoidable impact, as compared to the less-than-significant impacts associated with the proposed project.

Public Services and Recreation

The No Project Alternative would result in less-than-significant impacts to public services and recreation, similar to the proposed project. Under the No Project Alternative, residential development in unincorporated portions of Santa Clara County could still take place, but at a lesser intensity than that provided for under the proposed project. Regardless, potential impacts related to public services and recreation would be subject to the same standards and regulatory requirements as the proposed project, and the impacts of the No Project Alternative would therefore be similar to that of the proposed project.

Transportation

The No Project Alternative would result in the same significant and unavoidable (with mitigation) impacts identified with the proposed project. Under the No Project Alternative, residential development in unincorporated portions of the County could still take place, but at a lesser intensity than that provided for under the proposed project. Under the No Project Alternative, per capita VMT would vary depending on the location and type of new development, and each project would require separate environmental analysis. A general assumption could be made that total VMT would be less than the proposed project since there would be less development. However, just because expanded residential development would not be provided for in unincorporated portions of Santa Clara County, this doesn't mean that residential development might not occur elsewhere in Santa Clara County, such as in more distant rural areas, cities, or in

neighboring counties, such as in the Counties of Alameda, San Mateo, San Benito, and even further afield to meet the demand for housing for the many people who work in Santa Clara County. Some of this demand could be met by developing housing in areas that are far removed from the urban unincorporated areas of Santa Clara County, thus increasing commute distances and VMT. Therefore, it could be reasonably assumed that VMT under the No Project Alternative could be greater than the proposed project, and thus the effect could be more severe.

Tribal Cultural Resources

The No Project Alternative would result in less-than-significant impacts to tribal cultural resources, similar to the proposed project. Under the No Project Alternative, residential development in unincorporated portions of Santa Clara County could still take place, but at a lesser intensity than that provided for under the proposed project. Regardless, potential impacts to tribal cultural resources would be subject to the same tribal consultation and regulatory requirements as the proposed project, and the impacts of the No Project Alternative would therefore be similar to that of the proposed project.

Utilities and Service Systems

The No Project Alternative would result in less-than-significant impacts to utilities and service systems, similar to the proposed project. Under the No Project Alternative, residential development in unincorporated portions of Santa Clara County could still take place, but at a lesser intensity than that provided for under the proposed project. Regardless, potential impacts related to utilities and service systems would be subject to the same standards and regulatory requirements as the proposed project, and the impacts of the No Project Alternative would therefore be similar to that of the proposed project.

Alternative 2: Lesser Intensity Alternative

This alternative would only provide sufficient density/units to meet the County's RHNA allocation plus a 30 percent buffer. According to the County's RHNA, at a minimum, it must provide 3,125 residential units between 2023-2031. With a 30 percent buffer (938 residential units), this alternative would provide 4,063 units, or approximately 30 to 50 percent fewer units than the proposed project.

Impacts

Aesthetics

The Lesser Intensity Alternative would result in lesser impacts to aesthetics, but would remain less than significant, the same as the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project. It thus follows that development would be less dense and therefore less prominent as it could be developed with buildings that are lower in height. Therefore, impacts would still be less than significant, but marginally less than the proposed project.

Air Quality

The Lesser Intensity Alternative would likely result in lesser impacts to air quality, but would likely remain significant and unavoidable, the same as the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project, and that this lesser-intensity development would emit fewer direct emissions. However, demand for housing in Santa Clara County would still exist, and thus less housing under this alternative could result in additional residential development occurring elsewhere in the County, such as in rural unincorporated areas, cities, or in neighboring counties, such as in Alameda, San Mateo, and San Benito Counties, to meet the demand for housing for the many people who work in Santa Clara County. Some of this demand could be met by developing housing in areas that are far removed from the urban unincorporated areas of Santa Clara County, thus increasing commute distances, VMT, and associated air quality emissions. Thus, it could be reasonably assumed that VMT under the Lesser Intensity Alternative could be greater than the proposed project, and thus associated air quality emissions.

Biological Resources

The Lesser Intensity Alternative would result in less-than-significant impacts to biological resources, similar to the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project. The impacts related to biological resources would be subject to the same standards and regulatory requirements as the proposed project, and thus the Less Intensity Alternative would therefore be similar to that of the proposed project.

Cultural

The Lesser Intensity Alternative would result in the same significant and unavoidable impacts to cultural resources as the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project. However, development under this alternative could still adversely affect cultural resources during development, particularly historic buildings. Such an effect and loss of those resources would be significant and unavoidable, similar to the proposed project.

Energy

The Lesser Intensity Alternative would result in less-than-significant impacts to energy, similar to the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project would be held to the same energy standards, regardless of which alternative is adopted, and the impact would be less than significant.

Geology and Paleontological Resources

The Lesser Intensity Alternative would result in less-than-significant impacts to geology and paleontological resources, similar to the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a

lesser intensity than that provided for under the proposed project. Impacts related to geology and paleontological resources would be subject to the same standards and regulatory requirements as the proposed project, and thus the Less Intensity Alternative would therefore be similar to that of the proposed project.

Greenhouse Gas Emissions

The Lesser Intensity Alternative would result in less-than-significant effects to greenhouse gas emissions, similar to the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project. The lesser-intensity development would emit fewer direct GHG emissions. However, demand for housing in Santa Clara County would remain, and thus less housing under this alternative could result in additional residential development occurring elsewhere in Santa Clara County, such as in rural unincorporated areas, cities, or in neighboring counties, such as in Alameda, San Mateo, and San Benito Counties, to meet the demand for housing for the many people who work in Santa Clara County. Some of this demand could be met by developing housing in areas that are far removed from unincorporated portions of Santa Clara County, thus increasing commute distances, VMT, and associated GHG emissions. Thus, it could be reasonably assumed that VMT under the Lesser Intensity Alternative could be greater than the proposed project, and thus so could the associated GHG emissions.

Hazards and Hazardous Materials

The Lesser Intensity Alternative would result in less-than-significant impacts to hazards and hazardous materials, similar to the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project. The lesser-intensive alternative's impacts related to hazards and hazardous materials would be subject to the same standards and regulatory requirements as the proposed project, and thus the impacts of the Less Intensity Alternative would therefore be similar to that of the proposed project.

Hydrology and Water Quality

The Lesser Intensity Alternative would result in less-than-significant impacts to hydrology and water quality, similar to the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project. Impacts related to hydrology and water quality would be subject to the same standards and regulatory requirements as the proposed project, and the impacts of the Lesser Intensity Alternative would therefore be similar to that of the proposed project.

Land Use and Planning

The Lesser Intensity Alternative would result in less-than-significant impacts to land use and planning, the same as the proposed project. Potential impacts related to land use and planning under this alternative and the proposed project are less than significant because each would

amend the County's General Plan polices and zoning standards as needed to ensure consistency with County policies and standards, and the impacts under each would therefore be similar.

Noise and Vibration

The Lesser Intensity Alternative would result in less-than-significant impacts to noise and vibration, the same as the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project. Noise generated during construction and operation of the housing projects could be marginally less than the project. Regardless, potential impacts related to noise and vibration would be subject to the same standards and regulatory requirements as the proposed project, and the impacts of the Lesser Intensity Alternative would therefore be similar to that of the proposed project.

Population and Housing

The Lesser Intensity Alternative would result in less-than-significant impacts to population and housing, the same as the proposed project. The population growth and housing demand forecast by ABAG for Santa Clara County and the Bay Area Region over the 2023-2031 period would occur regardless of the proposed project.. However, the alternative would not provide for the same level of housing as the proposed project, and the provision of housing in the Bay Area to address the ongoing housing shortage is a stated policy in the plans of the Association of Bay Area Governments and the California Department of Housing and Community Development, as well as the expressed intent of recent changes to State law. While this alternative could still meet the County's RHNA obligations, it would do so less effectively than the project as proposed.

Public Services and Recreation

The Lesser Intensity Alternative would result in less-than-significant impacts to public services and recreation, similar to the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project. The demands on public service and recreation facilities would be marginally less than the project. Regardless, potential impacts related to public services and recreation would be subject to the same standards and regulatory requirements as the proposed project, and the impacts of the Lesser Intensity Alternative would therefore be similar to that of the proposed HEU.

Transportation and Traffic

The Lesser Intensity Alternative would result in the same significant and unavoidable (with mitigation) impacts identified with the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project. The lesser-intensity development would result in fewer vehicle trips. However, demand for housing in the County would not disappear, and thus less housing under this alternative could result in additional residential development occurring elsewhere in Santa Clara County, such as the rural unincorporated areas, cities, or in neighboring counties, such as in Alameda, San Mateo, and San Benito Counties, to

meet the demand for housing for the many people who work in Santa Clara County. Some of this demand could be met by developing housing in areas that are far removed from unincorporated portions of the County, thus increasing commute distances and VMT. Thus, it could be reasonably assumed that VMT under the Lesser Intensity Alternative could be greater than the proposed project.

Tribal Cultural Resources

The Lesser Intensity Alternative would result in less-than-significant impacts to tribal cultural resources, similar to the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project. The impacts to tribal cultural resources would be subject to the same tribal consultation and regulatory requirements as the proposed project, and the impacts of the Lesser Intensity Alternative would therefore be similar to that of the proposed project.

Utilities and Service Systems

The Lesser Intensity Alternative would result in less-than-significant impacts to utilities and service systems, similar to the proposed project. Under the Lesser Intensity Alternative, residential development would still occur on the housing opportunity sites, but at a lesser intensity than that provided for under the proposed project. The demands on utilities and service systems would be marginally less than the proposed project. Regardless, potential impacts related to utilities and service systems would be subject to the same standards and regulatory requirements as the proposed project, and the impacts of the Lesser Intensity Alternative would therefore be similar to that of the proposed project.

5.3.2 Overall Comparison of the Alternatives

The analysis of the alternatives is summarized in **Table 5-1**. Overall, this table shows that one alternative performs better or worse than the other in reducing or avoiding the proposed project impacts.

5.4 Environmentally Superior Alternative

Based on the evaluation described in this section, both the No Project Alternative and the Lesser Intensity Alternative would be environmentally superior alternatives with the fewest environmental impacts, though both alternatives could result in the development of housing that is further spread out and thus could contribute to greater impacts related to air quality, GHG emissions, and VMT. Regardless, the No Project Alternative would not meet any of the basic objectives of the project, nor is it legally feasible to adopt and implement.

CEQA requires that a second alternative be identified when the "No Project" alternative is the environmentally superior alternative (CEQA *Guidelines*, Section 15126.6(e)). Therefore, the Lesser Intensity Alternative would be the Environmentally Superior Alternative for the purpose of this analysis.

TABLE 5-1
ALTERNATIVE IMPACT SUMMARY AND COMPARISON

Impact	Proposed Project	Alternative 1: No Project	Alternative 2: Lesser Intensity Alternative
Aesthetics	Less than Significant	Less than Significant ⇩	Less than Significant ⇩
Air Quality	**Significant and Unavoidable**	**Significant and Unavoidable ⇧/⇩**	**Significant and Unavoidable ⇧**
Biological Resources	Less than Significant	Less than Significant ⇩	Less than Significant⇧/⇩
Cultural Resources	**Significant and Unavoidable**	**Significant and Unavoidable ⇧/⇩**	**Significant and Unavoidable ⇧/⇩**
Energy	Less than Significant	Less than Significant ⇩	Less than Significant ⇧/⇩
Geology & Paleontological Resources	Less than Significant	Less than Significant ⇩	Less than Significant⇧/⇩
Greenhouse Gas Emissions	Less than Significant	**Significant and Unavoidable ⇧**	Less than Significant ⇧
Hazards and Hazardous Materials	Less than Significant	Less than Significant ⇩	Less than Significant ⇧/⇩
Hydrology and Water Quality	Less than Significant	Less than Significant ⇩	Less than Significant ⇧/⇩
Land Use and Planning	Less than Significant	**Significant and Unavoidable ⇧**	Less than Significant⇧/⇩
Noise	Less than Significant	Less than Significant ⇩	Less than Significant ⇩
Population and Housing	Less than Significant	**Significant and Unavoidable ⇧**	Less than Significant⇧
Public Services and Recreation	Less than Significant	Less than Significant ⇩	Less than Significant ⇩
Transportation	**Significant and Unavoidable**	**Significant and Unavoidable ⇧/⇩**	**Significant and Unavoidable ⇧**
Tribal Cultural Resources	Less than Significant	Less than Significant ⇩	Less than Significant ⇧/⇩
Utilities and Service Systems	Less than Significant	Less than Significant ⇩	Less than Significant ⇩

NOTES:

⇩ - The impact is less than the proposed project.
⇧ - The impact is greater than the proposed project.
⇧/⇩ - The impact is about the same as the proposed project.

Under the Lesser Intensity Alternative, the following significant and unavoidable impacts would remain:

Impact AQ-3: Construction and operation of individual development projects following adoption of the project could result in a cumulatively considerable net increase in criteria pollutants for which the region is in nonattainment status under an applicable federal, state, or regional ambient air quality standard. (*Significant and Unavoidable Impact, with Mitigation*)

Impact CR-1: Implementation of the project could cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Impact CR-4: Implementation of the project, in combination with other cumulative development, could cause a substantial adverse change in the significance of historical resources pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Impact NOI-1: Construction activities associated with implementation of the proposed project would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Significant and Unavoidable Impact, with Mitigation*)

Impact TRA-2: Implementation of the project would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

Impact TRA-6: Implementation of the project, in combination with cumulative development, would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

Even though the Lesser Intensity Alternative would still result in the same significant-and-unavoidable impacts associated with the proposed project, it would lessen the overall intensity of development, and would therefore have a marginally lesser impact for several issues identified in the preceding discussions and summarized in Table 5-1, while still meeting the basic objectives of the proposed project. Issues where impacts would be marginally less under this alternative include aesthetics, noise, public services and recreation, and utilities and service systems. However, several impacts would likely be worsened, including air quality, greenhouse gas emissions, and VMT. This is because the lesser level of housing developed under the alternative could incentivize the development of housing in areas that are further afield from the employment centers of Santa Clara County, thus requiring workers to undertake longer commutes to get to their places of work. For this reason, it can be reasonably assumed that VMT under the Lesser Intensity Alternative could be greater than the proposed project related to air quality and greenhouse gas emissions impacts. In addition, the alternative would provide for less housing in Santa Clara County. Even though the County's RHNA obligations might be met, it would do so less effectively than the project as proposed.

In summary, while the Lesser Intensity Alternative would potentially reduce impacts for several issues (aesthetics, noise, public services and recreation, and utilities and service systems), impacts

in other areas could potentially increase, including air quality, greenhouse gas emissions, population and housing, and VMT. While it cannot be stated with certainty the degree to which these effects could be worsened, the overall effect around these issues could be greater than the project as currently proposed.

CHAPTER 6
Other CEQA Considerations

Consistent with CEQA *Guidelines* Section 15126.2, this chapter discusses significant and unavoidable impacts, significant irreversible environmental changes, growth-inducing impacts, cumulative impacts, and impacts found to be less than significant.

6.1 Significant and Unavoidable Adverse Impacts

Potentially significant environmental impacts that would result from implementation of the proposed project, which includes the Housing Element Update (HEU) the Stanford Community Plan (SCP) update, and related rezonings, are evaluated in the various subsections of Chapter 4.0, *Environmental Setting, Impacts, and Mitigation Measures*, of this EIR. With implementation of standard conditions and requirements, and mitigation measures identified for each resource area significantly impacted, many of the potentially significant impacts resulting from implementation of the project would be reduced to a less than significant level. The impacts listed below would remain significant and unavoidable even after mitigation.

Impact AQ-3: Construction and operation of individual development projects following adoption of the project could result in a cumulatively considerable net increase in criteria pollutants for which the region is in nonattainment status under an applicable federal, state, or regional ambient air quality standard. (*Significant and Unavoidable Impact, with Mitigation*)

Impact CR-1: Implementation of the project could cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Impact CR-4: Implementation of the project, in combination with other cumulative development, could cause a substantial adverse change in the significance of historical resources pursuant to CEQA Guidelines Section 15064.5. (*Significant and Unavoidable Impact, with Mitigation*)

Impact NOI-1: Construction activities associated with implementation of the proposed project would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (*Significant and Unavoidable Impact, with Mitigation*)

Impact TRA-2: Implementation of the project would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

Impact TRA-6: Implementation of the project, in combination with cumulative development, would exceed an applicable VMT threshold of significance (*Significant and Unavoidable Impact, with Mitigation*)

6.2 Significant Irreversible Impacts

Pursuant to Section 15126.2(c) of the CEQA *Guidelines*, an EIR must consider any significant irreversible environmental changes that would be caused by a project should it be implemented. Section 15126.2(c) states:

> *"Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."*

Resources that would be permanently and continually consumed by implementation of the project include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources. Construction activities related to the various development projects that could result from implementation of the HEU and SCP, though analyzed in the applicable technical section of this EIR, would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels, natural gas, and gasoline for automobiles and construction equipment. With respect to the operational activities associated with the project's implementation, compliance with all applicable building codes, as well as EIR mitigation measures, would ensure that all natural resources are conserved to the maximum extent practicable. It is also possible that new technologies or systems would emerge, or would become more cost-effective or user-friendly, and would further reduce reliance upon nonrenewable energy resources. Further, development of new housing under the project would generally occur in areas that are already urbanized and would not occupy undeveloped land where mineral or other resources might be available, or eliminate biological resources permanently, as most of the designated housing sites are already in use and any impacts to biological resources would be mitigated to less than significant levels.

The CEQA *Guidelines* also require a discussion of the potential for irreversible environmental damage caused by an accident associated with proposed projects. During the construction phase of the various development projects that could result from implementation of the project, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. Once constructed, the completed structures would use and store small quantities of chemicals typical in residences, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., motor vehicles and lawn mowers). As stated in Section 4.8 of this EIR, *Hazards and Hazardous Materials*, these materials are regulated through a series of federal, state, and local laws and regulations. Compliance with these existing requirements would

ensure that the potential to cause significant irreversible environmental damage from an accident or upset of hazardous materials would be less than significant.

6.3 Growth-Inducing Impacts

The CEQA *Guidelines* require that an EIR evaluate the growth-inducing impacts of a proposed action (Section 15126.2[d]). A growth-inducing impact is defined by the CEQA *Guidelines* as:

> *[T]he ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth.... It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.*

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement could result if a project involved construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA *Guidelines* also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The timing, magnitude, and location of land development and population growth is based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and non-residential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and regulatory policies or conditions. Because general plans define the location, type, and intensity of growth within a given jurisdiction, they are the primary means of regulating development and growth in California. Since the Housing Element and the SCP are part of the County's General Plan, any updates to the Housing Element and the SCP would, by definition, provide a means to plan for and regulate development in the areas considered as part of the proposed project.

The growth inducing impacts analysis addresses the potential of the project's implementation for unplanned growth inducement in the County of Santa Clara and the broader area. Under CEQA, a project is generally considered to be growth-inducing if it results in any one of the following:

1. Extension of urban services or infrastructure into a previously unserved area;
2. Extension of a transportation corridor into an area that may be subsequently developed; or

3. Removal of obstacles to population growth (such as provision of major new public services to an area where those services are not currently available).

6.3.1 Extension of Urban Services or Infrastructure

The unincorporated areas of Santa Clara County that are the subject of the project, including the housing inventory sites identified in the HEU, are largely built out and highly urbanized. Urban services and infrastructure like roadways, utilities, and public services (police, fire protection, etc.,) are already established and have been in place for decades. Any development associated with the project would essentially be infill in nature. The absence of these types of services is not a constraint to development on the County's selected housing inventory sites. Nearly all of the housing inventory sites identified in the HEU are already developed with residential or commercial uses and are served by existing urban infrastructure and services. Those sites that are not already developed with some type of developed use are located immediately adjacent to or are surrounded by existing urban infrastructure and services. Therefore, implementation of the project would not induce unplanned growth in the County or broader area due to extension of urban services or infrastructure.

6.3.2 Extension of Transportation Corridors

As stated in the discussion above, the unincorporated areas of the County that are the subject of the project, including the housing inventory sites identified in the HEU, are largely built out and highly urbanized. These areas are already served by existing transportation facilities and roadways that lie immediately adjacent to the housing inventory sites identified in the HEU. Any development associated with the project would essentially be infill in nature. The established transportation network in the County and adjoining areas offers local and regional access to and from all of the project planning areas. Any onsite circulation that would be required on individual housing sites would be facilitated by construction of internal streets that would connect to existing and adjacent roadways. Consequently, implementation of the project would not induce unplanned growth in the County or broader area due to extension of transportation corridors.

6.3.3 Removal of Obstacles to Population Growth

Section 15126.2(d) of the CEQA *Guidelines* states that an EIR should discuss "the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Growth can be induced in a number of ways, including through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through precedent-setting action. CEQA requires a discussion of how a project could increase population, employment, or housing in the areas surrounding the project site as well as an analysis of the infrastructure and planning changes that would be necessary to implement the project.

Projects that are characterized as having significant impacts associated with the inducement of growth are frequently those that would remove obstacles to additional growth, such as the expansion of sewer or water facilities that would permit construction of more development in the service area covered by the new facilities. The project's implementation would not remove

obstacles to additional growth in this manner, as it would be undertaken in an area that currently is served by all utilities and services. Any development associated with the project would essentially be infill in nature. Similarly, if a project would overburden existing infrastructure so as to require construction of new facilities that could result in significant impacts, then the project may be deemed to have a significant growth-inducing impact. Similarly, revising the General Plan and the County's Zoning Ordinance to allow intensified development would increase the County's population, which could trigger indirect commercial growth, or new public services or facilities, to serve the new residents. As discussed in Section 4.13, *Public Services and Recreation*, and Section 4.16, *Utilities and Service Systems*, the implementation of the project is not anticipated to require such additional public service facilities, and no such facilities are currently proposed. It is therefore not possible to speculate as to the location, type, size, and timing of construction for such facilities. However, in the event that a need for new or expanded facilities is identified at some point during the timeframe of the project, any such undertaking would require its own environmental review, mitigation, and compliance with applicable regulations in effect at the time of construction.

Section 4.12, *Population and Housing*, analyzes the project's overall effect on population and housing, including growth-inducing considerations. In terms of housing, development allowed under the proposed project (between 6,198 and 8,441 units) and pending projects (2,609 units) could result in a population increase of between 25,452 and 31,935 persons, based upon an average persons-per-household ratio of 2.89 persons per household.

This planned population growth in the County has been projected and directed by the Association of Bay Area Governments (ABAG) as part of the 6th Housing Element Cycle to meet the region's housing needs allocation. Implementation of the project would require an amendment to the County's General Plan and Zoning Code to accommodate the projected growth. Because general plans define the location, type, and intensity of growth within a given jurisdiction, they are the primary means of regulating development and growth in California. Since the Housing Element and SCP are part of the County's General Plan, any updates to those provisions would, by definition, provide a means to plan for and regulate development in those areas. Additional new residential development that could derive from the project's implementation would therefore be consistent with the growth projections in the County's General Plan as well as applicable regional plans adopted by ABAG and other relevant entities and would help the region meet its regional housing allocation requirements. Consequently, implementation of the project would not induce substantial unplanned population growth that was not previously anticipated.

6.3.4 Conclusions

Implementation of the project would facilitate increased development of residential uses on specific sites in the County and on the Stanford campus. However, it is important to note that while the law requires the HEU to include an inventory of housing sites and requires the County to zone those sites for multifamily housing, the County is not required to actually develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies.

Regardless, any increased development that could arise on these sites following the project's implementation would be developed in compliance with the General Plan land use and zoning designations. Although on-site infrastructure improvements would occur as part of this development, these improvements would connect to existing infrastructure. No extensions or expansions of infrastructure systems or roads would be required beyond what is needed to serve project-specific demand. Consequently, the project's implementation would not induce unplanned growth in the County or broader area due to extension of urban services or infrastructure. For the above-described reasons, implementation of the project would not cause a new impact related to a substantial increase in population growth and would be in line with the projected growth planned for the area as defined in the County's General Plan and applicable regional planning directives.

6.4 Cumulative Impacts

CEQA defines cumulative impacts as two or more individual impacts which, when considered together, are substantial or which compound or increase other environmental impacts. The cumulative analysis is intended to describe the "incremental impact of the project when added to other, closely related past, present, or reasonably foreseeable future projects" that can result from "individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines Section 15355). The analysis of cumulative impacts is a two-phase process that first involves the determination of whether a project, together with existing and reasonably foreseeable projects, would result in a significant impact. If there would be a significant cumulative impact of all such projects, the EIR must determine whether the project's incremental "contribution" is cumulatively considerable, in which case, the cumulative impact would be significant (CEQA Guidelines Section 15130).

The analysis of each environmental topic included in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, of this EIR considers possible cumulative impacts and identifies circumstances in which the project would contribute to significant cumulative impacts.

Cumulative significant and unavoidable impacts to air quality (Impact AQ-3), cultural resources (Impact CR-4), and transportation (Impacts TRA-2 and TRA-6) were identified in these cumulative impact analyses. These cumulative analyses assumed that the mitigation measures identified in this EIR would be implemented. Nonetheless, these identified impacts would be cumulatively considerable and not fully mitigable. No other cumulative impacts were determined to be significant after mitigation.

CHAPTER 7
Report Preparation

7.1 Lead Agency (County of Santa Clara)

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Robert Cain..... Senior Planner
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Paul Stephenson..... Land Use, Public Services & Recreation, Utilities & Service Systems
Cheri Velzy..... Air Quality
Sarah Patterson..... Air Quality
Jyothi Iyer..... Greenhouse Gas Emissions, Energy
Breanna Sewell..... Greenhouse Gas Emissions, Energy
Bailey Setzler..... Greenhouse Gas Emissions, Energy
Brian Pittman..... Biological Resources

Erika Walther ..... Biological Resources
Heidi Koenig ..... Cultural Resources, Tribal Cultural Resources, Archaeology
Ashleigh Simms ..... Cultural Resources, Tribal Cultural Resources, Archaeology
Amber Grady ..... Historic Architectural Resources
Becky Urbano ..... Historic Architectural Resources
Michael Burns ..... Geology & Soils, Hazards & Hazardous Materials, Hydrology & Water Quality
Brandon Carroll ..... Geology & Soils
Maria Hensel ..... Hydrology & Water Quality
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Rhodora Biagtan ..... Principal Engineer II
Bonnie Robison ..... Senior Engineer I
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Appendix A
NOP and Responses

ESA

County of Santa Clara
Department of Planning and Development
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT & STANFORD COMMUNITY PLAN UPDATE

August 8, 2022

The County of Santa Clara ("County") will be the Lead Agency and will prepare a program-level Environmental Impact Report (EIR) regarding proposed updates to the County's General Plan, including updates to the General Plan's Housing Element and the Stanford Community Plan (the "Project"). The County requests your input on the scope and content of the environmental information to be included in the EIR that is germane to your agency's statutory responsibilities in connection with the proposed Project. A brief description of the Project, its site boundary, and a summary of the potential environmental effects are provided on the following pages. Approval of the Project will require actions by the County of Santa Clara, including the preparation and certification of an EIR, adoption of a General Plan Amendment, and adoption of changes to the County's zoning map and zoning ordinance necessary to maintain consistency with the General Plan. The EIR may also be used by your agency.

A Public Scoping/Community Meeting to solicit comments for the Notice of Preparation will be held virtually via Zoom on August 23, 2022, from 6:30 p.m. to 8:00 p.m. The zoom link for the meeting is: https://sccgov-org.zoom.us/j/98927011384.

The deadline for your response is **September 8, 2022**; however, an earlier response, if possible, would be appreciated. Please send your response to:

County of Santa Clara Planning Office
Attention: Bharat Singh, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing, San José CA 95110
E-mail: Planning2@pln.sccgov.org

Prepared by:

	Signature	***Date***
Approved by: Bharat Singh	DocuSigned by: Bharat Singh 4A984F312D3A431...	8/8/2022
	Signature	***Date***

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, Joseph Simitian
County Executive: Jeffrey V. Smith

Introduction

As the lead agency, the County plans to analyze the potential environmental impacts associated with proposed updates to the County's General Plan, including updates to the General Plan's Housing Element and Stanford Community Plan, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §21000 et seq.) and its implementing regulations, the CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.). As required under CEQA, the EIR will evaluate and describe the potentially significant environmental effects ("impacts") of the Project, identify mitigation measures to avoid or reduce the significance of potential impacts, and evaluate the comparative effects of potentially feasible alternatives to the Project.

The EIR will be a program EIR, as provided for in CEQA Guidelines Section 15168, which states that a program EIR is appropriate for projects which are "… a series of actions that can be characterized as one large project" consisting of related actions. Preparation of a program-level EIR also "allows the Lead Agency to consider broad policy alternative and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts" (CEQA Guidelines §15168(b)).

Project Location

Santa Clara County is located in the San Francisco Bay Area and encompasses 1,300 square miles. The County is located at the southern end of San Francisco Bay and is the Bay Area's most populous county, with 15 cities and nearly two million people. The present urban and rural landscape of Santa Clara County is diverse, comprising a complex social and economic setting that overlays a rich historic, multi-cultural, and natural environment. Named after Mission Santa Clara, the County was established in 1777 and is one of the original counties of California. In the early 20th century, the area was promoted as the "Valley of the Heart's Delight" due to its natural beauty, including a significant number of orchards. Then in 1939, the first major technology company to be based in the area was founded. Today, the County is headquarters to approximately 6,000 high technology companies, some of which are the largest technology companies in the world.

While most of the urbanized areas in the County are under the jurisdiction of individual cities, the County maintains jurisdiction of 7,348 acres that are designated as Urban Service Areas (USAs) and are planned for eventual annexation to a city's jurisdiction. Lands owned by Stanford University and subject to the County's Stanford Community Plan comprise slightly over 4,000 acres, and the remaining 596,070 acres in the unincorporated County area comprise rural parts of the County. The County's regional location and boundaries are shown in **Figure 1**.

Project Background

Purpose of the Housing Element Update

State law requires the County to have and maintain a general plan with specific contents in order to provide a vision for the County's growth and to inform local decisions on land use and development, including

issues such as circulation, conservation, and safety. Santa Clara County's General Plan is comprised of General Plan Books A and B, the Stanford University Community Plan, and three maps addressing land use, regional parks and scenic highways, and trails. Within Book A, the County General Plan includes Countywide policies regarding Growth and Development, Economic Well-Being, Health, Housing, Transportation, Parks and Recreation, Resource Conservation, Safety and Noise, and Governance. Within Book B, the County General Plan addresses similar issues for the Rural Unincorporated Area, as well as Urban Unincorporated Area Issues & Policies, and the South County Joint Area Plan.

The housing chapter or "element" of the General Plan is often provided under separate cover because it must be frequently updated and monitored. The County's current Housing Element was adopted in June 2014 and covers the time period from 2015 to 2022. Government Code Section 65588 requires the County to update this Housing Element by January 31, 2023. In accordance with State law, the planning period for the updated Housing Element will be January 31, 2023 to January 31, 2031.

Concurrent with the Housing Element update, the County will consider adoption of an update to the Stanford Community Plan, which was adopted in 2000, and any amendments to other elements of the General Plan required to maintain internal consistency.

Regional Housing Needs Allocation

In addition to including goals, policies, and implementation programs regarding housing issues, housing elements must include an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels of affordability assigned to the County by the Association of Bay Area Governments (ABAG). This assignment is referred to as a Regional Housing Needs Allocation (RHNA).

On December 18, 2020, ABAG released its Draft Regional Housing Needs Assessment Methodology and Subregional Shares document which articulated ABAG's recommended methodology for the distribution of the regional housing need of 441,176 housing units issued by the State Department of Housing and Community Development (HCD). Based on the draft methodology, for the 6th RHNA cycle the County was allocated 3,125 units to be planned within unincorporated Santa Clara County for the term of the 6th Cycle (2023 through 2031). The allocation represents an increase of over 1,000% in the County's allocation from the last RHNA cycle.

Subsequent to issuance of the Draft RHNA, HCD approved the recommended methodology and ABAG considered appeals from 27 local jurisdictions, including the County of Santa Clara. Following public comments and appeal hearings, ABAG rejected all of the appeals except for one, which transferred units from Contra Costa County to the City of Pittsburg. The County of Santa Clara's appeal was rejected.

Subsequently, ABAG adopted the Final RHNA on December 16, 2021. **Table 1** shows the breakdown of required units in the County of Santa Clara across the four income categories.

In order to accommodate the new units, the County will have to rezone sites in both urban and rural unincorporated areas and amend other elements of the General Plan as needed to ensure that the General Plan as a whole remains consistent with the HEU.

TABLE 1
COUNTY OF SANTA CLARA 2023-2031 RHNA ALLOCATIONS BY INCOME CATEGORIES[a]

Income Group				Total
Very Low Income (VLI)	Low Income (LI)	Moderate Income (MOD)	>Moderate Income (>MOD)	
828	477	508	1,312	3,125

NOTES:

[a] Household income categories are based on those established by the U.S. Department of Housing and Urban Development for use in its Section 8 Housing Choice Voucher Program. The 2022 Area Median Income (AMI) for Santa Clara County is $168,500 for a family of four. Very Low Income households have an income less than 50% of AMI (<$84,250) and a portion of Very Low income households qualify as Extremely Low Income, with income less than 30% of AMI (<$50,550). Low Income households have an income less than 80% of AMI (<$131,750). Moderate Income households have an income less than 120% of AMI (<$202,200. Above Moderate Income households have an income over 120% of AMI (>$202,200).

SOURCES:

Association of Bay Area Governments, *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, Adopted December 16, 2021.

Department of Housing and Community Development. 2022. *State Income Limits for 2022*. May 13, 2022.

While the law requires the County to include an inventory of housing sites and requires the County to zone those sites for multifamily housing, the County is not required to develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies.

Stanford Community Plan

Stanford lands within unincorporated Santa Clara County, also considered the Stanford Community Plan area, are subject to policies in the Stanford Community Plan (SCP), as adopted by the Board of Supervisors (Board) in 2000, and most recently amended in 2015. The development within the SCP area is currently regulated under the SCP, the 2000 General Use Permit (GUP) conditions of approval, and the 1985 Land Use Policy Agreement (Agreement) between the County of Santa Clara, the City of Palo Alto, and Stanford University.

At the direction of the Board (February, 11, 2020, Item No. 19), and as the first phase of planned work to update the County General Plan, the Administration is proposing updates to the SCP (SCP Update).

Prior updates to the SCP were proposed by the Administration and considered by the Board in tandem with the proposed adoption of a new GUP applied for by Stanford in Fall 2016. However, the 2016 GUP application was withdrawn by Stanford University on November 1, 2019 and those SCP updates were not adopted by the Board. On February 11, 2020, the Board approved recommending the Administration move forward with specified items related to implementation and updates to the SCP.

Project Description

The proposed Project would make updates to the County's General Plan, including updates to the General Plan's Housing Element, the Stanford Community Plan, and other elements as generally described below. All updates will be the subject of additional analysis and community/agency input prior to consideration by the Board of Supervisors.

Housing Element Update

The proposed Project would adopt an updated Housing Element for the period from January 2023 to January 2031 in accordance with State law. The updated Housing Element would include goals, objectives, policies, and implementation programs that address the maintenance, preservation, improvement, and development of housing in unincorporated Santa Clara County. In addition, the HEU would identify sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State law. The County also proposes to create affordable housing and farmworker housing overlay zones based on the identification of High Opportunity Areas (for affordable housing), and access to amenities and services (for farmworker housing), which would facilitate more streamlined approvals for such projects.

The HEU would perpetuate the County's fundamental policies regarding growth management and the accommodation of urban development within cities' urban service areas (i.e., areas planned for urbanization). Outside of cities' urban service areas, only non-urban uses and development densities are allowed, with the goal of preserving natural resources, rural character, and agricultural lands, and minimizing population exposure to significant natural hazards such as landslides, earthquake faults, and wildfire. As a whole, the Countywide growth management policies have historically been referred to as the "joint urban development policies," held in common by the cities, County, and the County Local Agency Formation Commission (LAFCO), which controls city formation and expansion.

Keeping in mind the development principles above, the proposed HEU will identify specific sites appropriate for the development of additional housing and sufficient to meet the County's RHNA and provide an ample buffer. As appropriate, the County would rezone those areas if/as necessary to meet the requirements of State law and make changes to the County's zoning map and zoning ordinance as necessary to maintain consistency with the General Plan.

Because the County has been assigned a very large RHNA for the 6th Cycle, the County has been compelled to consider a wider range of sites than it has during past Cycles. First, in accordance with the County's General Plan and the County's longstanding commitment to concentrate development in urban areas, only the urban unincorporated areas are intended to receive urban services and infrastructure. These areas are intended to eventually be annexed to their surrounding city and for that reason the County's General Plan defers the planning for these areas to the relevant city and planning for these areas is typically covered in the relevant city's General Plan. However, the County has identified several sites that are in the Urban Services Areas, particularly in the USA the City of San José that have remained unincorporated and undeveloped, including some sites listed by the City of San José in its 4th RHNA cycle. The County is including those sites in the list of potential sites below, and is considering using those sites to meet its 6th Cycle RHNA requirement, along with proposing the requisite changes to the County's General Plan to allow for their use. Second, the County is considering reusing sites on the Stanford Campus listed by the County in its 4th RHNA cycle that have not yet been developed. And third, the County is considering using a limited number of sites within rural areas that are close to a certain number of amenities for a mix of affordable and farmworker housing. The following table lists all the potential sites identified by the County and their proposed development densities, and **Figure 2** shows their locations.

TABLE 2
HOUSING OPPORTUNITY SITES INVENTORY

APN	Size (acres)	Urban/Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan
			Low	High	Low	High		
245-01-003	13.0	Urban (San Jose)	80	100	1,040	1,300	A - Agricultural	Neighborhood/Community Commercial (San Jose)
245-01-004	2.3	Urban (San Jose)	80	100	186	232	A - Agricultural	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village
277-06-025	0.4	Urban (San Jose)	20	30	7	11	R1-n2 – Residential (Burbank)	Mixed Use Commercial/West San Carlos Urban Village
277-07-027	0.1	Urban (San Jose)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-07-028	0.1	Urban (San Jose)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-07-029	0.2	Urban (San Jose)	40	80	7	14	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-08-029	0.1	Urban (San Jose)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-08-030	0.1	Urban (San Jose)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-08-031	0.2	Urban (San Jose)	40	80	7	14	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-12-027	0.3	Urban (San Jose)	40	80	12	25	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-12-029	0.3	Urban (San Jose)	40	80	12	25	CG - General Commercial	Urban Village/West San Carlos Urban Village
282-02-037	2.5	Urban (San Jose)	60	100	90	150	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San Jose)
282-03-016	3.5	Urban (San Jose)	60	100	210	350	R1-8 - SF Housing	Public Quasi-Public (San Jose)
419-12-044	0.8	Urban (San Jose)	40	80	31	62	CG - General Commercial	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village
599-01-064	0.7	Urban (San Jose)	60	100	44	74	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village
599-39-047	0.6	Urban (San Jose)	40	80	22	45	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village
601-07-066	1.5	Urban (San Jose)	5	8	7	12	R1 - SF Housing	Residential Neighborhood (San Jose)
601-25-119	1.9	Urban (San Jose)	10	20	19	38	R1 - SF Housing	Public Quasi-Public (San Jose)
612-21-004	0.8	Urban (San Jose)	5	8	4	7	R1-6 - SF Housing	Residential Neighborhood (San Jose)
142-04-036	17	Urban (Stanford)	Varies		700	900	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)
142-04-036a	8.0	Urban (Stanford)	70	90	560	720	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)

TABLE 2
HOUSING OPPORTUNITY SITES INVENTORY

APN	Size (acres)	Urban/Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan
			Low	High	Low	High		
142-04-036b	6.0	Urban (Stanford)	70	90	420	540	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)
790-06-017	1.0	Rural (Gilroy)	5.2	16	5	16	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-06-018	4.2	Rural (Gilroy)	5.2	16	22	67	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-09-006	1.1	Rural (Gilroy)	5.2	16	6	18	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-09-008	3.4	Rural (Gilroy)	5.2	16	18	54	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-09-009	18.4	Rural (Gilroy)	5.2	16	96	294	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-09-010	2.3	Rural (Gilroy)	5.2	16	12	37	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-09-011	2.9	Rural (Gilroy)	5.2	16	15	47	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-10-007	2.3	Rural (Gilroy)	5.2	16	12	36	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-001	5.5	Rural (Gilroy)	5.2	16	28	88	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-002	2.6	Rural (Gilroy)	5.2	16	13	41	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-003	1.0	Rural (Gilroy)	5.2	16	2	16	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-004	0.4	Rural (Gilroy	5.2	16	2	7	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-005	0.4	Rural (Gilroy)	5.2	16	2	7	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)

TABLE 2
HOUSING OPPORTUNITY SITES INVENTORY

APN	Size (acres)	Urban/Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan
			Low	High	Low	High		
790-17-006	0.4	Rural (Gilroy)	5.2	16	2	7	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-007	1.2	Rural (Gilroy)	5.2	16	6	19	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-008	1.2	Rural (Gilroy)	5.2	16	6	19	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-009	2.5	Rural (Gilroy)	5.2	16	13	39	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-010	9.3	Rural (Gilroy)	5.2	16	48	148	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
726-19-003	2.7	Rural (Morgan Hill)	5	7	13	19	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-19-004	1.0	Rural (Morgan Hill)	5	7	5	7	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-19-005	1.5	Rural (Morgan Hill)	5	7	8	11	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-19-010	4.1	Rural (Morgan Hill)	16	24	65	97	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-19-013	1.5	Rural (Morgan Hill)	16	24	24	35	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-19-014	1.3	Rural (Morgan Hill)	16	24	21	31	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-28-003	3.7	Rural (Morgan Hill)	6	16	22	59	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-28-004	2.5	Rural (Morgan Hill)	5	7	13	18	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-28-005	2.5	Rural (Morgan Hill)	5	7	13	18	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-28-006	2.5	Rural (Morgan Hill)	5	7	13	18	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached

TABLE 2
HOUSING OPPORTUNITY SITES INVENTORY

APN	Size (acres)	Urban/Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan
			Low	High	Low	High		
								Medium (Morgan Hill)
726-29-001	15.9	Rural (Morgan Hill)	5	7	80	111	A-20Ac-sr - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-29-002	3.8	Rural (Morgan Hill)	5	7	19	26	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-29-003	3.7	Rural (Morgan Hill)	5	7	7	10	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
728-33-009	14.2	Rural (Morgan Hill)	6	16	85	277	A-20Ac - Agriculture	Agriculture Large Scale (County)
TOTAL UNITS					**4,091**	**6,192**		
RHNA Allocation					3,125			
San Jose Sites					1,715	2,388		
Gilroy Sites					312	959		
Morgan Hill Sites					385	685		
Rural Area Housing Sites					1,562	2,734		
Stanford university Sites					1,680	2,160		
Farmworker/Affordable Housing Sites					222	502		

Stanford Community Plan Update

The SCP Update recommends a coordinated approach to housing and circulation policy and implementation measures. This approach will result in Stanford University providing the housing needed to accommodate future growth of academic or academic support uses directly on campus or other contiguous Stanford land-grant lands. This approach also expands the previous housed population from "students and faculty" to "undergraduate students, graduate students, faculty, staff, postgraduate fellows, and other workers." The call to provide all needed housing to accommodate future development on campus and enhance the coordination between housing policies and transportation policies will facilitate a reduction in Vehicle Miles Traveled (VMT), as well as other negative impacts associated with commuting and local trips.

The following list includes additional SCP Updates under consideration:

- Limitation of future GUP approvals to a maximum of 10 years;
- Relocation of the "possible future school site" designation;
- Requiring any increase in total academic space over the allowance in the existing SCP to require a Community Plan amendment and GUP application;
- Extension of the Academic Growth Boundary for 99 years, subject to the four-fifths vote required to modify;
- Establishment of new campus design guidelines;
- Incorporation of Health Element updates; and
- Other changes suggested by staff, including policies based on graduate student housing affordability, municipal services, and childcare.

Other Amendments to the General Plan

In addition to the amendments that would take place within the General Plan's Housing Element and Stanford Community Plan, a number of amendments to other elements of the General Plan would be required to fully conform those elements to changes made in the Housing Element and Stanford Community Plan Update.

The County would amend its Land Use Element and General Plan Land Use Designations map as needed to reflect the Housing Sites Inventory and would make any corresponding changes to other elements of the General Plan needed to ensure internal consistency within the General Plan as a whole, including the updated Housing Element.

Required Project Approvals

In addition to certification of an EIR, the County Board of Supervisors would consider adoption of one or more resolutions making amendments to the County's General Plan, including:

- An update of the County's Housing Element for the planning period from January 2023 to January 2031 in accordance with State law;

- An update of the Stanford Community Plan as described above;
- Other amendments needed to ensure internal consistency between the elements of the General Plan.

In addition, the County Board of Supervisors would consider adoption of changes to the County's zoning map and zoning ordinance necessary to maintain consistency with the General Plan.

Potential Environmental Effects of the Housing Element and Stanford Community Plan Update

The environmental analyses and technical sections presented in the Draft EIR will describe the existing conditions in the County. Relevant federal, State, and local laws and regulations, including the County's current General Plan goals and policies, will be summarized.

The methods of analysis and any assumptions that are important to understand the conclusions of the analysis will be described, along with the standards of significance used to determine impacts of the Project. The standards for determining impact significance will be based on existing State and federal rules, regulations, and laws, County ordinances and policies, and past practices. The standards will be used to determine whether an impact is significant and the effectiveness of a recommended mitigation. Feasible mitigation measures will be identified for each significant impact. The description of mitigation measures will identify the specific actions to be taken, the timing of the action, and the parties responsible for implementation of the measure.

At this time, it is anticipated that the following issues/technical sections will be addressed in the EIR:

- Aesthetics/Light and Glare
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise and Vibration
- Population and Housing
- Public Services and Recreation
- Transportation
- Tribal and Cultural Resources
- Utilities and Service Systems
- Wildfire

In order to provide a "range of reasonable alternatives", as required by CEQA Guidelines section 15126.6, the EIR will examine alternatives to the Project, including the required No Project Alternative.

Public Scoping Meeting

A Public Scoping/Community Meeting to solicit comments for the Notice of Preparation will be held virtually via Zoom on August 23, 2022, from 6:30 p.m. to 8:00 p.m. The zoom link for the meeting is: https://sccgov-org.zoom.us/j/98927011384.

The deadline for your response is September 8, 2022; however, an earlier response, if possible, would be appreciated. Please send your response to:

County of Santa Clara Planning Office
Attention: Bharat Singh, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing, San José CA 95110
E-mail: Planning2@pln.sccgov.org

Submitting Comments

The County welcomes all input on the scope and content of the EIR in response to this Notice of Preparation, and especially welcomes responses that will assist the County in:

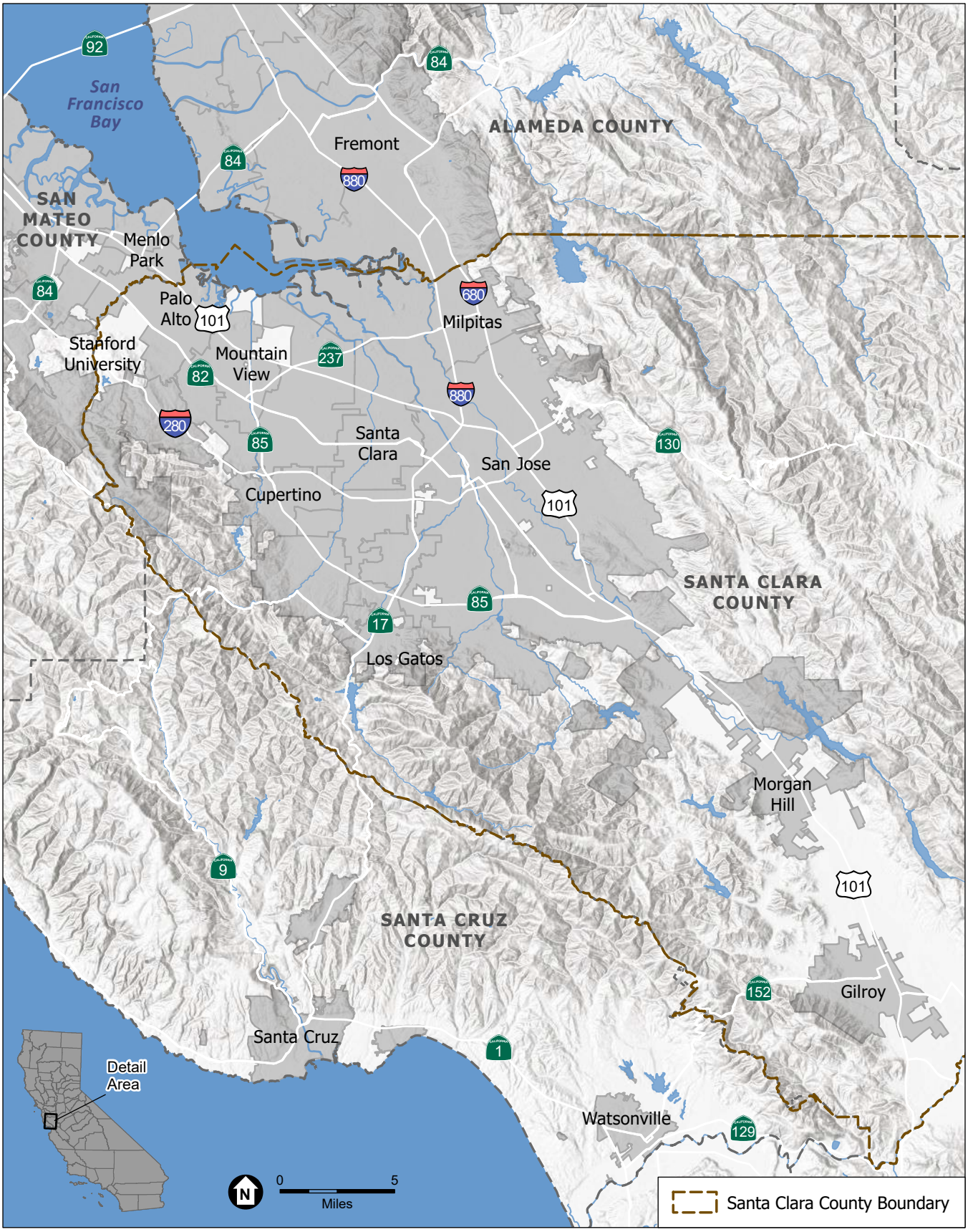
1. Identifying significant environmental issues;

2. Identifying and evaluating potential alternatives to the proposed Project or mitigation measures that could avoid or reduce significant impacts; and

3. Confirming which agencies will be a responsible and/or trustee agency for this Project or subsequent implementing actions and providing information germane to these agencies' statutory responsibilities as they relate to the County's analysis of potential effects.

The deadline for your response is **September 8, 2022**; however, an earlier response, if possible, would be appreciated. Please send your response to:

County of Santa Clara Planning Office
Attention: Bharat Singh, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing, San José CA 95110
E-mail: Planning2@pln.sccgov.org

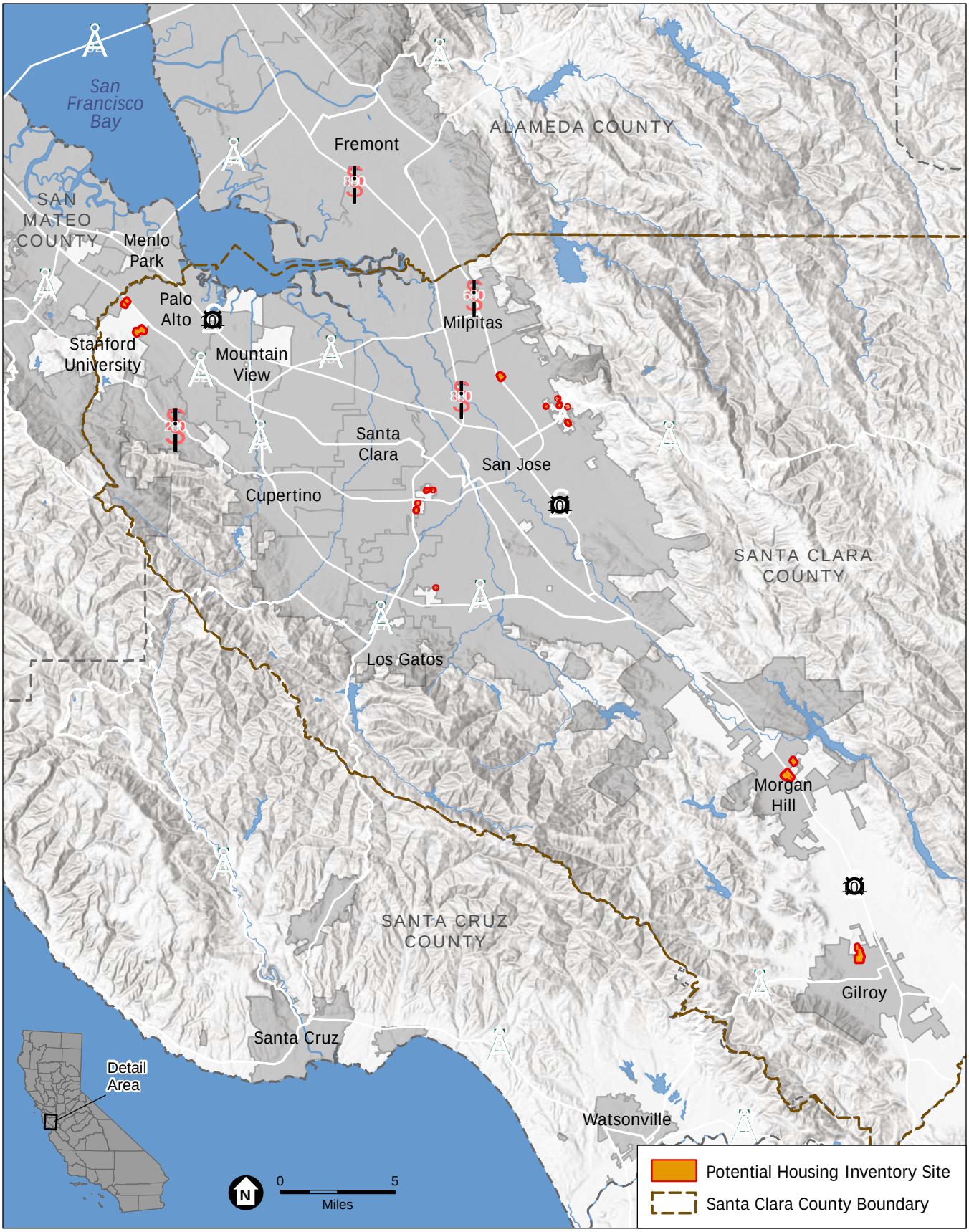


SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

Figure 1
Regional Location Map

ESA

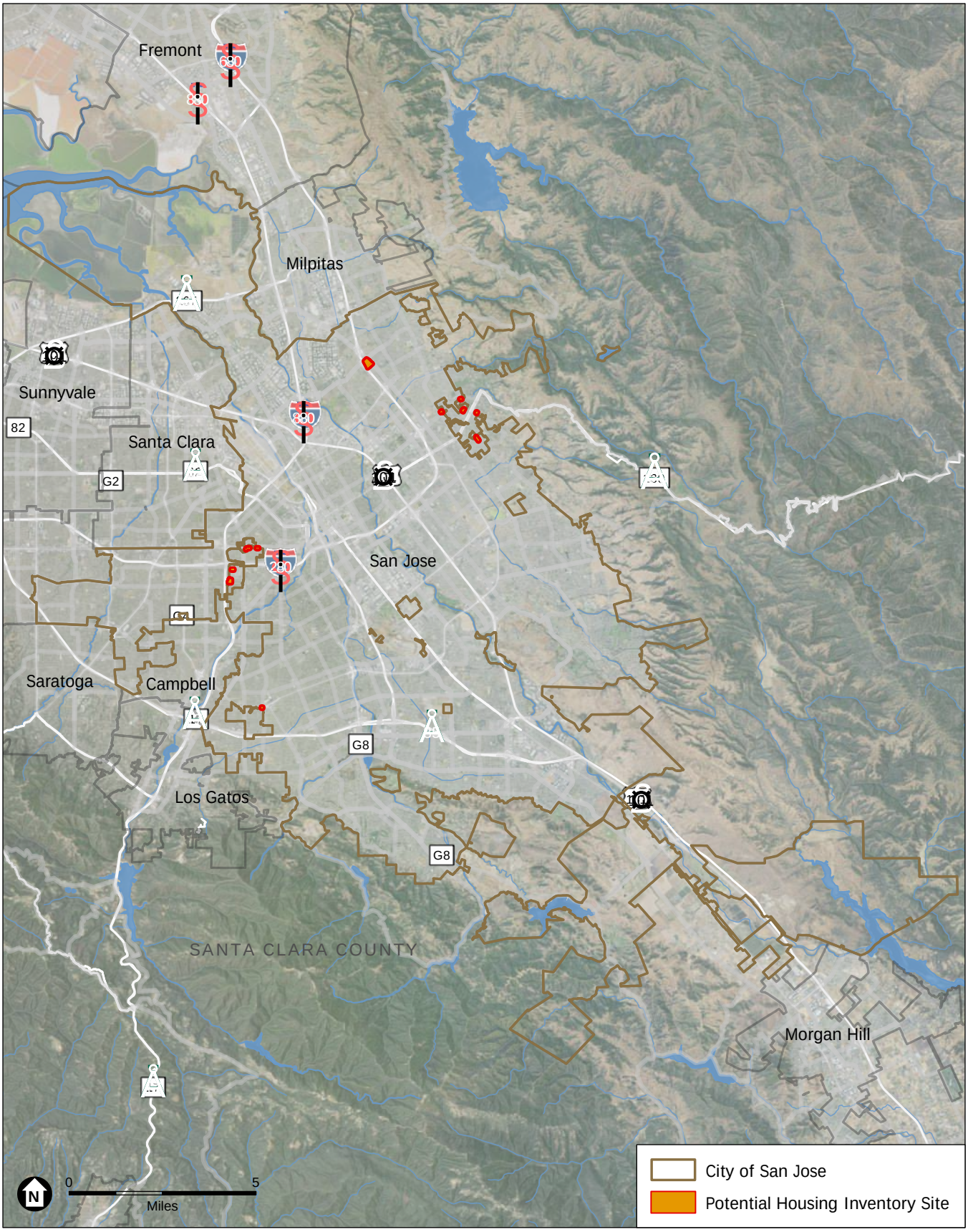


SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

Figure 2
Housing Opportunity Sites Overview

ESA



SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

Figure 2a
Housing Opportunity Sites in San Jose

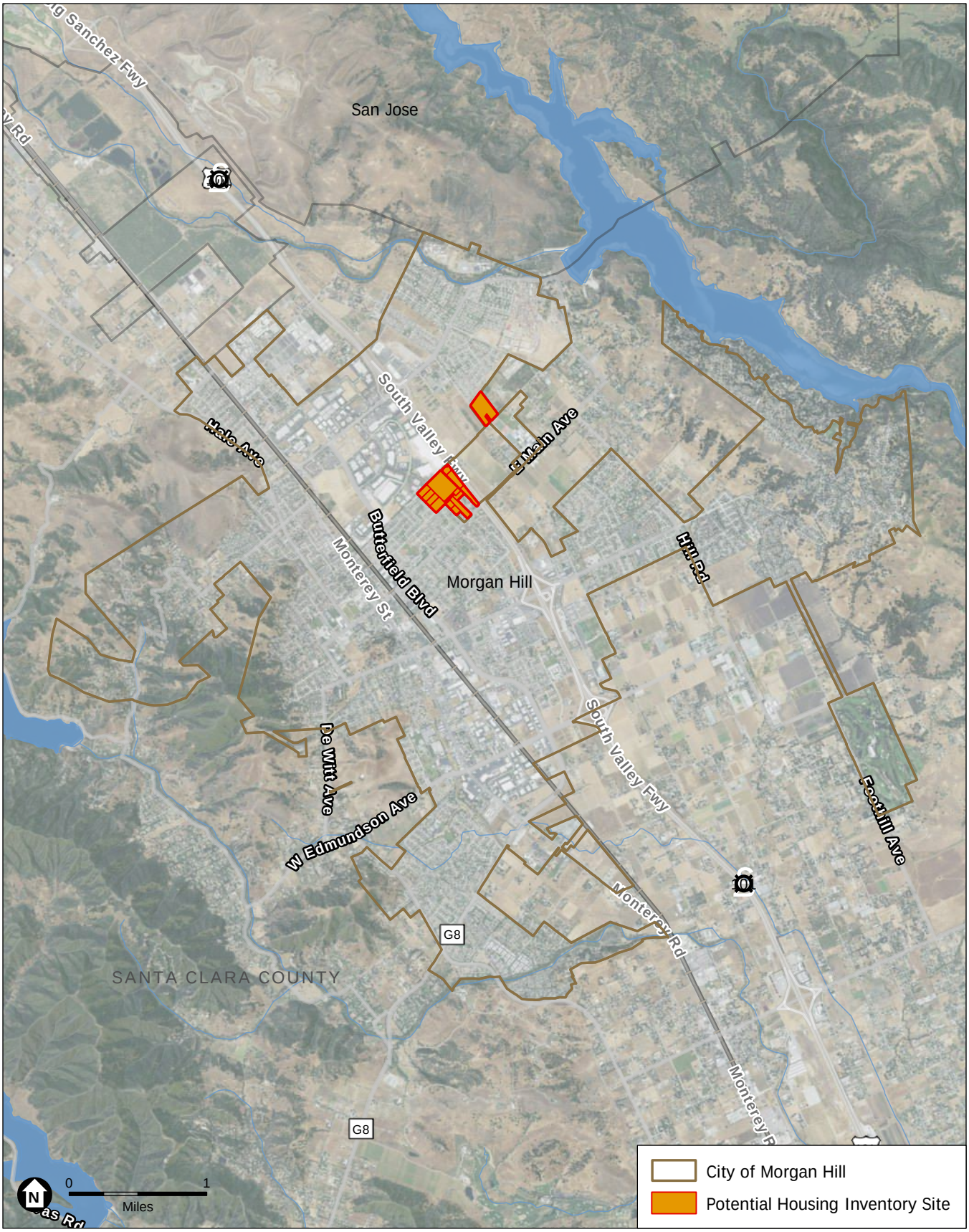
ESA

SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

Figure 2b
Housing Opportunity Sites at Stanford University

ESA

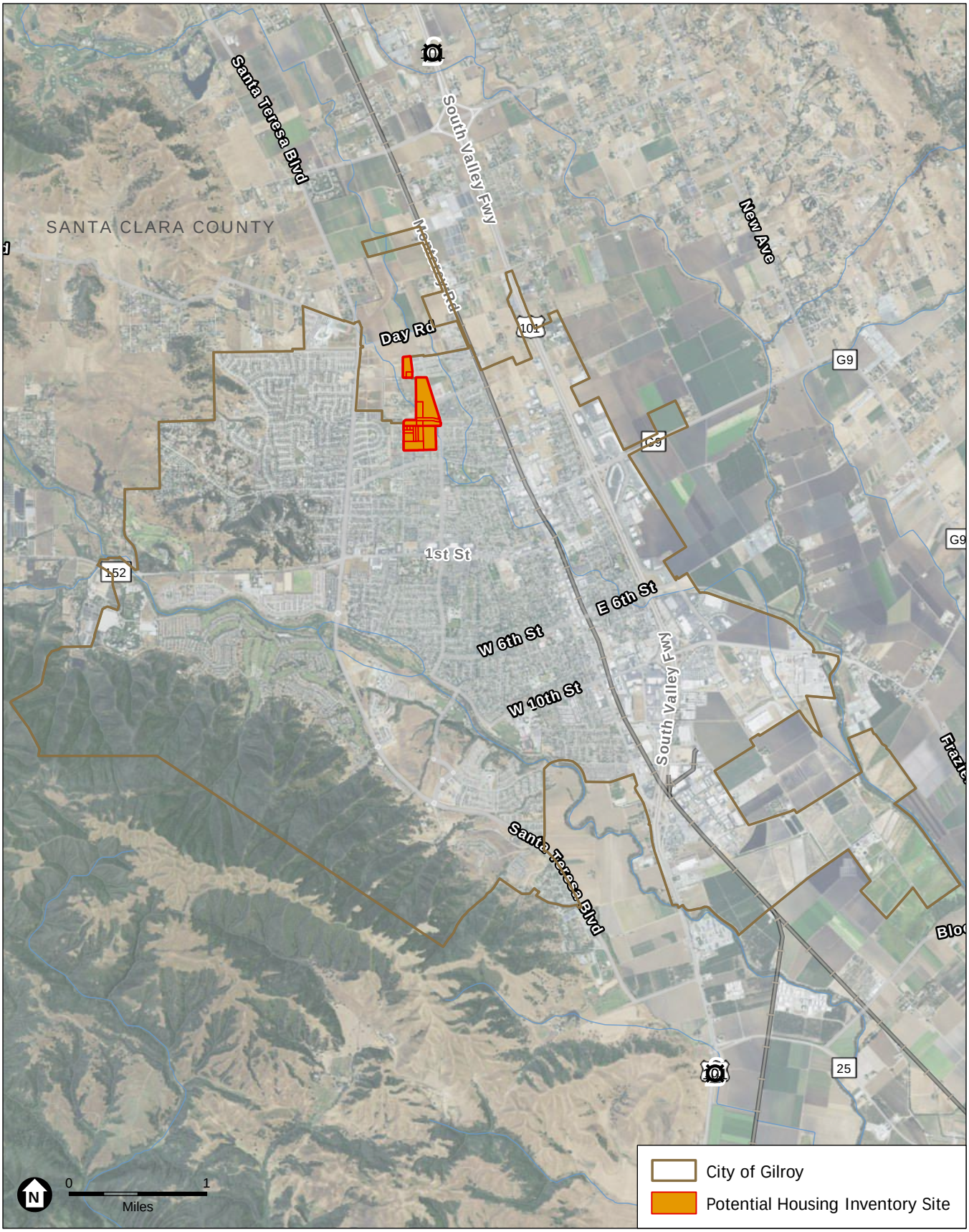


SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

Figure 2c
Housing Opportunity Sites in Morgan Hill

ESA



SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

Figure 2d
Housing Opportunity Sites in Gilroy

ESA

County of Santa Clara
Department of Planning and Development
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San José, California 95110

REVISED NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT & STANFORD COMMUNITY PLAN UPDATE

March 21, 2023

On August 8, 2022, the County of Santa Clara issued a Notice of Preparation (NOP) for preparation of a program-level Environmental Impact Report (EIR) for the County's Housing Element Update and Stanford Community Plan Update (the "Project"). Since that time, the Project has been refined to remove housing opportunity sites on unincorporated county parcels adjacent to the Cities of Gilroy and Morgan Hill from the County's site inventory. In addition, one large housing opportunity site, consisting of an unincorporated county "island" in the City of San José, has been added to the site inventory. All other Project elements as presented in the original NOP remain unchanged. Based on the Project changes, this revised NOP is being issued.

As before, the County requests your input on the scope and content of the environmental information to be included in the EIR that is germane to your agency's statutory responsibilities in connection with the proposed Project. A brief description of the revised Project, its site boundaries, and a summary of the potential environmental effects are provided on the following pages. Approval of the Project will require actions by the County of Santa Clara, including the preparation and certification of an EIR, adoption of a General Plan amendment, and adoption of changes to the County's zoning map and zoning ordinance necessary to maintain consistency with the General Plan. The EIR may also be used by your agency.

The deadline for your response is **April 20, 2023, at 5:00 p.m.**; however, an earlier response, if possible, would be appreciated. Please send your response to:

County of Santa Clara Planning Office
Attention: Michael Meehan, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing, San José CA 95110
E-mail: Planning2@pln.sccgov.org

In addition to providing written comments on the NOP, the County will provide three opportunities for the public to receive information and provide verbal comments as part of scheduled meetings, during which the Project will be presented to policymakers and the public. These meetings are as follows, and information on attendance is provided for each:

- San Martin Planning Advisory Committee, March 22, 2023. This meeting will be held at the South County Office Building, 80 West Highland Avenue, San Martin, CA 95046. This meeting cannot be attended remotely.
- County Planning Commission, March 23, 2023. This meeting will be held at the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, 1st Floor, San José, CA 95110. This meeting cannot be attended remotely.
- Board of Supervisors Regular Meeting, 9:30am, April 18, 2023. This meeting will be held at the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, 1st Floor, San José, CA 95110. The meeting can also be attended remotely. The zoom link for the meeting will be posted in the agenda, which will become available at this webpage.

Prepared by:

Michael Meehan

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Signature

3/21/2023
Date

Approved by:

Leza Mikhail

DocuSigned by:
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Signature

3/21/2023
Date

Introduction

As the lead agency, the County plans to analyze the potential environmental impacts associated with proposed updates to the County's General Plan, including updates to the General Plan's Housing Element and Stanford University Community Plan (SCP), pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §21000 et seq.) and its implementing regulations, the CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.). As required under CEQA, the EIR will evaluate and describe the potentially significant environmental effects ("impacts") of the Project, identify mitigation measures to avoid or reduce the significance of potential impacts, and evaluate the comparative effects of potentially feasible alternatives to the Project.

The EIR will be a program EIR, as provided for in CEQA Guidelines Section 15168, which states that a program EIR is appropriate for projects which are "… a series of actions that can be characterized as one large project" consisting of related actions. Preparation of a program-level EIR also "allows the Lead Agency to consider broad policy alternative and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts" (CEQA Guidelines §15168(b)).

Project Location

Santa Clara County is in the San Francisco Bay Area and encompasses 1,300 square miles. The County is located at the southern end of San Francisco Bay and is the Bay Area's most populous county, with 15 cities and nearly two million people. The present urban and rural landscape of Santa Clara County is diverse, comprising a complex social and economic setting that overlays a rich historic, multi-cultural, and natural environment. Named after Mission Santa Clara, the County was established in 1777 and is one of the original counties of California. In the early 20th century, the area was promoted as the "Valley of the Heart's Delight" due to its natural beauty, including a significant number of orchards. In 1939, the first major technology company to be based in the area was founded. Today, the County is headquarters to approximately 6,000 technology companies, some of which are the largest technology companies in the world.

While most of the urbanized areas in the County are under the jurisdiction of individual cities, the County maintains jurisdiction over 7,348 acres that are designated as Urban Service Areas (USAs) and are planned for eventual annexation to a city's jurisdiction. Lands owned by Stanford University and subject to the County's SCP comprise slightly over 4,000 acres, and the remaining 596,070 acres in the unincorporated County area comprise rural parts of the County.

Project Background

Purpose of the Housing Element Update

State law requires the County to have and maintain a General Plan with specific contents to provide a vision for the County's growth and to inform local decisions on land use and development, including issues such as circulation, conservation, and safety.

State law (Government Code Section 65588) requires the County to update the Housing Element every eight years, while making any changes to other components of the General Plan needed to maintain internal consistency and comply with State law, as well as undertaking related changes to the County's Zoning Ordinance. The Housing Element was last updated in 2015 and covers the "fifth cycle" planning period from 2014 through 2022. In accordance with State law, the planning period for the "sixth cycle" updated Housing Element will be from 2023 through 2031.

The housing chapter or "element" of the General Plan must be updated and monitored more frequently than other elements. The County's current Housing Element was adopted in June 2014 and covers the planning period from 2015 through 2022.

Concurrent with the Housing Element update, the County will consider adoption of any amendments to other components of the General Plan required to maintain internal consistency, including an update to the SCP, which was adopted in 2000.

Regional Housing Needs Allocation

In addition to including goals, policies, and implementation programs regarding housing issues, housing elements must include an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels of affordability assigned to the County by the Association of Bay Area Governments (ABAG). This assignment is referred to as a Regional Housing Needs Allocation (RHNA).

On December 18, 2020, ABAG released its Draft Regional Housing Needs Assessment Methodology and Subregional Shares document which articulated ABAG's recommended methodology for the distribution of the regional housing need of 441,176 housing units issued by the State Department of Housing and Community Development (HCD). Based on the draft methodology, the County was assigned 3,125 units to be planned within unincorporated Santa Clara County for the term of the planning period from 2023 through 2031 ("6th Cycle"). This assignment represents an increase of 1,028 percent from the last RHNA cycle.

Following issuance of the Draft RHNA, HCD approved the recommended methodology and ABAG considered appeals from 27 local jurisdictions, including the County of Santa Clara. Following public comments and appeal hearings, ABAG rejected all appeals except for one, which transferred units from Contra Costa County to the City of Pittsburg, which had recently annexed an area of unincorporated Contra Costs County. The County of Santa Clara's appeal was rejected.

Subsequently, ABAG adopted the Final RHNA on December 16, 2021. Table 3-1 shows the breakdown of required units in the County of Santa Clara across the four income categories. The County's RHNA allocation must be addressed in the HEU.

To accommodate the new units, the County will also have to rezone sites in urban unincorporated areas and amend other components of the General Plan as needed to ensure that the General Plan remains consistent with the HEU.

TABLE 1
COUNTY OF SANTA CLARA 2023-2031 RHNA ALLOCATIONS BY INCOME CATEGORIES[a]

Income Group				Total
Very Low Income (VLI)	Low Income (LI)	Moderate Income (MOD)	>Moderate Income (>MOD)	
828	477	508	1,312	3,125

NOTES:

[a] Household income categories are based on those established by the U.S. Department of Housing and Urban Development for use in its Section 8 Housing Choice Voucher Program. The 2022 Area Median Income (AMI) for Santa Clara County is $168,500 for a family of four. Very Low Income households have an income less than 50% of AMI (<$84,250) and a portion of Very Low income households qualify as Extremely Low Income, with income less than 30% of AMI (<$50,550). Low Income households have an income less than 80% of AMI (<$131,750). Moderate Income households have an income less than 120% of AMI (<$202,200. Above Moderate Income households have an income over 120% of AMI (>$202,200).

SOURCES:

Association of Bay Area Governments, *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, Adopted December 16, 2021.

Department of Housing and Community Development. 2022. *State Income Limits for 2022*. May 13, 2022.

In addition to the RHNA assignment noted above, the HEU must also include a housing unit "buffer" to ensure that if one or more of the identified housing sites are developed at lower densities than projected, or with non-housing uses, or not developed at all, there will be remaining capacity elsewhere in the County to provide an ongoing supply of sites for housing during the eight-year planning period/cycle of the Housing Element. If there were no buffer and an identified housing site developed with a non-housing project or developed at a density less than that anticipated in the Housing Element, then the County could be obliged to identify new housing opportunity sites and amend the Housing Element prior to the end of the planning period/cycle.

The need for the HEU to include a substantial buffer is increasingly important because of new rules in the Housing Accountability Act's "no net loss" provisions. California State Senate Bill 166 (2017) adopted Government Code section 65589.5, which requires that the land inventory and site identification programs in the Housing Element always include sufficient sites to accommodate unmet RHNA. This means that if a housing site is identified in the Housing Element as having the potential for housing development that could accommodate lower-income units but is actually developed with units at a higher income level, or with fewer units than expected, or with non-residential uses, then the locality must either: 1) identify and rezone, if necessary, an adequate substitute site; or 2) demonstrate that the land inventory already contains an adequate substitute site. An adequate buffer will be critical to ensure that the County remains compliant with these provisions without having to identify and rezone sites prior to the end of the planning period on January 31, 2031.

While State law requires the County to include an inventory of housing sites and requires the County to zone those sites for multifamily housing, the County is not required to develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies and other incentives. Nonetheless, this EIR considers potential impacts of development that may result from adoption of the HEU, including rezoning of potential housing sites to allow housing and/or mixed-use developments, and related actions to encourage housing production including, but not limited to, changes in allowable

densities, changes in development standards, and adoption of incentives such as a density bonus for the creation of affordable housing.

Purpose of the Stanford University Community Plan Update

Stanford lands within unincorporated Santa Clara County, also considered the SCP area, are subject to policies in the SCP, as adopted by the Board of Supervisors (Board) in 2000, and most recently amended in 2015. Development within the SCP area is currently regulated under the SCP, the 2000 General Use Permit (GUP) conditions of approval, and the 1985 Land Use Policy Agreement (Agreement) between the County of Santa Clara, the City of Palo Alto, and Stanford University.

At the direction of the Board (February 11, 2020, Item No. 19), and as the first phase of planned work to update the County General Plan, the Administration is proposing updates to the SCP (SCP update).

Prior updates to the SCP were proposed by the Administration and considered by the Board in tandem with the proposed adoption of a new GUP applied for by Stanford in Fall 2016. However, the 2016 GUP application was withdrawn by Stanford University on November 1, 2019, and those SCP updates were not adopted by the Board. On February 11, 2020, the Board approved recommending the Administration move forward with specified items related to implementation and updates to the SCP.

Three of the unincorporated sites identified in the HEU as appropriate and likely locations for residential development within the 2023-2031 planning period are within the SCP area. An update to the SCP is therefore also proposed as part of this Project and the other subject of this EIR.

This integrated approach will result in Stanford University providing the housing needed to accommodate future growth of academic and academic support uses directly on campus or other contiguous Stanford land-grant lands. This approach also expands the previous housed population from "students and faculty" to "undergraduate students, graduate students, faculty, staff, postgraduate fellows, and other workers." The call to provide all needed housing to accommodate future development on campus and enhance the coordination between housing policies and transportation policies will facilitate a reduction in vehicle miles traveled (VMT), as well as other negative impacts associated with commuting and local trips.

Project Description

The proposed Project would make updates to the County's General Plan to comply with State law, reflect current conditions, and prepare for future anticipated growth of the County, including updates to the General Plan's Housing Element, and the SCP.

Housing Element Update

The proposed HEU would adopt an updated Housing Element for the sixth cycle planning period of 2023 through 2031, in accordance with State law. The updated Housing Element would include goals, objectives, policies, and implementation programs that address the maintenance, preservation, improvement, and development of housing in unincorporated Santa Clara County. In addition, the HEU would identify sites appropriate for the development of multifamily housing, and the County would

rezone those sites as necessary to meet the requirements of State law. The County proposes to create an overlay zone based on the identification of High Opportunity Areas for affordable housing and access to amenities and services.

The HEU would further the County's fundamental policies regarding growth management and the accommodation of urban development within cities' USAs (i.e., areas planned for urbanization). Outside of cities' USAs, only non-urban uses and development densities are allowed, with the goal of preserving natural resources and agricultural lands and minimizing population exposure to significant natural hazards such as landslides, earthquake faults, and wildfire. The Countywide growth management policies have historically been referred to as the "joint urban development policies," held in common by the cities, County, and the County Local Agency Formation Commission (LAFCO), which controls city formation and expansion.

Keeping in mind the development principles and statutory requirements above, the proposed HEU will identify specific sites appropriate for the development of additional housing and sufficient to meet the County's RHNA and provide an ample buffer. As appropriate, the County would rezone those areas as necessary to meet the requirements of State law and make changes to the County's zoning map and Zoning Ordinance as necessary to maintain consistency with the General Plan.

Because the County's 6th Cycle RHNA assignment increased dramatically from past cycles, the County has been compelled to consider a wider range of sites than it has in the past. The County's sites identified for the 6th Cycle are located either: (1) within urban unincorporated "islands" that are surrounded entirely by the City of San José, or (2) on the Stanford University campus. This strategy is consistent with the County's General Plan and the County's longstanding commitment to concentrate development in urban areas, where development can benefit from urban services and infrastructure.

The San José sites have long been intended for annexation to San José, and historically, the County's General Plan has conferred the planning for these areas to the City of San José and its General Plan. The County has identified several sites that are in the City's USA that have remained unincorporated and undeveloped, including some sites listed by the City in its 4th RHNA cycle. In observance of the County's disproportionately high RHNA assignment, the City has not selected any of the unincorporated sites for its 6th Cycle site inventory. The County is therefore including such sites in its HEU site inventory, along with proposing the requisite changes to the County General Plan. The County is also re-listing sites on the Stanford Campus that were listed by the County in its 4th RHNA cycle but that have not yet been developed. **Table 2** lists all the potential sites identified by the County and their proposed development densities, and **Figures 1 through 8** show their locations.

TABLE 2
HOUSING OPPORTUNITY SITES INVENTORY

APN	Size (acres)	Urban/Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan	Site/Area Name
			Low	High	Low	High			
245-01-003	13	Urban (San José)	80	100	1,040	1,300	A - Agricultural	Neighborhood/Community Commercial (San José)	Hostetter Station
245-01-004	2.3	Urban (San José)	80	100	186	232	A - Agricultural	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Hostetter Station
277-06-025	0.4	Urban (San José)	60	100	22	36	R1-n2 – Residential (Burbank)	Mixed Use Commercial/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-027	0.1	Urban (San José)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-028	0.1	Urban (San José)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-029	0.2	Urban (San José)	40	80	7	14	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-029	0.1	Urban (San José)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-030	0.1	Urban (San José)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-031	0.2	Urban (San José)	40	80	7	14	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-12-027	0.3	Urban (San José)	40	80	12	25	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-12-029	0.3	Urban (San José)	40	80	12	25	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
282-02-037	1.5	Urban (San José)	60	100	90	150	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José)	Fruitdale/Santa Clara Valley Medical Center
282-03-016	3.5	Urban (San José)	60	100	210	350	R1-8 - SF Housing	Public Quasi-Public (San José)	Fruitdale/Santa Clara Valley Medical Center
419-12-044	0.8	Urban (San José)	10	20	8	16	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Cambrian Park
599-01-064	0.7	Urban (San José)	20	30	15	22	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Alum Rock/East Foothills
599-39-047	0.6	Urban (San José)	40	80	22	45	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Alum Rock/East Foothills

601-07-066	1.5	Urban (San José)	5	8	7	12	R1 - SF Housing	Residential Neighborhood (San José)	Alum Rock/East Foothills
601-25-119	1.9	Urban (San José)	5	8	10	15	R1 - SF Housing	Public Quasi-Public (San José)	Alum Rock/East Foothills
612-21-004	0.8	Urban (San José)	5	8	4	7	R1-6 - SF Housing	Residential Neighborhood (San José)	Alum Rock/East Foothills
649-24-013	43.5	Urban (San José)	25	35	1,088	1,523	A – Agricultural	Private Recreation and Open Space	Pleasant Hills
649-23-001	70.5	Urban (San José)	25	35	1,762	2,467	A – Agricultural	Private Recreation and Open Space	Pleasant Hills
142-04-036	40	Urban (Stanford)	17.5	22.5	700	900	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Escondido Village
142-04-036a	8	Urban (Stanford)	70	90	560	720	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Quarry Site A
142-04-036b	6	Urban (Stanford)	70	90	420	540	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Quarry Site B
TOTAL UNITS					**6,198**	**8,441**			
RHNA Allocation					3,125				
San José Sites					4,518	6,281			
Stanford University Sites					1,680	2,160			

Stanford University Community Plan Update

The SCP update recommends a coordinated approach to housing and circulation policy and implementation measures. This approach will result in Stanford University providing the housing needed to accommodate future growth of academic and academic support uses directly on campus or other contiguous Stanford land-grant lands. This approach also expands the previous housed population from "students and faculty" to "undergraduate students, graduate students, faculty, staff, postgraduate fellows, and other workers." The call to provide all needed housing to accommodate future development on campus and enhance the coordination between housing policies and transportation policies will facilitate a reduction in VMT, as well as other negative impacts associated with commuting and local trips.

The following list includes additional updates to the SCP under consideration:

- Limitation of future GUP approvals to a maximum of 10 years;
- Relocation of the "possible future elementary school site" designation;
- Requiring any increase in total academic space over the allowance in the existing SCP to require a Community Plan amendment and GUP application;
- Extension of the Academic Growth Boundary for 99 years, subject to a four-fifths Board vote required to modify;
- Establishment of new campus design guidelines;
- Incorporation of policies from the County's 2014 Health Element update; and
- Other changes suggested by staff, including policies based on graduate student housing affordability, municipal services, and childcare.

Other Amendments to the General Plan

In addition to the amendments that are being made to the General Plan's Housing Element and SCP, amendments to other components of the General Plan are required to fully conform with changes made in the Housing Element and SCP.

The County would amend its General Plan Land Use map as needed to reflect the housing opportunity sites inventory and would make any corresponding changes to other components of the General Plan needed to ensure internal consistency.

Required Project Approvals

The proposed HEU is subject to review and certification by HCD. Following review by HCD, adoption and implementation of the HEU would require a series of interrelated planning and regulatory approvals by the County of Santa Clara, as Lead Agency. Specifically, the County would need to take the following approval actions:

- Certification of the EIR pursuant to CEQA;

- Adoption of one or more resolutions amending the General Plan to update the Housing Element, update the SCP, update the General Plan Land Use map, and make any corresponding changes to other components of the General Plan needed to maintain internal consistency; and
- Adoption of an ordinance amending County Zoning Ordinance and the County Zoning Map.

The proposed actions would require review and recommendation by the Planning Commission, followed by consideration and action by the Board.

Potential Environmental Effects of the Housing Element and Stanford Community Plan Update

The environmental analyses and technical sections presented in the Draft EIR will describe the existing conditions in the County. Relevant federal, State, and local laws and regulations, including the County's current General Plan goals and policies, will be summarized.

The methods of analysis and any assumptions that are important to understand the conclusions of the analysis will be described, along with the standards of significance used to determine impacts of the Project. The standards for determining impact significance will be based on existing State and federal rules, regulations, and laws, County ordinances and policies, and past practices. The standards will be used to determine whether an impact is significant and the effectiveness of a recommended mitigation. Feasible mitigation measures will be identified for each significant impact. The description of mitigation measures will identify the specific actions to be taken, the timing of the action, and the parties responsible for implementation of the measure.

At this time, it is anticipated that the following issues/technical sections will be addressed in the EIR:

- Aesthetics/Light and Glare
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise and Vibration
- Population and Housing
- Public Services and Recreation
- Transportation
- Tribal and Cultural Resources
- Utilities and Service Systems
- Wildfire

To provide a "range of reasonable alternatives," as required by CEQA Guidelines section 15126.6, the EIR will examine alternatives to the Project, including the required No Project Alternative.

Public Scoping Meeting

In addition to providing written comments on the NOP, the County will provide three opportunities for the public to receive information and provide verbal comments as part of scheduled meetings during which the Project will be presented to policymakers and the public. These meetings are as follows, and information on attendance is provided for each:

- San Martin Planning Advisory Committee, March 22, 2023. This meeting will be held at the South County Office Building, 80 West Highland Avenue, San Martin, CA 95046. This meeting cannot be attended remotely.

- County Planning Commission, March 23, 2023. This meeting will be held at the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, 1st Floor, San José, CA 95110. This meeting cannot be attended remotely.

- Board of Supervisors Regular Meeting, 9:30am, April 18, 2023. This meeting will be held at the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, 1st Floor, San José, CA 95110. The meeting can also be attended remotely. The zoom link for the meeting will be posted in the agenda, which will become available at this webpage.

Submitting Comments

The County welcomes all input on the scope and content of the EIR in response to this Notice of Preparation, and especially welcomes responses that will assist the County in:

1. Identifying significant environmental issues;

2. Identifying and evaluating potential alternatives to the proposed Project or mitigation measures that could avoid or reduce significant impacts; and

3. Confirming which agencies will be a responsible and/or trustee agency for this Project or subsequent implementing actions and providing information germane to these agencies' statutory responsibilities as they relate to the County's analysis of potential effects.

The deadline for your response is **April 20, 2023, at 5:00 p.m.**; however, an earlier response, if possible, would be appreciated. Please send your response to:

County of Santa Clara Planning Office
Attention: Michael Meehan, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing, San José CA 95110
E-mail: Planning2@pln.sccgov.org

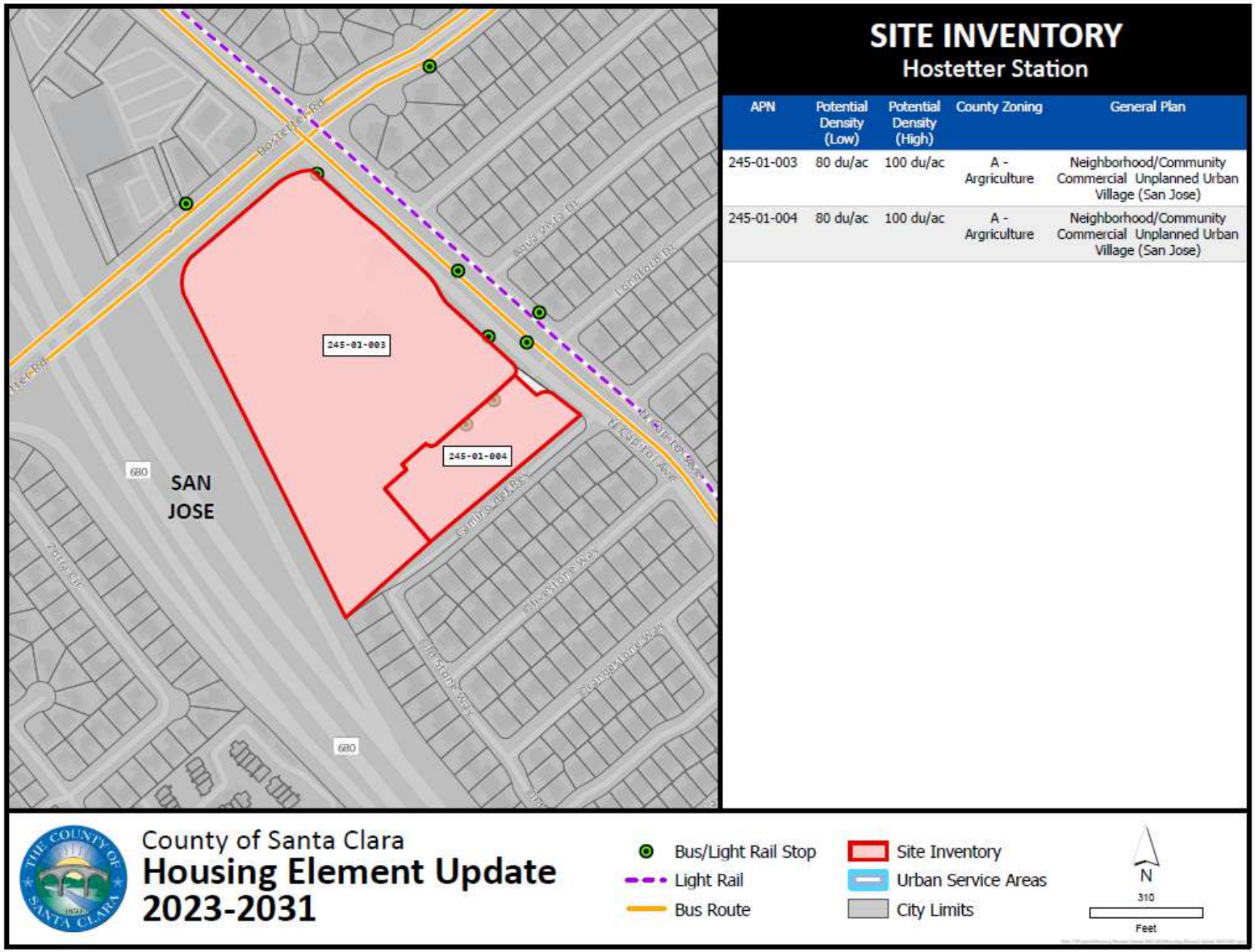
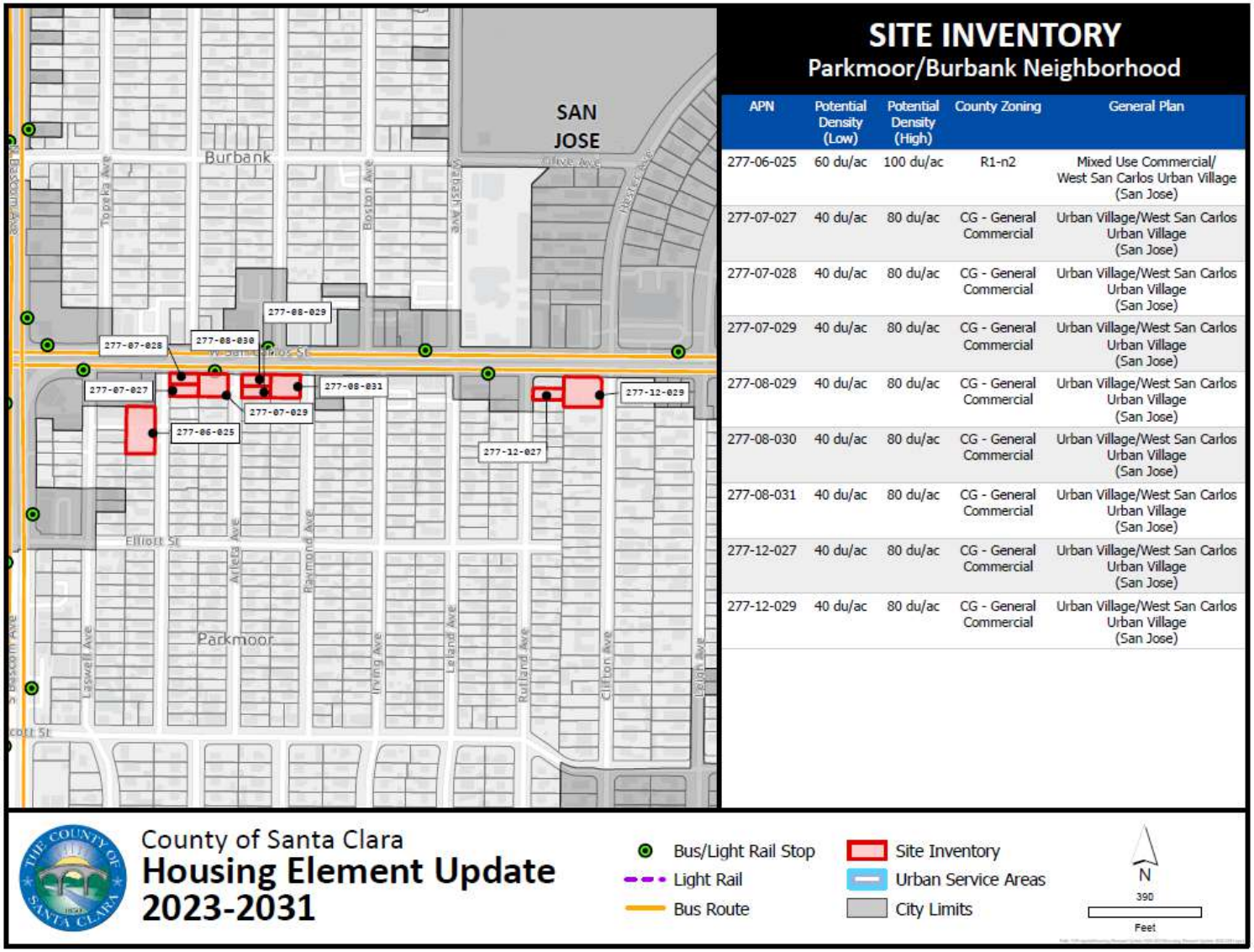


Figure 1



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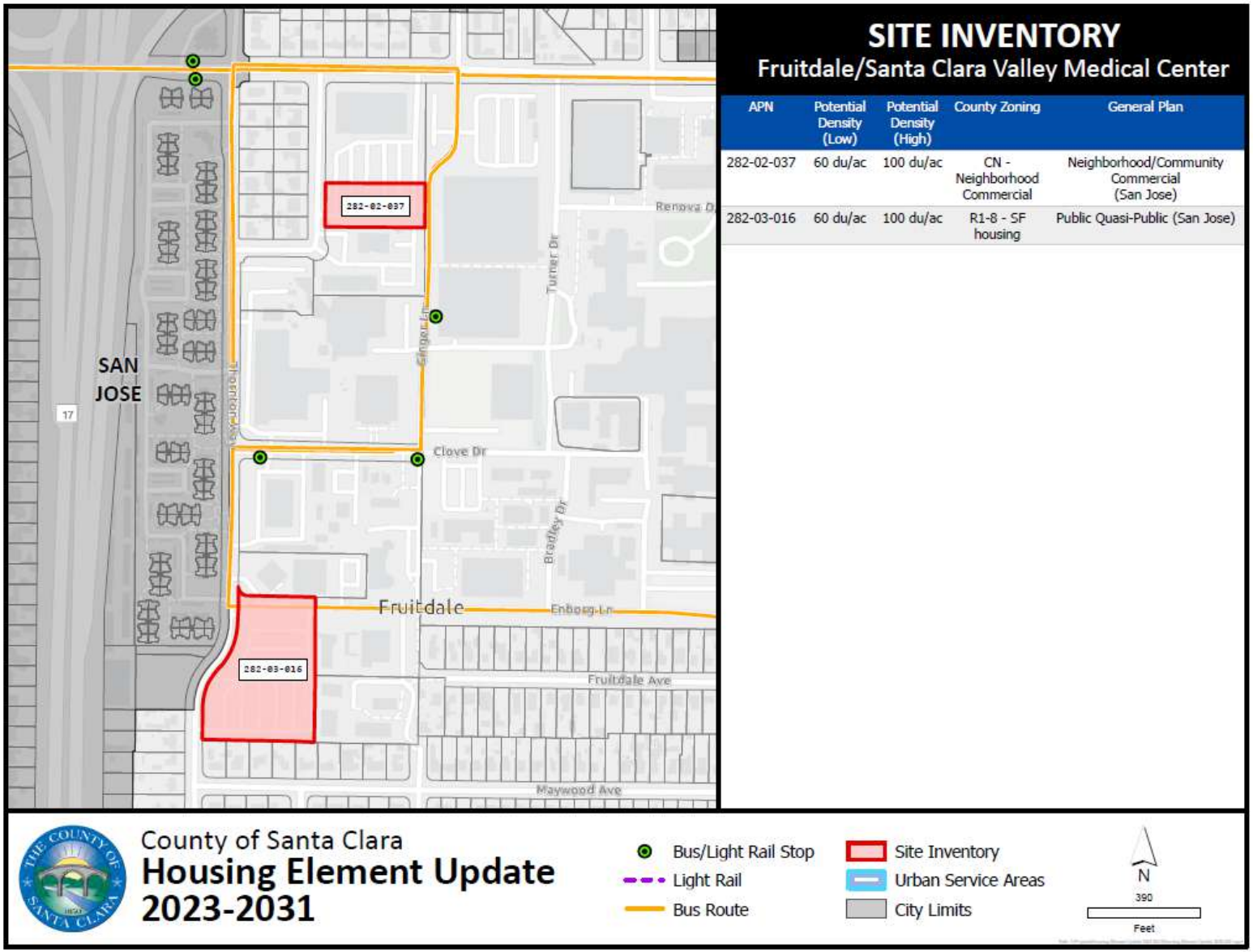

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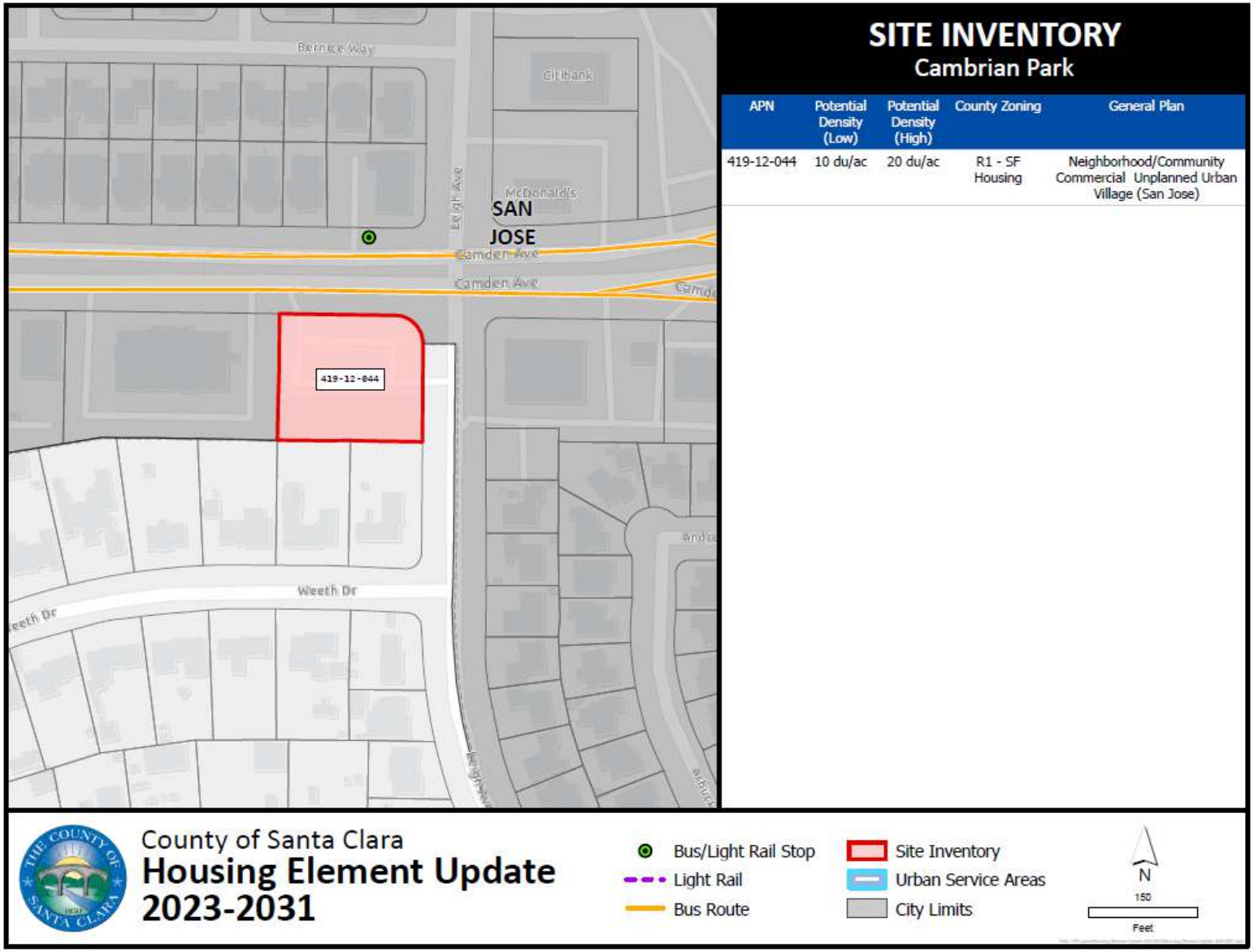

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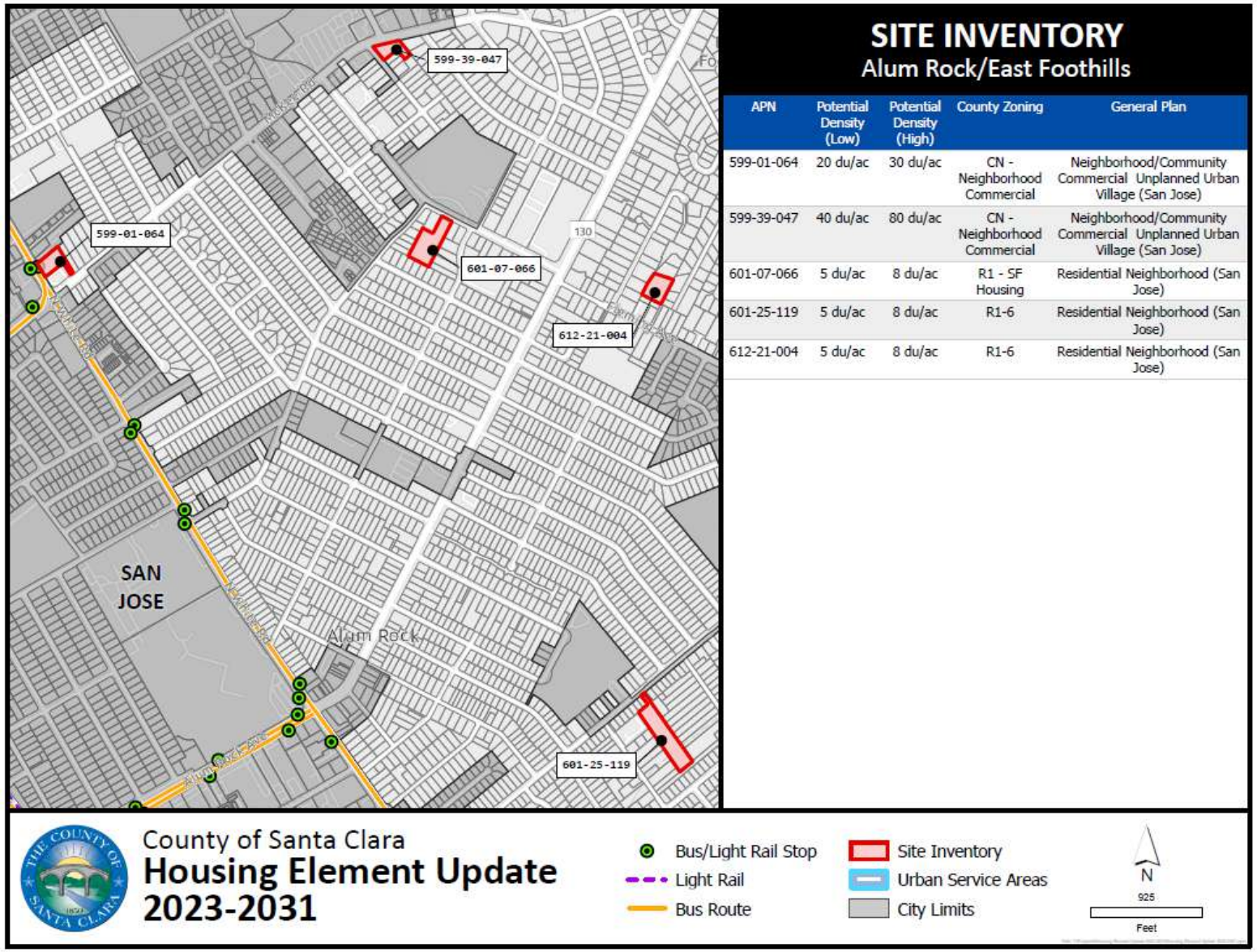

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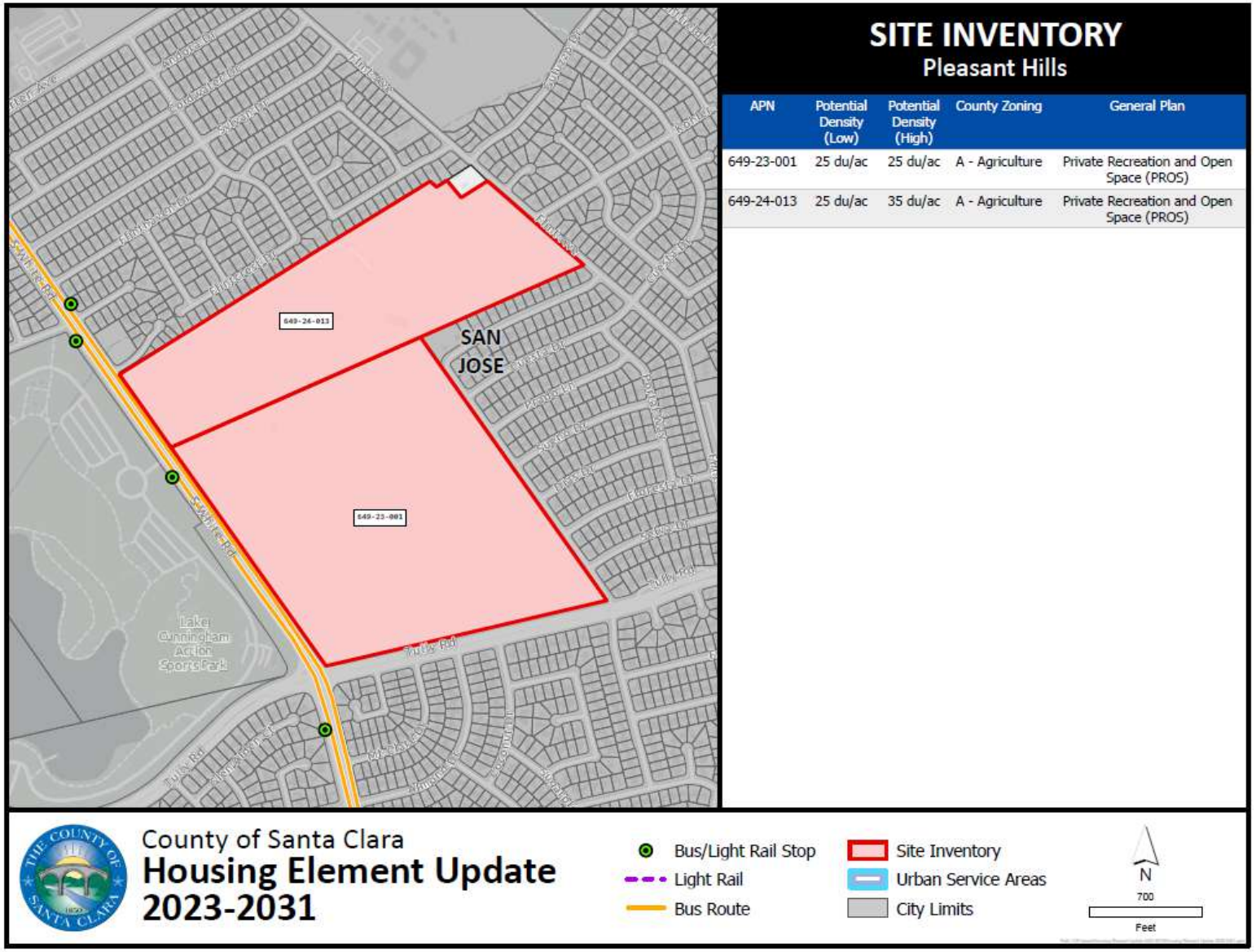


Figure 6

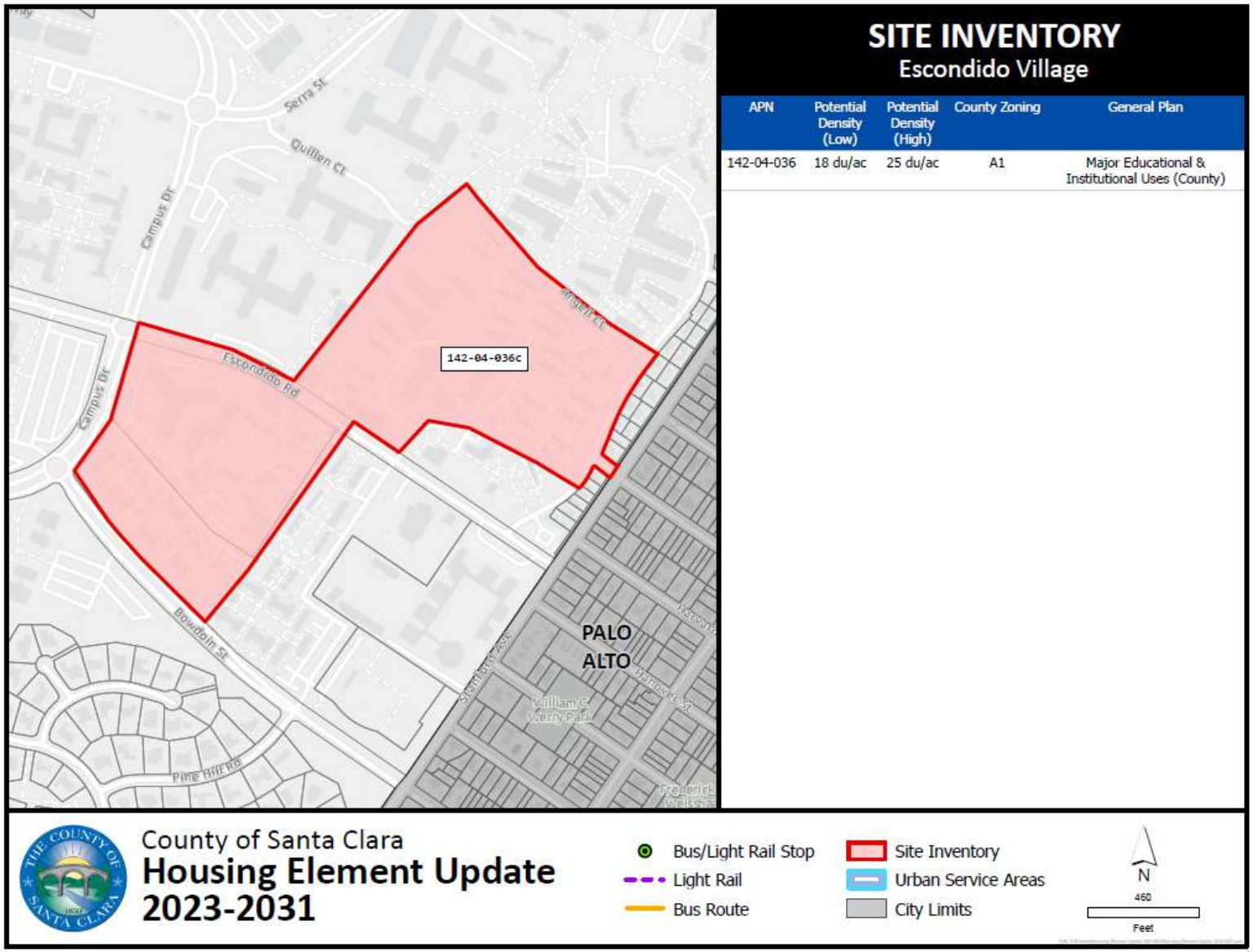


Figure 7

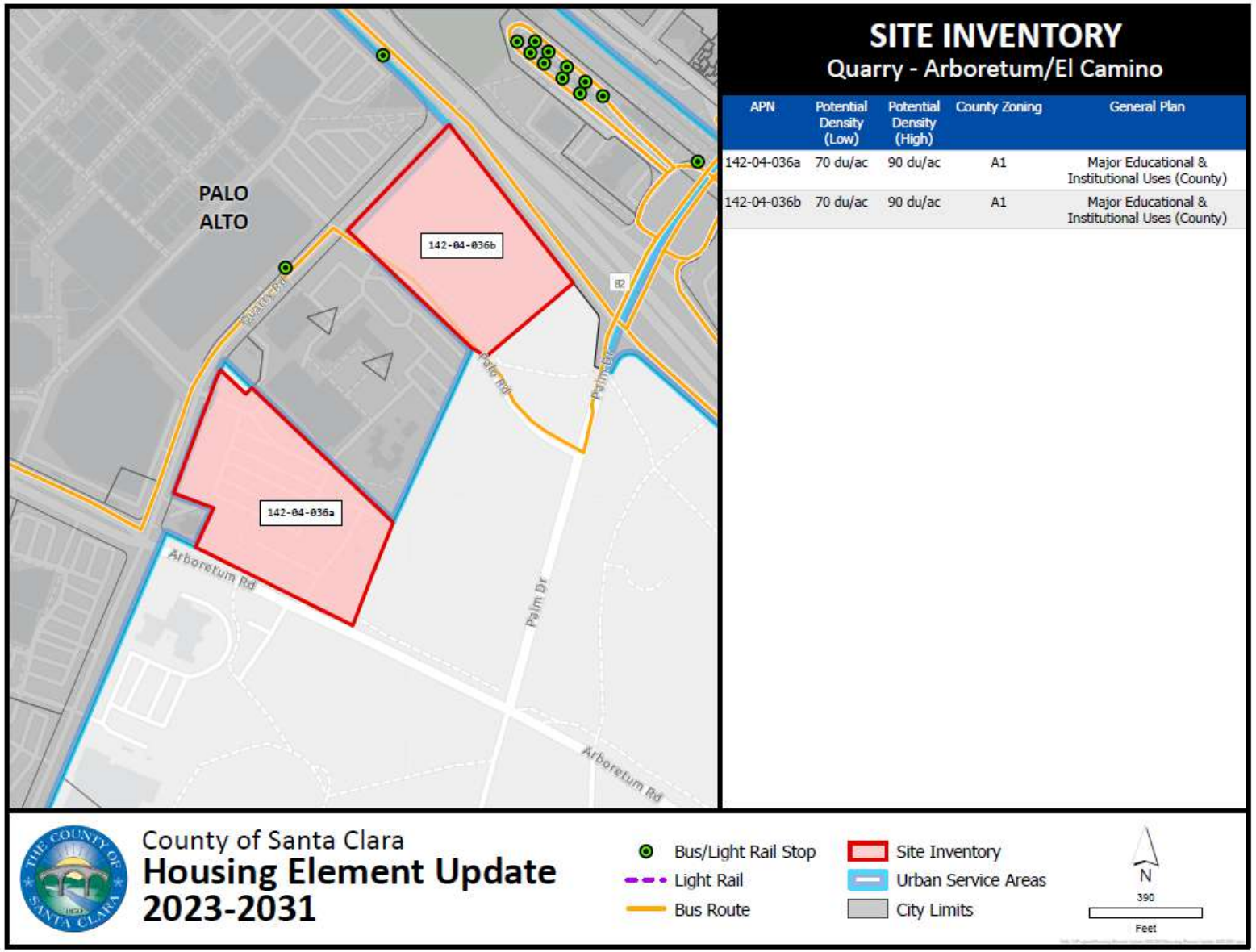


Figure 8

NATIVE AMERICAN HERITAGE COMMISSION

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

August 24, 2022

Bharat Singh
County of Santa Clara
70 West Hedding St., 7th Floor, East Wing
San Jose, CA 95110

Re: 2022080196, County of Santa Clara 6th Cycle Housing Element Update & Stanford Community Plan Update Project, Santa Clara County

Dear Bharat Singh:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

Luke Evans

From: Singh, Bharat <bharat.singh@pln.sccgov.org>
Sent: Tuesday, August 16, 2022 11:52 AM
To: Farr, Jeremy
Cc: Gibson, Kelly; Negrete, Valerie; Tran, Lara; Luke Evans
Subject: RE: HEU: County of Santa Clara Housing Element Update - CEQA Notice of Preparation

Hi Jeremy,

Thank you for your email. Transportation and accessibility has been a concern brought up by a few stakeholders. We have utilized public transit as a factor in selecting sites, but it may also be helpful to understand how the Countywide Trails Master Plan would provide greater access to amenities.

Best,

Bharat

From: Farr, Jeremy <jeremy.farr@PRK.SCCGOV.ORG>
Sent: Tuesday, August 16, 2022 11:03 AM
To: Singh, Bharat <bharat.singh@pln.sccgov.org>
Cc: Gibson, Kelly <kelly.gibson@PRK.SCCGOV.ORG>
Subject: FW: HEU: County of Santa Clara Housing Element Update - CEQA Notice of Preparation

Hi Bharat,

Thank you for including the Parks Department on the Housing Element stakeholder meetings and other outreach efforts. We received the CEQA NOP a couple weeks ago. We don't have any comments but wanted to make you aware of some future trail routes identified in the County's Countywide Trails Master Plan that are near areas of potential growth. Our Associate Planner, Kelly Gibson, did a quick check and identified recreational trails in the email chain below.

If possible, it would be great if we could encourage regional trails, alternative transportation, and recreation as a component of the Housing Element update. Thank you and let me know if you have any questions.

Jeremy Farr, Principal Planner
Santa Clara County Parks
298 Garden Hill Dr., Los Gatos, CA 95032
Office: (408) 355-2360 | Cell: (408) 992-5325

parks for life
SANTA CLARA COUNTY PARKS

From: Gibson, Kelly <kelly.gibson@PRK.SCCGOV.ORG>
Sent: Tuesday, August 9, 2022 10:54 AM
To: Farr, Jeremy <jeremy.farr@PRK.SCCGOV.ORG>
Cc: Brosseau, Kimberly <Kimberly.Brosseau@PRK.SCCGOV.ORG>; Coates-Maldoon, Rebecca <rebecca.coates-maldo@PRK.SCCGOV.ORG>
Subject: RE: HEU: County of Santa Clara Housing Element Update - CEQA Notice of Preparation

I reviewed this project and the 54 parcels considered for housing throughout the County.

1. There are several site locations in unincorporated San Jose that are not adjacent to any CWTMP routes or County Parks.

2. There are three site locations with CWTMP routes adjacent to one or more parcels at the site, but not located near any County Parks.
   - Stanford University: developed O6 (Stanford Perimeter Trail) and undeveloped C1 (San Francisquito Creek/Los Trancos Creek Trail)
   - Gilroy: developed C32/O2 (West Branch Llagas Creek Trail/ West Branch Llagas Creek Trail Extension) and undeveloped O21 (Lions Creek Trail Extension)
   - Morgan Hill: undeveloped C25 (Main Street Trail)

Would you like me to write a comment letter?

Kelly Gibson
Associate Planner
Santa Clara County Parks
298 Garden Hill Drive
Los Gatos, CA 95032
parkhere.org

SANTA CLARA COUNTY PARKS

From: Planning <Planning2@pln.sccgov.org>
Sent: Monday, August 8, 2022 1:00 PM
Subject: HEU: County of Santa Clara Housing Element Update - CEQA Notice of Preparation

County of Santa Clara Housing Element Update

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT & STANFORD COMMUNITY PLAN UPDATE

The County of Santa Clara ("County") will be the Lead Agency and will prepare a program-level Environmental Impact Report (EIR) regarding proposed updates to the County's General Plan, including updates to the General Plan's Housing Element and the Stanford Community Plan (the "Project"). The County requests your input on the scope and content of the environmental information to be included in the EIR that is germane to your agency's statutory responsibilities in connection with the proposed Project. A brief description of the Project, its site boundary, and a summary of the potential environmental effects are provided on the following pages. Approval of the Project will require actions by the County of Santa Clara, including the preparation and certification of an EIR, adoption of a General Plan Amendment, and

adoption of changes to the County's zoning map and zoning ordinance necessary to maintain consistency with the General Plan. The EIR may also be used by your agency.

A Public Scoping/Community Meeting to solicit comments for the Notice of Preparation will be held **virtually via Zoom on August 23, 2022, from 6:30 p.m. to 8:00 p.m**. The zoom link for the meeting is: https://sccgov-org.zoom.us/j/98927011384
The **deadline for your response is September 8, 5:00 p.m**.; however, an earlier response, if possible, would be appreciated.

Please send your response to:
County of Santa Clara Department Planning & Development
Attention: Bharat Singh, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing, San José CA 95110
E-mail: Planning2@pln.sccgov.org

Luke Evans

From: Luke Evans
Sent: Wednesday, August 24, 2022 8:15 PM
To: Luke Evans
Subject: Moore, Vicki 2022-08-24

From: Vicki Moore <vickimoore1345@gmail.com>
Sent: Wednesday, August 24, 2022 3:47 PM
To: Planning <Planning2@pln.sccgov.org>
Subject: [EXTERNAL] Questions and concerns regarding County Housing Element EIR

Dear Bharat,

Thank you for holding the Scoping meeting for the County's HEU EIR.

I have the following questions that I request be addressed as part of the scope of the County's HEU EIR. They related to County General Plan policies and other growth and development policies and practices and the potential to set precedents that have been outside of the scope of County policies for many decades.

1. How can the County provide urban services to the Morgan Hill and Gilroy parcels without changing its longstanding General Plan policy that the County doesn't allow urban development in rural unincorporated areas? The fact that many of the parcels have development on three sides and are within Morgan Hill's urban service area is not a rationale for supporting housing in those lands outside an urban service area. And whether or not the parcels have been actively used for agriculture is also not a rationale.

2. If the urban service area needs to be extended to the Morgan Hill and Gilroy parcels before they can be developed, what's to keep the cities from simply annexing those parcels once they are in their urban service areas? Once the properties are within the cities' USA's, LAFCO approval for their annexation is no longer required. And if they don't annex those parcels, then isn't the County just creating new, very tiny unincorporated islands through its Housing Element Update?

3. Since extension of city USAs to include the Morgan Hill and Gilroy parcels would require LAFCO approval, why would LAFCO ever agree to a policy that might result in creating new unincorporated islands? LAFCO has no particular incentive to do this – and neither the County nor either of the cities can do unilaterally. And, if somehow LAFCO agreed to expand the cities' USA's to include these parcels, there's no reason the cities couldn't just annex the parcels and process whatever development takes place on them through their own development review and approval processes.

4. The County General Plan states that land uses at Stanford are governed by the General Use Permit. Are the three Stanford sites the County lists as candidate RHNA sites consistent with the current General Use Permit? If not, will the GUP need to be amended before Stanford can build them? Or will these sites, if developed with housing, count toward the housing requirements in the next GUP? My understanding is that the General Use Permit (GUP) is the guiding document when it comes to land use policy at Stanford – not the Stanford Community Plan. That would mean that unless the proposed development is in the GUP, it can't take place, regardless of what the Community Plan says.

5. It was stated that the density of development proposed by the County in most of the unincorporated sites within San Jose's USA are mostly consistent with San Jose's General Plans. If the County proposes more than the San Jose General Plan allows, then the County would need to amend that longstanding County General Plan policy. Is that one of the General Plan amendments referred to in the EIR scoping document? Would the County need to adopt exceptions to the General Plan policies for these specific urban unincorporated pockets?

6. Will all of the housing planned for development in urban pockets remain in the unincorporated area? If so, the staff's proposal will perpetuate the existence of unincorporated islands – contrary to longstanding County General Plan policy which calls for these islands to be annexed.

In summary, it's important to know if the proposed development sites can be included in the HEU without upending longstanding County rural area and urban development policies. If this is not the case, then the Planning Commission and the Board needs to understand that there may be a choice of changing long standing General Plan policies or adopting proposals that cannot realistically be implemented.

Thank you for your consideration,

Vicki Moore

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

September 2, 2022

SCH #: 2022080196
GTS #: 04-SCL-2022-01113
GTS ID: 27254
Co/Rt/Pm: SCL/VAR/VAR

Bharat Singh, Principal Planner
County of Santa Clara
70 West Hedding, 7th Floor, East Wing
San Jose, CA 95110

Re: County of Santa Clara 6th Cycle Housing Element Update & Stanford Community Plan Update Notice of Preparation (NOP) for Draft Environmental Impact Report (DEIR)

Dear Bharat Singh:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the County of Santa Clara 6th Cycle Housing Element Update and Stanford Community Plan Update Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the August NOP

Project Understanding
The proposed Project would make updates to the County's General Plan, including updates to the General Plan's Housing Element, the Stanford Community Plan, and other elements as required. The Housing Element Update will address the County's Regional Housing Needs Allocation of 3,125 housing units, plus an appropriate buffer. The DEIR will evaluate the potential environmental impacts of implementing the Housing Element Update and recommend mitigation measures for any significant impact, as required.

Travel Demand Analysis
With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide (*link*). Please note that current and future land use projects proposed near and

adjacent to the State Transportation Network (STN) may be assessed, in part, through the TISG.

Transportation Impact Fees
We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. Caltrans welcomes the opportunity to work with the County and local partners to secure the funding for needed mitigation. Traffic mitigation or cooperative agreements are examples of such measures.

Lead Agency
As the Lead Agency, the County of Santa Clara is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Equitable Access
If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

Sincerely,

Mark Leong

MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

September 7, 2022

Bharat Singh, Principal Planner
County of Santa Clara
County Government Center
70 West Hedding, 7th Floor, East Wing
San José, CA 95110
Planning2@pln.sccgov.org

Subject: County of Santa Clara 6th Cycle Housing Element Update & Stanford Community Plan Update, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2022080196, Santa Clara County

Dear Bharat Singh:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) from the County of Santa Clara (County) for the County of Santa Clara 6th Cycle Housing Element Update & Stanford Community Plan Update (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority (Fish & G. Code, § 1600 et seq.).

PROJECT DESCRIPTION SUMMARY

Proponent: County of Santa Clara

Objective: The Programmatic EIR would update the Housing Element of the General Plan and implement zoning changes.

Location: Unincorporated portions of urban and rural Santa Clara County.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an EIR is appropriate for the Project.

I. Mitigation Measures and Impacts

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT #1: Table 2 Housing Opportunity Sites Inventory

Issue: The NOP does not discuss the likelihood of presence of California Endangered Species Act (CESA) species, including California tiger salamander (CTS, *Ambystoma californiense*, Federal Threatened, State Threatened), within or near the Project area. The California Natural Diversity Database (CNDDB) shows CTS occurrences approximately one mile to the east of the eastern Morgan Hill Project site and ponds (potential breeding habitat) are located near the CTS occurrences approximately one mile to the west of the Gilroy Project site (CDFW 2022).

Specific impact: Direct mortality of CTS by crushing of burrows during construction and loss of CTS habitat.

Why impact would occur: Implementation of the Project could include construction of housing, parking lots, roads, and related structures.

Evidence impact would be significant: CTS is listed under CESA and the federal Endangered Species Act (CEQA Guidelines, §15380, subds. (c)(1) and (c)(2)). CTS are known to be able to travel 1.3 miles from upland habitat to breeding ponds (USFWS 2004).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Mitigation Measure #1: Santa Clara Valley Habitat Plan Compliance

CTS is a covered species under the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (SCVHP). For activities that can be covered by the SCVHP, the draft EIR should describe CTS habitat expected to be impacted within the Project area (based on land cover types described in the SCVHP). The draft EIR should analyze all potential impacts to CTS aquatic and terrestrial habitat and include SCVHP conditions to be followed for coverage of the Project under the SCVHP.

Mitigation Measure #2: Habitat Assessment

For Project activities that will not be covered by the SCVHP, a qualified biologist should conduct a habitat assessment in advance of Project implementation to determine if the Project site or surrounding lands contain suitable habitat for CTS. The habitat assessment should include both suitable aquatic and terrestrial habitat within a CTS dispersal distance of 1.3 miles from the Project site. The assessment should evaluate the potential for CTS to disperse into the Project area and presence of any partial or full barriers that may restrict or impede CTS movements.

Mitigation Measure #3: Take Authorization

If CTS may be present at a Project site within dispersal distance of a known or suitable breeding pond, and full avoidance of take is not feasible, the Project proponent should apply to CDFW for take authorization through issuance of an Incidental Take Permit (ITP).

COMMENT #2: Table 2 Housing Opportunity Sites Inventory

Issue: In review of Google Earth aerials, the Project area includes woodland habitat, grassland, parks and urban areas with trees and shrubs. However, the NOP does not discuss potential impacts to biological resources, such as nesting birds.

Specific impact: Direct mortality, nest abandonment, reduced reproductive success, and loss or reduced health or vigor of eggs or young.

Why impact would occur: Construction may result in loss of nesting habitat. The Project may also include impacts such as noise, groundwork, and movement of workers adjacent to nesting habitat that may potentially significantly impact nesting birds.

Evidence impact would be significant: Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the Migratory Bird Treaty Act is a violation of Fish and Game Code (§ 3503, 3503.5, 3513).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Mitigation Measure #1: Nesting Bird Surveys

If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct a minimum of two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Nest surveys shall include all potential nesting areas including, but not limited to, trees, shrubs, and grassland. However, species-specific survey protocols may be available and should be followed. Appropriate minimum survey radii surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys shall be conducted at the appropriate times of day and during appropriate nesting times.

Mitigation Measure #2: Active Nest Buffers

If the qualified biologist documents active nests within the Project area or in nearby surrounding areas, an appropriate buffer between the nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of the nest to characterize “normal” bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT #3: Table 2 Housing Opportunity Sites Inventory

Issue: A drainage channel, a tributary to LLagas Creek, is present within and adjacent to the Gilroy Project area. However, the NOP does not discuss Project activities that may result in temporary and/or permanent impacts to the drainage channel.

Specific impact: Diversion or obstruction of natural flows; substantial change or use of material from the bed, bank, or channel; and deposition of debris, waste, sediment, or other materials.

Why impact would occur: Implementation of the Project could include construction of housing, parking lots, roads, utilities, and related infrastructure within or across the drainage channel. Construction adjacent to the drainage channel may result in direct and/or indirect impacts to the channel and alter hydrology through diversion of water.

Evidence impact is potentially significant: Substantial diversion or obstruction of natural flow, change in stream bed or bank, or deposit of debris into streams without necessary permitting would be a violation under Fish and Game Code §1602.

Recommended Potentially Feasible Mitigation Measures:

Mitigation Measure #1: Wetland Delineation

A formal wetland delineation should be conducted by a qualified biologist prior to Project construction to determine the extent of wetlands present within the Project area. Please note that, while there is overlap, State and federal definitions of wetlands, as well as which activities require Notification pursuant to Fish and Game Code § 1602, differ, therefore, the delineation should identify which activities may require Notification to comply with Fish and Game Code (§ 1602).

Mitigation Measure #2: Notification of Lake or Streambed Alteration

Fish and Game Code §1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake: (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. Project construction activities may necessitate that the Project proponent submit an LSA Notification to CDFW. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. Additional information can be found at https://www.wildlife.ca.gov/Conservation/LSA.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kristin Garrison, Environmental Scientist, at (707) 944-5534 or Kristin.Garrison@wildlife.ca.gov; or Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 339-0334 or Brenda.Blinn@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento

REFERENCES

California Department of Fish and Wildlife (CDFW). 2022. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed September 26, 2020.

U.S. Fish and Wildlife Service. 2004. Determination of threatened status for the California tiger salamander; and special rule exemption for existing routine ranching activities; Final Rule. Federal Register, Vol. 69:47212-47248.

Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Jared Blumenfeld
Secretary for
Environmental Protection

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

September 7, 2022

Mr. Bharat Singh
County of Santa Clara
County Government Center
70 West Hedding Street, 7th Floor, East Wing
San Jose, CA 95110
Planning2@pln.sccgov.org

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT & STANFORD COMMUNITY PLAN UPDATE – DATED AUGUST 8, 2022 (STATE CLEARINGHOUSE NUMBER: 2022080196)

Dear Mr. Singh:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of an Environmental Impact Report (EIR) for the County of Santa Clara 6th Cycle Housing Element Update & Stanford Community Plan Update (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the EIR:

1. Environmental Impact Reports for housing element updates and other regional projects often reference the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous materials will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the EIR address actions to be taken for any sites impacted by hazardous waste or hazardous materials within the Project area, not just those

found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities and sites in order to determine a comprehensive listing of all sites impacted by hazardous waste or hazardous materials within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's EnviroStor data management system. The EnviroStor Map feature can be used to locate hazardous waste facilities and sites for a county, city, or a specific address. A search within EnviroStor indicates that numerous hazardous waste facilities and sites are present within Santa Clara County.

2. A State of California environmental regulatory agency such as DTSC or Regional Water Quality Control Board (RWQCB), or a qualified local agency that meets the requirements of Assembly Bill 304 (AB304) should provide regulatory concurrence that any of the sites proposed for housing are safe for construction and the proposed use.

3. The EIR should acknowledge the potential for historic and future activities on or near the proposed housing sites to have resulted in the release of hazardous wastes/substances and are documented on DTSC's Envirostor and the RWQCB's Geotracker databases. The EIR should identify other past and future activities, including past agricultural practices and removal of existing structures, that could potentially result in the release of hazardous wastes/substances. In instances in which releases have occurred or may occur, at sites not already overseen by DTSC, RWQCB, or other AB304 approved agencies, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

4. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

5. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers*.

6. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material*.

7. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)*.

DTSC appreciates the opportunity to comment on the EIR. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's Site Mitigation and Restoration Program page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at DTSC's Brownfield website.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

CITY OF MORGAN HILL

DEVELOPMENT SERVICES CENTER

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

September 8, 2022

County of Santa Clara Planning Office
Attention: Bharat Singh, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing,
San José CA 95110

Subject: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT & STANFORD COMMUNITY PLAN UPDATE

Dear Mr. Singh:

Thank you for the opportunity to review and comment on the Notice of Preparation of an Environmental Impact Report for the County of Santa Clara Housing Element and Stanford Community Plan Update. As a responsible agency, the City of Morgan Hill looks forward to working with the County on this project. As part of the response to the NOP, the City would like to request certain issues be reviewed and analyzed as part of the EIR.

This project includes analysis of 14 potential sites immediately adjacent to Morgan Hill City limits and within the City's sphere of influence. These 14 potential sites are also outside of the Urban Service Area and are not currently served by municipal water and sewer. The density and unit estimates included in Table 2 – Housing Opportunity Sites Inventory estimates 385-685 units could be accommodated on the 14 sites. With the focus on farmworker housing in this area, affordable projects will be using density bonus, and the overall unit numbers could be as high was 80% above estimates. The EIR should take into consideration availability of density bonus and account for the impacts of those additional units. Affordable housing projects within the City of Morgan Hill are regularly using density bonus to increase density and we expect to continue to see this trend in the future.

Given these properties are outside the USA and could potentially contain more than 1,000 units, the EIR should analyze whether there will be water and sewer capacity to serve the proposed sites in the future. The City recently provided the Housing Element team with a list of the City's pipeline housing projects for inclusion in the cumulative analysis. City infrastructure plans, namely water and sewer, can be found on the City website here: https://www.morgan-hill.ca.gov/1646/Infrastructure-Master-Plans. The City's General Plan can be found here: https://www.morgan-hill.ca.gov/75/General-Plan

If you have any questions regarding the comments, please contact me at (408)310-4657 or by email at jennifer.carman@morganhill.ca.gov.

Sincerely,

Jennifer Carman
Development Services Director

SANTA CLARA LAFCO

Local Agency Formation Commission of Santa Clara County
777 North First Street
Suite 410
San Jose, CA 95112
SantaClaraLAFCO.org

September 8, 2022 **VIA E-MAIL** [Planning2@pln.sccgov.org]

Bharat Singh, Principal Planner
County of Santa Clara, Planning Office
County Government Center
70 West Hedding Street, 7th Floor, East Wing
San Jose, CA 95110

RE: Notice of Preparation of an Environmental Impact Report for the County of Santa Clara Housing Element & Stanford Community Plan Update

Dear Mr. Singh:

Thank you for sending the Local Agency Formation Commission of Santa Clara County (LAFCO) a copy of the Notice of Preparation (NOP) of an Environmental Impact Report for the County of Santa Clara Housing Element & Stanford Community Plan Update via email on August 8, 2022 and for providing us with an opportunity to comment on the NOP. As generally described in the NOP, the project would make updates to the County's General Plan, including updates to the General Plan's Housing Element, the Stanford Community Plan, and amendments to other elements of the General Plan. More specifically:

The Housing Element Update would identify sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State law. The County also proposes to create affordable housing and farmworker housing overlay zones based on the identification of High Opportunity Areas (for affordable housing), and access to amenities and services (for farmworker housing), which would facilitate more streamlined approval for such projects. Several updates to the Stanford Community Plan are also proposed.

And a number of amendments to other elements of the General Plan would be required to fully conform those elements to changes made in the Housing Element and Stanford Community Plan Update. The County would amend its Land Use Element and General Plan Land Use Designations map as needed to reflect the Housing Sites Inventory and would make any corresponding changes to other elements of the General Plan needed to ensure internal consistency within the General Plan as a whole, including the updated Housing Element.

LAFCO offers the following comments for the County's consideration:

Project Description Concerns

The project description in the NOP is inaccurate. As described, the proposed project is inconsistent with the long-standing fundamental growth management policies (Countywide Urban Development Policies) adopted jointly by LAFCO, the County, and the 15 Cities and presents foreseeable difficulties in implementation, such as the provision of urban services in rural areas (i.e. water, sewer, police, fire, emergency medical response, stormwater, etc.). Please see **Attachment A** for the Countywide Urban Development Policies (affirmed by Santa Clara LAFCO on April 6, 2022).

Furthermore, the project description is very general in nature and does not describe the challenges and obstacles to what the County is proposing.

The NOP includes information that is inaccurate. For example, the NOP (page 5, 2nd paragraph) states that "The HEU would perpetuate the County's fundamental policies regarding growth management and the accommodation of urban development within cities' urban service area (i.e. areas planned for urbanization)." However, the NOP (page 5, 4th paragraph) then states that "the County is considering using a limited number of sites within rural areas…" As is known, these rural areas are located outside of cities' urban service areas (i.e. not planned for urbanization and not approved for annexation to a city). Therefore, the County's proposed project (Housing Element Update and associated actions) would not perpetuate the County's fundamental policies regarding growth management and do the exact opposite in terms of promoting urban development in these rural areas. This inaccuracy could result in unintentionally misleading the reader.

The impact of the County abandoning these long-standing fundamental policies should be thoroughly analyzed in the EIR. Such an analysis would lay out a number of difficulties (absent or inadequate urban services, infrastructure and public facilities, etc.) and adverse environmental impacts (loss of or risk to farmlands and open space, increase in GHG emissions, promotion of urban sprawl, etc.).

Buffer

Please clarify how much buffer the County is planning to provide in terms of its housing element inventory. It is our understanding that the State Department of Housing and Community Development (HCD) recommends that jurisdictions create a buffer of at least 15 to 30 precent.

Proposed Changes to County Zoning Designations and General Plan Designations

Please clarify whether the County is proposing to change the Zoning designation and General Plan designation for each Housing Opportunity Site. If so, please explain what specific changes are being proposed and for which specific sites, what the anticipated net effect would be in terms of number of units of housing; and identify and analyze the resultant environmental impacts.

Proposed Text Changes to General Plan and Zoning Ordinance

Please identify the specific changes (texts that will be revised, removed, or added) that the County proposes to make to the County's General Plan and County's Zoning Ordinance.

Maps & Tables of Proposed Housing Opportunities Sites

Please include city urban service area boundaries on all maps showing the identified Housing Opportunity Site Maps.

Please provide more detailed maps (at a larger scale) of all proposed Housing Opportunity Sites, showing current city boundaries (city limits and city urban service areas) in the vicinity of the site(s).

When providing tables identifying the proposed Housing Opportunity Sites, please include a column indicating whether the site is located inside or outside of a city urban service area. Furthermore, please include a column that includes information that allows the reader to cross reference a specific proposed housing opportunity site with a specific site on a map. The inclusion of the abovementioned information would assist readers in understanding the specific sites that the County has identified.

Identification of Responsible Agencies

Please clarify if LAFCO is a Responsible Agency as it relates to the EIR. If so, please indicate the types of LAFCO approvals that the County anticipates seeking. We also suggest that an additional section be included in the Draft EIR briefly identifying all Responsible Agencies for the EIR and providing brief information on the types of approvals or permits that the County anticipates seeking from the identified agencies.

Please also clarify whether the County anticipates tiering from the EIR for potential projects that require LAFCO approval and whether the County anticipates other jurisdictions tiering from the EIR for potential projects that require LAFCO approval.

Project Alternatives

Several of the parcels identified in Table 2 – Housing Opportunity Sites Inventory are located outside of City Urban Services Areas [i.e. parcels identified as Rural (Gilroy) and Rural (Morgan Hill)]. We request that the County evaluate a project alternative that plans for anticipated future growth solely within existing cities' Urban Service Areas. It is important that County thoroughly consider and analyze this alternative, as it is the only alternative that is consistent with the long-standing jointly adopted Countywide Urban Development Policies, County General Plan, and the goals of Plan Bay Area 2050; and would help to minimize climate change risks.

The County has identified a limited number of Housing Opportunity Sites within San Jose's urban service area. Given the large amount of land located within San Jose's urban service area, it is unclear why the County has not identified more housing

opportunity sites within San Jose's urban service area. Please explain how these sites were selected and why other sites were not.

In order to meet their Housing Element Update goals, the County should pursue strategies to increase the efficient use of sites within cities' Urban Service Areas, which would be consistent with County General Plan Policies, the Countywide Urban Development Policies, and Plan Bay Area goals, and would result in less significant environmental impacts.

Conclusion

We support the goal of developing more housing in Santa Clara County and encourage the County to locate housing development on lands that are already within cities' Urban Services Areas so that these lands can be annexed and effectively be served by cities. We have shared this information with County staff in prior discussions and correspondence over the last several months.

We respectfully request that the County consider the comments presented in this letter. If you have any questions regarding this letter, please contact Dunia Noel, at (408) 993-4704. Thank you again for providing us with this opportunity.

Sincerely,

Neelima Palacherla
LAFCO Executive Officer

Cc: LAFCO Members
Jacqueline Onciano, Director, Santa Clara County Dept. of Planning & Development

Enclosure:
Attachment A: Countywide Urban Development Policies

COUNTYWIDE URBAN DEVELOPMENT POLICIES

1.1 INTRODUCTION

In the early 1970s, LAFCO, the County, and the 15 cities adopted[1] a set of fundamental growth management policies known as the Countywide Urban Development Policies (CUDPs). This pioneering and cooperative effort to guide future growth and development in Santa Clara County established jurisdictional roles, responsibilities, and regulatory systems for the timing and location of urban development. Its most central policy required urban growth and development to be located within cities and for unincorporated lands outside cities to remain rural.

Today, the CUDPs remain the foundation of all LAFCO policies, and of the cities' and County general plans. Furthermore, they serve as a living example of how collaboration between LAFCO, the County, and the cities, built on sound planning and growth management principles, help to discourage urban sprawl, preserve agricultural and open space lands, and promote efficient urban services delivery.

In the years immediately following their adoption, the CUDPs were documented in various adopted plans. These included the County's 1973 Urban Development/Open Space Plan, a countywide element of its general plan, and various general plans of the cities. The CUDPs formed the fundamental basis for the County's first consolidated 1980 County General Plan, and today, these policies are carried forward in the current Santa Clara County General Plan, the Envision San Jose 2040 General Plan, and are reflected in portions of most other cities' general plans.

These fundamental policies were incorporated and interwoven into various LAFCO policies over the years, forming an inseparable part of LAFCO law and policy for Santa Clara County. Given their long-term significance and ongoing applicability to planning and decision making in the future, this chapter provides an authoritative definition of the oft-referenced CUDPs, and comprehensively documents their history and their ongoing beneficial impacts.

1.2 HISTORY

When LAFCO was created in 1963, Santa Clara County was experiencing dramatic growth in population and economic development; however, it lacked a system to plan for the needs of the rapidly growing population and to manage the unbridled competition between the cities and County for territory and tax base. Annexation wars raged as cities competed with each other for land to meet growth needs exclusively by means of expansion, while the County, which still had a major percentage of the territorial jurisdiction of the North Valley, also allowed subdivisions and commercial development wherever possible. Cities

[1] LAFCO adopted the CUDPs on December 1, 1971; the County Board of Supervisors adopted them on January 12, 1972; and the cities adopted them between December 1971 and April 1972.

leapfrogged over undeveloped lands and annexed long, narrow strips of land along public roads in order to annex farmlands whose owners were seeking to develop.

This period of the county's history caused significant jurisdictional fragmentation and transformed the natural landscape. Some cities pursued defensive annexations in order to block other cities from annexing lands in their vicinity. Seeking to avoid annexation by nearby cities, many landowners and residents incorporated as new cities. In the decade leading up to 1963, seven new cities were formed, and by 1963 there were 63 special districts in existence (not including school districts). The proliferation of special districts provided specialized municipal services (e.g. sewer/sanitation, water, fire protection) to new urban development, with resultant fragmentation and duplication of utilities and urban services.

This disorderly, unmanaged growth also resulted in rapid conversion of productive farmland to urban and suburban land uses, and by the early 1960s much of the farmland in the northern part of the county was urbanized. The county once known as the "Valley of Heart's Delight," with fruit orchards and farms spanning the valley floor, could best be described as a sprawling patchwork of development, with fragmented services and illogical jurisdictional boundaries that were difficult and costly to serve.

As the economic and environmental costs of sprawl began to be better understood, a cooperative, solution-oriented approach was sought. LAFCO took the lead, and in 1967 adopted "boundary agreement lines" that served as a "cease fire" solution to the annexation wars. These boundary agreement lines, (originally called Spheres of Influence) as agreed to by the cities, divided the entire county into 15 separate areas and defined which lands could potentially be annexed into each of the cities. These agreements, now superseded by the function of Urban Service Areas (USA) and Spheres of Influence, provided a stable foundation for LAFCO, the 15 cities and the County to then discuss how to manage urban development in the county for the long term. Those discussions soon led to the development of a countywide policy framework through an unprecedented system of intergovernmental planning and cooperation, when LAFCO, the County and the 15 cities jointly adopted the Countywide Urban Development Policies.

1.3 COUNTYWIDE URBAN DEVELOPMENT POLICIES

The intent of adopting the CUDPs was for LAFCO, the County, and cities to establish a mutually agreed upon and long-term system to sustainably manage growth on a countywide basis. The CUDPs identify the distinct roles and expectations regarding the service responsibilities of the cities versus the county. They allow for urbanization in a manner that will accommodate the development goals of individual communities while conserving the natural resources of the county as a whole. They promote efficient and effective delivery of community services for existing and future residents/taxpayers, and they provide a stable and predictable foundation that allows for cooperative intergovernmental relations.

In brief, the fundamental CUDPs are stated as follows:

1. Urban development should occur, and urban services should be provided only on lands annexed to cities – and not within unincorporated areas, urban or rural.
2. Urban expansion should occur in an orderly, and planned manner – with cities responsible for planning and providing services to urban development within

explicitly adopted Urban Service Areas (USA) whose location and expansion is subject to LAFCO approval authority.

3. Urban unincorporated islands within USAs should eventually be annexed into their surrounding cities, so that cities have the responsibility for urban services and land use authority over all lands within their USA boundaries.

1.4 IMPLEMENTATION OF THE COUNTYWIDE URBAN DEVELOPMENT POLICIES

The CUDPs established important mutual commitments between the County and the 15 cities regarding timing and location of urban development. Implementation of these policies occurred by means of an evolving collaborative partnership between cities, the County, and LAFCO.

The **County** agreed to no longer compete with the cities for new urban development and undertook a series of actions to fulfill its commitment to the CUDPs. For lands outside city USAs, the County adopted its 1980 General Plan with land use plan designations and zoning districts that significantly limited allowable uses and densities of development, typically with minimum lot sizes of 20 acres per parcel up to 160 acres per parcel.

For lands within USAs, as early as in 1975, the County approved ordinances and adopted referral procedures that provided the opportunity for a city to annex lands within unincorporated islands as a pre-requisite to proposed new urban development. The County also amended its development ordinances and policies to require that discretionary land use approvals such as subdivisions, zone changes, and use permits within city USAs conform to the general plans of the cities.

The **cities** assumed full responsibility to plan for and accommodate needed urban growth and prepared USA maps identifying lands they intended to annex in order to develop and provide urban services within 5 years. The cities submitted their proposed USA boundaries to LAFCO for approval and committed to annex lands within the USA, including unincorporated islands, which were generally the result of past annexation practices and the annexation wars.

LAFCO conducted hearings and adopted the USA boundaries for each of the 15 cities on the following dates.

Campbell	November 1, 1972
Cupertino	March 4, 1973
Gilroy	December 6, 1972
Los Altos	June 6, 1973
Los Altos Hills	January 3, 1973
Los Gatos	April 4, 1973
Milpitas	December 6, 1972
Monte Sereno	December 6, 1972
Morgan Hill	October 4, 1972
Mountain View	February 7, 1973
Palo Alto	April 4, 1973

San Jose	October 4, 1972
Santa Clara	November 1, 1972
Saratoga	March 4, 1973
Sunnyvale	December 6, 1972

LAFCO then became responsible for decision-making regarding future modifications to the cities' USA boundaries, in order to achieve the mutual goals that these policies established, such as agricultural land preservation, hillside preservation, and orderly, efficient and sustainable growth patterns. LAFCO's role in this regard is unique to Santa Clara County and is codified in state law.

From their inception to today, the CUDPs are essential and integral to all other LAFCO goals and policies. Therefore, LAFCO formally recognizes and affirms the CUDPs as the foundation of land use planning in Santa Clara County and all related policy and decision-making.

1.5 LASTING BENEFITS OF THE COUNTYWIDE URBAN DEVELOPMENT POLICIES

Collaborative implementation of and steadfast commitment to these policies have made Santa Clara County a much more livable, sustainable place than it would otherwise have become. The CUDPs and their systematic approach to managing urban growth have benefited the county as a whole and all its residents in multiple and mutually-reinforcing ways to promote:

- **Sustainable Growth:** ensuring sustainability and livability of communities by ensuring quality of life is not sacrificed to disorderly growth;
- **Fiscal Responsibility and Resiliency:** minimizing costs to taxpayers for public infrastructure and services through compact growth;
- **Environmental Stewardship:** safeguarding air and water quality, wildlife habitat, and water supply reservoir watersheds, and preventing loss of public open space assets critical to ecological balance;
- **Affordable and Responsibly-Located Housing:** promoting complete and efficient use of existing urbanized lands within cities, building within rather than outward, resulting in more cost efficient housing opportunities close to transit and services;
- **Transportation Options:** reducing sprawl and promoting compact development to reduce traffic demand generated by outward growth, emissions and pollution from vehicles, reduce longer commute distances, and encouraging urban densities supportive of transit solutions;
- **Open Space and Farmland Preservation:** protecting open space, parklands, hillsides and farmlands from premature and/or unwarranted development.

Taken together, all of these beneficial outcomes are part of the future-oriented approach recognized as being necessary to address the potentially disastrous effects of increasing greenhouse gas emissions and climate change.

For example, the CUDP's framework focuses urban development within cities, while preserving non-urban, open space areas such as the mountains that ring the north and

south valley, as well as the remaining agricultural lands outside cities. In the last few decades, many cities' policies have evolved to accommodate tens of thousands in population growth within their existing boundaries rather than covering vast areas of land with low density sprawl. As a result, even with substantial growth in the county's population and economy since the CUDPs were adopted, the county's urban footprint has remained largely unchanged.

The CUDPs have been critical to the county's ability to protect and preserve open space. Only 23% of the county's total land area is within cities' USAs, while accounting for an overwhelming majority (95%) of the county's 2 million residents. This growth pattern has allowed open space districts and conservation agencies to better protect open space lands outside the urbanized areas. Nearly 30% of the county's land area is now comprised of protected open space lands or land that is under conservation easements.

Implementing the CUDPs has significantly contributed to fiscal efficiency and cost savings to taxpayers. Over the years, LAFCO, the cities, and the County have facilitated the annexation of hundreds of unincorporated islands to their surrounding cities. Today there are far fewer islands and far fewer special districts providing services, reducing the inefficiencies of fragmented service and land use responsibilities, and resulting in more efficient delivery of public services at lower costs to taxpayers.

Furthermore, the CUDPs form the foundation of the plans and functions of many local and regional agencies working to create sustainable communities and landscapes. For example, the CUDP concepts continue to inform countywide climate resiliency and sustainability planning, as well as the work of the following:

- the land acquisition and preservation strategies of many agencies involved in open space and farmland preservation, such as the Santa Clara Valley Open Space Authority, Midpeninsula Regional Open Space District, Peninsula Open Space Trust, and others;
- the transportation planning and investment strategies of the Metropolitan Transportation Commission and the County's Valley Transportation Authority;
- the regional housing needs allocations made by the Association of Bay Area Governments;
- the Santa Clara Valley Water District's water supply planning; and
- the work of many non-profit organizations to promote social equity, affordable housing, and environmental justice.

When created nearly five decades ago, Santa Clara County's growth management system was recognized widely as a national pioneer and paradigm of cooperative regional planning for growth management, and its policies and successes have been adopted elsewhere with local variations. Today, the CUDP's systematic planning principles are crucial to and consistent with climate-smart growth policy and climate resiliency concepts that have taken shape in the last 20 to 30 years. They form the critical foundation of most regional planning and decision-making in Santa Clara County, not just for today but into the foreseeable future, as originally intended.

September 8, 2022

Bharat Singh, Principal Planner
County of Santa Clara Planning Office
70 West Hedding, 7th Floor, East Wing
San José CA 95110

SENT VIA E-MAIL TO: Planning2@pln.sccgov.org

Subject: **Notice of Preparation of an Environmental Impact Report for County of Santa Clara Housing Element Update & Stanford Community Plan Update (2023-2031)**

Dear Mr. Singh:

On behalf of the Midpeninsula Regional Open Space District (Midpen) and the Santa Clara Valley Open Space Authority (Open Space Authority), two public, independent special districts, we respectfully submit the following comments regarding the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the County of Santa Clara's Housing Element Update & Stanford Community Plan Update (2023-2031).

Comprised of over 65,000 acres of acquired and protected open space on the San Francisco Peninsula, Midpen is one of the largest regional open space districts in California. Our braided mission is to acquire and preserve in perpetuity open space and agricultural land of regional significance, to protect and restore the natural environment, to preserve rural character and encourage viable agricultural use of land resources, and to provide opportunities for ecologically sensitive public enjoyment and education.

The Open Space Authority was created by the California State Legislature in 1993 to conserve the natural environment, support agriculture, and connect people to nature by protecting open spaces, natural areas, and working farms and ranches for future generations. The Open Space Authority also recognizes and supports addressing the community's need for more accessible and affordable housing. On May 27, 2021, the Open Space Authority Board of Directors approved a resolution "Recognizing the Intersection of Environmental and Social Equity as it Relates to Housing and Climate Change in Honor of May as Affordable Housing Month"; through this action, the agency reaffirmed its responsibility and commitment to working towards multi-benefit solutions that recognize the interconnectedness of the environmental, economic, social, and health challenges that our community faces.

In accordance with the Metropolitan Planning Commission's adopted Plan Bay Area 2050, per SB 375 (2008, Steinberg), the region's goal is to reduce greenhouse gas emissions by focusing housing near jobs and transit. At the same time, the 6th cycle of the Regional Housing Needs Allocation (RHNA) has resulted in an increase of over 1,000% in the County's allocation from the

last RHNA cycle. We understand the County's challenge in addressing the RHNA housing allocation of 3,125 units while remaining consistent with County General Plan policies to curtail sprawl by implementing strategies to encourage infill construction within the existing urban footprint of our communities.

Along with other open space conservation and environmental organizations, Midpen and the Open Space Authority have been following the RHNA and Housing Element Update (HEU) processes and appreciated the County of Santa Clara's 2021 appeal to the Association of Bay Area Governments (ABAG) regarding the County's allocation of 3,125 housing units for the 6th RHNA cycle. Both of our agencies actively advocated against such a dramatic increase for the County of Santa Clara specifically because the allocation would put pressure on the conversion of natural and working lands, which are vital resources that the County has for decades responsibly protected. As stated in the July 9, 2021 appeal letter to ABAG (see attached), the County emphasizes how, "[t]he allocation ignores several ground realities and material limitations, coupled with longstanding County General Plan policies that focus growth within urban areas to combat sprawl and preserve farmlands within unincorporated areas." In addition, the County's appeal letter further states how "the County further recognizes that implementation of State Department of Housing and Community Development (HCD)'s allocation could catalyze greenfield development, not just in the unincorporated county but throughout the nine county Bay Area region, and this type of development pattern is contrary to the efforts being made throughout the Bay Area to reduce vehicle miles traveled (VMT) and create sustainable and resilient communities." As regional public open space districts, Midpen and the Open Space Authority applaud the County's firm position on upholding the General Plan policies for protecting open space and working lands within the rural unincorporated areas of Santa Clara County.

Furthermore, Midpen and the Open Space Authority agree with the County's appeal justification that ABAG did not comply with the RHNA objectives identified in Government Code Section 65584(d), which specifies that a RHNA plan must further all five statutory objectives outlined in said government code, including: *(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

As regional open space agencies, Midpen and the Open Space Authority urge the County to continue its environmental leadership by upholding its long-standing General Plan policies that promote compact development in urban areas and preserve environmental and agricultural resources. The County has previously emphasized in their appeal letter to ABAG to "…stop the expansion of the Urban Service Areas (USAs) by cities and to keep the unincorporated county lands rural"; this complies with the fundamental tenants of its General Plan.

Our NOP comments are focused on the following environmental issues/technical sections that should be addressed in the EIR: (a) Agricultural and Forestry Resources (b) Land Use and Planning, (c) Public Services and Recreation and (d) EIR Alternatives to be further analyzed.

Agricultural and Forestry Resources

Based on the Housing Opportunities Site Inventory in Table 2 of the NOP, the HEU proposes 34 parcels and approximately 136.3 acres of zoned agricultural lands with General Plan designations of Open Space Reserve, Agriculture Medium Scale or Agriculture Large Scale as potential housing sites (see Table 1 below).

The Open Space Authority, through its wildlife research over many years, has identified that these agricultural lands (working lands) also serve as vital habitat for local wildlife and often provide critical habitat linkages for the Bay Area region as a means to promote genetic diversity and climate change resilience for wildlife populations, including mountain lions – a special status species. The conversion of these agricultural lands also results in loss of habitat lands and connectivity. Cumulatively, the loss of these agricultural lands and resources is a significant impact and will need mitigation measures in the EIR. However, the conversion could be all together avoided if other alternatives are pursued. Given the state of climate change and the threats to local wildlife and listed species, avoiding the loss of additional habitats and wildlife connectivity need to be prioritized.

Table 1. Summary of Agricultural-zoned lands for potential housing

Number of parcels	Acreage	Jurisdiction (rural area)	Existing Zoning	Existing General Plan Designation
18	60.1 ac.	Gilroy (rural area)	Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
13	46.7 ac.	Morgan Hill (rural area)	Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
1	14.2 ac.	Morgan Hill (rural area)	Agriculture	Agriculture Large Scale (County)
2	15.3 ac.	San Jose (urban area)	Agriculture	13-acres of Neighborhood/Community Commercial (San Jose); 2.3-acres of Neighborhood/Community Commercial (San Jose) Unplanned Urban Village
34	**136.3 acres**	**Total**	-	-

Midpen and the Open Space Authority urge reconsideration of these proposed agricultural/ open space land conversions and instead divert the development potential to infill sites and to increasing the density of the existing built environment. Not only would these land conversions result in impacts to wildlife connectivity and safe wildlife dispersal to seek refuge, mates, food, and water, these conversions also increase the pressure to develop and convert surrounding open space lands. Other impacts also include loss of permeability and water infiltration to recharge groundwater resources that also feed downstream creeks, increased emissions from development located further away from urban and suburban centers, and loss of local agricultural production and local food sources.

Land Use and Planning

State laws regarding local general plans require internal consistency among general plan elements and policies.

The County of Santa Clara's General Plans for the past 50 years have clearly stated that:

> "Urban development shall occur only within cities' urban service areas (USAs) and under city jurisdiction. The County shall not allow urban development on unincorporated lands outside cities' urban service areas." (C-GD 2)
>
> "For lands outside cities' Urban Service Areas (USAs) under the County's land use jurisdiction, only non-urban, low density uses shall be allowed." (R-GD 02)

The proposed HEU's housing densities for rural unincorporated areas are found in urban environments and inconsistent with the County General Plan and Santa Clara County Local Formation Commission (LAFCO) policies that protect rural unincorporated areas from urban development.

The NOP states, "[i]n order to accommodate the new units, the County will have to rezone sites in both urban and rural unincorporated areas and amend other elements of the General Plan as needed to ensure that the General Plan as a whole remains consistent with the HEU." If the HEU is approved and implemented, the resulting amendment to the General Plan will facilitate continued urban sprawl and significantly higher densities in the rural unincorporated areas.

Rezoning 121-acres of agricultural lands in areas near Gilroy and Morgan Hill for housing also sets a concerning precedent that may have long-term impacts on the natural and working lands across Santa Clara County, opening the door to expanding urban development in rural, unincorporated areas in the future. The EIR needs to analyze the long-term/cumulative effects on open space and agricultural land protection if the proposed General Plan policy amendments needed to rezone and develop the rural unincorporated areas are approved. The EIR must also analyze the proposed project's consistency with LAFCO policies.

Public Services and Recreation

An extension of urban services (especially sewer and water) for the HEU's proposed housing sites in the rural unincorporated areas will require the Cities of Gilroy and Morgan Hill to seek LAFCO approval for "out of agency service agreements". The EIR needs to analyze the environmental impacts associated with the development of new sewer lines, water lines, and/or roadways to accommodate higher density housing in the rural unincorporated areas, particularly where these infrastructure improvements will be going through critical habitat and wildlife connectivity areas in Coyote Valley. While CEQA does not address the fiscal impacts of public services and infrastructure, the County should analyze in the EIR the environmental feasibility of implementing the necessary infrastructure improvements in the rural unincorporated areas, including the likelihood for the Cities of Gilroy and Morgan Hill to support the extension of necessary urban services to these unincorporated parcels.

In addition to the NOP comments, the proposed Housing Opportunity Sites in Morgan Hill and Gilroy may not meet the requirements of Housing Element Law for site selection (Government Code section 65583.2) given the lack of planned and accessible infrastructure. Moreover, because of the need to extend infrastructure to accommodate new greenfield development, the need to change County policy and ordinances, and the need for outside agency (e.g., LAFCO) and jurisdictional approvals (cities of Morgan Hill and Gilroy), it is unlikely that these sites have the potential to accommodate new residential development within the eight-year timeframe of the housing element planning period.

The HEU's proposed extension of urban services will need to be evaluated to understand the potential environmental impacts and identify suitable mitigation from the loss of open space lands, local agricultural lands, wildlife corridors, and habitat connectivity if development is allowed to occur in the open space lands of rural unincorporated areas.

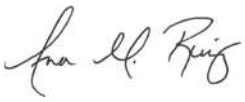
EIR Preferred Alternative

As a preferred alternative to the proposed HEU, the County can instead concentrate development in areas that are fully surrounded by urbanization and areas located within the USAs. Densities to accommodate the required housing units can and should be increased in those already urban areas to meet the RHNA numbers. This includes the urban unincorporated islands in the City of San José that have remained underutilized and underdeveloped. To this end, we urge continued dialog and coordination between the County of Santa Clara and the City of San Jose to find holistic solutions that limit the focus to housing within urban areas. This alternative would remove the 34 parcels identified as potential housing sites in the rural unincorporated areas near Gilroy and Morgan Hill and promote compact development and good urban planning principles, which are consistent with current County and City General Plans and LAFCO policies. Promoting this pattern of smart urban development has added benefits of reducing infrastructure costs and greater opportunities for low vehicle miles traveled (VMT) transportation alternatives.

For many decades, Midpen and the Open Space Authority have regarded the County of Santa Clara as a strong partner in protecting open space and agricultural resources and preserving the region's environmental values and unique biodiversity. We urge the County to reconsider the proposed HEU, which fundamentally shifts the long-standing General Plan policies for the rural unincorporated areas of the county. Midpen and the Open Space Authority appreciate the County's public engagement process for the HEU, as it considers how best to address the region's housing needs.

Thank you for your consideration of these comments, and we welcome any questions you may have, as well as any opportunities where we may be able to help the County with the crafting of the alternative we have proposed. Please direct questions to Jane Mark, AICP, Planning Manager, at Midpen, jmark@openspace.org or Marc Landgraf, External Affairs Manager at the Open Space Authority, mlandgraf@openspaceauthority.org.

Sincerely,



Ana M. Ruiz
General Manager
Midpeninsula Regional Open Space District

Andrea Mackenzie
General Manager
Santa Clara Valley Open Space Authority

Attachment: County of Santa Clara RHNA Appeal Request – dated July 9, 2021

CC:
Midpeninsula Regional Open Space District Board of Directors
Santa Clara Valley Open Space Authority Board of Directors
Santa Clara County Board of Supervisors
Jacqueline Onciano, Director of Planning and Development, County of Santa Clara Planning Office
Neelima Palacherla, Executive Director, Santa Clara County Local Agency Formation Commission

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, CA 95110
Phone: (408) 299-5700
www.sccplandev.org

July 9, 2021

The Administrative Committee
Association of Bay Area Governments ("ABAG")

Re: County of Santa Clara's Appeal of the 2023-2031 RHNA Cycle Allocation

Dear President and ABAG Administrative Committee:

Please accept this appeal of the County of Santa Clara 2023-2031 Regional Housing Needs Assessment ("RHNA") Cycle allocation. The appeal is being submitted in response to ABAG's failure to consider information submitted by the County of Santa Clara ("County") relating to certain local factors affecting Santa Clara County, outlined in Government Code Section 65584.04(e), and ABAG's improper application of its allocation methodology, as described in the enclosed appeal packet and Appeal Request Form. Based on the supporting information provided with this appeal, the County requests correction of the allocation and reallocation of the County's assigned units. The County of Santa Clara's allocation of 3,125 housing units inappropriately directs growth into rural areas designated for preservation and forces the County to upend decades of successful policies that enable cities to plan for future growth in the urban unincorporated areas. The County of Santa Clara Board of Supervisors unanimously authorized the submission of this appeal at its regular meeting on May 25, 2021 (Item No. 36).

The County acknowledges that ABAG has had the difficult task of developing a methodology to distribute the 134 percent increase in housing allocation from the California Department of Housing and Community Development's ("HCD") last RHNA cycle, resulting in an approximately 441,176 additional housing units throughout the nine-county Bay Area region. The County further recognizes that implementation of HCD's allocation could catalyze greenfield development, not just in unincorporated county but throughout the nine-county Bay Area region, and this type of development pattern is contrary to the efforts being made throughout the Bay Area to reduce vehicle miles traveled (VMT) and create sustainable and resilient communities. As a result, jurisdictions throughout the region face substantial increases in their RHNA allocations. For the County, this means 3,125 units, which represents an over **1000 percent increase** in the County's allocation from the last RHNA cycle when the County was allocated 277 housing units. This exponential increase is disproportionate to the overall regional allocation. The allocation ignores several ground realities and material limitations, coupled with longstanding County General Plan policies that focus growth within urban areas to combat sprawl and preserve farmlands within unincorporated areas.

Through the vision and commitment of the Board of Supervisors, the County has been a leader in funding and building affordable housing within the incorporated and urbanized areas of the county. In November 2016, Santa Clara County voters approved Measure A—a $950 million housing bond that has been instrumental in funding the construction of new affordable housing developments. Within seven cities in the county, Measure A has funded 2,969 new affordable units in the last four years. Additionally, the County continues to purchase parcels in these cities and repurpose existing County-owned sites to build affordable housing to address the regional shortage. All of these affordable housing units will be counted towards the individual cities' RHNA requirements.

//

Thank you for your consideration of the County's appeal.

Sincerely,

JACQUELINE R. ONCIANO
Director, Department of Planning and Development
County of Santa Clara

APPROVED:

_____
Sylvia M. Gallegos
Deputy County Executive

APPROVED AS TO FORM AND LEGALITY:

_____
Giulia Gualco-Nelson
Deputy County Counsel

Enclosures:

Attachment A: *Appeal Request Form (filled online)*

Attachment B: *Appeal Documentation*

Attachment C: *Unincorporated Urban Service Areas in Santa Clara County & Example of City General Plan covering an Unincorporated Urban Service Areas*

Attachment D: *Site Inventory Parcels Within Unincorporated Urban Service Areas (USAs) Listed in Previous Housing Elements*

Attachment E: *Letters to ABAG*

Attachment F: *Sites Identified by the ABAG/MTC Housing Element Site Selection Tool outside the Urban Service Areas*

ATTACHMENT B:
Appeal Documentation

The County of Santa Clara ("County") is making an appeal on the basis of two of the three grounds for appeal outlined in Government Code section 65584.05(b)(1)-(2).

1. ABAG failed to adequately consider the information submitted as part of the local jurisdiction survey.

Pursuant to Government Code section 65584.04(b), the County responded to ABAG's survey with information on the availability of land suitable for urban development, lands preserved or protected from urban development to protect open space, farmland, environmental habitats, and agreements between the County and cities to direct growth toward incorporated areas of the county. In formulating its methodology, ABAG did not adequately consider the following responses:

Question 12: *What agreements, if any, are in place between your county and the cities in your county that direct growth toward either the incorporated or unincorporated areas of the county?*

County Response: "*County General Plan clearly identifies a policy for compact growth focused on development into incorporated area. The Plan also established a framework to manage land use in the South County - South County Joint Area Plan County has an agreement with San Jose regarding growth management.*

Overall County GP/LAFCO policies."

Question 19: *What are the primary barriers or gaps your jurisdiction faces in meeting its RHNA goals for producing housing affordable to very low- and low-income households?*

County Response:

- *"Local gap financing for affordable housing development*
- ***Availability of land***
- *Community opposition"*

Question 51: *Are there any other factors that you think ABAG should consider in the RHNA methodology?*

County Response: "*Unincorporated County has a clear distinction between urban and rural areas. Our urban Areas are built out, and we trying to discourage development in rural areas as per our General Plan policies. In addition, the county is trying to preserve working farms, both as way to limit growth, and preserve abilities to sequester carbon. ABAG should consider these aspects in estimating housing allocations for unincorporated county."*

Question 52: *What criteria or factors do you think are most important to consider in the RHNA methodology?*

County Response:

- ***"Rural/Urban context,***
- ***Consistency with County Growth policies****,*
- *Access to transit, services, and utilities"*

In its survey responses to Question 19, the County highlighted the issue of the availability of suitable land. The County does not have the authority to carry out land use planning in areas within unincorporated

urban service areas (USAs), most of which is being built out with single-family residential development. In the responses to Questions 12, 51 and 52, the County asked that ABAG consider the County's General Plan policies that aim to curtail sprawl by focusing growth within incorporated areas, and urban parts of unincorporated county or within USAs. (See Attachment C, *Unincorporated Urban Service Areas in Santa Clara County & Example of City General Plan covering an Unincorporated Urban Service Areas*). Two County policies, in particular, facilitate greater cohesive development patterns between incorporated and unincorporated USAs. First, the County's General Plan states, *"land use planning for these urbanized parts of unincorporated county are conducted by the cities."*[1] It is the County's policy that these urban unincorporated areas will eventually be annexed into the respective cities. Relatedly, a second County policy in the County's Zoning Ordinance[2] provides that the County *does not allow any significant projects within these areas unless the project conforms with the affiliated city's General Plan, and the city has the option to annex the project area.*[3] In addition, the County works with cities to ensure all utilities and services to the USAs are provided for by the respective cities.[4]

These two policies have been in place for over 25 years and are actively utilized by cities to plan for the unincorporated areas within their respective USAs. To that end, ABAG and HCD have recognized these planning policies in the past two RHNA cycles, as the County was assigned housing unit goals commensurate with the County's longstanding regulations to concentrate growth within existing urban areas. Additionally, HCD approved prior Housing Elements of cities where site inventories include sites located in their respective unincorporated USAs. For example, the past two Housing Elements (2007-2014, 2015-2023) of the City of San José identify over 237 acres of land for housing development within the urban unincorporated county, totaling to a capacity of 3,716 housing units (see Attachment D, *Site Inventory Parcels Within Unincorporated Urban Service Areas (USAs) Listed in Previous Housing Elements*). Consistent with these policies, the County has not identified any parcels within unincorporated urban pockets in prior Housing Element site inventories.

Furthermore, several residential and mixed use projects planned and managed by the City of San José are within unincorporated USAs, such as the Communication Hill (2,200 new units, annexed 2015) and the Cambrian Park Plaza (over 400 new units, annexation in process) projects. The City of San José was able to plan for these projects because the County's General Plan facilitates such planning and annexation by the city. While there remains a handful of unincorporated pockets within cities, most of these pockets are built out with single family developments and do not have capacity for additional development other than supporting Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU). The County has previously pointed out these challenges to the ABAG Executive Board and ABAG staff, with the County urging ABAG to allocate the County's capacity estimates for unincorporated USAs to be reassigned to the respective cities given these policies. (Attachment E, *Letters to ABAG*.)

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[1] County General Plan Book B, Part 4 Urban Unincorporated Area Issues & Policies. Strategy #2: *Ensure Conformity of Development with Cities' General Plans.*

[2] Zoning Ordinance of the County of Santa Clara, § 5.20.070 (providing that no application for a land use entitlement shall be accepted for any parcel of land within a city's urban service area except for minor alteration and reconstruction projects and development of unincorporated lands on Stanford University). In addition, Zoning Ordinance § 5.20.060 requires uses within a city's urban service area, including those not subject to annexation, to conform to the city general plan. Due to an intergovernmental protocol agreement adopted jointly by the County of Santa Clara, Stanford University, and the City of Palo Alto, these USA policies do not apply to unincorporated lands of Stanford University's campus.

[3] County General Plan Book B, Part 4 Urban Unincorporated Area Issues & Policies. Strategy #1: *Promote Eventual Annexation.*

[4] County General Plan Book B, Part 4 Urban Unincorporated Area Issues & Policies. Strategy #3: *Provide Services as Efficiently and Equitably as Possible.*

The County General Plan policies, the recognition of these policies by ABAG in past RHNA cycles and city Housing Elements, and the stated examples of projects within unincorporated USAs receiving RHNA credit by the respective city indicate that ABAG failed to adequately consider the County's General Plan policies, which act as an agreed upon framework that all future development within USAs are the responsibility of the affiliated city. The examples given above show that the County's policies have worked successfully over the last two decades and have resulted in infill housing developments being planned and built. **Therefore, the County asks that any RHNA allocation for the County that was determined by accounting for housing capacity or existing residential population within unincorporated USAs be reassigned to the respective cities affiliated with the USAs.**

2. **ABAG did not determine the jurisdiction's allocation in accordance with its adopted methodology and in a manner that furthers, and does not undermine, the RHNA objectives identified in Government Code Section 65584(d).**

The regional housing needs allocation plan must further all five statutory objectives outlined in Government Code section 65584(d). Of the five statutory RHNA objectives, the County highlights the following statutory objective in section 65584(d)(2):

- *Promote infill development and socioeconomic equity;* ***protect environmental and agricultural resources; encourage efficient development patterns; and achieve greenhouse gas reduction targets.***

ABAG's allocation plan does not further this statutory objective. As described above, the County has long-standing policies that promote compact urban development[5] and preserve environmental and agricultural resources.[6] On that front the County, along with the Santa Clara County Local Agency Formation Commission (LAFCO), has had policies in place to stop the expansion of the USAs by cities and to keep the unincorporated county lands rural. The allocation of 3,125 units for the 6th RHNA cycle will require the County to look for sites outside the USAs in order to avoid disputing unincorporated urban areas already planned for housing capacity by the respective cities, and to avoid double counting past Housing Element sites previously claimed by cities in unincorporated USAs. Expanding beyond the County's adopted USA boundaries would result in an increase in VMTs and related greenhouse g("GHG") emissions and loss of rural and agricultural lands on the valley floor (see Attachment F, *Sites Identified by the ABAG/MTC Housing Element Site Selection Tool*), which is in conflict with the above stated statutory RHNA objectives.

To illustrate this, the County utilized the ABAG/MTC Housing Element Site Selection (HESS) Tool that identifies 9,372 potential sites in unincorporated county that may accommodate RHNA with further analysis of site suitability or rezoning. It states that of the 9,372 sites, 2,099 parcels (2,823 acres) are within *Transit Rich Areas* and 2,329 (2,013 acres) are in *High Opportunity Areas.*[7]

Area	Sites in High Opportunity Areas	Sites in Transit Rich Areas	Sites in Both
Unincorporated County	2,329	2,099	66
USAs (with Stanford & Moffett Field)	2,311	1,453	66

[5] County General Plan Book A, Growth & Development. Strategy #1: *Promote Compact Urban Development Patterns.*

[6] County General Plan Book A, Resource Conservation. C-RC 37: *productive use land not intended for urban development* & C-RC 40: *Long term land use stability and dependability to preserve agriculture shall be maintained.*

[7] HCD defines High Opportunity areas as areas that have place-based characteristics linked to critical life outcomes, such as educational attainment, earnings from employment, and economic mobility. See California Fair Housing Task Force, Methodology for the 2020 TCAC/HCD Opportunity Map.

Rural County	18	646	0

Number of sites by area as identified by the ABAG/MTC HESS tool.

The analysis of parcels outside the USAs shows that there are 646 parcels (1,943 acres) within *Transit Rich Areas* and 18 parcels (12.5 acres) within *High Opportunity Areas*. This represents less than 30% of the Transit Rich Area parcels and *less than 1 percent* of the High Opportunity Area parcels. A further analysis of parcels indicates that all of the high opportunity sites are on the Stanford University Campus,[8] or on Federally governed Moffett Field (see areas in orange in Attachment F). If these urbanized areas are excluded, the number of sites that fit both categories (as desired by HCD) in rural County results in no potential sites being available to support housing capacity.

Furthermore, the literature provided online by ABAG/MTC does not elaborate in detail as to how the *transit rich* category is determined (routes vs stops, local bus vs high capacity transit, existing or planned etc.). Therefore, it is difficult for the County to understand why parts of rural county are being identified as *transit rich*. Moreover, many of the identified potential sites in rural county that are in *Transit Rich Areas* (646 parcels/1944 acres) are in locations that the County is actively trying to preserve in an effort to create resilient natural infrastructure to mitigate the impacts of climate change in the region; this includes the valley lands between City of San José and Gilroy that support small and medium scale farmland and provide important habitat to flora and fauna that uniquely exist in the county.[9] Ninety-one of the identified potential sites in these areas contain State- and County-designated farmlands of significance (Prime/State/Local/Unique) that cover over 910 acres. If the County were required to identify these sites for housing in order to satisfy the RHNA allocation, this would mean that the unique environmental attributes of these lands could be lost.

To conclude, if ABAG does not correct the errors stemming from its improper allocation methodology, the County would be left with the following two counter-productive choices:

A. **The County amends long established and successful policies in preventing urban sprawl and promoting resource conservation to build housing in rural parts of the county.** The allocation would force the County to consider sites within rural unincorporated areas, and/or rely on Federally controlled sites such as NASA Ames,[10] to produce housing that could be counted towards the County's allocation. These strategies run counter to the State's and Region's goals to reduce VMT; protect environmental and agricultural resources; and, avoid building homes in areas likely to be impacted by fires or sea level rise due to climate change. Furthermore, the County has no land use jurisdiction over Federally controlled sites, including whether the NASA Ames units would meet the legal standards for inclusion on the County's site inventory.

[8] The County expects to utilize sites on Stanford Campus to account for 800 to 1000 units under the 6th RHNA cycle.

[9] For example, on February 9, 2021 (Item No. 22), the Board of Supervisors directed the Department of Planning and Development to develop potential requirements and incentives to control development in Coyote Valley, through adoption of a Climate Change Overlay Zone. The objective of this policy is to ensure that the natural characteristics in Coyote Valley—groundwater and aquifer health, prime farmland soils and food security, flood attenuation and recharge, carbon sequestration via perennial vegetation, wildlife habitat and landscape linkages, and peri-urban greenbelt—create a form of natural infrastructure that would be impractical if not impossible to replace through human-made infrastructure. By protecting and investing in the existing natural infrastructure, the opportunities for climate action can include avoidance of greenhouse gas emissions, activation of carbon sequestration, and creation of physical and systemic resilience against the worst impacts of climate change.

[10] NASA Ames management indicated they are planning for housing on the lands under their federal jurisdiction. See Attachment D.

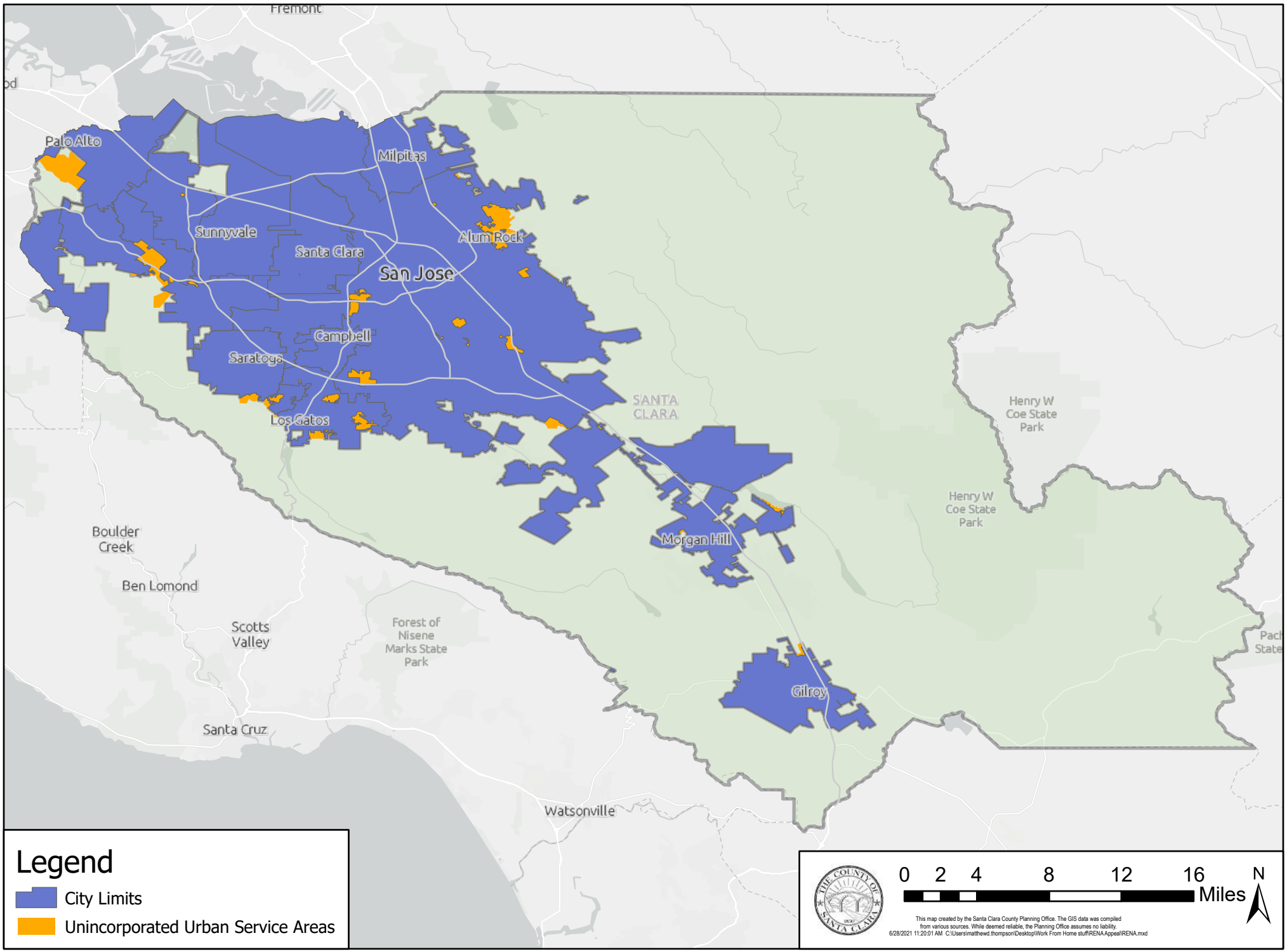
B. The County initiates unnecessary efforts to update policies essentially to achieve what is already happening with housing production in unincorporated Urban Service Areas. The requirement for the County to designate housing inventory sites within the urban unincorporated areas would require the County to amend its long-standing General Plan policies and Zoning Ordinance to essentially duplicate the actions already taken by cities in planning for these areas. Furthermore, it would create confusion between cities and the County in determining which sites in these USAs have already been counted in previous Housing Elements, and who would benefit from the already approved housing projects to avoid double counting.

Due to these counter-productive choices that the County faces with the allocation under the 6th RHNA cycle, the County respectfully requests that the allocation be reduced to 1,125 units, which could be accommodated in the limited urbanized areas outside the USAs, including unincorporated lands of Stanford University, farmworker housing in rural unincorporated county, and steady approvals of ADUs and JADUs in both urban and rural parts of unincorporated Santa Clara County.

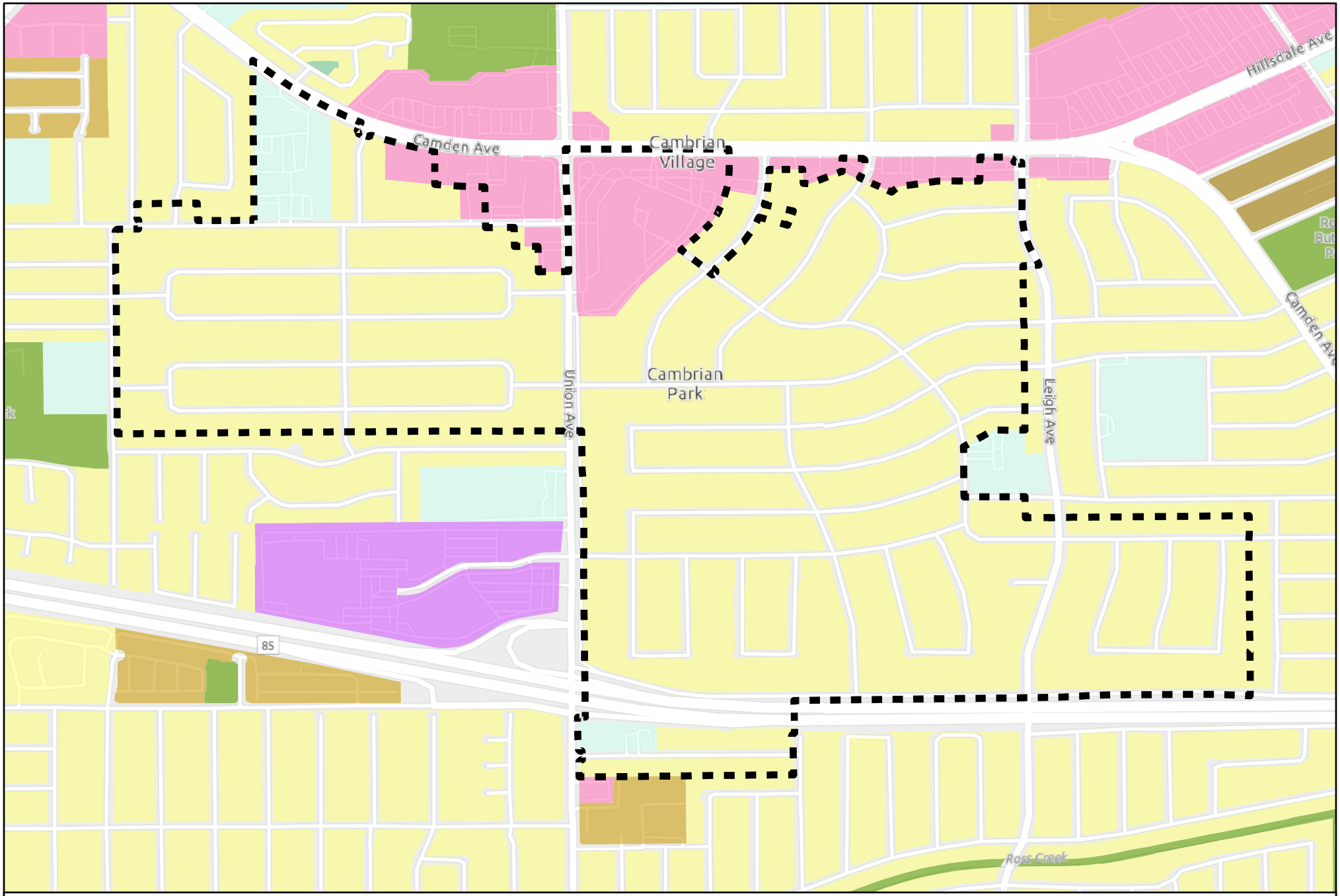
ATTACHMENT C:

Unincorporated Urban Service Areas in Santa Clara County & Example of City General Plan covering an Unincorporated Urban Service Areas

Unincorporated Urban Service Areas in Santa Clara County



City of San Jose 2040 General Plan Landuse designations for Cambrian Village Unincorporated Urban Service Area



Legend

City Limits

San Jose General Plan 2040

- Combined Industrial/Commercial
- Mixed Use Commercial
- Mixed Use Neighborhood
- Neighborhood/Community Commercial
- Open Space, Parklands and Habitat
- Private Recreation and Open Space
- Public/Quasi-Public
- Residential Neighborhood
- Urban Residential

0 400 800 1,600 Feet

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This map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability.
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ATTACHMENT D:

Site Inventory Parcels Within Unincorporated Urban Service Areas (USAs) Listed in Previous Housing Elements

SITE INVENTORY PARCELS WITHIN UNINCORPORATED URBAN SERVICE AREAS (USAs) LISTED IN PREVIOUS CITY HOUSING ELEMENTS

Source: Bay Area Housing Opportunity Sites Inventory (2007–2023).

https://opendata.mtc.ca.gov/datasets/MTC::bay-area-housing-opportunity-sites-inventory-20072023/about

RHNA Cycle	Cycle Year	Jurisdiction	APN	City General Plan Designation	Zoning	Size (Acres)	Allowed Density	Esitmated Residential Capacity	Existing Use
RHNA4	2007-2014	San Jose	245-01-003	Transit Corridor Residential (20+ DU/AC)	Unincorporated	14	45	630	Vacant
RHNA4	2007-2014	San Jose	261-39-002	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.24	33.3	8	Industrial Warehouse
RHNA4	2007-2014	San Jose	261-39-003	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.34	35.3	12	Vehicle Rental
RHNA4	2007-2014	San Jose	261-39-004	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.11	36.4	4	Commercial Retail
RHNA4	2007-2014	San Jose	261-39-005	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.08	37.5	3	Parking Lot
RHNA4	2007-2014	San Jose	261-39-006	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.09	33.3	3	Single-Family Residential
RHNA4	2007-2014	San Jose	261-39-009	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.96	104.2	100	Industrial
RHNA4	2007-2014	San Jose	261-39-010	Transit Corridor Residential (12+ DU/AC)	Unincorporated	1.64	34.8	57	Office/Parking Lot
RHNA4	2007-2014	San Jose	261-39-011	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.16	37.5	6	Single-Family Residential
RHNA4	2007-2014	San Jose	261-39-012	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.17	35.3	6	Single-Family Residential
RHNA4	2007-2014	San Jose	261-39-013	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.15	33.3	5	Parking Lot
RHNA4	2007-2014	San Jose	261-39-014	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.18	33.3	6	Single-Family Residential
RHNA4	2007-2014	San Jose	261-39-015	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.16	37.5	6	Outdoor Storage
RHNA4	2007-2014	San Jose	261-39-016	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.17	35.3	6	Outdoor Storage
RHNA4	2007-2014	San Jose	261-39-020	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.07	28.6	2	Industrial
RHNA4	2007-2014	San Jose	261-39-024	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.16	37.5	6	Industrial
RHNA4	2007-2014	San Jose	261-39-025	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.79	35.4	28	Industrial
RHNA4	2007-2014	San Jose	261-39-026	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.09	33.3	3	Industrial
RHNA4	2007-2014	San Jose	261-39-027	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.79	35.4	28	Industrial
RHNA4	2007-2014	San Jose	261-39-029	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.24	33.3	8	Restaurant
RHNA4	2007-2014	San Jose	261-39-038	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.11	90.9	10	Vacant
RHNA4	2007-2014	San Jose	261-39-039	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.15	86.7	13	Industrial
RHNA4	2007-2014	San Jose	261-39-041	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.25	36	9	Vacant
RHNA4	2007-2014	San Jose	277-29-032	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.15	7.2	1	Vacant
RHNA4	2007-2014	San Jose	282-01-014	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.22	7.2	2	Vacant
RHNA4	2007-2014	San Jose	282-06-024	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.84	7.2	6	Vacant
RHNA4	2007-2014	San Jose	455-19-003	Single Family Residential (1.0 DU/AC)	Unincorporated	0.2	0.7	1	Single-Family Residential
RHNA4	2007-2014	San Jose	455-19-048	Single Family Residential (1.0 DU/AC)	Unincorporated	1.03	0.7	1	Single-Family Residential
RHNA4	2007-2014	San Jose	455-19-050	Single Family Residential (1.0 DU/AC)	Unincorporated	2.19	0.7	2	Single-Family Residential
RHNA4	2007-2014	San Jose	455-19-065	Single Family Residential (1.0 DU/AC)	Unincorporated	0.8	0.7	1	Single-Family Residential
RHNA4	2007-2014	San Jose	455-19-106	Single Family Residential (1.0 DU/AC)	Unincorporated	2.74	0.7	3	Vacant
RHNA4	2007-2014	San Jose	484-17-035	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.16	7.2	1	Vacant
RHNA4	2007-2014	San Jose	595-12-026	Very Low Density Residential (2.0 DU/AC)	Unincorporated	12.46	1.2	14	Vacant
RHNA4	2007-2014	San Jose	599-26-047	Low Density Residential (5.0 DU/AC)	Unincorporated	0.21	3.1	1	Vacant
RHNA4	2007-2014	San Jose	599-28-001	Low Density Residential (5.0 DU/AC)	Unincorporated	4.09	3.1	12	Vacant
RHNA4	2007-2014	San Jose	599-30-036	Low Density Residential (5.0 DU/AC)	Unincorporated	0.51	3.1	1	Vacant
RHNA4	2007-2014	San Jose	599-39-047	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.38	7.2	3	Vacant
RHNA4	2007-2014	San Jose	601-07-066	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	1.14	7.2	8	Vacant
RHNA4	2007-2014	San Jose	601-07-075	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.7	7.2	5	Vacant
RHNA4	2007-2014	San Jose	601-08-128	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.31	7.2	2	Vacant
RHNA4	2007-2014	San Jose	601-22-050	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.22	7.2	2	Vacant
RHNA4	2007-2014	San Jose	601-22-118	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.14	7.2	1	Vacant
RHNA4	2007-2014	San Jose	601-25-119	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	1.35	7.2	10	Vacant
RHNA4	2007-2014	San Jose	601-25-121	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.36	7.2	3	Vacant
RHNA4	2007-2014	San Jose	601-29-009	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	2.71	7.2	20	Vacant
RHNA4	2007-2014	San Jose	612-02-049	Very Low Density Residential (2.0 DU/AC)	Unincorporated	0.36	1.2	1	Vacant
RHNA4	2007-2014	San Jose	612-03-026	Low Density Residential (5.0 DU/AC)	Unincorporated	0.46	3.1	1	Vacant
RHNA4	2007-2014	San Jose	612-09-016	Very Low Density Residential (2.0 DU/AC)	Unincorporated	0.74	1.2	1	Vacant

SITE INVENTORY PARCELS WITHIN UNINCORPORATED URBAN SERVICE AREAS (USAs) LISTED IN PREVIOUS CITY HOUSING ELEMENTS

Source: Bay Area Housing Opportunity Sites Inventory (2007–2023).

https://opendata.mtc.ca.gov/datasets/MTC::bay-area-housing-opportunity-sites-inventory-20072023/about

RHNA Cycle	Cycle Year	Jurisdiction	APN	City General Plan Designation	Zoning	Size (Acres)	Allowed Density	Esitmated Residential Capacity	Existing Use
RHNA4	2007-2014	San Jose	612-11-036	Very Low Density Residential (2.0 DU/AC)	Unincorporated	0.46	1.2	1	Vacant
RHNA4	2007-2014	San Jose	612-16-047	Very Low Density Residential (2.0 DU/AC)	Unincorporated	1.14	1.2	1	Vacant
RHNA4	2007-2014	San Jose	612-17-038	Very Low Density Residential (2.0 DU/AC)	Unincorporated	0.96	1.2	1	Vacant
RHNA4	2007-2014	San Jose	612-19-026	Low Density Residential (5.0 DU/AC)	Unincorporated	4.3	3.1	13	Vacant
RHNA4	2007-2014	San Jose	612-23-056	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	6.22	7.2	45	Vacant
RHNA4	2007-2014	San Jose	612-66-015	Very Low Density Residential (2.0 DU/AC)	Unincorporated	3.38	1.2	3	Vacant
RHNA4	2007-2014	San Jose	659-25-002	Very Low Density Residential (2.0 DU/AC)	Unincorporated	1.75	1.2	2	Vacant
RHNA4	2007-2014	San Jose	696-01-025	Very Low Density Residential (2.0 DU/AC)	Unincorporated	13.15	1.2	15	Vacant
RHNA5	2015-2023	San Jose	274-16-050	UV	County	0.89	12.4	11	Commercial
RHNA5	2015-2023	San Jose	274-16-068	UV	County	0.52	12.4	6	Commercial
RHNA5	2015-2023	San Jose	274-17-018	UV	County	0.56	12.4	7	Commercial
RHNA5	2015-2023	San Jose	274-17-039	UV	County	0.83	12.4	10	Commercial
RHNA5	2015-2023	San Jose	274-41-074	UV	County	0.22	12.4	3	Commercial
RHNA5	2015-2023	San Jose	274-41-101	UV	County	1.39	12.4	17	Commercial
RHNA5	2015-2023	San Jose	277-04-028	UV	County	0.21	12.4	3	Commercial
RHNA5	2015-2023	San Jose	277-05-001	UV	County	2.18	12.4	27	Commercial
RHNA5	2015-2023	San Jose	277-05-008	UV	County	0.77	12.4	10	Commercial
RHNA5	2015-2023	San Jose	277-06-020	UV	County	0.75	12.4	9	Commercial
RHNA5	2015-2023	San Jose	277-07-024	UV	County	0.63	12.4	8	Commercial
RHNA5	2015-2023	San Jose	277-08-029	UV	County	0.46	12.4	6	Commercial
RHNA5	2015-2023	San Jose	277-09-029	UV	County	0.28	12.4	3	Commercial
RHNA5	2015-2023	San Jose	277-10-025	UV	County	0.56	12.4	7	Commercial
RHNA5	2015-2023	San Jose	277-12-029	UV	County	0.5	12.4	6	Commercial
RHNA5	2015-2023	San Jose	277-13-027	UV	County	0.31	12.4	4	Commercial
RHNA5	2015-2023	San Jose	277-14-028	UV	County	0.14	12.4	2	Commercial
RHNA5	2015-2023	San Jose	277-29-032	RN	County	0.15	8	1	Vacant
RHNA5	2015-2023	San Jose	282-01-014	RN	County	0.22	8	2	Vacant
RHNA5	2015-2023	San Jose	455-09-057	UR	County	70	22	1575	None
RHNA5	2015-2023	San Jose	455-28-017	UR	County	9	68	625	None
RHNA5	2015-2023	San Jose	595-12-026	RR	County	12.46	2	25	Vacant
RHNA5	2015-2023	San Jose	599-26-047	RN	County	0.21	8	2	Vacant
RHNA5	2015-2023	San Jose	599-28-001	RN	County	4.9	8	39	Vacant
RHNA5	2015-2023	San Jose	599-30-036	RN	County	0.51	8	4	Vacant
RHNA5	2015-2023	San Jose	601-07-066	RN	County	1.14	8	9	Vacant
RHNA5	2015-2023	San Jose	601-07-075	RN	County	0.7	8	6	Vacant
RHNA5	2015-2023	San Jose	601-08-128	RN	County	0.31	8	2	Vacant
RHNA5	2015-2023	San Jose	601-11-002	NCC	County	1.47	12.1	18	Commercial
RHNA5	2015-2023	San Jose	601-11-024	NCC	County	0.6	12.1	7	Residential
RHNA5	2015-2023	San Jose	601-22-050	RN	County	0.22	8	2	Vacant
RHNA5	2015-2023	San Jose	601-22-118	RN	County	0.14	8	1	Vacant
RHNA5	2015-2023	San Jose	601-25-121	RN	County	0.36	8	3	Vacant
RHNA5	2015-2023	San Jose	601-29-009	RN	County	2.71	8	20	Vacant
RHNA5	2015-2023	San Jose	612-09-016	RR	County	0.74	2	1	Vacant
RHNA5	2015-2023	San Jose	612-11-036	RR	County	0.46	2	1	Vacant
RHNA5	2015-2023	San Jose	612-16-047	RR	County	1.14	2	2	Vacant
RHNA5	2015-2023	San Jose	612-17-038	RR	County	0.96	2	2	Vacant
RHNA5	2015-2023	San Jose	612-19-026	RR	County	4.3	2	9	Vacant
RHNA5	2015-2023	San Jose	612-23-056	RN	County	5.87	8	45	Vacant

SITE INVENTORY PARCELS WITHIN UNINCORPORATED URBAN SERVICE AREAS (USAs) LISTED IN PREVIOUS CITY HOUSING ELEMENTS

Source: Bay Area Housing Opportunity Sites Inventory (2007–2023).

https://opendata.mtc.ca.gov/datasets/MTC::bay-area-housing-opportunity-sites-inventory-20072023/about

RHNA Cycle	Cycle Year	Jurisdiction	APN	City General Plan Designation	Zoning	Size (Acres)	Allowed Density	Esitmated Residential Capacity	Existing Use
RHNA5	2015-2023	San Jose	612-65-042	LH	County	4.3	0.2	1	Vacant
RHNA5	2015-2023	San Jose	612-66-015	RR	County	3.38	2	7	Vacant
RHNA5	2015-2023	San Jose	696-01-025	RR	County	13.15	2	25	Vacant
						238		**3,716**	

ATTACHMENT E:
Letters to ABAG

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, CA 95110
Phone: (408) 299-5700
www.sccplandev.org

May 21, 2021

The Executive Board
Association of Bay Area Governments

Re: Final Regional Housing Needs Allocation (RHNA) Methodology and County of Santa Clara's draft allocation.

Dear President Arreguin and ABAG Executive Board:

On behalf of the Department of Planning and Development for the County of Santa Clara (County), I am writing to restate the County's objections regarding Association of Bay Area Government's (ABAG) approval of the Final Regional Housing Needs Allocation (RHNA) Methodology and Draft RHNA Allocations at its meeting on May 20, 2021 (Agenda Item No. 10.b). This letter identifies oversights in the methodology and the resulting policy conflicts that arise from the proposed assigned RHNA of 3,125 housing units to the County of Santa Clara unincorporated area and explains the untenable condition that would result for the County from this assignment.

This letter supplements the January 21, 2021 & November 3, 2020 letters from Jacqueline R Onciano, Director of the Department of Planning and Development, and the Honorable Cindy Chavez, Santa Clara County Board of Supervisors respectively; to President Jesse Arreguin objecting to the draft methodology and the RHNA assigned to the County.

As stated in the previous letters, the unincorporated County is primarily rural. Approximately 99% of the land within the County's jurisdiction is located outside of the urban service areas (USAs). The rural unincorporated County encompasses important agriculture lands and provides critical habitat and natural resources that support biological diversity and sustainability in the greater region. As a result, the County's General Plan, adopted in 1995, has had strong regional growth policies that protect the rural areas and direct growth into the urban areas, including the cities and unincorporated area subject to city annexation.

The Department of Planning and Development believes the conflict between the proposed RHNA allocation for the County and these critical sustainability policies result from several oversights in ABAG's draft methodology process. Our previous letters outlined Government Code sections 65584.04(e)(2), and 65584(d)(2), which require that the methodology consider the opportunities and constraints to development of additional housing in each jurisdiction, promote infill development and socioeconomic equity, protect environmental and agricultural resources, and encourage efficient development patterns to help meet the region's greenhouse gas reductions targets. We still maintain that the assignment of RHNA of 3,125 units to the County of Santa Clara unincorporated area,

requiring urban housing in the County's rural areas, conflicts with this statutory objective. Locating new housing units in these rural areas will impact environmental and agricultural resources, discourage efficient development patterns, and undermine greenhouse gas reduction targets by promoting urban sprawl.

In our consultations with ABAG staff, it was suggested that the County plan to accommodate RHNA within the urban unincorporated areas. However, the County's General Plan identifies that the land use planning for these urbanized parts of unincorporated county are conducted by the cities[1]. The County's policy also has been that these urban unincorporated areas would be eventually annexed into the respective cities. To that effect the County's zoning code does not allow any significant projects within these areas unless the project conforms with the affiliated city's General Plan, and that the city has the option to annex the project area[2]. This cornerstone policy of our General Plan has been accepted by cities in the County. This is reflected in their respected General Plans that have been planning for these USAs for the last two and a half decades.

This policy has been acknowledged by ABAG in the past RHNA cycles, as the County was assigned housing unit goals commensurate with the County's strong anti-sprawl regulations, and HCD has approved past cities' Housing Elements where site inventories include sites located in these urban unincorporated areas. A prime example of this has been the City of San José identifying over 543 acres of land for housing development within the urban unincorporated County in the past two Housing Elements (2007-2014, 2015-2023), totaling a capacity of 3,716 units.

The County would like to highlight the untenable conditions that will be imposed if the County were to receive the planned allocation of 3,125 units:

1) **The draft RHNA allocation upends the County's long established and successful policies in preventing urban sprawl and promoting resource conservation by focusing growth within Urban Service Areas.** The allocation of 3,125 units would force the County to consider sites within rural unincorporated areas, and/or rely on Federally controlled sites such as NASA/Ames, to produce housing that could be counted towards the County's allocation. These strategies run counter to the State's and Region's goals to reduce VMT and avoid building homes in areas likely to be impacted by Climate Change. Furthermore, the county has no land use jurisdiction over Federally controlled sites, making the County vulnerable to the SB 35 streamlining stipulations.

2) **The draft RHNA allocation will initiate unnecessary efforts to initiate transfer negotiations and policy updates essentially to achieve what is already happening with housing production in Urban Service Areas.** The requirement for the County to designate housing inventory sites within the urban unincorporated areas would require the County to modify its long-standing General Plan policies and Zoning Codes to essentially duplicate the actions already taken by cities in planning for these areas. Furthermore, it would create confusion between cities and the County in determining which sites in these USAs have been already counted in previous Housing

[1] County General Plan Book B, Part 4 Urban Unincorporate Area Issues & Policies. Strategy #2: *Ensure Conformity of Development With Cities' General Plans*

[2] County General Plan Book B, Part 4 Urban Unincorporate Area Issues & Policies. Strategy #1: *Promote Eventual Annexation.*

Elements, and who would benefit from the already approved housing projects to avoid double counting.

The County continues to be a strong advocate to build affordable housing in the incorporated and urbanized areas of the County. To that effect the County's *2016 Measure A - Affordable Housing Bond* has been instrumental in funding the building of new affordable housing projects within seven cities in the county amounting to 2,969 new affordable units in the last four years. All of these housing units have been counted towards the individual cities' RHNA requirements. The County continues to purchase parcels in cities and repurpose existing county-owned sites to build affordable housing to address the regional shortage.

In summary, we urge the ABAG Board to reconsider the methodology to allow for adjustments to the allocation for the County, and assign a RHNA amount commensurate with the County's commitment since 1995 to control sprawl and preserve agricultural and natural spaces.

Sincerely,

DocuSigned by:
Rob Eastwood
AD0368294CE042B...

ROB EASTWOOD
Planning Manager, Department of Planning and Development
County of Santa Clara

Enclosures:
Attachment A: November 3, 2020 Letter from Cindy Chavez to ABAG President
Attachment B: January 21, 2021 Letter from Jacqueline R Onciano to ABAG President

ATTACHMENT A

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, CA 95110
Phone: (408) 299-5700
www.sccplandev.org

January 21, 2020

President Jesse Arreguin
ABAG Executive Board
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

RE: County of Santa Clara, Department of Planning and Development Comment on RHNA Allocation/Option 8a
1/21/2021 ABAG Executive Board Meeting
Agenda Item No. 11.b—Adoption of Draft RHNA Methodology

Dear President Arreguin and ABAG Executive Board:

On behalf of the Department of Planning and Development for the County of Santa Clara (County), I am writing to restate the County's objections regarding Association of Bay Area Government's (ABAG) proposed adoption of Option 8a as the Regional Housing Needs Allocation (RHNA) distribution methodology at its meeting on January 21, 2021 (Agenda Item No. 11.b). This letter identifies oversights in the draft methodology and the resulting policy conflicts that arise from a RHNA of 3,156 housing units for the County of Santa Clara unincorporated area.

This letter supplements the November 3, 2020 letter from Cindy Chavez, Santa Clara County Board of Supervisors (Attachment A), to President Jesse Arreguin stating objections to the Option 8a methodology and the RHNA assigned to the County. The County recognizes that following the December 17, 2020 release of the Plan Bay Area final blueprint, the County's RHNA has decreased from 4,139 housing units to 3,156 units.

As stated in the November 3, 2020 letter, the unincorporated County is primarily rural. Approximately 99% of the land within the County's jurisdiction is located outside of the urban service areas that provide municipal sewer and water services. The rural unincorporated County encompasses important agriculture lands and provides critical habitat and natural resources that support biological diversity and sustainability in the greater region. As a result, the County's General Plan has strong regional growth policies that protect the rural areas from urbanization, directing growth into the urban areas, including the cities and unincorporated area subject to city annexation.

The County continues to be a strong leader in increasing housing production to meet the ongoing housing crisis in the Bay Area, including sponsoring the adoption of Measure A, a $950 million dollar affordable housing bond approved by voters in 2016. However, the County strives to balance housing production with long term sustainability and greenhouse gas reduction goals.

To this end, the County supports housing development in urban areas closer to job centers and public transit, lowering Vehicle Miles Traveled and Greenhouse Gas Emissions.

The proposed Option 8a methodology that would result in a RHNA of 3,156 units to the County, represents over a 1,000% increase compared to the previous RHNA cycle and would require the County to rezone rural areas for urban housing development, conflicting with the County's General Plan and sustainability and greenhouse gas reduction goals within State law (AB 32) and the Plan Bay Area 2050 Blueprint. As identified in the November 3, 2020 letter, the County has determined it has the capacity to support approximately 2,000 units within the urban unincorporated areas, using a variety of housing production strategies.

We believe the conflict between the proposed RHNA for the County and these critical sustainability policies result from several oversights in ABAG's draft methodology process. First, in selecting a methodology, ABAG must consider the opportunities and constraints to development of additional housing in each jurisdiction. *See* Gov't Code § 65584.04(e)(2). Among these factors is "the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities." *Id.* § 65584.04(e)(2)(B). As described, approximately 99% of the land within the County's jurisdiction is in the rural areas, and the County maintains policies for the urban unincorporated areas that encourage their annexation into the Cities.

Based on conversations with ABAG staff, ABAG estimates that 2,000 units can be sited at Moffett Field/NASA Ames Research Center to meet RHNA requirements. While Moffett Field is located within the unincorporated County, the federal government owns this land and is immune from local land use regulation. As such, the County has no authority to zone or convert this land for residential use, and thus the County cannot demonstrate the necessary capacity in its Zoning Ordinance for housing on these federal lands.

Second, in selecting a draft methodology, ABAG must further the intent of the statutory objectives listed in subdivision (d) of Government Code section 65584, including "[p]romoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080." Gov't Code § 65584(d)(2). As identified in the November 3, 2020 letter, it appears that an assignment of RHNA of 3,156 to the County of Santa Clara unincorporated area, requiring urban housing in the County's rural areas, conflicts with this statutory objective. Locating new housing units in these rural areas will impact environmental and agricultural resources, discourage efficient development patterns, and undermine greenhouse gas reduction targets by promoting urban sprawl.

We respectfully ask ABAG to adequately consider the statutorily mandated methodology criteria and identify and implement a modification to Option 8a that is consistent with the statutory objectives.

Thank you for the opportunity to comment.

Respectfully Submitted,

DocuSigned by:
Jacqueline R Onciano
58D620AC52194DC...

Jacqueline R. Onciano
Director, Department of Planning and Development

Attachment A: November 3, 2020 Letter from Cindy Chavez to ABAG President

ATTACHMENT B

County of Santa Clara

Board of Supervisors

County Government Center, East Wing
70 West Hedding Street, 10th Floor
San Jose, California 95110-1770
(408) 299-5001 FAX 938-4525
www.sccgov.org

November 3, 2020

President Jesse Arreguin
ABAG Executive Board
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

RE: County of Santa Clara Unincorporated RHNA Allocation per Option 8a

Dear President Arreguin and ABAG Executive Board:

On behalf of the County of Santa Clara Board of Supervisors, I am writing to express objections regarding ABAG's adoption of Option 8a as the Regional Housing Needs Allocation (RHNA) distribution methodology, and specifically policy conflicts that would arise from the resulting RHNA of 4,139 housing units for the County of Santa Clara unincorporated area.

The County of Santa Clara (County) has been a strong leader in increasing housing production to address the ongoing housing crisis and affordability gap in the Bay Area. In 2016, the County Board of Supervisors sponsored ballot initiative Measure A, a $950-million affordable housing bond passed by the voters. Measure A Bond proceeds contribute to the creation or preservation of over 4,500 units countywide, and the County has already supported 28 housing developments and allocated $25 million for a first-time homeowner buyer program.

Additionally, the County has taken strong measures to increase the housing supply in the unincorporated areas. These measures include adoption of Inclusionary Housing Ordinances in 2018 and 2020, adoption of State-compliant Accessory Dwelling Unit (ADU) regulations that allow increased flexibility in housing types, including the use of mobile tiny homes, and adoption of an Agricultural Worker Housing Ordinance in 2020 that streamlines agricultural worker housing production.

Concurrently, the County has been a leader in advancing sustainability and climate resiliency in alignment with the State's climate goals and policy mandates. Since 1980, the County has maintained foundational General Plan policies that direct all urban growth into the cities while maintaining rural unincorporated areas for resource conservation and agriculture preservation. Consistent with these objectives, the County adopted the Santa Clara Valley Habitat Plan in 2012 and the

Santa Clara Valley Agricultural Plan in 2018, which direct further investments into preserving habitat and agricultural lands within the rural areas.

Under the Option 8a RHNA distribution methodology, the County of Santa Clara unincorporated area would receive a RHNA of 4,139 units, to be completed over the next Housing Element Cycle (2023-31). Based on the County's General Plan policies and land use framework, the County has very limited jurisdiction over urban housing production. Approximately 98.9 percent of the County's unincorporated lands are in rural areas, which lack municipal services such as sewer and are identified for resource conservation. The County's urban unincorporated policies require new development within urban unincorporated areas to petition for annexation into Cities. A RHNA of 4,139 units—representing over a 1,300% increase over the previous RHNA allocation of 277 units in the last housing cycle—would require the County to rezone its rural areas for urban housing development, conflicting with the County's General Plan and sustainability and greenhouse gas reduction goals in both adopted State policies and within the Plan Bay Area 2050 Blueprint.

The County's Department of Planning and Development staff has determined that the County has the capacity to support approximately 2,000 units in the urban unincorporated areas for the 2023–31 Housing Element cycle, incorporating a variety of housing production strategies. This commitment to 2,000 units still represents a 620% increase over the County's previous RHNA, but underscores the County's strong commitment to produce housing within its capacity without undermining climate action and resource conservation goals.

A RHNA above this amount requiring urban housing in the County's rural areas conflicts with Housing Element Law, specifically RHNA Objective 2 (California Government Code section 65584(d)(2)), which states:

"Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080."

The requirement for the County to designate rural and agricultural areas for urban housing production also conflicts with the Plan Bay Area 2050 Blueprint that designates a majority of the County's rural areas as Priority Conservation Areas. The vast majority of the County's 65 Priority Conservation Areas identified by ABAG are located within our rural areas, identified for conservation as natural landscapes, regional recreation, and as agricultural lands. Conversion of these lands into urban housing would conflict with these resource conservation goals, concurrently increasing greenhouse gas emissions and vehicle miles traveled, contrary to the State's climate action goals.

We would like to reiterate the County is strongly committed to both housing production and greenhouse gas reduction. The County has continued to stake a leadership position in increasing housing production within our urban areas while preserving our rural and agricultural areas for resource conservation, in alignment with State and ABAG climate action goals along with greenhouse gas reduction and regional resiliency. We respectfully ask ABAG to identify and implement a modification to Option 8a that avoids the increase in RHNA for the County of Santa Clara's unincorporated areas.

Thank you for the opportunity to comment.

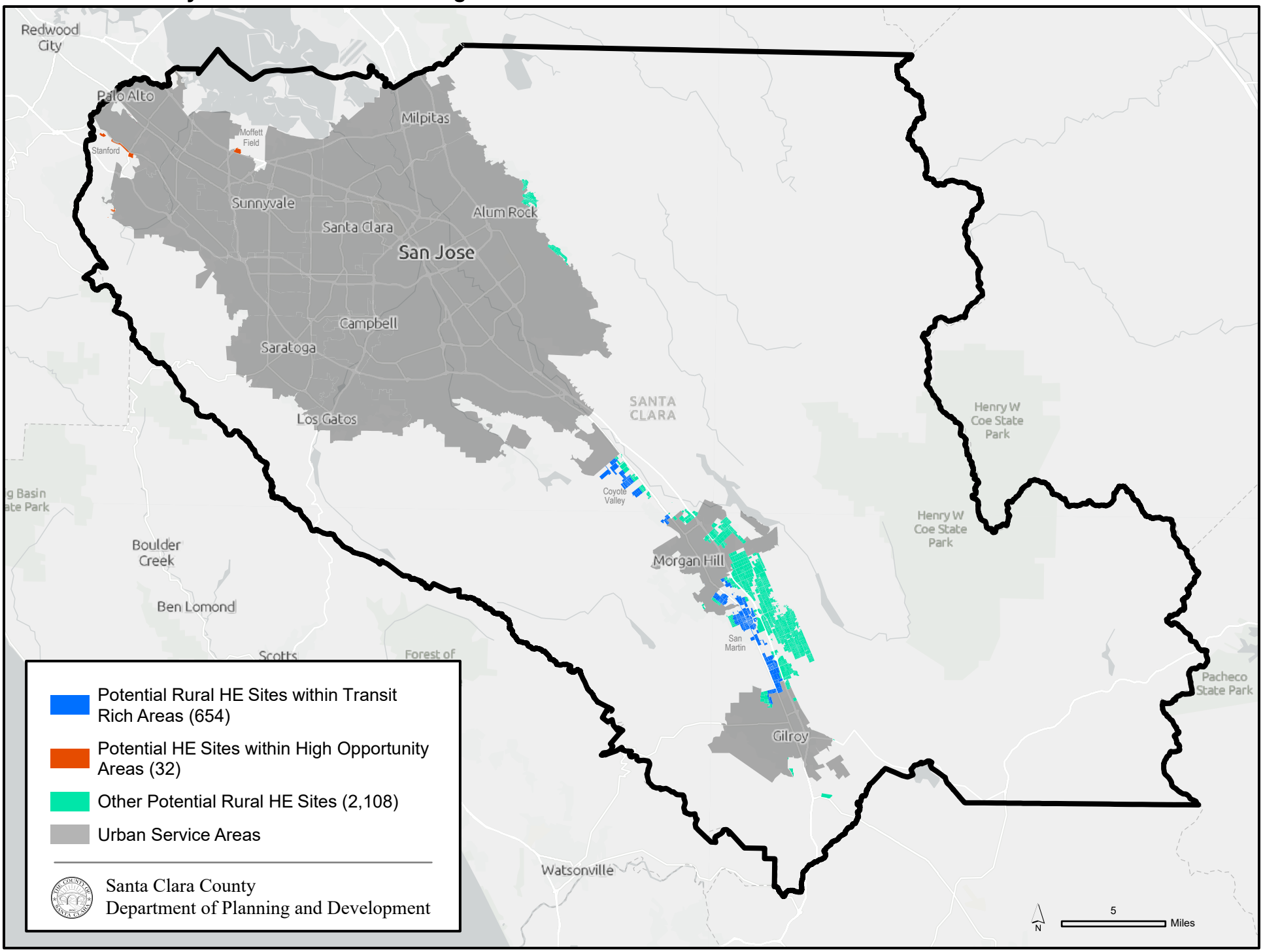
Respectfully Submitted,

Cindy Chavez
President, County of Santa Clara Board of Supervisors

ATTACHMENT F:

Sites Identified by the ABAG/MTC Housing Element Site Selection Tool outside the Urban Service Areas

Sites Identified by the ABAG/MTC Housing Element Site Selection Tool



Stanford University

September 8, 2022

Sent via email: Planning2@pln.sccgov.org

Bharat Singh, Principal Planner
County of Santa Clara Planning Office
County Government Center
70 West Hedding, 7th Floor, East Wing
San José CA 95110

Subject: Notice of Preparation of an Environmental Impact Report for the County of Santa Clara Housing Element and Stanford Community Plan Update

Dear Mr. Singh,

Thank you for allowing Stanford University to provide comments on the scope of the Environmental Impact Report for the County of Santa Clara Housing Element and Stanford Community Plan Update. We appreciate the importance of the work that the County has undertaken to plan for sufficient housing to accommodate Countywide demand and to update the policies of the Stanford Community Plan.

We intend for this letter to identify both (1) our best understanding of the analysis that should be included in a County CEQA document to support adoption of either or both the Community Plan Amendments and Housing Element (that includes future housing at Stanford) and (2) our suggestions regarding approaches that may allow the County to incorporate the necessary analysis more quickly and easily.

Detailed Analysis of Housing Construction. We understand that the County Housing Element will include policies to provide for 1,680 to 2,160 housing units on Stanford University sites. To that end, we have been working with County staff to identify potential locations for such housing. To streamline future construction of this housing, we ask that in any CEQA document to support adoption of either or both the Community Plan Amendments and the Housing Element, the County evaluate the environmental effects of constructing and operating the full amount of housing planned on Stanford sites. We note that the Final EIR that the County prepared for Stanford's previously proposed 2018 General Use Permit contained an analysis of the environmental effects of a similar quantity of housing sited at Stanford.

Impact of Revised Housing Linkage Policies. We also understand that the Stanford Community Plan Update will include revised linkage policies requiring that Stanford build housing on its campus to accommodate the population increases resulting from new academic facilities. Based on this proposed linkage amendment, new housing on Stanford sites will likely be linked to an

Land Use & Environmental Planning
415 Broadway, Academy Hall, 3rd Floor, Redwood City, CA 94063

application for new academic facilities. For this reason, we ask that in a CEQA document for either or both the Community Plan Amendments and Housing Element, the County consider the impacts of constructing and operating the square footage of new and expanded academic facilities that would generate and be linked to the number of housing units that the County has assigned to Stanford sites in its Housing Element.

Suggestions for Analysis. One option to expeditiously satisfy CEQA requirements for the Community Plan Update might be to rely on the previously circulated 2018 General Use Permit Final EIR for CEQA purposes because the content of the draft Community Plan Update policies was evaluated in the Final EIR after the County proposed comparable requirements during that permitting process. The 2018 General Use Permit EIR could be certified, or alternatively, incorporated by reference. That EIR underwent many months of public comment, and fully satisfied the requirements of CEQA. Such certification would not authorize Stanford to construct any of the development evaluated in the 2018 General Use Permit EIR. Rather, certification would fulfill the County's duty to disclose the potential effects of the Community Plan Amendments that will guide such future development under a future General Use Permit.

We hope this letter has assisted the County in identifying a streamlined path toward completing the necessary CEQA analysis for the Housing Element and Stanford Community Plan Update. Please do not hesitate to contact us if anything is unclear or if you would like to discuss any of these points.

Sincerely,

Erin Efner
Associate Vice President
Land, Buildings, and Real Estate. Land Use and Environmental Planning

Luke Evans

From: Luke Evans
Sent: Friday, September 9, 2022 12:00 PM
To: Luke Evans
Subject: RE: Valley Water Comments: Notice of Preparation of an Environmental Impact Report for the County of Santa Clara Housing Element & Stanford Community Plan Update

---

From: Jason Miguel <JMiguel@valleywater.org>
Sent: Thursday, September 8, 2022 5:33 PM
To: Planning <Planning2@pln.sccgov.org>
Cc: Shree Dharasker <sdharasker@valleywater.org>; Kevin Thai <KThai@valleywater.org>; Michael Martin <MichaelMartin@valleywater.org>; Vanessa De La Piedra <vdelapiedra@valleywater.org>
Subject: [EXTERNAL] Valley Water Comments: Notice of Preparation of an Environmental Impact Report for the County of Santa Clara Housing Element & Stanford Community Plan Update

Dear Bharat Singh,

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the County of Santa Clara Housing Element & Stanford Community Plan Update received on 8/19/2022 for the housing opportunity sites located in San Jose, Gilroy, Morgan Hill, and Stanford University. Based on our review of the NOP we have the following comments:

1. A total of 3,125 new housing units requires the development of a Water Supply Assessment under SB610. However, it is not clear how many of these units are above the level of growth visualized in the County's adopted General Plan. Valley Water's 2020 Urban Water Management Plan determined that there will be adequate water supplies to meet countywide projected growth through 2045, but water use reductions may be required in multiple dry years. Water conservation is an important component of the county's future water supply, and Valley Water encourages the County to require new water conservation measures in new development. Valley Water has been working with jurisdictions in the county on a Model Water Efficient New Development Ordinance that the County may consider for new housing to ensure there are sufficient water supplies into the future.
2. Because unincorporated areas of the county are typically reliant on groundwater, the EIR should evaluate new water demand related to the proposed project and potential impacts to groundwater supplies or long-term sustainability. Valley Water's 2021 Groundwater Management Plan, which was submitted to the state for continued Sustainable Groundwater Management Act compliance, provides detailed information on local groundwater resources and sustainability metrics. The EIR should also assess potential impacts to groundwater quality related to the proposed project.
3. As per Valley Water's Water Resources Protection Ordinance, any work proposed which affects Valley Water's facilities or work which takes place on Valley Water's fee title property or easement will require review and approval for the issuance of a Valley Water encroachment permit. Please see below for the potential housing opportunity sites that may require a permit:
    a. Central Pipeline runs adjacent to 2400 Moorpark Avenue in San Jose (APN: 282-02-037) directly east of the property under Ginger Lane. Valley Water also has an easement east of the property covering Ginger Lane from Clove Drive to Moorpark Avenue.
    b. East Evergreen Pipeline is located on North White Road adjacent to the property at 350 North White Road in San Jose (APN: 599-01-064)
    c. Lions Creek is located behind 625 Tatum Ave (APN: 790-09-006) and 665 Tatum Ave (APN: 790-10-007) in Gilroy

4. Valley Water records indicates that there are multiple wells, see list below, within the various housing opportunity sites. While Valley Water has records for most wells located within the County, it is possible that a well exists that is not in Valley Water's records. All wells found at the various sites must be properly destroyed or registered with Valley Water. For questions about the wells, please contact the Valley Water Wells and Water Measurement Unit at (408) 630-2660.

    a. 1 well at 1587 North Capitol Avenue in San Jose (APN: 245-01-003)
    b. 9 wells at 14520 Camden Avenue in San Jose (APN: 419-12-044)
    c. 3 wells at Stanford University (APN: 142-04-036b)
    d. 3 wells at Vickery Lane in Gilroy (APN: 790-06-018)
    e. 1 well at 625 Tatum Avenue in Gilroy (APN: 790-09-006)
    f. 1 well at 665 Tatum Avenue in Gilroy (APN: 790-10-007)
    g. 1 well at 9130 Kern Avenue in Gilroy (APN: 790-17-002)
    h. 1 well at 670 Tatum Avenue in Gilroy (APN: 790-17-005)
    i. 1 well at 650 Tatum Avenue in Gilroy (APN: 790-17-007)
    j. 1 well at 590 Tatum Avenue in Gilroy (APN: 790-17-010)
    k. 1 well at 17745 Laurel Road in Morgan Hill (APN: 726-19-005)
    l. 1 well at 17640 Serene Drive in Morgan Hill (APN: 726-19-013)
    m. 1 well at 17680 Serene Drive in Morgan Hill (APN: 726-19-014)
    n. 2 wells at 17825 Serene Drive in Morgan Hill (APN: 726-26-004)
    o. 1 well at 17845 Serene Drive in Morgan Hill (APN: 726-26-005)
    p. 2 wells at 17865 Serene Drive in Morgan Hill (APN: 726-28-006)
    q. 1 well at 17820 Laurel Road in Morgan Hill (APN: 726-29-002)
    r. 1 well at 17900 Laurel Road in Morgan Hill (APN: 726-29-003)

5. Some of the potential sites listed are within FEMA's designated floodplain (areas subject to the 1% annual chance, or 100-year flood). The EIR should assess flooding impacts at the listed project sites and ensure that developments do not adversely impact flooding, both in terms of depth and lateral extent.

    a. 2400 Moorpark Avenue, San Jose (APN: 282-02-037) is in Flood Zone D
    b. 350 North White Road in San Jose (APN: 599-01-064) is in Flood Zone D
    c. Potential housing sites located in Morgan Gill are in Flood Zone D
    d. Part of 1587 North Capitol Avenue in San Jose (APN 245-01-003) is in Flood Zone AO
    e. Part of 1515 North Capitol Avenue in San Jose (APN: 245-01-004), west of the parking lot, is in Flood Zone AO
    f. Other potential housing sites located in San Jose and Stanford University are in Flood Zone D

We wish to review any subsequent documents as they become available. If you have any questions, or need further information, you can reach me at (408) 630-2976, or by email at JMiguel@valleywater.org.

Please reference Valley Water File No. 26007 on future correspondence regarding this project.

Thanks,

JASON MIGUEL

ASSISTANT ENGINEER I

Community Projects Review Unit

JMiguel@valleywater.org

Tel. (408) 630-2976 / Cell. (408) 761-5789

Santa Clara Valley Water District is now known as:

Valley Water

Clean Water • Healthy Environment • Flood Protection

VALLEY WATER

5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

PLANNING & DEVELOPMENT SERVICES

CITY OF PALO ALTO
250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
(650) 329-2441

April 20, 2023

County of Santa Clara Planning Office
County Government Center
70 West Hedding, 7th Floor, East Wing,
San José CA 95110
E-mail: Planning2@pln.sccgov.org

Dear Michael Meehan and the County of Santa Clara Planning Office,

Thank you for the opportunity to comment on the Revised Notice of Preparation of an Environmental Impact Report (EIR) for the County of Santa Clara Housing Element and Stanford Community Plan Update (SCH 2022080196), released March 21, 2023.

As part of preparation of the Draft EIR, Palo Alto requests the following:

1. In the Aesthetics or other relevant Draft EIR section, discuss the relationship, if any, between the HE/SCP update compared to Palo Alto's Community Design Features mapped on Map L-4 in the Comprehensive Plan 2030, evaluating any potential impact on primary gateways and major view corridors. The City's Comprehensive Plan 2030 can be found here: https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/3.-comprehensive-plan/comprehensive-plan/full-comp-plan-2030_with-dec19_22-amendments.pdf.

2. In the Biological Resources, Land Use and Planning, or other relevant Draft EIR section, discuss the oak woodland and other biological resources on the identified housing sites adjacent to Palo Alto.

3. In the Utilities and Service Systems, Public Services and Recreation, or other relevant Draft EIR section, discuss the utilities and public services proposed (water, wastewater, electricity, fire protection, police protection, schools, parks and other public facilities) for the identified housing sites within Palo Alto's urban service area and sphere of influence.

4. In the Transportation, Land Use and Planning, or other relevant Draft EIR section, discuss the following:
   - Given that Palo Alto identified new housing sites as part of the City's 6th Cycle Housing Element Update process, the VMT analysis for the Draft EIR should incorporate these Palo Alto housing units/sites.
   - The County's three identified housing sites on Stanford land near Palo Alto would add additional vehicle trips on Palo Alto streets. This could result in an impact on vehicular circulation and safety concerns for pedestrians, bicyclists, and transit riders. While a Level of Service (LOS) analysis is no longer a requirement for CEQA, note that the City of Palo Alto adopted a LOS policy in 2020 to assess impacts on local streets and intersections for compliance with adopted plans and policies. The City would like to

know if the identified housing would conflict with the City's adopted LOS policy. More information on the City's VMT and LOS policies can be found here: https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2020/id-11256-senate-bill-743-implementation.pdf?t=65453.84.

- Palo Alto adopted policies and programs in the Transportation Element of the Comprehensive Plan 2030 to make safety the first priority of transportation planning. The County's three identified housing sites on Stanford land near Palo Alto would likely add students and parents requiring access to nearby public schools. Consistent with the City's Comprehensive Plan 2030, potential walking and biking safe routes to school should be assessed. The City's Safe Routes to School webpage can be found here: https://www.cityofpaloalto.org/Departments/Transportation/Safe-Routes-to-School.
- Palo Alto adopted policies and programs in the Transportation Element of the Comprehensive Plan 2030 to address pedestrian, bicycle, and transit circulation in the Quarry Road area. The Draft EIR should illustrate walking, biking, and transit conditions adjacent to the identified housing sites on Stanford land with potential pedestrian, bicycle, transit safety issues assessed. Also note the City Program T3.10.4 to pursue extension of Quarry Road for pedestrians, bicyclists, and transit to access the Palo Alto Transit Center from El Camino.
- Palo Alto adopted policies and programs in support of creating multi-use paths throughout the City, including in the Quarry Road area. Note the following:
  - The City's Bicycle + Pedestrian Transportation Plan identifies a recommended Class I Multi-Use Path across the Quarry Road/El Camino site (see Map 6-1. Proposed Bikeway Network; https://www.cityofpaloalto.org/files/assets/public/transportation/bicycling-walking/bike-resources/bicycle-pedestrian-transportation-plan_adopted-july-2012.pdf).
  - The Stanford University Medical Center Design Guidelines call for a bicycle and pedestrian path in the immediate vicinity of the Quarry Road/El Camino site and the Quarry Road/Arboretum site, including on the southeast side of the sites.

The City of Palo Alto looks forward to reviewing the Draft EIR when it is released and requests to be on your distribution notification list.

Please feel free to contact us if you have any questions regarding these comments.

Sincerely,

DocuSigned by:
Sheldon S. Ah Sing
A04511CFB650433...
Sheldon Ah Sing, Principal Planner

DocuSigned by:
Tim Wong
78B9C2B677A243F...
Tim Wong, Senior Planner

Stanford University

April 20, 2023

VIA EMAIL

County of Santa Clara Planning Office
Attention: Michael Meehan, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing
San José, CA 95110
planning2@pln.sccgov.org

RE: Santa Clara County Draft Housing Element

Dear Mr. Meehan,

Stanford acknowledges the significant work that County staff have undertaken to prepare the draft Housing Element for Santa Clara County. We're pleased to partner with the County and are proud of our recent large contributions to the housing supply in the unincorporated area. We are in agreement with the County statement in the draft that construction of housing for Stanford affiliates benefits the wider community by reducing local demand for housing (pg. 59). In reviewing the draft Housing Element, we offer the following comments and have clarifying questions.

1. **Affordable Housing Percentages** – Please provide documentation and clarify why the draft document assumes that a greater percentage of units will be affordable at the Stanford sites than at the San Jose sites (pg. 23). Currently the plan envisions that the Pleasant Hills site will provide 30% affordable units while the Stanford sites will provide 50% affordable units, with 35% of these units being affordable to very low or low income households. While Stanford has confirmed the locations of potential housing sites and potential residential densities (pg. 73), further conversation and rationale is needed about the expected affordability levels of future housing.
2. **Permitting Housing** – Please clarify the statement on page 27 that the County's role in permitting housing in the unincorporated areas is "limited." The County, of course, has the authority to regulate land use and issue permits within its unincorporated areas just as cities have land use regulatory authority within their own jurisdiction.

Land Use & Environmental Planning
415 Broadway, Academy Hall, 3rd Floor, Redwood City, CA 94063

3. **RHNA Reporting for Fifth Cycle** – In the fifth cycle, the County reported the construction of 2,597 moderate-income units on Stanford lands. However, the draft Housing Element claims, at various points, that Stanford provided nearly 1,400 units (pg. 59) or 1,606 units (pgs. 61, 119). Page 118 states that 80% of approved RHNA units in the last cycle were constructed on Stanford lands and the most recent staff report to the Board of Supervisors (pg. 7, April 18, 2023) states that 2,597 of the 2,902 housing units produced in the unincorporated area (89%) were associated with the construction of the Escondido Village graduate housing project at Stanford University. Please clarify and ensure accurate and consistent numbers are used.
4. **Expected Residents on Stanford Sites** - Page 61 states that all three identified Stanford sites "will include a mix of faculty, staff, and graduate student housing." While any of these groups could occupy housing at any of these sites, this statement should be clarified to reflect that an individual housing project likely will be solely for faculty and staff or solely for graduate students. A revised statement could read: "All three sites will include faculty, staff, and/or graduate student housing."
4. **Permitting Process for Additional Housing on Stanford Lands –**Stanford requests additional clarity on the permitting process that would apply to the additional 1,680-2,160 units expected on campus. Would these units be subject to a ministerial approval process?
5. **R1S and R3S Zoning Districts** – Please include development standards for the R1S and R3S zoning districts in the Residential Development Standards table on page 88. These districts govern hundreds of acres of residential development on Stanford lands in the unincorporated County.
6. **1985 Land Use Policy Agreement** - Page 111 should be revised to accurately reflect the contents of the 1985 Land Use Policy Agreement. Section 2(d) of this Agreement states: "Stanford intends to continue to provide all municipal services to its academic facilities in the unincorporated area of Santa Clara County." Accordingly, please revise the statement on page 111 to say that ". . .Stanford intends to continue supplying its own urban services. . ."
7. **Implementation Programs** - Stanford notes that there are no implementation programs that address streamlining or facilitating housing on Stanford lands. While there is discussion of implementation programs to address minimum densities and streamlining (pg. 111), this language is not located in any of the implementation programs. We suggest and encourage additional implementation programs that commit the County to creating objective design standards for Stanford housing, speeding the housing permitting process, and facilitating infill development on the main campus and adjoining residential neighborhoods. As an academic institution, Stanford continues to work towards fulfilling its mission to deliver world-class education and building housing to support that mission. We request that the County continue to facilitate housing development by removing phasing constraints between construction of academic buildings and associated housing and also recognize the link between growth of academic facilities and the housing that supports that growth.

We appreciate the opportunity to comment on the draft Housing Element and look forward to continued partnership in providing needed housing for the region.

Sincerely,

Jessica von Borck
Executive Director, Land Use

Appendix B
Noise and Vibration

ESA

Traffic Noise Model

ESA

TRAFFIC NOISE ANALYSIS TOOL

Project Name: Santa Clara County Housing Element Update
Analysis Scenario: 2022
Hextrans

Roadway Segment		Ground Type	Distance from Roadway to Receiver (feet)	Speed (mph)			Peak Hour Volume			Peak Hour Noise Level (Leq(h) dBA)	Noise Level dBA Ldn
				Auto	MT	HT	Auto	MT	HT		
Bascom Avenue	between Olive Avenue and Forest Avenue	Hard	50	35	35	35	2,295	72	24	68.9	69
Bascom Avenue	between Maywood Avenue and Lindaire Avenue	Hard	50	35	35	35	1,803	56	19	67.8	68
Camden Avenue	between New Jersey Avenue and Leigh Avenue	Hard	50	40	40	40	3,112	97	32	71.7	72
Capitol Avenue	between I-680 and Hostetter Road	Hard	50	35	35	35	1,888	59	20	68.0	68
Fleming Avenue	between Neves Way and Mahoney Drive	Hard	50	35	35	35	616	19	6	63.2	63
Hostetter Road	between I-680 and Capitol Avenue	Hard	50	40	40	40	2,285	71	24	70.4	71
Hostetter Road	between Capitol Ave and Peachwood Drive	Hard	50	35	35	35	1,648	52	17	67.4	68
Kirk Avenue	between Summit Avenue and Madeline Drive	Hard	50	65	65	65	475	15	5	69.9	70
Kirk Avenue	between Madeline Drive and Hyland Avenue	Hard	50	25	25	25	450	14	5	58.8	59
Leigh Avenue	between Camden Avenue and Weeth Drive	Hard	50	35	35	35	928	29	10	64.9	65
McKee Road	between Challenger Avenue and White Road	Hard	50	40	40	40	2,165	68	23	70.1	70
McKee Road	between La Pala Drive and Delia Street	Hard	50	40	40	40	1,149	36	12	67.4	68
Moorpark Avenue	between SR 17 and Thornton Way	Hard	50	35	35	35	2,286	71	24	68.8	69
Quarry Road	between Campus Dr and El Camino Real	Hard	50	25	25	25	1,260	39	13	63.2	64
San Carlos Street	between Vaughn Avenue and Arleta Avenue	Hard	50	35	35	35	1,799	56	19	67.8	68
San Carlos Street	between Leigh Avenue and Richmond Avenue	Hard	50	35	35	35	1,646	51	17	67.4	68
Stanford Avenue	between Bowdoin Street and El Camino Real	Hard	50	25	25	25	456	14	5	58.8	59
Stevens Creek Blvd	between Bascom Avenue and Bradley Avenue	Hard	50	35	35	35	1,698	53	18	67.6	68
Thornton Way	between Clove Drive and Moorpark Avenue	Hard	50	25	25	25	568	18	6	59.8	60
Toyon Avenue	between Cortese Circle and McKee Road	Hard	50	25	25	25	709	22	7	60.7	61
Tully Road	between White Road and Buckhill Court	Hard	50	35	35	35	1,362	43	14	66.6	67
White Road	between White Court and Westboro Drive	Hard	50	35	35	35	1,974	62	21	68.2	69
White Road	between Florence Court and Rose Avenue	Hard	50	35	35	35	1,730	54	18	67.6	68
White Road	between Kentridge Drive and McKee Road	Hard	50	35	35	35	1,318	41	14	66.5	67
White Road	between Tully Road and Cunningham Lake Avenue	Hard	50	40	40	40	1,673	52	17	69.0	69

Model Notes:
The calculation is based on the methodology described in FHWA Traffic Noise Model Technical Manual (1998).
The peak hour noise level at 50 feet was validated with the results from FHWA Traffic Noise Model Version 2.5.
Accuracy of the calculation is within ±0.1 dB when comparing to TNM results.
Noise propagation greater than 50 feet is based on the following assumptions:
For hard ground, the propagation rate is 3 dB per doubling the distance.
For soft ground, the propagation rate is 4.5 dB per doubling the distance.
Vehicles are assumed to be on a long straight roadway with cruise speed.
Roadway grade is less than 1.5%.
Ldn levels were obtained based on Figure 2-19, on page 2-58 Caltran's TeNS 2013.

TRAFFIC NOISE ANALYSIS TOOL

Project Name: Santa Clara County Housing Element Update
Analysis Scenario: 2022 + Project
Hextrans

Roadway Segment		Ground Type	Distance from Roadway to Receiver (feet)	Speed (mph)			Peak Hour Volume			Peak Hour Noise Level (Leq(h) dBA)	Noise Level dBA Ldn
				Auto	MT	HT	Auto	MT	HT		
Bascom Avenue	between Olive Avenue and Forest Avenue	Hard	50	35	35	35	2,371	74	25	69.0	69
Bascom Avenue	between Maywood Avenue and Lindaire Avenue	Hard	50	35	35	35	1,845	58	19	67.9	68
Camden Avenue	between New Jersey Avenue and Leigh Avenue	Hard	50	40	40	40	3,125	98	33	71.7	72
Capitol Avenue	between I-680 and Hostetter Road	Hard	50	35	35	35	2,074	65	22	68.4	69
Fleming Avenue	between Neves Way and Mahoney Drive	Hard	50	35	35	35	619	19	6	63.2	63
Hostetter Road	between I-680 and Capitol Avenue	Hard	50	40	40	40	2,542	79	26	70.8	71
Hostetter Road	between Capitol Ave and Peachwood Drive	Hard	50	35	35	35	1,648	52	17	67.4	68
Kirk Avenue	between Summit Avenue and Madeline Drive	Hard	50	65	65	65	477	15	5	69.9	70
Kirk Avenue	between Madeline Drive and Hyland Avenue	Hard	50	25	25	25	452	14	5	58.8	59
Leigh Avenue	between Camden Avenue and Weeth Drive	Hard	50	35	35	35	929	29	10	64.9	65
McKee Road	between Challenger Avenue and White Road	Hard	50	40	40	40	2,172	68	23	70.2	70
McKee Road	between La Pala Drive and Delia Street	Hard	50	40	40	40	1,151	36	12	67.4	68
Moorpark Avenue	between SR 17 and Thornton Way	Hard	50	35	35	35	2,322	73	24	68.9	69
Quarry Road	between Campus Dr and El Camino Real	Hard	50	25	25	25	1,325	41	14	63.4	64
San Carlos Street	between Vaughn Avenue and Arleta Avenue	Hard	50	35	35	35	1,827	57	19	67.9	68
San Carlos Street	between Leigh Avenue and Richmond Avenue	Hard	50	35	35	35	1,661	52	17	67.5	68
Stanford Avenue	between Bowdoin Street and El Camino Real	Hard	50	25	25	25	456	14	5	58.8	59
Stevens Creek Blvd	between Bascom Avenue and Bradley Avenue	Hard	50	35	35	35	1,725	54	18	67.6	68
Thornton Way	between Clove Drive and Moorpark Avenue	Hard	50	25	25	25	773	24	8	61.1	61
Toyon Avenue	between Cortese Circle and McKee Road	Hard	50	25	25	25	709	22	7	60.7	61
Tully Road	between White Road and Buckhill Court	Hard	50	35	35	35	1,362	43	14	66.6	67
White Road	between White Court and Westboro Drive	Hard	50	35	35	35	2,172	68	23	68.6	69
White Road	between Florence Court and Rose Avenue	Hard	50	35	35	35	1,922	60	20	68.1	68
White Road	between Kentridge Drive and McKee Road	Hard	50	35	35	35	1,338	42	14	66.5	67
White Road	between Tully Road and Cunningham Lake Avenue	Hard	50	40	40	40	2,550	80	27	70.9	71

Model Notes:
The calculation is based on the methodology described in FHWA Traffic Noise Model Technical Manual (1998).
The peak hour noise level at 50 feet was validated with the results from FHWA Traffic Noise Model Version 2.5.
Accuracy of the calculation is within ±0.1 dB when comparing to TNM results.
Noise propagation greater than 50 feet is based on the following assumptions:
For hard ground, the propagation rate is 3 dB per doubling the distance.
For soft ground, the propagation rate is 4.5 dB per doubling the distance.
Vehicles are assumed to be on a long straight roadway with cruise speed.
Roadway grade is less than 1.5%.
Ldn levels were obtained based on Figure 2-19, on page 2-58 Caltran's TeNS 2013.

TRAFFIC NOISE ANALYSIS TOOL

Project Name: Santa Clara County Housing Element Update
Analysis Scenario: 2040 No Project
Hextrans

Roadway Segment		Ground Type	Distance from Roadway to Receiver (feet)	Speed (mph)			Peak Hour Volume			Peak Hour Noise Level (Leq(h) dBA)	Noise Level dBA Ldn
				Auto	MT	HT	Auto	MT	HT		
Bascom Avenue	between Olive Avenue and Forest Avenue	Hard	50	35	35	35	2,536	79	26	69.3	70
Bascom Avenue	between Maywood Avenue and Lindaire Avenue	Hard	50	35	35	35	2,730	85	28	69.6	70
Camden Avenue	between New Jersey Avenue and Leigh Avenue	Hard	50	40	40	40	4,128	129	43	73.0	73
Capitol Avenue	between I-680 and Hostetter Road	Hard	50	35	35	35	2,018	63	21	68.3	69
Fleming Avenue	between Neves Way and Mahoney Drive	Hard	50	35	35	35	700	22	7	63.7	64
Hostetter Road	between I-680 and Capitol Avenue	Hard	50	40	40	40	2,285	71	24	70.4	71
Hostetter Road	between Capitol Ave and Peachwood Drive	Hard	50	35	35	35	1,648	52	17	67.4	68
Kirk Avenue	between Summit Avenue and Madeline Drive	Hard	50	65	65	65	483	15	5	69.9	70
Kirk Avenue	between Madeline Drive and Hyland Avenue	Hard	50	25	25	25	458	14	5	58.8	59
Leigh Avenue	between Camden Avenue and Weeth Drive	Hard	50	35	35	35	1,128	35	12	65.8	66
McKee Road	between Challenger Avenue and White Road	Hard	50	40	40	40	2,401	75	25	70.6	71
McKee Road	between La Pala Drive and Delia Street	Hard	50	40	40	40	1,386	43	14	68.2	69
Moorpark Avenue	between SR 17 and Thornton Way	Hard	50	35	35	35	3,579	112	37	70.8	71
Quarry Road	between Campus Dr and El Camino Real	Hard	50	25	25	25	1,260	39	13	63.2	64
San Carlos Street	between Vaughn Avenue and Arleta Avenue	Hard	50	35	35	35	2,471	77	26	69.2	69
San Carlos Street	between Leigh Avenue and Richmond Avenue	Hard	50	35	35	35	2,288	71	24	68.8	69
Stanford Avenue	between Bowdoin Street and El Camino Real	Hard	50	25	25	25	547	17	6	59.6	60
Stevens Creek Blvd	between Bascom Avenue and Bradley Avenue	Hard	50	35	35	35	1,811	57	19	67.8	68
Thornton Way	between Clove Drive and Moorpark Avenue	Hard	50	25	25	25	568	18	6	59.8	60
Toyon Avenue	between Cortese Circle and McKee Road	Hard	50	25	25	25	762	24	8	61.0	61
Tully Road	between White Road and Buckhill Court	Hard	50	35	35	35	1,362	43	14	66.6	67
White Road	between White Court and Westboro Drive	Hard	50	35	35	35	2,371	74	25	69.0	69
White Road	between Florence Court and Rose Avenue	Hard	50	35	35	35	2,091	65	22	68.5	69
White Road	between Kentridge Drive and McKee Road	Hard	50	35	35	35	1,435	45	15	66.8	67
White Road	between Tully Road and Cunningham Lake Avenue	Hard	50	40	40	40	2,001	63	21	69.8	70

Model Notes:
The calculation is based on the methodology described in FHWA Traffic Noise Model Technical Manual (1998).
The peak hour noise level at 50 feet was validated with the results from FHWA Traffic Noise Model Version 2.5.
Accuracy of the calculation is within ±0.1 dB when comparing to TNM results.
Noise propagation greater than 50 feet is based on the following assumptions:
For hard ground, the propagation rate is 3 dB per doubling the distance.
For soft ground, the propagation rate is 4.5 dB per doubling the distance.
Vehicles are assumed to be on a long straight roadway with cruise speed.
Roadway grade is less than 1.5%.
Ldn levels were obtained based on Figure 2-19, on page 2-58 Caltran's TeNS 2013.

TRAFFIC NOISE ANALYSIS TOOL

Project Name: Santa Clara County Housing Element Update
Analysis Scenario: 2040 + Project
Hextrans

Roadway Segment		Ground Type	Distance from Roadway to Receiver (feet)	Speed (mph)			Peak Hour Volume			Peak Hour Noise Level (Leq(h) dBA)	Noise Level dBA Ldn
				Auto	MT	HT	Auto	MT	HT		
Bascom Avenue	between Olive Avenue and Forest Avenue	Hard	50	35	35	35	2,584	81	27	69.4	70
Bascom Avenue	between Maywood Avenue and Lindaire Avenue	Hard	50	35	35	35	2,779	87	29	69.7	70
Camden Avenue	between New Jersey Avenue and Leigh Avenue	Hard	50	40	40	40	4,147	130	43	73.0	73
Capitol Avenue	between I-680 and Hostetter Road	Hard	50	35	35	35	2,214	69	23	68.7	69
Fleming Avenue	between Neves Way and Mahoney Drive	Hard	50	35	35	35	706	22	7	63.7	64
Hostetter Road	between I-680 and Capitol Avenue	Hard	50	40	40	40	2,460	77	26	70.7	71
Hostetter Road	between Capitol Ave and Peachwood Drive	Hard	50	35	35	35	1,648	52	17	67.4	68
Kirk Avenue	between Summit Avenue and Madeline Drive	Hard	50	65	65	65	486	15	5	70.0	70
Kirk Avenue	between Madeline Drive and Hyland Avenue	Hard	50	25	25	25	461	14	5	58.9	59
Leigh Avenue	between Camden Avenue and Weeth Drive	Hard	50	35	35	35	1,125	35	12	65.8	66
McKee Road	between Challenger Avenue and White Road	Hard	50	40	40	40	2,444	76	25	70.7	71
McKee Road	between La Pala Drive and Delia Street	Hard	50	40	40	40	1,412	44	15	68.3	69
Moorpark Avenue	between SR 17 and Thornton Way	Hard	50	35	35	35	3,682	115	38	70.9	71
Quarry Road	between Campus Dr and El Camino Real	Hard	50	25	25	25	1,260	39	13	63.2	64
San Carlos Street	between Vaughn Avenue and Arleta Avenue	Hard	50	35	35	35	2,517	79	26	69.3	70
San Carlos Street	between Leigh Avenue and Richmond Avenue	Hard	50	35	35	35	2,320	73	24	68.9	69
Stanford Avenue	between Bowdoin Street and El Camino Real	Hard	50	25	25	25	615	19	6	60.1	60
Stevens Creek Blvd	between Bascom Avenue and Bradley Avenue	Hard	50	35	35	35	1,838	57	19	67.9	68
Thornton Way	between Clove Drive and Moorpark Avenue	Hard	50	25	25	25	568	18	6	59.8	60
Toyon Avenue	between Cortese Circle and McKee Road	Hard	50	25	25	25	761	24	8	61.0	61
Tully Road	between White Road and Buckhill Court	Hard	50	35	35	35	1,362	43	14	66.6	67
White Road	between White Court and Westboro Drive	Hard	50	35	35	35	2,564	80	27	69.3	70
White Road	between Florence Court and Rose Avenue	Hard	50	35	35	35	2,278	71	24	68.8	69
White Road	between Kentridge Drive and McKee Road	Hard	50	35	35	35	1,463	46	15	66.9	67
White Road	between Tully Road and Cunningham Lake Avenue	Hard	50	40	40	40	2,726	85	28	71.1	71

Model Notes:
The calculation is based on the methodology described in FHWA Traffic Noise Model Technical Manual (1998).
The peak hour noise level at 50 feet was validated with the results from FHWA Traffic Noise Model Version 2.5.
Accuracy of the calculation is within ±0.1 dB when comparing to TNM results.
Noise propagation greater than 50 feet is based on the following assumptions:
For hard ground, the propagation rate is 3 dB per doubling the distance.
For soft ground, the propagation rate is 4.5 dB per doubling the distance.
Vehicles are assumed to be on a long straight roadway with cruise speed.
Roadway grade is less than 1.5%.
Ldn levels were obtained based on Figure 2-19, on page 2-58 Caltran's TeNS 2013.

Appendix C
Water Supply Assessment

ESA

FINAL REPORT | JUNE 2023

Santa Clara County Housing Element Update
Water Supply Assessment

PREPARED FOR

Environmental Science Associates

PREPARED BY

WEST YOST
Water. Engineered.

Santa Clara County Housing Element Update
Water Supply Assessment

Prepared for

Environmental Science Associates

Project No. 712-60-22-11

Project Manager: Rhodora Biagtan, P.E.	June 5, 2023 Date
QA/QC Review: Elizabeth Drayer, P.E.	June 5, 2023 Date

WEST YOST
Water. Engineered.

FINAL REPORT | JUNE 2023

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LIST OF ACRONYMS AND ABBREVIATIONS

AFY	Acre-Feet Per Year
AWSP	Alternative Water Supply Planning Program
BAWSCA	Bay Area Water Supply & Conservation Agency
CIMIS	California Irrigation Management Information System
County	County of Santa Clara
DU	Dwelling Unit
EIR	Environmental Impact Report

Table of Contents

ET	Evapotranspiration
°F	Degrees Fahrenheit
GMP	Groundwater Management Plan
gpd	Gallons Per Day
HEU	Housing Element Update
RWS	Regional Water System
SB	Senate Bill
SF	Square Feet
SFPUC	San Francisco Public Utilities Commission
SJW	San Jose Water
Stanford	Stanford University
UWMP	Urban Water Management Plan
Water Code	California Water Code
WRCC	Western Regional Climate Center
WSA	Water Supply Assessment

1.0 INTRODUCTION

1.1 Legal Requirement for Water Supply Assessment

California Senate Bill (SB) 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 sought to promote more collaborative planning between local water suppliers and cities and counties. It requires detailed information regarding water supply availability to be provided to the city and county decision-makers prior to approval of specified large development projects. The purpose of this coordination is to ensure that prudent water supply planning has been conducted, and that planned water supplies are adequate to meet existing demands, anticipated demands from approved projects and tentative maps, and the demands of proposed projects.

SB 610 amended California Water Code (Water Code) sections 10910 through 10915 (inclusive) to require land use lead agencies to:

- Identify any public water purveyor that may supply water for a proposed development project
- Request a Water Supply Assessment (WSA) from the identified water purveyor

The purpose of the WSA is to demonstrate the sufficiency of the purveyor's water supplies to satisfy the water demands of the proposed project, while still meeting the water purveyor's existing and planned future uses. Water Code sections 10910 through 10915 delineate the specific information that must be included in the WSA.

1.2 Need for and Purpose of Water Supply Assessment

The County of Santa Clara (County) has and maintains a General Plan that informs local decisions on land use and development. The County's current General Plan was adopted in 1994 and contains eight chapters known as "elements," including one about housing. The County is proposing to update its General Plan Housing Element for the 2023-2031 planning period via a Housing Element Update (HEU). The primary purpose of the HEU is to comply with the requirements of State law by analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing. The purpose of this WSA is to evaluate the water supply availability in connection with the County HEU.

The HEU includes housing opportunity sites at Stanford University (Stanford) and on unincorporated lands within the County (unincorporated lands); this WSA covers the potential development of these sites (Proposed Project). Individual WSAs completed for the Proposed Project sites located at Stanford and on unincorporated lands located within the San Jose Water (SJW) service area are found in Appendix A and B, respectively, and are summarized in this WSA. As individual project sites identified the HEU move forward with development, the relevant water service agency serving each project site would be responsible for preparing a project-specific WSA, if applicable.

This WSA is not to reserve water, or to function as a "will serve" letter or any other form of commitment to supply water (see Water Code section 10914). The provision of water service will continue to be undertaken in a manner consistent with applicable policies and procedures, consistent with existing law.

1.3 Water Supply Assessment Preparation, Format and Organization

The format of this WSA is intended to follow Water Code Sections 10910 through 10915 to clearly delineate compliance with the specific requirements for a WSA. The WSA includes the following sections:

- Section 1: Introduction
- Section 2: Description of Proposed Project
- Section 3: Required Determinations
- Section 4: Water Service Area
- Section 5: Water Demands
- Section 6: Water Supplies
- Section 7: Determination of Water Supply Sufficiency Based on the Requirements of SB 610
- Section 8: Water Supply Assessment Approval Process
- Section 9: References

This WSA also contains the following supplier-specific WSAs, incorporated as appendices:

- Appendix A: Water Supply Assessment – Stanford University
- Appendix B: Water Supply Assessment – San Jose Water

Relevant citations of Water Code Sections 10910 through 10915 are included throughout this WSA in *italics* to demonstrate compliance with the specific requirements of SB 610.

2.0 DESCRIPTION OF PROPOSED PROJECT

The Proposed Project location, description, and projected water demands are discussed below.

2.1 Proposed Project Location

The Proposed Project is located within the County, including Project sites shown on Figure 2-1. The Proposed Project sites within the Stanford service area would be served by Stanford as described in Appendix A. The Proposed Project sites in unincorporated lands would be served by SJW as described in Appendix B.

2.2 Proposed Land Uses and Projected Water Demand

The Proposed Project includes a variety of land uses depending on the site location. Proposed Project land uses on sites served by Stanford include faculty/staff housing apartments and an elementary school, encompassing a total of 72 acres, further described in Appendix A. Proposed Project land uses on sites served by SJW include residential units and 43,560 square feet of commercial space, encompassing a total of 143 acres, further described in Appendix B. Table 2-1 summarizes the total projected water demand for the Proposed Project based on water supplier.

Table 2-1. Projected Water Demand for the Proposed Project

Water Supplier	Potential Units, Low, DU[(a)]	Potential Units High, DU[(a)]	Commercial Space, SF	Gross Area, acre[(a)]	Projected Water Demand, gpd	Projected Water Demand, AFY
Stanford University[(a)]	1,680	2,160	-	72	229,440	257
San Jose Water[(b)]	4,518	6,281	43,560	143	1,058,720	1,186
Totals	**6,198**	**8,441**	**43,560**	**215**	**1,288,160**	**1,443**

(a) From Table 1-1 in Appendix A.
(b) From Table 3-2 of Attachment 1 in Appendix B.
DU = Dwelling Units, gpd = gallons per day, AFY = acre-feet per year, SF = square-feet

2.3 Projected Water Supply

Water demands for the Proposed Project on Stanford lands will be served using Stanford's existing and future portfolio of water supplies discussed in Section 6 and Appendix A. The water demands for the Proposed Project on unincorporated lands will be served using SJW's existing and future portfolio of water supplies discussed in Section 6 and Appendix B. The inclusion of existing and planned future water supplies is specifically allowed by the Water Code:

> *Water Code Section 10631(b): Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a).*

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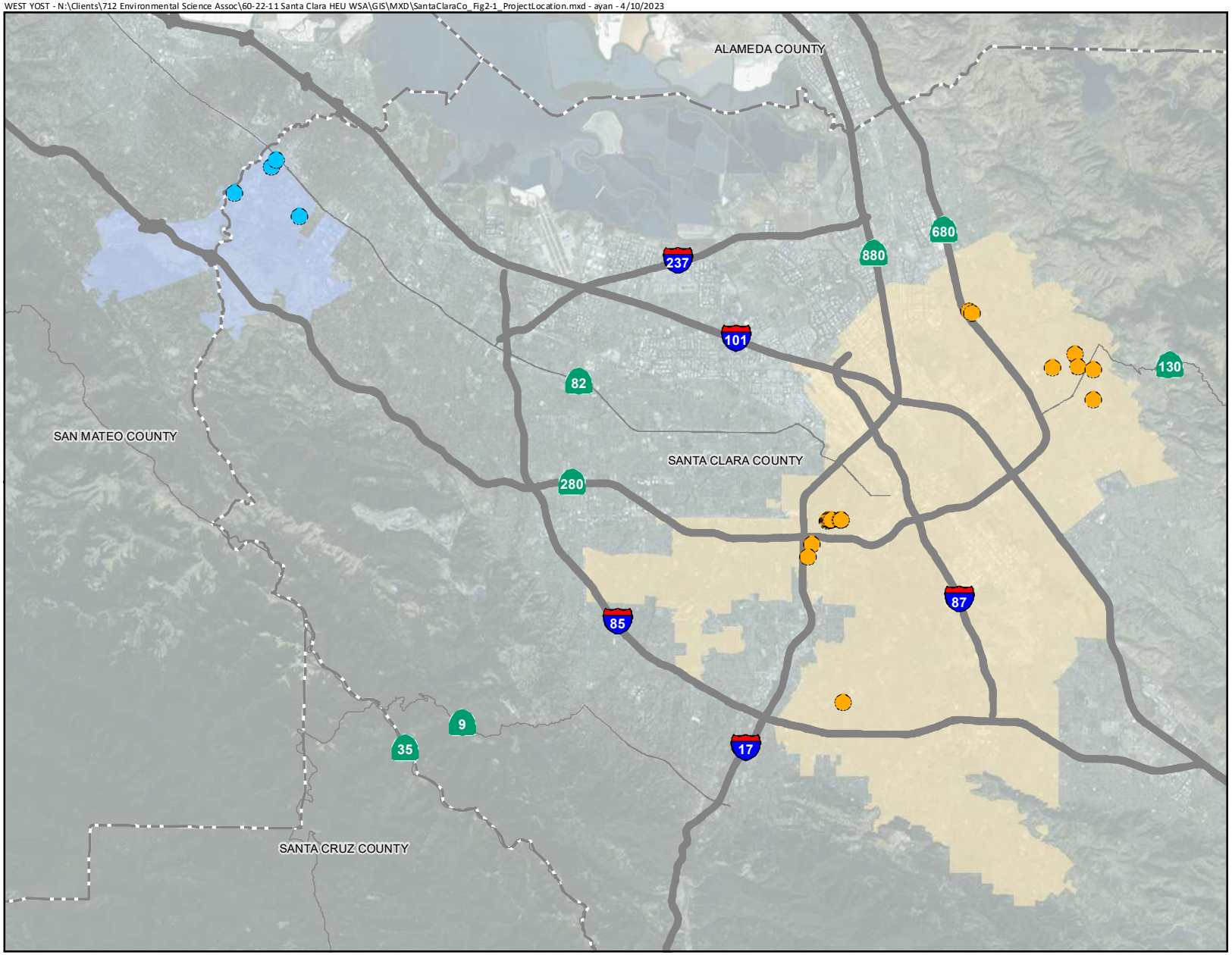

Proposed Project Sites

- Unincorporated Land
- Stanford University

Boundaries

- Stanford Service Area
- San Jose Water Company Service Area
- County Boundary

Notes:

1. Proposed Project centroids from Santa Clara County Housing Element Update Site Inventory (August 2022).

Prepared by:

WEST YOST

N

0 9,000 18,000 Feet

Prepared for:

Environmental Science Associates

Santa Clara County HEU

Water Supply Assessment

ESA

Proposed Project Location

Figure 2-1

3.0 REQUIRED DETERMINATIONS

3.1 Does SB 610 apply to the Proposed Project?

Water Code section 10910 (a) Any city or county that determines that a project, as defined in Section 10912, is subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) under Section 21080 of the Public Resources Code shall comply with this part.

Water Code section 10912 (a) "Project" means any of the following:

(1) A proposed residential development of more than 500 dwelling units.

(2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.

(3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.

(4) A proposed hotel or motel, or both, having more than 500 rooms.

(5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

(6) A mixed-use project that includes one or more of the projects specified in this subdivision.

(7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project.

Based on the following fact, SB 610 has the potential to apply to the individual project sites identified in the HEU.

- The County has determined that the HEU is subject to the California Environmental Quality Act and that an Environmental Impact Report (EIR) is required.
- The HEU identifies sites appropriate for the development of multi-family housing for up to a total of 8,441 dwelling units.

Although a WSA may not be required for each individual project site in the HEU, the County has decided to prepare a WSA for the Proposed Project. As mentioned in Section 1.2, the relevant water supply agency serving an individual project site will be responsible for preparing a WSA for that specific project site if SB 610 is determined to apply to that project. The Proposed Project sites served by Stanford and SJW have not been the subject of a previously adopted WSA and have not been included in an adopted WSA for a larger project.

3.2 Does SB 221 apply to the Proposed Project?

In 2001, SB 221 amended State law to require that approval by a city or county of certain residential subdivisions requires an affirmative written verification of sufficient water supply. Per California Government Code section 66473.7(a)(1), a subdivision means a proposed residential development of more than 500 dwelling units. The individual project sites in the HEU may be subject to the requirements of SB 221. However, applicability of SB 221 for each individual project site may not be determined until

further along in the planning process, typically during the preparation of the tentative site map. A verification of sufficient water supply (SB 221) report would be required prior to final approvals for individual projects.

3.3 Who is the identified public water system?

> *Water Code Section 10910(b) The city or county, at the time that it determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration is required for any project subject to the California Environmental Quality Act pursuant to Section 21080.1 of the Public Resources Code, shall identify any water system that is, or may become as a result of supplying water to the project identified pursuant to this subdivision, a public water system, as defined by Section 10912, that may supply water for the project.*
>
> *Water Code Section 10912 (c) "Public water system" means a system for the provision of piped water to the public for human consumption that has 3,000 or more service connections…*

Proposed Project sites on Stanford lands will be served by Stanford. However, Stanford is a private entity that does not serve the general public and therefore is not a public water system as defined in Water Code Section 10912(c). Stanford purchases the majority of its potable water supply from the San Francisco Public Utilities Commission (SFPUC) as a wholesale customer. However, the SFPUC does not act as a public water system when providing water to its wholesale customers.

The Proposed Project sites on unincorporated lands will be served by SJW. Therefore, SJW is the identified public water system for the Proposed Project sites on unincorporated lands.

3.4 Does the identified public water system have an adopted Urban Water Management Plan (UWMP) and does the UWMP include the projected water demand for the Proposed Project?

> *Water Code Section 10910(c)(1) The city or county, at the time it makes the determination required under Section 21080.1 of the Public Resources Code, shall request each public water system identified pursuant to subdivision (b) to determine whether the projected water demand associated with a proposed project was included as part of the most recently adopted urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610).*

Stanford is not required to prepare an UWMP, but it provides water usage statistics and demand projections to SFPUC and Valley Water, who incorporate this data into their respective 2020 UWMPs. The UWMPs do not specifically address the water demands for the Proposed Project that are analyzed in this WSA. The additional demands estimated to result from the Proposed Project are described in Section 3 of Appendix A. The ability of Stanford to meet the projected water demands, including demand from the Proposed Project, is summarized in Section 7 of this WSA and discussed in more detail in Appendix A.

The SJW 2020 UWMP was adopted by the SJW Board of Directors in June 2021 and is incorporated by reference into the SJW WSA found in Appendix B. The SJW WSA also references and incorporates the Valley Water 2020 UWMP adopted by Valley Water's Board of Directors in June 2021. The SJW 2020 UWMP includes the projected water demand for the Proposed Project as part of the total projected demand within the SJW service area.

4.0 WATER SERVICE AREA

4.1 Water Service Area

The County encompasses 1,300 square miles and is located at the southern end of San Francisco Bay. In 1994, the County outlined its long-term growth in its General Plan, which identified lands intended for future urbanization within the County.[1] While most of the urbanized areas in the County are under the jurisdiction of individual cities, the County maintains jurisdiction of 7,348 acres that are designated as Urban Service Areas and are planned for eventual annexation to a city's jurisdiction. Lands owned by Stanford within the County are slightly over 4,000 acres, and the remaining 596,070 acres in the unincorporated County area comprise rural parts of the County.

Water service is provided by different water service agencies within the County. As mentioned in Section 2.1, Stanford will serve the Proposed Project sites located on Stanford lands and SJW will serve the Proposed Project sites located on unincorporated lands. The water service areas for Stanford and SJW are shown on Figure 2-1 and described in Appendix A and Appendix B, respectively.

4.2 Population

The County population was 1.9 million at the time of the 2020 U.S. Census, the most populous of the nine Bay Area counties. Specific population data for Stanford and the SJW water service area is described in detail in Appendix A and B, respectively. Table 4-1 shows the County's projected population in five-year increments from 2020 to 2045.

Table 4-1. Projected Population for the County

Time Frame	Year	Population
Historical	2020	1,962,251
Projected	2025	2,030,957
	2030	2,105,066
	2035	2,175,951
	2040	2,241,634
	2045	2,298,147

Source: California Department of Finance, Report P-2A: Total Population Projections, California Counties, July 2021.

4.3 Climate

The County generally experiences warm, dry summers with daytime temperatures around 88 degrees Fahrenheit (°F). Winter temperatures can drop to 37°F but are generally mild. Rainfall generally falls from November through March with a total annual average of 20.1 inches of rain. The total average evapotranspiration is 52.9 inches. Table 4-2 summarizes the average temperature and rainfall data for the County.

[1] County of Santa Clara. December 1994. Santa Clara County General Plan, 1995-2010.

Table 4-2. Monthly Average Climate Data Summary

Month	Standard Monthly Average ET, inches[a]	Average Total Rainfall, inches[b]	Average Temperature, °F[b]	
			Minimum	Maximum
Gilroy (CIMIS Station No. 211[a], WRCC Station No. 043417[b])				
January	1.7	4.4	37.5	60.3
February	2.5	3.6	40.4	63.9
March	3.7	3.1	42.7	67.5
April	5.2	1.4	44.6	72.5
May	6.4	0.4	48.7	77.9
June	7.2	0.1	52.2	83.8
July	7.1	0.0	54.4	87.9
August	6.2	0.0	54.5	87.7
September	5.2	0.2	53.0	85.7
October	3.9	0.9	48.1	78.8
November	2.2	2.1	41.9	67.8
December	1.5	4.0	37.3	60.3
Total	**52.9**	**20.1**	**-**	**-**

(a) Source: California Irrigation Management Information System (CIMIS). Period of record is 2009 to 2022.

(b) Source: Western Regional Climate Center (WRCC). Period of record is 1906 to 2022.

ET = Evapotranspiration

5.0 WATER DEMANDS

> *Water Code Section 10910(c)(2) If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g).*

The descriptions provided below for Stanford and SJW water demands are summarized from their respective WSAs in Appendix A and B.

5.1 Historical and Existing Water Demand

Stanford's historical water demand for 2010 through 2019 ranges from 2,457 to 3,785 acre-feet per year (AFY). The existing (2020) water demand for Stanford is 1,766 AFY. Additional detail about Stanford's historical and existing water demand is described in Appendix A.

SJW's historical water demand for 2010 through 2019 ranges from approximately 113,000 to 135,000 AFY. The existing (2020) water demand for SJW is 121,504 AFY. Additional detail about SJW's historical and existing water demand is described in Appendix B.

5.2 Future Water Demand

Table 5-1 presents the projected normal year water demands for Stanford and SJW from 2025 through 2045, summarized from Appendices A and B. These projections are described in further detail in Appendices A and B.

Table 5-1. Projected Water Demands, AFY

Water Supplier	2025	2030	2035	2040	2045
Stanford University[(a)]	3,672	3,896	4,120	4,344	4,680
San Jose Water[(b)]	132,776	132,776	133,312	134,918	136,308
Total	**136,448**	**136,672**	**137,432**	**139,262**	**140,988**

(a) Refer to Appendix A, Table 3-2.
(b) Refer to Appendix B, Table 2.
AFY = acre-feet per year

5.3 Dry Year Water Demand

Under dry water year conditions, both Stanford and SJW anticipate implementing demand reduction measures as appropriate to reduce water demands to match any reduction in supply. However, for planning purposes and to be conservative, the WSAs for both Stanford and SJW assume no reduction in water demand during dry years even though additional water conservation is likely to occur, as detailed in Appendices A and B.

6.0 WATER SUPPLIES

Water Code Section 10910(c)(2) If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f) and (g).

Water Code Section 10910(d)(1) The assessment required by this section shall include an identification of any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and a description of the quantities of water received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts.

Water Code Section 10910(d)(2) An identification of existing water supply entitlements, water rights, or water service contracts held by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall be demonstrated by providing information related to all of the following:

(A) Written contracts or other proof of entitlement to an identified water supply.

(B) Copies of a capital outlay program for financing the delivery of a water supply that has been adopted by the public water system.

(C) Federal, state, and local permits for construction of necessary infrastructure associated with delivering the water supply.

(D) Any necessary regulatory approvals that are required in order to be able to convey or deliver the water supply.

Water Code Section 10910(e) If no water has been received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts, the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall also include in its water supply assessment pursuant to subdivision (c), an identification of the other public water systems or water service contract-holders that receive a water supply or have existing water supply entitlements, water rights, or water service contracts, to the same source of water as the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has identified as a source of water supply within its water supply assessments.

The Proposed Project sites on Stanford lands are anticipated to be served from Stanford's existing and future portfolio of water supplies, and the Proposed Project sites on unincorporated lands are anticipated to be served from SJW's existing and future portfolio of water supplies. The inclusion of existing and planned future water supplies is specifically allowed by the Water Code:

Water Code Section 10631(b): Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a).

The water supply for the Proposed Project will have the same water supply reliability and water quality as the water supply available to other Stanford and SJW uses. The descriptions provided below about Stanford's and SJW's water supplies needed to serve the Proposed Project are summarized from Appendices A and B.

6.1 Existing Potable Water Supplies

6.1.1 Purchased Water

Stanford's primary source of potable water supply is purchased from the SFPUC under a wholesale contract. Additional details about Stanford's purchased water supply from the SFPUC are discussed in Appendix A.

On average, SJW purchases half of its potable water supply from Valley Water under a wholesale contract. This water originates from several sources, including Valley Water's local reservoirs, the State Water Project, and the Central Valley Project San Felipe Division. Additional details about SJW's purchased water supply from Valley Water are discussed in Appendix B.

6.1.2 Groundwater

Stanford has the capability to supplement its potable water supplies with groundwater pumped from the Santa Clara Subbasin. Stanford's groundwater supply is normally used for non-potable uses. Appendix A describes Stanford's groundwater supply and historic use in further detail.

SJW also draws groundwater from the Santa Clara Subbasin, which accounts for 30 to 40 percent of SJW's total potable water supplies. Appendix B describes SJW's groundwater supply and historic use in further detail.

Both Stanford and SJW overlie the Santa Clara Valley groundwater basin, specifically the Santa Clara Subbasin (Subbasin 2-009.002). The Santa Clara Subbasin consists of unconsolidated alluvial sediments and is located in the northern part of Santa Clara County. The subbasin is not adjudicated, nor is it in a condition of overdraft. Valley Water is the Groundwater Sustainability Agency for the subbasin and is responsible for maintaining the subbasin and ensuring the subbasin does not become overdrafted. Valley Water published a Groundwater Management Plan report in 2021 (2021 GMP) as an alternative to the Groundwater Sustainability Plan, which is a required planning document by DWR. The 2021 GMP delineates the role of Valley Water as groundwater managers within the County, as well as providing details of the basins to which the District maintains.

6.1.3 Surface Water

Surface water availability for both Stanford and SJW is highly variable depending on hydrologic conditions. Stanford diverts surface water from Los Trancos Creek and San Francisquito Creek for non-potable use. Stanford does not use surface water for potable water use, as described in Appendix A.

SJW has water rights to surface water from Saratoga Creek, Los Gatos Creek, and associated watershed which accounts for less than 10 percent of SJW's total potable water supplies, as described in Appendix B.

6.1.4 Recycled Water

SJW provides recycled water to a portion of its existing and new customers, under a Wholesaler-Retailer Agreement with the City of San Jose, in which the City of San Jose is the wholesaler and SJW is the retailer. Recycled water is used for non-potable water use to offset what would otherwise be potable water demands. Additional information on SJW's recycled water system is included in Appendix B.

6.2 Additional Planned Future Potable Water Supplies

Neither Stanford nor SJW have any additional planned future potable water supplies. Existing purchased water, groundwater, and surface water supplies are anticipated to meet existing and projected future water demands, including those associated with the Proposed Project, as detailed in Appendices A and B.

6.3 Summary of Existing and Additional Planned Future Water Supplies

Table 6-1 provides a summary of Stanford's and SJW's existing and projected future normal year supplies. Additional detail on each water provider's water supplies is found in Appendices A and B.

Table 6-1. Existing (2020) and Projected Water Supplies, AFY

Water Supplier	2020 (Actual)	2025	2030	2035	2040	2045
Stanford University[(a)]	1,766	5,200	5,400	5,600	5,800	6,000
San Jose Water[(b)]	123,952	135,648	135,875	136,961	138,579	139,957
Supply Total (rounded)	**125,718**	**140,800**	**141,300**	**142,600**	**144,400**	**146,000**

(a) Refer to Appendix A, Table 4-2.
(b) Refer to Appendix B, Table 5.
AFY = acre-feet per year

6.4 Water Supply Availability and Reliability

Water Code Section 10910(c)(4) requires that a WSA include a discussion regarding "whether total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses." Accordingly, this WSA addresses these three hydrologic conditions through the Year 2045.

The quantity of water available from Stanford's and SJW's water supplies vary annually depending on hydrologic conditions. Water supply reliability was evaluated under three conditions: (1) normal water year, (2) single-dry year, and (3) five-consecutive year drought.

The reliability of each of Stanford's and SJW's existing and projected water supplies and their projected availability during normal, single dry, and multiple dry years is described in this section and is summarized from Appendices A and B.

6.4.1 Purchased Water

6.4.1.1 Stanford Purchased Water From SFPUC

Information regarding the reliability of purchased water from SFPUC for Stanford was provided by the Bay Area Water Supply & Conservation Agency (BAWSCA) in coordination with SFPUC. In December 2018, the State Water Resources Control Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The 2018 Bay-Delta Plan

Amendment would require the release of 30 to 50 percent of the "unimpaired flow"[2] from the Stanislaus, Merced, and Tuolumne Rivers, tributaries to the San Joaquin River, from February through June in every year type; thus, reducing available water supply for SFPUC. If implemented, the Bay-Delta Plan Amendment has the potential to have significant impacts on the reliability of water from SFPUC and on the availability of water during supply shortages. Because of the uncertainties surrounding the implementation of the Bay-Delta Plan Amendment, the SFPUC 2020 UWMP analyzed two supply scenarios, one with the Bay-Delta Plan Amendment assuming implementation starting in 2023, and one without the Bay-Delta Plan Amendment. Results of these analyses are summarized as follows:[3]

- If the Bay-Delta Plan Amendment is implemented, SFPUC will be able to meet its contractual obligations to its wholesale customers as presented in the SFPUC 2020 UWMP in normal years but would experience significant supply shortages in dry years. In single dry years, supply shortages for SFPUC's wholesale customers collectively would range from 36 to 46 percent. In multiple dry years for SFPUC's wholesale customers collectively, supply shortages would range from 36 to 54 percent. Implementation of the Bay-Delta Plan Amendment will require rationing in all single dry and multiple dry years through 2045.
- If the Bay-Delta Plan Amendment is not implemented, SFPUC would be able to meet 100 percent of the projected purchases of its wholesale customers during all year types through 2045 except during the fourth and fifth consecutive dry years for base year 2045 when 15 percent wholesale supply shortages are projected for SFPUC's total supply to all wholesale customers.

In early 2020, the SFPUC began implementation of the Alternative Water Supply Planning Program (AWSP), a program designed to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the Regional Water System (RWS), particularly in light of the possible implementation of the Bay-Delta Plan Amendment. In addition, in November 2022, the SFPUC, Modesto Irrigation District, and Turlock Irrigation District signed a memorandum of understanding with the State to advance a voluntary agreement for the Tuolumne River. The proposed eight-year program includes a combination of flow and non-flow measures sufficient to improve all life-stages of native fish populations in the lower Tuolumne River. The goal of the voluntary agreement is to strike the right balance between environmental stewardship and water reliability.

Additional details on the Bay-Delta Plan Amendment and alternatives being pursued by both SFPUC and BAWSCA are included in Appendix A. However, given the current level of uncertainty, projected availability of SFPUC water to Stanford was projected for conditions both with and without the Bay-Delta Plan Amendment.

6.4.1.2 SJW Purchased Water From Valley Water

SJW relies on Valley Water for purchased water supplies, which may be impacted by climate change, reductions in imported water supplies, and threats to infrastructure. Valley Water's water supply

[2] "Unimpaired flow represents the natural water production of a river basin, unaltered by upstream diversions, storage, or by export or import of water to or from other watersheds." (Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Dec. 12, 2018) p.17.

[3] BAWSCA. April 2021. BAWSCA Drought Allocation Tables by Agency (Table E: Percent Cutback to the Wholesale Customers With Bay-Delta Plan and Table N: Percent Cutback to the Wholesale Customers Without Bay-Delta Plan).

vulnerabilities to climate change include decreases in the quantity of Delta-conveyed imported water supplies, decreases in the ability to capture and use local surface water supplies due to shifts in the timing and intensity of rainfall and runoff, decreases in water quality, and increases in the severity and duration of droughts. Valley Water's State Water Project and Central Valley Project water supplies are also subject to a number of additional constraints, including conveyance limitations and regulatory requirements to protect fisheries and water quality in the Delta. Valley Water's imported supply infrastructure must travel large distances to reach turnouts. As California is a seismically active state, infrastructure could be damaged and the result would be a disruption to water supply availability.

Valley Water plans short- and long-term investments with the goal of requiring no more than a 20 percent water use reduction from the community during a multi-year drought as outlined in its 2040 Water Supply Master Plan. Valley Water has sources of backup supply outside the County and has always relied on multiple supply sources, such as imported water contracts, to supplement existing long-term resources when necessary. Additional information on the reliability of SJW's purchased water is available in Appendix B.

SJW has based its water supply reliability on Valley Water's Water Evaluation and Planning system model. According to Valley Water, this model simulates its water supply system comprised of facilities to recharge the county's groundwater basins, local water systems including the operation of reservoirs and creeks, treatment and distribution facilities, and raw water conveyance systems.

6.4.2 Groundwater

Stanford is assumed to be able to withdraw up to 1,700 AFY from its wells on a continuous basis without impacting water quality in the aquifer or causing unacceptable impacts such as excessive drawdown or land subsidence.[4] To be conservative, this WSA does not assume additional groundwater supply to be available to Stanford in dry years. Additional information on groundwater reliability for Stanford is available in Appendix A.

SJW is assumed to be able to withdraw up to 50,000 AFY of groundwater by 2045, as described in the SJW 2020 UWMP and in Appendix B. Excess groundwater supplies during dry years are stored by Valley Water in the groundwater basin, local reservoirs, San Luis Reservoir, and/or Semitropic Groundwater Bank, and these reserves are drawn upon during dry years to help meet demands. Additional information on groundwater reliability for SJW is available in Appendix B.

6.4.3 Surface Water

Local surface water availability for Stanford is reliant upon the presence of adequate natural flow within Los Trancos Creek and San Francisquito Creek. In drought years, low rainfall can significantly reduce creek levels, limiting the amount of water available for diversion. An availability of approximately 84 percent of Stanford's total water rights is anticipated in a single dry year or in the first year of a multiple dry year period, and an availability of only 5 percent of Stanford's water rights is anticipated in multiple dry years.[5]

[4] Luhdorff & Scalmanini. 2014. *Sustainable Groundwater Pumping for Stanford University.*

[5] Schaaf & Wheeler Consulting Civil Engineers. September 2019. *Water Supply Assessment for the Stanford 2018 General Use Permit.*

Despite year-to-year variability in the availability of local surface water sources, no long-term changes in Stanford's local surface water supply are anticipated.

Local surface water availability for SJW is highly variable depending on hydrologic conditions. In dry years, low rainfall can decrease surface water supplies, limiting the amount of water available for diversion. Bypass flow requirements at SJW's surface water reservoirs and intakes also establish flow rates that must be released past diversion points to preserve downstream habitat. During heavy rain events, the quantity of surface water that can be conveyed at treated may be limited by the raw water system hydraulics, high turbidity levels, and treatment plant capacity. Despite year-to-year variability in the availability of local surface water sources, no long-term changes in SJW's local surface water supply are anticipated.

6.4.4 Recycled Water

Wastewater supplies to produce recycled water supplies for SJW are sufficient to meet projected non-potable demands within the SJW service area. SJW continues to coordinate with the City of San Jose, Valley Water, and other recycled water retailers in the area to ensure that recycled water infrastructure is adequate to meet future recycled water demands.

6.4.5 Summary of Available Water Supplies Under Normal, Single Dry, and Multiple Dry Years

Projected normal year supplies are shown to be adequate to satisfy both Stanford and SJW's projected normal year demands. SJW's projected dry and multiple dry year supplies are anticipated to be adequate to satisfy demands. However, Stanford's purchased supplies from the SFPUC RWS may be impacted by dry year supply reductions as a result of the implementation of the Bay-Delta Plan Amendment, which would significantly reduce dry year allocations for SFPUC wholesale customers, including Stanford. Details are provided in Section 7 below and in Appendix A and B.

7.0 DETERMINATION OF WATER SUPPLY SUFFICIENCY BASED ON REQUIREMENTS OF SB 610

Water Code section 10910 states:

> *10910(c)(4) If the city or county is required to comply with this part pursuant to subdivision (b), the water supply assessment for the project shall include a discussion with regard to whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.*

Pursuant to Water Code section 10910(c)(4) and based on the technical analyses described in this WSA, the total projected water supplies determined to be available for the Proposed Project during normal years during a 20-year projection will meet the projected water demand associated with the Proposed Project, in addition to existing and near-term planned future uses. Additional details about the water supply sufficiency of the Proposed Project sites in Stanford's water service area and in SJW's water service area are described in Appendices A and B, respectively.

Because of the uncertainties surrounding the implementation of the Bay-Delta Plan Amendment and its impacts on the Stanford Water Supply, this WSA presents findings for Stanford under two scenarios, one assuming the Bay-Delta Plan Amendment is not implemented and one assuming that the Bay-Delta Plan Amendment is implemented.

Table 7-1 summarizes the scenario for Stanford where it is assumed the Bay-Delta Plan Amendment is not implemented. Under this scenario, the total projected water supplies determined to be available in single dry years and multiple dry years are only slightly lower than the projected water demand associated with Stanford's existing and planned future uses, including the Proposed Project, through 2045. As described in Section 6.4.1, based on SFPUC's analysis, a 15 percent supply shortfall is projected during the fourth and fifth consecutive dry years for base year 2045. For Stanford, the projected SFPUC multiple dry year supply availability, in combination with Stanford's groundwater and local surface water supply availability, results in projected multiple dry year demand shortfalls (7 percent). These shortfalls are significantly less than the projected demand shortfalls if the Bay-Delta Plan Amendment is implemented.

Table 7-1. Summary of Stanford Water Demand Versus Water Supply without Bay-Delta Plan Amendment During Various Hydrologic Conditions

Hydrologic Condition		Normal, Single Dry, and Multiple Dry Years, AFY				
		2025	2030	2035	2040	2045
Normal Year						
Available Water Supply[a]		5,200	5,400	5,600	5,800	6,000
Total Water Demand[b]		3,672	3,896	4,120	4,344	4,680
Potential Surplus (Deficit)		1,528	1,504	1,480	1,456	1,320
Percent Shortfall of Demand		--	--	--	--	--
Single Dry Year						
Available Water Supply[c]		5,000	5,190	5,380	5,580	5,770
Total Water Demand[b]		3,672	3,896	4,120	4,344	4,680
Potential Surplus (Deficit)		1,328	1,294	1,260	1,236	1,090
Percent Shortfall of Demand		--	--	--	--	--
Multiple Dry Years						
Multiple Dry Year 1	Available Water Supply[d]	5,003	5,193	5,383	5,583	5,773
	Total Water Demand[b]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	1,331	1,297	1,263	1,239	1,093
	Percent Shortfall of Demand	--	--	--	--	--
Multiple Dry Year 2	Available Water Supply[d]	4,017	4,207	4,397	4,597	4,787
	Total Water Demand[b]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	345	311	277	253	107
	Percent Shortfall of Demand	--	--	--	--	--
Multiple Dry Year 3	Available Water Supply[d]	4,017	4,207	4,397	4,597	4,787
	Total Water Demand[b]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	345	311	277	253	107
	Percent Shortfall of Demand	--	--	--	--	--
Multiple Dry Year 4	Available Water Supply[d]	4,017	4,207	4,397	4,597	4,337
	Total Water Demand[b]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	345	311	277	253	(343)
	Percent Shortfall of Demand	--	--	--	--	7
Multiple Dry Year 5	Available Water Supply[d]	4,017	4,207	4,397	4,597	4,337
	Total Water Demand[b]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	345	311	277	253	(343)
	Percent Shortfall of Demand	--	--	--	--	7

(a) Refer to Appendix A, Table 6-1.
(b) Refer to Appendix A, Table 5-2.
(c) Refer to Appendix A, Table 6-6.
(d) Refer to Appendix A, Table 6-7.

Table 7-2 summarizes the scenario where it is assumed the Bay-Delta Plan Amendment is implemented. Under this scenario, significant supply shortfalls are projected in dry years for all agencies that receive water supplies from the SFPUC RWS. For Stanford, the projected SFPUC dry year supply availability, in combination with Stanford's groundwater and local surface water supply availability, results in projected demand shortfalls are in a single dry year in 2045 (6 percent) and in multiple dry years (ranging from 6 to 33 percent) through 2045.

If demand shortfalls do occur (from any cause, such as droughts, impacted distribution system infrastructure, regulatory-imposed shortage restrictions, etc.), Stanford expects to meet these demand shortfalls through water demand reductions and other shortage response actions.[6] The Proposed Project would be subject to the same water conservation and water use restrictions as other water users within Stanford's system. As described in Section 6.4.1.1 of this WSA, the SFPUC is implementing the AWSP to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the RWS. In addition, the SFPUC, along with the Modesto Irrigation District and the Turlock Irrigation District, have entered into a memorandum of understanding with the State to develop a Voluntary Agreement for the Tuolumne River. The Tuolumne River Voluntary Agreement provides a combination of flow and non-flow measures sufficient to improve all life-stages of native fish populations in the lower Tuolumne River. The goal of the Voluntary Agreement is to strike the right balance between environmental stewardship and water reliability.

[6] Stanford. 2022. *Water Resources: Drought*. Accessed at https://suwater.stanford.edu/water-efficiency/drought on March 23, 2023.

Table 7-2. Summary of Stanford Water Demand Versus Water Supply with Bay-Delta Plan Amendment During Various Hydrologic Conditions

Hydrologic Condition		Normal, Single Dry, and Multiple Dry Years, AFY				
		2025	2030	2035	2040	2045
Normal Year						
Available Water Supply[a]		5,200	5,400	5,600	5,800	6,000
Total Water Demand[b]		3,672	3,896	4,120	4,344	4,680
Potential Surplus (Deficit)		1,528	1,504	1,480	1,456	1,320
Percent Shortfall of Demand		--	--	--	--	--
Single Dry Year						
Available Water Supply[c]		4,190	4,310	4,430	4,540	4,380
Total Water Demand[b]		3,672	3,896	4,120	4,344	4,680
Potential Surplus (Deficit)		518	414	310	196	(300)
Percent Shortfall of Demand		--	--	--	--	6%
Multiple Dry Years						
Multiple Dry Year 1	Available Water Supply[d]	4,193	4,313	4,433	4,543	4,383
	Total Water Demand[b]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	521	417	313	199	(297)
	Percent Shortfall of Demand	--	--	--	--	6
Multiple Dry Year 2	Available Water Supply[d]	3,007	3,107	3,187	3,297	3,397
	Total Water Demand[b]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	(665)	(789)	(933)	(1,047)	(1,283)
	Percent Shortfall of Demand	18	20	23	24	27
Multiple Dry Year 3	Available Water Supply[d]	3,007	3,107	3,187	3,297	3,397
	Total Water Demand[b]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	(665)	(789)	(933)	(1,047)	(1,283)
	Percent Shortfall of Demand	18	20	23	24	27
Multiple Dry Year 4	Available Water Supply[d]	3,007	3,107	3,187	3,127	3,157
	Total Water Demand[b]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	(665)	(789)	(933)	(1,217)	(1,523)
	Percent Shortfall of Demand	18	20	23	28	33
Multiple Dry Year 5	Available Water Supply[d]	3,007	3,107	3,087	3,127	3,157
	Total Water Demand[b]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	(665)	(789)	(1,033)	(1,217)	(1,523)
	Percent Shortfall of Demand	18	20	23	28	33

(a) Refer to Appendix A, Table 6-1.
(b) Refer to Appendix A, Table 5-2.
(c) Refer to Appendix A, Table 6-6.
(d) Refer to Appendix A, Table 6-7.

Table 7-3 summarizes SJW's total projected water supplies and demands in normal and dry conditions. The total projected water supplies, with the use of groundwater reserves, were determined by SJW to be able to meet demands in normal years, single dry years, and multiple dry years. This assumes reserves are at healthy levels at the start of the year. If reserves are low at the beginning of a year, Valley Water may call for water use reductions in combination with using reserves. SJW has water-waste provisions promoting conservation that would go into effect during a drought. These measures would result in a reduction in anticipated demand to meet the lower available water supplies.

Table 7-3. Summary of SJW Water Demand Versus Water Supply During Various Hydrologic Conditions

Hydrologic Condition		Normal, Single Dry, and Multiple Dry Years, AFY				
		2025	2030	2035	2040	2045
Normal Year[a]						
Available Water Supply		135,648	135,875	136,961	138,579	139,957
Total Water Demand		135,648	135,875	136,961	138,579	139,957
Potential Surplus (Deficit)		0	0	0	0	0
Percent Shortfall of Demand		--	--	--	--	--
Single Dry Year[b]						
Available Water Supply		135,648	135,875	136,961	138,579	139,957
Total Water Demand		135,648	135,875	136,961	138,579	139,957
Potential Surplus (Deficit)		0	0	0	0	0
Percent Shortfall of Demand		--	--	--	--	--
Multiple Dry Years[c]						
Multiple Dry Year 1	Available Water Supply	135,648	135,875	136,961	138,579	139,957
	Total Water Demand	135,648	135,875	136,961	138,579	139,957
	Potential Surplus (Deficit)	0	0	0	0	0
	Percent Shortfall of Demand	--	--	--	--	--
Multiple Dry Year 2	Available Water Supply	135,648	135,875	136,961	138,579	139,957
	Total Water Demand	135,648	135,875	136,961	138,579	139,957
	Potential Surplus (Deficit)	0	0	0	0	0
	Percent Shortfall of Demand	--	--	--	--	--
Multiple Dry Year 3	Available Water Supply	135,648	135,875	136,961	138,579	139,957
	Total Water Demand	135,648	135,875	136,961	138,579	139,957
	Potential Surplus (Deficit)	0	0	0	0	0
	Percent Shortfall of Demand	--	--	--	--	--
Multiple Dry Year 4	Available Water Supply	135,648	135,875	136,961	138,579	139,957
	Total Water Demand	135,648	135,875	136,961	138,579	139,957
	Potential Surplus (Deficit)	0	0	0	0	0
	Percent Shortfall of Demand	--	--	--	--	--
Multiple Dry Year 5	Available Water Supply	135,648	135,875	136,961	138,579	139,957
	Total Water Demand	135,648	135,875	136,961	138,579	139,957
	Potential Surplus (Deficit)	0	0	0	0	0
	Percent Shortfall of Demand	--	--	--	--	--

(a) Refer to Appendix B, Table 7.
(b) Refer to Appendix B, Table 8.
(c) Refer to Appendix B, Table 9.

8.0 WATER SUPPLY ASSESSMENT APPROVAL PROCESS

> *Water Code section 10910 (g)(1) Subject to paragraph (2), the governing body of each public water system shall submit the assessment to the city or county not later than 90 days from the date on which the request was received. The governing body of each public water system, or the city or county if either is required to comply with this act pursuant to subdivision (b), shall approve the assessment prepared pursuant to this section at a regular or special meeting.*
>
> *Water Code section 10911 (b) The city or county shall include the water supply assessment provided pursuant to Section 10910, and any information provided pursuant to subdivision (a), in any environmental document prepared for the project pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.*

Although Stanford will be the water supplier for the Proposed Project sites on the Stanford campus, because Stanford is not a public water system, it is not required to adopt the WSA for the portion of the Proposed Project on its campus (Appendix A). As the public water supplier for the unincorporated lands, SJW has adopted the WSA for that portion of the Proposed Project (Appendix B). As the approving agency for the Proposed Project, the County must include this WSA in the EIR that is being prepared for the Proposed Project.

9.0 REFERENCES

BAWSCA. April 2021. *BAWSCA Drought Allocation Tables by Agency (Table E: Percent Cutback to the Wholesale Customers With Bay-Delta Plan and Table N: Percent Cutback to the Wholesale Customers Without Bay-Delta Plan)*.

County of Santa Clara. December 1994. *Santa Clara County General Plan, 1995-2010*.

Luhdorff & Scalmanini. 2014. *Sustainable Groundwater Pumping for Stanford University*.

Schaaf & Wheeler Consulting Civil Engineers. September 2019. *Water Supply Assessment for the Stanford 2018 General Use Permit*.

Stanford University. 2022. *Water Resources: Drought*. Accessed at https://suwater.stanford.edu/water-efficiency/drought on March 23, 2023.

Appendix A

Water Supply Assessment – Stanford University

FINAL REPORT | MAY 2023

Santa Clara County Housing Element Update
Water Supply Assessment – Stanford University

PREPARED FOR

Environmental Science Associates

PREPARED BY

WEST YOST
Water. Engineered.

Santa Clara County Housing Element Update
Water Supply Assessment –
Stanford University

Prepared for

Environmental Science Associates

Project No. 712-60-22-11

Project Manager: Rhodora Biagtan, P.E.	June 5, 2023 Date
QA/QC Review: Elizabeth Drayer, P.E.	June 5, 2023 Date

WEST YOST
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FINAL REPORT | JUNE 2023

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LIST OF ACRONYMS AND ABBREVIATIONS

2000 Stanford GUP	2000 Santa Clara County Stanford General Use Permit
AFY	Acre-Feet Per Year
BAWSCA	Bay Area Water Supply & Conservation Agency
County	County of Santa Clara
DU	Dwelling Units
FY	Fiscal Year
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
HEU	Housing Element Update
ISG	Individual Supply Guarantee

Table of Contents

mgd	Million Gallons Per Day
RWS	Regional Water System
SFPUC	San Francisco Public Utilities Commission
SGMA	Sustainable Groundwater Management Act
Stanford	Stanford University
SWRCB	State Water Resources Control Board
UWMP	Urban Water Management Plan
WSA	Water Supply Assessment

1.0 DESCRIPTION OF PROPOSED PROJECT

The following sections describe the Proposed Project location, description, and projected water demand.

1.1 Proposed Project Location and Overview

The County of Santa Clara (County) is proposing to update its General Plan Housing Element for the 2023-2031 planning period via a Housing Element Update (HEU). The primary purpose of the HEU is to comply with the requirements of State law by analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing. The proposed HEU includes housing opportunity sites on Stanford University (Stanford) lands.

For the purposes of this Water Supply Assessment (WSA), the development of the sites on Stanford lands is defined as the Proposed Project. Additional development sites considered as part of the HEU outside of the Stanford campus are evaluated separately.

The Proposed Project is located in the northeastern area of the Stanford campus in an unincorporated portion of Santa Clara County, California, as shown on Figure 1-1. The Stanford campus occupies over 8,000 acres of land across the San Mateo – Santa Clara County line. Stanford's main campus is located in Santa Clara County.

The Proposed Project is proposed to include approximately 54 gross acres of land for faculty/staff housing with a range of 1,680 to 2,160 potential residential dwelling units (DU).[1] In addition to the residential units, the Proposed Project includes approximately 18 acres for the development of an elementary school, located on a portion of a larger 43-acre property. The Proposed Project sites are located in three separate areas around Stanford's main campus, as shown on Figure 1-1.

[1] Project area and potential units are based on the Santa Clara County Housing Element Update site inventory list, August 2022.

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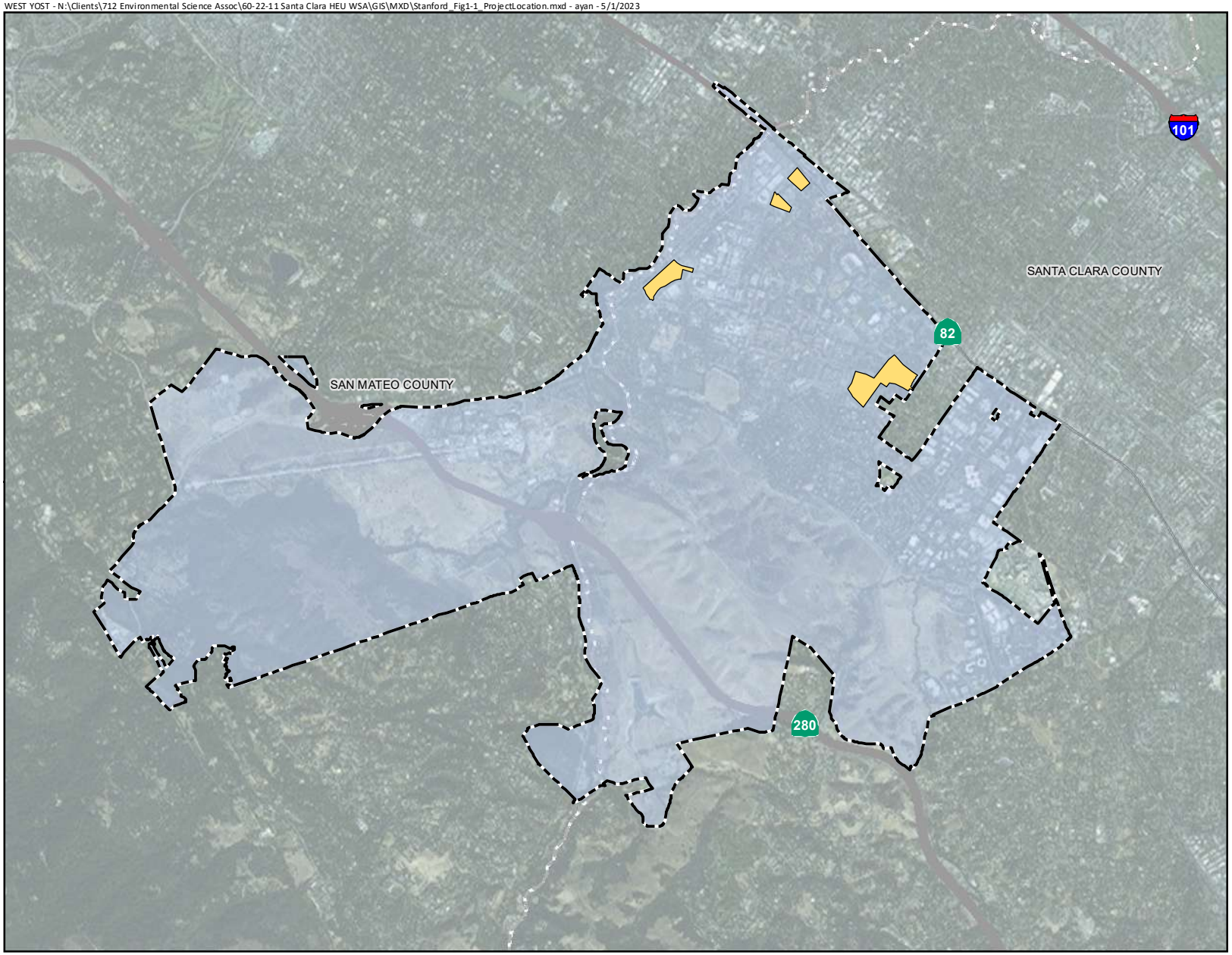

Proposed Project

Stanford Water Service Area

Stanford University Boundary

County Boundary

Notes:
1. Proposed Project boundary from Santa Clara County Housing Element Update Site Inventory (August 2022).

Prepared by:

WEST YOST

N

0 3,000 6,000 Feet

Prepared for:

Environmental Science Associates
Santa Clara County HEU
Water Supply Assessment

ESA

Proposed Project Location
Stanford University

Figure 1-1

1.2 Proposed Land Uses and Projected Water Demand

The Proposed Project sites have existing land use designations of Major Educational & Institutional Uses as classified by the 1995 Santa Clara County General Plan (1995 General Plan).[2] Table 1-1 presents the projected water demand for the Proposed Project as proposed in the HEU. Based on the potential density, the housing units were assumed to be apartment-type units for faculty/staff housing, which would also encompass similar housing types for graduate students and postgraduate fellows. The projected water demand for the housing units includes both indoor domestic uses as well as outdoor landscape irrigation. The proposed elementary school is assumed to have similar attendance to the two existing elementary schools on Stanford's campus. As shown in Table 1-1, the total projected water demand for the Proposed Project is 257 acre-feet per year (AFY).

Table 1-1. Projected Water Demand for the Proposed Project

Land Use	Potential Maximum Units, DU[(a)]	Number of Students	Gross Area, acres[(b)]	Water Use Factor[(c)]	Projected Water Demand	
					gpd	AFY
Faculty/Staff Housing - Apartments[(d)]	2,160	–	54	100 gpd /DU	216,000	242
Elementary School[(e)]	–	420	18	32 gpd /student	13,440	15
Total	**2,160**	**420**	**72**	**–**	**229,440**	**257**

(a) Number of units and parcel areas are from the HEU Site Inventory List (Site Inventory List 08042022_Corrected.xlsx) provided by the County on November 16, 2022.

(b) Gross area was provided via personal communication from Environmental Science Associates on May 1, 2023.

(c) The Faculty/Staff Housing water use factor is from the Water Supply Assessment for the Stanford 2018 General Use Permit, September 2019. The Elementary School water use factor is based on an average factors used by other San Francisco Bay Area agencies in their Master Plans.

(d) Water demands for faculty/staff housing have been calculated based on the maximum potential number of units.

(e) The proposed elementary school is assumed to be of similar size and enrollment as the existing Nixon and Escondido Elementary Schools at Stanford and will be located on a portion of a larger identified 43-acre site.

DU = Dwelling Units, gpd = gallons per day, AFY = acre-feet per year

Table 1-2 presents the projected water demand for the Proposed Project site based on the land uses previously identified in the 2000 Santa Clara County Stanford General Use Permit[3] (2000 Stanford GUP) and the associated 2000 Santa Clara County Community Plan.[4] In the 2000 Stanford GUP, the proposed elementary school site was identified as Academic Campus land use. However, it is expected that the development of academic buildings will be relocated within the Stanford campus instead of being replaced by the elementary school. Therefore, projected Academic Campus water demands have not been accounted for in this WSA. The projected water demand for the Proposed Project site based on the previously identified land use is 58 AFY. The current Proposed Project demands of 257 AFY represent an

[2] County of Santa Clara. October 2016. *General Plan Land Use Map.* Accessed at https://plandev.sccgov.org/ordinances-codes/general-plan on March 23, 2023.

[3] County of Santa Clara. December 2000. *Stanford University 2000 General Use Permit*.

[4] County of Santa Clara. 2000. *2000 Stanford Community Plan.*

increase of 199 AFY from the previously proposed land uses for the Proposed Project site based on the 2000 Stanford GUP.

Table 1-2. Projected Water Demand for the Proposed Project Site based on Previous Proposed Land Uses

Land Use Type	Projected Units, DU	Gross Area, acres	Water Use Factor[a]	Projected Water Demand	
				gpd[b]	AFY[b]
Faculty/Staff Housing	517	54	100 gpd/DU	51,708	58
Academic Campus[c]	–	18	–	0	0
Total	**517**	**72**	**–**	**51,708**	**58**

(a) The Faculty/Staff Housing water use factor is from the Stanford 2018 GUP WSA, September 2019, assuming all future housing units are apartments.

(b) Water demands for faculty/staff housing are based on the maximum number of potential units proposed in the HEU.

(c) The elementary school site was previously designated as an Academic Campus land use, with water demand projected by building floor area. However, no buildings were specifically identified for this site, and it is expected that any planned academic buildings will be relocated within the Stanford campus instead of being replaced by the elementary school. Therefore, projected Academic Campus water demands are not accounted for in this WSA.

DU = Dwelling Units, gpd = gallons per day, AFY = acre-feet per year

2.0 STANFORD UNIVERSITY SERVICE AREA

2.1 Water Service Area

The Stanford campus is located on over 8,000 acres of land straddling the San Mateo-Santa Clara County line. Stanford's main campus is located in Santa Clara County, while other lands are located in the City of Palo Alto, unincorporated San Mateo County, and the Cities of Menlo Park, Portola Valley, and Woodside. Stanford also owns noncontiguous property in the City of Redwood City (Stanford University at Redwood City). Stanford is not served by an identified "public water system." The campus receives water supply from the San Francisco Public Utilities Commission (SFPUC), groundwater, and local surface supplies.

Land uses throughout Stanford's water service area consist primarily of academic buildings, student housing, faculty/staff housing, as well as irrigated landscape areas. Although some areas of the Stanford campus are irrigated with potable water, most of the irrigation demands on campus are met with non-potable water from local surface and groundwater supplies.

2.2 Population

The existing (2020) population for the Stanford water service area was estimated at 32,075, based on information provided by Stanford to the Bay Area Water Supply & Conservation Agency (BAWSCA). Table 2-1 shows Stanford's projected population in five-year increments from 2020 to 2045. The Stanford population projections were incorporated in the 2020 SFPUC UWMP population projections.

Table 2-1. Projected Population for the Stanford Water Service Area		
Time Frame	Year	Population
Historical	2020	32,075
Projected	2025	34,748
	2030	36,922
	2035	39,226
	2040	41,342
	2045	43,525
Source: BAWSCA Regional Water Demand and Conservation Projections, Table 5-3, June 2020; BAWSCA Service Area Populations, https://bawsca.org/members/populations		

3.0 WATER DEMANDS

> *Water Code Section 10910(c)(2) If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g).*

Stanford is not required to prepare an Urban Water Management Plan (UWMP), as it is not an "urban water supplier" under the criteria of the California Water Code. To support regional water planning efforts, Stanford is a member of the BAWSCA. Stanford provided input in BAWSCA's June 2020 Regional Water Demand and Conservation Projections Report (Demand Report)[5], which was prepared to support long-term reliable water strategies and support individual agency efforts for completion of UWMPs. The BAWSCA Demand Report includes demand projections for member agencies through 2045 based on historical data, population projections, demographics, and water conservation savings. The descriptions below for Stanford water demands have been primarily taken from the BAWSCA Demand Report, the SFPUC 2020 UWMP, and the Stanford 2018 GUP WSA.[6]

3.1 Historical and Existing Water Demand

Table 3-1 shows Stanford's historical and existing water demand (based on water production) for 2010 through 2020. During this period, annual average consumption has decreased from a high of 3,785 AFY in 2012 to 2,829 AFY in 2019. Much of this reduction is a result of implementation of the Stanford Energy Systems Innovations Project in fiscal years 2014-15 and 2015-16, as well as mandatory drought conservation measures during the drought of 2012 to 2016. Stanford's water demands have remained low post-drought due to permanent water conservation measures. Water demands in 2020 were significantly lower than normal (1,766 AFY) due to campus closures because of the COVID-19 pandemic and are not expected to be representative of future Stanford water demands.

[5] Maddaus Water Management, Inc. June 2020. *Bay Area Water Supply & Conservation Agency's Regional Water Demand and Conservation Projections.*

[6] Schaaf & Wheeler Consulting Civil Engineers. September 2019. *Water Supply Assessment for the Stanford 2018 General Use Permit.*

Table 3-1. Historical Water Demand	
Year	Water Demand, AFY
2010	3,650
2011	3,479
2012	3,785
2013	3,276
2014	3,622
2015	2,923
2016	2,963
2017	2,566
2018	2,457
2019	2,829
2020	1,766
Sources: Stanford 2018 GUP WSA, SFPUC 2020 UWMP, California Department of Water Resources eWRIMS online Water Rights Records Search database, BAWSCA Annual Surveys	

3.2 Future Water Demand

Table 3-2 presents the projected normal year water demands for Stanford to be used in the WSA through 2045, based on the projections included in the BAWSCA Demand Report. These projections are based on the BAWSCA projections with the additional demands from the Proposed Project as described in Section 1.2. A 27 percent increase is projected from 2025 to 2045.

Table 3-2. Stanford Projected Water Demands, AFY					
Source	2025	2030	2035	2040	2045
2020 BAWSCA Projections[a]	3,473	3,697	3,921	4,145	4,481
Incremental Increase in Project[b]	199	199	199	199	199
Total	**3,672**	**3,896**	**4,120**	**4,344**	**4,680**
(a) Demands from BAWSCA's Regional Water Demand and Conservation Projections, June 2020, Table 5-5, assuming passive conservation. (b) The incremental increase from the Proposed Project is the difference from projected water demands in Table 1-1 and Table 1-2. AFY = acre-feet per year					

3.3 Dry Year Water Demand

As shown in Table 3-1, Stanford was able to significantly decrease its water demands compared to prior years in response to the drought and mandated statewide reductions in potable water usage. Stanford has implemented permanent water conservation measures, and the projected future water demand presented in Table 3-2 includes continued implementation of these measures.

Under dry water year conditions, Stanford anticipates implementing further water demand reduction measures as appropriate to reduce water demands to match any projected reduction in supply. However, to be conservative, this WSA does not assume additional water conservation will occur in single dry or multiple dry years, as compared to normal years, even though additional water conservation is likely to occur.

4.0 WATER SUPPLIES

Water Code Section 10910(c)(2) If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f) and (g).

Water Code Section 10910(d)(1) The assessment required by this section shall include an identification of any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and a description of the quantities of water received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts.

Water Code Section 10910(d)(2) An identification of existing water supply entitlements, water rights, or water service contracts held by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall be demonstrated by providing information related to all of the following:

(A) Written contracts or other proof of entitlement to an identified water supply.

(B) Copies of a capital outlay program for financing the delivery of a water supply that has been adopted by the public water system.

(C) Federal, state, and local permits for construction of necessary infrastructure associated with delivering the water supply.

(D) Any necessary regulatory approvals that are required in order to be able to convey or deliver the water supply.

Water Code Section 10910(e) If no water has been received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts, the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall also include in its water supply assessment pursuant to subdivision (c), an identification of the other public water systems or water service contract-holders that receive a water supply or have existing water supply entitlements, water rights, or water service contracts, to the same source of water as the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has identified as a source of water supply within its water supply assessments.

The Proposed Project, if approved by the County and Stanford, is anticipated to be served from Stanford's existing and future portfolio of water supplies. The inclusion of existing and planned future water supplies is specifically allowed by the Water Code:

Water Code Section 10631(b): Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a).

The water supply for the Proposed Project will have the same water supply reliability and water quality as the water supply available to the other Stanford uses. The descriptions provided below about Stanford's water supplies needed to serve the Proposed Project have been predominantly taken, for the most part, from the Stanford 2018 GUP WSA.

4.1 Water Supply Overview

Stanford's current primary source of potable water supply is from the San Francisco Regional Water System (RWS), which is operated by the SFPUC. This water is purchased by Stanford from SFPUC under a wholesale contract. Stanford has the capability to supplement potable supplies with groundwater if

needed. In addition, Stanford uses local surface supplies and groundwater for non-potable uses, primarily for landscape irrigation. The non-potable distribution system is referred to as the Lake Water System.

4.2 Water Supply from the SFPUC

The SFPUC supplies water to both retail and wholesale customers. Retail customers include residents, businesses, and industries located within the City and County of San Francisco's boundaries. Wholesale customers include 26 cities and water supply agencies in Alameda, San Mateo and Santa Clara counties, including Stanford.

Stanford is a member agency of BAWSCA, and purchases treated water from SFPUC in accordance with the November 2018 Amended and Restated Water Supply Agreement between the City and County of San Francisco and Wholesale Customers in Alameda, San Mateo and Santa Clara Counties, which was adopted in 2019. The term of the agreement is 25 years, with a beginning date of July 1, 2009, and an expiration date of June 30, 2034. Per the agreement, Stanford has an Individual Supply Guarantee (ISG) of 3.03 million gallons per day (mgd), or 3,394 AFY, supplied by the SFPUC. Note that although expressed in units of mgd, the ISG is an overall annual average target. Daily or monthly usage may exceed this target, and this is not uncommon during the summer months. Over the last five years (2016-2020) Stanford has purchased between 46 percent and 49 percent of its ISG. Additional discussion of the SFPUC water supplies is provided in SFPUC's 2020 UWMP.

4.3 Groundwater

Groundwater pumped from five (5) Stanford-owned and operated wells over the Santa Clara Valley Groundwater Subbasin is currently used only for non-potable uses such as landscape irrigation and is relied upon most during dry years, although groundwater could be used to supplement potable water supply from SFPUC if needed. Groundwater is also pumped into Stanford's Felt Reservoir for rediversion into the Lake Water System.

4.3.1 Groundwater Basin Description

The Stanford service area overlies the Santa Clara Valley Basin's Santa Clara Valley Groundwater Subbasin (Basin number 2-009.02). The subbasin is not adjudicated, nor has it been found by the Department of Water Resources (DWR) to be in a condition of overdraft. As part of the implementation of the Sustainable Groundwater Management Act (SGMA), the subbasin was identified as a high priority basin under the California Statewide Groundwater Elevation Monitoring basin prioritization process.[7]

The Santa Clara Valley Subbasin underlying the Stanford service area contains sands and gravels deposited in alluvial fans at the foot of the Santa Cruz Mountains, covered in alluvium and Bay Mud. The subbasin contains both confined and unconfined aquifer units with water table surfaces generally sloping towards San Francisco Bay. Groundwater levels in the Santa Clara Valley Subbasin have been relatively stable over the last twenty-five years, after recovering from low levels in the 1960s caused by decades of groundwater pumping for growing agricultural use.[8] Many former groundwater users now rely on imported surface water deliveries.

[7] DWR. May 2020. *Sustainable Groundwater Management Act 2019 Basin Prioritization.*

[8] Valley Water. November 2021. *Groundwater Management Plan for the Santa Clara and Llagas Subbasins.*

4.3.2 Groundwater Basin Management

Valley Water is the Groundwater Sustainability Agency (GSA) for the Santa Clara Subbasin. Valley Water is an independent special district that provides wholesale water supply, groundwater management, flood protection and stream stewardship in Santa Clara County. Valley Water prepared a Groundwater Management Plan report published in 2021 (2021 GMP) as an alternative to the Groundwater Sustainability Plan (GSP), which is a required planning document by DWR. The 2021 GMP delineates the role of Valley Water as the groundwater manager within the County, as well as providing details of the basins which Valley Water manages.

To reduce the risk of groundwater basin overdraft, a recharge system has been developed by Valley Water. Valley Water manages facility recharge methods that account for over 60 percent of the total recharge in the basins they manage.

4.3.3 Groundwater Use

Stanford's wells have a combined total pumping capacity of approximately 4,450 AFY. In the highest recent reporting year (FY 2013-14), Stanford withdrew a total of 1,142 AF from these wells. This was a dry year, and on average, Stanford pumps significantly less than this amount.[9] A 2014 groundwater modeling study[10] indicated that Stanford could withdraw up to 1,700 AFY from its wells on a continuous basis without impacting water quality in the aquifer or causing unacceptable impacts such as excessive drawdown or land subsidence. The volume of groundwater pumped by Stanford over the past five years is summarized in Table 4-1.

Table 4-1. Historical Groundwater Volume Pumped by Stanford, AFY

2016	2017	2018	2019	2020
690	456	554	0	0

Source: BAWSCA Annual Surveys, 2016-2020.

4.4 Local Surface Water

Stanford holds a combination of riparian and pre-1914 appropriative rights reported under four Statements of Water Diversion and Use (S004660, S004661, S015695, and S015696) and one appropriative right licensed by the State Water Resources Control Board (SWRCB) (L001723). These water rights support Stanford's diversion from Los Trancos Creek and San Francisquito Creek, two streams that flow through Stanford lands, which supply Stanford's Lake Water System. The rights provide water for recreation, irrigation, stock watering, and fire protection purposes.

Water is impounded seasonally (during periods of high flow) in two reservoirs above campus: Searsville Reservoir on Corte Madera Creek (just above its confluence with Bear Gulch Creek) and Felt Reservoir east of Los Trancos Creek. Water is then drawn from these reservoirs as needed. Because of the way in which waters from multiple sources commingle during diversion and storage, total diversion and usage statistics are reported in aggregate monthly quantities to the SWRCB, on an annual basis. Together, the rights to diverted surface waters can yield 1,255 AFY to the Lake Water System. Lake water is not treated to meet

[9] BAWSCA. 2021. *Water Use by Source.* Accessed at https://bawsca.org/water/use/source on March 21, 2023.

[10] Luhdorff & Scalmanini. 2014. *Sustainable Groundwater Pumping for Stanford University.*

domestic water quality standards. It is conveyed to campus via a separate system and used for the purposes of irrigation and backup fire protection.

4.5 Summary of Existing and Additional Planned Future Water Supplies

Table 4-2 provides a summary of Stanford's existing and projected future normal year water supplies. Projections for water use from SFPUC are based on the projected wholesale purchase requests in the SFPUC 2020 UWMP. Groundwater projections are based on the identified safe yield described in Section 4.3.3, and local surface water is projected based on Stanford's total water rights. A discussion of the future anticipated availability of these existing and additional planned future water supplies during dry years is provided in Section 5.0 of this WSA.

Table 4-2. Existing (2020) and Projected Water Supplies – Normal Years, AFY

Supply	2020 (Actual)[a]	2025	2030	2035	2040	2045
SFPUC	1,602	2,250	2,440	2,630	2,830	3,020
Surface Water	164	1,255	1,255	1,255	1,255	1,255
Groundwater	0	1,700	1,700	1,700	1,700	1,700
Total	**1,766**	**5,200**	**5,400**	**5,600**	**5,800**	**6,000**

(a) Actual water use in 2020 was significantly lower than normal due to Stanford campus closures related to the COVID-19 pandemic.

5.0 WATER SUPPLY AVAILABILITY AND RELIABILITY

Water Code Section 10910 (c)(4) requires that a WSA include a discussion regarding "whether total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses." Accordingly, this WSA addresses these three hydrologic conditions through the year 2045.

The quantity of water available from Stanford's water supplies varies annually depending on hydrologic conditions. Water supply reliability was evaluated under three conditions: (1) normal water year, (2) single-dry year, and (3) five-consecutive year drought. The current reliability of Stanford's water supply is largely dependent upon its water supply contract with SFPUC and SFPUC's water supply reliability. Stanford's local surface water supply is also subject to reductions during single and multiple dry years (seasonal and climatic shortages) as discussed below.

The reliability of each of Stanford's existing and projected water supplies and their projected availability during normal, single dry, and multiple dry years is described in the following sections and is primarily based on the Valley Water 2020 UWMP (adopted in June 2021) and the SFPUC 2020 UWMP (also adopted in June 2021).

5.1 SFPUC RWS Reliability

Information regarding the reliability of the SFPUC RWS was provided by BAWSCA in coordination with SFPUC. The following sections describe the potential impacts of the 2018 Bay-Delta Plan Amendment on SFPUC RWS reliability, allocation of RWS supplies during supply shortages, as well as SFPUC's Alternative

Water Supply Planning Program (AWSP) designed to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the RWS.

5.1.1 Potential Impacts of the 2018 Bay-Delta Plan Amendment on SFPUC RWS Reliability

In December 2018, the SWRCB adopted amendments to the Water Quality Control Plan for the San Francisco Bay Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The SWRCB is required by law to regularly review this plan. The adopted Bay-Delta Plan Amendment was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta. The Bay-Delta Plan Amendment requires the release of 40 percent of the "unimpaired flow" on the three tributaries from February through June in every year type, whether wet, normal, dry, or critically dry.

The SWRCB stated that it intended to implement the Bay-Delta Plan Amendment on the Tuolumne River by the Year 2022, assuming all required approvals were obtained by that time. But implementation of the Plan Amendment has not occurred to date and is uncertain for several reasons:

- Since adoption of the Bay-Delta Plan Amendment, over a dozen lawsuits have been filed in both state and federal court, challenging the SWRCB's adoption of the Bay-Delta Plan Amendment, including two legal challenges filed by the federal government, at the request of the U.S. Department of Interior, Bureau of Reclamation in state and federal courts. These cases are in the early stage and there have been no dispositive court rulings to date.
- The Bay-Delta Plan Amendment is not self-implementing and does not allocate responsibility for meeting its new flow requirements to the SFPUC or any other water rights holders. Rather, the Plan Amendment merely provides a regulatory framework for flow allocation, which must be accomplished by other regulatory and/or adjudicatory proceedings, such as a comprehensive water rights adjudication or, in the case of the Tuolumne River, the 401 certification process in the Federal Energy Regulatory Commission's (FERC) relicensing proceeding for Don Pedro Dam. This process and the other regulatory and/or adjudicatory proceedings would likely face legal challenges and have lengthy timelines, and quite possibly could result in a different assignment of flow responsibility (and therefore a different water supply impact on the SFPUC).
- In recognition of the obstacles to implementation of the Bay-Delta Plan Amendment, SWRCB Resolution No. 2018-0059 adopting the Bay-Delta Plan Amendment directed staff to help complete a "Delta watershed-wide agreement, including potential flow measures for the Tuolumne River" by March 1, 2019, and to incorporate such agreements as an "alternative" for a future amendment to the Bay-Delta Plan to be presented to the SWRCB "as early as possible after December 1, 2019." In accordance with the SWRCB's instruction, on March 1, 2019, SFPUC, in partnership with other key stakeholders, submitted a proposed project description for the Tuolumne River that could be the basis for a voluntary substitute agreement with the SWRCB ("March 1st Proposed Voluntary Agreement"). On March 26, 2019, the Commission adopted Resolution No. 19-0057 to support SFPUC's participation in the Voluntary Agreement negotiation process.
- In November 2022, the SFPUC, Modesto Irrigation District, and Turlock Irrigation District signed a memorandum of understanding with the State to advance a voluntary agreement for the Tuolumne River. The proposed eight-year program includes a combination of flow and non-flow measures sufficient to improve all life-stages of native fish populations in the

lower Tuolumne River. The goal of the Voluntary Agreement is to strike the right balance between environmental stewardship and water reliability.

Because of the uncertainties surrounding the implementation of the Bay-Delta Plan Amendment, the SFPUC 2020 UWMP analyzed two supply scenarios, one with the Bay-Delta Plan Amendment assuming implementation starting in 2023, and one without the Bay-Delta Plan Amendment. Results of these analyses are summarized as follows:[12]

- If the Bay-Delta Plan Amendment is implemented, SFPUC will be able to meet its contractual obligations to its wholesale customers as presented in the SFPUC 2020 UWMP in normal years but would experience significant supply shortages in dry years. In single dry years, supply shortages for SFPUC's wholesale customers collectively would range from 36 to 46 percent. In multiple dry years for SFPUC's wholesale customers collectively, supply shortages would range from 36 to 54 percent. Implementation of the Bay-Delta Plan Amendment will require rationing in all single dry and multiple dry years through 2045.
- If the Bay-Delta Plan Amendment is not implemented, SFPUC would be able to meet 100 percent of the projected purchases of its wholesale customers during all year types through 2045 except during the fourth and fifth consecutive dry years for base year 2045 when 15 percent wholesale supply shortages are projected for SFPUC's total supply to all wholesale customers.

In June 2021, in response to various comments from wholesale customers regarding the reliability of the RWS as described in SFPUC's 2020 UWMP, the SFPUC provided a memorandum describing SFPUC's efforts to remedy the potential effects of the Bay-Delta Plan Amendment. As described in the memorandum (included in Attachment A of this WSA), SFPUC's efforts include the following:

- Pursuing a Tuolumne River Voluntary Agreement
- Evaluating the drought planning scenario in light of climate change
- Pursuing alternative water supplies
- In litigation with the State over the Bay-Delta Plan Amendment
- In litigation with the State over the proposed Don Pedro FERC Water Quality Certification

5.1.2 Allocation of RWS Supplies During Supply Shortages

The wholesale customers and SFPUC adopted the November 2018 Amended and Restated Water Supply Agreement in 2019, which included a Water Shortage Allocation Plan (WSAP) to allocate water from the RWS to retail and wholesale customers during system-wide shortages of 20 percent or less, including such shortages occurring as a result of implementation of the Bay-Delta Plan Amendment. The WSAP has two tiers which are described below.

- The Tier One Plan allocates water between SFPUC and the wholesale customers collectively based on the level of the shortage (up to 20 percent). This plan applies only when SFPUC determines that a system-wide water shortage exists and issues a declaration of a water

[12] BAWSCA. April 2021. BAWSCA Drought Allocation Tables by Agency (Table E: Percent Cutback to the Wholesale Customers With Bay-Delta Plan and Table N: Percent Cutback to the Wholesale Customers Without Bay-Delta Plan).

shortage emergency under California Water Code Section 350. The SFPUC may also opt to request voluntary cutbacks from San Francisco and the wholesale customers to achieve necessary water use reductions during drought periods. The allocations outlined in the Tier One Plan are provided in Table 5-1.

- The Tier Two Plan allocates the collective wholesale customer share among the wholesale customers based on a formula that accounts for each wholesale customer's ISG, seasonal use of all available water supplies, and residential per capita use. BAWSCA calculates each wholesale customer's Allocation Factors annually in preparation for a potential water shortage emergency.

Table 5-1. Tier One Plan Water Shortage Allocations

System-Wide Reduction Required, percent	Share of Available Water, percent	
	SFPUC	Wholesale Customers
≤ 5	35.5	64.5
6 to 10	36.0	64.0
11 to 15	37.0	63.0
16 to 20	37.5	62.5

BAWSCA recognizes that the Tier Two Plan was not designed for RWS shortages greater than 20 percent, and in a memorandum dated March 1, 2021, BAWSCA provided a refined methodology to allocate RWS supplies during projected future single dry and multiple dry years in the instance where supply shortfalls are greater than 20 percent for the purposes of the BAWSCA member agencies' 2020 UWMPs. The revised methodology developed by BAWSCA allocates the wholesale supplies as follows:

- When the average Wholesale Customers' RWS shortages are 10 percent or less, an equal percent reduction will be applied across all agencies. This is consistent with the existing Tier Two requirements in a Tier Two application scenario.
- When average Wholesale Customers' shortages are between 10 and 20 percent, the Tier Two Plan will be applied.
- When the average Wholesale Customers' RWS shortages are greater than 20 percent, an equal percent reduction will be applied across all agencies.

In another memorandum dated February 18, 2021, BAWSCA explains that in actual RWS shortages greater than 20 percent, BAWSCA Member Agencies would have the opportunity to negotiate and agree upon a more nuanced and equitable approach. This would likely consider basic health and safety needs, the water needs to support critical institutions, and minimizing economic impacts on individual communities and the region. As such, the allocation method described above is only intended to serve as the preliminary basis for the supply reliability analysis. The analysis provided in the SFPUC 2020 UWMP does not in any way imply an agreement by BAWSCA member agencies as to the exact allocation methodology. BAWSCA member agencies are in discussions about jointly developing an allocation method that would consider additional equity factors in the event that SFPUC is not able to deliver its contractual supply volume, and its cutbacks to the RWS supply exceed 20 percent.

5.1.3 Alternative Water Supply Program

In early 2020, the SFPUC began implementation of the AWSP, a program designed to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities of the RWS particularly in light of the possible implementation of the Bay-Delta Plan Amendment.

Included in the AWSP is a suite of diverse, non-traditional supply projects that, to a great degree, leverage regional partnerships and are designed to meet the water supply needs of the SFPUC Retail and Wholesale Customers through 2045. As of the most recent AWSP Quarterly Update, SFPUC has budgeted $264 million over the next ten years to fund water supply projects. The drivers for the program include:

1. the adoption of the Bay-Delta Plan Amendment and the resulting potential limitations to RWS supply during dry years;
2. the net supply shortfall following the implementation of SFPUC's Water System Improvement Plan (WSIP)[13];
3. San Francisco's perpetual obligation to supply 184 mgd to the Wholesale Customers;
4. adopted Level of Service Goals to limit rationing to no more than 20 percent system-wide during droughts; and
5. the potential need to identify water supplies that would be required to offer permanent status to interruptible customers.

The SFPUC is considering several water supply options and opportunities to meet all foreseeable water supply needs, including surface water storage expansion, recycled water expansion, water transfers, desalination, and potable reuse. These efforts and their expected benefit to supply reliability are listed below, and described in further detail in the SFPUC 2020 UWMP:

- Daly City Recycled Water Expansion (Regional; Normal and Dry-Year Supply)
- Alameda County Water District – Union Sanitary District Purified Water Partnership (Regional; Normal and Dry-Year Supply)
- Crystal Springs Purified Water (Regional; Normal and Dry-Year Supply)
- Los Vaqueros Reservoir Expansion (Regional; Dry Year Supply)
- Bay Area Brackish Water Desalination (Regional; Normal and Dry-Year Supply)
- Calaveras Reservoir Expansion (Regional; Dry Year Supply)
- Groundwater Banking (Dry Year Supply)
- Inter-Basin Collaborations

[13] The Water System Improvement Program (WSIP) is a $4.8 billion-dollar, multi-year capital program to upgrade the SFPUC's regional and local water systems. The program repairs, replaces, and seismically upgrades crucial portions of the Hetch Hetchy Regional Water System. The program consists of 87 projects (35 local projects located within San Francisco and 52 regional projects) spread over seven counties from the Sierra foothills to San Francisco. The San Francisco portion of the program is 100 percent complete as of October 2020. The Regional portion is approximately 99 percent complete. The current forecasted date to complete the overall WSIP is May 2023.

Capital projects under consideration would be costly and are still in the early feasibility and conceptual planning stages. The exact yields from these projects are not quantified at this time, as these supply projects would take 10 to 30 years to implement and the exact amount of water that can be reasonably developed is currently unknown.

As with traditional infrastructure projects, there is a need to progress systematically from planning to environmental review, and then on to detailed design, permitting and construction of these alternative water supply projects. Given the complexity and inherent challenges, these projects will require a long lead time to develop and implement. SFPUC staff have developed an approach and timeline to substantially complete planning and initiate environmental review in 2023 for a majority of the alternative water supply projects under consideration.

5.1.4 Stanford SFPUC Reliability

The projected availability of water supplies to Stanford from the SFPUC RWS are presented in Table 5-2 and Table 5-3 below. Projections are based on the projected wholesale purchase requests in the SFPUC 2020 UWMP, as well as projected drought allocations provided by SFPUC for conditions with or without the Bay-Delta Plan Amendment.

Table 5-2. Projected Stanford SFPUC Water Supplies with Bay-Delta Plan Amendment

Hydrologic Condition	Projected Water Supply, AFY				
	2025	2030	2035	2040	2045
Normal Year	2,250	2,440	2,630	2,830	3,020
Single Dry Year	1,440	1,560	1,680	1,790	1,630
Multiple Dry Years - Year 1	1,440	1,560	1,680	1,790	1,630
Multiple Dry Years - Year 2	1,240	1,340	1,420	1,530	1,630
Multiple Dry Years - Year 3	1,240	1,340	1,420	1,530	1,630
Multiple Dry Years - Year 4	1,240	1,340	1,420	1,360	1,390
Multiple Dry Years - Year 5	1,240	1,340	1,320	1,360	1,390

Source: SFPUC 2020 UWMP Tables 4-3 and 8-3; BAWSCA Drought Allocation Tables by Agency

Table 5-3. Projected Stanford SFPUC Water Supplies without Bay-Delta Plan Amendment

Hydrologic Condition	Projected Water Supply, AFY				
	2025	2030	2035	2040	2045
Normal Year	2,250	2,440	2,630	2,830	3,020
Single Dry Year	2,250	2,440	2,630	2,830	3,020
Multiple Dry Years - Year 1	2,250	2,440	2,630	2,830	3,020
Multiple Dry Years - Year 2	2,250	2,440	2,630	2,830	3,020
Multiple Dry Years - Year 3	2,250	2,440	2,630	2,830	3,020
Multiple Dry Years - Year 4	2,250	2,440	2,630	2,830	2,570
Multiple Dry Years - Year 5	2,250	2,440	2,630	2,830	2,570

Source: SFPUC 2020 UWMP Tables 4-3 and 8-3; BAWSCA Drought Allocation Tables by Agency

5.2 Groundwater Reliability

As described in Section 4.3, Stanford is assumed to be able to withdraw up to 1,700 AFY from its wells on a continuous basis without impacting water quality in the aquifer or causing unacceptable impacts such as excessive drawdown or land subsidence. The 2014 groundwater study also indicated that during drought periods, withdrawals of up to 5,000 AFY may be made for a brief one-to-two-year period by Stanford or others in the basin, if followed by a low use period during which the aquifer may recover. However, to be conservative, this WSA does not assume the additional groundwater supply to be available to Stanford in dry years, as it is unclear how the additional 5,000 AFY may be distributed among groundwater users within the basin.

Table 5-4. Projected Stanford Groundwater Supplies

Hydrologic Condition	Projected Water Supply, AFY				
	2025	2030	2035	2040	2045
Normal Year	1,700	1,700	1,700	1,700	1,700
Single Dry Year	1,700	1,700	1,700	1,700	1,700
Multiple Dry Years - Year 1	1,700	1,700	1,700	1,700	1,700
Multiple Dry Years - Year 2	1,700	1,700	1,700	1,700	1,700
Multiple Dry Years - Year 3	1,700	1,700	1,700	1,700	1,700
Multiple Dry Years - Year 4	1,700	1,700	1,700	1,700	1,700
Multiple Dry Years - Year 5	1,700	1,700	1,700	1,700	1,700

Source: Stanford 2018 GUP WSA

5.3 Local Surface Water Reliability

Local surface water availability is reliant upon the presence of adequate natural flow within Los Trancos Creek and San Francisquito Creek. In drought years, low rainfall can significantly reduce creek levels, limiting the amount of water available for diversion. Based on the 2018 GUP WSA, an availability of approximately 84 percent of Stanford's total water rights is anticipated in a single dry year or in the first year of a multiple dry year period, and an availability of only 5 percent of Stanford's water rights is anticipated in multiple dry years. Despite year-to-year variability in the availability of local surface water sources, no long-term changes in Stanford's local surface water supply are anticipated.

Table 5-5. Projected Stanford Local Surface Water Supplies

Hydrologic Condition	Projected Water Supply, AFY				
	2025	2030	2035	2040	2045
Normal Year	1,255	1,255	1,255	1,255	1,255
Single Dry Year	1,053	1,053	1,053	1,053	1,053
Multiple Dry Years - Year 1	1,053	1,053	1,053	1,053	1,053
Multiple Dry Years - Year 2	67	67	67	67	67
Multiple Dry Years - Year 3	67	67	67	67	67
Multiple Dry Years - Year 4	67	67	67	67	67
Multiple Dry Years - Year 5	67	67	67	67	67

Source: Stanford 2018 GUP WSA

5.4 Summary of Available Water Supplies Under Normal, Single Dry, and Multiple Dry Years

Projected normal year supplies are shown to be adequate to satisfy Stanford's projected normal year demands. However, Stanford's purchased supplies from the SFPUC RWS assume dry year supply reductions as a result of the implementation of the Bay-Delta Plan Amendment, which significantly reduces dry year allocations for SFPUC wholesale customers.

Table 5-6 summarizes Stanford's projected supplies during normal, single dry and multiple dry years through 2045 based on the assumptions described in the sections above, which assume implementation of the Bay-Delta Plan Amendment.

Table 5-6. Projected Total Water Supplies with Bay-Delta Plan Amendment[a]

Hydrologic Condition	Normal, Single Dry, and Multiple Dry Years, AFY				
	2025	2030	2035	2040	2045
Normal Year	5,205	5,395	5,585	5,785	5,975
Single Dry Year	4,193	4,313	4,433	4,543	4,383
Multiple Dry Years - Year 1	4,193	4,313	4,433	4,543	4,383
Multiple Dry Years - Year 2	3,007	3,107	3,187	3,297	3,397
Multiple Dry Years - Year 3	3,007	3,107	3,187	3,297	3,397
Multiple Dry Years - Year 4	3,007	3,107	3,187	3,127	3,157
Multiple Dry Years - Year 5	3,007	3,107	3,087	3,127	3,157

(a) Refer to Table 5-2, Table 5-4, and Table 5-5.

Table 5-7 summarizes Stanford's projected supplies during normal, single dry and multiple dry years through 2045 based on the assumptions described in the sections above, assume the Bay-Delta Plan Amendment is not implemented.

Table 5-7. Projected Total Water Supplies without Bay-Delta Plan Amendment[a]

Hydrologic Condition	Normal, Single Dry, and Multiple Dry Years, AFY				
	2025	2030	2035	2040	2045
Normal Year	5,205	5,395	5,585	5,785	5,975
Single Dry Year	5,003	5,193	5,383	5,583	5,773
Multiple Dry Years - Year 1	5,003	5,193	5,383	5,583	5,773
Multiple Dry Years - Year 2	4,017	4,207	4,397	4,597	4,787
Multiple Dry Years - Year 3	4,017	4,207	4,397	4,597	4,787
Multiple Dry Years - Year 4	4,017	4,207	4,397	4,597	4,337
Multiple Dry Years - Year 5	4,017	4,207	4,397	4,597	4,337

(a) Refer to Table 5-3,Table 5-4, and Table 5-5.

6.0 DETERMINATION OF WATER SUPPLY SUFFICIENCY BASED ON REQUIREMENTS OF SB 610

Water Code section 10910 states:

> *10910(c)(4) If the city or county is required to comply with this part pursuant to subdivision (b), the water supply assessment for the project shall include a discussion with regard to whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.*

Because of the uncertainties surrounding the implementation of the Bay-Delta Plan Amendment, this WSA presents findings for two scenarios, one assuming the Bay-Delta Plan Amendment Is implemented and one assuming that the Bay-Delta Plan Amendment is not implemented.

Table 6-1 summarizes the scenario where it is assumed the Bay-Delta Plan Amendment is implemented. Under this scenario, significant supply shortfalls are projected in dry years for all agencies that receive water supplies from the SFPUC RWS. For Stanford, the projected SFPUC dry year supply availability, in combination with Stanford's groundwater and local surface water supply availability, results in projected demand shortfalls in a single dry year in 2045 (6 percent) and in multiple dry years (ranging from 6 to 33 percent) through 2045.

Table 6-1. Summary of Water Demand Versus Water Supply with Bay-Delta Plan Amendment During Various Hydrologic Conditions

Hydrologic Condition		Normal, Single Dry, and Multiple Dry Years, AFY				
		2025	2030	2035	2040	2045
Normal Year						
Available Water Supply[(a)]		5,200	5,400	5,600	5,800	6,000
Total Water Demand[(b)]		3,672	3,896	4,120	4,344	4,680
Potential Surplus (Deficit)		1,528	1,504	1,480	1,456	1,320
Percent Shortfall of Demand		--	--	--	--	--
Single Dry Year						
Available Water Supply[(c)]		4,190	4,310	4,430	4,540	4,380
Total Water Demand[(b)]		3,672	3,896	4,120	4,344	4,680
Potential Surplus (Deficit)		518	414	310	196	(300)
Percent Shortfall of Demand		--	--	--	--	6
Multiple Dry Years						
Multiple Dry Year 1	Available Water Supply[(c)]	4,193	4,313	4,433	4,543	4,383
	Total Water Demand[(b)]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	521	417	313	199	(297)
	Percent Shortfall of Demand	--	--	--	--	6
Multiple Dry Year 2	Available Water Supply[(c)]	3,007	3,107	3,187	3,297	3,397
	Total Water Demand[(b)]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	(665)	(789)	(933)	(1,047)	(1,283)
	Percent Shortfall of Demand	18	20	23	24	27
Multiple Dry Year 3	Available Water Supply[(c)]	3,007	3,107	3,187	3,297	3,397
	Total Water Demand[(b)]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	(665)	(789)	(933)	(1,047)	(1,283)
	Percent Shortfall of Demand	18	20	23	24	27
Multiple Dry Year 4	Available Water Supply[(c)]	3,007	3,107	3,187	3,127	3,157
	Total Water Demand[(b)]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	(665)	(789)	(933)	(1,217)	(1,523)
	Percent Shortfall of Demand	18	20	23	28	33
Multiple Dry Year 5	Available Water Supply[(c)]	3,007	3,107	3,087	3,127	3,157
	Total Water Demand[(b)]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	(665)	(789)	(1,033)	(1,217)	(1,523)
	Percent Shortfall of Demand	18	20	23	28	33

(a) Refer to Table 4-2.
(b) Refer to Table 3-2
(c) Refer to Table 5-6

If demand shortfalls do occur (from any cause, such as droughts, impacted distribution system infrastructure, regulatory-imposed shortage restrictions, etc.), Stanford expects to meet these demand shortfalls through water demand reductions and other shortage response actions.[14] The Proposed Project would be subject to the same water conservation and water use restrictions as other water users within Stanford's system. As described in Section 5.1.3 of this WSA, the SFPUC is implementing the AWSP to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the RWS. In addition, the SFPUC, along with the Modesto Irrigation District and the Turlock Irrigation District, have entered into a memorandum of understanding with the State to develop a Voluntary Agreement for the Tuolumne River. The Tuolumne River Voluntary Agreement provides a combination of flow and non-flow measures sufficient to improve all life-stages of native fish populations in the lower Tuolumne River. The goal of the Voluntary Agreement is to strike the right balance between environmental stewardship and water reliability.

Table 6-2 summarizes the scenario where it is assumed the Bay-Delta Plan Amendment is not implemented. Under this scenario, supply shortfalls are only projected in the fourth and fifth consecutive dry years for base year 2045. As described in Section 5.1, based on SFPUC's analysis, a 15 percent supply shortfall is projected in these years. For Stanford, the projected SFPUC multiple dry year supply availability, in combination with Stanford's groundwater and local surface water supply availability, results in a projected multiple dry year demand shortfalls (7 percent). These shortfalls are significantly less than the projected demand shortfalls if the Bay-Delta Plan Amendment is implemented.

[14] Stanford. 2022. *Water Resources: Drought*. Accessed at https://suwater.stanford.edu/water-efficiency/drought on March 23, 2023.

Table 6-2. Summary of Water Demand Versus Water Supply without Bay-Delta Plan Amendment During Various Hydrologic Conditions

Hydrologic Condition		Normal, Single Dry, and Multiple Dry Years, AFY				
		2025	2030	2035	2040	2045
Normal Year						
Available Water Supply[(a)]		5,200	5,400	5,600	5,800	6,000
Total Water Demand[(b)]		3,672	3,896	4,120	4,344	4,680
Potential Surplus (Deficit)		1,528	1,504	1,480	1,456	1,320
Percent Shortfall of Demand		--	--	--	--	--
Single Dry Year						
Available Water Supply[(c)]		5,000	5,190	5,380	5,580	5,770
Total Water Demand[(b)]		3,672	3,896	4,120	4,344	4,680
Potential Surplus (Deficit)		1,328	1,294	1,260	1,236	1,090
Percent Shortfall of Demand		--	--	--	--	--
Multiple Dry Years						
Multiple Dry Year 1	Available Water Supply[(c)]	5,003	5,193	5,383	5,583	5,773
	Total Water Demand[(b)]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	1,331	1,297	1,263	1,239	1,093
	Percent Shortfall of Demand	--	--	--	--	--
Multiple Dry Year 2	Available Water Supply[(c)]	4,017	4,207	4,397	4,597	4,787
	Total Water Demand[(b)]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	345	311	277	253	107
	Percent Shortfall of Demand	--	--	--	--	--
Multiple Dry Year 3	Available Water Supply[(c)]	4,017	4,207	4,397	4,597	4,787
	Total Water Demand[(b)]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	345	311	277	253	107
	Percent Shortfall of Demand	--	--	--	--	--
Multiple Dry Year 4	Available Water Supply[(c)]	4,017	4,207	4,397	4,597	4,337
	Total Water Demand[(b)]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	345	311	277	253	(343)
	Percent Shortfall of Demand	--	--	--	--	7
Multiple Dry Year 5	Available Water Supply[(c)]	4,017	4,207	4,397	4,597	4,337
	Total Water Demand[(b)]	3,672	3,896	4,120	4,344	4,680
	Potential Surplus (Deficit)	345	311	277	253	(343)
	Percent Shortfall of Demand	--	--	--	--	7

(a) Refer to Table 4-2.
(b)) Refer to Table 3-2
(c) Refer to Table 5-7

If supply shortfalls do occur, Stanford expects to meet these supply shortfalls through water demand reductions and other shortage response actions. The Proposed Project would be subject to the same water conservation and water use restrictions as other water users within Stanford's system.

As discussed in Section 5.1.3, SFPUC is investigating and planning for new water supplies through its AWSP. The AWSP includes several water supply options and projects that could meet foreseeable water supply needs. These projects would take 10 to 30 years to implement. Because these projects are anticipated to evolve from planning to implementation, exact yield amounts are not available at this time.

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Attachment A

SFPUC Memorandum, Regional Water System Supply Reliability and UWMP 2020 (June 2021)

San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

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T 415.554.3155
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TO: SFPUC Wholesale Customers

FROM: Steven R. Ritchie, Assistant General Manager, Water

DATE: June 2, 2021

RE: Regional Water System Supply Reliability and UWMP 2020

This memo is in response to various comments from Wholesale Customers we have received regarding the reliability of the Regional Water System supply and San Francisco's 2020 Urban Water Management Plan (UWMP).

As you are all aware, the UWMP makes clear the potential effect of the amendments to the Bay-Delta Water Quality Control Plan adopted by the State Water Resources Control Board on December 12, 2018 should it be implemented. Regional Water System-wide water supply shortages of 40-50% could occur until alternative water supplies are developed to replace those shortfalls. Those shortages could increase dramatically if the State Water Board's proposed Water Quality Certification of the Don Pedro Federal Energy Regulatory Commission (FERC) relicensing were implemented.

We are pursuing several courses of action to remedy this situation as detailed below.

Pursuing a Tuolumne River Voluntary Agreement

The State Water Board included in its action of December 12, 2018 a provision allowing for the development of Voluntary Agreements as an alternative to the adopted Plan. Together with the Modesto and Turlock Irrigation Districts, we have been actively pursuing a Tuolumne River Voluntary Agreement (TRVA) since January 2017. We believe the TRVA is a superior approach to producing benefits for fish with a much more modest effect on our water supply. Unfortunately, it has been a challenge to work with the State on this, but we continue to persist, and of course we are still interested in early implementation of the TRVA.

Evaluating our Drought Planning Scenario in light of climate change

Ever since the drought of 1987-92, we have been using a Drought Planning Scenario with a duration of 8.5 years as a stress test of our Regional Water System supplies. Some stakeholders have criticized this methodology as being too conservative. This fall we anticipate our Commission convening a workshop

regarding our use of the 8.5-year Drought Planning Scenario, particularly in light of climate change resilience assessment work that we have funded through the Water Research Foundation. We look forward to a valuable discussion with our various stakeholders and the Commission.

Pursuing Alternative Water Supplies

The SFPUC continues to aggressively pursue Alternative Water Supplies to address whatever shortfall may ultimately occur pending the outcome of negotiation and/or litigation. The most extreme degree of Regional Water System supply shortfall is modeled to be 93 million gallons per day under implementation of the Bay-Delta Plan amendments. We are actively pursuing more than a dozen projects, including recycled water for irrigation, purified water for potable use, increased reservoir storage and conveyance, brackish water desalination, and partnerships with other agencies, particularly the Turlock and Modesto Irrigation Districts. Our goal is to have a suite of alternative water supply projects ready for CEQA review by July 1, 2023.

In litigation with the State over the Bay-Delta Plan Amendments

On January 10, 2019, we joined in litigation against the State over the adoption of the Bay-Delta Water Quality Control Plan Amendments on substantive and procedural grounds. The lawsuit was necessary because there is a statute of limitations on CEQA cases of 30 days, and we needed to preserve our legal options in the event that we are unsuccessful in reaching a voluntary agreement for the Tuolumne River. Even then, potential settlement of this litigation is a possibility in the future.

In litigation with the State over the proposed Don Pedro FERC Water Quality Certification

The State Water Board staff raised the stakes on these matters by issuing a Water Quality Certification for the Don Pedro FERC relicensing on January 15, 2021 that goes well beyond the Bay-Delta Plan amendments. The potential impact of the conditions included in the Certification appear to virtually double the water supply impact on our Regional Water System of the Bay-Delta Plan amendments. We requested that the State Water Board reconsider the Certification, including conducting hearings on it, but the State Water Board took no action. As a result, we were left with no choice but to once again file suit against the State. Again, the Certification includes a clause that it could be replaced by a Voluntary Agreement, but that is far from a certainty.

I hope this makes it clear that we are actively pursuing all options to resolve this difficult situation. We remain committed to creating benefits for the Tuolumne River while meeting our Water Supply Level of Service Goals and Objectives for our retail and wholesale customers.

cc.: SFPUC Commissioners
Nicole Sandkulla, CEO/General Manager, BAWSCA

Appendix B

Water Supply Assessment – San Jose Water

SAN JOSE WATER

WATER SUPPLY ASSESSMENT

COUNTY OF SANTA CLARA

6TH CYCLE HOUSING ELEMENT UPDATE

April 2023

Prepared By:

Chad Kumabe, P.E.
Senior Associate Engineer

Under the Direction of:

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SAN JOSE WATER

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SAN JOSE WATER

Established in 1866, San Jose Water (SJW) is one of the largest privately owned water systems in the United States, providing high-quality water and exceptional service to approximately one million residents of Santa Clara County.

Background & Purpose

This Water Supply Assessment (WSA) was requested on March 6, 2023 by County of Santa Clara (County) and is associated with the proposed 6th Cycle Housing Element Update, and associated amendments to the General Plan and Zoning Ordinance (Project). The County's RHNA assignment for the 6th Cycle Housing Element Update is 3,125 residential units. To comply with new "no-net loss" provisions of SB 166, which require an adequate inventory of land to always be available to accommodate a jurisdiction's RHNA assignment, the County is planning for more than twice the RHNA assignment, for an estimated 6,574 housing units on lands that are currently unincorporated during the 2023-2031 planning period. Of the estimated 6,574 units, 4,526 units are being planned for 18 sites in urban unincorporated "islands" within San José. These 18 sites are within the City of San José Urban Service Area (USA).

This WSA describes the relationship between existing and future water supplies and presents SJW's ability to provide a diverse water supply to match build-out water demands under both normal and dry years. This supply consists of treated surface water from Valley Water's local and imported supplies, groundwater, local surface water from Saratoga Creek and Los Gatos Creek watersheds, and non-potable recycled water. Based on water supply projections reported in Valley Water's 2020 Urban Water Management Plan,[1] conservation methods currently employed, and SJW's active commitment to these methods, SJW expects to be able to meet the needs of the service area through at least 2045 for average and single-dry years without a call for mandatory water use reductions.[2] This assumes reserves are at healthy levels at the beginning of the year and that projects and programs identified in Valley Water's Water Supply Master Plan 2040 (WSMP 2040)[3] are implemented.

In multiple-dry year periods, there may be up to a 20 percent mandatory call for conservation to meet supply deficits. Valley Water has established a level of service goal to provide 100 percent of annual water demand during non-drought years and 80 percent during drought years, to minimize shortages and mandatory water use reductions during droughts while preventing overinvestment in water supply projects. SJW is committed to actively working with Valley Water in the development of water supply projects and programs. Projects and programs may include additional long-term water conservation savings, water recycling, recharge capacity, stormwater runoff capture, reuse, out of area water banking, and storage.

[1] https://www.valleywater.org/your-water/water-supply-planning/urban-water-management-plan
[2] San Jose Water 2020 Urban Water Management Plan
[3] https://www.valleywater.org/your-water/water-supply-planning/water-supply-master-plan

This WSA is written in response to California Senate Bill 610 (SB 610) and Senate Bill 221 (SB 221); legislation which requires water retailers to demonstrate whether their water supplies are sufficient for certain proposed subdivisions and large development projects subject to the California Environmental Quality Act. SB 610 includes the requirements for detailed water supply assessments and SB 221 includes the requirement for written verification of sufficient water supply based on substantial evidence. SB 610 requires that a WSA be prepared by the local water retailer and submitted within 90 days to the requesting agency. SJW's adoption and submittal of this assessment does not create a right or entitlement to water service or impose or expand SJW's obligation to provide water service. The City of San José has an independent obligation to assess the sufficiency of water supply for this project. SB 610 provides that the City of San José is to determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the proposed project, in addition to existing and planned future uses.

Service Area & Population

SJW's service area spans 139 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County.

The population of SJW's service area, including growth associated with this Plan Area, is shown in the following table. These projections are based on the Association of Bay Area Governments (ABAG) population projections and were included in SJW's 2020 Urban Water Management Plan.

Table 1. Current and Projected SJW Service Area Population

2020	2025	2030	2035	2040	2045
997,817	1,069,633	1,127,593	1,191,337	1,261,145	1,335,044

Climate

Santa Clara County experiences cool, wet winters and warm, dry summers. From 1950-2020, the county received an annual average precipitation total of 23.2 inches. Most precipitation in the region occurs between the months of November and April. Temperature is typically moderate. Maximum monthly average temperatures range from 55.7°F to 83.4°F. Minimum monthly average temperatures range from 37.9°F to 56.6°F. The annual average evapotranspiration rate is 49.6 inches.[4] Summarized temperature and precipitation data is presented in Chart 1.

[4] Rainfall and temperature data provided by National Oceanic and Atmospheric Administration. Evapotranspiration data comes from California Irrigation Management Information System (Archived San José Station).

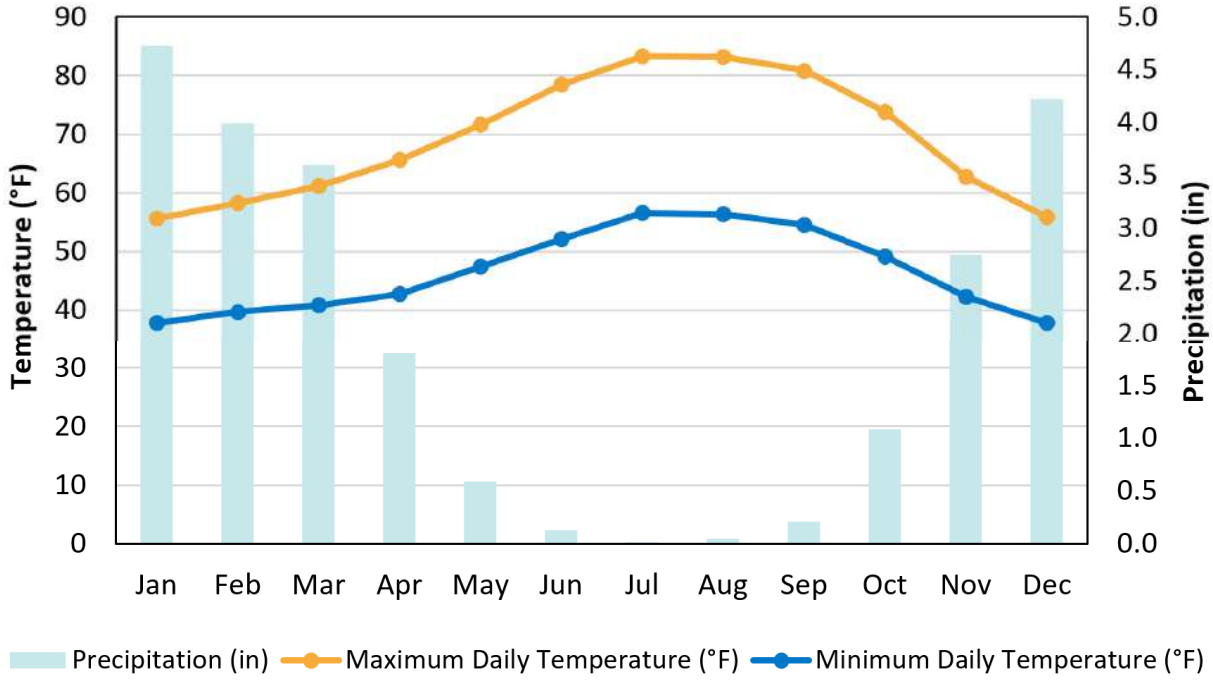

Chart 1. Historical Average Monthly Temperature and Precipitation (1950-2020)

Past, Current, and Future System Water Use

The majority of connections to SJW's distribution system are either residential or commercial. SJW also provides water to industrial, institutional, landscape, and governmental connections. Projections from ABAG analyzing the share of single-family versus multi-family development units within SJW's service were used to determine single- and multi-family demand split within the residential sector. The resale category represents the small mutual water companies, in which SJW provides a master water service and where the mutual water company is responsible for distributing the water.

SJW has developed demand projections from 2025 to 2045 based on population and per capita usage projections. ABAG census tract population projections were used to estimate population growth. Daily per capita water usage for SJW's service area in 2020 was 108 gallons per capita per day (gpcd). It was assumed that all developments after 2020 would require high water efficiency fixtures. Therefore, a lower daily per capita water use of 75 gpcd across all water sectors was applied to new population growth after 2020. For the existing 2020 population, it was assumed that the 108 gpcd from 2020 to 2025 would increase slightly by 1 percent per year, based on the rebounds in demand that have been observed following the past drought. Following the start of compliance with State conservation mandates (SB 606 and Assembly Bill 1668) in 2025, per capita water use is expected to decrease. It was assumed that the per capita water use for the existing population would experience a decline of 0.8 percent per year from 2025 to 2045.

SJW's total demand includes water losses, which are separated into two categories: apparent losses and real losses. Apparent losses include all types of inaccuracies associated with customer metering as well as data handling errors. Real losses are physical water losses from the pressurized system and the utility's storage tanks, up to the customer meter. These can include lost water through leaks, breaks, and overflows.

Across the last five water loss audits that have been validated and submitted to Department of Water Resources (DWR), SJW water loss is, on average, 7.5 percent of potable water supplied. SJW's distribution system has had consistently low water losses due to SJW's proactive approach to reducing leaks, including investments in acoustic leak detection technology and a water main replacement program that prioritizes pipelines for replacement based on their propensity to leak.

Table 2. Demands for Potable and Non-Potable Water (excluding Recycled Water) (AF/yr)

Customer Type	2020	2025	2030	2035	2040	2045
Single Family	59,497	53,877	53,877	54,187	54,411	54,550
Multi Family	24,744	35,255	35,255	35,308	36,161	36,959
Commercial	14,255	18,073	18,073	18,146	18,364	18,551
Industrial	528	718	718	721	730	737
Institutional/ Governmental	5,183	6,607	6,607	6,635	6,715	6,785
Landscape	7,353	7,964	7,964	7,994	8,093	8,176
Sales / Transfers / Exchanges	522	568	568	571	580	586
Other Potable[(a)]	344	417	417	417	420	424
Water Losses	9,078	9,296	9,296	9,332	9,443	9,541
Total	**121,504**	**132,776**	**132,776**	**133,312**	**134,918**	**136,308**

[(a)]Other potable includes portable meter and unbilled unmetered use. Unbilled unmetered use includes use for construction activities, tank/reservoir cleaning, irrigation at SJW stations, hydrant testing, meter testing, etc.

Estimated Project Water Use

Total water usage for the Project is estimated at 1,069,867 gallons per day (gpd), which is equivalent to an annual usage of about 1,198 acre-feet of water. The sites have an existing water usage of 12.3 acre-feet per year. Therefore, the annual net demand increase in water usage associated with this project is 1,186 acre-feet and represents a 0.98 percent increase over the system wide 2020 water production of 121,504 acre-feet. The projected water demand for the Project is within normal growth projections for water demand in SJW's system.

Table 3. Total Water Demand Estimated for the Project

Residential Units[a]	Commercial/Retail Space (SF)[b]	Total Project Demand (gpd)	Existing Site Demand (gpd)[c]	Net Project Demand (AF/yr)
6,281	43,560	1,069,867	10,978	1,186

[a]Residential units assume a demand factor or 60 gallons per capita per day, with 2.81 people per residential unit in Santa Clara County based on estimates from the California Department of Finance - https://dof.ca.gov/forecasting/demographics/estimates/estimates-e5-2010-2021/.

[b]Commercial/retail space assumes a water demand factor of 0.25 gpd per SF.

[c] Existing daily demand based on usage for the last full calendar year facilities appeared to be in service.

System Supplies

This section describes and quantifies the current and projected sources of water available to SJW. A description and quantification of recycled water supplies is also included.

Imported Treated Surface Water – On average, purchased water from Valley Water makes up over half of SJW's total water supply. This water originates from several sources including Valley Water's local reservoirs, the State Water Project and the federally funded Central Valley Project San Felipe Division. Water is piped into SJW's system at various turnouts after it is treated at one of three Valley Water-operated water treatment plants. In 1981, SJW entered into a 70-year master contract with Valley Water for the purchase of treated water. The contract provides f or rolling three-year delivery schedules establishing fixed quantities of treated water to be delivered during each period. SJW and Valley Water currently have a three-year treated water contract for fiscal years 2020/2021 – 2022/2023, with contract supplies of 70,723 AF in 2020/2021, 70,723 AF in 2021/2022, and 71,858 AF in 2022/2023. The actual amount of water delivered depends on considerations including hydrologic variability, interruptions in Valley Water facility operations, and water quality.

Groundwater – SJW draws water from the Santa Clara Subbasin, which is part of the larger Santa Clara Valley Basin. The Santa Clara Subbasin consists of unconsolidated alluvial sediments and covers a surface area of 297 square miles in the northern part of Santa Clara County. The subbasin is not adjudicated. Valley Water is responsible for maintaining the subbasin and ensuring the subbasin does not become overdrafted. Aquifers in the subbasin are recharged naturally by rainfall and streams and artificially mainly by recharge ponds operated by Valley Water. Due to different land use and management characteristics, Valley Water further delineates the Santa Clara Subbasin into two groundwater management areas: the Santa Clara Plain and Coyote Valley. SJW draws groundwater from the Santa Clara Plain portion, which covers a surface area of 280 square miles and has an operational storage capacity estimated to be 350,000 AF.

Chart 2 shows groundwater elevation in the Santa Clara Plain since the mid 1930's using well surface elevation as the datum. Although groundwater levels declined during the recent 2012-2016 drought, groundwater levels in the Santa Clara Subbasin quickly recovered after the drought due largely to Valley Water's proactive response and comprehensive water management activities.

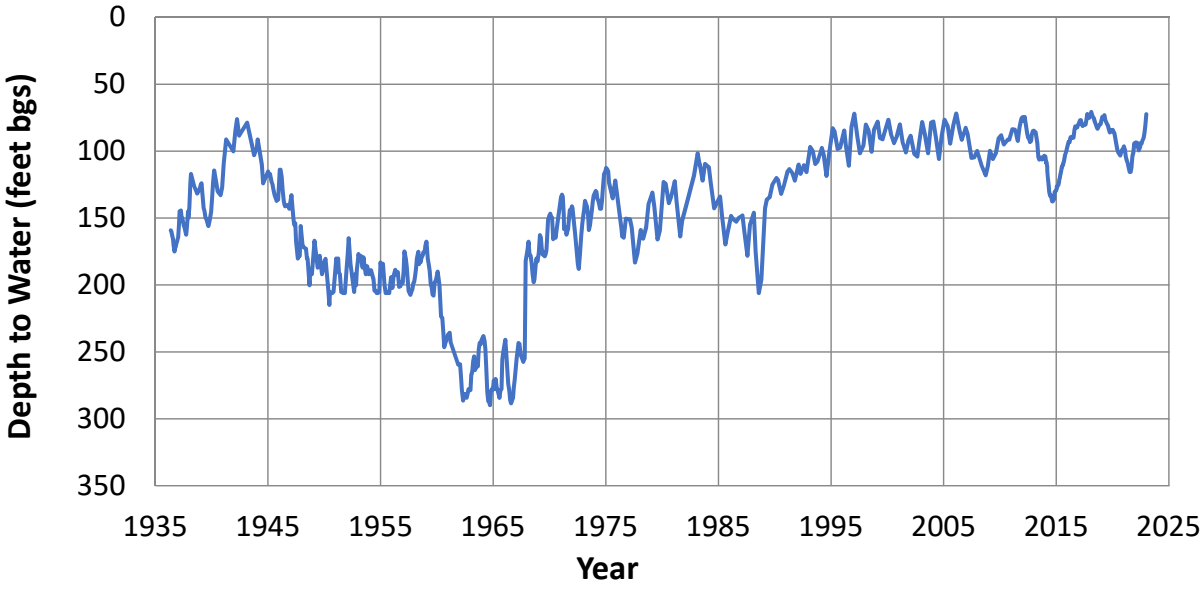

Chart 2. Groundwater Elevation in Santa Clara Subbasin (Well ID: 07S01W25L001)

On average, groundwater from the subbasin accounts for 30 to 40 percent of SJW's total water supply. The following table shows the groundwater SJW pumped from 2016 to 2020.

Table 4. Amount of Groundwater Pumped by SJW (AF/yr)

Basin Name	2016	2017	2018	2019	2020
Santa Clara Subbasin	32,644	42,194	36,075	32,825	53,276
Groundwater as a percent of total potable water supply	31%	37%	31%	28%	43%

Surface Water – SJW has "pre-1914 water rights" to surface water in Saratoga Creek, Los Gatos Creek, and associated watersheds, totaling approximately 72 million gallons per day, based on capacity of diversion works from Initial Statements of Water Diversion and Use. SJW also filed for licenses in 1947

and was granted license number 4247 in 1956 by SWRCB to draw 1419 AF/year (462 MG/year) from Saratoga Creek, and license number 10933 in 1979 to draw 6,240 AF/year (2,033 MG/year) from Los Gatos Creek.

Recycled Water – South Bay Water Recycling (SBWR) has been serving Silicon Valley communities since 1993 with a sustainable, high-quality recycled water supply. SBWR was created to reduce the environmental impact of freshwater effluent discharge into the salt marshes located at the south end of the San Francisco Bay, and to help protect the California clapper rail and the salt marsh harvest mouse.

In 1997, SJW entered into a Wholesaler-Retailer Agreement with the City of San José to provide recycled water to SJW's existing and new customers nearby SBWR recycled water distribution facilities; whereas, the City of San José is the wholesaler and SJW is the retailer. At the time, the involvement of SJW was largely to assist the City in meeting its wastewater regulatory obligations. In accordance with the terms of this agreement, SJW allowed SBWR to construct recycled water pipelines in its service area, SJW would only own the recycled water meters, while SBWR would own, operate, and maintain the recycled water distribution system.

In 2010, this Wholesaler-Retailer Agreement was amended to allow SJW to construct recycled water infrastructure that would be owned, operated, and maintained by SJW. Then in 2012, this Wholesaler-Retailer Agreement was again amended to allow SJW to construct additional recycled water infrastructure.

Summary of Existing and Planned Sources of Water – SJW and Valley Water have worked to develop a variety of local and imported water supplies to meet demands. As demands increase with the region's growth, and imported water supplies potentially become more restricted, these planned supplies will increase in importance. In particular, groundwater, which has historically been a vital source of supply for SJW, was all the more critical during the recent drought. The following table shows the actual amount of water supplied to SJW's distribution system from each source in 2020 as well as projected amounts until 2045.

Table 5. Current and Projected Water Supplies[(a)] (AF/yr)

	2020	2025	2030	2035	2040	2045
Valley Water Treated Water	64,290	76,799	76,713	77,041	78,023	78,877
SJW Groundwater	53,276	48,623	48,568	48,777	49,400	49,937
SJW Surface Water	3,937	7,494	7,494	7,494	7,494	7,494
Recycled Water	2,449	2,731	3,100	3,649	3,661	3,649
Total System Supply	**123,952**	**135,648**	**135,875**	**136,961**	**138,579**	**139,957**

[(a)]Projected surface water supply volume held constant at the 10-year production average (2011-2020). Remaining potable demands made up by purchased water and groundwater, based on the 10-year historical average (2011-2020) of distribution between these two sources of supply. Projected recycled water supplies are based on projected recycled water demands.

Water Supply Vulnerability

SJW has identified multiple sources of water for the Project, which would provide a high quality, diverse and redundant source of supply. For added backup, SJW incorporates diesel-fueled generators into its facilities system, which will operate wells and pumps in the event of power outages. Since Valley Water influences on average about 90 percent of SJW's annual water supply, SJW will continue to work with Valley Water to ensure its water supply is reliable, while the impact to the existing Santa Clara Subbasin is minimal.

Transfer and Exchange Opportunities

SJW's distribution system has interties with the following retailers: California Water Service Company (Los Altos District), City of San José Municipal Water, City of Santa Clara, City of Sunnyvale, City of Milpitas, and Great Oaks Water. SJW currently has no plans to use these interties for normal system operation as they are exclusively used for potential emergencies.

Water Supply Reliability

SJW has three sources of potable water supply: purchased water, groundwater, and local surface water. These three sources of supply are constrained in one or more ways, driven by legal, environmental, water quality, climatic, and mechanical conditions. Additionally, there is a potential for interruption of supply caused by catastrophic events.

Purchased Water Supply Reliability – SJW relies on Valley Water for purchased water supplies, which make up over half of SJW's total water supplies. Constraints to purchased water supplies from Valley Water include climate change impacts, reductions in imported water supplies, and threats to infrastructure, as detailed below.

- *Climate Change* – Climate change is anticipated to result in warming temperatures, shrinking snowpack, increasing weather extremes, and prolonged droughts. Valley Water's water supply vulnerabilities to climate change include decreases in the quantity of Delta-conveyed imported water supplies, decreases in the ability to capture and use local surface water supplies due to shifts in the timing and intensity of rainfall and runoff, increases in irrigation and cooling water demands, decreases in water quality, and increases in the severity and duration of droughts.
- *Reductions in Imported Water Supplies* – Valley Water's State Water Project and Central Valley Project water supplies are also subject to a number of additional constraints, including conveyance limitations and regulatory requirements to protect fisheries and water quality in the Delta. Delta-conveyed supplies are also at risk from Delta levee failures due to seismic threats and flooding, sea level rise and climate change, declining populations of protected fish species, and water quality variations (including algal blooms). Many water quality variations are addressed by blending sources and/or switching sources to Valley Water's three water treatment plants. Algae and disinfection byproduct precursors have been especially challenging during recent drought conditions.
- *Threats to Infrastructure* – Valley Water's imported supply infrastructure must travel large distances to reach turnouts. As California is a seismically active state, infrastructure could be damaged and the result would be a disruption to water supply availability. California's water supply infrastructure is also potentially a target for acts of terrorism.

SJW actively worked with Valley Water during the development of their WSMP 2040 to ensure the following principles were considered:

- Promotion of additional sources of local water supply, such as indirect potable reuse, direct potable reuse, desalination, additional conservation, and an expanded recycled water distribution system
- Coordination of operations with all retailers and municipalities to ensure as much surplus water as possible is available for use in dry years
- Pursuit of innovative transfer and banking programs to secure more imported water for use in dry years

Valley Water's previous call for a 30 percent reduction during the 2012-2016 drought highlights that more investments in local water sources are necessary to ensure a reliable source of supply during multiple-dry water years. Valley Water plans short- and long-term investments with the goal of requiring no more than a 20 percent water use reduction from the community during a multi-year drought as outlined in its 2040

Water Supply Master Plan. Valley Water has sources of backup supply outside the County and has always relied on multiple supply sources, such as imported water contracts, to supplement existing long-term resources when necessary.

Groundwater Supply Reliability – Groundwater supplies are often a reliable supply during normal and short-term drought conditions because supplies are local and large aquifer storage capacity means that groundwater supplies will still be available when surface flows become limited. However, groundwater supply availability can become threatened when overdraft occurs and when recharge and inflow decrease. Water quality is another potential constraint of this source of supply. Threats to groundwater supplies are detailed below.

- *Overdraft* – Under extended supply pressures, groundwater basins can enter overdraft conditions, which can have a series of consequences including land subsidence. Threat of overdraft conditions were witnessed in the recent 2012-2016 drought when groundwater levels declined. However, groundwater levels in the Santa Clara Subbasin quickly recovered after the drought due to Valley Water's proactive response.
- *Climate Change* – Climate change could increase the potential for overdraft by increasing demand, reducing other sources of supply, and reducing natural recharge and inflows from surface water and precipitation.
- *Regional Growth* – Population growth could increase demands on groundwater supplies, potentially creating risk of overdraft. Regional growth could also increase the amount of contaminants entering groundwater basins as a result of increased urban runoff or industrial or other activities. Growth can also impact recharge areas by expanding impervious surfaces into areas that would otherwise represent entry points for surface water recharging local aquifers.
- *Aging Infrastructure and High Land Costs* – In 2020, SJW prepared a Groundwater Well Asset Management Plan. Findings from the plan showed that SJW's groundwater well system is vulnerable due to the age of the well infrastructure. Two-thirds of the wells are 50 years or older and were installed with low carbon steel casing using a cable tool drilling method. A low carbon steel casing is susceptible to corrosion and damage in the event of an earthquake. Furthermore, many of SJW's older cable tool drilled wells were installed without sanitary seals as newer wells are, and as such, are more vulnerable to acting as conduits for downward migration of surface contaminants into the aquifer. Space for replacement wells at SJW's existing groundwater stations is limited, and thus, the majority of future wells will need to be located on new properties. However, favorable sites are limited, as they must meet certain production yield and water quality requirements. Furthermore, land prices in the Bay Area are high and present another challenge for SJW to address its aging well infrastructure.
- *Water Quality* – The presence of per- and polyfluoroalkyl substances (PFAS) in groundwater supplies is prompting interest and concern nationwide. Out of an abundance of caution, SJW has been proactively notifying customers and, when possible, removing wells from service where

PFAS has been detected above the State-defined Notification Levels. SJW recently completed a study to evaluate PFAS treatment at one of its largest wellfields. This project has now moved into the detailed design phase. In addition, because SJW depends on multiple sources of supply that use different disinfectants, maintaining a stable disinfectant residual is problematic when system operations require the blending of chlorinated water with chloraminated water to meet demands. Blending sources, depending on each source's volume and residual concentration, can result in the loss or significant decrease in disinfectant residual levels.

The Santa Clara Subbasin is able to store the largest amount of local reserves and Valley Water, as the groundwater management agency for Santa Clara County, is tasked with maintaining adequate storage in this basin to optimize reliability during extended dry periods. As groundwater is pumped by SJW and other retailers and municipalities in Santa Clara County, Valley Water influences groundwater pumping reductions and thus reliability through financial and management practices to protect groundwater storage and minimize the risk of land subsidence.

Local Surface Water Supply Reliability – Local surface supplies are highly variable depending on hydrologic conditions. In years of limited local surface water supplies, SJW relies more heavily on groundwater. Threats to local surface water supplies are detailed below.

- *Climate Change* – SJW's local surface water supplies are subject to the same climate change impacts as Delta-conveyed supplies and Valley Water's local surface water supplies, which can result in decreased surface water supplies. During heavy rain events, the quantity of surface water that can be conveyed and treated may be limited by the raw water system hydraulics, high turbidity levels, and WTP capacity. Increased weather extremes and changing precipitation patterns as a result of climate change may prevent surface water supplies from being fully utilized during heavy rain events, and may result in lower surface water supplies during other times of the year.
- *Environmental Regulations* – SJW has bypass flow requirements at its surface water reservoirs and intakes. These requirements establish flow rates that must be released past diversion points to preserve downstream habitat. SJW also maintains minimum levels in reservoirs for habitat preservation. These environmental regulations limit the amount of surface water that SJW is able to divert for water supply.
- *Water Quality* – SJW owns approximately 6,000 acres of land in the watersheds and manages these watershed lands to protect water supplies**.** Contamination of surface water supplies from upstream activities (animal grazing, residential septic systems, stormwater runoff) is a potential threat, although a low one as there is limited development in the watershed.
- *Aging Infrastructure* – Some of SJW's raw water infrastructure was constructed in the late 1800s or early 1900s and is in need of renewal to ensure reliability of surface water supplies.

Supply Reliability by Type of Water Year – Valley Water's Urban Water Management Plan identified average, single-dry, and multiple-dry years for water supply reliability planning. According to Valley Water, these years correspond to:

- Average Year (1922-2015): Average supply over the 94 years of 1922-2015.
- Single-Dry Year (1977): Within the historic hydrological record, this was the single driest year.
- Multiple-Dry Years (1988-1992): The 2012-2016 drought was the most recent multiple dry year period that put severe strain on Valley Water's supplies. However, because imported water allocations are not currently available for the 2012-2016 drought from DWR's modeling, Valley Water used the 1988-1992 drought, another severe multiple year drought in the historic hydrological record.

Water supplies presented below are based on Valley Water's Water Evaluation and Planning system model. According to Valley Water, this model simulates their water supply system comprised of facilities to recharge the county's groundwater basins, local water systems including the operation of reservoirs and creeks, treatment and distribution facilities, and raw water conveyance systems. The model also accounts for non-Valley Water sources and distribution of water in Santa Clara County such as imported water from San Francisco Public Utilities Commission, recycled water, and local water developed by other agencies.

Table 6. Basis of Water Year Data

Year Type	Base Year	% of Average Supply
Average Year	1922-2015	100%
Single-Dry Year	1977	80%
Multiple-Dry Years 1st Year	1988	78%
Multiple-Dry Years 2nd Year	1989	83%
Multiple-Dry Years 3rd Year	1990	77%
Multiple-Dry Years 4th Year	1991	78%
Multiple-Dry Years 5th Year	1992	77%

Average Water Year – The average water year represents average supply over the hydrologic sequence of 1922 through 2015. SJW anticipates adequate supplies for years 2025 to 2045 to meet system demand under average year conditions.

Table 7. Supply and Demand Comparison – Average Water Year (AF/yr) [(a)]

	2025	2030	2035	2040	2045
Demand	135,648	135,875	136,961	138,579	139,957
Demand Met by Water Supply	135,648	135,875	136,961	138,579	139,957
Demand Met by Conservation	0	0	0	0	0

[(a)]Includes demands associated with the Project.

Single-Dry Water Year – The single-dry year was the year with the lowest amount of total supply. Table 10 shows that supplies, with the use of reserves, can meet demands during a single-dry year through 2045, assuming reserves are at healthy levels at the start of a year and projects and programs identified in Valley Water's WSMP 2040 are implemented. If reserves are low at the beginning of a single-dry year, Valley Water may call for water use reductions in combination with using reserves. As later discussed within the Water Demand Management Measures section, SJW has filed with the California Public Utilities Commission (CPUC) water-waste provisions promoting conservation that would go into effect during a drought. These provisions would result in a reduction in anticipated demand due to conservation such that demand equals available water supplies.

Table 8. Supply and Demand Comparison – Single-Dry Water Year (AF/yr) [(a)]

	2025	2030	2035	2040	2045
Demand	135,648	135,875	136,961	138,579	139,957
Demand Met by Water Supply	135,648	135,875	136,961	138,579	139,957
Demand Met by Conservation	0	0	0	0	0

[(a)]Includes demands associated with the Project.

Multiple-Dry Water Years – The multiple-dry year period used in this analysis assumes a repetition of the hydrology that occurred in 1988 to 1992. During multiple-dry year droughts, a call for up to mandatory 20 percent conservation may be needed. Valley Water will continue to work on reducing multiple-dry year deficits by securing more reliable and/or diverse water supplies.

Valley Water has established a level of service goal of 100 percent during non-drought years and 80 percent during drought years to minimize water rates, and thus there can be up to a 20 percent call for mandatory conservation to meet this deficit (or more short-term conservation until additional water supplies are secured). Over the next 20 – 30 years, Valley Water is pursuing over $1 billion in water supply projects to meet the 80 percent level of service goal for all drought years.

Table 9: Supply and Demand Comparison – Multiple-Dry Water Years (AF/yr)[a][b]

		2025	2030	2035	2040	2045
First Year	Demand	135,648	135,875	136,961	138,579	139,957
	Demand Met by Water Supply	135,648	135,875	136,961	138,579	139,957
	Demand Met by Conservation	0	0	0	0	0
Second Year	Demand	135,648	135,875	136,961	138,579	139,957
	Demand Met by Water Supply	135,648	135,875	136,961	138,579	139,957
	Demand Met by Conservation	0	0	0	0	0
Third Year	Demand	135,648	135,875	136,961	138,579	139,957
	Demand Met by Water Supply	135,648	135,875	136,961	138,579	139,957
	Demand Met by Conservation	0	0	0	0	0
Fourth Year	Demand	135,648	135,875	136,961	138,579	139,957
	Demand Met by Water Supply	135,648	135,875	136,961	138,579	139,957
	Demand Met by Conservation	0	0	0	0	0
Fifth Year	Demand	135,648	135,875	136,961	138,579	139,957
	Demand Met by Water Supply	135,648	135,875	136,961	138,579	139,957
	Demand Met by Conservation	0	0	0	0	0

[a]Includes demands associated with the Project.

[b]Table 9 is solely based on SJW's Urban Water Management Plan, which follows State requirements and utilizes Valley Water estimates, which may not reflect actual water supply and demand conditions.

Regional Supply Reliability – Valley Water's Ensure Sustainability water supply strategy has three key elements:

1. Secure existing supplies and facilities
2. Optimize the use of existing supplies and facilities
3. Expand water use efficiency efforts

As part of this strategy, Valley Water's WSMP 2040 includes developing at least 24,000 AF/yr of additional recycled water (above and beyond the current target of 33,000 AF/yr of non-potable reuse) by 2040. Developing these local sources and managing demands reduces reliance on imported water supplies. In addition, Valley Water is working with multiple water agencies to investigate regional opportunities for collaboration to enhance water supply reliability, leverage existing infrastructure investments, facilitate water transfers during critical shortages, and improve climate change resiliency. Projects to be considered will include interagency interties and pipelines; treatment plant improvements and expansion; groundwater management and recharge; potable reuse; desalination; and water transfers. This program may result in the addition of future supplies for Valley Water.

Water Demand Management Measures

SJW is a signatory of the California Urban Water Conservation Council (CUWCC) and signed the CUWCC Memorandum of Understanding (MOU) in February 2006. The CUWCC is a partnership of water suppliers, environmental groups, and others interested in California water supply who have come together to agree on a set of Best Management Practices (BMPs) for water conservation in the state. Additionally, SJW has its own water-waste provisions that come into effect when there is a water shortage. The CPUC has set forth the rules regarding water waste and water shortages governing investor owned utilities such as SJW. The CPUC rule relating to this is Rule 14.1.[5] This rule states that when there is a low-level water shortage that prompts a call for voluntary conservation by customers, a list of water-waste provisions goes into effect. Rule 14.1 also has provisions for high-level water shortages when mandatory conservation measures are deemed necessary.

SJW provides a full range of water conservation services to customers. The cornerstone of SJW's conservation programs is the CATCH program. The CATCH program empowers customers to understand and optimize their water use. With this free program, a water efficiency expert will check for customer leaks and recommend critical water and money-saving improvements.

Valley Water offers conservation programs, such as rebates for high efficiency toilets and washing machines. SJW takes advantage of all regional rebate programs and all of Valley Water's rebate programs are offered to SJW customers. Typically, customers are directed to specific rebate programs during the

[5] https://www.sjwater.com/customer-care/help-information/tariff-book

course of a water audit based on a customer's need. Customers can also access rebates directly from retail outlets when purchasing equipment such as high efficiency washing machines. SJW collaborates with Valley Water on public outreach and education including such items as customer bill inserts and conservation campaign advertising.

SJW has also increased the outreach and educational programs on outdoor water use. SJW constructed a water-smart demonstration garden that is open to the public. Customers can visit the garden in person or take a virtual tour on SJW's website. SJW also developed a dedicated water wise landscaping website where customers can access a plant information database that includes hundreds of low water use plants as well as a photographic database of water wise gardens in the San José-Santa Clara County area. The landscaping website and demonstration garden tour is accessible from SJW's homepage.

In addition to these programs, SJW engages in other activities that contribute to the overall goal of reducing water waste, but are not specifically designated as conservation or water management programs. These include SJW's meter calibration and replacement program, corrosion control program, valve exercising program and metering all service connections.

Summary

This Water Supply Assessment represents a comprehensive water supply outlook for the County of Santa Clara 6th Cycle Housing Element Update Project. In summary:

1. Total net potable water demand for the Project is estimated at 1,186 acre-feet per year and represents a 0.98 percent increase in total system usage when compared to SJW's 2020 potable water production. The increased demand is consistent with forecasted demands represented in SJW's 2020 Urban Water Management Plan, which projected a 12.2 percent increase in total system demand between 2020 demand and projected 2045 demand.
2. SJW currently has contracts or owns rights to receive water from the following sources:
    a. Groundwater – from the Santa Clara Subbasin
    b. Imported and local surface water – from Valley Water
    c. Local surface water – from Los Gatos Creek, Saratoga Creek, and local watersheds
    d. Recycled water – from South Bay Water Recycling
3. SJW works closely with Valley Water to manage its demands and imported water needs. The projected water demand for this development is within previously determined growth projections for water demand in SJW's system.

As described in this WSA and based on Valley Water's water supply plans and Urban Water Management Plan projections, SJW expects to be able to meet the needs of the service area through at least 2045 for average and single-dry years without a call for water use reductions. The impact of this project is not consequential and SJW has the capacity to serve this project through buildout based on current water supply capacity and Valley Water's proposed water supply projects. Valley Water is pursuing water supply solutions to meet the established level of service goal to provide 80 percent of annual water demand for drought years. SJW is committed to working with Valley Water to meet future demands and mitigate shortages. After comparing estimated demand associated with this project to water supplies, based on both the SJW and Valley Water Urban Water Management Plans, SJW has determined that the water quantity needed is within normal growth projections and expects for there to be sufficient water available to serve the Project. However, due to factors that affect water supply and demand projections including climate change, there is no guarantee that the projections provided in Valley Water's Urban Water Management Plan will be met, nor is there a guarantee that the water supply projects and programs identified by Valley Water will be implemented.

Attachment 1 - Housing Element Update Site Inventory

Table 3-2

Housing Opportunity Sites Inventory

APN	Size (acres)	Urban/Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan	Site/Area Name
			Low	High	Low	High			
245-01-003	13	Urban (San Jose)	80	100	**1,040.0**	1,300.0	A - Agricultural	Neighborhood/Community Commercial (San Jose)	Hostetter Station
245-01-004	2.3	Urban (San Jose)	80	100	**186.0**	232.0	A - Agricultural	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village	Hostetter Station
277-06-025	0.4	Urban (San Jose)	60	100	**22.0**	36.0	R1-n2 – Residential (Burbank)	Mixed Use Commercial/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-027	0.1	Urban (San Jose)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-028	0.1	Urban (San Jose)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-029	0.2	Urban (San Jose)	40	80	**7.0**	14.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-029	0.1	Urban (San Jose)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-030	0.1	Urban (San Jose)	40	80	**4.0**	7.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-031	0.2	Urban (San Jose)	40	80	**7.0**	14.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-12-027	0.3	Urban (San Jose)	40	80	**12.0**	25.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-12-029	0.3	Urban (San Jose)	40	80	**12.0**	25.0	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
282-02-037	2.5	Urban (San Jose)	60	100	**90.0**	150.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San Jose)	Fruitdale/Santa Clara Valley Medical Center
282-03-016	3.5	Urban (San Jose)	60	100	**210.0**	350.0	R1-8 - SF Housing	Public Quasi-Public (San Jose)	Fruitdale/Santa Clara Valley Medical Center
419-12-044	0.8	Urban (San Jose)	10	20	**8.0**	16.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village	Cambrian Park
599-01-064	0.7	Urban (San Jose)	20	30	**15.0**	22.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village	Alum Rock/East Foothills
599-39-047	0.6	Urban (San Jose)	40	80	**22.0**	45.0	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village	Alum Rock/East Foothills
601-07-066	1.5	Urban (San Jose)	5	8	**7.0**	12.0	R1 - SF Housing	Residential Neighborhood (San Jose)	Alum Rock/East Foothills
601-25-119	1.9	Urban (San Jose)	5	8	**10.0**	15.0	R1 - SF Housing	Public Quasi-Public (San Jose)	Alum Rock/East Foothills
612-21-004	0.8	Urban (San Jose)	5	8	**4.0**	7.0	R1-6 - SF Housing	Residential Neighborhood (San Jose)	Alum Rock/East Foothills
649-24-013	43.5	Urban (San Jose)	25	35	**1,088.0**	1,523.0	A – Agricultural	Private Recreation and Open Space	Pleasant Hills
649-23-001	70.5	Urban (San Jose)	25	35	**1,762.0**	2,467.0	A – Agricultural	Private Recreation and Open Space	Pleasant Hills
142-04-036	17	Urban (Stanford)	Varies		700.0	900.0	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Escondido Village
142-04-036a	8	Urban (Stanford)	70	90	560.0	720.0	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Quarry Site A
142-04-036b	6	Urban (Stanford)	70	90	420.0	540.0	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Quarry Site B
TOTAL UNITS					**6,198.0**	**8,441.0**			
RHNA Allocation					3,125				
San Jose Sites					4,518	6,281			
Stanford University Sites					1,680	2,160			