

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.