CITY OF SANTA CLARA

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CITY COUNCIL MEETING

AGENDA

A complete agenda packet with back-up reports is available at either City Library beginning Saturday before the Tuesday meeting or at the City Clerk's Office on weekdays. A complete agenda packet is also available at the City Council meeting and on the City's website.

May 06, 2014

5:00 pm
STUDY SESSION

Response to Public Comments on April 22, 2014
Regarding the 2325 Park Avenue Project

6:00 pm
Closed Session
Council Conference Room

Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6
City designated representative: Julio J. Fuentes, City Manager (or designee)
Employee Organization(s):
Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171
Unit #2 - Santa Clara Police Officer's Association
Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers)
Unit #4 - City of Santa Clara Professional Engineers
Units #5, 7 & 8 - City of Santa Clara Employees Association
Unit #6 - AFSCME - Local 101 (American Federation of State, County and Municipal Employees)
Unit #9 - Miscellaneous Unclassified Management Employees
Unit #9A - Unclassified Police Management Employees
Unit #9B - Unclassified Fire Management Employees
Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association)
and
Conference with Real Property Negotiator
Pursuant to Government Code Section 54956.8
Property: APN 097-01-039, APN 097-01-073, APN 104-01-102, APN 104-03-036
Negotiating Party(ies): William A. Witte, President, Related California
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property
(provisions, price and terms of payment)
and
Conference with Real Property Negotiator
Pursuant to Government Code Section 54956.8
Property: APN 104-03-036, APN 104-03-038, APN 104-03-039, APN 104-03-040
Negotiating Party(ies): Kurt Wittek, Montana Property Group, LLC
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property
(provisions, price and terms of payment)

and
Conference with Real Property Negotiator
Pursuant to Government Code Section 54956.8
Property: APN 224-28-035
Negotiating Party(ies): Don Jessup, Silicon Valley Associates
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property
(provisions, price and terms of payment)
and
Conference with Real Property Negotiator
Pursuant to Government Code Section 54956.8
Property: APN 224-02-002, APN 224-02-013, APN 224-02-014,
APN 224-02-020; and 224-02-023
Negotiating Party(ies): Steve Zamudio, Colliers International
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property
(provisions, price and terms of payment)
and
City Council/City Council acting as the Governing Board of the
Successor Agency to the City of Santa Clara Redevelopment Agency
Conference with Legal Counsel-existing Litigation
Pursuant to government Code Section 54956.9(a)
Vinod K. Sharma, et al. v. Successor Agency to the
Redevelopment Agency of the City of Santa Clara, et al.,
Sacramento County Superior Court Case No. 34-2013-80001396
and
Conference with Legal Counsel-Anticipated Litigation
Pursuant to Government Code Section 54956.9(b)
Potential exposure to litigation: 1 potential case
and
City Council/City Council acting as the Governing Board of the
Successor Agency to the City of Santa Clara Redevelopment Agency
Conference with Legal Counsel-Anticipated Litigation
Pursuant to Government Code Section 54956.9(a)
Potential initiation of litigation: 1 potential case

REGULAR MEETING
7:00 PM in the City Hall Council Chambers

APPEAL OF HEARING DECISIONS OF THE CITY COUNCIL MUST BE MADE TO THE SUPERIOR COURT WITHIN 90 CALENDAR DAYS OF FINAL ACTION. BECAUSE OF THE AGENDA PROVISION FOR RECONSIDERATION, FINAL ACTION IS DEEMED TO OCCUR AT THE END OF THE NEXT REGULAR MEETING PURSUANT TO CITY COUNCIL POLICY (P&P 042). (CODE OF CIVIL PROCEDURE SECTION 1094.6)

1. PLEDGE OF ALLEGIANCE AND STATEMENT OF VALUES:

2. ROLL CALL:

3. APPROVAL OF MINUTES:

A. March 31, 2014.

B. April 8, 2014.

4. CONTINUANCE/EXCEPTIONS:

5. SPECIAL ORDER OF BUSINESS:

A. Presentation of a donation from the Santa Clara Women's League, in the amount of $20,000, to be used for the Health and Wellness Program at the Santa Clara Senior Center.

6. UNFINISHED BUSINESS:

A. Possible Reconsideration of Actions Taken at Immediately Preceding Meeting. (See Summary of Actions for potential reconsideration, which is attached to the posted Agenda and is in the Agenda Packet Binder in the Council Chambers.)

B. Adoption of a Negative Declaration pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15050(b) and pass to print an Ordinance to add Article V (Polystyrene Foam Disposable Service Ware) to Chapter 13.20 (Storm Drains and Discharges) to Title 13 (Public Services) of the City Code to prohibit the use of polystyrene foam disposable food service ware.

7. CONSENT CALENDAR:

[Items listed on the CONSENT CALENDAR are considered routine and will be adopted by one motion. There will be no separate discussion of the items on the CONSENT CALENDAR unless discussion is requested by a member of the Council, staff, or public. If so requested, that item will be removed from the CONSENT CALENDAR and considered under CONSENT ITEMS PULLED FOR DISCUSSION.]

A. **Departmental Reports**

1. Approval for the use of City Electric forces for the installation of facilities at 5001 Great America Parkway.
2. Approval of the revised job description for Electric Program Manager.
3. Approval of the revised job description for Fire Marshall.
4. Acceptance of the work performed by Golden Bay Construction, Inc. for the San Tomas Aquino-Saratoga Creek Trail On-Street Portion Enhancements project and authorization to record a Notice of Completion with the County Recorder (CE 11-12-01).
5. Approval to set the salary schedule and range for Senior Resource Analyst as A-43.
6. Adoption of a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the Santa Clara Convention Center Complex Maintenance District No.183, set June 10, 2014 for the Public Hearing, and authorization to publish and post the Notice of the Public Hearing as stated in the Resolution.

B. Agreements

1. Approval of Landscape Maintenance Agreement with the County of Santa Clara for landscaping on Lawrence Expressway overpass embankments at El Camino Real.
2. Approval of a Standard Agreement with the California Highway Patrol for traffic control related services for Levi's Stadium events.
3. Approval of an Agreement for the Performance of Services with TRC Engineers, Inc., in an amount not to exceed $214,212, for environmental consulting and construction services for contaminated soil removal for Gateway Parcel 3 and authorization to make minor, non-substantive modifications to the Agreement, if necessary.
4. Approval of Amendment No. 1 to Call No. 13-1 for Professional Services with Electrical Consultants, Inc., in an amount not to exceed $231,242, for a total amount not to exceed $777,622 for engineering and detailed design of 60kv short-circuit mitigation equipment at Northern Receiving Station for the Phase Shifting Transformer.
5. Approval of the Monitoring Well Encroachment Agreement with PES Environmental, Inc. to construct and maintain five groundwater monitoring wells within various streets easterly, northerly and northeasterly of 2640 El Camino Real (APN 290-06-020; S.C. 18,680).
6. Approval of the Monitoring Well Encroachment Agreement with Stantec Consulting Services to construct and maintain three groundwater monitoring wells within the public right-of-way along Market Street, approximately 400' northwest of 2665 The Alameda (APN 230-12-012; S.C. 18,683).

C. Reports for Information and Possible Action

D. Minutes to Note and File

1. Historical and Landmarks Commission - February 6, 2014.
2. Historical and Landmarks Commission - January 9, 2014.
3. Planning Commission - February 12, 2014.

E. Routine Written Petitions for Approval

8. ITEMS SET FOR HEARING:

[Planning Commission items not being appealed, or which are not related to an appeal, will be heard under BOARDS AND COMMISSIONS FOR ACTION.] If you challenge a City Council land use decision in court, you may be limited to raising only those issues you or someone else raised at this hearing before the City Council or in written correspondence delivered to the City at, or prior to, the City Council hearing on the matter. (California Government Code Section 65009)

A. Annual Plan for the use of Federal Community Development Block Grant Program (CDBG) and Home Investment Partnerships Program (HOME) Funds for Fiscal Year 2014-15: Approval of the Annual Plan for the use of CDBG and HOME funds and authorization to submit the Annual Plan to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2014.

B. **3515-3585 Monroe Street - Monticello Village Project**
Adoption of resolutions to certify the Environmental Impact Report (EIR) and adopt a statement of overriding considerations and the Mitigation Monitoring and Reporting Program (MMRP); Approval of a rezone from Planned Industrial (MP) to Planned Development (PD) to allow construction of a mixed-use development comprised of 825 apartments, 43,849 square feet of retail and 16,392 square feet of amenities with associated parking and other site improvements, subject to conditions and approval of the Vesting Tentative Parcel Map for financing and conveyance purposes for the 16.11 acre project site, subject to conditions (PLN2013-09665, PLN2013-09666, PLN2013-09667 and CEQ2013-01150).

9. BOARDS AND COMMISSIONS FOR ACTION:

10. CONSENT ITEMS PULLED FOR DISCUSSION:

11. PUBLIC PRESENTATIONS:

This item is reserved for persons to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City. The law does not permit Council action on, or extended discussion of, any item not on the agenda except under special circumstances. The Council, or staff, may briefly respond to statements made or questions posed, and the Council may request staff to report back at a subsequent meeting. Although not required, please submit to the City Clerk your name and subject matter on forms available by the door in the Council Chambers.

12. BILLS AND CLAIMS/PROGRESS PAYMENTS:

(Lists are available in the Council Office and the City Clerk's Office.)

A. Approval of Bills and Claims and Progress Payments.

13. REPORTS OF COUNCILORS AND SPECIAL COUNCIL COMMITTEES:

A. Reports regarding conference attendance, if any.

14. CITY MANAGER REPORTS:

15. CLOSED SESSION MATTERS:

A. City Attorney Reports:

B. Set May 13, 2014 at 6:00 pm for a Closed Session in the Council Conference Room for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City designated representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit #4 - City of Santa Clara Professional Engineers; Units #5, 7 & 8 - City of Santa Clara Employees Association; Unit #6 - AFSCME - Local 101 (American Federation of State, County and Municipal Employees); Unit #9 - Miscellaneous Unclassified Management Employees; Unit #9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association); Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(a); *Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.,* Sacramento County Superior Court Case No. 34-2013-80001396; Conference with Legal Counsel-Anticipated Litigation, pursuant to Government Code Section 54956.9(a), potential initiation of litigation: 1 potential case.

16. ADJOURNMENT:

A. To Tuesday evening, **May 13, 2014** at 7:00 pm for the regular scheduled meeting in the City Hall Council Chambers.

5/6/14

CLOSED SESSION NOTICE

6:00pm

Santa Clara

City of Santa Clara, California

The **CITY COUNCIL OF THE CITY OF SANTA CLARA** will meet in closed session on **Tuesday, May 6, 2014,** at **6:00 p.m.**, or as soon thereafter as the matter can be discussed, in the Council Conference Room located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to it/them:

☒ **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Gov. Code § 54957.6
City designated representative: Julio J. Fuentes, City Manager (or designee)
Employee Organization(s):
Unit #1 – Santa Clara Firefighters Association, IAFF, Local 1171
Unit #2 - Santa Clara Police Officer's Association
Unit #3 – IBEW Local 1245 (International Brotherhood of Electrical Workers)
Unit #4 - City of Santa Clara Professional Engineers
Units #5, 7 & 8 - City of Santa Clara Employees Association
Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees)
Unit #9 – Miscellaneous Unclassified Management Employees
Unit #9A - Unclassified Police Management Employees
Unit #9B - Unclassified Fire Management Employees
Unit #10 – PSNSEA (Public Safety Non-Sworn Employees Association)

☒ **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Pursuant to Gov. Code § 54956.8
Property: APN 097-01-039, APN 097-01-073, APN 104-01-102, APN 104-03-036
Negotiating Party(ies): William A. Witte, President, Related California
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)

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Pursuant to Gov. Code § 54956.8
Property: APN 104-03-036, APN 104-03-038, APN 104-03-039, APN 104-03-040
Negotiating Party(ies): Kurt Wittek, Montana Property Group, LLC
City Negotiator: Julio J. Fuentes, City Manager (or designee)
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Pursuant to Gov. Code § 54956.8
Property: APN 224-28-035
Negotiating Party(ies): Don Jessup, Silicon Valley Associates
City Negotiator: Julio J. Fuentes, City Manager (or designee)
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City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)

☒ **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
Pursuant to Gov. Code § 54956.9(a)
Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al., Sacramento County Superior Court Case No. 34-2013-80001396

☒ **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
Pursuant to Gov. Code § 54956.9(b)
Potential exposure to litigation: 1 potential case

☒ **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
Pursuant to Gov. Code § 54956.9(a)
Potential initiation of litigation: 1 potential case

Date: May 2, 2014

RICHARD E. NOSKY, JR.
City Attorney

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CLOSED SESSION NOTICE

Successor Agency to the City of Santa Clara
Redevelopment Agency

The **GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE CITY OF SANTA CLARA REDEVELOPMENT AGENCY** will meet in closed session on **Tuesday, May 6, 2014,** at **6:00 p.m.**, or as soon thereafter as the matter can be discussed, in the Council Conference Room located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to it/them:

☒ **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
Pursuant to Gov. Code § 54956.9(a)
Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al., Sacramento County Superior Court Case No. 34-2013-80001396

☒ **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
Pursuant to Gov. Code § 54956.9(a)
Potential initiation of litigation: 1 potential case

Date: May 2, 2014

RICHARD E. NOSKY, JR.
Successor Agency Counsel

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Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5:00pm

Santa Clara All-America City 2001

Date: May 1, 2014

To: City Manager for Council Information

From: Director of Planning & Inspection

Subject: 2325 Park Avenue Project - Response to Public Comments on April 22, 2014

EXECUTIVE SUMMARY:

At the regular City Council meeting of April 22, 2014, staff provided a report on the status of a permit for an addition to, and remodel of, a single family residence at 2325 Park Avenue. In addition to providing direction to the City Manager regarding the appointment of an ad hoc committee to look into zoning code amendments, the Council also asked staff to respond to the commentary provided by the public during that meeting and to present these responses at a study session on May 6, 2014.

Since April 22, staff has reviewed the notes taken from public comment and has prepared responses; these are provided as Attachment A and are grouped by the nature of question or comment. Staff can recap these responses at the study session, if so desired by the Council.

Also since April 22, the owners/applicants of the project at 2325 Park Avenue have met with the City Manager, City Attorney and Director of Planning & Inspection to review the project. As stated previously, the applicants hold a valid architectural (zoning) approval and building permit, but have agreed to hold off on substantial work or requests for inspections until the study session review on May 6. During the conference with staff, the applicants have agreed that they will eliminate the family room, resulting on five (5) bedrooms, kitchen and living room, plus three (3) baths and a laundry room in the same building footprint as previously approved (2,115 square feet). One of the baths would be altered to remove the bathtub and have only a shower. They also agreed to provide separation between the garage apron (driveway) and the power pole in the alley; this is discussed in the attached responses.

In addition to the floor plan changes agreed to by the applicant, they have stated their commitment to construct the property improvements consistent with the single family standards and do not intend to use it in the manner of a dormitory or fraternity/sorority house. They have also indicated they intend to sell the home as a single family residence and do not plan to retain and lease the property. Staff has asked that they provide such a statement in writing to help allay the concerns of the neighborhood.

Kevin L. Riley
Director of Planning & Inspection

Approved:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Attachment A –Response to Speaker Questions

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Attachment A **City Council May 6, 2014**
Responses to Speaker Questions from April 22, 2014 City Council Meeting
2325 Park Avenue and possible zoning code amendments

The following information is provided in the format of questions to respond to comments raised by members of the public at the City Council meeting of April 22, 2014, regarding Agenda Item #6.B: *2325 Park Avenue Project Process Review; and City Regulations of Boarding Houses and Second Units.* Many questions/comments were similar in nature among different speakers, so this information is grouped and numbered by topic rather than in response to individual statements made at the podium. References below to SCCC refer to Santa Clara City Code.

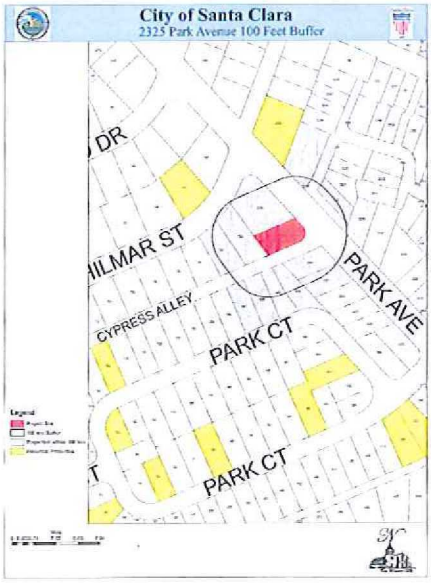
Question 1: Was the floor area of the residence doubled?
The existing 3-bedroom residence is 1,230 square feet in living space. The proposal does add 885 square feet of net new living space and results in 2,115 square feet of living space with 5 bedrooms and 3 baths. The new 885 square feet includes:

- 445 square feet of new floor area to front of the existing structure, and
- 440 square foot conversion of the existing interior (attached) 2-car garage to living space.

A detached 425 square foot 2-car garage is added to meet parking requirements.
Lot coverage (and/or FAR) increased from 24% to 37%, where up to 40% is allowed.

Question 2: Is the residence historic and does it require Historical and Landmarks Commission review?
The residence is not listed on the City's Inventory of Architecturally or Historically Significant Properties and is not located within 100 feet of a listed property and therefore no referral was made to the Historical and Landmarks Commission for review. The addition to the front of the home was seen to be consistent with the current design of the home and no determination of significance was made.

The electronic permit system has a "property tag" that is labeled "historically significant" to alert Building Inspection staff to refer properties older than 50 years to Planning staff to consider historic relevance. For many of these properties no support files exist to show that the property was designated as significant, including 2325 Park Avenue. A copy of the standard GIS mapping indicates 2325 Park Avenue is not located within 100 feet of a designated historic property.



Question 3: Does issuance of a building permit for single-family additions require public notice?
Public notification of planning approvals delegated to staff for building permit issuance is not required for single-story single-family additions that comply with the Zoning Ordinance development standards. The Architectural Committee delegated authority for these reviews in 1986, and staff review is consistent with Committee actions.

Public notice is provided by the Architectural Committee for residential additions that involve new or expanded second story construction and for demolition and replacement construction of a residence; by the Historical & Landmarks Commission for additions or alterations to historic properties or properties located within 100 feet of a listed historic property; and by the Planning Commission for additions that require discretionary action of a variance, use permit or rezoning.

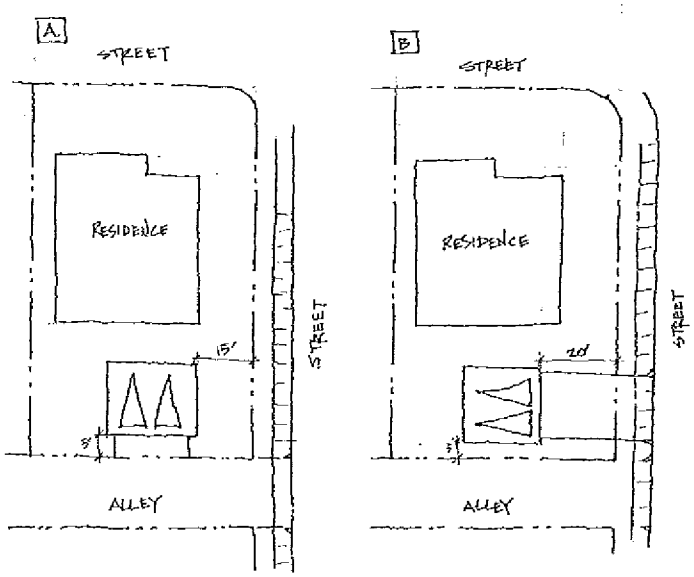
Question 4: Was the proposal reviewed for use as student housing?
The Zoning Code does not establish a limit on bedrooms in a single-family dwelling in any part of the City. A single-family dwelling is defined as "a detached building designed for and/or occupied exclusively by one family." A family is defined in the Code as "an individual or group of persons living together as a single housekeeping unit in a dwelling unit," but excludes fraternities, sororities, dormitories, etc. (SCCC 18.06.010) Therefore, it would be the manner in which a structure is used, rather than the physical attributes of the residence in most cases where student housing may be a concern, such that whether a residence has 3 or 5 bedrooms is more a matter of intensity of use as opposed to nature of use.

By past practice, staff has been directed to refer new construction/additions resulting in more than 5 bedrooms to Planning Commission. On April 22, 2014, the Council directed that all such projects resulting in more than 3 bedrooms be referred to the Architectural Committee, one or two stories. This is staff practice going forward.

Question 5: Was the project reviewed under the California Environmental Quality Act (CEQA) ?
The 2325 Park Avenue addition conforms to zoning district standards and involves only design review and building permits and qualifies as a categorically exempt project under the State's CEQA guidelines. Were there a determination of historical significance, the exemption may not have applied.

Question 6: How many projects or building permit applications have been submitted to City by Harrison, LLC?
Permit records indicate there are 3 applications on file by 640 Harrison, LLC, including 2325 Park Avenue, 601 Camino Drive and 471 Washington Street. Staff does not discriminate between companies and individuals submitting applications for single family residential projects, as many home owners use commercial companies to process applications. Review is based upon the proposed physical attributes of the project.

Question 7: Why is no variance required for the new 10 foot 8 inch driveway at 2325 Park Avenue?
The zoning code recognizes an alley as distinct from a street, regardless of whether the alley is public or private (SCCC 18.06.010). In a single family zoning district, the Zoning Code states "a minimum driveway length of twenty (20) feet shall be required between said parking and any street right-of-way line." (SCCC 18.12.120) Alleys are viewed differently, where the Code permits covered parking on an alley (public or private) to be set back 5 feet from the alley, allowing for only a 5-foot pad at the garage door, rather than a 20-foot driveway. In the case of a corner property, the garage must still meet the setback of 15-feet from the street, but will have to provide a 20-foot drive if the garage access is taken from the street rather than the alley (see exhibit below). [SCCC 18.66.020(e)] The California Vehicle Code definitions for street and alley do not apply to local development, while they may apply to moving vehicle violations by law enforcement.



Question 8: Why is the approved driveway allowed to be within 3 feet of a utility pole where the city standard calls for a greater separation distance?

The minimum separation of a pole from a driveway is applied by the Public Works Department in accordance with standards governed by the City's electric utility, Silicon Valley Power (SVP). It is applied to driveway cuts in the curb along a public street, but alley conditions differ, typically requiring a determination by SVP. A variance is a zoning procedure and does not apply; in this case, SVP evaluated the constraints of the situation and did not require separation, not dissimilar to conditions in some locations elsewhere in alley s in the City. Since the April 22 meeting, the City Manager and the owner have met and agreed that some separation between the driving surface of the garage pad and the pole is appropriate and can be done. The owner will provide that separation.

Meeting Date: 04/08/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 2

Santa Clara All-America City 2001

Date: April 8, 2014

To: Mayor and City Council for Action

From: Acting Executive Assistant to Mayor & City Council

Subject: Request for Excused Absence

EXECUTIVE SUMMARY:

Please be advised that Council Member Lisa Gillmor is unable to attend the April 8, 2014 City Council meeting, and is requesting that the Council excuse her from attending the City Council meeting.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The April 8, 2014 City Council meeting will be conducted without a full Council.

ECONOMIC/FISCAL IMPACT:

None.

RECOMMENDATION:

That the Council excuse Council Member Lisa Gillmor from attendance at the April 8, 2014 City Council meeting.

Jashma Kadam
Acting Executive Assistant to Mayor & Council

POST MEETING MATERIAL

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5/6/14 3A

MINUTES OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA FOR SPECIAL MEETING HELD ON TUESDAY EVENING, MARCH 31, 2014

The City Council of the City of Santa Clara met at 7:29 pm, on the above-mentioned date, for a Special Meeting in the City Hall Council Chambers.

Present: Council Members Debi Davis, Patrick Kolstad, Lisa M. Gillmor, Patricia M. Mahan, Jerry Marsalli, and Teresa O'Neill and Mayor Jamie L. Matthews.

Staff present: City Manager, Assistant City Manager - Sheila Tucker, City Attorney, Director of Planning and Inspection, and City Clerk/Auditor.

2A. The Mayor opened the **Joint City Council/Historic Preservation Ordinance Committee Study Session** for review of Ordinance Model - Santa Clara County and key concepts for the draft **Historical Presentation Ordinance**. The City Manager provided introductory comments and then Lorie Garcia, Honorary City Historian, and Craig Mineweaser provided an update on progress made by the Committee. Ms. Garcia, Mr. Mineweaser, City Manager, Development Review Officer, Director of Planning and Inspection and the City Attorney answered Council/Committee questions. A Council/Committee discussion followed. Sarah Doty, Sal Caruso and Spike Standifer addressed the Council/Committee with general comments.

3. Under Public Presentations, Joe Hastings addressed the Council with comments of concern regarding the project located at 2325 Park Avenue.

4B. The Council then met for a **Closed Session** in the Council Conference Room for a Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: Coronado Drive, between Stender Way and Central Expressway, Santa Clara, CA; Negotiating Party(ies): Jay DiMaggio, CoreSite; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment); Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 224-28-035; Negotiating Party(ies):): Don Jessup, Silicon Valley Associates; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment); and Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 224-02-002; 224-02-013; 224-02-014; 224-02-020 and 224-02-023;

Negotiating Party(ies): Steve Zamudio, Colliers International; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment).

The Council reconvened in the Council Chambers at 7:59 pm and the City Attorney noted that there was no reportable action.

5A. There being no further business, the meeting was adjourned at 7:59 pm to Tuesday evening, **April 8, 2014** at 6:00 pm for a Closed Session in the Council Conference Room and to 7:00 pm for the regular scheduled meeting in the City Hall Council Chambers.

ATTEST: _____
City Clerk

APPROVE: _____
Mayor

5/6/14 REVISED 3B

MINUTES OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA
FOR MEETING HELD ON TUESDAY EVENING, APRIL 8, 2014

The City Council of the City of Santa Clara met at 6:00 pm, on the above-mentioned date, in the City Hall Council Chambers for the regular scheduled meeting. With a quorum present and with no public comment, the Council then met for a Closed Session in the Council Conference Room for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City designated representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit # 4 - City of Santa Clara Professional Engineers; Units # 5, 7 & 8 - City of Santa Clara Employees Association; Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees); Unit # 9 - Miscellaneous Unclassified Management Employees; Unit # 9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit # 10 - PSNSEA (Public Safety Non-Sworn Employees Association; Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 224-02-002; 224-02-013; 224-02-014; 224-02-020; and 224-02-023 Negotiating Party(ies): Steve Zamudio, Colliers International; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment); Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: Transmission facilities and entitlement connecting the Westwing Substation, 11400 W Hatfield Road, Peoria, Arizona, to the midpoint of the Victorville-Lugo transmission line; Negotiating Party(ies): Phillip C. Grigsby, Duke-American Transmission Company, LLC; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment); City Council/Council acting as the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(a); *Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.*, Sacramento County Superior Court Case No. 34-2013-80001396; City Council/Council acting as the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section

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54956.9(a); Potential initiation of litigation: 1 potential case; and Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9(b); Potential exposure to litigation: 1 potential case (City Attorney - 04/04/14).

The Council reconvened in the Council Chambers at 7:01 pm and the regular meeting was opened with the recitation of the Pledge of Allegiance and Statement of Values in the Council Chambers.

Present: Council Members Debi Davis, Patrick Kolstad, Patricia M. Mahan, Jerry Marsalli and Teresa O'Neill and Mayor Jamie L. Matthews. Absent: Lisa M. Gillmor (excused).

Staff present: City Manager, Assistant City Manager - Alan Kurotori, Assistant City Manager - Sheila Tucker, Economic Development Officer/Assistant City Manager, Director of Planning and Inspection, Director of Public Works/City Engineer, City Attorney and City Clerk/Auditor.

2. **MOTION** was made by Davis, seconded and unanimously carried with Mahan absent (temporarily off the dais) (Gillmor absent), that the Council **excuse** Council Member Gillmor from attendance at this evening's meeting.

4A. As a Special Order of Business, there was a Joint City Council/Stadium Authority presentation on the **Transportation Management and Operations Plan (TMOP) - Public Transit Access** at **Levi's Stadium** by **Valley Transportation Authority (VTA)**. The Economic Development Officer/Assistant City Manager reviewed her memo (04/01/14) and gave an electronic presentation highlighting the TMOP. She then introduced Jim Unites, VTA Transit Operations and Planning Deputy Director, who addressed the Council/Stadium Authority with comments and made an electronic presentation regarding the transit plan for Levi's Stadium. Mr. Unites and the Economic Development Officer/Assistant City Manager answered Council/Stadium Authority questions.

6A.1 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Electric Utility's memo (03/20/14), the Council **approve setting the salary** for the **Journey Lineworker** position candidate Chad St. Clair at step 4 of the salary range for D1-32.

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6A.2 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Public Works/City Engineer's memo (04/01/14), the Council **adopt Resolution No. 14-8124** entitled, "A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, OF INTENTION TO ORDER THAT THE ALTERNATIVE METHOD FOR THE LEVY OF BENEFIT ASSESSMENT BE MADE APPLICABLE TO CITY OF SANTA CLARA PARKING MAINTENANCE DISTRICT NO. 122, PROVIDING FOR NOTICE OF HEARING THEREON, APPROVING DIRECTOR'S REPORT, AND PROVIDING FOR NOTICE OF HEARING ON DIRECTOR'S REPORT FOR FISCAL YEAR 2014/15" which approves the intention to order that the **alternative method** for the **levy of benefit assessment** be made applicable to **Parking Maintenance District No. 122**; **set June 10, 2014** as a **Public Hearing** to approve the **Fiscal Year 2014-15 Director's Report**; and **authorize** the publication and posting of the notice of public hearing.

6A.3 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Electric Utility's memo (03/20/14), the Council **approve** the **Project Manual** for **Unit Price Bidding and Construction** of **Electric Utility Substructures and Aerial Fiber Optic Cable Master Construction Agreement (Public Works Project 2006A)**; **direct** the City Manager to solicit bids for the Project; and **delegate authority** to the City Manager to award the contract to the lowest responsible and responsive bidder.

6A.4 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the City Attorney's memo (04/08/14), the Council **adopt Ordinance No. 1923** entitled, "AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, TO AMEND CHAPTER 3.40 (BUSINESS TAX) TO TITLE 3 (REVENUE AND FINANCE) OF THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA TO STREAMLINE AND PROVIDE IMPROVED TRANSPARENCY IN CURRENT PROCESSES" which amends **Chapter 3.40 (Business Tax)** of **Title 3 (Revenue and Finance)** of the City Code.

6A.5 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Public Works/City Engineer's memo (03/24/14), the Council **approve** the **Plans and Specifications** for **Street Corporation Yard Bunker Wash Area Sewer Connection Project**; **authorize** the City Manager to make minor modifications, if necessary; and **authorize** the advertisement for bids (CE 13-14-07).

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6A.6 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Parks and Recreation's memo (04/05/14), the Council **accept** a **donation** from the **Chad & Kendra Olson Giving Fund**, in the amount of $300, to help fund the **restoration and education project** of **Ulistac Natural Area** and **authorize** the transmittal of a letter of appreciation signed by the Mayor and City Manager.

6A.7 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Parks and Recreation's memo (03/31/14), the Council **accept** the **donation** of **two Koala Kare Changing Stations**, valued at $596.16, from the **Santa Clara Swim Club** for installation at the Mary Gomez Pool locker rooms and **authorize** the transmittal of a letter of appreciation signed by the Mayor and City Manager.

6A.9 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the City Clerk/City Auditor's memo (03/28/14), the Council **reappoint** the following members for the term ending June 30, 2018: **Board of Library Trustees**: Ashish Mangla; **Cultural Commission**: Kathleen Ryan; **Historical and Landmarks Commission**: Brian Johns and Regina "Jeannie" Mahan; **Parks and Recreation Commission**: Michael E. O'Halloran; **Planning Commission**: Raj Chahal and Yuki Ikezi; and **Senior Advisory Commission**: Wanda Buck; **declare vacancies** for the full term ending June 30, 2018 for the following: **Civil Service Commission**: 1 vacancy and **Parks and Recreation Commission**: 1 vacancy; **set April 22, 2014** as a Special Order of Business for the promotion of vacancies; **set May 23, 2014** at 5:00 pm for the receipt of applications; **set June 10, 2014** at 6:00 pm for **interviews** on the Parks and Recreation Commission and 7:00 pm for interviews on the Civil Service Commission; and **set June 10, 2014** as a Special Order of Business for the presentation of appropriate plaques, tiles and certificates to the following outgoing members: Civil Service Commission: Beverly Lynne Silva and Parks and Recreation Commission: Raymond G. Gamma.

6A.10 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Senior Staff Aide's memo (04/01/14), the Council **approve** and authorize the publication of the **May 2014 *Mission City SCENES***.

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6A.11 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Water and Sewer Utilities' memo (03/25/14), the Council **accept** the **work performed** by **Commercial Pump & Mechanical, Inc.** on **Destruction of Wells No. 1-02, 19 and 33 Project (WA 30147)** and **authorize** the recordation of the Notice of Completion with the County Recorder.

6A.12 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the City Attorney's memo (04/08/14), the Council **adopt Ordinance No. 1922** entitled, "AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING SECTION 9.05.005 (DEFINITIONS) AND ADDING NEW SECTIONS 9.05.160 (PROHIBITED CONDUCT IN SPORTING AND ENTERTAINMENT EVENTS), 9.05.165 (ACTIVITIES AND CONDUCT PROHIBITED IN PARKING FACILITIES ADJACENT TO THE STADIUM OR PARKING FACILITIES USED FOR STADIUM EVENTS) AND 9.05.170 (PENALTIES) TO CHAPTER 9.05 (IN GENERAL) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA GOVERNING CONDUCT AT THE STADIUM AND SURROUNDING AREA" which amends **Chapter 9.05 (In General)** of **Title 9 (Public Peace, Morals and Welfare)** by amending Subchapter 9.05.005 (Definitions) and adding new Subchapters 9.05.160 (Prohibited Conduct in Sporting and Entertainment Events), 9.05.165 (Activities and Conduct Prohibited in Parking Facilities Adjacent to the Stadium or Parking Facilities used for Stadium Events) and 9.05.170 (Penalties) of the City Code **governing conduct** at **Levi's Stadium, parking lots and surrounding areas**.

6A.13 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Planning and Inspection's memo (04/01/14), the Council **note and file** the proposed restated **Covenants Conditions and Restrictions (CC&Rs)** and **bylaws** for the **Harrison Street Townhomes**.

6A.14 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the City Attorney's memo (04/08/14), the Council **pass to print Ordinance No. 1922** entitled, "AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTER 2.130 (POLITICAL CAMPAIGN FINANCE REFORM ACT OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" which amends **Chapter 2.130 (Political Campaign Finance Reform Act)** of **Title 2 (Administration and Personnel)** of the City Code to reflect updates to the **Political Campaign Finance Reform Act**.

6B.1 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Electric Utility's memo (04/04/14), the Council **approve**, and authorize the City Manager to execute, a **Call Agreement** with **Soudi Consultants, Inc.** and **Call No. 14-1** for **Professional Services**, in an amount not to exceed $86,500, to provide **Electric System protection services** related to **Fairview Substation**; **Call No. 14-2** for **Professional Services**, in an amount not to exceed $72,500 to provide **Electric System coordination studies** and **establish relay settings** for the **Phase Shifting Transformer installation**; **Call No. 14-3** for Professional Services, in an amount not to exceed $142,500, to provide **Protection Support Services** for the **115kV Bus Reactor Installation**; and **Call No. 14-4** for Professional Services, in an amount not to exceed $128,500, to provide **Protection Support Services** for the **60kV Bus Reactor Installation**.

6B.2 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Water and Sewer Utilities' memo (03/25/14), the Council **approve**, and authorize the City Manager to execute, **Amendment No. 3** to the **Agreement for Design Professional Services** with **GHD, Inc.** and **Service Order No. 8**, in an amount not to exceed $39,000 for a total not to exceed amount of $511,000, to provide **specialized engineering services**.

6B.3 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Electric Utility's memo (03/31/14), the Council **approve**, and authorize the City Manager to execute, **Amendment No. 1** to the **Agreement for the Performance of Services** with **Davey Tree Surgery Company**, in an amount not to exceed $115,000 for a total not to exceed amount of $2,498,635, to provide **tree trimming and power line clearance services**.

6B.4 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Parks and Recreation's memo (03/25/14), the Council **approve**, and authorize the City Manager to execute, a **Display Agreement** with **Fireworks & Stage FX America, Inc.**, in an amount not to exceed $30,000, for the **fireworks display** at **Central Park** on **July 4, 2014**.

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6B.5 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Electric Utility's memo (03/25/14), the Council **approve**, and authorize the City Manager to execute, a **Receivables Resolution Agreement** with **Iberdrola Renewables, LLC**, **M-S-R Public Power Agency** and **Modesto Irrigation District**, in an amount not to exceed $726,987.56, to reimburse Iberdrola Renewables, LLC for **billing corrections**.

6C.1 6C.2 6C.3 6C.4 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that the Council **note and file** the following **Informational Memo's**: Arbor Day/Earth Day Celebration to be held Friday, April 25, 2014 (Director of Public Works/City Engineer - 03/10/14); City of Santa Clara selected for "2014 Water Agency of the Year" Award by WateReuse Association, California Section (Director of Water and Sewer Utilities - 03/24/14); Recognition by the Arbor Day Foundation - 2013 Tree City USA and Growth Awards (Recognition –2013 Tree City USA and Growth Award - 03/24/14); and "Breaking out of the Box" Art Exhibition and Opening Reception Thursday, April 17, 2014 from 6:00 pm to 8:00 pm at City Hall (Executive Assistant to the City Manager - 04/03/14).

6D.1 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that the Council **note and file** the **Minutes** of the **Youth Commission** for the meeting of **January 13, 2014**.

6D.2 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that the Council **note and file** the **Minutes** of **Parks and Recreation Commission** for the meeting of **February 18, 2014**.

6D.3 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that the Council **note and file** the **Minutes** of **Marketing Committee** for the meeting of **February 19, 2014**.

6E.1 **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Parks and Recreation's memo (04/08/14), the Council **approve** the request from the **Santa Clara Kiwanis Club** to use the **City Hall Reflection Pond** for the **Annual Fish Derby** to be held on **May 3, 2014**.

7A. PUBLIC HEARING: The Mayor declared the public hearing open for consideration of the project located at **1575 Pomeroy Avenue**, including adoption of a Resolution approving a **rezone** from **R1-6L Single Family** to **PD-Planned Development**, subject to conditions and making a determination that the project is **categorically exempt** from **California Environmental Quality Act (CEQA)** under Guidelines 15303(b) (Class 3 - New Construction or Conversion of Small

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Structures) (PLN2012-09318). The Director of Planning and Inspection reviewed his memo (04/04/14) and made an electronic presentation regarding the proposed project. He then answered Council questions. Kurt Anderson, Anderson Architects, LLC, (applicant) addressed the Council with comments and also made an electronic presentation. Mr. Anderson then answered Council questions. James Rowen and Eddie Souza addressed the Council with comments in opposition to the proposed project. Mr. Souza then answered Council questions. Kevin Moore then addressed the Council also in opposition of the proposed project. Stephen Hazel addressed the Council with general comments. Mr. Anderson then addressed the Council with comments. With no further public comment, **MOTION** was made by Davis, seconded and unanimously carried (Gillmor absent), that the Council **close** the public hearing. **MOTION** was then made by Mahan, seconded and unanimously carried (Gillmor absent), that the Council **deny** the project located at 1575 Pomeroy Avenue, including adoption of a Resolution approving a rezone from R1-6L Single Family to PD-Planned Development, subject to conditions and making a determination that the project is categorically exempt from California Environmental Quality Act (CEQA) under Guidelines 15303(b) (Class 3 - New Construction or Conversion of Small Structures) (PLN2012-09318).

8A. **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that, per the Director of Public Works/City Engineer (04/08/14), the Council **award** the **Public Works contract** for the **Lafayette Street Traffic Signal Interconnect and Coordination Project** (CE 12-13-08) to the responsive and responsible bidder, **Daleo, Inc.**, in the amount of $1,490,298 and **authorize** the City Manager to execute change orders up to 10% of the original contract price, or $149,030, for a total not to exceed amount of $1,639,328.

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9A.1 **MOTION** was made by Davis, seconded and unanimously carried (Gillmor absent), that the Council **note and file** the **Minutes** of the **Senior Advisory Commission** for the meeting of **February 24, 2014** and, per the Director of Parks and Recreation's memo (03/19/14), the Council **note and file** the recommendation to maintain the existing hours of operation at the Senior Center until such time as financially feasible to staff the facility for more hours.

9B. **MOTION** was made by Davis, seconded and unanimously carried (Gillmor absent), that the Council **note and file** the **Minutes** of the **Civil Service Commission** for the meeting of **March 10, 2014** and **approve** the recommendation to approve the **modified job specification** for **Equipment Operator**.

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10. (6A.8) The Council proceeded to consider the **2121 Laurelwood Road U-Haul Project**, including adoption of a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring or Reporting Program; adoption of a Resolution rezoning the property from Planned Development (PD) to Light Industrial (ML) to allow conversion and expansion of an existing legal nonconforming commercial warehouse use to a self-storage facility; and adoption of a Resolution approving a Use Permit to allow outdoor vehicle storage and leasing in conjunction with a reduced minimum on-site parking requirement, subject to conditions. (CEQ2013-01164, PLN2013-09776). Council comments were made and the Director of Planning and Inspection answered Council questions. **MOTION** was made by Davis, seconded and unanimously carried (Gillmor absent), that the Council **continue** the 2121 Laurelwood Road U-Haul Project, including adoption of a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring or Reporting Program; adoption of a Resolution rezoning the property from Planned Development (PD) to Light Industrial (ML) to allow conversion and expansion of an existing legal nonconforming commercial warehouse use to a self-storage facility; and adoption of a Resolution approving a Use Permit to allow outdoor vehicle storage and leasing in conjunction with a reduced minimum on-site parking requirement, subject to conditions (CEQ2013-01164, PLN2013-09776).

11. Under Public Presentations, taking into account the speakers present regarding the project located at 2325 Park Avenue, the Director of Planning and Inspection provided a general update on the project. The City Attorney noted that an Ordinance regarding boarding houses would be placed on the agenda for the April 22, 2014 Council meeting. The Director of Planning and Inspection answered Council questions. Nick Lallas, Margie Slivinske, Stacey Thorn, Mark Colbeck, Mark Kelsey, Joe Hastings (provided handout), Debra Van Overen, Noreen Carlson, Stan Carlson, Bob O'Keefe, Joseph Moore, Mark Gilley, Carl Hoffman, Susan Colbeck and Kevin Park addressed the Council with comments of concern. By consensus, the Council referred to the City Manager the questions of what can be done to place a hold on the project before further construction is done and if the amended plans could be reviewed by the Historical and Landmarks Commission (HLC).

Stephen Hazel addressed the Council with general comments of concern.

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12A. **MOTION** was made by Kolstad, seconded and unanimously carried (Gillmor absent), that, per the Director of Planning and Inspection's memo (04/01/14), the Council **approve** appropriations of $34,000 to the Housing Element Update 2014 Project (account 539-5532-80100-6535) funded by a transfer from the Building Inspection Reserve (account 063-44465); **approve**, and authorize the City Manager to execute, a **Professional Services Agreement** with **Environmental Science Associates (ESA)** to prepare a **Housing and General Plan Land Use update**, in an amount not to exceed $128,663; and **appoint** Council Members Davis and O'Neill to a **Land Use Steering Committee** for the **Housing & General Plan Land Use Update 2015**.

13A. **MOTION** was made by Mahan, seconded and unanimously carried (Gillmor absent), that the Council **approve** the **bills and claims** and **Progress Payments**.

14A. Under Reports of Councilors and Special Council Committees, Mayor Matthews reported on his attendance at the Library Foundation and Friends celebration at the Northside Library.

16A. The City Attorney reported that earlier in the evening, the Council met for a Closed Session in the Council Conference Room for Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City designated representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit # 4 - City of Santa Clara Professional Engineers; Units # 5, 7 & 8 - City of Santa Clara Employees Association; Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees); Unit # 9 - Miscellaneous Unclassified Management Employees; Unit # 9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit # 10 - PSNSEA (Public Safety Non-Sworn Employees Association) and that there was no reportable action; Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 224-02-002; 224-02-013; 224-02-014; 224-02-020; and 224-02-023 Negotiating Party(ies): Steve Zamudio, Colliers International; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment) and that there was no reportable action; Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: Transmission facilities and entitlement connecting the Westwing Substation, 11400 W Hatfield Road, Peoria, Arizona, to the

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midpoint of the Victorville-Lugo transmission line; Negotiating Party(ies): Phillip C. Grigsby, Duke-American Transmission Company, LLC; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment) and that there was no reportable action; City Council/Council acting as the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(a); *Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.*, Sacramento County Superior Court Case No. 34-2013-80001396 and that there was no reportable action; City Council/Council acting as the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9(a); Potential initiation of litigation: 1 potential case and that there was no reportable action; and Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9(b); Potential exposure to litigation: 1 potential case and that there was no reportable action.

16B. **MOTION** was made by Davis, seconded and unanimously carried (Gillmor absent), that, per the City Attorney's memo (04/04/14), the Council **set April 22, 2014** at 6:00 pm for a Closed Session in the Council Conference Room for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City designated representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit #4 - City of Santa Clara Professional Engineers; Units # 5,7 & 8 - City of Santa Clara Employees Association; Unit # 6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees); Unit # 9 - Miscellaneous Unclassified Management Employees; Unit #9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; and Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association); Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(a); Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al., Sacramento County Superior Court Case No. 34-2013-80001396; and a Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9(a); Potential initiation of litigation: 1 potential case.

17A. **MOTION** was made by Davis, seconded and unanimously carried (Gillmor absent), that, there being no further business, the Council adjourn the meeting at 8:27 pm, to Tuesday evening, **April 22, 2014** at 6:00 pm for Closed Session in the Council Conference Room and at 7:00 pm for the regular scheduled meeting in the City Hall Council Chambers.

ATTEST: _____
City Clerk

APPROVE: _____
Mayor

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Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5-A

Date: April 21, 2014

To: City Manager for Council Information

From: Director of Parks & Recreation

Subject: Special Order of Business for May 6, 2014 City Council Meeting
Public Presentation of Donation by Santa Clara Women's League

The Santa Clara Women's League will present a donation check in the amount of $20,000 to be used for the Health and Wellness Program at the Santa Clara Senior Center. Nancy Velasco, Women's League Vice-President will make the presentation on behalf of the Women's League.

James Teixeira
Director of Parks & Recreation

APPROVED:

by Julio J. Fuentes
City Manager

Documents Related to this Report: None

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Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 6B

Date: April 23, 2014

To: City Manager for Council Action

From: Director of Public Works/City Engineer

Subject: Consider and Adopt a Negative Declaration Pursuant to CEQA Guidelines Section 15050(b), and Pass to Print An Ordinance of the City of Santa Clara, California, to Add Article V ("Polystyrene Foam Disposable Service Ware") to Chapter 13.20 ("Storm Drains and Discharges") to Title 13 ("Public Services") of "The Code of the City of Santa Clara, California" to Prohibit the Use of Polystyrene Foam Disposable Food Service Ware

EXECUTIVE SUMMARY:

On September 24, 2013 the City Council adopted Six-Month Strategic Objectives covering the period ending March 15, 2014. The Public Works Department was tasked to initiate the CEQA process for an ordinance to prohibit the use of polystyrene foam disposable food service ware. Staff conducted an extensive public outreach campaign to inform businesses and residents of a potential ordinance that would prohibit food vendors from providing polystyrene foam disposable food service ware. On March 18, 2014, the City Council directed the City Manager to prepare an ordinance after receiving an update on the community outreach efforts and hearing comments from the public.

On August 27, 2013, the City of San Jose conducted a public hearing and adopted a Negative Declaration analyzing the regional impacts of local ordinances in the region to phase-out polystyrene foam disposable food service ware. Pursuant to CEQA Guidelines Section 15050(b), the City of Santa Clara may certify that the information in San Jose's Negative Declaration has been reviewed and considered. Based on this review, and pursuant to CEQA Guidelines Section 15096, the City of Santa Clara can incorporate the findings of the Negative Declaration by reference in the subject ordinance. A copy of the Negative Declaration is contained in the Initial Study for a Polystyrene Foam Disposable Food Service Ware Ordinance prepared by the City of San Jose, which is available in the City Clerk's Office and on the City's website.

The subject Ordinance prohibits national food vendors from selling or providing prepared food in polystyrene foam disposable food service ware on or after September 1, 2014, and will be extended to other food vendors on January 1, 2015. The phased approach will allow smaller food vendors to liquidate their stock of polystyrene foam food ware and identify alternatives that work for their operations. The definition of food vendors includes restaurants, bars, coffee shops, cafeterias caterers, convenience stores, grocery stores, and mobile food trucks. The subject ordinance does not apply to prepackaged foods or meat trays and does not cover non-profit organizations or public agency sponsored programs. However, the Parks & Recreation Department will adopt a policy to prohibit the sale of prepared food in polystyrene disposable food ware during the annual 4th of July celebration and the Art & Wine Festival in September.

Eight (8) jurisdictions in Santa Clara County (including Cupertino, Los Altos, Morgan Hill, Mountain View, Palo Alto, San Jose, Sunnyvale, and Santa Clara County) have already adopted expanded polystyrene foam disposable food service ware ordinances. The ordinances adopted in Los Altos, Mountain View, and Sunnyvale have prohibited the retail sale of polystyrene products. The retail sale of polystyrene products is

not regulated in the subject Ordinance because the community outreach for a proposed polystyrene ban only addressed food vendors, not retailers.

If the subject Ordinance is approved, Staff will notify all food vendors in the City's business license database of the forthcoming requirements. Initial enforcement will be on a complaint basis and education will be the initial step of enforcement. Code Enforcement Technicians will be instructed to verify that food vendors are not providing polystyrene foam disposable food service ware during mandated industrial/commercial facility stormwater inspections. A copy of the subject Ordinance has been placed in Council offices for review.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The adoption of a local polystyrene foam disposable food service ware ban would be a cost-effective trash control measure used to achieve "no visual impact" in low trash generation areas by the year 2022, as mandated by the Regional Water Quality Control Board. However, the additional cost to food vendors to purchase polystyrene foam food service ware alternatives is estimated to be $0.05 to $0.10 per unit.

ECONOMIC/FISCAL IMPACT:

The cost to conduct additional outreach to food vendors to facilitate the implementation of the subject ordinance shall not exceed $5,000. Appropriations are available in the Solid Waste Fund's Operating Supplies account (096-2931-87500).

RECOMMENDATION:

That the Council adopt a Negative Declaration pursuant to CEQA Guidelines Section 15050(b), and pass to print an Ordinance of the City of Santa Clara, California, to add Article V ("Polystyrene Foam Disposable Service Ware") to Chapter 13.20 ("Storm Drains and Discharges") to Title 13 ("Public Services") of "The Code of the City of Santa Clara, California" to prohibit the use of polystyrene foam disposable food service ware.

Rajeev Batra
Director of Public Works/City Engineer

Dave Staub
Deputy Director of Public Works

APPROVED:

Julio J. Fuentes
City Manager

Certified as to Availability of Funds:
096-2931-87500: $5,000.00

for Gary Ameling
Director of Finance/Assistant City Manager

MAJORITY VOTE OF COUNCIL

Documents Attached/ Related to this Report:

1) ***An Ordinance of the City of Santa Clara, California, to add Article V ("Polystyrene Foam Disposable Service Ware") to Chapter 13.20 ("Storm Drains and Discharges") to Title 13 ("Public Services") of "The Code of the City of Santa Clara, California" to prohibit the use of polystyrene foam disposable food service ware -- attached***
2) ***City of San Jose's Initial Study on a Polystyrene Foam Disposable Food Service Ware Ordinance (Revised August 2013)***

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, TO ADD ARTICLE V ("POLYSTYRENE FOAM DISPOSABLE SERVICE WARE") TO CHAPTER 13.20 ("STORM DRAINS AND DISCHARGES") TO TITLE 13 ("PUBLIC SERVICES") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO PROHIBIT THE USE OF POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, polystyrene foam is a distinctive litter concern because it is lightweight, floats and readily travels from land to inland waterways and out to the ocean where it breaks down into small pieces to be mistaken for food by birds and other marine wildlife;

WHEREAS, polystyrene disposable food service ware comprises a majority of expanded polystyrene ("EPS") litter observed in storm drains;

WHEREAS, the proposed phase-out of polystyrene disposable food service ware would require vendors to use alternative disposable food service ware that should result in a reduction in EPS litter, reduce the harm to aquatic wildlife, and improve water quality in Santa Clara creeks and the Southern San Francisco Bay;

WHEREAS, the proposed regional ordinances disallowing the use of polystyrene disposable food service ware constitute "Projects" subject to the California Environmental Quality Act ("CEQA"), Pub. Res. Code § 21000 et seq.;

WHEREAS, the City of San Jose, as lead agency, conducted and prepared a regional environmental review pursuant to CEQA, and included the City of Santa Clara as a responsible agency in that review;

WHEREAS, on August 27, 2013, the City of San Jose conducted a public hearing and adopted the Negative Declaration analyzing the regional environmental impacts of local ordinances in the region to phase-out polystyrene disposable food service ware;

WHEREAS, as a responsible agency in that CEQA review, the City of Santa Clara must make a determination as to the adequacy of the environmental documentation prepared for the Project and make findings for each significant environmental impact effect, if any, pursuant to CEQA Guidelines Section 15096(h); and,

WHEREAS, the Santa Clara City Council now wishes to make its own determination with respect to the Negative Declaration for the phase-out of polystyrene disposable food service ware, and adopt its own ordinance phasing out such polystyrene disposable food service ware.

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

SECTION 1: That pursuant to CEQA Guidelines Section 15050(b), the City of Santa Clara hereby certifies the City Council has reviewed and considered the information in the Negative Declaration for the Project.

SECTION 2: In its limited role as a responsible agency under CEQA, the City of Santa Clara has reviewed and considered the information contained in the Negative Declaration, environmental findings, supporting documentation, and the whole of the record of proceedings. Based on this review, and pursuant to CEQA Guidelines Section 15096, the City of Santa Clara finds that, as to those potential environmental impacts with the City's powers and authorities as responsible agency, the Negative Declaration contains a complete, objective and accurate reporting of those potential impacts, and these findings reflect the independent judgment and analysis of the City Council of

Santa Clara. The environmental findings, as adopted by the City of San Jose, are incorporated herein by reference only and available for review in the City Clerk's Office.

SECTION 3: That a new Article V ("Polystyrene Foam Disposable Service Ware") is added to Chapter 13.20 ("Storm Drains and Discharges") of Title 13 ("Public Services") of "The Code of the City of Santa Clara, California," ("SCCC") to read as follows:

"Article V. Polystyrene Foam Disposable Service Ware

13.20.160 Definitions.

(a) "Disposable food service ware" means single-use disposable products used in the restaurant and food industry for serving prepared food and includes, but is not limited to, plates, trays, cups, bowls and hinged or lidded containers (clamshells). "Disposable food service ware" does not include straws, utensils, drink lids or ice chests.

(b) "Food vendor" means any establishment located in the City of Santa Clara that sells or otherwise provides prepared food for consumption on or off its premises, and includes, but is not limited to, any shop, sales outlet, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, mobile food truck, vehicle or cart, or roadside stand. A "food vendor" does not include a food service provider that is associated with either a nonprofit organization with Section 501(c)(3) status under the Internal Revenue Code or a public agency sponsored program.

(c) "National food vendor" means a food vendor that is a chain of franchised or corporate owned establishments located in more than one state.

(d) "Polystyrene foam" means a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent (expanded polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). "Polystyrene

foam" is commonly made into disposable food service ware products. "Polystyrene foam" does not include clear or solid polystyrene (oriented polystyrene).

(e) "Prepared food" means food or beverages that are packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises. "Prepared food" does not include: (1) any raw, uncooked meat products or fruits or vegetables unless it can be consumed without further preparation; or (2) prepackaged food that is delivered to the food vendor wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the food vendor in the same container or packaging.

13.20.170 Polystyrene foam disposable food service ware prohibited.

(a) No national food vendor shall sell or otherwise provide prepared food in polystyrene foam disposable food service ware on or after September 1, 2014.

(b) No food vendor shall sell or otherwise provide prepared food in polystyrene foam disposable food service ware on or after January 1, 2015.

13.20.180 Exemptions to the polystyrene foam disposable food service ware prohibition.

(a) A national food vendor or food vendor may seek an exemption from the prohibition under Section 13.20.170 due to a "unique packaging hardship" under Subsection (b) of this Section or a "financial hardship" under Subsection (c) of this Section.

(b) The national food vendor or food vendor must demonstrate that no reasonably feasible alternative exists to a specific and necessary polystyrene foam disposable food service ware to qualify for a "unique packaging hardship" exemption.

(c) The national food vendor or food vendor must demonstrate both the following to qualify for a "financial hardship" exemption: (1) a gross income under $300,000 on its annual income tax filing for the most recent tax year, and (2) with respect to each specific and necessary

polystyrene foam disposable food service ware, that there is no feasible alternative that would cost the same or less than the polystyrene foam disposable food service ware.

(d) The national food vendor or food vendor may submit a written application for an exemption on a form provided by the Public Works Department. The Director of Public Works or designee may require the applicant to submit additional information or documentation to make a determination regarding the exemption request. A request for exemption shall be with or without condition, for a period of twelve (12) months. The national food vendor or food vendor must apply for a new exemption period no later than sixty (60) days prior to the expiration of the then current exemption period to preserve a continuous exemption status. Each application shall be reviewed anew and will be based on the most current information available. The determination of the Director or designee shall be final and is not subject to appeal."

SECTION 4: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 5: Constitutionality, severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 6: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this _____ day of _____, 2014, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None
I:\ORDINANCES\13.1778 - Polystyrene ban 01-07-14.doc

Revised

Initial Study

Polystyrene Foam Disposable Food Service Ware Ordinance

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

July 2013

Revised August 2013

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

PUBLIC NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

File No. PP13-043. Polystyrene Foam Food Service Ware Ordinance.
Project Description: The proposed Polystyrene Foam Food Service Ware Ordinance is a model ordinance that would regulate the use of polystyrene foam food service ware by restaurants and food service establishments within participating jurisdictions in Santa Clara County. The proposed ordinance would phase-out the use of expanded or extruded polystyrene (EPS) foam food service ware, as adopted by implementing jurisdictions. Restrictions on use would be phased to allow restaurants using EPS food ware to transition to alternative products. Two options for additional regulation of EPS food ware products may also be adopted by any or all of the participating cities or towns and unincorporated Santa Clara County. The two options include: 1) a restriction of sales of EPS foam food service ware in retail stores and sales outlets; and 2) a restriction of sales of EPS coolers or ice chests which are not wholly encapsulated or encased within a more durable material.

PROJECT LOCATION: The proposed model ordinance would apply to retail food vendors within the following 14 incorporated cities and towns in Santa Clara County, California: San José, Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Santa Clara, Saratoga, and Sunnyvale. Two jurisdictions in the County that have already adopted restrictions on the use by retail food vendors of EPS foam food ware may amend their adopted ordinances to include these additional restrictions. These jurisdictions are: City of Palo Alto and County of Santa Clara (unincorporated area).

The City has performed environmental review on the project. Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a draft Negative Declaration (ND) for this project. An ND is a statement by the City that the project will not have a significant effect on the environment.

The public is welcome to review and comment on the draft Negative Declaration.

The public comment period for this draft Negative Declaration begins on **July 10, 2013,** and ends on **August 9, 2013.**

The draft Negative Declaration, initial study, and reference documents are available online at: http://www.sanjoseca.gov/index.aspx?NID=2165 .

The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact John Davidson at (408)535-7895 or by e-mail at john.davidson@sanjoseca.gov .

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 7/10/2013

John Davidson
Deputy

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means 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.

NAME OF PROJECT: Polystyrene Foam Food Service Ware Ordinance

PROJECT FILE NUMBER: PP13-043

PROJECT DESCRIPTION: The proposed Polystyrene Foam Food Service Ware Ordinance is a model ordinance that would regulate the use of polystyrene foam food service ware by restaurants and food service establishments within participating jurisdictions in Santa Clara County. The proposed ordinance would phase-out the use of expanded or extruded polystyrene (EPS) foam food service ware, as adopted by implementing jurisdictions. Restrictions on use would be phased to allow restaurants using EPS food ware to transition to alternative products. Two options for additional regulation of EPS food ware products may also be adopted by any or all of the participating cities or towns and unincorporated Santa Clara County. The two options include: 1) a restriction of sales of EPS foam food service ware in retail stores and sales outlets; and 2) a restriction of sales of EPS coolers or ice chests which are not wholly encapsulated or encased within a more durable material.

PROJECT LOCATION: The proposed model ordinance would apply to retail food vendors within the following 14 incorporated cities and towns in Santa Clara County, California: San José, Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Santa Clara, Saratoga, and Sunnyvale. Two jurisdictions in the County that have already adopted restrictions on the use by retail food vendors of EPS foam food ware may amend their adopted ordinances to include these additional restrictions. These jurisdictions are: City of Palo Alto and County of Santa Clara (unincorporated area).

COUNCIL DISTRICT: Citywide

APPLICANT CONTACT INFORMATION: Ella Samonsky, City of San Jose Environmental Services Division, 200 E. Santa Clara Street, T-7, San Jose CA 95113; (408) 793-4379

FINDING:

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies no potentially significant effects on the environment.

FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS:

I. **AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, and therefore no mitigation is required.

II. **AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, and therefore no mitigation is required.

III. **AIR QUALITY.** The project will not have a significant air quality impact, and therefore no mitigation is required.

IV. **BIOLOGICAL RESOURCES.** The project will not have a significant impact on biological resources, and therefore no mitigation is required.

V. **CULTURAL RESOURCES.** The project will not have a significant impact on cultural resources, and therefore no mitigation is required.

VI. **GEOLOGY AND SOILS.** The project will not have a significant impact due to geology and soils, and therefore no mitigation is required.

VII. **GREENHOUSE GAS EMISSIONS.** The project will not have a significant impact due to greenhouse gas emissions, and therefore no mitigation is required.

VIII. **HAZARDS AND HAZARDOUS MATERIALS.** The project will not have a significant hazards and hazardous materials impact, and therefore no mitigation is required.

IX. **HYDROLOGY AND WATER QUALITY.** The project will not have a significant hydrology and water quality impact, and therefore no mitigation is required.

X. **LAND USE AND PLANNING.** The project will not have a significant land use impact, and therefore no mitigation is required.

XI. **MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, and therefore no mitigation is required.

XII. **NOISE.** The project will not have a significant noise impact, and therefore no mitigation is required.

XIII. **POPULATION AND HOUSING.** The project will not have a significant population and housing impact, and therefore no mitigation is required.

XIV. **PUBLIC SERVICES.** The project will not have a significant impact on public services, and therefore no mitigation is required.

XV. **RECREATION.** The project will not have a significant impact on recreation, and therefore no mitigation is required.

XVI. TRANSPORTATION / TRAFFIC. The project will not have a significant traffic impact, and therefore no mitigation is required.

XVII. UTILITIES AND SERVICE SYSTEMS. The project will not have a significant impact on utilities and service systems, and therefore no mitigation is required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE. The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, and therefore no mitigation is required.

PUBLIC REVIEW PERIOD:

Before 5:00 p.m. on **August 9, 2013**, any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or

2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulation period: **from July 10, 2013 to August 9, 2013.**

John Davidson
Deputy

Revised 5-6-11 jam

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APPENDICES

Appendix A Draft Ordinances (A1: City of San José & A-2: City of Sunnyvale)
Appendix B Baseline Estimates of Disposable Polystyrene Foam Food Ware
Appendix C Summary of Life Cycle Assessments
Appendix D Information on Disposable Food Containers

SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts is being prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 *et.seq.*) and the regulations and policies of the City of San José.

This Initial Study evaluates the potential environmental impacts that might reasonably be anticipated to result from implementation of a model **Polystyrene Foam Food Ware Ordinance** in up to 13~~14~~ incorporated cities and towns within Santa Clara County, California.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Polystyrene Foam Disposable Food Ware Ordinance

2.2 OVERVIEW OF THE PROPOSED PROJECT

The project is adoption of an ordinance regulating the use of polystyrene foam food ware by restaurants and food service establishments. The proposed Polystyrene Foam Food Service Ware Ordinance ("Proposed EPS Food Ware Ordinance") is a model ordinance that would regulate the use of polystyrene foam food service ware within participating jurisdictions in Santa Clara County. Participating jurisdictions for the model ordinance that currently do not have restrictions on expanded or extruded polystyrene (EPS) foam food ware include 13~~14~~ of the 15 incorporated cities in Santa Clara County (Palo Alto, Los Altos Hills, and unincorporated County of Santa Clara jurisdictions already have bans in place). The Proposed Ordinance would phase-out the use of EPS foam food service ware at restaurants and food service establishments within Santa Clara County, as adopted by implementing jurisdictions.

EPS foam food ware use at restaurants and other food vendors would be prohibited in all adopting cities and towns. Restrictions on use would be phased to allow restaurants using EPS food ware to transition to alternative products.

Two options for additional regulation of EPS food ware products may also be adopted by any or all of the participating cities or towns and unincorporated Santa Clara County. The two options include: 1) a restriction of sales of EPS foam food service ware in retail stores and sales outlets; and 2) a restriction of sales of EPS coolers or ice chests which are not wholly encapsulated or encased within a more durable material. These options may be incorporated in EPS Food Ware Ordinance language for adoption by individual jurisdictions.

In the City of San José, the ordinance would consist of revisions to Chapter 9.10 of Title 9 of the City's Municipal Code to prohibit the use of polystyrene foam food ware by food vendors.

A copy of the draft model ordinance is provided in Appendix A-1. The draft ordinance for the City of Sunnyvale, which includes provisions to phase-out the sale of empty containers is provided in Appendix A-2.

2.3 PROJECT LOCATION

The proposed model ordinance would apply to retail food vendors within the following 13~~14~~ incorporated cities and towns in Santa Clara County, California:

- San José
- Campbell
- Cupertino
- Gilroy
- Los Altos
- ~~Los Altos Hills~~
- Los Gatos
- Milpitas
- Monte Sereno
- Morgan Hill
- Mountain View
- Santa Clara
- Saratoga
- Sunnyvale

Individual cities or towns may also add provisions that would cover retail sale of containers and/or sale of unlined polystyrene (PS) foam ice chests at retail stores. Three ~~Two~~ jurisdictions in the County that have already adopted restrictions on the use by retail food vendors of EPS foam food ware may amend their adopted ordinances to include these additional restrictions. These jurisdictions are:

- City of Palo Alto
- County of Santa Clara (unincorporated area)
- Town of Los Altos Hills

The Town of Monte Sereno does not currently have retail vendors within their town limits and there is no apparent need to adopt the ordinance at this time. Residents of Monte Sereno would be affected by implementation of the ordinance in adjacent cities that do have retail vendors. The Town of Los Altos Hills previously adopted an ordinance regulating the use of polystyrene containers in July 2012.

The project area is located at the southerly end of San Francisco Bay as shown on Figure 2.3-1. The 13~~14~~ jurisdictions that are considering adoption of the model ordinance cover over 320~~9~~ square miles, which is about one-third (32 percent) of the 1,029.1 square miles of Santa Clara County. The estimated resident population as of January 2012 within these cities and towns was 1,656,561 ~~1,664,588~~ (about 91~~92~~ percent of Santa Clara County) with about 819,053~~822,525~~ jobs (91 percent of jobs in the County). A breakdown of residents and employment by jurisdiction is provided in Table 2.3-1.

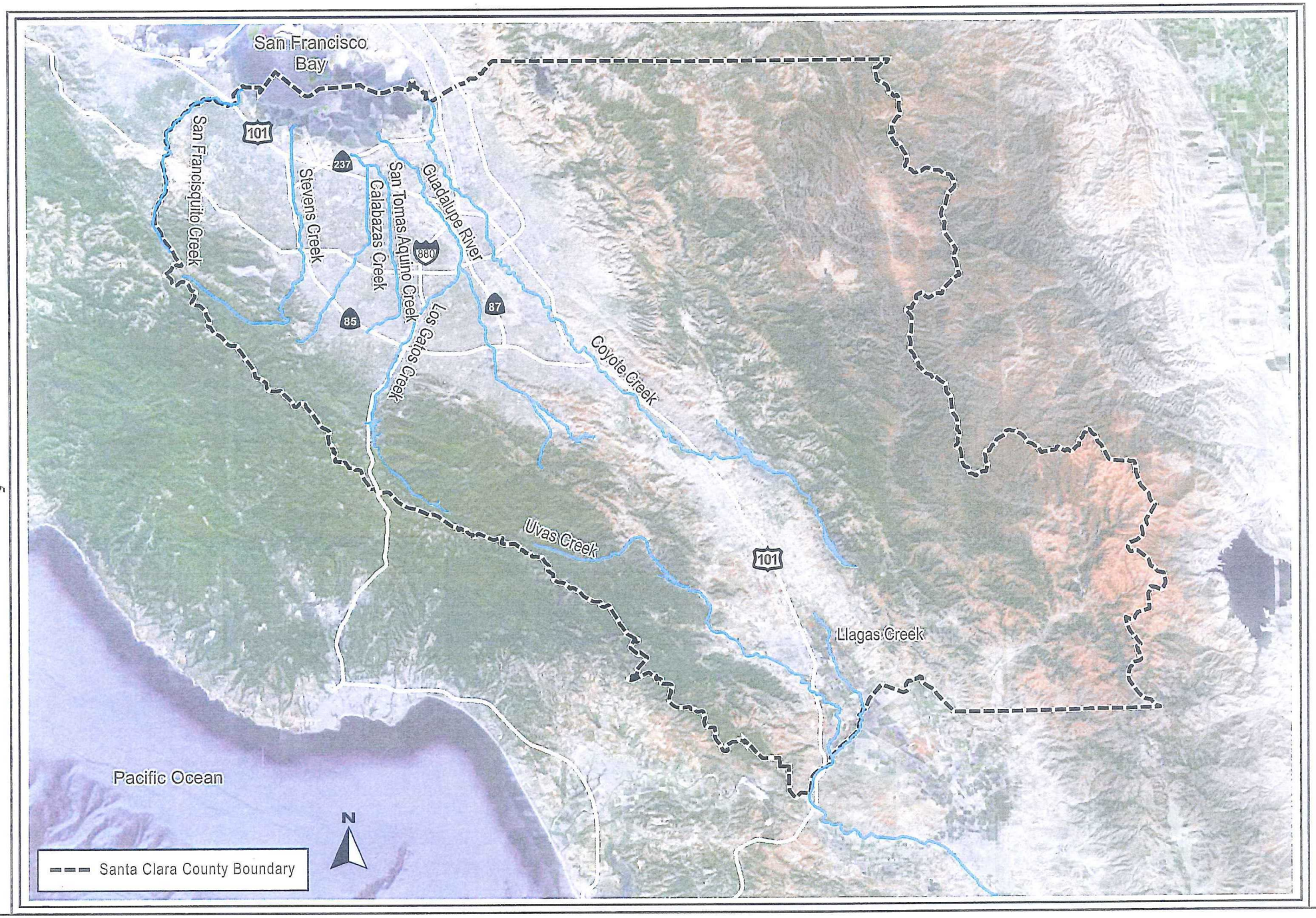
Table 2.3-1 Jurisdictions within Santa Clara County			
Jurisdiction	Area[1] (in square miles)	Population[2] (2012 estimates)	Employment[3] (includes Self-employed)
Participating Jurisdictions			
San José	176.5	971,372	475,766
Campbell	5.8	39,882	22,965
Cupertino	11.3	59,022	26,639
Gilroy	16.2	50,158	20,405
Los Altos	6.5	29,460	13,429
~~Los Altos Hills~~	~~8.8~~	~~8,027~~	~~3,472~~
Los Gatos	11.1	29,854	15,221
Milpitas	13.6	66,966	32,099
Monte Sereno	1.6[4]	3,373	1,747
Morgan Hill	12.9	39,127	19,192
Mountain View	12.0	75,275	43,377
Santa Clara	18.4	118,813	60,239
Saratoga	12.4	30,363	12,903
Sunnyvale	22.0	142,896	75,071
Total	320.3 ~~329.1~~	1,656,561 ~~1,664,588~~	819,053 ~~822,525~~
Jurisdictions in Santa Clara County with Disposable Food Ware Ordinances (Amendments Only)			
Los Altos Hills	8.8	8,027	3,472
Palo Alto	23.9	65,544	33,282
Unincorporated Santa Clara County	676.1	86,354	46,441

[1] Area data is from U.S. Census Bureau. "State & County QuickFacts." 2010. Last revised January 10, 2013. Available at: http://quickfacts.census.gov

[2] Population data is from the California Department of Finance. "E-1 Population Estimates for Cities, Counties, and the State — January 1, 2011 and 2012." May 2012. Available at: http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/

[3] Employment data from the American Community Survey 2006-2010 in: Bay Area Census. "Santa Clara County." (Plus pages for each member jurisdiction). Available at: http://www.bayareacensus.ca.gov/counties/SantaClaraCounty.htm

[4] City of Monte Sereno. "About Monte Sereno." 2012. Available at: http://asoft2013.accrisoft.com/montesereno/

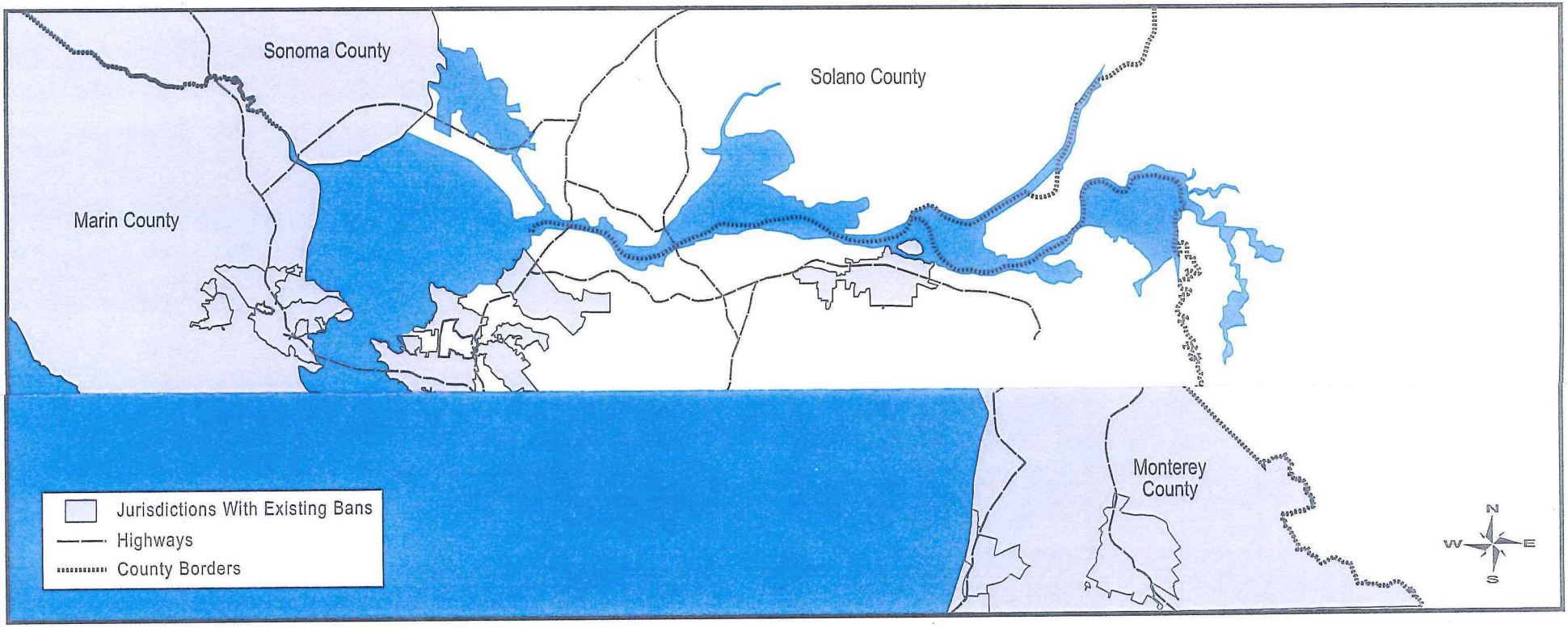


REGIONAL MAP

FIGURE 2.3-1

PARTICIPATING JURISDICTIONS

FIGURE 2.3-2



EXISTING BANS

FIGURE 2.3-3

2.4 LEAD AGENCY CONTACT

John Davidson
City of San José
Department of Planning, Building, & Code Enforcement
200 E. Santa Clara Street, Third Floor
San José, CA 95113
(408) 535-7898
(408) 778-6480

2.5 PROJECT PROPONENT

City of San José
Environmental Services Division
200 E. Santa Clara Street, 10th Floor
San José, CA 95113
(408) 535-8550
Attn: Ella Samonsky

2.6 PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

- Municipal or County Code Amendments by each participating jurisdiction

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT BACKGROUND AND PURPOSE

3.1.1 What is Polystyrene Foam Food Ware?

Styrene is a carbon containing compound that can be converted to a polymer (chain of molecules) or synthetic resin through a process known as polymerization. Polystyrene is composed of a large number of the styrene monomer, or molecules ($C_6H_5CHCH_2)_n$, and is used widely to make plastic products.

Polystyrene foam is a thermoplastic material derived from petrochemicals.[1] Thermoplastic resins consist of long molecules that can be melted and solidified by heating and cooling.[2] When a blowing agent (such as pentane) is added to general purpose polystyrene resin, the material is referred to as "expandable (or "expanded") polystyrene".

Two common types of polystyrene foam are expanded polystyrene and extruded polystyrene foam. Polystyrene foam beverage cups are generally made of expanded polystyrene.[3] Common extruded polystyrene foam food service ware products include foam plates and trays, clam shells, meat trays, and egg cartons. For the purposes of this study, both expanded and extruded polystyrene foam products will be referred to as EPS, unless otherwise noted.

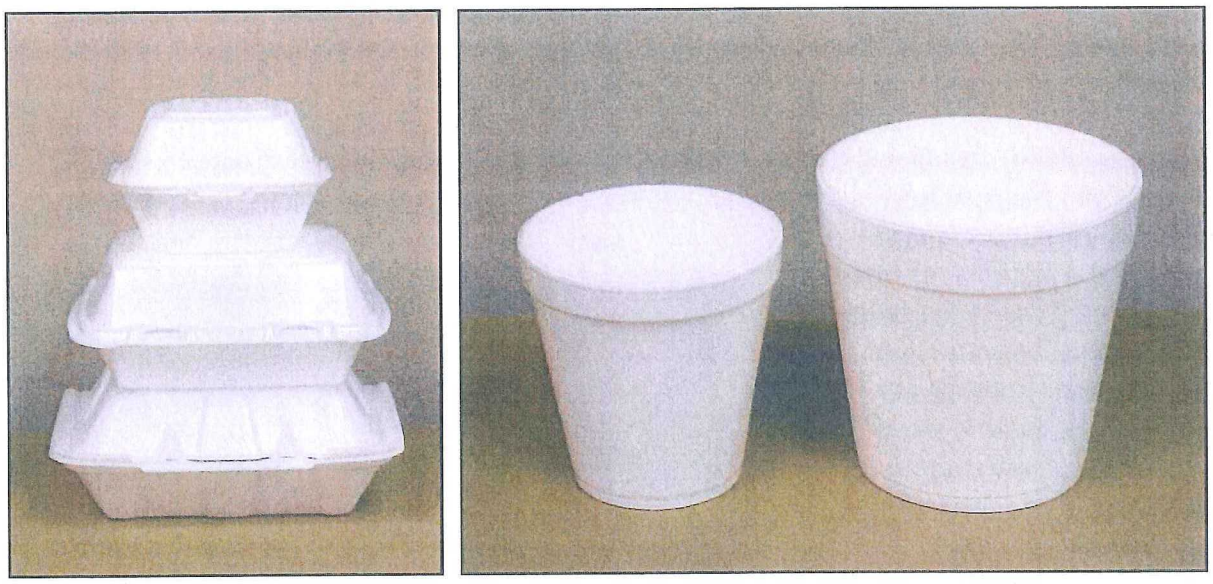


Photo 1: EPS Foam Food Ware

[1] "Thermoplastic" refers to a polymer (such as polyethylene or polystyrene) that becomes pliable or moldable above a specific temperature, and returns to a solid state upon cooling (Source: http://en.wikipedia.org/wiki/Thermoplastic). Petrochemicals are substances obtained by the refining and processing of petroleum or natural gas.

[2] SPI. "Definitions of Resins". Accessed April 16, 2013. <http://www.plasticsindustry.org/AboutPlastics/content.cfm?ItemNumber=656&&navItemNumber=1128>

[3] EPS food service ware is sometimes incorrectly referred to as "Styrofoam®". Although it also is composed of the same base material, polystyrene, "Styrofoam®" refers to an extruded (building) insulation product produced and marketed solely by the Dow Chemical Company.

3.1.2 What is the Purpose of Adopting an Ordinance?

The basic objectives of the proposed project are to:

- Reduce the amount of EPS foam food ware in urban litter;
- Reduce the amount of EPS foam material that reaches local water ways and ultimately, San Francisco Bay or Monterey Bay and the Pacific Ocean.
- Reduce use of a material that cannot be composted or recycled.

Photo 2: Food Ware Litter in Coyote Creek

Multiple cities in Santa Clara County, the San Francisco Bay Area, the State of California, and throughout the country are considering adoption or have adopted ordinances that ban or limit the use of EPS foam food ware. In the Bay Area and areas near the ocean, a primary concern has been the fate of EPS foam litter in the environment. EPS foam is friable, light and easily becomes airborne and/or breaks into small pieces which are hard to collect. EPS foam is also a uniquely problematic pollutant for aquatic and marine environments because it floats and is highly visible. Birds and marine wildlife are also reported to ingest these small pieces of material.

From a regulatory standpoint, the San Francisco Bay Regional Water Quality Control Board has required all Municipal Regional Permit (MRP) National Pollutant Discharge Elimination System (NPDES) permittees (cities, counties and agencies) to reduce litter entering waterways through the municipal separate storm sewer system. Some permit requirements relate to visual assessment of waterways and attainment of no visible impact due to trash.

In Santa Clara County, two jurisdictions (Palo Alto in 2009 and the County of Santa Clara in 2012) have adopted food vendor

Photo 3: Lighter Materials in a Hydrodynamic Separator within the San José Storm Drainage System

EPS foam food container bans.[4] An additional 30 cities and counties in California have enacted ordinances banning EPS foam containers at restaurants. The cities and towns of San José, Sunnyvale, Cupertino, Milpitas, Mountain View, Morgan Hill, and Los Altos in Santa Clara County have individually initiated research on the fate of EPS foam food ware in their communities and options for regulating the use of this material.

In late 2012, the City of San José approached other jurisdictions regarding the development and review of a model ordinance that could be used by cities and towns within Santa Clara County. Consideration of a model ordinance would allow for there to be uniformity in definitions and a consolidated and comprehensive environmental review process. The proposed model ordinance project is intended to address challenges associated with the collection and control of litter from single-use polystyrene foam food ware on a broad, uniform, County-wide basis.

3.2 PROJECT COMPONENTS

3.2.1 Definitions of Regulated Activities

The ordinance would prohibit the use of disposable polystyrene foam food and beverage containers for serving (dine-in) or transporting (take-out) prepared foods by food vendors within the specific jurisdictions of incorporated Santa Clara County that adopt the ordinance.

Prepared food does not include uncooked eggs, fish, meat or poultry unless provided for consumption without further food preparation (e.g., sushi).

Disposable food service ware includes, but is not limited to, plates, cups bowls, trays, and hinged or lidded containers, also known as clamshells.

Typical EPS foam food containers that would be covered by the ordinance are clamshell containers, plates and cups, as shown in Photo 4.

Photo 4: Examples of EPS foam Products Subject to the Proposed Ordinance

3.2.2 Exceptions

In the model ordinance, pre-packed food that arrives at the premises of the food vendor in a container or wrapper and is not removed from the container or wrapper before its sale or provision is not covered by the EPS food ware prohibition (e.g., ramen noodles in a EPS foam cup or pre-packaged dried fruit or vegetables sold at a grocery store).

[4] In addition, several jurisdictions, including the City of San José (City Council Policy 4-6) and Town of Los Gatos (Section 5c of the Town's Purchasing Manual), have adopted environmental procurement policies that restrict the purchase and use of EPS foam products by the city or town and/or at city or town-sponsored events.

As noted above, EPS foam food ware used for raw eggs and raw, butchered meat, fish or poultry is exempt and would not be prohibited.

3.2.3 Optional Provisions

Two options for additional regulation of EPS food ware products may also be adopted by any or all of the participating cities or towns and unincorporated Santa Clara County. The two options include: 1) a restriction of sales of EPS foam food service ware in retail stores and sales outlets; and 2) a restriction of sales of EPS coolers or ice chests which are not wholly encapsulated or encased within a more durable material.

The prohibition of sale of (empty) polystyrene foam containers and service ware by vendors (e.g., stores or business that sell goods or merchandise) would apply to a variety of sales outlets, such as grocery stores and drug stores, food service ware suppliers (e.g., restaurant supply, cash and carry, big box retailers), hardware stores and sporting goods stores (i.e., foam ice chests not encapsulated in other materials). The restrictions on EPS foam container sales would apply within the city or town limits.

These options may be incorporated in EPS Food Ware Ordinance language for adoption by individual jurisdictions.

3.2.4 Implementation

The ordinance would take effect no sooner than January 1, 2014, or 30 days following adoption by each jurisdiction. Implementation may be staggered for large food vendors (part of a chain or franchise of food vendors that operate in more than one state) and small food vendors. The ordinance would take effect for small food vendors (not part of an interstate chain or franchise) one year later.

For jurisdictions that adopt the optional provision prohibiting the sale of polystyrene foam containers and food service ware by sales outlets, implementation of the limits on sales may take place after the effective date for food vendors.

3.2.5 Exemptions

The ordinance includes provisions for exemptions due to undue hardship that may vary by jurisdiction. Exemptions would be granted on a case-by-case basis by city or town staff (e.g., Director of Environmental Services Department) and may consider unique financial or economic hardship and/or situations where no reasonably feasible available alternative exists.

SECTION 4.0 SETTING, ENVIRONMENTAL CHECKLIST AND IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section.

METHODOLOGY AND APPROACH FOR IMPACT ANALYSIS

Most CEQA documents are prepared for development or planning projects, a condition in which a project proponent or agency is proposing to build something that does not currently exist. On a vacant project site, a new proposed project would create a land use and physical set of improvements that did not exist before. If the site is already developed, then the new project would replace one set of land uses and physical improvements with a new and different set. In both cases, the physical impact – an increment of physical change – is clear and distinct when compared to the existing environment.

The proposed project is the adoption and implementation of an ordinance intended to reduce the use and disposal of single-use polystyrene foam food ware. The project will not eliminate single-use food ware of all types, nor necessarily reduce the amount of food ware being used, but will reduce quantities of these products composed of *polystyrene foam* currently being used in Santa Clara County.

While the ordinance will phase-out a particular material type (PS foam), food vendors and retail customers will be allowed to choose among other readily available substitute products for each of the various food ware containers. Therefore, there will be a reasonably foreseeable shift away from EPS foam products to substitute products made of materials that would not be subject to the phase-out. The CEQA analysis in this Initial Study will focus on the environmental consequences associated with the manufacture, transport, use, and disposal of the substitute products made from allowed materials. In choosing to phase-out EPS foam food ware, each participating jurisdiction must be informed as to whether any of the substitute products has its own unacceptable unintended environmental consequences. Key questions include: to what degree will various substitute products occupy the 'void' left by banning EPS foam products, where and how are the substitutes made, are they typically disposed in landfills, composted, or recycled, and are there particular environmental issues or hazards (as compared to EPS foam products), if they become litter?

All CEQA analyses require some degree of forecasting, and that is true of the analysis in this Initial Study. The project is the adoption and implementation of a model ordinance and the following discussion of environmental impacts forecasts how businesses and consumers will comply with the ordinance, and what changes those efforts to comply might make to the physical environment. CEQA does not require that the environmental analysis engage in speculation, but that a good faith

effort be made to identify and disclose the likely direct, and reasonably foreseeable indirect, physical changes to the existing environment resulting from the project being approved.

Maximum Impact Scenario

This Initial Study analyzes the maximum impact scenario that could occur with the adoption of a polystyrene foam food ware ordinance by jurisdictions in Santa Clara County (acknowledging such an ordinance is already in effect in Palo Alto and unincorporated County areas). The maximum impact scenario is a set of assumptions about the scope of the ordinance that would likely result in the greatest amount of change, which would reasonably be assumed to result in adverse environmental impacts, including full implementation by all jurisdictions and compliance by all of the affected business vendors and other entities.[5] Failure to comply with the ordinance, for example, would not cause any change from existing conditions and would not, therefore, result in any "impact" from the project.

In addition to banning EPS foam food ware use at restaurants and other food vendors, two options for additional regulation of EPS food ware products may also be adopted by one or more of the participating cities or towns. Adoption of the model ordinance with both options, a restriction of sales of EPS foam food service ware in stores and sales outlets and a restriction of sales of EPS coolers or ice chests which are not wholly encapsulated or encased within a more durable material, would represent the maximum impact scenario.

While the following discussion of environmental effects of the maximum impact scenario assumes that all of cities and towns in Santa Clara County would adopt the ordinance with the two options as described, the most basic purpose for preparing any CEQA analysis is to provide useful information to the decision makers, who may subsequently choose to modify the project based on the Initial Study or other information. An individual jurisdiction (e.g., city or town) might, for example, decline to adopt the ordinance exactly as it is described in this Initial Study, or the various cities and towns might each adopt slightly different ordinances. CEQA allows a lead or responsible agency to approve a smaller or lesser impact project than that described in the Initial Study, or to approve a part of the project described in the Initial Study. In addition, the project may be changed in order to incorporate new elements that will further reduce or avoid adverse impacts, and it can still be covered by the same environmental review (e.g., this Initial Study).

In the discussions that follow, impacts will be discussed in the context of the entire area covered by the 13~~14~~ cities and towns considering adoption of an EPS foam food ware ordinance. It also covers amendments to existing ordinances in the City of Palo Alto, Town of Los Altos Hills, and unincorporated Santa Clara County. As noted above, the maximum impact scenario will entail the adoption of the model ordinance and both options by each jurisdiction. Any ordinance or set of ordinances that is implemented by anything less than the 13~~14~~ cities and towns and modifications for the three~~two~~ jurisdictions that cover the remainder of the County would (by definition) result in less change from the existing conditions producing less impact (as well as reduced benefits in terms of the amount of EPS litter reaching waterways), and those impacts would therefore be within the impact parameters of the analysis completed in this Initial Study. If a potentially significant impact from adoption of the model ordinance is identified countywide, the discussion will also disclose

[5] The maximum impact scenario is not the same thing as a "worst case", which implies extreme conditions.

whether the impact could also be significant at the local jurisdictional level (*i.e.,* would the impact from a single city or town also be significant).

CEQA requires that an environmental impact analysis identify the impact of a proposed project upon the existing physical conditions "on the ground". "Existing" is usually defined as conditions which existing at the time the environmental analysis begins. The environmental analysis for this project was undertaken in Spring 2013. The date therefore defines the baseline period for this environmental analysis.

Baseline EPS Foam Food Ware Use

PS foam is one of a number of materials used to manufacture disposable or single-use food service ware. Precise information on the number of EPS foam cups, plates, clamshells and food trays used or distributed within the project area (i.e., within each jurisdiction or cumulatively across Santa Clara County) is not readily available from government agencies or other independent sources. In the absence of precise data, an estimate for the project area can be derived in several ways from readily available information on EPS foam food service ware: 1) manufacture, 2) occurrence in the waste disposal stream and 3) as litter. Where information is for larger sample areas (e.g., national or state) estimates are presented on a per capita basis. For smaller sample areas (e.g., an individual city or town), projected baseline rates for the project area (i.e. incorporated jurisdictions in Santa Clara County) are adjusted on both a per capita or per service population (residents + jobs) basis to reflect the influence of both residents and the daytime population of employees (refer to Appendix B for a detailed discussion of baseline estimates). As appropriate, per capita estimates for individual jurisdictions are also provided for informational purposes. The purpose of this discussion is allow for a big picture, or overall view, of the materials that would be replaced with substitute products if the model ordinance is approved and implemented.

Baseline Estimates Based on EPS Foam Food Ware Production

Information on the number of single use EPS foam food ware containers (e.g., cups, bowls, plates, clamshells and ice chests) used in the project area was not found to be readily available. Estimates of EPS foam food ware use were assessed based upon available information on EPS foam production and sales, waste characterization and litter studies (refer to Appendix B). EPS foam food ware used in the project area consists of an unknown mixture of products, including plates, cups, trays and clamshells. An equivalent number of items per pound for individual products can be estimated, however. One pound of EPS foam food ware would be equivalent to about:

- 46 8-inch clamshells *or*
- 53 9-inch plates *or*
- 91 16-ounce cups *or*
- 53 32-ounce cups.

Based upon a review of the categories for polystyrene resin sales and production (in the U.S., Canada and Mexico) in the 2012 Edition of *The Resin Review*, the baseline use of EPS foam food ware could range from about 1.8 pounds per capita to a high of about seven (7) pounds per capita.

Baseline Estimates Based on Waste Characterization Studies

Waste characterization studies that cover some or all of the project area include both statewide studies and studies conducted within the Cities of San José, Sunnyvale, Mountain View and Palo Alto. EPS foam food ware is a component of solid waste in the plastics category.

A waste characterization study for the residential and commercial sectors was conducted in the City of San José in March 2008.[6] Based on this waste characterization study, an estimate of annual EPS foam food ware use (not accounting for materials improperly disposed of as litter and not collected) would be up to 2,621 tons, or 5.3 pounds per capita and 3.9 pounds per service population.[7] This estimate could be a conservatively high value for EPS food ware use as the total expanded polystyrene subcategory includes some items, such as egg cartons and packing materials that would not be affected by the model ordinance.

A 2010 waste characterization report found that EPS[8] food packaging makes up an estimated 689 tons per year of waste transferred to the landfill from the cities of Sunnyvale and Mountain View after materials recovery at the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station®). This is about 0.5 percent of the total waste disposed.[9] The EPS food packaging subcategory specifically included clamshells, cups, plates, and bowls. Annually, this represents approximately 6.4 pounds per year per capita or 4.1 pounds per year per service population of the two cities.[10]

Limited user surveys have been undertaken in the City of Milpitas and unincorporated Santa Clara County of businesses that use single-use disposable food containers. In a survey of 25 businesses in the City of Milpitas, about one-half (13) used EPS foam food containers. Of the businesses that use polystyrene take-out containers, the majority estimated use of more than 2,000 pieces per month of clamshells, soup cups with lids, hot drink cups, cold drink cups, plates, and other products.[11] An estimate of monthly use by food service businesses was not projected citywide, however.

Based upon local waste characterizations within Santa Clara County, EPS food ware appropriately disposed of is conservatively about 4 pounds per service population. Service population is defined as residents + jobs in a jurisdiction or area.

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[6] Cascadia Consulting Group. "City of San José Waste Characterization Study Final Report – DRAFT." May 2008. Prepared for the City of San José.

[7] Based upon an estimated population of 985,307 and a service population of 1,354,757 (985,307 residents plus 369,450 jobs) for the City of San José in 2008. (Source: City of San José. "Envision San José 2040 General Plan Final Program EIR." 2010.).

[8] Note: In some studies, the term EPS refers to all EPS foam food ware, both expanded (e.g., cups) and extruded foam (e.g., plates and clamshells). Unless otherwise noted, EPS categories in waste categorization studies includes both types of EPS foam food ware.

[9] Cascadia Consulting Group. "City of Sunnyvale Waste Characterization Report." November 2010. Prepared for the City of Sunnyvale.

[10] Based upon a combined population for the cities of Sunnyvale and Mountain View in 2010 of 214,147 persons and a service population of 337,147 (residents + jobs). (Sources: 2010 Census data and Association of Bay Area Governments. "Draft Plan Bay Area: Draft Forecast of Jobs, Population and Housing." March 2013)

[11] Cascadia Consulting Group. "Expanded Polystyrene Food Service Take-Out Container Study." April 26, 2011. Prepared for the City of Milpitas.

Baseline Estimates Based on Litter Studies

Litter is waste that is improperly discarded. Due to the aesthetic, health, and environmental effects of litter, a number of organizations and government agencies track and characterize trends in litter generation, human behavior, and fate in the environment. It is important to note that it is difficult to document and categorize litter because it is the result of human behavior (frequently impulsive behavior) and littered materials are operated on by various environmental factors, such as wind, sunshine, and rain. For example, the amount of a particular type of litter may vary on the street versus in a storm drain due to the weight and transportability of the material (e.g., EPS easily blows or washes away from a location where it is dropped). It is also difficult to compare study results because there is no one standardized methodology that is appropriate for studies in all environments (e.g., streets, highways, parks, waterways, and shorelines).

Street Litter Studies

The City of San José has conducted a number of trash characterization studies at locations throughout the City that look at counts and/or the volume of litter found in the environment. Studies conducted on city streets include:

- SAIC. *The City of San José Streets Litter 2008*. September 30, 2008. Prepared for City of San José Department of Environmental Services.
- City of San José. *Targeted Litter Assessment.* 2009.
- City of San José. *Litter Assessment Data*. 2012. Spreadsheet.

The street litter assessments completed in San José range from a random sampling of counted litter (2008 Streets Litter) to surveys of litter "hot spots" with litter counts recorded.

The 2008 street litter survey counted items of litter found at 125 randomly selected sites. EPS foam cups were found to make up 0.65 percent of the "large litter" counted. EPS foam plates and clamshells made up 0.1 and 0.05 percent respectively, for a total of 0.8 percent of EPS foam food ware. The 2009 and 2012 litter assessments used similar methodology for counting, however, they targeted areas known to accumulate litter. The 2009 targeted litter assessment included litter counts at 48 sites in the City of San José with relatively high concentrations of litter (e.g., litter "hot spots"). A total of 7,917 pieces of litter were counted from the 48 sites for an average of 165.5 items per site. At the targeted sites, the percent of total "large litter" included 1.6 percent polystyrene foam cups, 0.4 percent polystyrene foam food plates, and 0.2 percent polystyrene clamshells. Polystyrene trays, which depending on their use, may not be covered by the proposed ordinance made up about 0.2 percent of the total large litter. In 2012, litter was counted at 31 sites in the city where litter was known to accumulate. Polystyrene food ware products made up about 3.5

Comparison with Street Litter Studies Elsewhere

In a 2012 study underwritten by the American Chemistry Council Plastics Foodservice Packaging Group, Environmental Resources Planning LLC summarized the results of a number of litter characterization studies that recorded amounts of polystyrene foam food service products in urban litter. This summary included the 2008 San José street litter study. A median value of 1.5 percent of "large" litter[1] (by count) was reported to be EPS foam food ware, based upon 19 surveys between 1994 and 2008 in jurisdictions in the United States and Canada.

percent of the total litter counts. The breakdown by polystyrene food ware type was 2.2 percent polystyrene foam cups, 0.8 percent polystyrene foam food plates (rounded), and 0.1 percent polystyrene clamshells (rounded). Polystyrene foam trays were approximately 0.5 percent of the 2012 total litter count (refer to Appendix B for more detail on the results of litter assessments).

EPS foam food ware generally makes up four percent or less of total litter by any of these measures. EPS cups and plates appear to be more prevalent in these street litter assessments, where measured, than EPS clamshells. Individual subcategories (e.g., EPS foam plates, clamshells) likely are less than one percent of total litter by count. Total street litter loads citywide on an annual or other basis are not available.

Stormwater System Studies

Based upon recent studies completed by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPP) in storm drain catch basins, approximately 3,900 cubic yards of trash that could reach creeks through the storm sewer system in the San Francisco Bay Basin is estimated to be generated annually.[12] SCVURPPP estimates that approximately eight (8) percent of this trash by volume, or 311 cubic yards, is EPS foam food ware.[13] It is important to note that this study focused on trash entering creeks via municipal storm drainage systems and does not include EPS foam litter deposited directly in waterways via wind or direct dumping.

The stormwater system studies conducted by SCVURPP do not cover the area of Santa Clara County south of Morgan Hill, including the cities of Morgan Hill and Gilroy, which drain to Monterey Bay. Available information on litter reaching waterways in this area is limited and is based upon litter collection efforts within creeks rather than the storm sewer system. Trash has been collected twice per year along several local creeks in the Morgan Hill and Gilroy areas since 2007 and the weight of trash (and recyclables) collected reported.[14] Tens of pounds to over 1,000 pounds of trash were collected at individual sites. A breakdown of the composition of trash collected (e.g., plastics, paper, EPS foam food ware) is not included in the past events results posted by the *Creek Connections Action Group*, which organizes the annual cleanups.

Summary of Litter Study Results

Data collected in some recent street and storm sewer system litter surveys provides information on the relative proportion of EPS foam food ware in litter. By all measures (volume and counts) the proportion is generally less than 10 percent by volume in stormwater system litter and ranging from less than one percent to 3.6 percent by count in street litter.

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[12] SCVURPPP. "Urban Runoff Trash Management: Reducing Impacts in Santa Clara Valley Creeks and San Francisco Bay." February 2013. Available at: <http://www.scvurppp-w2k.com/pdfs/1213/Trash_Factsheet_2012-Final_Feb.pdf>. See Table 4.9-2 in Section 4.9 Hydrology and Water Quality of this Initial Study for a breakdown of estimated trash loads in storm drain systems by jurisdiction for the SCVURPPP area (Santa Clara County north of Morgan Hill).

[13] CalRecycle lists the density of "Polystyrene blown, formed foam" as 9.62 pounds per cubic yard in a posted list of conversion factors for various types of waste. Applying this factor, would yield about 3,000 pounds of EPS foam food ware (refer to Appendix B).

[14] Creek Connections Action Group. "Past Events Results". Accessed April 24, 2013. Results for individual clean ups Available at: <http://www.cleanacreek.org/Pasteventsresults_main%20page.asp>.

As noted previously, the SCVURPP litter characterizations do not include litter directly deposited in waterways by wind or dumping and weight is generally not used in local litter studies as it does not assist with the assessment of the visibility or persistence of different types of litter in the storm drain systems and creeks.

In conclusion, the available baseline information for EPS food ware appearing as litter in Santa Clara County is:

- Street Litter: about 0.8-3.6 percent by count of large litter (four square inches in area or more) on streets based upon citywide and hot spot street litter surveys in San José; and
- Stormwater System Litter:
  - about eight (8) percent by volume based upon SCVURPP litter characterizations (i.e., trash loading) in storm drain systems discharging to creeks and waterways.[15]
  - about 311 cubic yards of EPS trash (roughly 3,000 pounds) per year in the SVURPP area.

Users and Manufacturers of EPS Foam Food Ware

The proposed model ordinance would restrict the use of single-use disposable EPS foam food ware in participating jurisdictions. A summary of the number of facilities and vendors with food handling permits in Santa Clara County is provided in Table 4.0-1. Food facilities covered by the County's permit program include restaurants, markets, bakeries, liquor stores, bars, certified farmers' markets, food service at fairs and festivals, catering trucks, hot dog carts, ice cream trucks, produce vehicles, and food vending machines.

Provisions of the ordinance, including the sale of empty EPS foam food ware and ice chests, could also apply to other vendors within the project area. The number and types of businesses and facilities are summarized in Table 4.0-2.

Secondary or Indirect Effects on Businesses

Section 15382 of the CEQA Guidelines defines a significant effect on the environment as "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. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."

[15] Refer to Table 4.9-2 in Section 4.9 Hydrology and Water Quality for a breakdown by jurisdiction.

Table 4.0-1: Permitted Food Vendors in Santa Clara County					
Jurisdiction	**Food Service[1]**	**Caterer**	**Mobile Food Facility**	**Grocery Stores**	**Other[2]**
San José	2,636	49	710	617	354
Campbell	188	14	6	42	54
Cupertino	230	2	4	28	36
Gilroy	188	0	31	66	19
Los Altos	89	1	2	15	30
Los Altos Hills	4	0	0	1	0
Los Gatos	157	3	4	37	31
Milpitas	347	3	5	55	40
Monte Sereno	0	0	0	0	0
Morgan Hill	154	0	6	39	21
Mountain View	380	4	50	70	159
Palo Alto	350	0	7	40	60
Santa Clara	568	13	144	102	57
Stanford	120	0	18	3	8
Saratoga	78	0	7	13	38
Sunnyvale	449	1	10	93	57
Unincorporated Santa Clara County	56	0	118	15	67
Total	5,994	90	1,122	1,236	1,031

Source: County of Santa Clara Department of Environmental Health, Food Safety Permit Program (2013)
[1] Food Service includes restaurants, cafes, delicatessens and other locations where food is prepared on-site (e.g., delicatessens in grocery stores).
[2] Other includes: food demonstrators and short-term events.

Table 4.0-2 Summary of Businesses and Facilities That May Sell, Use or Manufacture EPS Foam Food Ware		
Information Category	**Data**	**Sources**
Consumption		
Restaurants/Food Service Vendors in Santa Clara County	• 224 gas stations with convenience stores	• U.S. Census Bureau. *2010 County Business Patterns.* 2010.
	• 8,237 permits for food service, caterers, mobile food service, and other	• County of Santa Clara Department of Environmental Health (refer to Appendix B, Table B-1)
Grocery Stores in Santa Clara County	• 1,236 grocery stores	• County of Santa Clara Department of Environmental Health, Food Safety Permit Program (refer to Appendix B, Table B-1)
Sporting Goods Stores in Santa Clara County	• 123 sporting goods stores	• U.S. Census Bureau. *2009 County Business Patterns.* 2009.
Merchandise Stores in Santa Clara County	• 42 department stores (includes discount department stores) • 71 general merchandise stores (includes warehouse clubs and supercenters)	• U.S. Census Bureau. *2010 County Business Patterns.* 2010.
Retail/Pharmacy in Santa Clara County	• 190 pharmacies and drug stores	• U.S. Census Bureau. *2010 County Business Patterns.* 2010.
Hardware Stores in Santa Clara County	• 38 hardware stores	• U.S. Census Bureau. *2010 County Business Patterns.* 2010.
Statewide Producers		
PS Foam Manufacturers	• 77 polystyrene foam manufacturers in California – 9.74 percent of value of U.S. shipments – 3,389 employees	• U.S. Census Bureau. *Industry Statistics Sampler.* 2007.

Indirect or secondary effects are impacts caused by a project that occur later in time or are farther removed in distance, but are still reasonably foreseeable.[16] Secondary effects may include effects related to induced changes in patterns of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems. Effects analyzed under CEQA must be related to a physical change in the environment.

The proposed project is a model ordinance that would limit the use and sale of single-use polystyrene foam food ware and ice chests in Santa Clara County. Businesses that could be affected by the ordinance include restaurants, cafes, cafeterias, limited service restaurants (such as delicatessens, sandwich shops, fast food and drive-through restaurants), grocery and convenience stores, sporting goods and drug stores (e.g., EPS foam ice chest sales), restaurant supply companies, stores that currently sell or use EPS foam food ware and companies that manufacture these products.

As described by Economic & Planning Systems, Inc., in *Economic Impact Analysis of EPS Foodware Costs* prepared for the City of San José, there is currently a cost differential between EPS foam food ware products and likely substitutes.[17] The city includes a diversity of restaurants and greater economic effects would be expected to be experienced by food vendors that currently have a heavy use of EPS foam food ware for hot liquids and smaller lower revenue restaurants. As the cost of EPS foam food ware is one of many variable costs at food related businesses, the analysis concluded that it is unlikely that the ordinance would result in substantial business failures (e.g., that in turn could result in economic blight with land use consequences).

To the extent demand for EPS foam food ware would drop within a major urban market in California, production at manufacturing facilities, especially in California, could be affected. A drop in demand from individual cities is unlikely to be substantial, however, the implementation restrictions throughout the County, in combination with other EPS foam food ware bans elsewhere, would be a noticeable change in demand. The possible cumulative indirect effects on the environment associated with a reduction in demand for products produced at EPS foam food ware manufacturing facilities are addressed in *Section 4.18.3 Cumulative Impacts* of this Initial Study.

Baseline Conclusions

In summary, the baseline estimates for the project area (Santa Clara County) are follows:

1. **Baseline for EPS food ware used annually in Santa Clara County –**
   Counts for various products (cups, plates, clamshells) that could be applied countywide are not readily available. Based upon a review of the categories for polystyrene resin sales and production in the 2012 Edition of *The Resin Review*, the baseline use of EPS foam food ware could conservatively range from about 1.8 pounds per capita to a high of about seven (7) pounds per capita on an annual basis.

2. **Baseline for EPS food ware appropriately disposed as waste annually in Santa Clara County** – Based upon waste local characterization studies within Santa Clara County, EPS

[16] CEQA Guidelines Section 15358(a)(2).
[17] Economic and Planning Systems, Inc. "Economic Impact Analysis of EPS Foodware Costs." November 2012. Prepared for the City of San José.

food ware appropriately disposed of annually is conservatively 2.9- 4.1 pounds per service population (residents+ jobs) or 5.3-6.4 pounds per capita. The per capita estimate of about six pounds per year is within the range of the estimate noted above for annual food ware use (based upon production).

3. **Baseline for EPS food ware appearing as litter in Santa Clara County** – Based upon data collected in some recent street and storm sewer system litter surveys:

   - Street Litter: about 0.8-3.6 percent by count of large litter (four square inches in area or more) on streets based upon citywide and hot spot street litter surveys in San José; and
   - Stormwater System Litter:
     - about eight (8) percent by volume based upon SCVURPP litter characterizations (i.e., trash loading) in storm drain systems discharging to creeks and waterways.[18]
     - about 311 cubic yards of EPS trash (roughly 3,000 pounds) per year in the SVURPP area.

4. **Baseline for types of businesses and activities covered by the ordinance** – The ordinance would apply to a wide range of businesses and activities within the Santa Clara County project area. Over 8,000 businesses or organizations have food handling permits from the County of Santa Clara, including restaurants, cafes, mobile food service, caterers, grocery stores, convenience stores, and special events. Other vendors whose sales would be covered activities include several hundred restaurant and food service suppliers, warehouse stores, retail/pharmacy stores, sporting goods and hardware stores.

Substitute Products

Under the proposed ordinance, food vendors and providers would be prohibited from distributing EPS foam food service ware. Businesses and other establishments are expected to replace EPS foam items with substitute products which are already in use today. These products are made from the following materials:

Plastics

Hydrocarbon polymer resins such as polypropylene (PP), polyethylene terephthalate (PET), polycarbonate (PC), and polystyrene[19] (PS) can be used to manufacture disposable foodservice ware products such as cold drinking cups, bowls, clamshells, plates, and trays. Other plastics such as polyethylene and polyvinyl chloride could be used for these products, but PP, PET, PC, and PS are already widely used by food vendors. Like EPS foam, these materials are derived from petroleum refining and processing. Though some jurisdictions do not accept soiled plastics, in general all of these plastic resins are recyclable in Santa Clara County for both residential and commercial customers.

[18] Note: These studies do not include litter directly deposited in waterways by wind or dumping.
[19] When a blowing agent is added, polystyrene can be turned into expanded polystyrene (EPS). The proposed ordinance would only prohibit foamed polystyrene.

Bioplastics

Bioplastics are derived from plants and food by-products such as corn, whey, and sugar beets. The oils and starches of these plants can be separated from the plant and converted through a series of refining processes to hydrocarbon polymer chains. The 'bio' in bioplastic refers to the plant feedstock, not to its biodegradability. That is, not all bioplastics are biodegradable.

The most common bioplastic is polylactic acid, or PLA. PLA is similar to plastics such as PP, PS, and PET and can be formed into resin pellets which are melted and molded into products such as cold cups, plates, bowls, and clamshells. Another example of a bioplastic made from the aforementioned feedstocks is polyhydroxyalkanoate (PHA). The differences between PHA and PLA, aside from their chemical structures, are the refining processes used to make them. PLA is currently the most common bioplastic and is compostable in industrial compost facilities. PLA is inert in landfills and is not designed to degrade in the marine environment. PLA and PHA bioplastics are not recyclable.

Fiber - Paperboard/Molded Pulp

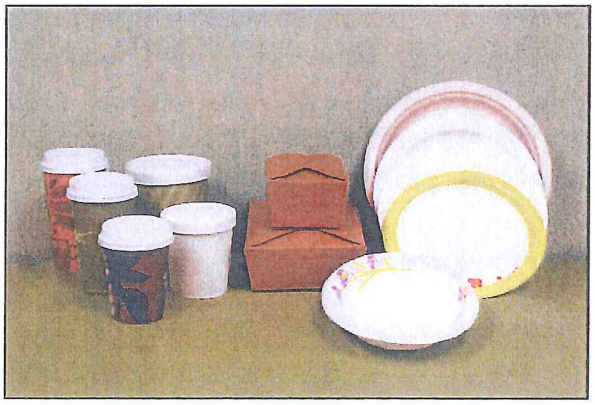


Photo 5: Examples of Paperboard and Molded Pulp Products

Many disposable food service products are made from the fibers of trees, which are processed into a pulp which can then be formed into paper. Paperboard is a thick paper material that is typically lined with plastic or wax to prevent moisture absorption and to increase product strength. It is commonly used for hot and cold cups, soup bowls, and plates, though it is possible that food vendors might also use paperboard clamshells, boxes and trays.

Molded pulp products can be made from virgin (newly-produced) or recycled paper fiber and formed into clamshells, bowls, and trays. Molded pulp products are identifiable by their rough texture and they are usually not lined. Some jurisdictions recycle fiber food service products, but many dispose of them in landfills. Fiber food service ware is compostable in industrial or municipal composting facilities regardless of the coating.[20] It will degrade in a water environment and may remain inert in a landfill.

Biodegradable Plant Fiber

Many products that are made from wood fiber can also be made with fibers from sugar cane, bulrushes, and wheat. Plant fibers such as bagasse, the fibers remaining from the sugar cane pulping process, are extracted during plant processing and used to make products in ways

[20] Compost is decomposed organic material that can be incorporated with soil or fertilizers.

similar to those of molded paper products. Biodegradable products can be composted in large scale municipal or industrial compost facilities and will degrade in a water environment. For jurisdictions that do not offer composting services, plant-based biodegradable products are disposed in landfills. Biodegradable plant fiber products may remain inert in a landfill depending on the exposure to moisture.

Food vendors use a range of food service ware products made from different material types based not only on price, but also the characteristics of the material. For example hot drinks are generally not served in plastic cups because plastic cups do not insulate well and if the liquid is too hot, the cup can lose its strength. As a result, food vendors typically use either EPS foam or lined paperboard to serve hot liquids. That same food vendor may use plastic products for other foods such as salads for reasons such as price, durability, and/or customer preference.

The following table outlines the products that are likely to be substituted for EPS foam products by food vendors and retailers.

Table 4.0-3
EPS Substitute Products

PS Foam Product		Substitutes[1]	
Hot Cups – Coffee, tea, hot chocolate			
	Light and insulating, EPS foam hot cups may come with a plastic lid to prevent spilling. Once used, these cups are disposed in landfills.+- *(Note: Newby Island Resource Recovery recycles clean polystyrene foam that is dropped off at the landfill. All other facilities landfill EPS foam.).*		Lined paperboard is the most likely substitute material. It is durable and light, but does not insulate very well. As a result, paperboard hot cups frequently come with a corrugated sleeve. Paperboard can be composted or landfilled, and some jurisdictions do accept it for recycling. Lined biodegradable plant fiber materials could also be used to make these products, though they are not widely available today.
Cold Cups – Soda, water, smoothies, milkshakes			
	PS foam cold cups minimize "sweating," or condensation associated with the cool temperature of the liquid inside. They usually come with an opaque plastic lid and a straw. These cups may only be disposed in a landfill.		Lined paperboard and plant fiber products as well as all plastic products can function as substitute cold cups. Water resistance is a necessary characteristic of these products. Other characteristics such as weight, durability, and insulation are factors. Depending on the material, they can be recycled, composted, or in some cases must be landfilled.

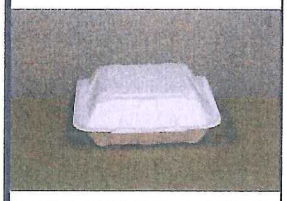
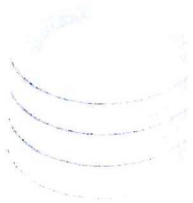
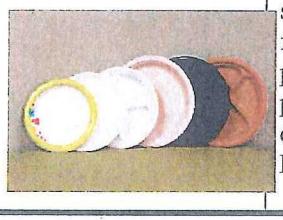
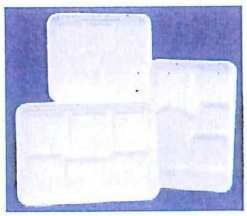
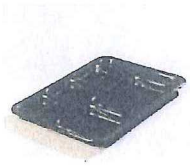
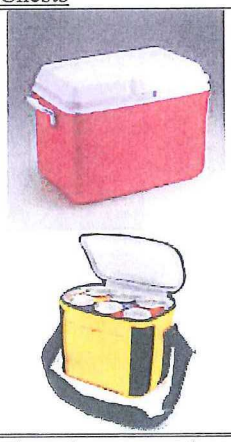
Table 4.0-3 EPS Substitute Products			
PS Foam Product		Substitutes[1]	
Bowls – Soups and salads			
	PS foam bowls have characteristics necessary to support liquid and solid hot and cold food including water resistance, insulation, and durability. EPS foam bowls are disposed in landfills.	 	As with hot drinks, plastic and bioplastic materials would generally not be used for soups, except for lids. Paper hot food bowls are possible substitutes. All materials could be used for bowls that do not hold hot liquids. Plastic bowls can be recycled and fiber bowls, depending on the material, are recyclable or compostable. PLA bowls are compostable in industrial composting facilities.
Clamshells			
  	PS foam clamshells offer some durability and are very low weight (~ 5-10 grams). Clamshells typically have one main compartment or three compartments as seen here. EPS foam clamshells must be landfilled.	 	An exact replacement of a EPS foam clamshell would likely be plastic or PLA, since foldable, closable fiber-based clamshells are not widely available. Food vendors may also choose paperboard products similar to the one shown here to substitute for clamshell packaging. Plastic products would be recycled; paper products would likely be either landfilled or composted.
Plates			
	EPS foam plates are light-weight and water resistant, though their limited durability can require users to stack two plates to prevent spilling. As with all EPS foam food service products, used EPS foam plates are not recyclable or compostable.	 	Fiber-based plates are common and would be a likely substitute for EPS foam plates. Some paper plates such as the one shown here (top) are thin and are frequently stacked by users to provide strength. Plastic or PLA plates can be used as a more durable, rigid alternative. Depending on the material, the

Table 4.0-3 EPS Substitute Products			
PS Foam Product		Substitutes[1]	
			substitutes would be landfilled, recycled, or composted.
Trays			
	PS foam trays are light, stackable, and generally molded with multiple compartments. Used EPS foam trays are landfilled.		Substitute food trays can be made with paperboard, molded pulp, biodegradable fibers, plastics, or PLA, though plastic offers more durability than fiber-based products. Plastic food trays could be recycled and fiber-based food trays either composted or landfilled.
Ice Chests			
	PS foam ice chests are light and offer good insulation, though they break apart more easily than the available substitutes. EPS foam ice chests are disposed in landfills, though if clean may be accepted for recycling at some recycling centers.		At this time there are no identifiable disposable substitute ice chests. It is expected that the alternatives to EPS foam coolers are durable multi-use ice chests or cooler bags such as the products shown here. These are typically made of plastic materials and offer insulation and durability. Durable ice chests and coolers are not recyclable or compostable.

[1] Though the Substitutes column focuses mainly on plastic and paper products, plant-based plastics such as PLA and plant-based fibers such as bagasse can also provide substitutes in the same ways that plastic and paper can, respectively. Plastics are recycled when markets exist.
[a] Many images shown in this table were obtained through internet image searches and are not intended to promote a particular product or brand name.

Post-ban Usage Estimates of Food Ware Substitutes

To arrive at the estimates of potential impact from the proposed ordinance, two basic pieces of information are needed: (1) the current amount of polystyrene foam food ware used in the project area and (2) the amount of substitute single-use disposal food ware that will replace this food ware after the ordinance takes effect. The current use of EPS foam food ware is the baseline, as discussed above. The difference between those two numbers is the direct impact of the ordinance. Of

necessity, all three of the numbers – existing, future, and the difference between them – are estimates and approximations from readily available information.

As challenging as it is to establish a baseline for current EPS foam food ware use within Santa Clara County, predicting the behavior of affected food vendors and retail customers once a ban is in effect in a given jurisdiction is even more problematic. It is not anticipated that by banning EPS foam food ware, the overall *amount* of single-use disposable food ware would be reduced. Rather, there should be a *shift* away from EPS foam to containers made from the various substitute materials described above. It is not possible to predict with certainty what future proportional share each substitute material (e.g. rigid plastics, bioplastics, fiber, etc.) will occupy for a given container type (e.g. clamshell, hot vs. cold cup, plate, bowl, etc.).

In evaluating its proposed food vendor ban, Palo Alto in 2009 assumed a shift to containers made from substitute materials based on a 2008 study for the City of Seattle by Herrera Consulting, Inc. evaluating the effects of a ban on EPS foam clamshells. Palo Alto projected no continued use of EPS foam and therefore distributed the Herrera estimates from EPS foam to paper and recyclable plastic, which includes compostable plastic. The City of San José, exercising reasonable discretion in its role as the lead agency evaluating the proposed model ordinance, has chosen to rely upon the assumptions developed in 2008 by Herrera Consulting, Inc. for the City of Seattle and employed by Palo Alto in its environmental review for its EPS foam food ware ban. Table 4.0-2 below is based on Table 6-14 from Herrera Environmental Consultants, Inc. (pg.6-23).

Table 4.0-4
Anticipated Shift to EPS Foam Substitutes

Type of Disposable Food Service Container	Projected Percent of Use of Disposable Food Service Container
Expanded Polystyrene	0%
Recyclable Plastic[1]	85%
Paper	15%

[1]Note: PLA plastic, which is one type of plastic substitute, is not recyclable and is compostable in industrial compost operations.

The actual shifts or split in composition between plastic and paper food containers in any of the jurisdictions may be different than the 85 percent plastic versus 15 percent paper assumed (e.g., a particular jurisdiction may experience a shift that is 81 percent plastic and 19 percent paper or 89 percent plastic and only 11 percent paper, or some other split that is predominantly plastic and to a much lesser extent paper) and may change over time and from year to year. For example, in a particular jurisdiction, the split may change from one year to the next from 81 percent plastic and 19 percent paper to 89 percent plastic and 11 percent paper. Shifts may be influenced by changes in price, product availability and as new products enter the market. For the purpose of this analysis, the assumptions used by the City of Palo Alto and in the City of Seattle provides the lead agencies' anticipated predominant shift to recyclable plastic for disposable food containers overall.

The County of Santa Clara in 2012, in evaluating its proposed food vendor ban for unincorporated areas, identified the range (consistent with Table 4.0-1 above) of available EPS food ware substitutes,

but did not attempt to quantitatively predict what shift (i.e. the increased amount of a substitute material) would occur.

Life Cycle Analyses

There is a range of information available about single-use disposable food ware and its fate in the environment. Much of the information is generated by people with an economic interest in one or another of the products *or* groups with interests regarding litter in waterways and the ocean and/or recycling and composting. There is also some technical analysis that has been done in the form of life cycle analyses (LCAs) of various materials used in single-use disposal food ware. A LCA assesses the raw material production, manufacture, distribution, use, and disposal (including all intervening transportation steps) of a given product.

A review of the LCAs available on this topic is included in Appendix C. Information from these analyses is discussed in relevant sections of the Initial Study, such as *Section 4.3 Air Quality, Section 4.7 Greenhouse Gas Emissions* and *Section 4.17 Utilities and Service Systems*, along with limitations on their use.

Project Effects

In general, the effects of implementation of the proposed ordinance would be indirect effects experienced within Santa Clara County and the South San Francisco Bay Area. The proposed ordinance could result in secondary or indirect effects at more distant locations as EPS foam food ware use in the project area is transitioned to substitute materials. Project effects could include:

- Changes in criteria pollutants, toxic air contaminants or greenhouse gas emissions at manufacturing facilities, generally outside the San Francisco Bay Air Basin;
- Changes in water quality associated with waste water discharges from the manufacture of substitute products;
- A reduction in polystyrene foam in waterways and an increase of substitute products.

These possible indirect or secondary effects are discussed in *Section 4.3 Air Quality*, *Section 4.7 Greenhouse Gas Emissions*, *Section 4.8 Hazards and Hazardous Materials*, and *Section 4.9. Hydrology and Water Quality*.

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *Visual Character Overview*

The visual character of the project area varies across the County and includes both densely developed and open, natural landscapes. The nearly flat, densely developed valley floor is framed by mountains to the east and west and San Francisco Bay to the north. Notable topographic and scenic features include the Diablo Range and Santa Cruz Mountains, riparian vegetation along major waterways including Coyote Creek, the Guadalupe River, Stevens Creek, Permanente Creek, and San Francisquito Creek, and farmland and grazing land, predominantly between the southern border of San José and Gilroy. The marshes ringing the San Francisco Bay shorelines from Palo Alto to San José are a unique, low lying feature with a mosaic of gray-green vegetation, mud flats, and salt ponds readily viewed from regional trails and some major roadways, such as segments of U.S. 101 and SR 237.

Urban development ranges from dense development in downtown areas, with moderate to high-rise buildings punctuating the skyline in San José, Palo Alto, and Mountain View, to low-density rural residential areas at the edges of foothills in Palo Alto, Los Altos Hills, Cupertino, San José, Morgan Hill and Gilroy. Most of the land within the Santa Clara Valley contains suburban and low-rise residential, office, industrial and commercial buildings within grids of roadways. Parks, schools and community centers provide open, landscaped areas within the developed areas of cities and towns.

Litter

Littering is illegal in California as defined and prohibited by California Penal Code Section 374. Regulations of the various jurisdictions within the project area also prohibit littering in their municipal codes, especially within public parks. The accumulation of litter on privately owned property that can be viewed from other properties or public streets is also generally prohibited.

Although littering is illegal, it is noticeably present in the urban, suburban and rural environments within the project area. Litter is clearly visibly from and within public road rights-of-way and along local creeks. EPS foam, which is generally white in color, can be a highly visible component of litter (Photo 6). EPS is also very buoyant and transportable so it tends to accumulate in collection points (e.g., catch basins, creek vegetation, etc.).

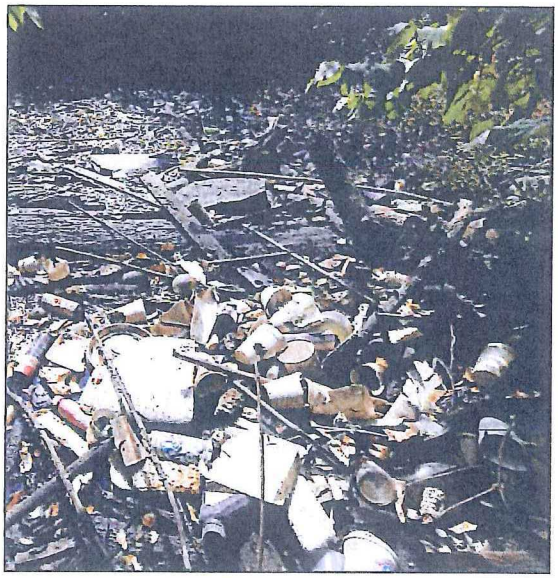


Photo 6. Light-colored food ware litter along creek.

Major roads and freeways pass through urban areas and agricultural areas in southern Santa Clara County. The litter that occurs in agricultural fields is likely thrown from vehicles, escapes from trucks hauling garbage along these roads and freeways, or is blown or travels in stormwater or waterways from urban areas (e.g., Morgan Hill and Gilroy).

This rural litter, therefore, is anticipated to reflect the make-up of trash and litter found along roadways and in the nearby urban areas.

From a regulatory standpoint, the San Francisco Bay Regional Water Quality Control Board has required all Municipal Regional Permit (MRP) National Pollutant Discharge Elimination System (NPDES) permittees (cities, counties and agencies) to reduce litter entering waterways through the municipal separate storm sewer system. Some permit requirements relate to visual assessment of waterways and attainment of no visible impact due to trash.

It is difficult to document and categorize litter because it is the result of human behavior (frequently impulsive behavior) and the littered material is operated on by various environmental factors, such as wind, sunlight, and rain. It is also difficult to compare study results because there is no one standardized methodology that is appropriate for studies in all environments (e.g., streets, highways, parks, waterways, and shorelines). Comparisons are further complicated by different systems or categories used to identify the materials that are littered. For example, EPS foam food ware is a type of plastic and may not be counted separately from other plastics or miscellaneous categories.

Littering Behavior and Local Characteristics of Litter

Litter is often discarded at transition points where pedestrians consuming a food (or tobacco products) discard the product before entering.[21] Litter also moves within the environment. In addition to being found along roadways and around buildings and bus stops, litter also collects in storm drains, loading docks, recreation areas, near construction sites and in retail districts. Lightweight litter such as EPS foam is easily caught in light winds and may accumulate in sheltered areas. Likewise, in urban waterways, floating litter is carried with runoff and may travel for miles or become entangled in streamside vegetation or urban infrastructure (e.g., stormwater inlets, bridges).

The City of San José has conducted a number of trash characterization studies at locations throughout the City that look at the volume and/or counts of litter found in the environment. The amount of EPS varied, with differences observed in studies of street litter (on land) versus litter in the storm drain system associated with aquatic environments. These studies appear to be applicable to urban areas in adjacent jurisdictions and include:

- SAIC. *The City of San José Streets Litter 2008*. September 30, 2008. Prepared for City of San José Department of Environmental Services.
- City of San José. *Targeted Litter Assessment*. 2009.
- City of San José. *Litter Assessment Data*. 2012. Spreadsheet.

The 2008 street litter survey counted items of litter found at 125 randomly selected sites. Litter was categorized by size and material type. EPS foam cups were found to make up 0.65 percent of the "large litter" counted. EPS foam plates and clamshells made up 0.1 and 0.05 percent respectively. This study provides a snapshot of the composition of litter on a citywide basis.

[21] Keep California Beautiful. *Litter Facts*. April 18, 2010. Accessed April 12, 2013. Available at: <http://www.keepcabeautiful.org/facts/litter-facts.html>.

Given that littering behavior results in an uneven distribution of litter in urban, suburban, and rural environments, subsequent studies in San José have focused on locations with relatively high concentrations of litter, also referred to as litter "hot spots". A 2009 street litter assessment which targeted hot spots included litter counts at 48 sites in the City of San José. A total of 7,917 pieces of litter were counted from the 48 sites for an average of 165.5 items per site. Overall, about 12.4 percent of the items were classified as fast food items and 9.5 percent were cups. The assessment also included sub-categories for several polystyrene food ware products. At the targeted sites, the percent of total "large litter" included:

- 1.6 percent polystyrene foam cups
- 0.4 percent polystyrene foam food plates
- 0.2 percent polystyrene clamshells.

Polystyrene trays made up about 0.2 percent of the total large litter.

In 2012, litter was counted at 31 targeted sites in the City of San José. Polystyrene food ware products made up about 3.5 percent of the total litter counts. The breakdown by polystyrene food ware type was:

- 2.2 percent polystyrene foam cups
- 0.8 percent polystyrene foam food plates (rounded)
- 0.1 percent polystyrene clamshells (rounded).

Polystyrene foam trays were approximately 0.5 percent of the 2012 total litter count in San José.

As a part of the Municipal Regional Stormwater Permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board, litter audits have been completed for a regional study to assess the types and amounts of trash transported via urban runoff over a larger area of Santa Clara County. The trash characterization and loading in these waterways assessments, undertaken starting in 2009, cover the portion of the project area that drains to San Francisco Bay (i.e., the jurisdictions and area of the County roughly north of Morgan Hill). Approximately 3,900 cubic yards of trash that could reach creeks in the San Francisco Bay Basin is estimated to be generated annually. Approximately eight percent of this trash by volume, or 311 cubic yards, is EPS foam food ware.

As described in Appendix B, based upon litter studies undertaken in the City of San José and within the area of the County that drains to San Francisco Bay, EPS foam food ware appearing as street litter in Santa Clara County makes up about 0.8-3.6 percent by count of large litter (four square inches in area or more) on streets (on-land environment) and about eight (8) percent by volume (uncompacted) in the storm sewer system (water environment).

4.1.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	1
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	1

4.1.2.1 Aesthetic Impacts

Implementation of an ordinance banning use and/or sale of EPS foam food service containers would not involve construction or modification of the physical environment that would affect a scenic vista, scenic resource or create a new source of light or glare.

Effects on the Visual Character of Litter Within the Project Area

The proposed ordinance would cause a reduction in EPS foam food ware use and is anticipated to result in an increase in the use of plastic and fiber-based substitute materials. The ordinance is not expected to cause a decline in overall consumption of disposable food service ware and consumers are not expected to litter substitute containers at a higher rate than EPS foam. The project would result in the cessation in use of a food ware material that can be highly visible, in buoyant in water, and easily becomes airborne and/or breaks into pieces which are hard to collect.

Implementation of the proposed project would result in a change in the composition of litter. The City of San José expects that about 85 percent of substitute products will be plastic and about 15 percent will be fiber-based.

Effects of Substitute Products on Litter Movement

As described in *Section 4.0* and Appendix C, substitute products for EPS foam food ware include several types of plastics and fiber-based containers. Although lighter than similar fiber or paper products, substitute plastic products, such as crystalline PS and PLA, are not as likely as EPS foam to be transported by wind off haul truck loads and along streets if deposited as litter. Because the substitute products do not crumble as readily as EPS foam and are not as likely to become airborne,

they may be more easily removed by street sweeping or maintenance activities. They also are not as buoyant in water as EPS foam. The substitute products, therefore, are not likely to be more visible than EPS foam along roadways, in retail areas, or along creeks.

Fate of Substitute Products in Waterways

Fiber-based replacement products that reach waterways would decompose in water over a period of weeks or months and would not tend to accumulate over time (also refer to *Section 4.4.1.2 Plastic Debris in the Environment).* [22] Some plastic coatings in fiber cups and containers could take longer to breakdown than the fiber material. These clear coatings would not be highly visible, however. To the extent fiber or paper substitute products replace EPS foam food ware, the amount of plastic materials reaching San Francisco Bay, Monterey Bay and the Pacific Ocean, would decrease. Overall, fiber-based replacement products would not be as persistent in the environment as EPS foam food ware.

The breakdown of plastic substitutes in water over time (due to physical action and/or sunlight) would be similar to that of EPS foam, although EPS foam may break into pieces sooner than other hard, non-foam plastic resin products. Overall, plastic substitutes would persist as visible litter for a similar period, although initially the size of the pieces could remain larger. This could facilitate their clean up, but they could be more apparent as litter.

Expected Changes in the Visibility of Litter

As discussed in *Section 4.9.1 Hydrology and Water Quality*, by count and/or volume, EPS foam food ware in the project area makes up about eight percent of litter by volume in stormwater systems, and by count often less than two to three percent of street litter (on land). While paper cups are usually several times the weight of EPS foam cups, given the estimated percentage of EPS foam food ware in litter, there would not be a substantial change in the count, volume or mass of litter in the environment. Replacing EPS foam materials with substitute products (that are currently also found in litter) would reduce the amount of EPS foam in litter; however implementation of a model ordinance would not result in a substantial change in the number or volume of litter items or trash in urban, suburban or rural areas or along waterways. To the extent substitute fiber-based products would breakdown a period of months in water, visible litter in waterways could be reduced. As the amount of visible litter is not anticipated to increase, the effect of the project would be less than significant. **(Less Than Significant Impact)**

4.1.3 Conclusion

The proposed ordinance phasing out EPS foam food ware use would not result in substantial adverse effects to a scenic vista or degrade the existing visual character or qualities of the jurisdictions implementing the ordinance. **(Less Than Significant Impact)**

[22] California Ocean Science Trust. "Plastic Debris in the California Marine Ecosystem." September 2011. Pages 23-24. Available at: <http://calost.org/pdf/science-initiatives/marine%20debris/Plastic%20Report_10-4-11.pdf>.

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

The project area includes both urban and rural land uses, with most farmland located in central and south Santa Clara County. The majority of the land in the incorporated limits of the participating jurisdictions in Santa Clara County is designated *Urban and Built-Up Land.*[23]

As defined in Public Resources Code 12220, "forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

4.2.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1,4
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	1
4. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1

[23] California Department of Conservation. "Santa Clara County Important Farmland 2010." June, 2011.

4.2.2.1 *Impacts to Agricultural Resources*

Litter is a contaminant that is found on agricultural land as well as in urban areas. Littered polystrene foam (PS foam) can break into pieces and disperse in the environment by wind and by water. The substitutes to EPS foam products do not break apart as readily and in the case of fiber-based products, they decompose over time in organic environments.

The proposed ordinance would not affect any designated, planned, or important farmland. Since there would be no land use development associated with the project, the project would not conflict with a Williamson Act contract. The proposed project would reduce the prevalence of EPS foam in the environment and would not adversely impact agricultural resources.

4.2.2.2 *Impacts to Forest Resources*

The use of paper fiber products is expected to increase as a result of the proposed project. The pulp used to produce paper products in the United States typically comes from recycled paper and from wood grown in managed forests for the purpose of paper product manufacturing. When trees are removed from such land, the intended purpose of which is wood production, they are replanted. Those lands are not converted to a "non-forest use," therefore the proposed project would not result in any significant impacts to forest resources.

4.2.3 Conclusion

The proposed ordinance would reduce the amount of EPS foam in the environment, which would not impact farmland of any type or conflict with Williamson Act contracts. The increased use of paper products would not contribute to the conversion of forest land to non-forest uses. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Setting

4.3.1.1 *Background*

Air quality and the concentration of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunshine. The project area (i.e. Santa Clara County) is within the southern portion of the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

4.3.1.2 *Topography and Climate*

The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Diablo Range on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern San Francisco Bay Peninsula toward San José and the rest of Santa Clara County.

The proximity of Santa Clara County to both the Pacific Ocean and San Francisco Bay has a moderating influence on the climate. Meteorological factors make air pollution potential in the Santa Clara Valley quite high. Northwest winds and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula.

4.3.1.3 *Regional and Local Criteria Pollutants*

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area as a whole does not meet State or Federal ambient air quality standards for ground level ozone or State standards for PM_{10} and $PM_{2.5}$. The area is considered attainment or unclassified for all other pollutants.

4.3.1.4 *Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter*

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air; however, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods.

Fine Particulate Matter ($PM_{2.5}$) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to $PM_{2.5}$ can cause a wide range of health effects.

Common stationary source types of TACs and $PM_{2.5}$ include gasoline stations, dry cleaners, and diesel backup generators which are subject to permit requirements. The other, often more significant, common source is motor vehicles on freeways and roads.

4.3.1.5 *Sensitive Receptors*

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medicinal clinics.

4.3.1.6 *Regulatory Setting*

Federal, state, and regional agencies regulate air quality in the Bay Area Air Basin. At the federal level, the USEPA is responsible for overseeing implementation of the Federal Clean Air Act (CAA). The CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The primary agency that regulates air quality in the project area is the BAAQMD. The BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations.

The BAAQMD prepared and adopted the Bay Area 2010 Clean Air Plan (CAP). This CAP updates the most recent ozone plan, the 2005 Ozone Strategy. Unlike previous Bay Area CAPs, the 2010 CAP is a multi-pollutant air quality plan addressing four categories of air pollutants:

- Ground-level ozone and the key ozone precursor pollutants (reactive organic gases and nitrogen oxide), as required by State law;
- Particulate matter, primarily $PM_{2.5}$, as well as the precursors to secondary $PM_{2.5}$;
- Toxic air contaminants (TAC); and
- Greenhouse gases.

BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. In June 2010, the Air District's Board of Directors adopted CEQA thresholds of significance and an update of their CEQA Guidelines. The updated CEQA Guidelines review and describe assessment methodologies, and mitigation strategies for criteria pollutants, toxic air contaminants, odors, and greenhouse gas emissions. The prior version of the guidelines was dated 1999 and the most recent amendment to the updated guidelines was in May 2011 and May 2012.

In December 2010, the California Building Industry Association (BIA) filed a lawsuit in Alameda County Superior Court challenging toxic air contaminants and $PM_{2.5}$ thresholds developed by BAAQMD for the CEQA Air Quality Guidelines (California Building Industry Association v. Bay Area Air Quality Management District, Alameda County Superior Court Case No. RG10548693). One of the identified concerns is that the widespread use of the thresholds would inhibit infill and smart growth in the urbanized Bay Area. On March 5, 2012, the Superior Court found that adoption of thresholds by the BAAQMD in its CEQA Air Quality Guidelines is a CEQA project and BAAQMD is not to disseminate officially sanctioned air quality thresholds of significance until BAAQMD fully complies with CEQA. No further findings or rulings were made on the thresholds of the updated BAAQMD Air Quality Guidelines, although BAAQMD has appealed the ruling. The City understands the effect of the lawsuit to be that BAAQMD has to prepare an environmental review document before adopting the same or revised thresholds. Given that the 2010 Guidelines are based on best available information, but are not formally in effect, both the 1999 and 2010 sets of thresholds are used in this analysis.

As part of an effort to attain and maintain ambient air quality standards for ozone and particulate matter, BAAQMD has established thresholds of significance for $PM_{2.5}$, PM_{10}, and ozone precursors (ROG and NOx). The thresholds of significance are intended to accommodate a level of growth within the air basin that would still allow the region to attain air quality standards.

4.3.1.7 *Existing Patterns of EPS foam Food Ware Use*

As discussed elsewhere in this Initial Study, the analysis is based on the assumption that with a ban in place in a given jurisdiction, there will be a shift away from EPS foam food ware to substitute containers made of fiber/paperboard, bioplastics, and recyclable plastics. Current estimates are that there are about four (4) pounds of EPS foam food containers used annually in the project area, per service population (residents +jobs) or about six (6) pounds per capita, in the incorporated jurisdictions in Santa Clara County that don't currently have a ban in place. This scenario constitutes the environmental baseline against which physical changes caused by the project are to be measured to identify project impacts.

4.3.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,5
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,5,6

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	1,5,6
4. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1
5. Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1

Air quality impacts related to food ware (foam EPS and substitutes) include the release of emissions during the extraction of virgin resources, materials processing and product manufacturing, transport, and disposal.

4.3.2.1 *Pollutant Emissions From Production*

Emissions from resource extraction, materials processing, and manufacturing are released where those activities are currently taking place, at locations outside the project area and the Bay Area air basin. The ordinance would lead to an increase in the manufacture of substitute food ware containers from allowed materials. The facilities in the U.S manufacturing these substitute containers are subject to federal Clean Air Act regulations, as well as any applicable clean air regulations for that particular state, and so any related increase in emissions from the substitute products manufactured in the U.S. would be emissions that have been permitted in compliance with federal and any state regulations. At those facility locations where EPS foam food ware is now produced, there would be a related decrease in the emissions associated with production of foam EPS food ware containers.

A 2009 study completed by Franklin Associates on behalf of Los Angeles County found that the large majority of energy used in the manufacturing process for food ware (both foam PS and substitutes) is for electricity, and fuel for transportation is a minor source.[24] According to the Franklin Associates study, fiber/paperboard food ware requires slightly more energy than comparable containers made from foam PS or rigid plastics, yet electricity generation emits (relatively) small amounts of criteria pollutants, and so Franklin Associates concluded that a shift to food ware made from fiber/paperboard would not result in a substantial increase in criteria pollutant emissions. To the extent the ordinance results in increased use of food ware made from materials capable of being recycled, there will be reduced air pollutants associated with resource extraction of virgin materials. For these several reasons, the proposed foam EPS food ware ordinance would not be in conflict with the 2010 Bay Area Clean Air Plan and would not violate any air quality standard or contribute to any air quality violation.

[24] Franklin Associates, Ltd. "Life Cycle Inventory of 16-Ounce Disposable Hot Cups." February 19, 2009. Prepared for MicroGREEN Polymers. Pages 2-7 to 2-11.

4.3.2.2 *Pollutant Emissions From Transport*

There is a quantity of emissions generated from the delivery of all types of food ware containers to restaurants, stores, and vendors, and further emissions associated with removing those that are discarded as solid waste and with picking up those that end up as litter. Since the preparers of this Initial Study were unable to identify any delivery system dedicated only to distribution to users of food ware containers, the exact increment of energy use or pollution associated with their delivery to the location where they are given away or sold to the public is unknown.

With a ban on foam EPS food ware in place, criteria pollutants will be emitted from the transport (in the project area in Santa Clara County and elsewhere) of substitute containers made of allowed materials. However, pollutants are not expected to significantly increase compared to current emissions from the transport of EPS food ware containers, given no increase is foreseen in the overall amount of food ware containers, rather there should be a shift to non-PS containers. Some of the substitutes take up slightly less space than a comparable foamed EPS container (e.g. paper cups vs. foam EPS cups) and can be transported in a more dense arrangement allowing more cups in a given load. However, since the containers are likely to be transported to users in mixed loads with other products, there may be no reduction in trips.

Increased use and disposal of the substitute containers would not affect the number of vehicles associated with curb-side refuse pick-up in that the overall amount of food ware containers used in the project area is not expected to change, rather there will be a shift to more containers made of recyclable or compostable materials. Given there won't be a substantial change in the amount of delivery or disposal traffic, there would not be substantial changes in localized ozone concentrations nor emissions of vehicular TACs resulting from a EPS foam food ware ban.

The retail sales ban on foam EPS food ware and ice chests would have no impact on retail customer travel patterns (and related vehicular emissions) in that the retail establishments that currently offer foam EPS food ware and ice chests also now offer and are expected to continue to offer the various substitutes once the ban is in place in a given jurisdiction. There is no reason to expect substantial numbers of retail customers will regularly seek out foam EPS food ware and ice chests (rather than switch to an available substitute container material) available for sale in non-participating jurisdictions that may continue to allow their sale.

4.3.2.3 *Odors*

Foam EPS food ware does not degrade in landfills and without the presence of putresible waste in the containers (such as food items), it does not generate odors. The substitute materials, if not recycled, would either be composted or landfilled. Among the anticipated substitute materials, fiber (paperboard/molded pulp), biodegradable plant-based materials (e.g. bagasse, bulrushes, and wheat), and bioplastics (e.g. PLA) can be composted, and composting facilities can be an odor source. However, the anticipated increase in composting of substitute food ware would not require expansion of an existing or construction of a new compost facility, as discussed in *Section 4.17 Utilities and Service Systems*, therefore there would not be an increase in the exposure of sensitive receptors to odors from (existing) compost facilities.

4.3.2.4 *Construction Impacts*

The project does not involve any construction, so there would be no reasonably foreseeable air quality impacts associated with construction (*e.g.,* dust, construction equipment engine exhaust containing criteria pollutants or TACs, etc.), in San José, or elsewhere in participating jurisdictions in Santa Clara County.

4.3.3 **Conclusion**

The proposed ordinance phasing out EPS foam food ware will have less than significant air quality impacts. **(Less Than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Setting

4.4.1.1 *Biological Setting of Santa Clara County*

The project area includes a wide variety of habitat and land cover types including but not limited to grassland, serpentine, chaparral, scrub, woodland, forests, wetlands, and freshwater marshes. Agricultural areas consist of orchards, vineyards, pastures, and row crops. Development ranges from dense urban centers to suburban and rural residential areas.

The principal watersheds that drain to San Francisco Bay in Santa Clara County include the Lower Peninsula Watershed, the West Valley Watershed, the Guadalupe Watershed and the Coyote Watershed. In the southern Santa Clara Valley just northeast of Morgan Hill, the land tips and drains south via Llagas Creek and Uvas-Carnadero Creek (Uvas/Llagas Watershed) to the Pajaro River and Monterey Bay.[25] Major water bodies in the project area include Coyote, Pacheco, and Anderson Lakes, Uvas, Almaden, Lexington, and Calero Reservoirs, and the southern end of the San Francisco Bay estuary. See *Section 4.9 Hydrology and Water Quality* for a full list of waterways and water bodies in the project area.

These fresh and brackish water areas support ecologically valuable riparian vegetation that provides food, cover, and nesting sites for birds, reptiles, amphibians, and mammals. They also serve as migration corridors for wildlife. Marshes and wetlands located in the northern County, where freshwater draining from the valley enters the San Francisco Bay estuary, provide high value biotic resources to the region. The salt marshes, sloughs, and creeks near the Bay provide food and shelter for fish and wildlife, improve water quality, and reduce flooding at times of high weather events.

Special-status species are supported by these wetlands as well as by many of the other habitat types present in Santa Clara County. State and federally listed species including the California tiger salamander, California clapper rail, California Coast steelhead, California red-legged frog, salt-marsh harvest mouse, California least tern, and the salt-marsh wandering shrew are known to occur in or near the waters of the Santa Clara Valley as well as the San Francisco Bay. Litter in these waterways has the potential to negatively impact these special-status species.

4.4.1.2 *Polystyrene Foam in the Environment*

If disposed of properly, polystyrene foam (PS foam) ends in landfills where it remains inert. There are no identifiable direct post-consumer environmental impacts of EPS foam food ware if properly landfilled. There are air quality and noise impacts associated with the collection and transportation of EPS foam to the landfill, but those impacts occur as part of broader waste collection services.

The bulk of the post-consumer environmental impacts of EPS foam occur when it ends up as litter and makes its way into the marine environment. The prevalence of plastic debris in marine environments around the world is well-documented. Generally speaking, marine debris is found floating on the water surface, in the water column, on the sea floor, or washed up on beaches and

[25] Sowers, Janet M. et al. "Creek and Watershed Map of Morgan Hill & Gilroy." 2009.

coasts. Proportionally, plastic (which includes EPS foam food service ware) makes up between 60 and 80 percent of total marine debris.[26] There is not enough information available to say what proportion of oceanic plastics are EPS foam, but due to its low density, it is reasonable to expect that EPS foam that has not yet broken down in the marine environment is found on the surface or along beaches.

PS foam enters the marine environment as terrestrial litter that runs off into creeks, streams, and rivers.[27] A trash assessment compiled by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) found that of the approximately 677,500 gallons of trash enter Santa Clara Valley creeks and shorelines each year from urban runoff. Based on data collected for this 2013 trash assessment, approximately eight percent of litter by volume is EPS foam food ware within the SVVURPPP area (see *Section 4.0 – Baseline Estimates Based on Litter Studies)*.

Plastics including EPS foam do not biodegrade in the same way that organic materials such as plants and organisms do. Solar radiation and thermal oxidation causes plastic to break into smaller pieces until it is microscopic and invisible to the human eye.[28] The rate of this process depends on factors such as the composition of the product and the surface temperature. As a point of reference, EPS foam cups are estimated to take 50 years to degrade.[29]

4.4.1.3 *Biological Impacts of Polystyrene Foam*

Polystyrene foam is made by adding a blowing agent to polystyrene pellets and subjecting it to high temperatures until the blowing agent expands and becomes the foamed product. When it degrades, EPS foam degrades in ways similar to any other petroleum-based polymer such as unfoamed polystyrene, polypropylene, and PET. In this way, studies that examine the biological effects of plastics and degraded plastics reveal much about the impacts of polystyrene foam in the environment.

Plastic particles in the environment can impact organisms through mechanical interference or by causing biological and chemical effects. According to a United States Environmental Protection Agency (EPA) 2011 report:

> Physical habitat alteration is caused by the accumulation of debris in oceanic convergence zones, on beaches, and submerged benthic habitats. As debris accumulates, habitat structure may be modified, light levels may be reduced in underlying waters, and oxygen levels may

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[26] Derraik, J.G.B. "The pollution of the marine environment by plastic debris: a review." 2002. Marine Pollution Bulletin 44 (2002) 842-852. See Table 1.
[27] SCVURPPP. "Urban Runoff Trash Management: Reducing Impacts in Santa Clara Valley Creeks and San Francisco Bay." February 2013. Available at: <http://www.scvurppp-w2k.com/pdfs/1213/Trash_Factsheet_2012-Final_Feb.pdf>.
[28] California Ocean Science Trust. "Plastic Debris in the California Marine Ecosystem." September 2011. Page 3. Available at: <http://calost.org/pdf/science-initiatives/marine%20debris/Plastic%20Report_10-4-11.pdf>.
[29] Ocean Conservancy. "Trash Travels." 2010. Page 23. Available at: <http://act.oceanconservancy.org/images/2010ICCReportRelease_pressPhotos/2010_ICC_Report.pdf>.

be depleted. These changes can undermine the ability of open water and benthic habitats to support marine life.[30,31]

Studies have also shown that organisms including birds, turtles, mammals, and fish ingest plastics.[32] Once ingested, plastic particles reduce food consumption and can block an organism's intestinal tract, causing internal injury and possibly death. Entanglement is another mechanical interference from plastics, though studies about entanglement tend to analyze products such as soda can rings, fishing line, and plastic bags. EPS foam food service ware may not cause entanglement problems since the products are light and break apart easily.

Plastics in the ocean can also expose organisms to persistent organic pollutants (POPs) that have adsorbed to the surface of a plastic particle.[33] Multiple studies have found that plastic fragments in the ocean contain polychlorinated biphenyls (PCBs), organochlorine pesticides such as DDT, and poly-aromatic hydrocarbons (PAHs).[34] The plastic particles did not necessarily contain these pollutants when they entered the environment, but they provided a surface on which the POPs could adsorb and transport in the marine environment. Other studies show that PCBs enter the food chain this way.[35] These contaminants, which can be released from plastics by breakdown of the plastic via ultraviolet radiation, weathering, and ingestion, have negative effects on birds and marine wildlife because they can cause reproductive failure, disease, and death.[36]

Plastic marine debris can lead to ecosystem impacts as well as impacts to individual organisms. Bacteria and algae can be transported on plastics as ocean currents carry them to new locations.[37] At any point these organisms can become detached from the plastic and if they do so in an area in which the species does not already occur, there is potential for them to reproduce and become an invasive species. This increases the risk to native species by creating new competition for habitat and resources.

4.4.1.4 *Pre-consumption Biological Effects (PS Foam Production)*

So far the discussion of plastic and its presence in the environment has focused on litter and marine pollution, both of which occur post-consumption. Pre-consumption processes associated with EPS foam food service ware also have environmental impacts. Polystyrene is made from petroleum products which require extraction, refining, and transportation. Each step of the production process

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[30] USEPA. "Marine Debris in the North Pacific." November, 2011. Page 9. Available at: <http://www.epa.gov/region9/marine-debris/pdf/MarineDebris-NPacFinalAprvd.pdf>.
[31] Benthic habitats are found at the bottom of a body of water, such as the sand and sediment at the bottom of the ocean.
[32] See Derraik. "The pollution of the marine environment by plastic debris: a review." 2002. And: NOAA. "Plastic Marine Debris." 2011. And: AMRF. "Pelagic Plastic." 2007.
[33] Adsorption is the adhesion of molecules of gas, liquid, or dissolved solids to a surface. BTSC. "Glossary." Accessed May 1, 2013. Available at: <http://www.brownfieldstsc.org/glossary.cfm?q=1>.
[34] California Ocean Science Trust. "Plastic Debris in the California Marine Ecosystem." September 2011. Pages 23-24. Available at: <http://calost.org/pdf/science-initiatives/marine%20debris/Plastic%20Report_10-4-11.pdf>.
[35] USEPA. "Marine Debris in the North Pacific." November, 2011. Page 8. Available at: <http://www.epa.gov/region9/marine-debris/pdf/MarineDebris-NPacFinalAprvd.pdf>. And: Derraik. "The pollution of the marine environment by plastic debris: a review." 2002.
[36] Ibid, 2011.
[37] Derraik, J.G.B. "The pollution of the marine environment by plastic debris: a review." 2002. Marine Pollution Bulletin 44 (2002) 842-852.

uses energy and resources, which emits pollutants into the atmosphere and into the local environment.

The European production process for polystyrene pellets, the precursors for EPS foam products, emits carbon dioxide, CFCs, sulfur dioxide, phosphate, and particulate matter.[38] Such emissions contribute to global warming, stratospheric ozone depletion, acidification, eutrophication, and human respiratory illness, respectively. These environmental impacts would be similar to those caused by production emissions in the United States because they are generally caused by combusting fossil fuels for energy. Appendix C of this report contains more information about the pre-consumer impacts as well as the full life cycle environmental impacts of both EPS foam products and their substitutes.

Regardless of location, facilities emitting sulfur dioxide into the air or discharging phosphate into the water are subject to federal regulations under the Clean Air Act and Clean Water Act, respectively. The use of hazardous materials in production of EPS foam products are also subject to federal and state regulations (see *Section 4.8.1.1 (Hazardous Materials) Regulatory Setting)*. The Environmental Protection Agency permits a certain amount of pollution based on the size of the facility and the environment in which it exists. It requires pollution control technologies and best practices, which serve to reduce the emissions associated with the manufacturing activities.

4.4.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☒	☐	1,2,7
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☒	☐	1,2,7

[38] PlasticsEurope. "Environmental Product Declarations of the European Plastics Manufacturers: General-Purpose Polystyrene (GPPS) and High-Impact Polystrene (HIPS)." November 2012.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐	1,2,7
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☒	☐	1
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	1,2,3
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1,7

The proposed ordinance would cause a reduction in EPS foam food service ware use and an increase in the use of plastic and fiber-based substitute materials. The ordinance is not expected to cause a decline in overall consumption of disposable foodservice ware or littering behavior.

As EPS foam products are replaced, an effect of the proposed project would be a change in the composition of litter and of the waste and recycling streams. There is little to no available data about how consumption has changed in other jurisdictions where EPS foam food service ware bans were passed (e.g. San Francisco, Seattle, etc.), but the City of San José expects that the majority of substitute products used will be plastic (about 85 percent), while about 15 percent will be fiber-based. (*See Post-ban Usage Estimates of Food Ware Substitutes* in the introduction to *Section 4.0 - Setting, Environmental Checklist and Impacts*)

4.4.2.1 *Fate of Substitute Materials in the Environment*

The lifetime of a substitute product in the environment depends on the product's material composition, weight, and volume. Data from the Ocean Conservancy shows that newspapers decompose in the ocean within six weeks, while cardboard boxes decompose within two months.[39] Paper food service ware products are not thicker than cardboard, so it is reasonable to expect its marine decomposition time to be approximately two months. On the other hand, paperboard

[39] Ocean Conservancy. "Trash Travels." 2010. Page 23. Available at: <http://act.oceanconservancy.org/images/2010ICCReportRelease_pressPhotos/2010_ICC_Report.pdf>.

products are frequently lined with a plastic coating, which breaks down more slowly in the environment, as described above.

The main difference between paper and plastic materials in the environment is that paper materials are biodegradable. An object is biodegradable if it can be broken down by microorganisms, especially bacteria, into natural components such as water, carbon dioxide, methane, and non-toxic residues.[40] Plastic does not biodegrade, it breaks into tiny pieces over time in the environment and can be ingested by wildlife and cause impacts similar to those described in *Section 4.4.1.3,* above. Since plastics can contain pollutants and also cause mechanical interference with wildlife, they stand to cause negative indirect effects to fish and wildlife in ways that paper products do not.

A study funded by the California Department of Resources Recycling and Recovery (CalRecycle) showed that certain PHA[41] bioplastics meet the American Society of Testing and Materials (ASTM) biodegradation standard, which requires a material sample to convert more than 30 percent of the carbon within it to carbon dioxide within six months.[42] The polylactic acid (PLA) products tested for the study did not meet the biodegradation requirements.

4.4.2.2 *Impacts of Substitute Materials in the Environment*

A much larger portion of the substitute products are expected to be plastic as opposed to fiber-based and are likely to end up in landfills and waterways just as EPS foam products do. There is insufficient information at this time to state conclusively that rigid plastics such as polypropylene, polystyrene (unfoamed), or polyethylene terephthalate (PET) cause more or less harm in the environment than EPS foam products. Ultimately, plastic products in waterways degrade into microscopic plastic pieces that behave similarly to one another and cause biological impacts similar to those described for EPS foam, above.

Some EPS foam products would be replaced with fiber-based or paper products. Since these products do not cause the indirect biological effects that plastics do (see *4.4.2.1,* above), their use in place of EPS foam would avoid the impacts that EPS foam products have in aquatic environments. **(Less Than Significant Impact)**

4.4.2.3 *Habitat Conservation Plan/Natural Communities Conservation Plan*

Six agencies in Santa Clara County are partnering to implement the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP). These agencies include the County of Santa Clara, the Cities of San José, Morgan Hill, and Gilroy, the Santa Clara Valley Transportation Authority, and the Santa Clara Valley Water District. On Friday, April 26th, the Santa Clara Valley Habitat Agency (SCVHA) was formed as the implementing agency for the plan.

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[40] Merriam-Webster. "Biodegradable." 2013. Available at: <http://www.merriam-webster.com/dictionary/biodegradable>. And: European Commission. "Green Paper: On a European Strategy on Plastic Waste in the Environment." March 7, 2013. Available at: <http://ec.europa.eu/environment/waste/pdf/green_paper/green_paper_en.pdf>.

[41] PHA = polyhydroxyalkanoate

[42] Greene, J. *Report Topic: PLA and PHA Biodegradation in the Marine Environment.* March 5, 2012. Prepared for CalRecycle. Available at: <http://www.calrecycle.ca.gov/publications/Documents/1435/2012/20121435.pdf>.

SCVHA is in the process of obtaining incidental take permits to provide coverage for future development in the plan area. The HCP will be in effect once the permits are issued and the fee schedule adopted. The wildlife species covered in the HCP are listed in Table 4.4-1. Plants species covered in the HCP are primarily or exclusively found in serpentine habitats and include Federally endangered species such as Tiburon Indian paintbrush, Coyote ceanothus, Santa Clara Valley dudleya, and Metcalf Canyon jewelflower.

Table 4.4-1
Wildlife Species Covered in the Santa Clara Valley Habitat Conservation Plan

Species	Scientific Name	Status	
		State	Federal
Bay checkerspot butterfly	*Euphydras editha bayensis*	--	FT
California tiger salamander	*Ambystoma californiense*	ST	FT
California red-legged frog	*Rana draytonii*	CSC	FT
Foothill yellow-legged frog	*Rana boylii*	CSC	--
Western pond turtle	*Clemmys marmorata*	CSC	--
Western burrowing owl	*Athene cunicularia hypogea*	CSC	MBTA
Least Bell's vireo	*Vireo bellii pusillus*	SE	FE, MBTA
Tricolored blackbird	*Agelaius tricolor*	CSC	MBTA
San Joaquin kit fox	*Vulpes macrotis mutica*	ST	FE

Status:
FT Federal Threatened; FE Federal Endangered; MBTA Migratory Bird Treaty Act
ST State Threatened; SE State Endangered; CSC California Special Concern Species

Source: Final Santa Clara Valley Habitat Conservation Plan. August 2012.

The substitution of plastic and paper-based products for EPS foam products would not have any negative impacts on species covered by the HCP. Since plastics mimic the effects of EPS foam and paper products biodegrade in the environment, the number of disposable food service items that are plastic would decline and as a result, some of the impacts to species that might accidentally ingest or otherwise be harmed by plastic products would be avoided. The ordinance, therefore, would not conflict with the provisions of the adopted HCP. **(No Impact)**

4.4.2.4 *Trees*

For more information regarding the use of trees to produce paper products, see *Section 4.2 – Agricultural and Forest Resources*. The exact effects of paper product manufacturing at unknown locations cannot be quantified by the City of San José. The life cycle analyses summarized in Appendix C show in some cases that paper products use more energy and result in higher greenhouse gas emissions than EPS foam products do. None of the life cycle studies apply directly to the project area, so making conclusions based on their results would be speculative.

Trees used to produce paper products are grown commercially in managed forests, where they are systematically harvested and replanted. Local impacts of this process can include land erosion and habitat loss, however due to the lack of biodiversity in managed forests, they are unlikely to provide habitat for special-status or listed species.

Policies and ordinances related to tree preservation apply locally, in areas that do not have commercially-managed forest resources. Local trees, which are not harvested for disposable food ware products, would not be affected by an increase in paper product use. Therefore no local tree preservation policies would be violated by the proposed project. **(No Impact)**

4.4.3 Conclusion

The proposed ordinance phasing out EPS foam food ware will have less than significant impacts to sensitive natural communities and special status species. Unfoamed plastic and EPS foam products have similar impacts and fates in the marine environment, so no new impacts are expected for those products. The substitution of paper products for EPS foam products would avoid some of the impacts to marine species currently caused by EPS foam products in the environment. **(Less Than Significant Impact)**

The proposed ordinance would not conflict with an HCP/NCCP. Increasing the use of paper products would have no effect on local trees or conflict with tree preservation policies. **(No Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Setting

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located above ground, underground or underwater and have significance in history, prehistory[43], architecture or culture of the nation, State of California or local or tribal communities. Cultural resources are found throughout the project area and are generally identified in historic or cultural resources inventories maintained by the County of Santa Clara and local cities and towns and on California Register of Historical Resources (California Register) and the National Register of Historic Places (National Register).

Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geological record. They range from the well know and well publicized fossils (such as mammoth and dinosaur bones) to scientifically important fossils (such as paleobotanical remains, trace fossils, and microfossils). Potentially sensitive areas with fossil bearing sediments near the ground surface in the City of San José and surrounding areas of Santa Clara County are generally in or adjacent to foothill areas rather than the younger Holocene age deposits on the valley floor.[44]

4.5.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒	
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	

The proposed project is adoption of a model ordinance that would regulate the use of single-use EPS foam food ware within participating jurisdictions in Santa Clara County. The proposed ordinance would cause a reduction in EPS foam food ware use and is anticipated to result in an increase in the use of plastic and fiber-based substitute materials. The ordinance is not expected to cause a decline

[43] Events of the past prior to written records are considered prehistory.
[44] City of San José. "Final Program EIR for the Envision San José 2040 General Plan." 2011.

in overall consumption of disposable food service ware and consumers are not expected to litter substitute containers at a higher rate than EPS foam.

Implementation of an ordinance phasing out use and/or sale of EPS foam food service containers would not involve ground disturbance of native soils, building demolition, construction, or modification of the physical environment that would affect existing historical resources, archaeological resources, paleontological resources or other buried cultural resources, either directly or indirectly. As a result the project would not result in impacts to cultural or paleontological resources. **(No Impact)**

4.5.3 Conclusion

The proposed ordinance phasing out EPS foam food ware will have no impact on cultural resources. **(No Impact)**

4.6 GEOLOGY AND SOILS

4.6.1 Setting

4.6.1.1 *Regional Geology*

The Santa Clara Valley is located within the Coast Ranges geomorphic province of California; an area characterized by northwest-trending ridges and valleys, underlain by strongly deformed sedimentary and metamorphic rocks of the Franciscan Complex. Overlying these rocks are sediments deposited during recent geologic times. The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. Alluvial deposits are interbedded with bay and lacustrine (lake) deposits in the north-central region. Valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent mountains. These alluvial sediments make up the groundwater aquifers of the area. Soil types in the project area include clay in low-lying areas, loam and gravelly loam in the upper portions of the valley, and eroded rocky clay loam in the foothills.

Landslides are geologic hazards in foothill areas and expansive with high shrink-swell behavior are found on both the valley floor and in hillside areas. Weak soils, such as younger Bay Mud found in the margins near San Francisco Bay, can compress under the weight of buildings and fill. Other localized geologic hazards encountered within the project area include artificial fill that has not been properly compacted and naturally-occurring asbestos in ultramafic rocks, such as serpentinite.

4.6.1.2 *Regional Seismicity and Seismic Hazards*

The San Francisco Bay Area is recognized by geologists and seismologists as one of the most seismically-active regions in the United States. Significant earthquakes occurring in the Bay Area are generally associated with crustal movement along well-defined active fault zones of the San Andreas Fault system, which spans the Coast Ranges from the Pacific Ocean to the San Joaquin Valley. Two other major active faults in the area the Hayward Fault and the Calaveras Fault, located in the hills to the north and east of the Santa Clara Valley. Hazards associated with seismic activity along regional and local faults include fault rupture, ground shaking, liquefaction, differential seismic settlement, and earthquake-induced landslides and waves in bodies of water.

4.6.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					1,2,8

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a. Rupture of a known earthquake fault, as described 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? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒	
b. Strong seismic ground shaking?	☐	☐	☐	☒	
c. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	
d. Landslides?	☐	☐	☐	☒	
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	1,2,9
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	1
4. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☐	☒	1
5. 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 wastewater?	☐	☐	☐	☒	1

The proposed project is adoption of a model ordinance that would regulate the use of single-use EPS foam food ware within participating jurisdictions in Santa Clara County. The proposed ordinance would cause a reduction in EPS foam food ware use and is anticipated to result in an increase in the use of plastic and fiber-based substitute materials. The ordinance is not expected to cause a decline in overall consumption of disposable food service ware or change littering behavior.

The ordinance does not propose or require construction of any kind and would not expose people or structures to substantial adverse risk involving geologic hazards or conditions. For these reasons, the project would not result in any geology and soils impacts. **(No Impact)**

4.6.3 Conclusion

The proposed ordinance phasing out EPS foam food ware will have no impact on the exposure of people or structures to geologic, soils or seismic impacts. **(No Impact)**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) have a broader, global impact. Global warming associated with the "greenhouse effect" is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial and manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1.1 *Regulatory Setting*

Agencies at the international, national, state, and local levels are considering strategies to control emissions of GHG that contribute to global warming. The following plans, polices, and regulations apply to the project area.

California Assembly Bill 32

With the passage of AB 32 (Global Warming Solutions Act of 2006), the State of California made a commitment to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020, which represents a 30 percent decrease over "Business-as-Usual" conditions. CARB's Discrete Early Actions include maximizing energy efficient building and appliance standards, pursuing additional efficiency efforts, including new technologies and new policy and implementation mechanisms, and pursuing comparable investment in energy efficiency by all retail providers of electricity in California (including both investor-owned and publicly-owned utilities). In addition to AB 32, Executive Order S-3-05 established a reduction target of 80 percent below 1990 levels by 2050.

In December 2008, the California Air Resources Board (CARB) approved the *Climate Change Scoping Plan*, which contains a comprehensive set of actions designed to diversify California's energy sources, save energy, and enhance public health, among other goals. Per AB 32, the Scoping Plan must be updated every five years to evaluate the AB 32 policies to ensure that California is on track to achieve the 2020 GHG reduction goal. CARB expects to consider adoption of an updated Scoping Plan document in November 2013.

California Senate Bill 375

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 when compared to emissions in 2005. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent

reduction by 2035.[45] Consistent with the requirements of SB 375, the Metropolitan Transportation Commission is partnering with the Association of Bay Area Governments, the Bay Area Air Quality Management District, and the Bay Conservation and Development Commission to prepare the region's Sustainable Community Strategy, referred to as *Plan Bay Area*. A Draft *Plan Bay* Area was released for public review in March 2013. The regional per capita reduction targets set by SB 375 do not directly address emissions associated with the manufacture, transport, use, and disposal of commonly used products such as disposable food ware.

2010 Bay Area Clean Air Plan

The Bay Area 2010 Clean Air Plan (CAP) addresses air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures and performance objectives, consistent with the state's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

BAAQMD CEQA Guidelines

BAAQMD identifies thresholds of significance for operational GHG emissions from stationary sources and land-use development projects in its CEQA Air Quality Guidelines. These guidelines include recommended significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. The guidelines do not, however, address emissions associated with the manufacture, transport, use, and disposal of commonly used products such as disposable food ware.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes a Greenhouse Gas Reduction Strategy embedded in its policies and programs that are designed to help the City sustain its natural resources, grow efficiently, and meet State legal requirements for GHG emissions reduction. Multiple policies and actions in the *2040 General Plan* have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by the following recycling and waste reduction strategies:

> **RWR-Q.** Extend recycling services - Green Vision Goal #5. As an estimate, divert an additional 75% of waste beyond the baseline year (2006) by 2035. CO2e from landfilled waste (2006) = 260,000 MT; 75% =200,000 MT.
>
> **MS-6.5.** Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.

[45] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.

MS-5.Divert 100% of waste from landfills by 2022 and maintain 100% diversion through 2040.

Among the other participating jurisdictions in Santa Clara County, the other cities/towns listed in Table 4.7-1, below, have adopted or are preparing Climate Action Plans/Greenhouse Gas Reduction Strategies.

Table 4.7-1
Relevant Greenhouse Gas Plans and Policies for Participating Jurisdictions

Jurisdiction	Planning Document	Status	Relevant Policies
San José	Greenhouse Gas Reduction Strategy	Adopted. June 2011	Green Vision Goal #5; Implementation: Zero Waste Strategic Plan. As an estimate, divert an additional 75% of waste beyond the baseline year (2006) by 2035.
Gilroy	Climate Action Plan	Adopted. June 18, 2012	SW4: Ban Styrofoam and other non-biodegradable food containers in the City of Gilroy.
Los Altos	*Climate Action Plan*	*In Progress*	--
Los Gatos	Los Gatos Sustainability Plan	October 15, 2012	SW-9 – Develop policies, incentives, and design guidelines that encourage the public and private purchase and use of durable and nondurable items, including building materials, made from recycled materials or renewable resources. SW-10 Additional Waste Diversion: Aim to achieve the 75 percent waste diversion goal established by AB 341.
Milpitas	*Climate Action Plan*	May 7, 2013	Measure 11.1: Waste Diversion- A. Support the expansion of existing food waste and composting collection routes in order to provide composting services for interested residents and businesses. B. Encourage local restaurants to compost food and provide compostable to-go containers.
Morgan Hill	*Climate Action Plan*	*In Progress*	--
Mountain View	Greenhouse Gas Reduction Program	August 2012	A: Implement Zero-Waste Plan PW

Table 4.7-1 Relevant Greenhouse Gas Plans and Policies for Participating Jurisdictions			
Jurisdiction	**Planning Document**	**Status**	**Relevant Policies**
Santa Clara	*Climate Action Plan*	*In Progress*	--
Sunnyvale	*Climate Action Plan*	*In Progress*	*LW-1.3. Ban the use of expanded polystyrene (EPS) take-out containers at restaurants and fast-food facilities*
Other:	**Planning Document**	**Status**	**Relevant Policies**
Palo Alto	Climate Protection Plan	December, 2007	Expand collaborative efforts with targeted businesses to reduce the use of disposable items such as plastic shopping bags and take-out containers. Propose possible product bans or fees to reduce the use of products such as plastic bags and bottled water. Implement approved material bans and mandatory recycling ordinances.
Unincorporated Santa Clara County	Climate Action Plan – *Operations and Facilities*	September 2009	Establish a 75% waste diversion goal for facilities and parks. (GHG reduction of 1,525 metric tons)

4.7.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1,10
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1,2,10

4.7.2.1 *Greenhouse Gas Impacts of Substitute Products*

Prohibiting EPS foam food ware would not directly generate GHG emissions. Instead, the proposed phasing out of EPS foam food ware would indirectly generate GHG emissions associated with substitute container materials. Evaluating the greenhouse gas impacts of a disposable food service product requires an examination of the product's full life cycle. GHGs are emitted when the feedstock (e.g. petroleum or wood) is extracted, processed, manufactured into the product, and when the product is used, collected, and disposed. There are also greenhouse gas emissions from the transportation associated with each step of the product's life cycle. Because the calculation of GHG emissions for these phases depends on location-specific factors such as transportation distance and energy supply, there is an inherent uncertainty in the information available to the City of San José to quantify the emissions from products used in the project area.

The life cycle assessments (LCAs) summarized in Appendix C reveal that the greenhouse gas emissions of the substitute products are in some cases higher and in other cases lower than their EPS foam counterparts. A 2011 study funded by the Plastic Foodservice Packaging Group (PFPG) found that the life cycle of 10,000 16-ounce expanded polystyrene (EPS) cups accounts for 723 pounds of carbon dioxide. The same study found that 10,000 plastic-lined paper cups account for anywhere between 147 and 1,215 pounds of carbon dioxide emissions, depending on to what extent they decompose in landfills and whether or not a corrugated sleeve is used.[46]

Another study, this one funded by the California Department of Resources Recycling and Recovery (CalRecycle), found that when all products were landfilled, the life cycle GHG emissions for 1,000 EPS clamshells were 53.6 kilograms of carbon dioxide equivalents (kg CO_2e). The emissions from 1,000 clamshells made from substitute materials such as unfoamed polystyrene, polyethylene terephthalate (PET), polypropylene, and the biopolymer polylactic acid (PLA) were 51.8 kg, 80.7 kg, 61.1 kg, and 41.5 kg, respectively.[47] This study confirms that the GHG emissions of the substitute products range from somewhat higher to somewhat lower than EPS foam.

Other studies summarized in Appendix C show similar results. A key issue with all of the LCAs is that the assumed end of life scenario, or waste disposal path, is not consistent with the actual waste collection infrastructure in the project area. How a product is disposed accounts for a substantial portion of the product's greenhouse gas impacts, so the results of studies with end of life scenarios differing from the actual waste disposal options in the project area are difficult to apply.

For example in the aforementioned PFPG-funded study, twenty percent of the 10,000 EPS cups were assumed to be combusted for energy rather than landfilled. As a result, the EPS cups were given a credit for displaced energy production. This assumption was based on a national waste recovery average and does not reflect the circumstances in the project area. Of the waste collected in Santa

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[46] Franklin Associates, Ltd. "Life Cycle Inventory of Foam Polystyrene, Paper-Based, and PLA Foodservice Products." February 4, 2011. Prepared for The Plastic Foodservice Packaging Group. Available at: <http://plasticfoodservicefacts.com/Life-Cycle-Inventory-Foodservice-Products>.

[47] Kuczenski et al. "Plastic Clamshell Container Case Study." May 15, 2012. Prepared for CalRecycle. Available at: <http://www.calrecycle.ca.gov/publications/Detail.aspx?PublicationID=1431>.

Clara County, only a small portion of the wood debris collected is incinerated for energy recovery.[48] No other types of waste collected in the project area, including plastics, are incinerated.[49]

The CalRecycle-funded study provides another example of the significance of the end of life scenario in determining a product's greenhouse gas impacts. PET was the highest impact product at 80.7 kg CO_2e/1,000 clamshells. However when the emissions were calculated with the assumption that 100 percent of the PET clamshells were recycled, the PET emissions dropped almost 50 percent making it one of the lowest impact products studied. PET is recyclable in all but one jurisdiction in the project area (see Figure 4.17-4 in *Section 4.17 Utilities and Service Systems*), which means that insofar as PET would be used as a substitute for EPS foam, the emissions associated with those products could increase or decrease depending on the rate at which they are recycled. In the project area, emissions would likely be less than calculated in this study due to the wide availability of recycling services.

These examples of the sensitivity of emissions to the end of life scenario demonstrate the inapplicability of the available information to the proposed project. Quantitative greenhouse gas analysis based on these LCAs would involve use of assumptions that are inconsistent with actual practices in the project area. There is no definitive evidence that any of the substitute products would account for significantly more greenhouse emissions than EPS foam products used in the project area.

Another key issue that is not discussed in detail here is the transportation distance assumptions for the products. Each LCA uses an average transportation distance based on a set of estimations for the region and products studied. The City of San José does not have enough information to predict exactly where the EPS foam and substitute products available in the project area come from. Furthermore, any such information would be frequently changing based on market demand, price, and the availability of supply at the time of purchase.

Therefore, the City of San José cannot conclude that replacing EPS foam food service ware with substitute products would substantially increase greenhouse gas emissions, and if substitute materials are commonly recycled, emissions may be reduced, as anticipated by the San José's GHG Reduction Strategy.

4.7.2.2 *Consistency with Statewide GHG Reduction Plans AB32 and SB 375*

The Climate Change Scoping Plan provides a comprehensive strategy to reduce statewide GHG emissions in the year 2020 consistent with the reduction targets established by AB32. Included within that strategy are actions related to GHG emissions from solid waste. According to the

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[48] Samonsky, E. Associate Environmental Services Specialist. City of San José, Environmental Services Division. Personal Communication. April 11, 2013. In calendar year 2012, 15,884 tons of San José 's residential yard trimmings stream were treated as co-generation (hog) fuel. This represents 12 percent of San José 's residential yard trimmings stream.

[49] Limited amounts of specific materials from the project area may be disposed of by incineration. For example, the California Disposal Reporting System shows very small amounts of waste from Sunnyvale and other jurisdictions being burned at the Covanta waste-to-electricity plant at Crows Landing (Stanislaus County). Some amount was illegal drugs destroyed for the Sunnyvale Department of Public Safety. Waste from residential and food related businesses is not routinely disposed of by incineration, however.

Scoping Plan, GHG emissions from waste in California are one (1) percent of overall total statewide emissions.

Scoping Plan Recommended Action 15. Recycling and Waste. *Reduce methane emissions at landfills. Increase waste diversion, composting and other beneficial uses of organic materials, and mandate commercial recycling. Move toward zero-waste.*

This action strives to reduce greenhouse gas emissions by turning waste into resources. By reducing the substantial energy use associated with the acquisition of raw materials in the manufacturing stage of a product's life-cycle, a large reduction in energy consumption should be realized. As stated in the Scoping Plan, "re-introducing recyclables with intrinsic energy value back into the manufacturing process reduces greenhouse gas emissions from multiple phases of product production including extraction of raw materials, preprocessing and manufacturing. Additionally, by recovering organic materials from the waste stream, and having a vibrant composting and organic materials industry, there is an opportunity to further reduce greenhouse gas emissions through the indirect benefits associated with the reduced need for water and fertilizer for California's Agricultural sector."

Consistency: Shifting away from EPS foam food ware to substitute containers made from recyclable or compostable materials will help achieve the GHG emissions reductions assumed in the Scoping Plan for the solid waste sector given the ability for those products to be recycled or composted within the project area. To the extent food ware made from bioplastics (e.g. PLA) is landfilled rather than recycled, the carbon fixed in those inert containers will be sequestered from the active carbon cycle.

As discussed in Section 4.3 Air Quality and Section 4.16 Transportation, the shift to substitute container materials will not result in a substantial increase in trips for delivery or disposal, so there will not be a substantial increase in vehicle-generated GHG emissions, therefore the project would not conflict with Bay Area's Sustainable Community Strategy's regional targets implementing SB 375. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035, and the proposed ban would have no effect on the region's ability to meet these targets for automobile and light truck sectors.

4.7.2.3 *Consistency with Local GHG Reduction Strategies*

The proposed ban would be consistent with San José's GHG Reduction Strategy by reducing the amount of EPS foam food ware waste currently being disposed in landfills, and by causing a shift to substitute materials capable of being composted or recycled. The proposed ban would also be consistent with adopted GHG Reduction Strategies (or Climate Action Plans) in Gilroy, Los Gatos, and Mountain View, and strategies/plans in development in Los Altos, Milpitas, Morgan Hill, Santa Clara, and Sunnyvale. The additional restrictions on retail sales and EPS foam ice chests would be consistent with adopted Climate Action Plans in Palo Alto and Santa Clara County. **(Less Than Significant Impact)**

4.7.3 Conclusion

The proposed phase-out of EPS foam food ware would not directly or indirectly generate substantial GHG emissions that would have a significant impact on the environment, nor would the proposed project conflict with statewide or local plans adopted to reduce GHG emissions. **(Less than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion addresses hazards to people related to single-use food ware use, manufacture, and disposal. Hazardous materials, substances or materials that could adversely affect the safety of the public, handlers or carriers during use, transportation, or disposal are also specifically addressed. Environmental effects or hazards to the environment are also addressed in *Section 4.3 Air Quality, Section 4.4 Biological Resources, Section 4.9 Hydrology and Water Quality,* and *Section 4.17 Utilities and Service Systems.*

4.8.1 Setting

Hazardous materials include materials such as compressed gases, flammable liquids, oxidizers, corrosives and toxics. Hazardous materials are used and stored in most urban, suburban, and rural communities, including those within the project area. Examples of hazardous materials include gasoline and other fuels, chlorine compounds, acids, and biocides. They include substances used at a wide range of industries and businesses including manufacturing, automotive, medical and electronics. Many products containing hazardous chemicals also are routinely used and stored in homes; generally in small quantities. Hazardous materials are also shipped daily on highways, railroads, and in pipelines.

Each year, Californians generate two million tons of hazardous waste.[50] As discussed below under *Regulatory Setting,* properly handling these wastes avoids threats to public health and degradation of the environment. In addition, existing contamination from reported hazardous materials release sites (such as leaking fuel tanks) can adversely affect the environment or human health and is tracked in State of California databases, such as the GeoTracker database maintained by the State Water Resources Control Board.

Landfill and solid waste facilities include landfills, transfer stations, material recovery facilities, compositing sites, and closed disposal sites. The two environmental concerns related to landfills are the generation and control of landfill gas and water moving through landfilled materials (leachate). Transfer stations do not routinely handle materials classified as hazardous materials, although they do encounter them in waste materials during sorting and have procedures for separating and properly disposing of such materials when encountered. There are four active landfills within Santa Clara County, including Newby Island, Kirby Canyon, Zanker and Guadalupe Mines in the City of San José and transfer stations in the cities of San José, Santa Clara, Sunnyvale, and unincorporated Santa Clara County (San Martin). Landfills and other solid waste facilities are also identified in the Solid Waste Information System (SWIS) database maintained by CalRecycle.

Other hazards identified within Santa Clara County include safety zones for airports (e.g., Mineta San José International Airport, Reid-Hillview Airport, Palo Alto Airport, South County Airport and Moffett Federal Airfield in Mountain View) and very high severity hazards for wildfires in some foothill areas of San José, Morgan Hill, Saratoga, Monte Sereno, Los Gatos, and unincorporated

[50] Department of Toxic Substances Control. "DTSC: Who We Are and What We Do". Accessed May 3, 2013. Available at: <http://www.dtsc.ca.gov/InformationResources/DTSC_Overview.cfm>.

Santa Clara County.[51] Safety zones for airports are identified in Comprehensive Land Use Plans (CLUPs) for the public airports in the project area.[52]

4.8.1.1 *Health Hazards Associated with Food Ware Use and Manufacturing*

Food Container Safety

The single-use food service ware products used by vendors and available for sale to the general public within the project area are manufactured from a variety of plastic resins, paper materials, paper materials lined with plastics, and bioplastics (e.g., plastic resins produced from materials derived from plants). EPS foam is one of a number of materials used to manufacture disposable or single-use food service ware. Many of these products are made from virgin materials (i.e. newly-produced); many others contain pre-consumer and/or post-consumer recycled content. As discussed under *Regulatory Setting,* below, environmental health concerns related to single-disposable food ware include avoiding contamination of containers with heavy metals and toxic materials.

Hazardous Materials Used in Polystyrene Foam Manufacturing

Styrene

Styrene is a carbon containing compound that is converted to the polymer (chain of molecules) polystyrene through a process known as polymerization. Styrene is produced from ethylene, a flammable gas, and benzene, which is flammable and a carcinogen. Styrene is classified as flammable and it has toxic properties if inhaled or ingested. In the work place, all of these compounds have established exposure limits [e.g., Immediately Dangerous to Life or Health (IDLH), as defined by the U.S. National Institute for Occupational Safety and Health (NIOSH)] due to toxic effects from inhalation or ingestion.[53]

In addition to acute toxic effects, the literature and studies on cancer risks associated with styrene has been reviewed by the U.S. Department of Health and Human Services, National Toxicology Program in its *12th Edition Report on Carcinogens*. The report is a congressionally mandated, science-based, public health report that identifies agents, substances, mixtures, or exposures in the environment that may potentially put people in the United States at increased risk for cancer. The report uses two key categories for substances: 1) Known to be a Human Carcinogen and 2) Reasonably Anticipated to be a Human Carcinogen. The June 2011 report identified styrene, the building block of polystyrene, as "reasonably anticipated to be a human carcinogen based on limited evidence of carcinogenicity from studies in humans, sufficient evidence of carcinogenicity from studies in experimental animals, and

[51] Association of Bay Area Governments, Earthquake and Hazards Program. *Wildland Urban Interface Fire Threatened Communities*. July 2009. Accessed April 11, 2013. Available at: <http://gis3.abag.ca.gov/Website/Fire_Threat_WUI/ viewer.htm>

[52] County of Santa Clara, Planning Office. "Airport Land-Use Commission". Accessed May 3, 2013. Available at: <http://www.sccgov.org/sites/planning/PlansPrograms/ALUC/Pages/ALUC.aspx>.

[53] Occupational Health and Safety Administration. "Health and Safety Topics, Styrene". Accessed May 3, 2013. Available at: <http://www.osha.gov/SLTC/styrene/index.html>.

supporting data on mechanisms of carcinogenesis".[54] A previous review by the International Agency for Research on Cancer (IARC) concluded that that there is limited evidence in humans and experimental animals for the carcinogenicity of styrene and that overall, styrene is possibly carcinogenic to humans.[55] Styrene is a substance that is reasonably anticipated by the National Toxicology Program to be a human carcinogen and from a regulatory standpoint is not considered a known carcinogen.

Polystyrene

Polystyrene is classified as a combustible material. Polystyrene foams are produced using blowing agents that expand the polystyrene resin into foam. In expanded polystyrene production, flammables such as pentane, may be used as blowing agents. The production of extruded polystyrene may utilize hydrofluorocarbons (HFC-134a), which are regulated substances in part due to worker asphyxiation hazards.

4.8.1.2 *Regulatory Setting*

Regulation of Food Container Health Hazards

The Office of Food Additive Safety (OFAS) at the U.S. Food and Drug Administration's (FDA) Center for Food Safety and Applied Nutrition (CFSAN) regulates the manufacturing industry to ensure that food contact substances are safe.[56] The U.S. Food and Drug Administration (FDA) oversees the safety of food packaging products and chemical levels that are permitted to be used in plastic food containers. Examples of food contact substances in takeout food containers include polymers (plastic packaging materials), pigments and antioxidants used in polymers, adhesives, materials used during the manufacture of paper and paperboard, and antimicrobial agents. Under the FDA's authority, plastic packaging products must pass safety assessments that eliminate the potential substances that could pose health risks, such as BPA[57,58], to be leached into the food or beverages being stored in containers. BPA is used to make certain plastics, including polycarbonate (Plastic Recycling Symbol #7), and a variety of products, including infant and water bottles. Polystyrene and polystyrene foam are not manufactured using BPA.

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[54] Department of Health and Human Services, National Toxicology Program. "12th Report on Carcinogens (RoC)". Accessed May 3, 2013. Available at: < http://ntp.niehs.nih.gov/?objectid=03C9AF75-E1BF-FF40-DBA9EC0928DF8B15>.

[55] World Health Organization, International Agency for Research on Cancer. 2002. IARC Monographs on the Evaluation of Carcinogenic Risks to Humans. 2002. Available at: <http://monographs.iarc.fr/ENG/Monographs/vol82/mono82.pdf>.

[56] FDA. "Regulatory Report: Assessing the Safety of Food Contact Substances". Accessed May 2, 2013. Available at: <http://www.fda.gov/Food/IngredientsPackagingLabeling/PackagingFCS/ucm064166.htm>.

[57] BPA (Bisphenol A) is a chemical used in certain food contact materials and concerns have been raised about BPA's long-term safety. Though the FDA considers current low levels of exposure as safe, it is "taking reasonable steps to reduce human exposure to BPA in the food supply" and review of BPA studies by the FDA is continuing. Source: FDA. "Bisphenol A (BPA): Use in Food Contact Application". Accessed May 3, 2013. Available at: <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm064437.htm>.

[58] BPA was recently removed from California's Proposition 65 List requiring notification to consumers. Source: California Office of Environmental Health Hazard Assessment. "Current Proposition 65 List (April 19, 2013)". Accessed May 3, 2013. Available at: < http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html>.

The FDA also has regulations for the recycling of plastics into new food containers. The concerns about the safety of recycled plastics are focused on the potential for contaminants from the original products to end up in the recycled products. Regulatory requirements are outlined in the FDA prepared "Guidance for Industry: Use of Recycled Plastics in Food Packaging: Chemistry Considerations" to regulate food packaging standards for recycled plastics.[59] The FDA's main safety concerns with the use of recycled plastic materials in food-contact articles are: 1) that contaminants from the post-consumer material may appear in the final food-contact product made from the recycled material, 2) that recycled post-consumer material not regulated for food-contact use may be incorporated into food-contact packaging, and 3) that adjuvants (secondary or other agents) in the recycled plastic may not comply with the regulations for food-contact use.

Fiber-based food containers are also regulated by the FDA. Manufacture of food-contact products from reclaimed fiber must meet the criteria in Title 21 of the *Code of Federal Regulations*, Section 176.260 regarding suitable purity and other factors.

In addition to the federal regulations of the FDA, the Department of Toxic Substances Control (DTSC) is charged with implementing the requirements of the laws that are found in the California Health and Safety Code (beginning at §25214.11). These regulations cover any packaging or packaging component sold in California and prohibit the intentional introduction of toxic metals (e.g., cadmium, lead, mercury, and hexavalent chromium) into packaging and the incidental introduction of more than 100 parts per million by weight for all toxic metals.[60]

California Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, was enacted as a ballot initiative in November 1986. The purpose of Proposition 65 is to notify consumers that they are being exposed to chemicals that are known to cause cancer and/or reproductive toxicity. The State of California Office of Environmental Health Hazard Assessment maintains a list of chemicals, known as the Proposition 65 list. Neither the styrene monomer nor polystyrene are on the current (April 19, 2013) Proposition 65 list.[61]

Regulation of Hazardous Materials Use, Disposal and Storage

There are a number of regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposure of people to hazardous materials from existing contamination and/or accidental releases. Regulations include, but are not limited to:

- California Building and Fire Codes
- Hazardous Materials Storage Ordinances (Municipal and County Codes)
- California Accidental Release Prevention Program (CalARP)

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[59] FDA. "Recycled Plastics in Food Packaging". Accessed May 3, 2013. Available at: <http://www.fda.gov/Food/IngredientsPackagingLabeling/PackagingFCS/RecycledPlastics/ucm093435.htm>.
[60] DTSC. "Toxics in Packaging Law". Accessed May 3, 2013. Available at: <http://www.dtsc.ca.gov/toxicsinpackaging/TIPlaw.cfm>.
[61] California Office of Environmental Health Hazard Assessment. "Current Proposition 65 List (April 13, 2013)". Accessed May 3, 2013. Available at: < http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html>

- Certified Unified Program Agency (CUPA) Program (e.g., hazardous waste, fuel storage tanks, CalARP oversight; cities of Gilroy, Santa Clara, Sunnyvale, and County of Santa Clara Department of Environmental Health)
- Hazardous Waste Operations and Emergency Response - Occupational Safety and Health Administration (Cal/OSHA)
- State Water Code and Porter-Cologne Act (State Water Resources Control Board and Regional Boards)
- Federal Resource Conservation and Recovery Act and California Health and Safety Code (California Department of Toxic Substances Control)

Some of these regulatory programs set forth standards and procedures for the handling and storage of hazardous materials. Other programs set forth standards for the containment and/or neutralization of any accidental releases of hazardous materials.

4.8.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1,11
2. 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?	☐	☐	☐	☒	1
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1
4. 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, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1
5. 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, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
6. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1,2

The ordinance does not propose or require construction of any kind. Therefore, the project would not expose people or structures to substantial adverse hazards related to existing soil or groundwater contamination, airport safety zones, or wildland fires, or impair implementation of emergency response or evacuation plans.

4.8.2.1 *Hazards Associated with Use of Substitute Products*

The proposed project is adoption of a model ordinance that would regulate the use of single-use EPS foam food ware within participating jurisdictions in Santa Clara County. The proposed ordinance would cause a reduction in EPS foam food ware use and is anticipated to result in an increase in the use of plastic and fiber-based substitute materials. The ordinance is not expected to cause a decline in overall consumption of disposable food service ware and consumers are not expected to litter substitute containers at a higher rate than EPS foam

As discussed in Appendix D, many plastic and fiber-based products already exist that could replace polystyrene foam plates, bowls, beverage cups, and clamshells. A range of plastic and bio-plastic resins can be used to manufacture these products, though the most common plastics used are polypropylene (PP), general purpose polystyrene (GPPS, unfoamed), and PET (polyethylene terephthalate).

Substitute products, including plastic and fiber-based single use food ware, are currently available on the market and currently used for serving foods and beverages. The containers themselves are not classified as hazardous substances under local, state or federal law, and substitution of these products would not directly involve the handling or transportation of hazardous materials.

The safety of the substitute products as food containers, like EPS foam food ware, is regulated by the FDA and Department of Toxic Substance Controls. Plastic materials, such as polycarbonates, that are reported to contain BPA, are not generally used in the types of single-use food ware that would

be replaced (e.g., cups, bowls, clamshells, plates, and unencapsulated ice chests), and exposure to this material and its reported associated health risks would not substantially increase under the proposed project. **(Less Than Significant Impact)**

4.8.2.2 *Secondary Impacts: Hazardous Materials Use Associated with the Manufacture of Substitute Products*

The manufacture of single-use food ware, both plastic and fiber-based, involves the use of regulated hazardous materials and the release of toxic chemicals into the environment. Substitute plastic and fiber-based products produced in the United States are readily available in California and Santa Clara County and are anticipated to be the primary substitute products used. Some containers may be manufactured outside of the United States, however, a thorough review of industries and regulations in other countries is beyond the scope of this environmental review. The basic processes of manufacturing the substitute products would be the same.

Pulp used to make fiber-based substitute products is made by mechanically or chemically separating the fibers in wood or other plant materials. In some chemical pulping processes, corrosives and flammables such as sodium hydroxide and sodium sulfide are used. Bleaching chemicals can include chlorine gas, sodium hydroxide, calcium hypochlorite and peroxides. Coloring materials and coatings may also be applied to paper materials. Hazardous wastes can include halogenated solvents and other organic compounds used in degreasing and cleaning, corrosive waste, and ink waste.

Plastic substitutes, both petrochemically and biologically based, involve the production of plastic resins from organic compounds and the manufacture of individual food ware products at multiple facilities. As discussed previously for polystyrene, common input chemicals from petroleum refiners used in the production of plastic resins include ethylene, propylene, and benzene among other cyclic organic chemicals. Bioplastics use feedstock chemicals derived from renewable, plant or food by-product based sources. After production of the chemical compounds and the various plastic resins (e.g. polypropylene, general purpose polystyrene, PLA), the plastic resins are subsequently manufactured into plastic products through forming or extrusion. The hazardous materials used and waste produced at an individual facility or for a particular type of plastic substitute will depend on the feedstocks, processes, equipment in use and maintenance practices.

The U.S. Environmental Protection Agency (U.S. EPA) maintains a Toxic Release Inventory, which is a publicly available database that contains information on toxic chemical releases and waste management activities reported annually by certain industries as well as federal facilities. The TRI program also lists profiles of chemical use and releases related to the plastic and paper industry, the most recent of those posted by the U.S. EPA, are discussed below.[62]

According to the *1997 Profile of the Plastic Resin and Manmade Fiber Industries,* plastic resin manufacturing facilities released 64.1 million pounds of toxic chemicals into the environment and transferred 192.4 million pounds to other facilities for the purpose of recycling, energy recovery, treatment, or disposal, for a total of 256.5 million pounds in 1995. The top five chemicals released in

[62] U.S. EPA. "Toxic Release Inventory (TRI) Program: 2011 TRI National Analysis" Accessed: May 1, 2013. Available at: <http://www.epa.gov/tri/tridata/tri11/nationalanalysis/index.htm>.

terms of volume were ethylene, methanol, acetonitrile, propylene, and ammonia. Approximately 74 percent (48 million pounds) of the industry's releases were to the air, 21 percent (13.3 million pounds of releases were by underground injection, and the remaining five percent were released as water discharges and disposals to land. Since this profile was completed, recycling of plastic materials such as PET has increased along with source reduction measures (e.g., reducing the amount of material needed by making materials lighter) [63]. These and other measures would tend to reduce the overall waste stream of toxic materials associated with the production of virgin plastic resins on a per unit basis.

As disclosed in the *2002 Profile of the Pulp and Paper Industry, 2nd Edition*, the pulp and paper industry released and transferred a total of approximately 263.1 million pounds of toxic chemicals in 2000. Methanol represented roughly 60 percent of all pulp and paper toxic chemical releases and transfers. Other common chemicals released by the industry include ammonia, hydrochloric acid, and sulfuric acid. The pulp and paper industry released 66 percent of its total Toxic Release Inventory (by weight) to the air, approximately 22 percent to water and publicly owned treatment works (POTWs, or in other words, wastewater treatment plants), and nine percent was disposed of on land.

Single-use food ware would make up only a small portion of the discharges for the industries listed above and any change in demand related to substitutes for EPS foam food ware would affect the release of hazardous materials by these industries in an amount proportional to their occurrence. As noted above, the plastic resin and pulp and paper industries ***both*** release and transfer toxic chemicals as a result of their manufacturing activities.

Life-Cycle Assessments (LCAs) prepared for plastic and fiber-based products and summarized in Appendix C, identify that various emissions occur in both the air and water discharged as a part manufacturing of the various substitute materials. Unfortunately, no one LCA evaluated the use or release of hazardous materials for plastic and fiber-based substitutes along with EPS foam, applying the same methodology to each material type. Tabone et al. (2010) evaluated "percent of greatest impact" for the production of a range of plastic polymers using EPA's TRACI methodology. They included: petrochemical-sourced resins (including PET, general purpose polystyrene, PP, PC) and biopolymers PHA and PLA. Of the plastic resins evaluated, PET and bio-PET were reported to be highest impact for carcinogens, with general purpose polystyrene and polypropylene (PP) being in the lower range. For non-carcinogenic health hazards, general polystyrene was listed has having the greatest impact with PP having the lowest relative impact. The biopolymers PHA and PLA were somewhat higher than PP in the noncarcinogen hazards category. What is not clear or easy to assess is how the assessment tools in the TRACI methodology relate to actual emissions or discharges into the environment and what types of compounds are related to the identified impact. A second LCA which discussed emissions was prepared by Franklin Associates in 2006. It compared polystyrene foam to bleached paperboard and corregated paperboard food service products and stated that no

[63] U.S. EPA. "Wastes - Resource Conservation - Common Wastes & Materials". Accessed May 3, 2013. Available at: <http://www.epa.gov/osw/conserve/materials/plastics.htm#how>.

overall conclusions can be made about air and waterborne emissions released from the manufacture of these products because there is no "valid impact assessment methodology."[64]

In conclusion, manufacturing of both EPS foam and substitute single use food ware products involves the use, transport, storage and disposal of a range of hazardous materials, some of which have toxic properties. No one LCA or EPA industry profile reviewed provides information to assess whether, overall, one or more of the substitute products would result in the disposal or use of substantially more regulated hazardous materials such that they could create a significant hazard to the public or the environment through their routine transport, use, or disposal. As discussed in *Section 4.8.1.1. Regulatory Setting*, there are a number of regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposure of people to hazardous materials. Therefore, implementation of the proposed project and the use of substitute products is not anticipated to result in a significant indirect or secondary hazards and hazardous materials impact. **(Less Than Significant Impact)**

4.8.3 Conclusion

The proposed phase-out of EPS foam food ware would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

The proposed phase-out of EPS foam food ware does not propose or require construction of any kind. Therefore, the project would not expose people or structures to substantial adverse hazards related to existing soil or groundwater contamination, airport safety zones, or wildland fires, or impair implementation of emergency response or evacuation plans. **(No Impact)**

[64] Franklin Associates. "Life Cycle Inventory of Polystyrene Foam, Bleached Paperboard, and Corrugated Paperboard Foodservice Products." March 2006. Prepared for the Polystyrene Packaging Council, A Part of the American Chemistry Council's Non-Durable Plastics Panel.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 *Climate*

The County of Santa Clara is located at the southern end of San Francisco Bay. The urban areas of the County are primarily situated on an alluvial plain within the Santa Clara Valley, which extends southward from San Francisco Bay to Hollister, south of Gilroy. The mountain ranges bordering the alluvial plains ringing San Francisco Bay reach over 4,000 feet in elevation. Slopes vary from essentially flat (zero to two percent) on the valley floor with steeper slopes over 15 percent in foothill areas.

The climate is a semi-arid, Mediterranean-type climate with warm, dry weather from late spring to early fall and cool, moist winters. Yearly precipitation varies, based largely on topography. The mean annual precipitation is 14-15 inches Downtown San José, increasing to 22 inches in the foothills of eastern San José. The wettest month of the year is usually January, with an average rainfall of approximately three inches.

Annual rainfall can vary due to weather altering events, such as El Niño or periodic drought. El Niño can produce a significant increase over normal rainfall and extend the duration of the wet season. In contrast, several droughts of five to seven years in duration have been documented in the San José and greater County area over the last 100 years.

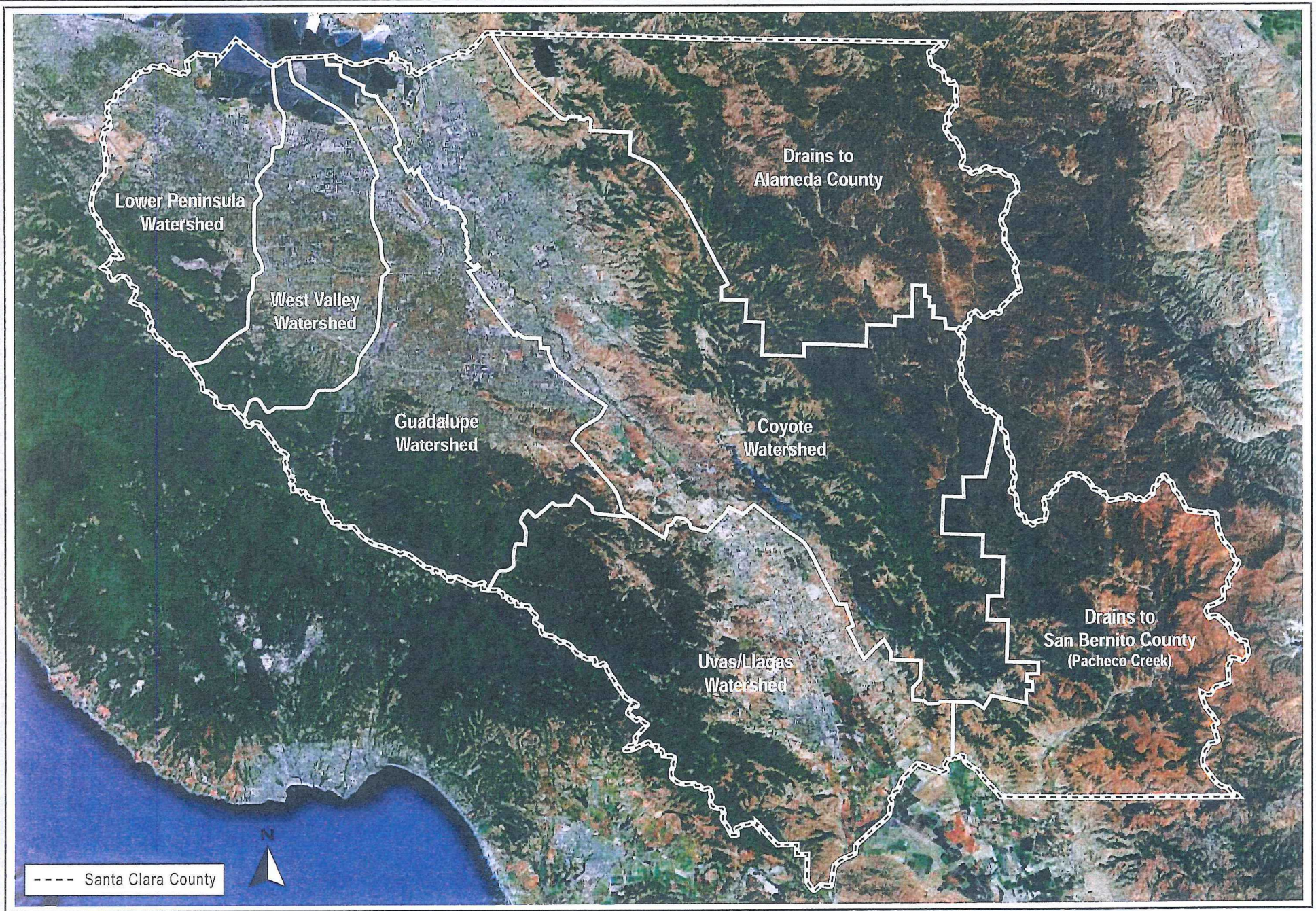
Evapotranspiration is defined as the combination of evaporation and transpiration of water from the land's surface to the atmosphere. Average annual evapotranspiration in San José is approximately 50 inches per year with potential water loss through evapotranspiration substantially higher than the mean annual precipitation.

4.9.1.2 *Surface Water Drainage*

Watersheds within the Project Area

A watershed is a land area from which water drains into a major body of water such as a stream, lake, wetland, bay or estuary, the ocean, or percolates into groundwater. Local watersheds in each jurisdiction are parts of larger, regional basins. The principal watersheds that drain to San Francisco Bay in Santa Clara County include the Lower Peninsula Watershed, the West Valley Watershed, the Guadalupe Watershed and the Coyote Watershed. In the southern Santa Clara Valley just northeast of Morgan Hill, the land tips and drains south via Llagas Creek and Uvas-Carnadero Creek (Uvas/Llagas Watershed) to the Pajaro River and Monterey Bay.[65] Each of these watersheds is made up of one or more main creeks or a river, as well as many smaller tributaries, each with its own sub-watershed. Watershed elements include not only these tributaries but also dams, reservoirs, and groundwater recharge basins. A map of the principal watersheds in Santa Clara County is shown in Figure 4.9-1. The Lower Peninsula Watershed, West Valley Watershed, Guadalupe Watershed and

[65] Sowers, Janet M. et al. "Creek and Watershed Map of Morgan Hill & Gilroy." 2009.



PRINCIPAL WATERSHEDS IN SANTA CLARA COUNTY

FIGURE 4.9-1

Coyote Watershed are part of the Santa Clara Basin, which is a sub-basin of the larger San Francisco Bay Basin. There are more than 800 miles of creeks and rivers in the Santa Clara Valley. A list of the creeks in each jurisdiction is listed in Table 4.9-1 by watershed.

Table 4.9-1
Principal Watersheds and Creeks within Participating Jurisdictions

Principal Watershed	Creeks, River, and Reservoirs within Watershed		Jurisdictions within Watershed
Lower Peninsula Watershed (98 square miles)	**Creeks:** San Francisquito* Matadero Deer Barron Adobe Permanente* Stevens*	**Reservoirs:** Stevens Creek Felt Lake	Los Altos Los Altos Hills Mountain View Palo Alto Sunnyvale Unincorporated Santa Clara County
West Valley Watershed (85 square miles)	**Creeks:** Sunnyvale West Channel Sunnyvale East Channel Calabazas Regnart Rodeo San Tomas Aquino* Saratoga*	Wildcat Smith Caves Booker Bonjetti McElroy Sanborn Todd **Reservoirs:** None	Campbell Cupertino Monte Sereno Los Gatos Monte Sereno Saratoga San José Sunnyvale Santa Clara
Guadalupe Watershed (170 square miles)	**River and Creeks:** Guadalupe River* Guadalupe Creek Los Gatos Ross Alamitos Canoas	**Reservoirs:** Lexington Vasona Guadalupe Almaden Calero Lake Elsman	Campbell Los Gatos Monte Sereno San José Santa Clara Unincorporated Santa Clara County
Coyote Watershed (322 square miles)	**Creeks:** Los Buellis Creek Arroyo Aguague North Babb Creek South Babb Creek Wrigley-Ford Creek Willow Springs Creek Berryessa Creek Calera Creek Ruby Creek Coyote Creek* Fisher Creek Los Coches Creek	Cribari Creek Sierra Creek Silver Creek - Upper Tularcitos Creek Crosley Creek Norwood Creek Quimby Creek Fowler Creek Evergreen Creek Yerba Buena Creek Thompson Creek	Milpitas Morgan Hill San José Unincorporated Santa Clara County

Table 4.9-1 Principal Watersheds and Creeks within Participating Jurisdictions			
Principal Watershed	**Creeks, River, and Reservoirs within Watershed**		**Jurisdictions within Watershed**
	Silver Creek*- Lower Spring Creek Splinter Valley Creek Miguelita Creek Sweigert Creek Piedmont Creek Penitencia Creek - Upper Penitencia Creek - Lower Hawk Creek Misery Creek	Flint Creek Penitencia East Channel Las Animas Creek Shingle Creek San Felipe Creek Packwood Creek Scott Creek Cochrane Channel **Reservoirs:** Coyote Anderson Lake Cunningham	
Uvas/Llagas Watershed (104 square miles)	**Creeks:** Llagas Creek Jones Creek West Little Llagas Creek Madrone Channel Crews Creek Miller Slough Pajaro River Princevalle Drain Uvas-Carnadero Creek Pacheco Creek Sargent Creek Corrallitos Creek Maple Creek Foothill Creek Tenant Creek Tick Creek Public Law 566 - Upper Public Law 566 - Lower Ortega Creek Burchell Creek Croy Creek Sycamore Creek Gavilan Creek Upper Llagas Creek Lower Llagas Creek	East Little Llagas Creek Edmundson Creek Lions Creek Little Uvas Creek Solis Creek Farman Creek Tilton Creek Pescadero Creek Eastman Canyon Creek New Creek Panther Creek Rucker Creek San Ysidro Creek South Corrallitos Creek Skillet Creek Little Arthur Creek Bodfish Creek Hayes Creek Machado Creek Paradise Creek South Morey Channel North Morey Channel Tar Creek Dewitt Creek	Gilroy Morgan Hill San José Unincorporated Santa Clara County

Table 4.9-1 Principal Watersheds and Creeks within Participating Jurisdictions			
Principal Watershed	**Creeks, River, and Reservoirs within Watershed**		**Jurisdictions within Watershed**
	Alamias Creek Milias Creek West Branch Llagas Creek Center Creek San Martin Creek Church Creek Day Creek Dexter Creek	Heron Creek Lower Miller Slough Upper Miller Slough Babbs Canyon Creek McLean Creek Live Oak Creek **Reservoirs:** Chesbro Uvas	
Source: Santa Clara Valley Water District. "Watershed Information." Accessed April 24, 2013. Available at; <http://www.valleywater.org/Services/WatershedInformation.aspx>. * = Trash-impaired Creek under Section 303(d) of the federal Clean Water Act.			

Stormwater and Urban Runoff

Stormwater is rainwater that flows across surfaces without being absorbed into soil. Urban runoff is stormwater that combines with irrigation runoff, and water from other sources in an urban setting. Hardscape (impervious) areas prevent water from being absorbed into the ground and causes stormwater to flow more quickly and in larger qualities into the storm drain system. As stormwater combines with runoff already in the system, it gathers additional volume, speed, force, and contaminants. As a result, when the urban runoff is eventually released into a creek, river or bay it can cause erosion, flooding and damage to wildlife habitat.

Stormwater runoff within the urbanized areas of the project area is discharged into local storm drains, which, in turn, flow into local creeks and either San Francisco or Monterey Bays. Generally, each local jurisdiction owns and maintains municipal storm drainage facilities within their boundaries.

Flooding and Flood Management

The Santa Clara Valley Water District (SCVWD) is responsible for providing flood protection to residences and businesses in the County from floods equal to or less than the "one percent flood." The one percent flood, also referred to as the "100-year flood" or the "base flood," is the flow of water that has a one percent chance of being equaled or exceeded in any given year. This level of risk, however, should not be confused with a flood that will occur once every 100 years, but one that might occur once every 100 years or so, on average, over a very long period of time.

Areas subject to the one percent flood are designated as Zone AE, A, AH, or AO on the Federal Emergency Management Agency (FEMA) flood maps. In Santa Clara County, designated flood

zones are generally located along the lower reaches of creeks and near San Francisco Bay (tidal flood zones). Santa Clara County has had several damaging floods over the years, most notably in 1995 and 1997 along the Guadalupe River and smaller events along San Francisquito Creek. Other waterways that are prone to flooding include, but are not limited to, Coyote Creek, Calabazas Creek, Stevens Creek, Sunnyvale east and West Channels, and East and West Little Llagas Creeks.[66]

The SCVWD has a flood management plan that involves an ongoing review of flood protection needs on all creeks in the Santa Clara Valley. A number of flood protection projects are being considered, including projects on San Francisquito Creek, tributaries of Coyote Creek (Berryessa, Upper Penitencia, and Lower Silver Creeks), the middle reaches of the Guadalupe River, and Llagas Creek. The SCVWD also maintains its flood control channels to ensure that the capacity of the channels is not substantially reduced by accumulated debris or excessive growth of vegetation.

4.9.1.3 *Groundwater Conditions*

Groundwater is an important source of water to urban and rural land uses in Santa Clara County and nearly one-half of the water used in the County is pumped from groundwater. The Santa Clara Valley Groundwater Basin is the source for all groundwater in the County, and is divided into three sub-basins: the Santa Clara Valley, Coyote Valley, and Llagas Sub-basins. Groundwater levels respond to changes in the balance between groundwater recharge[67] and withdrawal,[68] and indicate the relative amount of water stored in an aquifer at a given point in time. The SCVWD operates and maintains 18 major groundwater recharge facilities in the Santa Clara Valley and diverts water from local reservoirs and imported water to in-stream and off-stream percolation areas.[69] Water percolating in recharge ponds and creek channels enters the groundwater subbasins through these recharge areas and undergoes natural filtration as it is transmitted into deeper aquifers.

4.9.1.4 *Water Quality*

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as "non-point" source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Surface runoff from roads in the project area is collected by storm drains and discharged into creeks and ultimately conveyed to San Francisco Bay or Monterey Bay. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

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[66] SCWVD. "Local Hazard Mitigation Plan, 2012 Flood Mitigation Mailer." Accessed April 24, 2013. Available at: <http://www.valleywater.org/Programs/LHMP.aspx>.

[67] Groundwater recharge refers to the water gains within a groundwater basin. Water can be gained from direct surface water recharge (natural and artificial), deep percolation of precipitation, septic system discharges to groundwater, and deep percolation of irrigation return water.

[68] Groundwater withdrawal refers to the water uses or losses within the groundwater basin. Groundwater withdrawal can occur from direct groundwater extractions (i.e., pumping), subsurface outflow to another groundwater basin, discharges to surface water, direct consumption by plants, and direct evaporation of surface water.

[69] Santa Clara Valley Water District. "Groundwater Supply". Accessed August 30, 2010. <http://www.valleywater.org/Services/GroundwaterSupply.aspx>.

Despite progress in reducing urban contributions to pollution of the waterways of the Bay Area, the California Regional Water Quality Control Board, SF Bay RWQCB recommended changes to the list of water bodies in the state for which federal water quality standards are not attained. The US Environmental Protection Agency (EPA) approved those recommendations in 2011, and now lists 26 Bay area waterways as "trash-impaired" under Section 303(d) of the federal Clean Water Act. Within the project area these waterways include:

- Coyote Creek
- Guadalupe River
- Permanente Creek
- San Francisco Bay, Lower (shoreline)
- San Franciscquito Creek
- San Tomas Aquino Creek
- Saratoga Creek
- Silver Creek
- Stevens Creek

This listing requires implementation of locally funded remediation programs for the affected waterways. A major component of the trash identified in waterways was "floatable debris", which includes quantities of EPS foam food ware.

Stormwater from the cities of Gilroy and Morgan Hill and unincorporated San Martin drain to Llagas Creek, the Pajaro River and Monterey Bay. Pollutants of concern in these watersheds [as listed in Storm Water Management Program (SWMP) for these jurisdictions] include sediment, nutrients, heavy metals, floatables, pesticides, herbicides, non-sediment solids, pathogens, oxygen-demanding substances, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, and trash.[70] The Pajaro River and Llagas Creek have been identified on the 303(d) list of impaired water bodies. Llagas Creek has been identified as an impaired water body for chloride, low dissolved oxygen, pH, E.coli and fecal coliform, electrical conductivity, sodium and total dissolved solids. The Pajaro River also has been identified as an impaired water body due to boron.

Litter and Waterways

Litter is waste that is improperly discarded. Due to the aesthetic, health, and environmental effects of litter, a number of organizations and government agencies track and characterize trends in litter generation, human behavior, and fate in the environment.

Litter (or trash), including single-use food ware, is transported to local creeks and San Francisco Bay shorelines through three primary pathways: 1) curbs/gutters, storm drain lines and open channels that are part of storm water collection systems in urban areas; 2) wind; and 3) illegal dumping into water bodies.[71] It generally is not found uniformly throughout urban or rural environments, with litter or trash "hot spots" being found at some locations due to human behavior and environmental behaviors or conditions.[72] Trash that reaches creeks can be a result of littering by individuals along roadways (motorists or pedestrians), wind blowing unsecured trash from waste containers or vehicle

[70] Cities of Gilroy, Morgan Hill and County of Santa Clara. 2010. *Revised Regional Storm Water Management Plan* (SWMP). Accessed May 8, 2013. Available at: <http://www.cityofgilroy.org/cityofgilroy/city_hall/community_development/engineering/storm_water/default.aspx>
[71] SCVURPP. "Urban Runoff Trash Management Reducing Impacts in Santa Clara Valley Creeks and San Francisco Bay." February 2013.
[72] SCVURPPP. "Trash Hot Spot Selection Final Report." 2010.

loads, and from vehicles themselves (e.g., tires and vehicle debris), among other sources.[73] Dumping directly into creeks or along roadways is also a source of litter. Littering rates can be higher at transition points, such as a bus stops or going into or out of businesses in retail areas.

As discussed in *Section 4.4, Biological Resources*, EPS foam is a concern in the environment because as a component of plastic debris, animals may mistake small pieces of EPS foam debris as food. It floats on water, is highly visible, and is easily transported by wind. It also is friable (i.e., it crumbles) and breaks into smaller pieces which can be more difficult to screen or pick up than discarded containers that remain intact.

While recognizable and of concern in litter in urban and aquatic environments, the proportion of *total litter* that is EPS foam is low (e.g., less than four percent by count for street litter and about eight percent by volume in stormwater systems). Litter characterization studies conducted locally and on a national basis have evaluated litter in the environment based upon the total count and/or volume of litter broken down into material categories, such as paper, glass, and plastic, and subcategories, such as PET beverage containers and expanded EPS food containers (refer to litter discussion in Appendix B).

In a 2012 study underwritten by the American Chemistry Council Plastics Foodservice Packaging Group, *Environmental Resources Planning LLC* summarized the results of a number of litter characterization studies, including two from San José, that recorded amounts of polystyrene foam food service products in urban litter. A median value of 1.5 percent of "large litter"[74] (by count) was reported to be EPS foam food ware, based upon 19 surveys between 1994 and 2008 in jurisdictions in the United States and Canada. One of the studies referenced, a 2008 street litter survey counted items of litter found at 125 randomly selected sites within the City of San José. EPS foam cups were found to make up 0.65 percent of the "large litter" counted. EPS foam plates and clamshells made up 0.1 and 0.05 percent respectively with an overall total of 0.8 percent EPS foam in the large litter category. In the small litter category, EPS pieces made up 1.3 percent of the total. In more recent street litter assessments within the City (2009 and 2012) the focus was on litter "hot spots", streets or public rights-of-way known to accumulate litter. Counts in the large litter category for these selected sites found:

- 1.6 – 2.2 percent polystyrene foam cups
- 0.4 – 0.8 percent polystyrene foam food plates
- 0.1 - 0.2 percent polystyrene clamshells
- 0.2-0.5 percent polystyrene trays.

Recently, as a part of the Municipal Regional Stormwater Permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board, litter estimates have been completed for a regional study to assess the types and amounts of trash transported via urban runoff. For the purposes of the study, the amount of trash in the stormwater system for each jurisdiction was estimated on a volume basis.

[73] Schultz, P. Wesley, et al. "Littering in Context: Personal and Environmental Predictors of Littering Behavior." 2011. Environment and Behavior. 45(1) (2013): 35.
[74] "Large Litter" in the San José and other litter studies referenced in the review generally consisted of litter greater than or equal to four square inches in size.

Approximately 3,900 cubic yards of trash that could reach creeks in the San Francisco Bay Basin from stormwater systems is estimated to be generated annually (refer to Table 4.9-2). Approximately eight percent of this trash by volume, or 311 cubic yards, or eight (8) percent, is estimated to be EPS foam food ware. These values are projected, in part, based upon land use types in an effort to identify baseline trash generation that is transported to waterways via urban runoff. The results of studies will be presented to the SF Bay RWQCB in 2013.

For the purposes of this Initial Study and based upon a review of available litter studies (refer to Appendix B), the environmental baseline for EPS foam food ware in within the project area is assumed to be:

- Street Litter: about 0.8-3.6 percent by count of large litter (four square inches in area or more) on streets based upon citywide and hot spot street litter surveys in San José; and
- Stormwater System Litter:
  - about eight (8) percent by volume based upon SCVURPP litter characterizations (i.e., trash loading) in storm drain systems discharging to creeks and waterways.[75]
  - about 311 cubic yards of EPS trash (roughly 3,000 pounds) per year in the SVURPP area.

Municipal and Community Litter Collection and Cleanup

Local jurisdictions within the project area conduct activities such as street sweeping and collection of trash from public trash containers as a part of efforts control and limit litter within their communities. Other activities includes organizing, publicizing or facilitating local cleanups of creeks and water ways. Cleanup events are conducted on a single-day basis (e.g., clean up days, illegal dumping response, homeless encampment removal) or throughout the year (e.g., street sweeping and routine maintenance of parks and public trash collection). SCVURPP estimates that over 600,000 gallons (80,000 cubic feet) of trash and recyclable were removed from Santa Clara Valley creeks and shorelines over a five year period by 13,000 volunteers and municipal staff during more than 580 clean up events in the project area.[76] Clean-up events sponsored by the *Creek Connections Action Group* (administered by the Santa Clara Valley Water District), such as National River and Coastal Cleanup Days, have removed trash from local water bodies, including approximately 60,00 gallons (8,000 cubic feet) in 2011-2012. Other private or community organizations that conduct cleanups of roadways, lots or creeks include *Beautiful Day* (in association with Gary Richards/Roadshow and Caltrans), *San Jose Clean Community Coalition, Save the Bay, Keep America Beautiful (Great American Clean Up), Friends of Coyote Creek, Friends of Five Wounds Trail, Save Our Trails, Guadalupe River Park Conservancy, Meet Up to Clean Up,* neighborhood associations, and service clubs.[77,78,79]

[75] Refer to Table 4.9-2 in Section 4.9 Hydrology and Water Quality for a breakdown by jurisdiction.
[76] SCVURPPP. "Urban Runoff Trash Management Reducing Impacts in Santa Clara Valley Creeks and San Francisco Bay." February 2013.
[77] San Jose Mercury News. "Massive Litter Cleanup of South Bay Highways Planned November 19-20." 2011. Accessed April 29, 2013. Available at: <http://www.mercurynews.com/traffic/ci_19278527>.
[78] San Jose Clean Community Coalition. "Become Part of the Clean Community". Accessed April 29, 2013. Available at: <http://plastics.americanchemistry.com/Stand-Alone-Content/SJCC.html>.
[79] Save The Bay. "Volunteer with Save the Bay". Accessed April 29, 2013. Available at: <https://www.savesfbay.org/peninsula-south-bay>.

Table 4.9-2
Estimated Volume of Trash Reaching Storm Drain Inlets[1]
(Stormwater Trash)

Jurisdiction	**Estimated Volume of Trash Generated Annually[1]**	**Estimated Volume of EPS Foodware & Beverageware Trash Generated Annually[3]**		
	Best Estimate (Gallons)	Low Estimate (Gallons)	**Best Estimate (Gallons)**	High Estimate (Gallons)
Campbell	17,186	1,025	**1,367**	1,709
Cupertino	25,292	1,509	**2,012**	2,515
Los Altos	10,393	620	**827**	1,034
Milpitas	38,302	2,285	**3,047**	3,809
Monte Sereno	426	25	**34**	42
Mountain View	44,736	2,669	**3,559**	4,449
Palo Alto	31,955	1,907	**2,542**	3,178
San José	302,474	18,048	**24,064**	30,080
Santa Clara	64,636	3,857	**5,142**	6,428
Saratoga	8,032	479	**639**	799
Sunnyvale	82,628	4,930	**6,574**	8,217
County of Santa Clara	37,425	2,233	**2,977**	3,722
Los Altos Hills	835	50	**66**	83
Los Gatos	13,224	789	**1,052**	1,315
Totals (Gallons)	**677,543**	**40,428**	**53,904**	**67,380**
Totals (Cubic Yards)	**3,904**	**233**	**311**	**388**

[1]As reported in Short-Term Trash Load Reduction Plans as a part of Baseline Trash Generation Rates Characterization in the San Francisco Bay Area.
[2]Estimates based on the total amount of uncompacted trash/EPS measured in Storm Drain inlets and CDS units (5 events) in San José and Sunnyvale. Best = percentage of EPS compared to all trash; High and low assume measurement error of (+/-) 25% when characterizing trash/EPS.
[3] Simple mulitplication of annual trash load generated and percentage EPS (low = 6 percent, best estimate = 8 percent, and high = 10 percent)
Source: Chris Sommers, EOA, Inc. for SCVURPPP. April 24, 2013.

4.9.1.5 *Regulatory Setting*

Water Quality

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the San José and greater Santa Clara County area north of Morgan Hill is the San Francisco Regional Water Quality Control Board (SF Bay RWQCB). The area of the County south of Llagas Road and Cochrane Road in Morgan Hill is regulated by the Central Coast Regional Water Quality Control Board (Central Coast RWQCB).[80, 81]

Basin Plans

The RWQCBs are also tasked with preparation and revision of a regional Water Quality Control Plan, also known as the Basin Plan. The Basin Plan identifies beneficial uses, which the Regional Board has specifically designated for local aquifers, streams, marshes, rivers, and the Bay, as well as the water quality objectives, and criteria that must be met to protect these uses. The RWQCBs implements the Basin Plan by issuing and enforcing waste discharge requirements to control water quality and protect beneficial uses.

The Basin Plan also describes water resource protection efforts using a watershed management approach to regulating water quality. This approach represents an expansion of the primary focus of the Basin Plan and water quality regulations from point sources of pollution to include more diffuse sources, referred to as non-point sources, such as urban stormwater and agricultural runoff.

Municipal Regional Stormwater NPDES Permit (MRP)/C.10 Requirements (SF Bay RWQCB -All Jurisdictions Except for Morgan Hill and Gilroy)

The SF Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP) for the area of Santa Clara County that drains to San Francisco Bay. In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the all of the jurisdictions within the County of Santa Clara except the cities of Morgan Hill and Gilroy, which are within the Central Coast RWQCB and are covered by separate NPDES stormwater permits (see discussion below).

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[80] State Water Resources Control Board. "State and Regional Water Boards". Accessed April 18, 2013. <http://www.waterboards.ca.gov/waterboards_map.shtml>.

[81] Historically, efforts to prevent water pollution focused on "point" sources, meaning the source of the discharge was from a single location (e.g., a sewage treatment plant, power plant, factory, etc.). More recent efforts are focusing on pollution caused by "non-point" sources, meaning the discharge comes from multiple locations. The best example of this latter category is urban storm water runoff, the source of which is a myriad of impervious surfaces (e.g., highways, rooftops, parking lots, etc.) that are found in a typical city or town.

Provision C.10.b. of the MRP requires each permittee to identify and select a required number of trash hot spots in creeks or shorelines where annual trash assessments and cleanups are required.[82] The goal of Provision C.10. is for the permittees to reduce trash loads from municipal separate storm sewer systems by 40 percent by 2014, 70 percent by 2017, and 100 percent by 2022. Provision C.10. also requires the submittal of plans and studies, which currently is an on-going process.[83] Possible approaches to achieve these ambitious targets include, but may not be limited to:

- installation of additional trash capture devices;
- enhancement of street sweeping and inlet cleaning activities;
- additional maintenance of public litter cans;
- product stewardship and source reduction actions targeting highly littered items;
- public education and outreach; and
- increased enforcement of anti-littering laws.

Small MS4s NPDES Permits
(Central Coast RWQCB - Morgan Hill and Gilroy)

The cities of Morgan Hill and Gilroy and the County of Santa Clara have prepared and adopted a Storm Water Management Plan (SWMP) and been issued the NPDES Small MS4s General Permit by the Central Coast RWQCB [Order Number 2003-0005-DWQ, Waste Discharge Identification Number (WDID#) 3-43MS03020]. These jurisdictions are designated by the EPA as Small MS4s, meaning smaller municipal separate storm sewer systems serving less than 100,000 people. The SWMP outlines a comprehensive five year plan to establish Best Management Practices (BMPs) through six Minimum Control Measures (MCMs) to help reduce the discharge of pollutants into waterways and to protect local water quality caused by storm water and urban run-off within the corporate limits of Morgan Hill and Gilroy. BMPs include Pollution Prevention/Good Housekeeping measures for residential, municipal and industrial uses to reduce trash and litter in stormwater. Program implementation under the SWMP also includes conducting trash clean up days.

NPDES Permits and Regulations for Industrial Facilities

Wastewater discharges from industrial sources may contain pollutants at levels that could affect the quality of receiving waters. The NPDES permit program establishes specific requirements for discharges from industrial sources, such as facilities that manufacture single-use food ware items and/or materials. Depending on the type of industrial manufacturing facility, more than one NPDES program may apply. For example, the stormwater that runs off from the property of an industrial facility may require an NPDES permit under the stormwater program. An industrial facility may also discharge wastewater to a municipal sewer system and be covered under the NPDES pretreatment program. The industrial facility may also discharge wastewater directly to surface water and require

[82] Santa Clara Valley Urban Runoff Pollution Prevention Program. "Trash Hot Spot Selection Final Report." July 1, 2010.
[83] San Francisco Bay Regional Water Quality Control Board. "Provision C.10 - Trash Load Reduction." Accessed April 24, 2013. Available at: <http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/stormwater/MRP/Prov_C10.shtml>.

an individual or general NPDES permit. Industrial facilities, whether they discharge directly to a surface water or to a municipal sewer system, are covered by effluent limitation guidelines and standards.[84]

4.9.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1, 11
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	1,2
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☐	☒	1
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☐	☒	1
5. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	1
6. Otherwise substantially degrade water quality?	☐	☐	☒	☐	1, 11, 12, 13
7. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1

[84] U.S. EPA. "NPDES Industrial and Commercial Facilities" Accessed April 30, 2013. Available at: <http://cfpub.epa.gov/npdes/home.cfm?program_id=14 >.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	1
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	1
10. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1

The proposed project, which does not involve construction or development activities, would not expose people or structures to flood or inundation hazards or alter drainage patterns. The following discussion focuses on possible effects on water quality.

The proposed ordinance would cause a reduction in EPS foam food ware use and is anticipated to result in an increase in the use of plastic and fiber-based substitute materials. The ordinance is not expected to cause a decline in overall consumption of disposable food service ware and consumers are not expected to litter substitute containers at a higher rate than EPS foam.

Implementation of the proposed project would result in a change in the composition of litter. As discussed below, there is little to no available data about how consumption or litter has changed in other jurisdictions where EPS foam food ware bans were passed (e.g., San Francisco, Seattle, Palo Alto, etc.). The City of San José expects that about 85 percent will be plastic and 15 percent will be fiber-based.

4.9.2.1 *Possible Effects of an Ordinance on EPS foam Food Ware on Local Water Quality and the Implementation of the Basin Plan and NPDES MRP Requirements*

As discussed in *Section 4.9.1.4 Water Quality,* nine waterways in Santa Clara County are considered trash-impaired. In addition, under provision C.10 of the MRP, which covers 11 of the cities and towns and portions of unincorporated Santa Clara County within the project area, permittees are tasked with reducing trash loads from municipal separate storm sewer systems by 40 percent by 2014, 70 percent by 2017, and 100 percent by 2022. The following discussion addresses how the proposed project could affect water quality from the perspective of trash in local waterways.

Only one study was found that measured EPS foam in litter after adoption of an ordinance regulating the use of EPS foam food ware. These studies were conducted for the City of San Francisco during the period 2007-2009. In the one sample year after the ordinance (2009), the relative composition of litter appeared to shift from polystyrene foam to substitute container types. Based upon this one study, a change in the availability of EPS foam food ware for single use disposal containers would shift the material composition, but not the amount (count), of street litter.

Substitute single-use food ware products are anticipated to be a mix of plastic [e.g., crystalline PS, polypropylene (PP), PET (polyethylene terephthalate), PLA(polylactic acid)] and fiber products. Substitutes for ice chests would be encapsulated EPS foam products or reusable coolers made of non-foamed plastics, such as polypropylene.

Photo 7a: Trash Rack in Morgan Hill

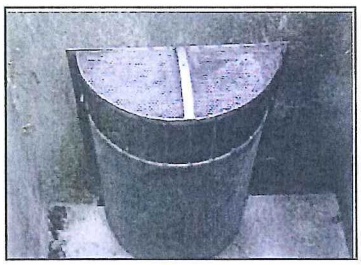

Photo 7b: Trash Interceptor

Effects of Substitute Products on Litter Pathways to Waterways

Although lighter than similar paper products, substitute plastic products are not as likely as EPS foam to be transported by wind off haul truck loads and along streets if deposited as litter. Because the substitute products do not crumble as readily as EPS foam and are not as likely to become airborne, they may be removed by street sweeping or maintenance activities before entering the storm water collection system or by screens or trash racks (see Photos 7a and 7b). The substitute products, therefore, are not more likely to reach waterways if inappropriately disposed of.

Fate of Substitute Products in Waterways

Fiber or paper replacement products that reach waterways would decompose in water over a period of weeks or months and would not tend to accumulate over time (also refer to *Section 4.4.1.2 Plastic Debris in the Environment)*.[85] Some plastic coatings in fiber cups and containers could take longer to breakdown than the fiber material. The breakdown of plastic substitutes in water would be similar to that of EPS foam, although EPS foam may break into pieces sooner that other hard, non-foam plastic resin products.

To the extent fiber or paper substitute products replace EPS foam food ware, the amount of plastic materials reaching San Francisco Bay, Monterey Bay and the Pacific Ocean, would decrease.

As discussed in *Section 4.9.1*, by count and volume, EPS foam food ware in the project area makes up about eight percent of litter by volume in stormwater systems, and by count on city streets often less than two to three percent.[86] While paper cups are usually several times the weight of EPS foam cups, given the relatively small percentage of EPS foam food ware in litter, there would not be a substantial change in the count, volume or mass of litter that could impact water quality of creeks and waterways, including San Francisco and Monterey Bays. Replacing this material with substitute products (that are currently also found in litter) would reduce the amount of EPS foam in litter; however it would not result in a substantial change in the number, volume, or weight of litter items or trash in waterways and would not interfere with implementation of regional plans or programs, such as the Basin Plan or NPDES municipal stormwater permits designed to protect beneficial uses and improve water quality. **(Less Than Significant Impact)**

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[85] California Ocean Science Trust. "Plastic Debris in the California Marine Ecosystem." September 2011. Pages 23-24. Available at: <http://calost.org/pdf/science-initiatives/marine%20debris/Plastic%20Report_10-4-11.pdf>.
[86] Street litter studies were done using litter counts and studies of litter in storm drain catch basins and the storm drain system were done by volume, as part of compliance with the MRP NPDES permit.

4.9.2.2 *Water Quality Impacts Associated with the Manufacture of Substitute Products*

The proposed ordinance would result in a reduction in EPS foam food ware use and manufacture and is anticipated to result in a proportional increase in the manufacture and use of plastic and fiber-based substitute materials. Fiber and other plastic food ware products are currently manufactured in California, the remainder of the U.S., and internationally. Since the City of San José cannot predict exactly which materials would replace EPS foam in the local food service industry and where they would be manufactured, the following discussion is provided to generally characterize the available substitute types and to summarize what is known about their water quality impacts.

The locations of manufacturing facilities and any associated water quality impacts cannot be determined with any certainty. Much of the manufacturing is likely to occur outside of Santa Clara County, however, since there are no large petrochemical plastics or fiber processing industries in the area.

As noted in Appendix C, production of certain substitute materials such as PLA and PET can lead to increased eutrophication (i.e. increased nutrient loading) of water bodies from pollutants released during the manufacturing process and during feedstock production (for bioplastics or biodegradable fiber-based materials). See the Tabone et al., Madival et al., and the PlasticsEurope studies summarized in Appendix C.

Paper production from virgin materials also has been reported to lead to increased eutrophication (i.e., increased nutrient loading) of water bodies from pollutants released during the manufacturing process. This would occur at manufacturing plants that do not treat all of their effluent. Eutrophication can degrade water quality and lead to a decreased level of dissolved oxygen, resulting in harmful impacts to wildlife. Paper manufactured with recycled content does not generate the same quantities or types of pollution as paper manufactured from virgin materials, although it is important to note that the use of recycled content may be limited in food ware due to concerns regarding contamination. Chemicals used in paper manufacturing can also include chlorine, sodium hydroxide, chloroform, acids, solvents (tetrachloroethylene, methylene chloride), and sodium sulfide.[87]

Since PLA plastic resin is produced from plant material, some of the same eutrophication issues as paper or fiber manufacturing could apply if discharges to waterways are not controlled. Chemical compounds that have toxic properties are associated with the manufacture of petrochemicals and plastic products. Given their properties, the use and disposal of these compounds is highly regulated.

In the U.S. and a number of other countries, regulations limit industrial discharges of paper waste and manufacturing chemicals, including those under the NPDES Industrial Discharge program (refer to *Section 4.9.1.5 Regulatory Setting*). Given the relatively small shifts anticipated and existing laws and regulations governing manufacturing, especially in the U.S. and Canada, the incremental increases in throughput of substitute paper or plastic food ware products at facilities that meet current national Clean Water Act standards for water discharged back into the environment would not result in a significant impact on water quality. **(Less Than Significant Impact)**

[87] EPA. *Paper Industry*. EPA/530-SW-90-027c. Available at: <www.smallbiz-enviroweb.org/Resources/sbopubs/cdocs/c25.pdf>

4.9.3 Conclusion

The proposed phase-out on EPS foam food ware would not violate water quality standards, waste discharge requirements or otherwise substantially degrade water quality. **(Less than Significant Impact)**

The proposed phase-out of EPS foam food ware does not involve construction that would expose people or structures to flooding or inundation hazards or alter existing drainage patterns. **(No Impact)**

4.10 LAND USE

4.10.1 Setting

The 13~~14~~ jurisdictions that are considering adoption of the model ordinance cover over 32~~09~~ square miles, which is about one-third (32 percent) of the 1,029.1 square miles of Santa Clara County. The estimated resident population as of January 2012 within these cities and towns was 1,656,561 ~~1,664,588~~ (about 91~~92~~ percent of Santa Clara County) with about 819,053~~822,525~~ jobs (91 percent of jobs in the County).

Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

The City of San José and several other jurisdictions considering foam EPS food ware bans are located within the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP). The HCP/NCCP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The HCP/NCCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The HCP/NCCP, which has been approved by the local partners, is not yet effective pending additional future actions by local, state, and federal agencies, anticipated to occur in the fall of 2013.

4.10.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Physically divide an established community?	☐	☐	☐	☒	1
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	1,2,10
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	1,7

Adoption of the model ordinance phasing out EPS food ware containers would lead to a shift away to substitute containers made of recyclable or compostable plastics, or fiber. The proposed project would not, therefore, physically divide established communities in participating jurisdictions throughout Santa Clara County. The proposed ban would not conflict with any applicable plan,

policy, or regulation adopted by any of the participating jurisdictions as no agencies are currently understood to have policies or regulations promoting the use of EPS food ware or discouraging use of any of the potential substitutes, many of which can be recycled or composted in certain sectors (e.g. multi-family or commercial collection).

The proposed ban would not be a covered activity under the HCP/NCCP in that it does not involve development or disturbance of land that results in loss of land cover that could be habitat to covered species, nor would it conflict with the HCP/NCCP's conservation strategies which involve protections for covered species' habitats. To the extent EPS food ware is currently appearing as litter in the environment and being ingested by (or otherwise harming) wildlife including the HCP/NCCP's covered species, a shift to substitute containers is not anticipated to create additional impacts to wildlife, as discussed in more detail in *Section 4.4 Biological Resources.* **(No Impact)**

4.10.3 Conclusion

The proposed ordinance phasing out the use of foam EPS food ware would not result in land use impacts. **(No Impact)**

4.11 MINERAL RESOURCES

4.11.1 Setting

Mineral resources found and extracted in Santa Clara County include construction aggregate deposits such as sand, gravel, and crushed stone. The only area in the City of San José that is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) as containing mineral deposits which are of regional significance is Communications Hill.[88]

4.11.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1
2. 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?	☐	☐	☐	☒	1,2

The project would not result in the loss of availability of a known mineral resource in Santa Clara County, the state, or elsewhere, in that the project does not involve development or reservation of a particular site containing mineral resources, rather the model ordinance, if adopted by a participating jurisdiction, will result in a shift away from EPS food ware containers to substitute containers made of recyclable or compostable plastics, or fiber. The proposed project would not, therefore, result in significant adverse impacts to mineral resources.

4.11.3 Conclusion

The project would not result in impacts to known mineral resources. **(No Impact)**

[88] City of San José. *Envision San José 2040 General Plan.*

4.12 NOISE

4.12.1 Setting

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a "decibel" (dB) scale which serves as an index of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the "A-weighted" decibel or dBA. Further, sound is averaged over time and penalties are added to the average for noise that is generated during times that may be more disturbing to sensitive uses such as early morning, or late evening.

Since excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods such as L_{eq}, DNL, or CNEL.[89] Using one of these descriptors is a way for a location's overall noise exposure to be measured, realizing of course that there are specific moments when noise levels are higher (*e.g.,* when a jet is taking off from an airport or a leafblower is operating) and specific moments when noise levels are lower (*e.g.,* during lulls in traffic flows on I-880 or in the middle of the night).

Noise in Santa Clara County related to single-use EPS foam food ware is primarily limited to truck noise from the transport of food ware to restaurants, other food vendors, and retailers.

4.12.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	1,2
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	1

[89] L_{eq} stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. DNL stands for Day-Night Level and is a 24-hour average of noise levels, with 10 dB penalties applied to noise occurring between 10:00 PM and 7:00 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five (5) dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. Generally, where traffic noise predominates, the CNEL and DNL are typically within two (2) dBA of the peak-hour L_{eq}.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	1
5. 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, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1

The proposed EPS foam food ware ordinance does not include physical development of any kind and would not expose persons to excessive noise or groundborne vibration levels. Based on existing patterns of distribution, it is unlikely that there would be a substantial increase in truck trips delivering substitute single-use food ware to food vendors or retail stores in the project area (see *Section 4.16 Transportation*). For a discernable increase in roadway noise to occur, generally traffic volumes must double. Any additional truck trips related to the transport of substitute food ware products would not occur in great enough quantities, if at all, to result in a measurable increase in noise levels on local roadways. In addition, increased use and disposal of the substitute containers would not affect the number of vehicles associated with curb-side refuse (or recycling) pick-up in that the overall amount of food ware containers used in the project areas is not expected to change. **(Less Than Significant Impact)**

4.12.3 Conclusion

Implementation of the proposed ordinance would not result in a measurable increase in noise or vibration. **(Less Than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Setting

According to the California Department of Finance estimates, the 2012 population of the 13~~14~~ participating jurisdictions was 1,656,561 ~~1,664,588~~.[90] The total 2012 population of Santa Clara County (13~~14~~ participating jurisdictions plus Palo Alto, Los Altos Hills, and unincorporated Santa Clara County) according to these estimates was 1,816,486.

4.13.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Induce substantial 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)?	☐	☐	☐	☒	1
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

The proposed ordinance to prohibit the use of disposable EPS foam food service ware would not induce any population growth, nor would it displace any number of people or housing units.

4.13.3 Conclusion

The proposed project would have no impact on population and housing. **(No Impact)**

[90] California Department of Finance. "E-1 Population Estimates for Cities, Counties, and the State – January 1, 2011 and 2012." May 2012. Available at: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/>.

4.14 PUBLIC SERVICES

4.14.1 Setting

Public services such as police and fire protection, schools, parks, and public facilities, in the incorporated areas of Santa Clara County are operated and maintained by individual jurisdictions or by contracts with other public agencies. Services in the unincorporated areas are provided by Santa Clara County.

4.14.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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?	☐	☐	☐	☒	1
Police Protection?	☐	☐	☐	☒	1
Schools?	☐	☐	☐	☒	1
Parks?	☐	☐	☐	☒	1
Other Public Facilities?	☐	☐	☐	☒	1

The reduced use of EPS foam caused by the proposed ordinance would correspond with an increase in the use of substitute products. This would not be expected to affect the quantity of disposable food service products used and consumers are not expected to litter substitute containers at a higher rate than EPS foam. A change in the types of disposable products used would not affect recreational or school facilities.

The proposed project would not increase the demand for police and fire services nor would it require the construction or expansion of any other public facilities.

4.14.3 Conclusion

The proposed ordinance would have no adverse physical impacts on police and fire facilities, schools, parks, or other public facilities. It would not require the construction or expansion of any new or existing public facilities. **(No Impact)**

4.15 RECREATION

4.15.1 Setting

Parks and recreational facilities within the project area are operated and maintained by the jurisdictions within it as well as the County of Santa Clara. There are also State and federally-owned recreational areas in the project area (e.g., Henry Coe State Park).

4.15.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒	1
2. 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?	☐	☐	☐	☒	1

The proposed project would reduce and aim to eliminate the use of disposable EPS foam food ware in Santa Clara County. As a result, the use of substitute products made from paper, plastic, bioplastics, and other plant materials would increase. Consumers are not expected to litter substitute containers at a higher rate than EPS foam, so overall litter in the terrestrial environment is not expected to increase. Since litter would not increase, the proposed project would not result in substantial physical deterioration of recreational facilities. **(No Impact)**

The proposed project would not increase the use of the existing neighborhood and regional parks or cause adverse physical impacts to recreational facilities.

4.15.3 Conclusion

The proposed project would not increase the use of parks or recreational facilities or require the construction of new recreational facilities. **(No Impact)**

4.16 TRANSPORTATION

4.16.1 Setting

4.16.1.1 *Existing Transportation System*

The existing transportation system within the jurisdictions in Santa Clara County includes the roadway network (e.g., freeways, expressways, a Grand Boulevard, arterials, and neighborhood streets), transit systems (light rail, buses, heavy rail), bicycle routes, and trails and pathways for pedestrians and bicycles. The transportation system is owned and maintained by local cities and towns, Santa Clara County (county expressways), the Santa Clara Valley Transportation Authority (light rail transit rights-of-way), the Santa Clara Valley Water District (some trails adjacent to waterways) and the State of California (highways and freeways and some railroad tracks).

For CEQA analyses done in Santa Clara County, traffic conditions at study intersections affected by project traffic are evaluated using level of service (LOS). Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flowing conditions with little or no delay, to LOS F, or oversaturated conditions with excessive delays. San José's policies, and those of a number of the local participating jurisdictions, identify LOS D or better as the acceptable standard for most local street operations. The Santa Clara County Congestion Management Plan (CMP) level of service standard for signalized intersections, which applies only to regional intersections designated in the CMP, is LOS E or better. The CMP methodology requires an impact analysis be done for any intersection to which a proposed project would add 10 or more vehicles per lane per hour. For freeways, the LOS standard is LOS E or better.

The jurisdictions within Santa Clara County also have a range of policies and programs that encourage and/or plan for increased use of multi-modal transportation facilities such as transit, pedestrian sidewalks and trails, and bicycle facilities.

4.16.1.2 *Delivery of EPS Foam Food Ware Products*

Single-use food ware is delivered in dedicated loads from manufacturers to regional or subregional distributors. They are then delivered to users, such as restaurants and retail outlets, as part of mixed loads of items. The vast majority of product deliveries to food service providers and retailers are provided by trucks.

4.16.1.3 *Solid Waste and Recycling Collection in the Project Area*

Solid waste and recycling collection services for residences and businesses in the project area are provided by a number of waste and recycling haulers franchised by the individual jurisdictions. Solid waste and recycling is collected on a regular basis using established routes and days of collection. Waste collection is organized by land use sectors such as single-family residential, multi-family residential, commercial, and industrial. Industrial waste is not discussed in this Initial Study because it does not contain EPS foam food service products that would be affected by the project.

Waste collected in Santa Clara County is processed and/or landfilled at any of the following landfills and transfer stations: Newby Island Resource Recovery Park, Guadalupe Rubbish Disposal Company, Kirby Canyon Landfill, Mission Trail Waste Management Transfer Station, San Martin Transfer Station, and the Sunnyvale Materials Recovery and Transfer (SMaRT) Station.[91] Newby Island recycles clean polystyrene foam that is dropped off at the landfill. All other facilities landfill EPS foam. Other materials to be recycled are hauled by truck from transfer stations or landfills to off-site locations for shipping to recyclers or composting operations, generally during off-peak hours, to avoid heavy traffic periods.

4.16.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1,2
2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	1
5. Result in inadequate emergency access?	☐	☐	☐	☒	1

[91] Center for the Development of Recycling. *City Recycling and Garbage Services in Santa Clara County*. 2013. Available at: http://www.recyclestuff.org/Guides/CityGuide.pdf

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	1,2

The proposed project is adoption of a model ordinance that would regulate the use of single-use EPS foam food ware within participating jurisdictions in Santa Clara County. The proposed ordinance would cause a reduction in EPS foam food ware use and is anticipated to result in an increase in the use of plastic and fiber-based substitute materials. The ordinance is not expected to cause a decline in overall consumption of disposable food service ware and consumers are not expected to litter substitute containers at a higher rate than EPS foam.

The ordinance does not propose modifications to the transportation network or construction of new development that would generate new vehicle, bicycle or pedestrian trips.

4.16.2.1 *Impacts of Truck Trips for Delivery of Substitute Products*

Single-use food ware products are delivered in boxes or similar containers by truck to food vendors, restaurant and food service suppliers, and retail outlets throughout the project area by distributors, delivery service companies, and company fleet trucks from distribution centers. Deliveries generally are undertaken on a regular basis along with other products. Substitute food ware products identified in *Section 4.0 (Substitute Products)* and Appendix D are also currently delivered to businesses throughout Santa Clara County.

Stacked food ware products with the same capacity (e.g., 16 ounce cups, nine-inch clamshells) may have different weights, however the overall volume of delivery boxes is anticipated to be similar for EPS foam and substitute products and differences in volume are not anticipated to result in the need to dispatch additional delivery trucks. Truck trips from independent delivery service companies and company fleet trips are not anticipated to change in number due to the substitution of one type of single-use food ware (PS foam) for another. Truck trips from individual distributors could shift depending on whether or not a distributor currently sells both EPS foam food ware and the substitute products. Overall, delivery truck trips, especially during peak hours, are not anticipated to substantially increase. Therefore, the performance of the transportation system would not be adversely effected by changes in delivery truck traffic resulting from implementation of the proposed project. **(Less Than Significant Impact)**

4.16.2.2 *Impacts of Truck Trips for Solid Waste Disposal and Recycling*

The proposed ordinance would result in a shift in the composition of food service ware in the waste stream. EPS foam products would be replaced by products made from materials including: petroleum-based plastic, plant-based plastic, paperboard, molded pulp, and plant fibers.

As discussed in *Section 4.0 (Baseline)* and Appendix B, the percentage of EPS foam food ware in waste collected in San José and Sunnyvale is a small portion of the total collected solid waste. The use of substitute products would not increase the volume of single-use food ware in solid waste to the extent that additional truck trips would be required to collect waste or recyclable materials. The number of truck trips for solid waste and recycling collection would not change substantially with implementation of the ordinance.

Project traffic impacts are considered significant if they conflict with city, town or County/CMP policies related to maintenance of intersection or freeway level of service or would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The project would not generate a substantial increase in peak hour traffic or modify public transit, bicycle or pedestrian facilities and therefore would not result in a significant adverse transportation impact. **(Less Than Significant Impact)**

4.16.3 Conclusion

The ordinance does not propose modifications to the transportation network or construction of new development that would generate new vehicle, bicycle or pedestrian trips or result in transportation hazards or inadequate emergency access. **(No Impact)**

The proposed ordinance would not result in a significant transportation impact due to possible modifications to truck trips. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 *Water Supply*

Water service within the project area is provided by private and municipal water suppliers. There are 13 water retailers in Santa Clara County and several special water districts. The water providers for each jurisdiction are listed in Table 4.17-1, below.

Table 4.17-1
Water Retailers for Jurisdictions within Santa Clara County

Jurisdiction	Water Retailers/Public Water Utilities
Campbell	San Jose Water Company
Cupertino	California Water Service Company
Gilroy	Gilroy Water
Los Altos	California Water Service Company
Los Altos Hills	Purissima Hills Water District, California Water Service Company
Los Gatos	San Jose Water Company
Milpitas	Milpitas Water
Monte Sereno	San Jose Water Company
Morgan Hill	Morgan Hill Water
Mountain View	Mountain View Water, California Water Service Company
Palo Alto	Palo Alto Water
San Jose	Great Oaks Water Company, San Jose Municipal Water System, San Jose Water Company
Santa Clara	Santa Clara Water Department
Saratoga	San Jose Water Company
Sunnyvale	Sunnyvale Water, California Water Service Company
Unincorporated Santa Clara County	Purissima Hills Water District Santa Clara Valley Water District and other local districts Stanford University

The Santa Clara Valley Water District manages the County's groundwater sub-basins to support pumping from aquifers which accounts for approximately 40-50 percent of the County's water supply.[92] The District also operates water supply reservoirs and groundwater recharge facilities in local watersheds and import water from the State Water Project and San Felipe Division of the Federal Central Valley Project. The San Francisco Public Utilities Commission's Hetch Hetchy Aqueduct is a third source of imported water available to eight of the water retailers in the County (e.g., Palo Alto, Mountain View, Sunnyvale, Santa Clara, San José and Milpitas, Purissima Hills Water District, and Stanford University).

[92] Santa Clara Valley Water District. "Urban Water Management Plan 2010." 2010.

4.17.1.2 *Stormwater Drainage Systems*

The cities, towns and County of Santa Clara are responsible for the development, operation, and maintenance of stormwater systems throughout their jurisdictions. Stormwater drainage systems convey runoff and prevent local flooding of streets and urban areas. They move water away from developed and rural areas to a local water body, such as a creek, river or bay. Stormwater sewer systems include stormwater inlets (storm drains) and gutters on streets as well as pipes and outfalls. Stormwater outfalls are, where the collected stormwater enters a local water body. Within the City of San José alone, there are about 30,000 storm drain inlets on City streets.[93] The various stormwater systems collect runoff water from streets and developed properties and carry it to local creeks and rivers that ultimately drain into San Francisco Bay or Monterey Bay (e.g., Gilroy, Morgan Hill and portions of southern Santa Clara County). In some rural and less developed areas, storm water runoff is conveyed in open channels or overland prior to discharge in local waterways. Creeks and rivers in each jurisdiction are listed by watershed in Table 4.9-1.

Several permits and plans govern the design and operation of municipal stormwater systems within the project area. As discussed in *Section 4.9.1.5 (Hydrology and Water Quality) Regulatory Setting*, the SF Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP) for the area of Santa Clara County that drains to San Francisco Bay. In an effort to standardize stormwater management requirements throughout the region, this permit includes all of the jurisdictions within the County of Santa Clara except the cities of Morgan Hill and Gilroy and southern portions of the County of Santa Clara, which drain to Monterey Bay and are within the Central Coast RWQCB and covered by a separate NPDES stormwater permit. An Urban Runoff Management Plan, intended to reduce polluted runoff from entering local waterways, has been adopted by the SCVWD, Santa Clara County and 13 cities and towns for the areas of the County that drain to San Francisco Bay. The Santa Clara Valley Urban Runoff Pollution Prevention Program's Urban Runoff Management Plan (URMP) consists of an area-wide plan and individual agency plans describing what the jurisdictions will do, collectively and individually, to reduce urban runoff pollution in accordance with the NPDES MRP permit.

In the southern portion of the project area, the Cities of Morgan Hill and Gilroy and the County of Santa Clara prepared and adopted a regional Storm Water Management Plan (SWMP) and were issued a NPDES Small MS4s General Permit by the Central Coast RWQCB. The SWMP outlines a comprehensive five year plan to establish Best Management Practices (BMPs) through six Minimum Control Measures (MCMs) to help reduce the discharge of pollutants into waterways and to protect local water quality effected by storm water and urban run-off. BMPs include Pollution Prevention/Good Housekeeping measures for residential, municipal and industrial uses to reduce trash and litter in stormwater. Program implementation under the SWMP also includes conducting trash clean up days.

[93] City of San José. "Watershed Maps". Accessed May 1, 2013. Available at: <http://www.sanjoseca.gov/index.aspx?NID=1868>.

4.17.1.3 *Wastewater*

Sanitary sewer service in Santa Clara County is the responsibility of municipalities and several service districts.

Sewer service consists of the transmission of municipal and industrial wastewater to a treatment facility, treatment, and then disposal of the wastewater and residual waste solids. As with water service, a number of the cities in the County operate their own local sewage collection systems and contract with one of four wastewater treatment plants to treat the effluent (refer to Table 4.17.-2).

Table 4.17-2
Sanitary Sewer Service for Jurisdictions within Santa Clara County

Jurisdiction	Served by	
	Collection	**Treatment**
Campbell	West Valley Sanitation District	San José-Santa Clara Regional Wastewater Facility (RWP)
Cupertino	Cupertino Sanitary District Rancho Rinconada	San José-Santa Clara RWP Sunnyvale Water Pollution Control Plant
Gilroy	City of Gilroy	South County Regional Wastewater Authority
Los Altos	City of Los Altos	Palo Alto Regional Water Quality Control Plant (WQCP)
Los Altos Hills	City of Los Altos (partial)	Palo Alto Regional WQCP
Los Gatos	West Valley Sanitation District	San José-Santa Clara RWP
Milpitas	City of Milpitas	San José-Santa Clara RWP
Monte Sereno	West Valley Sanitation District	San José-Santa Clara RWP
Morgan Hill	City of Morgan Hill	South County Regional Wastewater Authority
Mountain View	City of Mountain View	Palo Alto Regional WQCP
Palo Alto	City of Palo Alto	Palo Alto Regional WQCP
San José	City of San José	San José-Santa Clara RWP
Santa Clara	City of Santa Clara	San José-Santa Clara RWP
Saratoga	Cupertino Sanitary District	San José-Santa Clara RWP
Sunnyvale	City of Sunnyvale	Sunnyvale Water Pollution Control Plant
Unincorporated Santa Clara County	Various	All four treatment plants and septic systems

4.17.1.4 *Solid Waste*

Signed into law in 1989, the California Integrated Waste Management Act (AB 939) requires cities and counties to adopt and implement waste diversion programs for source reduction, recycling, and composting. Waste haulers serving the jurisdictions within Santa Clara County include West Valley Collection and Recycling, GreenWaste Recovery, Recology, Specialty Solid Waste and Recycling, Mission Trail Waste System, GreenTeam of San José, and Garden City Sanitation. These haulers are

responsible for providing waste processing services for the franchised waste stream in Santa Clara County, which includes landfilling, recyclables processing, composting, and management of household hazardous waste.

All jurisdictions in Santa Clara County met the 50 percent waste diversion goal mandated by AB 939 in 2006, the most recent year for which the diversion rates received approval.[94] In 2008, the California Integrated Waste Management Board (now the California Department of Resources Recycling and Recovery, or CalRecycle) updated the system for determining diversion goals for each city. At present, per capita landfill disposal limits are determined each year and the jurisdictions work to meet their respective goals. Fines of up to $10,000 per day may be imposed if the State decides that good faith efforts are not being made to implement the approved plan or other actions to achieve the State mandated reduction in landfill disposal of trash.

AB 939 established an integrated waste management hierarchy to guide the state and local agencies in its implementation, in order of priority: (1) source reduction, (2) recycling and composting, and (3) environmentally safe transformation and land disposal. That hierarchy was later abbreviated to "reduce, reuse, recycle", with emphasis on the overarching goal of reducing materials that are sent to disposal.

Signed in 2011, AB 341 amended AB 939 to set a goal of 75 percent solid waste diversion via source reduction, recycling, and composting, by 2020.[95] AB 341 also requires businesses that generate more than four cubic yards of commercial solid waste per week and multifamily residential dwellings (five units or more) to obtain recycling services. To meet this requirement, AB 341 also requires jurisdictions to implement commercial solid waste recycling programs.

Waste collection is organized by land use sectors such as single-family residential, multi-family residential, commercial, and industrial. Industrial waste is not discussed in this Initial Study because it does not contain EPS foam food service products that would be affected by the ordinance. Any EPS foam used by workers at an industrial facility would be disposed in a commercial waste stream, not among the byproducts of industrial processes (i.e. industrial waste).

Waste collected in Santa Clara County is processed and/or landfilled at any of the following landfills and transfer stations: Newby Island Resource Recovery Park, Guadalupe Rubbish Disposal Company, Kirby Canyon Landfill, Mission Trail Waste Management Transfer Station, San Martin Transfer Station, and the Sunnyvale Materials Recovery and Transfer (SMaRT) Station.[96] For a list of which facilities serve the participating jurisdictions, see Table 4.17-3 in *Section 4.17.2.2 Impacts to Solid Waste Disposal and Recycling.*

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[94] CalRecycle. "Countywide, Regionwide, and Statewide Jurisdiction Diversion/Disposal Progress Report." 2006. Accessed May 3, 2013. Available at: <http://www.calrecycle.ca.gov/LGCentral/Reports/jurisdiction/diversiondisposal.aspx>.

[95] California, State of. *Assembly Bill No. 341.* 2011. Legislative Counsel's Digest. Available at: http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0301-0350/ab_341_bill_20111006_chaptered.pdf

[96] Center for the Development of Recycling. *City Recycling and Garbage Services in Santa Clara County.* 2013. Available at: <http://www.recyclestuff.org/Guides/CityGuide.pdf>.

Newby Island recycles clean polystyrene foam that is dropped off at the landfill. All other facilities landfill EPS foam. A waste characterization study sponsored by the City of San José found that in 2007, 0.7 percent of residential waste in San José was EPS foam and 0.8 percent was commercial waste. At the time of the study the City was trying to recycle expanded polystyrene for residential customers, so the study also found that 0.5 percent of residential recycling was EPS foam.[97]

4.17.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	1
2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	1
3. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	1
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1
5. 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?	☐	☐	☐	☒	1
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1
7. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒	1

The proposed project is adoption and implementation of an ordinance that would restrict the use of EPS foam food ware containers. The proposed ordinance would cause a reduction in EPS foam food

[97] Cascadia Consulting Group. "City of San José Waste Characterization Study." May 2008. Prepared for the City of San José.

ware use and is anticipated to result in an increase in the use of plastic and fiber-based substitute materials. The ordinance is not expected to cause a decline in overall consumption of disposable food service ware and consumers are not expected to litter substitute containers at a higher rate than EPS foam.

4.17.2.1 *Water Supply and Wastewater Treatment Impacts*

The proposed restrictions on the use of EPS foam food ware and a shift to other types of single use food ware used in Santa Clara County would not result in substantial additional water use or wastewater generation. Plastic, but not fiber, containers that could be recycled would be rinsed by residents before placing in recycling bins.

Indirect Effects on Water Supply and Wastewater Treatment Related to Manufacture of Substitute Products

Differential water demand and wastewater generation associated with the manufacture of substitute products are possible indirect effects of the proposed project. Substitute fiber and other plastic food ware products are currently manufactured in California, the remainder of the U.S., and internationally. Since the City of San José cannot predict where substitute products would be manufactured, the following discussion is provided to generally characterize the available substitute types and to summarize what is known about their water supply and wastewater treatment impacts.

A 2011 study funded by the Plastic Foodservice Packaging Group found that EPS foam foodservice products use less water than comparable products made from paperboard or PLA. The authors note that the water use results of this study have a high level of uncertainty, however, due to a lack of water use data as well as an "inability to clearly differentiate between consumptive and non-consumptive uses of water." [98]

Studies from the European plastics industry show that water used in the production of plastic resins (prior to product manufacturing, use, and disposal) ranges from 4.79 grams of water per kilogram of polypropylene to 4.8 kilograms of water per kilogram of PET (e.g., PET production requires about 1,000 times more water per kilogram of plastic than polypropylene). The production of one kilogram of polystyrene resin requires approximately 510 grams of water.[99] See Table C-4 in Appendix C for further details on the results of these studies. Based on the results of these European life cycle inventories, the amount of water used to produce substitute plastic products can range approximately from one-hundredth of the water used to produce polystyrene to as much as ten times more.

Given the lack of definitive evidence that any one of the substitute products uses more water than EPS foam and uncertainties about the type of plastic or fiber replacements, the City of San José

[98] Franklin Associates, Ltd. "Life Cycle Inventory of Foam Polystyrene, Paper-Based, and PLA Foodservice Products." February 4, 2-11. Prepared for the Plastic Foodservice Packaging Group. See Page ES-19/
[99] PlasticsEurope. "Environmental Product Declaritions of the European Plastics Manufacturers: PETb, 2011; PP, 2008; GPPS, 2012." Available at: <http://www.plasticseurope.org/plastics-sustainability/eco-profiles/browse-by-list.aspx>

cannot conclude that the proposed project would result in a significant rise in demand for water resources, locally or in other areas.

While the exact locations of where substitutes selected by food vendors would be produced is not known, much of the manufacturing is likely to occur outside of Santa Clara County, since there are no large petrochemical plastics or fiber processing industries in the area.

The reduction of the use of EPS foam food ware and substitution with other available single use disposal food ware products would not substantially affect local water use or supply or wastewater generation or treatment for jurisdictions within the project area. Water use for manufacturing outside of Santa Clara County would be drawn from managed water resources and could involve water recycling or other measures to minimize water consumption. Similarly, wastewater generation and discharge to treatment facilities would be permitted and regulated to comply with local treatment capacity in other jurisdictions. Therefore, implementation of the project is not anticipated to result in substantial indirect water supply and wastewater treatment impacts. **(Less Than Significant Impact)**

4.17.2.2 *Impacts to Stormwater Drainage Systems*

As discussed in *Section 4.9.1.4 Water Quality,* litter in local communities can be transported into stormwater drainage systems. Litter (or trash), including single-use food ware, is transported to stormwater drainage systems and creeks through three primary pathways: 1) curbs/gutters, storm drain lines and open channels that are part of storm water collection systems in urban areas; 2) wind; and 3) illegal dumping into water bodies.[100] Trash that reaches stormwater inlets can be a result of littering by individuals along roadways (motorists or pedestrians), wind blowing unsecured trash from waste containers or vehicle loads, and from vehicles themselves (e.g., tires and vehicle debris), among other sources.[101] The largest amounts of trash and debris are pushed into and through the storm drainage system at the end of the dry season, with the first heavy rain.

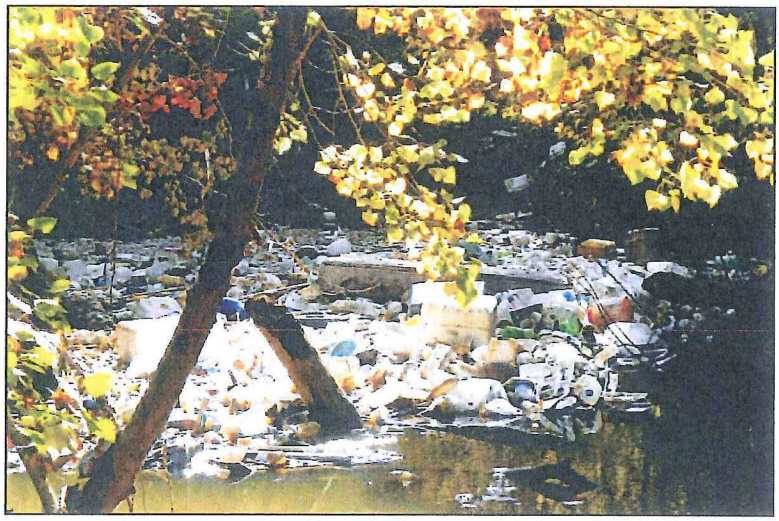

Photo 8: Trash conveyed in stormwater and dumping in Coyote Creek.

Litter can form large accumulations in stormwater systems and urban creeks, which can impact water quality and potentially hinder flood control protection (Photo 8). As noted above, the proposed

[100] SCVURPP. 2013. *Urban Runoff Trash Management Reducing Impacts in Santa Clara Valley Creeks and San Francisco Bay.* February 2013.
[101] Schultz, P. Wesley, et al. 2011. *Littering in Context: Personal and Environmental Predictors of Littering Behavior.* Environment and Behavior 2013 45:35.

ordinance would cause a reduction in EPS foam food ware use and is anticipated to result in an increase in the use of plastic and fiber-based substitute materials. The ordinance is not expected to cause a decline in overall consumption of disposable food service ware or change littering rates and the volume of litter on streets (e.g., cups and clamshells) would be similar to existing conditions. Substitute single-use food ware products are anticipated to be a mix of plastic (e.g., crystalline PS, PP, PLA) and fiber products. Substitutes for ice chests would be encapsulated EPS foam products or reusable coolers made of non-foamed plastics, such as PP.

PS foam food ware makes up about eight percent of litter reaching local waterways by volume. Therefore, the characteristics of substitute plastic and fiber products would have a low to moderate effect on required maintenance and clogging of storm drains. As discussed in *Section 4.9.2*, there are several characteristics of substitute products that could influence how much of the substitute products reach storm drains and whether they persist to clog storm drain systems at a greater rate.

Transport to Stormwater Inlets. Substitute plastic and fiber products do not break apart as easily as EPS foam food ware. Although lighter than similar paper products, substitute plastic products are not as likely as EPS foam to be transported by wind off haul truck loads and along streets if deposited as litter. Because the substitute products do not crumble as readily as EPS foam and are not as likely to become airborne, they may be removed by street sweeping or maintenance activities before entering the storm water collection system or by screens or trash racks (refer to Photo 8). The substitute products, therefore, are not more likely to reach waterways if inappropriately disposed of.

Persistence within the Stormwater System. [As discussed in *Section 4.9.1*, by count and volume, EPS foam food ware in the project area makes up about eight percent of litter by volume in stormwater systems, and by count in street litter surveys often less than two to three percent. While paper cups are usually several times the weight of EPS foam cups, given the proportion of EPS foam food ware in litter, there would not be a substantial change in the count, volume or mass of litter that could impact stormwater drainage systems. Replacing this material with substitute products (that are currently also found in litter) would reduce the amount of EPS foam in litter; however it would not result in a substantial change in the number, volume, or weight of litter items or trash in stormwater systems and would not interfere with implementation of regional plans or programs, such as the Basin Plan or NPDES municipal stormwater permits designed to protect beneficial uses and improve water quality. **(Less Than Significant Impact)**

4.17.2.3 *Impacts to Solid Waste Disposal and Recycling*

The proposed ordinance would result in a shift in the composition of food service ware waste. EPS foam products would be substituted for products made from materials including: petroleum-based plastic, plant-based plastic, paperboard, molded pulp, and plant fibers. See the introductory language in *Section 4.0 – Substitute Products* as well as Appendix D for further information on the available substitutes.

Whereas all EPS foam food ware products are landfilled, substitute products have a wide variety of waste disposal routes that they can follow based on the composition of the material and the waste

hauler. These routes are summarized in Figures 4.17-1 through 4.17-6, below. A detailed table with the information represented in these figures can be found in Appendix D.

Figures 4.17-1 through 4.17-6 show that while most jurisdictions recycle non-foam plastics, a smaller portion divert fiber-based materials to recycling or compost facilities, and those that compost bioplastics such as PLA generally only do so for certain sectors. The proposed project will reduce the quantity of EPS foam products disposed in landfills and will increase the proportion of substitute products that are recycled or composted. This is consistent with the main goals of AB 939 and AB 341, to reduce the sources of landfill trash and increase diversion via recycling, composting, and source reduction.

Determining how the weight and volume of waste will change, not the quantity, is fundamental to evaluating the solid waste impacts of the proposed project. Waste and recycling facilities do not have unlimited capacity and they have permits that limit the amount of material they can accept daily. A potential environmental impact would arise if the proposed project caused one or more facilities to expand their operations.

The capacity of solid waste facilities is not as affected by product volume as it is by product weight since not only are facilities permitted based on the weight of the solid waste they accept, but also because many facilities compact the waste before it is landfilled. Furthermore, according to a 2011 study funded by the Plastic Foodservice Packaging Group, the volume of solid waste for EPS foam products is in some cases greater and in others less than the volume of solid waste for substitute products.[102] This study revealed that depending on the product type (e.g. 16-ounce cup or 9-inch plate), PLA or paperboard substitutes could result in a higher or lower volume of solid waste than EPS foam. That is, paperboard products were not consistently more or less voluminous than EPS foam, and neither were the other substitutes considered. Though the City of San José expects that approximately 85 percent of substitutes would be compostable or recyclable plastic and 15 percent would be fiber-based, disposable food ware already makes up such a small percentage of the waste stream that minor changes in the volume of food ware waste would not cause existing waste disposal facilities to expand or to approach their capacities.

Based on measurements of various EPS foam products and their substitutes, as well as the product weights considered in many of the LCAs summarized in Appendix C, substitute products weigh between two and five times as much as their EPS foam counterparts.[103] In general, lined paperboard and solid PLA products tend to be the heaviest substitute disposable food ware products. The City of San José conservatively estimates annual EPS foam use at four pounds per service population or about six pounds per capita (see *Section 4 – Baseline EPS foam Food Ware Use* and Appendix B for further detail on this estimate). With a service population of 2,487,113 (excluding Palo Alto and Unincorporated Santa Clara County because they have already prohibited EPS foam food ware), the annual consumption of EPS foam food ware in the project area is approximately 5,000 tons.

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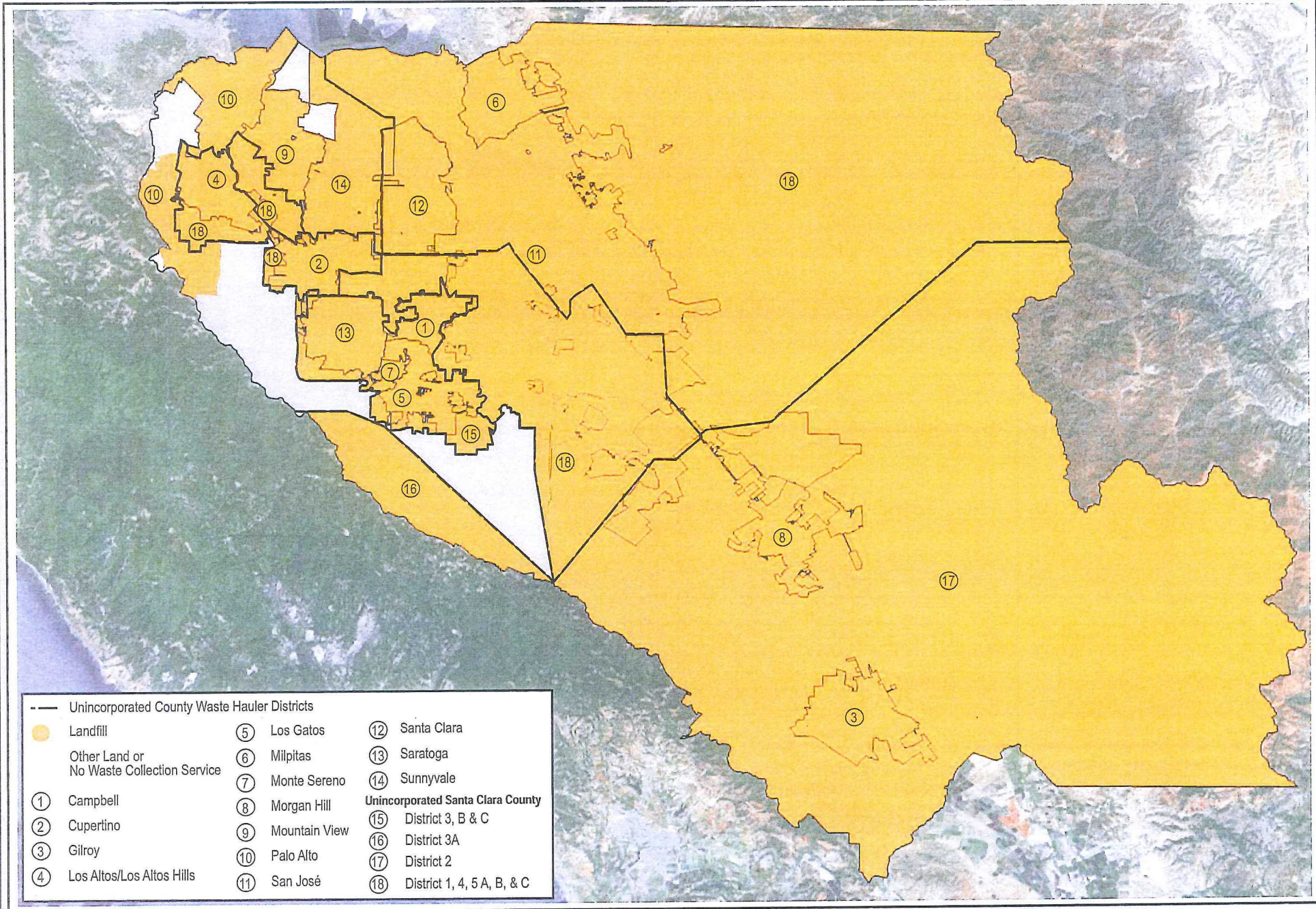
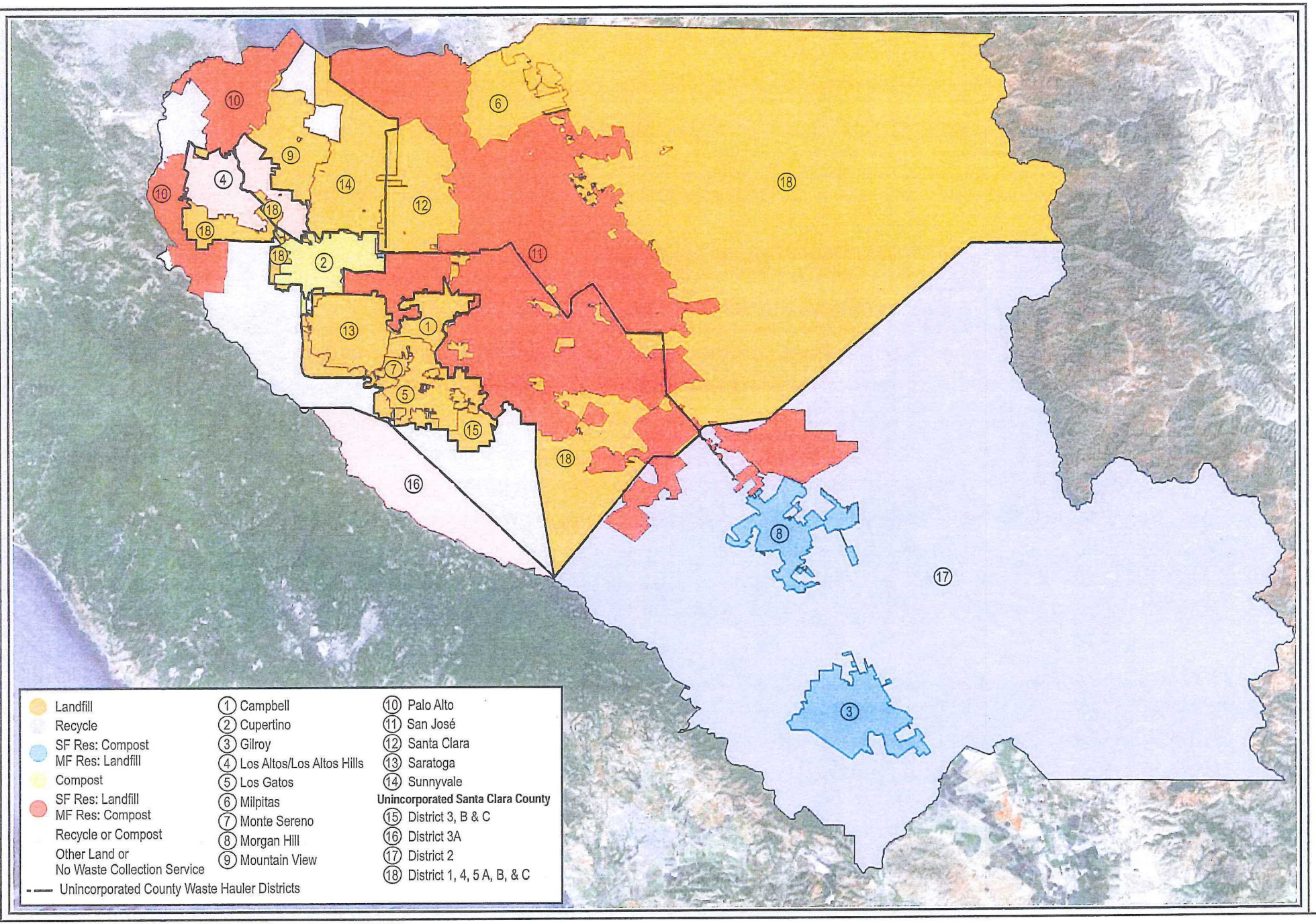
[102] Franklin Associates. "Life Cycle Inventory and Foam Polystyrene, Paper-Based, and PLA Foodservice Products." February 4, 2011. See Figures ES-9, -10, -11, -12.

[103] Product weight data from the following LCAs was used to contribute to the weight ratio estimate: Kuczenski et al., 2012. And; Franklin Associates, 2011. Additional measurements taken by David J. Powers & Associates, Inc. showed a maximum weight ratio of 5:1 for substitute products to EPS foam products.



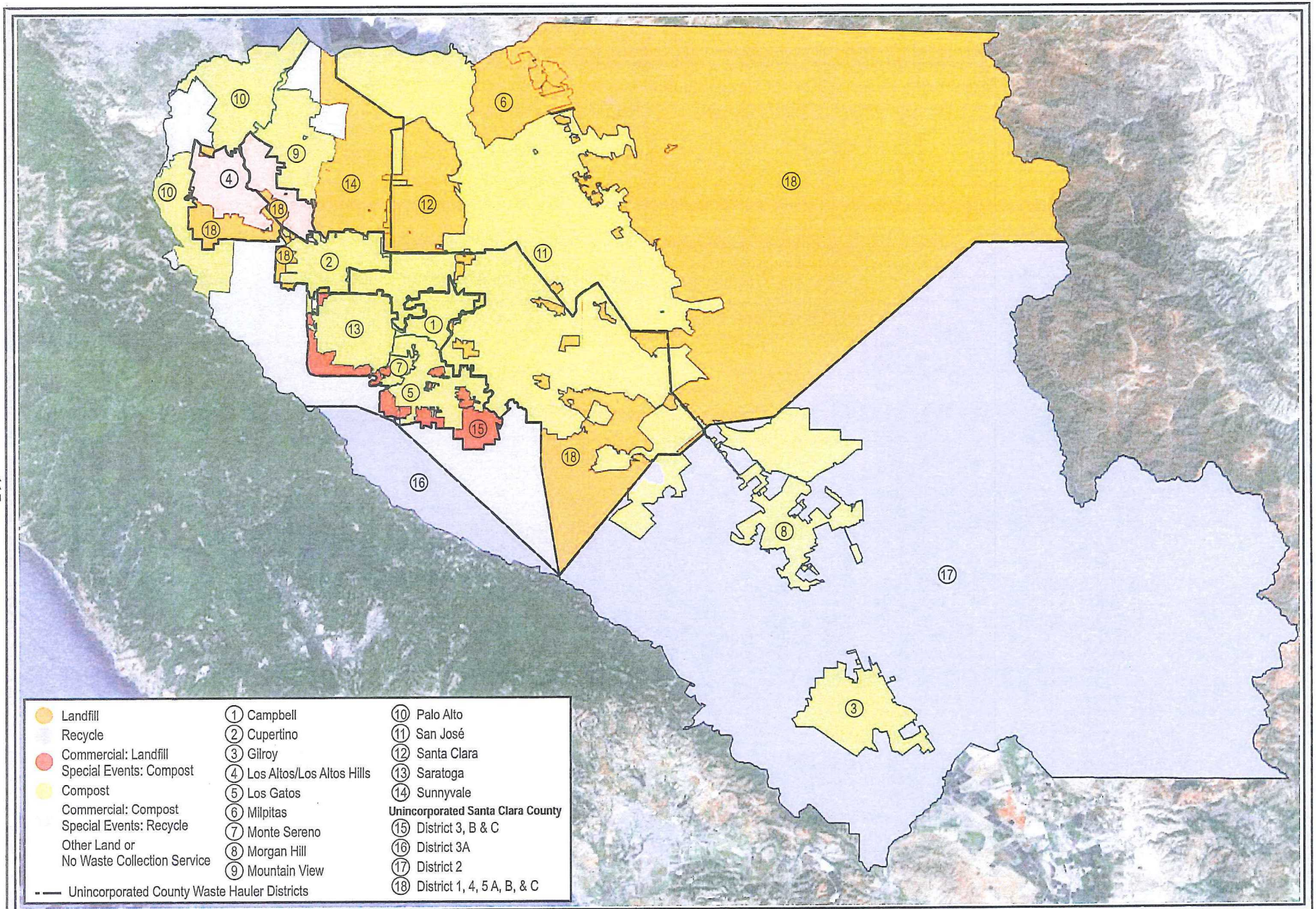
POLYSTYRENE FOAM DISPOSAL PATH (ALL SECTORS)

FIGURE 4.17-1



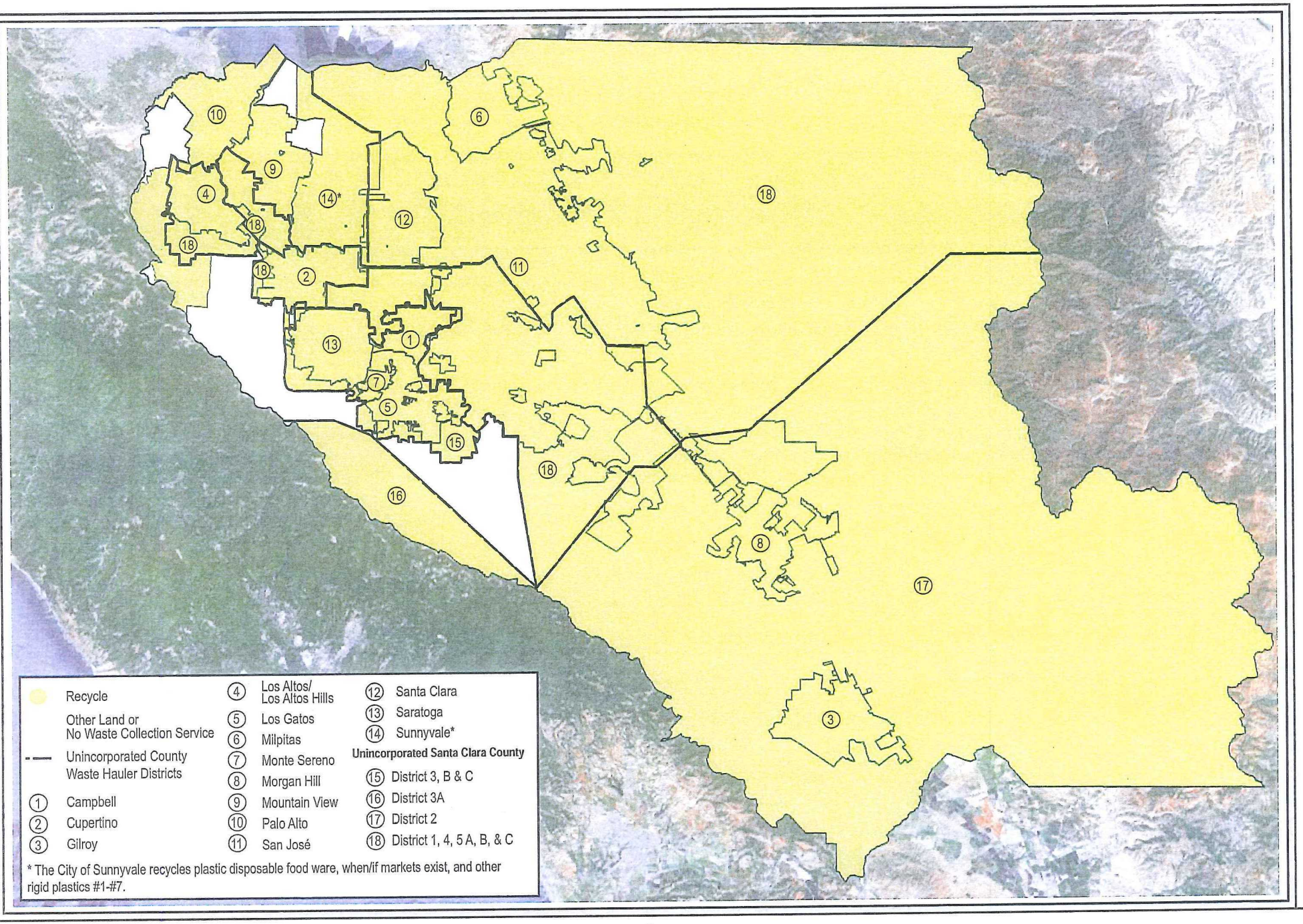
FIBER (PAPER, BAGASSE) DISPOSAL PATH (SINGLE FAMILY / MULTIFAMILY RESIDENTIAL)

FIGURE 4.17-2



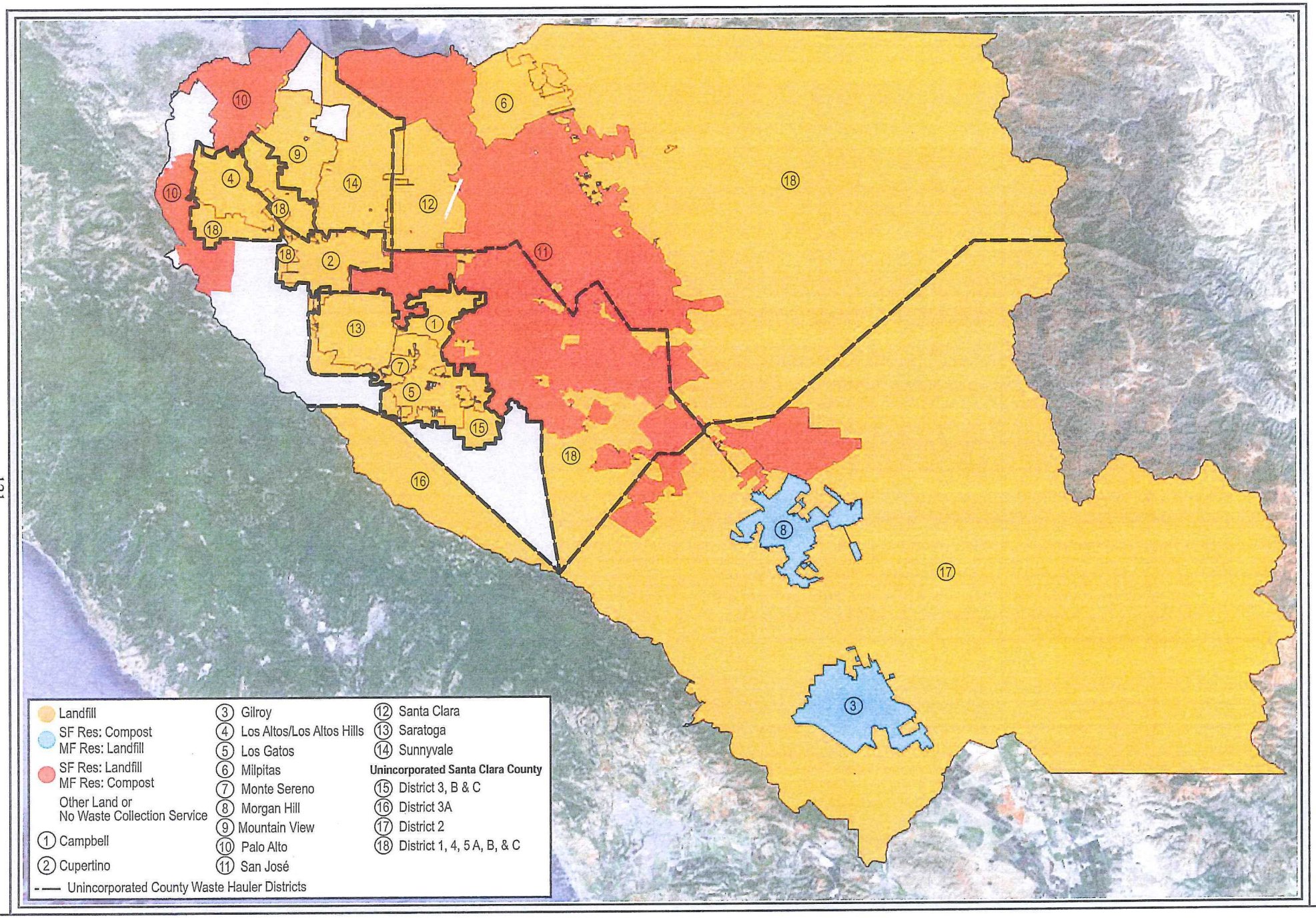
FIBER (PAPER, BAGASSE) DISPOSAL PATH (COMMERCIAL, SPECIAL EVENTS)

FIGURE 4.17-3



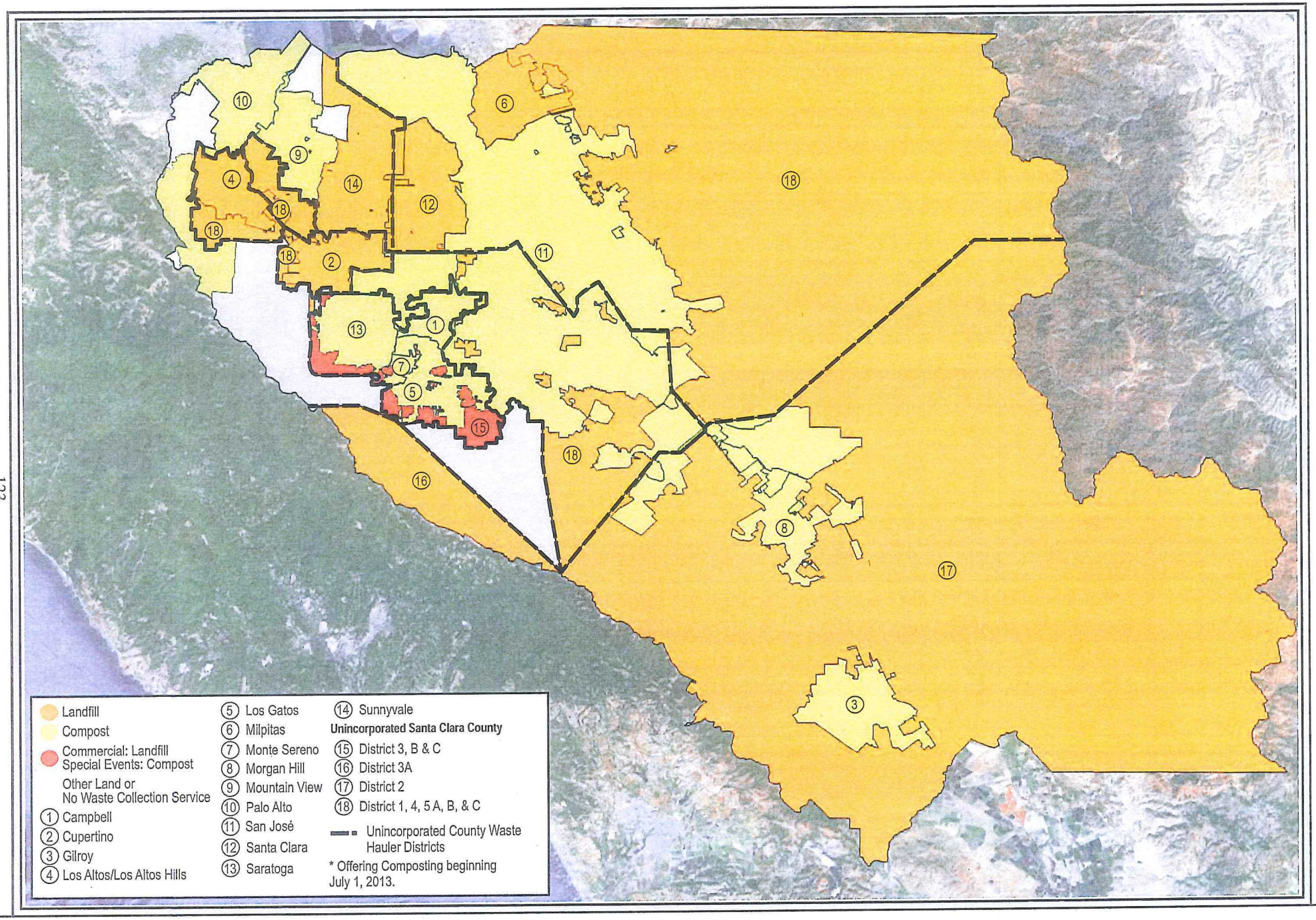
RIGID PLASTIC (PET, PP, PS) DISPOSAL PATH (ALL SECTORS)

FIGURE 4.17-4



COMPOSTABLE PLASTIC (PLA) DISPOSAL PATH (SINGLE FAMILY / MULTIFAMILY RESIDENTIAL)

FIGURE 4.17-5



COMPOSTABLE PLASTIC (PLA) DISPOSAL PATH (COMMERCIAL, SPECIAL EVENTS)

FIGURE 4.17-6

Table 4.17-3
Capacity of Waste Disposal and Diversion Facilities in Santa Clara County

Facility	Throughput Range (Tons/Year)	Capacity Range (Tons/Year)	Available Capacity (Tons/Year)	Jurisdictions Served
Landfills				
Guadalupe Recycling and Disposal Facility	375,000 - 499,999	1,000,000 - 1,499,999	625,000- 1,000,000	San José /Countywide
Kirby Canyon Recycling and Disposal Facility	500,000 - 749,999	750,000 - 999,999	250,000	Sunnyvale, Mountain View, Palo Alto
Newby Island Sanitary Landfill	500,000 - 749,999	1,000,000 - 1,499,999	500,000 - 750,000	Milpitas, San José
Zanker Material Processing Facility	5,000 - 24,999	100,000 - 199,999	95,000 - 175,000	Various
Recycling Facilities				
California Paperboard Corp	50,000 - 99,999	50,000 - 99,999	NA	Various
Graphic Packaging International Inc.	100,000 - 249,999	100,000 - 199,999	NA	Various
California Waste Solutions	50,000 - 99,999	100,000 - 199,999	50,000 - 100,000	Various
Golden State Fibers	10,000 - 19,999	20,000 - 39,999	10,000 - 20,000	Various
Green Team Materials Recovery	100,000 - 149,999	200,000 - 299,999	100,000 - 150,000	Los Altos Hills
Lassen Solid Waste Disposal	50,000 - 99,999	100,000 - 199,999	50,000 - 100,000	Various
Norcal MRF	10,000 – 24,999	20,000 - 49,999	10,000 - 25,000	Unincorporated Santa Clara County
Recycled Fibers – Newark Group San José Plant	20,000 - 49,999	40,000 - 99,999	20,000 - 50,000	San José and others
Smurfit-Stone Recycling	50,000 - 99,999	100,000 - 199,999	50,000 - 100,000	Various
Sunnyvale Materials Recovery and Transfer (SMaRT)	500,000 - 999,999	500,000 - 999,999	about 300,000[1]	Mountain View, Sunnyvale, Palo Alto
Zanker Material Processing Facility	150,000 - 249,999	300,000 - 499,999	150,000 - 250,000	Various
Compost Facilities				
South Valley Organic Composting Facility	40,000 - 80,000	50,000 - 100,000	10,000 - 20,000	TBD
Z-Best Composting Facility	240,000+	300,000	~60,000	Los Altos Hills and others

Source: CalRecycle. "Facility Information Toolbox: Facility List." 2013. Available at: http://www.calrecycle.ca.gov/FacIT/Facility/Search.aspx

[1] The SMaRT Station has a permitted capacity of 1,500 tons per day. In a recent Local Enforcement Agency (LEA) inspection report for the facility, the peak tonnage day was 1,052 tons (April 1, 2013), indicating an excess weekday capacity of 448 tons per day. City of Sunnyvale staff estimates a theoretical excess capacity of 316,580 tons per year, assuming seven day per week operation based upon the peak tonnage day in April 2013.

In the maximum impact scenario, all substitute products are assumed to be disposed of in a single waste disposal route (e.g. all substitutes are landfilled *or* all substitutes are recycled). Though unrealistic given the County's demonstrated compliance with California's 50 percent waste diversion requirement, use of the maximum impact scenario will demonstrate the effects of the project on the capacities of existing waste disposal facilities.

If every substitute product weighed five times more than the EPS foam products they replaced, the maximum weight ratio found in preparation of this Initial Study (see Appendix C and Footnote 103 on Page 112), then the total weight of the substitute products disposed annually would not exceed 25,000 tons. Based on available capacities listed in Table 4.17-1, even if all of these products were landfilled, composted, or recycled, the facilities in Santa Clara County have enough capacity for the maximum impact scenario.

In the maximum impact scenario, in which 25,000 tons of substitute material are all disposed via a single waste disposal path, the facilities in Santa Clara County would have adequate capacity and would not require expansion.

The potential increased weight of disposed products would not necessarily cause California Paperboard Corporation and Graphic Packaging International Inc. facilities, which according to CalRecycle have a throughput range that matches their capacity range, to expand. Both of these facilities purchase recycled paper as a feedstock to manufacture products, so they are not collectors dedicated to providing solid waste service to the participating jurisdictions. If they are at capacity at the time of waste collection, materials can be sold to other such manufacturers or sent to other recycling facilities with available capacity.

Realistically, a portion of the substitute materials would be recycled, some would be composted, and the rest landfilled. Furthermore the estimation of annual EPS foam consumption (four pounds per service population) is made based on the high end of the available data, and the maximum weight ratio of the substitute products was used to calculate the weight of substitute product waste. This means that the 25,000 tons per year estimation represents the highest conceivable weight of disposed food service ware that would replace EPS foam products. Therefore based on the conservative estimate and the available capacity of the existing facilities in the County, the proposed project's impacts to solid waste services and waste diversion services would be less than significant.

4.17.3 Conclusion

The proposed ordinance would not result in significant utilities and service systems impacts. **(Less Than Significant Impact)**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐	1 – 14
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1-14
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	1-14
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-14

4.18.1 Project Impacts

As described in the specific sections of this report (refer to *Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts, Sections 4.1-4.17*), on pages 10-113 of this Initial Study, the proposed project would not result in significant environmental impacts. The project would have no impacts in the areas of cultural resources, geology and soils, land use, minerals, population and housing, and public services. The project would have less than significant impacts in the areas of aesthetics, biological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, recreation, transportation, and utilities and service systems.

Compared to current baseline conditions of EPS foam food ware use and disposal in the project area, the project (i.e., ban of EPS foam food ware and shift to food ware made from substitute materials) would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or

animal or eliminate important examples of the major periods of California history or prehistory. **(Less Than Significant Impacts)**

4.18.2 Short-term Environmental Goals vs. Long-term Environmental Goals

The proposed project would not frustrate or conflict with long-term environmental goals in that the shift to substitute food ware materials would substantially reduce the amount of EPS foam food ware occurring in the environment as litter and disposed in landfills. EPS foam food ware persists for decades in the environment as litter and is not readily recyclable and must be disposed in landfills (where it persists indefinitely), and therefore it is in conflict with long-term environmental goals of protecting water quality and maintaining landfill capacity through increased waste diversion. Most substitute materials will be recyclable and/or compostable in support of long-term environmental goals of converting solid waste to resources. **(Less Than Significant Impacts)**

4.18.3 Cumulative Impacts

The analysis presented in this Initial Study evaluates adoption of an ordinance banning use of EPS foam food ware in all participating jurisdictions in Santa Clara County, including additional restrictions on retail sales and EPS foam ice chests in Palo Alto and unincorporated Santa Clara County (both jurisdictions already have bans on food vendor use of EPS foam food ware). Therefore, the analysis has accounted for the combined (cumulative) effects assuming participation by all jurisdictions in the county. Further, in completing the analysis for the project, the environmental analysis completed by numerous other jurisdictions was reviewed to determine whether a EPS foam food ware ban would lead to significant environmental effects in those jurisdictions. See Figure 2.3-3 depicting jurisdictions in the region that have adopted EPS foam food ware bans, including Marin, San Francisco, San Mateo, Santa Cruz, and Monterey counties. None of the jurisdictions with existing bans have found the restrictions on EPS foam food ware and shift to substitute food ware products would lead to significant environmental impacts, whether individually or in combination with past, present, or reasonably foreseeable future projects. The analysis in this Initial Study also supports the conclusion the project would cause no significant environmental impacts, whether individually, or in combination with the existing and proposed bans of other jurisdictions. **(Less Than Significant Cumulative Impacts)**

Secondary or Indirect Effects on Manufacturing Facilities

A drop in demand for EPS foam food service ware from Santa Clara County and other areas where bans or other limits on use are in place could result in several types of changes for manufacturing businesses. These changes may include a change in customers and target markets, reductions in production, shifts to manufacturing other products at the same facility, or in the most extreme cases potentially closing individual manufacturing facilities.

There are a number of companies that manufacture EPS foam food service ware that is used in California and they are not located or concentrated in one city, county or industrial district. If a manufacturing facility for EPS foam food ware were to be shut down and become vacant due to a drop in demand, it would be a localized economic effect and would not be expected to lead to urban

blight (an environmental impact) as a secondary effect. As noted above, an industrial building or buildings could be used for other purposes. Even if a building was to remain vacant, it would not necessary result in urban blight or other effects than could be considered environment impacts. Property owners in communities are expected or required to maintain their properties when vacant. Therefore, anticipated shifts in EPS foam food ware manufacturing associated with the project and in combination with other existing and proposed bans, would not result in reasonably foreseeable substantial environmental effects related to changes in demand or manufacturing of EPS foam food service ware. **(Less Than Significant Cumulative Impacts)**

4.18.4 Direct or Indirect Adverse Effects on Human Beings

As discussed previously in this Initial Study (*Sections 4.3 Air Quality, 4.8 Hazards and Hazardous Materials, 4.9 Hydrology and Water Quality, and 4.12 Noise*), the shift to food ware containers made from substitute materials will not adversely affect humans by emitting air pollutants, releasing toxic or hazardous materials, impairing drinking water supplies, and generating substantial noise. Compared to current baseline conditions involving manufacture, transport, use, and disposal of EPS foam food ware, the proposed project would not directly or indirectly cause significant effects on human beings. **(Less Than Significant Impacts)**

CHECKLIST INFORMATION SOURCES

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the project area and surrounding conditions, as well as a review of the draft model ordinance.

2. General Plans.
   a. City of San José . *Envision San José 2040 General Plan*
   b. County of Santa Clara. *General Plan*
   c. South County Joint Area Plan

3. Municipal and County Codes for jurisdictions within Santa Clara County.

4. California Department of Conservation. *Santa Clara County Important Farmland 2010.* Map.

5. Bay Area Air Quality Management District. *Bay Area 2010 Clean Air Plan.* September 15, 2010.

6. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines.* May 2011 and May 2012.

7. Final Santa Clara Valley Habitat Conservation Plan. August 2012.

8. State of California, Alquist-Priolo Earthquake Fault Zones, and County of Santa Clara Landslide & Fault Zone Maps.

9. USDA, SCS. *Soils of Santa Clara County.*

10. Climate Action Plans/GHG Reduction Strategies (see Table 4.7-1)

11. U.S. EPA Toxics Release Inventory and Industry Profiles.

12. California Ocean Science Trust. *Plastic Debris in the California Marine Ecosystem.* September 2011.

13. City of San José and SCVURPPP Litter Studies (2008-2013).

14. SCVWD. *Urban Water Management Plan.* 2010.

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Appendix A

A-1: City of San José Draft Ordinance

A-2: City of Sunnyvale Draft Ordinance

RD:SSW:SSW
1/15/2013

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 9.10 OF TITLE 9 OF THE SAN JOSE MUNICIPAL CODE TO ADD A NEW PART 17 TO PROHIBIT THE USE OF POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE BY FOOD VENDORS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Chapter 9.10 of Title 9 of the San Jose Municipal Code is hereby amended by adding a new Part to be numbered and entitled and to read as follows:

Part 17

Polystyrene Foam Disposable Food Service Ware

9.10.3200 Definitions.

The definitions set forth in this Section shall govern the application and interpretation of this Part 17.

A. "Director" means the director of the environmental services department or his or her designee.

B. "Disposable food service ware" means single-use disposable products used in the restaurant and food service industry for serving or transporting prepared foods and includes, but is not limited to, plates, cups, bowls, trays, and hinged or lidded containers, also known as clamshells. Disposable food service ware does not include straws, utensils or drink lids.

C. "Food vendor" means any establishment located in the City of San Jose that sells or otherwise provides prepared food for consumption on or off its premises, and includes, but is not limited to, any shop, sales outlet, restaurant, bar, pub, coffee

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shop, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, mobile food truck, vehicle or cart, or roadside stand.

D. "Large food vendor" means a food vendor that is part of a chain or franchise of food vendors that have the same name, are substantially identical, and operate in more than one state.

E. "Polystyrene foam" means the thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques, including but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene foam" also includes polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam (expanded polystyrene). Polystyrene foam does not include clear or solid polystyrene known as oriented polystyrene that has not been expanded or blown using a gaseous blowing agent.

F. "Prepackaged food" means properly labeled processed food sold or otherwise provided by a food vendor that arrives at the premises of the food vendor in a container or wrapper in which the food is wholly encased, enclosed, contained or packaged and is not removed from such container or wrapper (other than an outer container or wrapper that encases, encloses, contains or packages multiple units of the food) before its sale or provision at the premises.

G. "Prepared food" means food or beverages that are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared. Prepared food does not include uncooked eggs, fish, meat or poultry unless provided for consumption without further food preparation.

H. "Small food vendor" means a food vendor that is not a large food vendor.

9.10.3210 <u>Polystyrene Foam Disposable Food Service Ware Prohibited.</u>

A. By January 1, 2014, no large food vendor shall sell or otherwise provide prepared food in polystyrene foam disposable food ware service.

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B. By January 1, 2015, no small food vendor shall sell or otherwise provide prepared food in polystyrene foam disposable food ware service.

C. The prohibitions in paragraphs A and B do not apply to prepackaged food.

9.10.3220 Exemptions

A. Undue hardship. The director may exempt a food vendor from the prohibitions in Section 9.10.3210 on a case-by-case basis for undue hardship. For purposes of this Section, "undue hardship" means (1) situations unique to the food vendor where a suitable alternative to polystyrene foam disposable food service ware does not exist for a specific application; and/or (2) situations where no reasonably feasible available alternative exists to a specific and necessary polystyrene foam product prohibited by this part.

B. Financial hardship. The director may exempt a food vendor from the prohibitions in Section 9.10.3210 on a case-by-case basis for financial hardship. For purposes of this Section, "financial hardship" means a food vendor has been granted a financial hardship exemption from the payment of business license taxes from the director of finance pursuant to Section 4.76.345 of this code for the calendar year in which the vendor applies for an exemption from the provisions in Section 9.10.3210.

C. Exemption request.

1. A food vendor seeking an exemption for undue hardship or financial hardship shall submit a written exemption request to the director. The written exemption request shall include all information and documentation necessary for the director to make a finding that imposition of this part would cause an undue hardship or financial hardship as defined in this Section. For purposes of documenting a financial hardship, a food vendor must provide evidence that it has been granted a financial hardship exemption from the city's director of finance pursuant to Section 4.76.345 of this code.

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2. The director may require the applicant to provide additional information in order to make a determination regarding the exemption request.
3. The director may grant an exemption request in whole or in part, with or without conditions, for a period of up to one year upon a finding that a food vendor seeking the exemption has demonstrated that strict application of the prohibitions in Section 9.10.3210 would cause undue hardship or financial hardship as defined in this Section.
4. If a food vendor who has been granted an exemption wishes to have the exemption extended, the vendor must re-apply for the exemption thirty (30) days prior to the expiration of the exemption and demonstrate continued undue hardship or financial hardship. Extensions may be granted for a period not to exceed one year.
5. Exemption decisions are effective immediately and are final and not subject to appeal.

SECTION 2. This ordinance shall be effective on January 1, 2014.

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1/15/2013

PASSED FOR PUBLICATION of title this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

_____
CHUCK REED
Mayor

ATTEST:

_____
TONI J. TABER, CMC
Acting City Clerk

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Chapter 5.39
ENVIRONMENTALLY ACCEPTABLE FOOD CONTAINERS AND SERVICE WARE

Sections:

5.39.010 Definitions

5.39.020 Polystyrene foam food containers and service ware prohibited

5.39.030 Exemptions

5.39.040 Violations

5.39.010. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

(a) "Customer" means a person obtaining prepared food from a food provider.

(b) "Food container" means a container that is used, or is intended to be used, to hold prepared food. "Food container" includes, but is not limited to, a cup, bowl, plate, tray, carton, or clamshell container that is intended for single use.

(c) "Food provider" means any vendor, business, organization, entity, group or individual located in the city of Sunnyvale that offers food or beverages to the public for consumption on or off premises, regardless of whether there is a charge for the food. "Food provider" includes, but is not limited to, restaurants, retail food establishments, caterers, cafeterias, stores, shops, sales outlets, grocery stores, delicatessens, itinerant restaurants, pushcarts, and vehicular food vendors.

(d) "Food service ware" includes plates, bowls, cups, lids, straws, stirrers, forks, spoons, knives, napkins, trays, and other items primarily designed for use in consuming food.

(e) "Polystyrene foam" means a container made of blown polystyrene, and expanded and extruded foams (sometimes called Styrofoam™) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead polystyrene), injection molding, foam

molding, and extrusion-blown molding (extruded foam polystyrene), which is used, or is intended to be used, to hold prepared food.

(f) "Prepared food" means any food, including beverages, that is served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared for consumption, including but not limited to ready-to-eat and takeout food.

(g) "Vendor" means any store or business which sells or offers goods or merchandise, located or operating within the City of Sunnyvale.

5.39.020 Polystyrene foam containers and service ware prohibited.

(a) On or after _____, 2013, a food provider shall not dispense prepared food to a customer in a polystyrene foam food container.

(b) On or after _____, 2014, polystyrene foam food containers and polystyrene foam food service ware shall not be sold or provided by any vendor in the City of Sunnyvale.

5.39.030. Exemptions.

The following are exempt from the provisions of this Chapter:

(a) Raw eggs and raw, butchered meat, fish, or poultry that is sold from a butcher case or a similar retail appliance.

(b) A food provider may dispense prepared food to a customer using polystyrene foam containers if that food provider demonstrates, in writing, to the satisfaction of the director of environmental services that compliance with the provisions of this Chapter will impose a unique problem, not generally applicable to other persons in similar circumstances, that will result in an undue economic hardship. The director of environmental services shall put the decision to grant or deny an exemption in writing and may exempt the food vendor pursuant to this subdivision until _____, 2014, or not more than one year from the date of the demonstration, whichever date is sooner. The Director's decision shall be final.

5.39.040. Violations.

(a) The director of environmental services has primary responsibility for enforcement of this chapter. The director of environmental services is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including,

but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours.

(b) If the director of environmental services determines that a violation of this chapter has occurred, he or she will issue a written warning notice to the operator of the vendor or food provider that a violation has occurred and the potential penalties that will apply for future violations.

(c) Any vendor or food provider that violates or fails to comply with any of the requirements of this chapter after a written warning notice has been issued for that violation shall be guilty of an infraction.

(d) If a vendor or food provider has subsequent violations of this chapter that are similar in kind to the violation addressed in a written warning notice, the following penalties will be imposed and shall be payable by the operator:

(1) A fine not exceeding one hundred dollars for the first violation after the written warning notice is given;

(2) A fine not exceeding two hundred dollars for the second violation after the written warning notice is given; or

(3) A fine not exceeding five hundred dollars for the third and any subsequent violations after the written warning notice is given.

(e) A fine shall be imposed for each day a violation occurs or is allowed to continue.

(f) All fines collected pursuant to this chapter shall be deposited in the Wastewater Management Fund of the department of environmental services to assist the department with its costs of implementing and enforcing the requirements of this chapter.

(g) Any vendor or food provider who receives a written warning notice or fine may request an administrative review of the accuracy of the determination or the propriety of any fine issued, by filing a written notice of appeal with the director of environmental services no later than thirty days after receipt of a written warning notice or fine, as applicable. The notice of appeal must include all facts supporting the appeal and any statements and evidence, including copies of all written documentation and a list of any witnesses, that the appellant wishes to be considered in connection with the appeal. The appeal will be heard by a hearing officer designated by the director of environmental services. The hearing officer will conduct a hearing concerning the appeal within forty-five days from the date that the notice of appeal is filed, or on

a later date if agreed upon by the appellant and the city, and will give the appellant ten days prior written notice of the date of the hearing. The hearing officer may sustain, rescind, or modify the written warning notice or fine, as applicable, by written decision. The hearing officer will have the power to waive any portion of the fine in a manner consistent with the decision. The decision of the hearing officer is final and effective on the date of service of the written decision, is not subject to further administrative review, and constitutes the final administrative decision

Appendix B

Baseline Estimates

BASELINE ESTIMATES OF DISPOSABLE POLYSTYRENE FOAM FOOD WARE CONTAINER USE IN THE PROJECT AREA

Prepared by

David J. Powers & Associates, Inc.

For

City of San José

July 2013

ENVIRONMENTAL BASELINE

The project proposes to ban the use of expanded or extruded polystyrene (EPS) foam food service ware by restaurants and food service establishments within participating jurisdictions in Santa Clara County. Foam food service ware products generally include hot and cold cups, plates, clamshells, and in some cases food trays.[1] Some jurisdictions may also choose to adopt ordinances restricting EPS foam foodservice ware sales in stores and retail outlets. A restriction on sales of EPS foam coolers or ice chests could also be included in ordinances adopted by participating jurisdictions.

The California Environmental Quality Act (CEQA) requires that environmental analysis identify the impact of a proposed project upon the existing physical conditions 'on the ground". "Existing conditions" is usually defined as conditions that exist when the environmental analysis begins. The environmental analysis for this project was undertaken in Spring 2013. Data available in the Spring of 2013 from prior years therefore defines the baseline period for this environmental analysis.

1.0 Baseline EPS Foam Food Ware Use

EPS foam is one of a number of materials used to manufacture disposable or single-use food service ware. Precise information on the number of EPS foam cups, plates, clamshells and food trays used or distributed within the project area (i.e., within each jurisdiction or cumulatively across Santa Clara County) is not readily available from government agencies or other independent sources. In the absence of precise data, an estimate for the project area can be derived in several ways, as discussed below. The following discussion summarizes estimated baseline use projected from readily available information on EPS foam food service ware 1) manufacture, 2) occurrence in the waste disposal stream and 3) as litter. Where information is for larger sample areas (e.g., national or state) estimates are presented on a per capita basis. For smaller sample areas (e.g., an individual city or town), projected baseline rates are adjusted on a per capita or per service population (residents + employees) basis to reflect the influence of both residents and the daytime population of employees.**1.1**

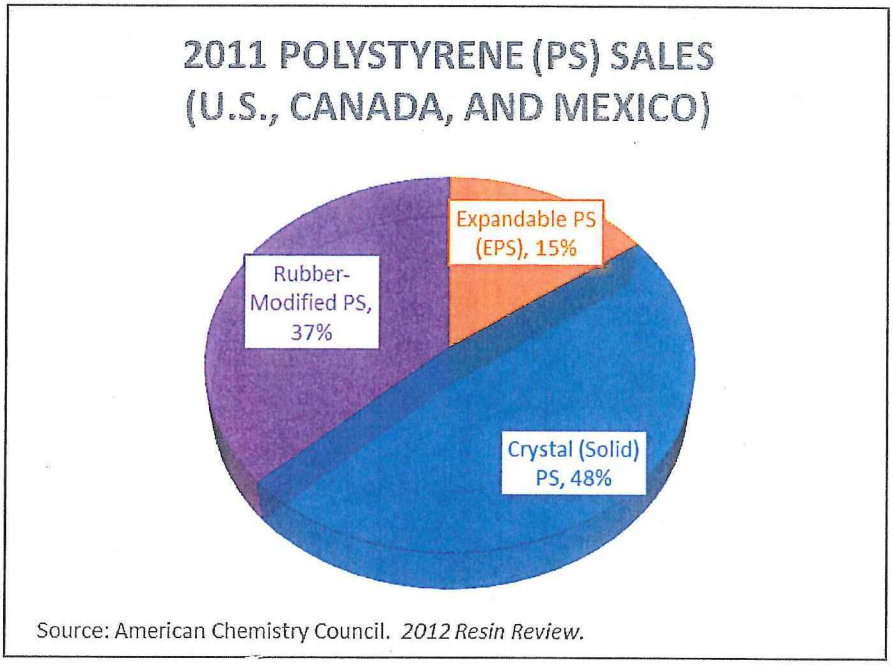
Baseline Estimates Based on EPS Foam Food Ware Production

In a 2004 report to the California State Legislature, the California Integrated Waste Management Board (now CalRecycle) estimated the statewide annual amount of polystyrene production and sales for various categories.[2] In terms of market share, an estimated 156,829 tons of EPS were used in consumer and institutional settings, This category includes: disposable food serviceware (including disposable cups) and a range of other goods such as dinner and kitchenware, toys, sporting goods, household and institutional refuse bags and film, personal care items, healthcare and medical products, hobby and graphic arts supplies (including photographic equipment and supplies), apparel,

[1] A clamshell is a foldable, closable container that holds food ranging from sandwiches to take-out dinners.
[2] California Integrated Waste Management Board. 2004. *Use and Disposal of Polystyrene in California A Report to the California Legislature.* December 2004.

footwear, luggage, buttons, lawn and garden tools, signs and displays and credit cards. It is important to note that not all of the polystyrene included in this estimate would be foamed or expanded polystyrene. These estimates were based on an extrapolation of California's share of a larger market in the 2002 Edition of *The Resin Review: The Annual Statistical Report of the U.S. Plastics Industry* prepared by the American Chemistry Council. Using 2000 census figures, annual per capita use of all polystyrene in a consumer and institutional settings in California would be about 9.3 pounds per person.[3] The percentage of food ware that makes up this category was not specified and therefore, is unknown.

In the 2012 Edition of *The Resin Review,* total sales of polystyrene to the NAFTA region (Canada, Mexico, and the United States) were listed as 4.7 billion pounds in 2011.[4] This total includes all types of polystyrene and is not limited to EPS foam.



Source: American Chemistry Council. *2012 Resin Review.*

Food packaging and food service and expandable polystyrene (EPS) sales categories were tabulated in the 2012 Resin Review, however, there was not a standalone category of single-use EPS food ware. Total sales of EPS in 2011 in the NAFTA region was 821 million pounds (about 1.8 pounds/capita), however, this amount includes exports and products other than food ware.

In comparison, EPS sales in 2010 for just the United States and Canada, were 782 million pounds, or about 2.3 pounds/capita. The percentage of EPS as a proportion of total polystyrene resin sales was about the same (15 percent).

The statistics included in the 2012 Resin Review also included data for 2007-2010 for distribution in Canada and the United States and for 2011 in the NAFTA region. Using a similar technique of adjusting values to reflect California's share based upon U.S. Census data as in the 2004 report to the California Legislature, the distribution to the major market of Consumer and Institutional uses is shown in Table B-1. For the most recent year with production data for the U.S. and Canada (2010),

[3]Based upon U.S. Census Bureau data, California's population on April 1, 2000 was about 33,871,648 persons.
[4] American Chemistry Council. 2012. *The Resin Review (The Annual Statistical Report of the North American Plastics Industry.* 2012 Edition.

the production data on a per capita basis for the Consumer and Institutional Market would be about seven (7) pounds of EPS per capita.[5]

A challenge with obtaining or using information based upon EPS foam food ware production is that information is generally collected by research firms or trade organizations on a fee basis and based upon confidential reporting. As noted in a recent report prepared by MB Public Affairs on EPS foam food ware use in New York City, food service ware sales (in dollars) were estimated from the confidential sales information provided from industry sources.[6]

Table B-1
Distribution of Polystyrene Resin to Consumer and Institutional Market
(millions of pounds)

	2007	2008	2009	2010	2011
Canada & United States	3,028	2,851	2,647	2,376	--
Canada, Mexico and United States	--	--	--	--	2,518
California	333	314	291	261	209
Santa Clara County	16	15	14	12	10

Notes: California makes up about 12 percent of the population of the United States and about 11 percent of the combined populations of the United States and Canada based U.S. and Canadian census values. California made up about eight (8) percent of the population of the United States, Canada, and Mexico in 2011.
The combined population of the United States and Canada in 2010 was about 342 million people. The combined population of the United States, Canada and Mexico (NAFTA) was about 450 million people.
Santa Clara County's population was about 4.8 percent of the total population of the State of California during this period. Population estimates for Santa Clara County for the period of 2007-2011 are from the California Department of Finance.[7]

Based upon a review of the categories for polystyrene resin sales and production in the 2012 Edition of *The Resin Review*, the baseline use of EPS foam food ware could range from about 1.8 pounds per capita to a high of about seven (7) pounds per capita.

[5] The production estimates for 2011 in the 2012 report, which include the entire NAFTA area, increased by approximately six (6) percent from 2010 when the survey area was the United States and Canada. The additional population of Mexico represents about 24 percent of the population of the United States, Canada and Mexico (the NAFTA area). Since the increase in production for the larger area does not appear proportional to the increase in population and this is the first year of reporting, the 2010 estimate likely is a more representative value for California on a per capita basis.
[6] MB Public Affairs. 2013. *Fiscal & Economic Impacts of a Ban on Plastic Foam Foodservice and Drink Containers in New York City.* March 2013. Accessed April 19, 2013. Available at: <http://www.prnewswire.com/news-releases-test/new-study-details-economic-and-environmental-costs-of-nyc-polystyrene-ban-199167951.html>. Estimates of use by number of units or by weight were not provided in this economic study.
[7] State of California, *Department of Finance, E-8 Historical Population and Housing Estimates, 2000-2010 Report, by Year.* Sacramento, California, November 2012.).

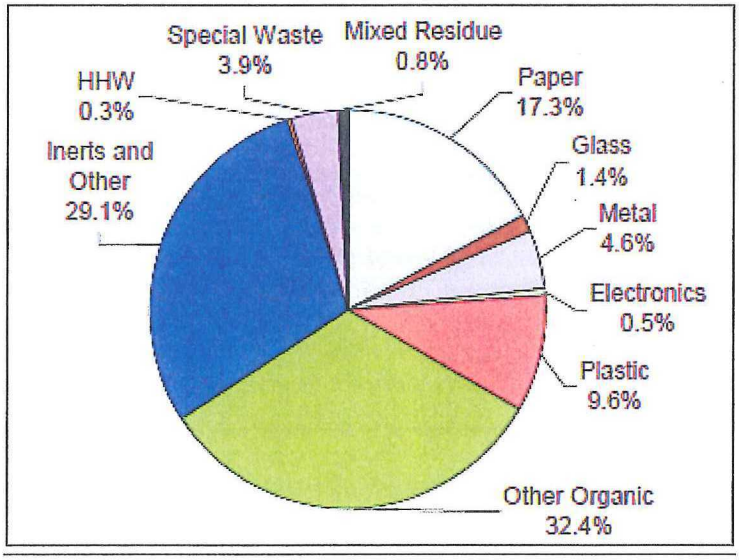
1.2 Baseline Estimates Based on Waste Characterization and Litter Studies

1.2.1 EPS Foam Food Ware in Solid Waste

Waste characterization studies that cover some or all of the project area include both statewide studies and studies conducted within the Cities of San Jose, Sunnyvale, Mountain View and Palo Alto. EPS foam food ware is a component of solid waste in the plastics category.

Statewide Waste Characterization

The State of California periodically completes waste characterization studies to assist with the implementation of waste management strategies, including waste diversion programs, improvement of existing programs, and measures to reduce greenhouse gas emissions. The most recent statewide surveys were completed in 2008.[8]



Material Classes in California's Overall Disposed Waste Stream (2008)

Source: CIWMB. 2009. 2008 Statewide Waste Characterization Study

By weight, plastics are not in the top ten types of materials disposed of in California. PS foam food ware would generally be placed in one of two subcategories: *#3-#7 Other Containers* or *Remainder/ Composite Plastic.* These subcategories include other materials such as bottles for salad dressings and vegetable oils, flexible and brittle yogurt cups, egg and other food trays, and plastic strapping that would not be limited by the ordinance. An estimated 163,008 tons of *#3-#7 Other Containers* and 1,104,719 tons of *Remainder/Composite Plastic* was disposed of in 2008. Single use EPS foam food ware uses statewide would be a subset of these two subclasses, however, as these categories

[8] CIWMB. 2009. *California 2008 Statewide Waste Characterization Study.* Prepared by Cascadia Consulting Group. Available at: < http://www.calrecycle.ca.gov/WasteChar/WasteStudies.htm>

include a wide range of other items and EPS foam is relatively light, a meaningful estimate of EPS foam food ware use cannot be made from this data.

2008 Waste Characterization Study for the City of San Jose

A waste characterization study for the residential and commercial sectors was conducted in the City of San Jose in March 2008.[9] Unlike the 2008 statewide survey, expanded polystyrene was specifically assessed. In the 2008 San Jose study the polystyrene subcategory includes food and non-food containers and packing materials. Examples included cups and plates, egg cartons, foam packing, meat trays, packing "peanuts," take-out and other food and beverage containers. A total of 1,011 tons (0.1 percent of the total) were generated by the residential sector citywide and 1,610 tons were generated by the commercial sector. These values would include some materials such as egg cartons, foam packing, meat trays and packing peanuts that would not be covered by the proposed ordinance. The study also noted that 563 tons of polystyrene was recycled; this would not include single use EPS foam food ware.

Based on this waste characterization study, an estimate of EPS foam food ware use (not accounting for materials improperly disposed of as litter and not collected) would be up to 2,621 tons, or 5.3 pounds per capita and 3.9 per service population.[10] This estimate could be a conservatively high value for EPS food ware use as the total expanded polystyrene subcategory includes some items, such as egg cartons and packing material, not effected by the model ordinance.

2010 Waste Characterization for Sunnyvale and Mountain View

A 2010 waste characterization report found that EPS[11] food packaging makes up an estimated 689 tons per year of waste transferred to the landfill from the cities of Sunnyvale and Mountain View after materials recovery at the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station®). This is about 0.5 percent of the total waste disposed.[12] The EPS food packaging subcategory specifically included clamshells, cups, plates, and bowls. This represents approximately 6.4 pounds per year per capita or 4.1 pounds per year per service population of the two cities.[13]

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[9] Cascadia Consulting Group. 2008. *City of San Jose Waste Characterization Study Final Report - DRAFT* May 2008.

[10] Based upon an estimated population of 985,307 and a service population of 1,354,757 (985,307 residents plus 369,450 jobs) for the City of San Jose in 2008. (Source: City of San Jose. 2010. *Envision San Jose 2030 General Plan Final Program EIR*).

[11] Note: In some studies, the term EPS refers to all PS foam food ware, both expanded (e.g., cups) and extruded foam (e.g., plates and clamshells). Unless otherwise noted, EPS categories in waste categorization studies includes both types of PS foam food ware.

[12] City of Sunnyvale. 2010. *City of Sunnyvale Waste Characterization Report.* Prepared by Cascadia Consulting Group. November 2010.

[13] Based upon a combined population for the cities of Sunnyvale and Mountain View in 2010 of 214,147 persons and a service population of 337,147 (jobs + residents. (Sources: 2010 Census data and Association of Bay Area Governments. 2013. *Draft Plan Bay Area: Draft Forecast of Jobs, Population and Housing*. March 2013)

The report also included waste survey estimates for the City of Sunnyvale alone. EPS food packaging in the waste stream was estimated at 314 tons, or 29 pounds per year per service population (140,081 residents + 75,000 jobs).

Other Waste Characterization or Use Studies

A recent waste characterization study completed for the City of Palo Alto sampled waste materials taken to the SMaRT Station® in the City of Sunnyvale in 2012. EPS foam (EPS) materials made up 114.3 tons or approximately 0.4 percent of waste materials from the City overall[14]. This waste characterization was completed at a time that the City's existing ordinance on foam food ware was in place. Unlike the 2010 waste categorization for Sunnyvale and Mountain View, this study did not separate EPS packaging from food ware and by definition included drinking cups, egg cartons, meat trays, packing blocks, packing peanuts, plates and bowls, and take-out containers. Sources of EPS materials in the waste stream could include allowed meat trays and containers used in residences or for food purchased outside the City. Some, but an undetermined amount of EPS materials estimated in this study would be effected by implementation of an ordinance in neighboring cities or adoption of a limit on sales of empty containers or EPS foam ice chests in the City.

Limited user surveys have been undertaken in the City of Milpitas and unincorporated Santa Clara County of businesses that use single-use disposable food containers. In a survey of 25 businesses in the City of Milpitas, about one-half (13) used EPS foam food containers. Of the businesses that use polystyrene take-out containers, the majority estimated use of more than 2,000 pieces per month of clamshells, soup cups with lids, hot drink cups, cold drink cups, plates, and other products.[15] An estimate of monthly use by food service businesses was not projected citywide, however.

The County of Santa Clara survey results were also limited by sample size and are discussed under *Baseline Estimates Used in Other Environmental Review,* below.

1.2.2 EPS Foam Food Ware in Litter

Litter is waste that is improperly discarded. Due to the aesthetic, health, and environmental effects of litter, a number of organizations and government agencies track and characterize trends in litter generation, human behavior, and fate in the environment. The following section reviews some of the results of litter studies, as they apply to the estimation of EPS foam food ware use and contribution to litter in the project area.

It is important to note that it is difficult to document and categorize litter because it is the result of human behavior (frequently impulsive behavior) and littered materials are operated on by various environmental factors, such as wind, sunshine, and rain. It is also difficult to compare study results because there is no one standardized methodology that is appropriate for studies in all environments (e.g., streets, highways, parks, waterways, and shorelines). Comparisons are further complicated by

[14] Cascadia Consulting Group. 2013. *Waste Characterization Report City of Palo Alto.*
[15] Cascadia Consulting Group. 2011. *Expanded Polystyrene Food Service Take-Out Container Study.* Prepared for the City of Milpitas. April 26, 2011.

different systems or categories used to identify the materials that are littered. For example, EPS foam food ware is a type of plastic and may not be counted separately from other plastics or miscellaneous categories.

National Litter Generation Studies and Review

Keep America Beautiful is a national organization that has funded a number of studies that characterize quantities, types, and location of litter. In a recent fact sheet, it was noted that litter is often discarded at transition points where pedestrians consuming a food (or tobacco products) discard the product before entering. [16] In addition to being found along roadways, litter also collects in storm drains, loading docks, recreation areas, near construction sites and in retail districts. A 2009 study estimated that 4,660,930 tons of litter is collected annually nationwide by cities, counties, state government, educational institutions and businesses.[17] On a per capita basis, this would be about 30 pounds of litter per person.

In a 2012 study underwritten by the American Chemistry Council Plastics Foodservice Packaging Group, Environmental Resources Planning LLC summarized the results of a number of litter characterization studies, including one from San José that recorded amounts of polystyrene foam food service products in urban street litter. A median value of 1.5 percent of "large" litter[18] (by count) was reported to be EPS foam food ware, based upon 19 surveys between 1994 and 2008 in jurisdictions in the United States and Canada.

The 2009 San Jose study of litter "hot spots" reported 2.3 percent of litter was polystyrene foam food ware, which was higher than a number of the other studies and the median value. About 0.8 percent EPS foam food ware (of total large litter) was also listed for a 2008 San Jose street litter audit. EPS foam food ware reported in the small litter category was less than the large litter category. Only studies that use techniques of characterizing EPS foam litter by count, rather than volume or weight were reviewed as the author opined that counts are

Methods of Measuring Litter in the Environment

Several different metrics are used in litter or trash assessments and in some cases more than one type of measurement is used to meet the goals or purpose of the assessment. Counts of "large" or "small" litter by category or type of material have been chosen as an appropriate metric for a number of street and roadway litter studies. Other ways to assess quantities of litter on streets or in waterways include by weight and by volume. Characterizing litter by weight can distort the proportion of each litter type by heavy items, such as wood, metal, and containers with liquids, though it provides information that is of interest in terms of litter collection, in terms most people can understand. For a recent estimate of trash loading in stormwater runoff in the South Bay Area, the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) chose to primarily use a volume metric. This was done in part to assess the visual impact of litter as well as characterizing the relative amounts of litter that could reach local waterways, including pieces of PS foam.

[16] Keep California Beautiful. *Litter Facts*. April 18, 2010. Accessed April 12, 2013. Available at: <http://www.keepcabeautiful.org/facts/litter-facts.html>.

[17] MSW Consultants. 2009. *2009 National Visible Litter Survey and Litter Cost Study.* Prepared for Keep America Beautiful, Inc. September 18, 2009.

[18] "Large Litter" in the San Jose and other litter studies referenced in the review generally consisted of litter greater than or equal to four square inches in size.

more precise and have lower variability than surveys by volume or weight (unless tallies are also included). The review of national and Canadian litter counts concluded that EPS foam food ware is a small proportion (1.5 percent) of litter.

City of San Francisco Street Litter Audits

Audits of litter on streets in the City of San Francisco were conducted in 2007, 2008, and 2009. Litter was categorized by size and material type.[19] Litter was classified as "large litter" for those items over four (4) square inches in size or as "small litter" for items less than 4 square inches. In the large litter category, paper and fiber[20] materials contributed the largest component (46 – 54 percent percent) of the total large litter. Plastic materials, including unidentified miscellaneous plastic litter that is weathered and could not be identified with certainty, were the second most significant material type in the large litter category. In the small litter category, glass and cigarette butts were in the top two by number of items. Polystyrene foam pieces made up one percent of the counted small litter in 2009.

At the time of the 2009 litter audit two types of items, retail plastic bags and polystyrene packaging materials, were regulated under the municipal code. Ordinances regulating the use of these products were not in place at the time of the first audit in 2007. Both retail plastic bags and polystyrene litter decreased as a percentage of total large litter between 2007 and 2009. In the analysis of litter observations by major category, the percent of polystyrene cups making up "large litter" decreased between 2007 and 2009 while paper and plastic cups increased (HDR at p. 41).

These litter audits observed the number of pieces of litter at selected sites and do not provide an estimate of total numbers or weight of food service ware in litter citywide. The results for the one sample year after implementation of an ordinance on EPS foam food ware appears to show a decrease in the number of polystyrene cups while other cups increased in frequency. In other words, it appears that in 2009 there was a shift from EPS foam to substitutes, but no change in the overall amount of food ware litter.

City of San Jose Litter and Trash Characterization Studies

The City of San Jose has conducted a number of trash characterization studies at locations throughout the City that look at the volume, counts, and/or weight of litter found in the environment. These studies include:

- SAIC. 2008. *The City of San Jose Streets Litter 2008*. Prepared for City of San Jose Department of Environmental Services. September 30, 2008.
- City of San Jose. 2009. *Targeted Litter Assessment.*
- City of San Jose. 2012. *Litter Assessment Data*. Spreadsheet.

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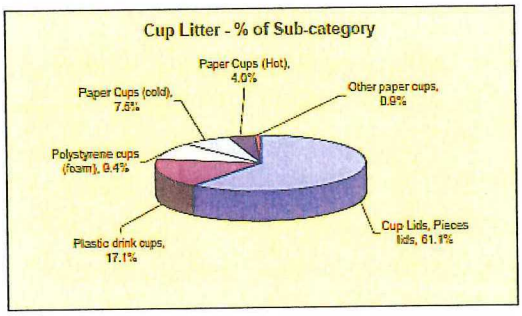
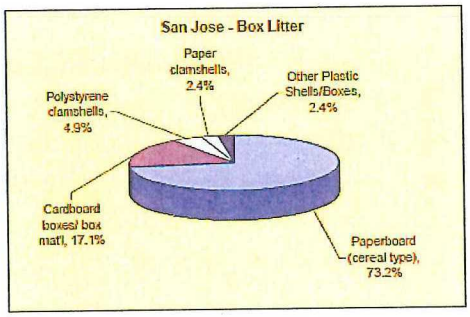
[19] HDR. 2009. *The City of San Francisco Streets Litter Re-Audit 2009.* Prepared for the City of San Francisco San Francisco Environment Department. September 2009.

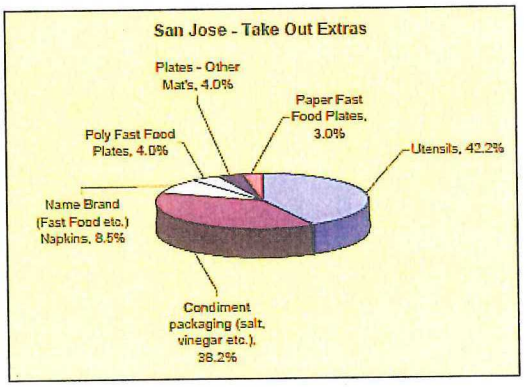
[20] Fiber based litter included paper, paperboard, cardboard, towels, napkins, newspapers, books, flyers, printed materials, business forms, stationary, paper packaging, and paper bags.

The 2008 street litter survey counted items of litter found at 125 randomly selected sites. Like the studies conducted for the City of San Francisco, litter was categorized by size and material type. EPS foam cups were found to make up 0.65 percent of the "large litter" counted. EPS foam plates and clamshells made up 0.1 and 0.05 percent respectively, for a total of 0.8 percent of EPS foam food ware.

The relative breakdown of EPS foam food ware within three categories, cups, plates and boxes in the 2008 study provides some insight into other products reported in 2008. These breakdowns are shown below.







Categories of Litter Reported at Selected San Jose Locations
By Litter Count (2008)
Source: SAIC, 2008.

The 2009 targeted litter assessment included litter counts at 48 sites in the City of San José with relatively high concentrations of litter (e.g., litter "hot spots"). The goal was to quantify and characterize litter found at these hot spot sites. A total of 7,917 pieces of litter were counted from the 48 sites for an average of 165.5 items per site. Overall, about 12.4 percent of the items were classified as fast food items and 9.5 percent were cups. The assessment also included sub-categories for several polystyrene food ware products. At the targeted sites, the percent of total "large litter" included:

- 1.6 percent polystyrene foam cups
- 0.4 percent polystyrene foam food plates
- 0.2 percent polystyrene clamshells.

Polystyrene trays, which depending on their use, may not be covered by the proposed ordinance made up about 0.2 percent of the total large litter.

In 2012, litter was counted at 31 sites in the city. Polystyrene food ware products made up about 3.5 percent of the total litter counts. The breakdown by polystyrene food ware type was:

- 2.2 percent polystyrene foam cups
- 0.8 percent polystyrene foam food plates (rounded)
- 0.1 percent polystyrene clamshells (rounded).

Polystyrene foam trays were approximately 0.5 percent of the 2012 total litter count.

In summary, the street litter assessments completed in San Jose range from a random sampling of counted litter to surveys of litter "hot spots" with litter counts recorded. EPS foam food ware generally makes up four percent or less of total litter. EPS cups and plates appear to be more prevalent in these assessments, where measured, than EPS clamshells. Individual subcategories (e.g., EPS foam plates, clamshells) likely are less than one percent of total litter by count, volume or weight. The 2008 study, using random samples, provides the most representative assessment of litter citywide, while the other assessments focus on areas where litter has found to be more prevalent or concentrated.

NPDES Audits and Studies

Trash characterization and loading in waterways has been addressed in a number of recent studies undertaken starting in 2009 in the portion of the project area that drains to San Francisco Bay (i.e., the jurisdictions and area of the County roughly north of Morgan Hill). As a part of the Municipal Regional Stormwater Permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board, litter audits have been completed for a regional study to assess the types and amounts of trash transported via urban runoff.

Trash, including single-use food ware, is transported to local creeks and San Francisco Bay shorelines through three primary pathways: 1) curbs/gutters, storm drain lines and open channels that are part of storm water collection systems in urban areas; 2) wind; and 3) illegal dumping into water bodies.[21]

Preliminary findings for each of the Santa Clara County MRP co-permittees are summarized in Table B-2. Approximately 3,900 cubic yards of trash that could reach creeks in the San Francisco Bay Basin is estimated to be generated annually. SCVURPPP estimates that approximately eight percent of this trash by volume, or 311 cubic yards, is EPS foam food ware. These values are projected, in part, based upon land use types in an effort to identify baseline trash generation that is transported to waterways via urban runoff. The results of studies will be presented to the SF Bay RWQCB in 2013.

[21] SCVURPP. 2013. *Urban Runoff Trash Management Reducing Impacts in Santa Clara Valley Creeks and San Francisco Bay.* February 2013.

Table B-2
Estimated Volume of Trash Reaching Storm Drain Inlets[1]
(Stormwater Trash)

Jurisdiction	Estimated Volume of Trash Generated Annually[1]	Estimated Volume of EPS Foodware & Beverageware Trash Generated Annually[3]		
	Best Estimate (Gallons)	Low Estimate (Gallons)	**Best Estimate (Gallons)**	High Estimate (Gallons)
Campbell	17,186	1,025	**1,367**	1,709
Cupertino	25,292	1,509	**2,012**	2,515
Los Altos	10,393	620	**827**	1,034
Milpitas	38,302	2,285	**3,047**	3,809
Monte Sereno	426	25	**34**	42
Mountain View	44,736	2,669	**3,559**	4,449
Palo Alto	31,955	1,907	**2,542**	3,178
San Jose	302,474	18,048	**24,064**	30,080
Santa Clara	64,636	3,857	**5,142**	6,428
Saratoga	8,032	479	**639**	799
Sunnyvale	82,628	4,930	**6,574**	8,217
County of Santa Clara	37,425	2,233	**2,977**	3,722
Los Altos Hills	835	50	**66**	83
Los Gatos	13,224	789	**1,052**	1,315
Totals (Gallons)	**677,543**	**40,428**	**53,904**	**67,380**
Totals (Cubic Yards)	**3,904**	**233**	**311**	**388**

[1]As reported in Short-Term Trash Load Reduction Plans as a part of Baseline Trash Generation Rates Characterization in the San Francisco Bay Area.

[2]Estimates based on the total amount of uncompacted trash/EPS measured in Storm Drain inlets and CDS units (5 events) in San Jose and Sunnyvale. Best = percentage of EPS compared to all trash; High and low assume measurement error of (+/-) 25% when characterizing trash/EPS.

[3] Simple multiplication of annual trash load generated and percentage EPS (low = 6 percent, best estimate = 8 percent, and high = 10 percent)

Source: Chris Sommers, EOA, Inc. for SCVURPPP. April 24, 2013.

Information on Litter in the South Santa Clara County Area

The area of Santa Clara County south of Morgan Hill, including the cities of Morgan Hill and Gilroy, drain to Monterey Bay and have not been covered by trash and litter assessments and characterization conducted as a part of the MRP under the NPDES program. Trash has been collected twice per year along several local creeks on an annual basis since 2007 and the weight of trash (and recyclables) collected reported.[22] Tens of pounds to over 1,000 pounds of trash were collected at individual sites. A breakdown of the composition of trash collected (e.g., plastics, paper, EPS foam food ware) is not included in the past events results posted by the *Creek Connections Action Group*, which organizes the annual cleanups. The City of Morgan Hill also periodically conducts a trash collection along creeks as part of an annual City Beautification event.[23] Trash collection locations have included Llagas Creek, Chesbro Reservoir, Anderson Lake and West Little Llagas Creek in the Morgan Hill area and Coyote Lake, Uvas Reservoir, Uvas Creek and Upper Miller Slough near Gilroy.

Conclusions Regarding Baseline EPS Foam Food Ware Quantities in Litter

Data collected in some recent street and creek litter surveys provides information on the relative proportion of EPS foam food ware in total litter. By all measures (count and volume) the proportion is generally less than 10 percent by volume in stormwater systems and ranging from less than one percent to 3.6 percent by count in street litter.

There are several challenges with using litter surveys to estimate the amount of EPS foam food ware use not captured by waste characterization studies. First, the material surveyed may not have been deposited within a measurable time frame, such as a month or year. Second, litter studies in urban settings are generally conducted to count pieces of litter and/or the volume of litter in order to assess visual impacts or provide information for collection or minimization efforts and the results are not extrapolated to a community wide basis. Third, due to the fact that some litter is more friable (e.g., EPS foam breaks into pieces more readily that crystalline EPS or fiber products), counts of litter, especially in storm drains and creeks, makes estimates by weight or numbers of whole cups, clamshells or plates difficult, if not infeasible.

The recent survey conducted for SCVURPPP as part of a regional characterization of trash reaching creeks estimates 311 cubic yards of uncompacted polystyrene foam food ware trash for the jurisdictions covered by the SF Bay RWQCB's MRP in Santa Clara County (this area does not include south county areas from Morgan Hill south). Assuming the density of this uncompacted litter would be similar to that of collected waste, the estimated 311 cubic yards of expanded polystyrene foam could weigh about 3,000 pounds (or 1.5 tons).[24] This would be a conservatively

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[22] Creek Connections Action Group. "Past Events Results". Accessed April 24, 2013. Results for individual clean ups Available at: <http://www.cleanacreek.org/Pasteventsresults_main%20page.asp>.

[23] City of Morgan Hill. "City Beautification Day 2011". Accessed April 25, 2013. Available at: <http://www.morgan-hill.ca.gov/index.aspx?NID=1002&ART=3302&ADMIN=1>.

[24] The weight of expanded polystyrene materials are variable. One manufacturer of non-food products offers expanded PS foam insulation at densities ranging from 0.7 – 3 pounds per square foot (Source: American Insulation Corporation. "What is EPS?". Available at: http://insulationcorp.com/eps/)/). CalRecycle lists the density of "Polystyrene blown, formed foam" as 9.62 pounds per cubic yard in a posted list of conversion factors for various

high estimate of the weight of EPS foam food ware in stormwater system litter extrapolated from the data if the spaces between items was greater than those for the CalRecycle waste conversion factors. On a weight and volume basis, the amount of EPS foam food ware found in litter transported in storm drain systems appears to be a fraction of the approximately four pounds per service population of EPS foam food ware properly disposed of and collected by various jurisdictions in the project area. Several thousand tons of annual EPS foam food ware were tabulated for three jurisdictions, Sunnyvale, Mountain View and San Jose, in waste characterization studies discussed previously. Therefore, the addition of EPS foam food ware found as litter would not substantially effect per service population estimates of use by weight.

In conclusion, the baseline for EPS food ware appearing as litter in Santa Clara County is:

- Street Litter: about 0.8-3.6 percent by count of large litter (four square inches in area or more) on streets based upon citywide and hot spot street litter surveys in San José; and
- Stormwater System Litter:
  - about eight (8) percent by volume based upon SCVURPP litter characterizations (i.e., trash loading) in storm drain systems discharging to creeks and waterways.[25]
  - about 311 cubic yards of EPS trash (roughly 3,000 pounds) per year in the SVURPP area.

While the PC foam trash in storm drain systems is roughly equivalent to about 3,000 pounds for the SCVURPP area, it should be noted that the SCVURPP litter characterizations do not include litter directly deposited in waterways by wind or dumping. Weight is generally not used in local litter studies as it does not assist with the assessment of the visibility or persistence of different types of litter in the storm drain systems and creeks.

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types of waste (Available at: http://www.calrecycle.ca.gov/LGCentral/Library/DSG/Irecycl.htm). The estimate of 3,000 pounds is made using the density of 9.62 pounds per cubic yard.

[25] Refer to Table B-2 for a breakdown by jurisdiction.

1.3 Baseline Estimates Used in Other Environmental Review

1.3.1 County of Santa Clara

The County of Santa Clara conducted a telephone survey in 2011 and contacted approximately 80 percent of the 60 food service vendors in unincorporated areas of the County.[26] Use of EPS food and beverage containers at these vendors would be restricted by the then proposed Expanded Polystyrene Food and Beverage Containers Ordinance. Nineteen of the 29 vendors who participated in the survey did not use food containers or cups made from EPS. Use of EPS food containers by eight vendors ranged from a low of 50 to a high of 300 per month while use of cups by nine vendors ranged from 30 to 450. As the sample size was limited, the County concluded it was not possible to make an estimate of the total volume of EPS containers used by vendors in the unincorporated area of the County. A likely annual usage of 100,000 to 150,000 units was stated with the qualification that it was based on a limited response.

1.3.2 City of Fremont

Based in part upon a 2008 waste characterization study, the City of Fremont estimated that approximately 15% of plastic containers (129.1 tons) in the waste stream were expanded polystyrene food containers.[27] Assuming a population of approximately 209,257 in 2008;[28] that would represent approximately 1.2 pounds per person per year. On a service population basis, this estimate would be about 0.9 pounds (per residents + employees), assuming about 94,240 jobs within the City in 2008. On a per capita and service population basis, this would be lower than the estimates derived above for San Jose and Sunnyvale/Mountain View.

1.3.3 County of San Mateo

In a 2010 Notice of Intent to Adopt a Negative Declaration, a total of 2,696 food vendor business were reported in the County of San Mateo and these businesses were estimated to consume 351,500 units of polystyrene-based food ware containers, such as cups, clamshells and plates. The basis for this estimate was not listed.[29]

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[26] County of Santa Clara. 2012. *Expanded Polystyrene Food and Beverage Containers Ordinance.* April 12. 2012. p.9.
[27] City of Fremont. *Expanded Polystyrene Food Service Ware Ban Draft Negative Declaration.* April 2010.
[28] State of California, *Department of Finance, E-8 Historical Population and Housing Estimates, 2000-2010 Report, by Year.* Sacramento, California, November 2012.
[29] County of San Mateo. 2010. Notice of Intent to Adopt a Negative Declaration for the *Ordinance Prohibiting Food Vendors From Using Polystyrene-Based Disposable Food Containers.*

1.4 Summary of EPS Foam Food Ware Annual Use Estimates

Information on the number single use EPS foam food ware containers (e.g., cups, bowls, plates, clamshells and ice chests) used in the project area was not found to be readily available. Estimates of EPS foam food ware use were assessed based upon available information on EPS foam production and sales, waste characterization and litter studies and are summarized in Table B-3.

Challenges were encountered where EPS foam and/or food ware information was not separately characterized and where the units measured (such as litter counts) could not reliably be projected to the various uses with the jurisdictions in the project area.

An industrywide review of polystyrene resin production which covered the years 2007-2011 and the United States and Canada (and Mexico in 2011) unfortunately did not include a specific category for EPS foam food ware. The EPS category and institutional and consumer categories, which both include food ware, were examined and a per capita use estimate of 1.8 pounds per person of EPS in 2011 within the U.S., Canada, and Mexico made. Uncertainties include the amount of foam food ware (e.g., versus building insulation) within this category as well as the possible differences in per capita use between Santa Clara County and Canada and Mexico, which were included in the sales information.

Local waste characterization studies completed in 2008 and 2010 contain appropriate information on the weight of EPS foam food ware that can be averaged on a per service population (jobs + residents) basis. The use of the service population metric is appropriate in this case as single-use food ware is used by both residents and workers and in most of the larger communities in the project area there are considerable numbers of workers that use single use food ware who commute and do not reside within those jurisdictions. There is some uncertainty in the estimates where the percentage of EPS foam food ware was estimated (City of Fremont) or where some EPS foam food ware that would not be covered by the ordinance was included (2008 San Jose Waste Characterization).

Available litter studies did not generally attempt to quantify the weight, volume or counts of litter across an entire community or region. Recent surveys prepared for SCVURPP estimate that EPS foam food ware contributes about 133 cubic yards of uncompressed materials to litter in creeks that drain within the project area to San Francisco Bay (with just over 90 percent of the service population). By weight, this would not result in a discernable change in estimated EPS foam wood ware use based on 2008 and 2010 waste characterization studies undertaken for San Jose, Sunnyvale and Mountain View. In other words, for the purposes of estimating the magnitude of EPS foam food ware use within the project area, it appears that most EPS foam food ware use is captured in the rates derived from waste characterization studies.

Table B-3 Summary of EPS Foam Food Ware Use Best Estimates					
Source	**Tons**	**Population**	**Service Population**	**Rate per Capita (pounds)**	**Rate per Service Population (pounds)**
Estimate for 2011 Derived from EPS Sales in 2012 Resin Review[1]	410,500 (821 million pounds)	453 million (U.S., Canada, and Mexico)	--	about 1.8	--
2008 San Jose Waste Characterization[2]	2,621	985,307	1,354,757	5.3	3.9
2010 Sunnyvale Waste Characterization	314 (survey of collected waste)	140,081 (Sunnyvale)	215,081 (Sunnyvale)	4.5	2.9
	689 (survey of residual waste from Sunnyvale and Mountain View after sorting)	214,147 (Sunnyvale: 140,081, Mountain View: 74,066)	337,147 [Sunnyvale: 215,081, Mountain View: 122,066}	6.4	4.1
2008 Fremont Waste Characterization Estimate	129.1	209,257	303,497[3]	1.2	0.9
Range of Estimates	--	--	--	**1.2 – 6.4**	**0.9 -4.1**

[1]Also includes EPS other than food ware.
[2]Includes other EPS foam products, such as egg cartons and packing peanuts.
[3]Includes interpolated estimate of jobs in 2008 from ABAG Projections 2009.

EPS foam food ware used in the project area consists of an unknown mixture of products, including plates, cups, trays and clamshells. An equivalent number of items per pound for individual products can be estimated, however. As shown in Table B-4, one pound of EPS foam food ware per service population would be equivalent to about:

- 46, 8-inch clamshells *or*
- 53, 9-inch plates *or*
- 91 16- ounce cups *or*
- 53 32-ounce cups

Table B-4
Equivalent Number of PS Foam Food Ware Clamshells or Cups

PS Foam Product	Item Size	Measured Weight (grams)	Weight (in Pounds)	Number of Items per Pound	Number of Items per 4 pounds[5]
Clamshell[1]	8-inch	10	0.022	46	182
Plate[2]	9-inch	8.5	0.019	53	211
Cup[3]	16 ounce	5	0.011	91	364
Cup[4]	32-ounce	8.8	0.019	53	211

[1] Manufacturer: DART Corporation
[2] Weight data from: Horvath, A. & Chester, M. *Greenhouse Gas Emissions of Expanded Polystyrene Food Containers and Alternative Products Used in Los Angeles County.* July 14, 2009.
[3] Manufacturer: DART Corporation for the Jamba Juice Company.
[4] Weight data from: Franklin Associates, Ltd. *Life Cycle Inventory of Foam Polystyrene, Paper-Based, and PLA Foodservice Products.* February 4, 2011.
[5] Items per pound and Items per 4 pounds may not correspond exactly due to rounding. The baseline use of PS foam food ware in the project area is conservatively estimated at about four pounds per service population (residents + employees).

2.0 USERS AND MANUFACTURERS OF EPS FOAM FOOD WARE

The proposed model ordinance would restrict the use of single-use disposable EPS foam food ware in participating jurisdictions. A summary of the number of facilities and vendors with food handling permits in Santa Clara County is provided in Table B-4. Food facilities covered by the County's permit program include restaurants, markets, bakeries, liquor stores, bars, certified farmers' markets, food service at fairs and festivals, catering trucks, hot dog carts, ice cream trucks, produce vehicles, and food vending machines.

Provisions of the ordinance, including the sale of empty EPS foam food ware and ice chests, could also apply to other vendors within the project area. The number and types of businesses and facilities are summarized in Table B-5.

Manufacture of EPS foam food ware would not be restricted under the ordinance, however, manufacturing facilities within the State of California could experience a change in demand for EPS foam food ware products with implementation of existing or reasonably foreseeable EPS foam food ware ordinances in County of Santa Clara and throughout California. The number of EPS foam manufacturers in 2007 are also listed.

Table B-5: Permitted Food Vendors in Santa Clara County					
Jurisdiction	**Food Service[1]**	**Caterer**	**Mobile Food Facility**	**Grocery Stores**	**Other[2]**
San Jose	2,636	49	710	617	354
Campbell	188	14	6	42	54
Cupertino	230	2	4	28	36
Gilroy	188	0	31	66	19
Los Altos	89	1	2	15	30
Los Altos Hills	4	0	0	1	0
Los Gatos	157	3	4	37	31
Milpitas	347	3	5	55	40
Monte Sereno	0	0	0	0	0
Morgan Hill	154	0	6	39	21
Mountain View	380	4	50	70	159
Palo Alto	350	0	7	40	60
Santa Clara	568	13	144	102	57
Stanford	120	0	18	3	8
Saratoga	78	0	7	13	38
Sunnyvale	449	1	10	93	57
Unincorporated Santa Clara County	56	0	118	15	67
Total	5,994	90	1,122	1,236	1,031

Source: County of Santa Clara Department of Environmental Health, Food Safety Permit Program (2013)
[1] Food Service includes restaurants, cafes, delicatessens and other locations where food is prepared on-site (e.g., delicatessens in grocery stores).
[2]Other includes: food demonstrators and short-term events.

Table B-5 Summary of Businesses and Facilities That May Sell, Use or Manufacture EPS Foam Food Ware		
Information Category	**Data**	**Sources**
	Consumption	
Restaurants/Food Service Vendors in Santa Clara County	• 224 gas stations with convenience stores	• U.S. Census Bureau. *2010 County Business Patterns.* 2010.
	• 8,237 permits for food service, caterers, mobile food service, and other	• County of Santa Clara Department of Environmental Health (refer to Table A-1)
Grocery Stores	• 1,236	• County of Santa Clara Department of Environmental Health, Food Safety Permit Program (refer to Table A-1)
Sporting Goods Stores in Santa Clara County	• 123 sporting goods stores	• U.S. Census Bureau. *2009 County Business Patterns.* 2009.
Merchandise Stores in Santa Clara County	• 42 department stores (includes discount department stores) • 71 general merchandise stores (includes warehouse clubs and supercenters)	• U.S. Census Bureau. *2010 County Business Patterns.* 2010.
Retail/Pharmacy	• 190 pharmacies and drug stores	• U.S. Census Bureau. *2010 County Business Patterns.* 2010.
Hardware Stores in Santa Clara County	• 38 hardware stores	• U.S. Census Bureau. *2010 County Business Patterns.* 2010.
	Statewide Producers	
PS Foam Manufacturers	• 77 Polystyrene foam manufacturers in California – 9.74 percent of value of U.S. shipments – 3,389 employees	• U.S. Census Bureau. *Industry Statistics Sampler*. 2007.

3.0 BASELINE CONCLUSIONS

In summary, the baseline estimates for the project area (Santa Clara County) are follows:

1. **Baseline for EPS food ware <u>used</u> annually in Santa Clara County** –
   Counts for various products (cups, plates, clamshells) that could be applied countywide are not readily available. Based upon a review of the categories for polystyrene resin sales and production in the 2012 Edition of *The Resin Review*, the baseline use of EPS foam food ware could conservatively range from about 1.8 pounds per capita to a high of about seven (7) pounds per capita per year.

2. **Baseline for EPS food ware appropriately disposed as <u>waste</u> annually in Santa Clara County** – Based upon waste local characterization studies within Santa Clara County, EPS food ware appropriately disposed of annually is conservatively 2.9-4.1 pounds per service population (residents + jobs) or 5.3-6.4 pounds per capita per year. The per capita estimate of about six pounds per year is within the range of the estimate noted above for food ware used (based upon production).

3. **Baseline for EPS food ware appearing as <u>litter</u> in Santa Clara County-**

   - Street Litter: about 0.8-3.6 percent by count of large litter (four square inches in area or more) on streets based upon citywide and hot spot street litter surveys in San José; and
   - Stormwater System Litter:
     - about eight (8) percent by volume based upon SCVURPP litter characterizations (i.e., trash loading) in storm drain systems discharging to creeks and waterways.[30]
     - about 311 cubic yards of EPS trash (roughly 3,000 pounds) per year in the SVURPP area.

4. **Baseline for types of businesses and activities covered by the ordinance** –
   The ordinance would apply to a wide range of businesses and activities within the Santa Clara County project area. Over 8,000 businesses or organizations have food handling permits from the County of Santa Clara, including restaurants, cafes, mobile food service, caterers, grocery stores, convenience stores, and one-time. Other vendors whose sales would be covered activities include several hundred restaurant and food service suppliers, warehouse stores, retail/pharmacy stores, sporting goods and hardware stores.

[30] Refer to Table 4.9-2 in Section 4.9 Hydrology and Water Quality for a breakdown by jurisdiction.

Appendix C

Summary of Life Cycle Assessments (LCAs)

A SUMMARY OF LIFE CYCLE ASSESSMENTS (LCAs) AND LIFE CYCLE INVENTORIES (LCIs)

Prepared by

David J. Powers & Associates, Inc.

For

City of San José

June 2013

LIFE CYCLE ASSESSMENTS AND INVENTORIES

A life cycle assessment (LCA) is a process used to assess the environmental impact of a given product throughout its lifespan. A LCA assesses the raw material production, manufacture, distribution, use, and disposal (including all intervening transportation steps) of a given product. The methodology for completing a LCA is standardized by the International Organization for Standardization (ISO).[1]

A life cycle inventory (LCI) is a study of the inputs and outputs for a product system and is typically a part of a comprehensive LCA. Raw materials and resource inputs as well as emissions to water, air, and land are accounted for. An LCI identifies the outputs without trying to analyze the impacts to an environmental system. For example an LCI would show how many kilograms of carbon dioxide, methane, and nitrous oxide are produced in a manufacturing process but would not calculate assess the global warming impacts that would result from those emissions.

LCAs are useful because they provide specific analysis and quantifiable results for the purpose of assessing environmental impacts of a given product. However, the LCA process is complex and involves many variables that can differ from report to report. Each LCA assumes different parameters and system boundaries in its calculations, and utilizes a unique set of data to reach its conclusions. Often, LCAs are completed in different regions of the world that have unique environmental factors such as transportation distances and composition of energy supply that may not apply elsewhere. Similar issues arise with LCIs. For these reasons, the results contained in LCAs and LCIs consulted for this Initial Study may not precisely reflect conditions in Santa Clara County.

Due to the variations and limitations involved in the LCA/LCI process, direct comparisons between the results of two or more studies involve a level of uncertainty. Many environmental impacts occur on a local or regional scale, and the location of those impacts is difficult to define. However, by examining the results of several LCAs and LCIs, it is possible to get a reasonable range of the likely impacts associated with a given product over the course of its lifetime such that a qualitative comparison of impacts can be presented.

Summaries of the relevant studies consulted in this Initial Study are provided in this Appendix. Materials referenced in the discussions are defined in Table C-1, below.

[1] ISO standards 14040:2006 and 14044:2006 establish the principles, framework, requirements, and guidelines for LCAs. International Organization for Standardization. "ISO standards for life cycle assessment to promote sustainable development." July 7, 2006. Accessed April 9, 2013. Available at: <http://www.iso.org/iso/home/news_index/news_archive/news.htm?refid=Ref1019>

Table: C-1 Abbreviations for Food Container Materials	
Acronym	**Material Type**
EPS	Expanded or Extruded Polystyrene
GPPS or PS	General Purpose Polystyrene
HDPE	High-Density Polyethylene
LDPE	Low-Density Polyethylene
PC	Polycarbonate
PET	Polyethylene Terephthalate
PHA	Polyhydroxyalkanoate
PLA	Polylactic Acid
PP	Polypropylene
PVC	Polyvinyl Chloride

LCA/LCI Summaries:

- Tabone et al. *Sustainability Metrics: Life Cycle Assessment and Green Design in Polymers.* 2010.
- Madival et al. *Assessment of the environmental profile of PLA, PET, and PS clamshell containers using LCA methodology.* 2009.
- Franklin Associates. *Life Cycle Inventory of Foam Polystyrene, Paper-based, and PLA Foodservice Products.* 2011.
- Kuczenski et al. *Plastic Clamshell Container Case Study.* 2012.
- PlasticsEurope. *Environmental Product Declarations of the European Plastics Manufacturers.* 2008-2012.
- Zabaniotou, A. & Kassidi, E. *Life cycle assessment applied to egg packaging made from polystyrene and recycled paper.* 2002.
- Franklin Associates. *Life Cycle Inventory of 16-ounce Disposable Cups.* 2009.
- PE Americas. *Comparative Life Cycle Assessment Ingeo™ biopolymer, PET, PP Drinking Cups.* 2009.

Tabone et al.
Sustainability Metrics: Life Cycle Assessment and Green Design in Polymers

Authors: Michaelangelo D. Tabone, James J. Cregg, Eric J. Beckman, Amy E. Landis

Sponsor: University of Pittsburgh, Department of Civil and Environmental Engineering

Date: September 2, 2010

Products Analyzed: PET, HDPE, LDPE, PP, PC, PVC, GPPS, PLA-G (general process), PLA-NW (NatureWorks LLC), PHA-G (general process), PHA-S (corn stover), B-PET (hybrid bio/petroleum)

Functional Unit: One liter of polymer contained in pellets (prior to product molding)

Impact Categories: Acidification, Carcinogenicity, Ecotoxicity, Energy Use, Eutrophication, Global Warming, Non-carcinogenicity, Ozone Depletion, Respiratory Effects, Smog, Fossil Fuel Depletion

Summary:

The report assesses the environmental impacts of each polymer's production as well as its adherence to green design principles. The scope of the study is "cradle-to-gate," meaning that the study only compares impacts resulting from the production of each plastic and not the use or disposal. The analysis was broken down into the impact categories listed above, and normalized so that impacts are compared relative to the greatest impact exhibited by a product for each impact category. A chart displaying the relative impacts is available within the LCA, but is not reproduced here.

The LCAs for the study show that the production of biopolymers such as PLA and PHA has lower global warming potential than the production of traditional plastics. However because of the fertilizer use and pesticide use where the feedstocks are grown, as well as the chemical processing steps where the polymer is produced, biopolymer production results in greater eutrophication, eco-toxicity, and human health impacts.

Polypropylene (PP) is the best performer based on the LCAs primarily because its production releases very little benzene and $PM_{2.5}$, and was also the least energy demanding of the products considered. Benzene is classified as a known human carcinogen by the U.S. Environmental Protection Agency.[2]

[2] United States Environmental Protection Agency. "Benzene." January 2012. Accessed April 23, 2013. Available at: http://www.epa.gov/ttnatw01/hlthef/benzene.html

Limitations in Application of the LCA to Santa Clara County:

The Tabone et al. LCA offers a low potential for bias compared to other LCAs because it was funded by a University and published in an academic journal. Though the calculated releases of benzene, toluene and $PM_{2.5}$ show relative performance of the studied polymers, they lack the context necessary to conclude that one or more may have a substantially greater impact than the other.

The study does not directly apply to the proposed project because it does not consider the full life cycle of the products (resins). The "Cradle-to-Gate" scope means that the manufacturing of specific products, as well as the use and disposal of the products is not considered. As a result, some materials such as polylactic acid may appear to have greater impacts relative to other materials since their potential for material recovery via compost and reuse is not incorporated into the impact calculation.

Another issue with the LCA is that impacts are analyzed based on the European average for emissions resulting from crude oil and natural gas extraction, processing, and transportation. Emissions associated with these processes could differ in the United States due to the distances to the feedstock and the transportation methods used to deliver it to the manufacturing facilities. Along with the differences in energy supply between Europe and the United States, these factors are evidence that the results of these LCAs would likely differ if calculated using United States data and assumptions.

Applications of the LCA to Santa Clara County:

Tabone et al. show that in order to manufacture one liter of polymer in pellets, between 60 and 150 megajoules of energy are expended depending on the material. PP is the least energy intensive of the studied products, polystyrene is close to the average, and PET and PC are the highest. Though the results of the study's calculations cannot be extrapolated to make quantitative conclusions about the production of these polymers, it is helpful to know that the energy required to produce the range of plastic substitutes to EPS foam is within one order of magnitude.

Ultimately, the impacts analyzed in this study such as eutrophication, carcinogenicity, acidification, smog, and eco-toxicity, are regional in nature. Since the content of the report does not specify the exact locations of the steps in polymer production, the locations of the impacts are undetermined. These impacts are likely to occur outside of Santa Clara County since there is not a large petrochemical processing industry in the area. While the study gives a broad picture of the relative impacts of resin production and the issues that arise from it, no conclusions can be drawn about environmental impacts in Santa Clara County.

Conclusion:

When one considers the end of life scenario, the extra steps required to foam GPPS, and the small range of energy demands for all substitutes, it becomes clear that this LCA does not show that any one substitute requires so much energy that its use in place of polystyrene foam would create a substantial increase in energy use and associated greenhouse gas emissions.

Madival et al.
Assessment of the environmental profile of PLA, PET and PS clamshell containers using LCA methodology

Authors: Santosh Madival, Rafael Auras, Sher Paul Singh, and Ramani Narayan

Sponsor: Michigan State University, Department of Chemical Engineering and Material Science

Date: May 23, 2009

Products Analyzed: PLA (NatureWorks LLC), PET, and PS Clamshells

Functional Unit: 1,000 containers with a capacity of 0.4536 kg (1lb) each for strawberries

Impact Categories: Global Warming (CO_2), Acidification (SO_2), Ozone Depletion (CFC-11), Eutrophication (PO_4), Respiratory Organics (ethylene), Respiratory Inorganics ($PM_{2.5}$), Ecotoxicity (TEG[3]), Energy Use, Land Occupation

Summary:

The goal of this study was to compare the environmental impacts of PLA, PET and PS thermoformed containers used for strawberry packaging. The Madival et al. LCA is a "cradle-to-cradle" study that includes in its impact evaluation the extraction of the raw material, the resin production process, container formation, and end-of-life disposal. The LCA also includes shipping distance and transportation impacts for each product.

The report looked at "Cradle-to-Gate" (i.e. resin production) impacts first and found that PLA had the greatest impact related to respiratory inorganics such as $PM_{2.5}$. PET production was found to have the highest impacts in all production impact categories except for respiratory inorganics, respiratory organics, and aquatic acidification. The study attributes this to the greater weight of the PET containers and the transportation distance of the resin.

The study includes a "Cradle-to-Grave" impact assessment which is summarized in Table C-2 below. As with the Cradle-to-Gate component of the study, polystyrene (not expanded) did not have the biggest impact in any of the categories.

[3] TEG = triethylene glycol

Table C-2 Madival et al. Strawberry Clamshell LCA Impact assessment values for 1,000 PLA, PET, and PS Containers			
Impact Category	**PLA**	**PET**	**PS**
Global warming, kg CO_2	735	763	730
Aquatic acidification, kg SO_2	5.66	4.97	4.87
Ozone layer depletion, kg CFC-11	9.15×10^{-5}	9.48×10^{-5}	8.71×10^{-5}
Aquatic eutrophication, kg PO_4	0.0886	0.1480	0.0819
Respiratory organics, kg ethylene	1.33	1.29	1.24
Respiratory inorganics, kg $PM_{2.5}$	1.31	1.26	1.22
Aquatic ecotoxicity, water, kg TEG	257,000	266,000	260,000
Energy, MJ surplus	13,400	14,000	13,500
Land occupation, m^2org.arable[a]	10.3	11.0	9.8
[a] m^2org.arable = square meters equivalent of organic arable land.			

Limitations in Application of the LCA to Santa Clara County:

The Madival et al. study does not consider composting as a possible end-of-life scenario for food containers because at the time of the study, emissions data was not available. While composting emissions data may continue to be unavailable, it is important to take into account all disposal paths, especially when considering a PLA material. This is because when plastics made from plant feedstocks are composted, the carbon that went into the material is released back into the atmosphere, and the greenhouse gas impacts of the product change. Bioplastics are generally inert in landfills and act as a carbon sink in those scenarios. Multiple cities in Santa Clara County including San José have access to industrial scale composting facilities and could divert PLA containers to compost rather than to the landfill.

The Madival et al. LCA evaluates four end-of-life scenarios as well as the 'current condition.' The current scenario for disposal paths used in the study is based on the average U.S. municipal waste stream for polymers, which in 2005 resulted in 76.5 percent of polymers being landfilled and 23.5 percent being incinerated. Since the cities of Santa Clara County do not incinerate waste and since almost all of them offer a robust recycling program for disposable food ware plastics, these end-of-life assumptions are not representative of the project area.

The study incorporates renewable energy credits purchased by NatureWorks LLC into the calculation of PLA greenhouse gas impacts. The integrity and reliability of the renewable energy credits is not vetted in this study so it is not clear to what extent they actually reduce global warming impacts. Furthermore the purchase of energy credits is the practice of one company (NatureWorks) and is not representative of all PLA products.

Finally, and perhaps most importantly, the LCA does not consider any of the food containers that would be affected by the proposed project. Produce-containing clamshells such as those considered in the study are not made from polystyrene foam, so they would not be affected by the project. It

would be difficult to extrapolate the results of this impact assessment to apply to the food containers subject to the proposed ordinance since products differ substantially in weight and volume.

Applications of the LCA to Santa Clara County:

The Madival et al. strawberry clamshells study demonstrates the similarities between the life cycle impacts of PLA, PET, and PS products. No one product has an environmental impact substantially greater than another. The study also indicates that the land use and eutrophication issues typically associated with PLA products may be overstated, since PLA accounts for less phosphate release and land occupation than PET.

Conclusion:

Three similar products made from PLA, PET, and PS have life cycle environmental impacts on par with one another. When composting is not considered as an end-of-life scenario for PLA, its greenhouse gas impacts are comparable to polystyrene (unfoamed).

Franklin Associates
Life Cycle Inventory of Foam Polystyrene, Paper-based, and PLA Foodservice Products

Author: Franklin Associates

Sponsor: American Chemistry Council

Date: February 2011

Products Analyzed:

- 16-oz hot cups (EPS foam, LDPE-coated bleached paperboard, PLA-coated paperboard, corrugated sleeve),
- 32-oz cold cups (EPS foam, LDPE-coated paperboard, wax-coated bleached paperboard, PLA 1, PLA 2),
- 9-inch high-grade (heavy-duty) plates (GPPS foam, LDPE-coated bleached paperboard, solid PLA, molded pulp)
- 9-inch Lightweight plates (GPPS foam, LDPE-coated paperboard)
- 5-inch sandwich-clamshells (GPPS foam, fluted paperboard, solid PLA)

Functional Unit: 10,000 product units

Impact Categories: Energy (process, transportation, energy of material resource, and end of life credit), solid waste, greenhouse gases, water use

Summary:

In 2011, Franklin Associates Ltd. updated a 2006 Life Cycle Inventory in order to include an evaluation of the carbon footprint and water use of PLA food service products along with those of EPS foam and paperboard products. The scope of the report was "cradle-to-grave" and included energy credits for the various products based on their end-of-life scenarios and the national average for waste incineration (20 percent was used in this study). The PLA products studied were made by NatureWorks LLC of Blair, Nebraska.

The study found that polystyrene foam products use less energy, generate less solid waste (by weight), and use less water than comparable products made from paperboard or PLA.[4] The greenhouse gas and solid waste by volume impacts were mixed, with EPS foam products generally performing in the middle of the pack.

[4] Since data sources did not distinguish between consumptive use of cooling water and recirculating use of cooling water, water is defined as *use* rather than *consumption*.

Limitations in Application of the LCI to Santa Clara County:

Similar to the Madival et al. LCA (2009), this LCI is limited by the inclusion of an energy credit for waste-to-energy (WTE) combustion of 20 percent of the products. Credit is also given for landfill gas recovery from decomposition of the paperboard products. Since these assumptions are made based on national data from the U.S. Environmental Protection Agency, they do not necessarily apply to Santa Clara County.

The analysis of product carbon footprints includes estimates of carbon dioxide from WTE, methane from decomposition, electricity displaced by WTE, landfill gas recovery, and carbon sequestration from landfilled biomass-derived material that does not decompose. These assumptions are fundamental to the outcome of the greenhouse gas analysis in the LCI, particularly for paperboard products. No plastic or paper products collected in Santa Clara County are incinerated and landfill gas recovery is limited.

Another problem with applying the results of this LCI to products consumed in Santa Clara County is that the weights of the products studied in the report are based on the averages calculated for the original 2006 study as well as some PLA product samples. The study includes a disclaimer on the first page of the executive summary that says in boldface print:

> "...the results of this study should *not* be used to draw general conclusions about comparative results for the full range of product weights available in each product category."

Since the proposed project would apply to polystyrene foam foodservice products of all weights and volumes, applying the results of this study to all products would be in conflict with the disclaimer made at the beginning of the report.

Applications of the LCI to Santa Clara County:

According to this LCI, bioplastics such as PLA have much lower greenhouse gas impacts when they are landfilled rather than incinerated. This is because the atmospheric carbon that went into the corn feedstocks would be sequestered when PLA products are landfilled. On the other hand, the study shows that the most sustainable end-of-life scenario for EPS foam products, which are made from hydrocarbons extracted from petroleum, is incineration.

Conclusion:

Due to its high air content and low density, EPS foam creates less solid waste by weight than paperboard or PLA products. By volume, EPS foam generates approximately as much solid waste as paperboard products. The use of corrugated sleeves for paperboard hot cups causes them to have much higher solid waste and energy impacts.

Kuczenski et al.
Plastic Clamshell Container Case Study

Authors: Brandon Kuczenski, Roland Geyer, Matthew Trujillo

Sponsor: California Department of Resources Recycling and Recovery (CalRecycle)

Date: May 2012

Products Analyzed: EPS, GPPS, PET, PP, and PLA clamshell containers

Functional Unit: 1,000 clamshell containers

Impact Categories: Energy Use, Greenhouse Gas Emissions

Summary:

This study was prepared in 2012 to support CalRecycle's efforts in greenhouse gas emissions accounting as the State of California implements AB 32, the State's global warming law. The report studied the full life-cycle of clamshell containers by calculating "cradle-to-gate" greenhouse gas emissions, forward logistics (transportation and distribution) emissions, end-of-life management emissions, and emissions reductions from displaced production due to recycling.

Results of this LCA show that PLA clamshells have the lowest greenhouse gas (GHG) emissions when all product types are landfilled. If PLA is composted, it emits nearly as much as the most carbon-intensive plastic, PET. PET has the highest pre-consumer greenhouse gas emissions and the highest if landfilled, but it has the lowest impacts when it is assumed that the containers are recycled in-State. EPS foam is among the lowest in energy demand. The results are shown in more detail in Table C-3, below.

Table C-3 Kuczenski et al. Plastic Clamshell Container Study Life-cycle greenhouse gas emissions and energy demand for different polymers		
Material	**No-Recovery Total**	**In-State Recovery Total[a]**
Greenhouse Gas Emissions (kg CO_2e per 1,000 clamshells)		
EPS Foam	53.6	64.4-69.9[b]
GPPS	51.8	50.0-50.9[b]
PET	80.7	43.0-51.2[b]
PP	61.1	57.9-59.5[b]
PLA	41.5	77.2
Energy (Megajoules per 1,000 clamshells)		
EPS Foam	1,222	963-993[b]
GPPS	1,169	1,012-1,189[b]
PET	2,040	979-1,705[b]
PP	1,846	1,568-1,882[b]
PLA	1,802	1,806

[a] This scenario calculates the greenhouse gas emissions of the products if they are recovered rather than landfilled. For non-recyclable materials, this means either waste-to-energy conversion (EPS foam) or in the case of PLA, composting.
[b] Ranges provided reflect two mutually-exclusive end-of-life pathways. The former number indicates the environmental benefits through avoided production and landfilling; the latter indicates the environmental benefits through displaced economic activity.

Limitations in Application of the LCA to Santa Clara County:

The primary reason why this LCA does not completely apply to the proposed project is that it models life-cycle emissions of the products for scenarios in which either 100 percent of the products are landfilled or 100 percent are recovered through diversion including: waste-to-energy conversion, recycling, and/or composting. Neither of these scenarios resembles the real life-cycle of clamshell containers in Santa Clara County. Therefore, the calculated emissions per 1,000 clamshells in this study are not an accurate estimate of the actual emissions associated with clamshells in the project area.

Another issue with the LCA is that it only studies clamshell containers, whereas the proposed project would apply to all disposable foam foodservice ware. The emissions associated with disposable cups and plates could vary based on the production processes, the distance required to transport the materials to their respective manufacturing sites, and the recovery options available for the products.

Applications of the LCA to Santa Clara County:

This study provides further evidence about the role of the end-of-life scenario in evaluating PLA products' greenhouse gas impacts. When PLA products are landfilled, they can sequester carbon from the active carbon cycle to the geologic carbon cycle. Based on this study, when composted, the

greenhouse gas emissions associated with PLA nearly double. In contrast, the greenhouse gas emissions associated with PET decline by nearly 50 percent when PET is recycled. Polypropylene impacts are reduced by recycling as well, though not to the same degree as the impacts of PET.

As stated above, the end-of-life scenarios considered do not represent the current waste disposal situation in Santa Clara County. However they do show the best and worst case scenarios for each plastic clamshell. In the case of EPS foam clamshells, which are not recovered in the project area, the estimation for greenhouse gas emissions and energy use is likely the best estimate of any of the LCAs described in this Appendix.

Conclusion:

Regardless of end-of-life scenario, GPPS clamshells have lower greenhouse gas emissions, and PET clamshells can as well depending on to what extent they are recycled. The study clearly shows that PP clamshells have greater greenhouse gas impacts than EPS foam clamshells do. If landfilled, PLA clamshells also have much lower greenhouse gas impacts than their EPS foam counterparts. Therefore, replacing EPS foam clamshells with plastic substitutes has the potential to reduce greenhouse gas impacts if PET is recycled at a high rate and PLA is landfilled.

PlasticsEurope
Environmental Product Declarations of the European Plastics Manufacturers

Author: PlasticsEurope – Association of Plastics Manufacturers

Sponsor: PlasticsEurope – Association of Plastics Manufacturers

Dates: 2008 - 2012

Types of Plastic Analyzed: GPPS, LDPE, HDPE, PP, and PET

Functional unit: One kilogram (kg) of each type of polymer

Impact Categories: Non-Renewable Materials (minerals, fossil fuels, and uranium), Renewable Materials (biomass), Water Use in Processing, Non-renewable Energy Resources, Renewable Energy Resources (biomass), Waste (non-hazardous, hazardous), Global Warming Potential, Ozone Depletion Potential, Acidification Potential, Petrochemical Ozone Creation Potential, Nutrification Potential (eutrophication), Dust/Particulate Matter, Total Particulate Matter

Summary:

The plastics industry in Europe prepared ISO 14025 compliant life cycle inventories (LCIs) for a number of plastic resins.[5] These analyses identify the impacts from production of various types of plastics. The LCIs do not include the impacts of turning the plastic pellet feedstocks into completed food containers, but they do allow for a comparison of the impacts from the production of each type of plastic most commonly used for cups, plates, and clamshells.

According to the PlasticsEurope data, PET pellet production has substantially greater emissions and water use than unfoamed GPPS and PP pellet production does. Production of PET pellets requires ten times more water than GPPS (unfoamed) pellets and approximately 1,000 times more water than the production of PP pellets. The acidification potential of PET, as measured in sulfur dioxide equivalents, is close to three times greater than that of GPPS. Dust and particulate matter emissions from PET production are ten times greater than GPPS production. Table C-4 contains more in-depth results of the LCIs.

[5] ISO is the International Organization for Standardization. ISO 14025:2006 establishes principles for the use of environmental information, primarily intended for use in business-to-business communication, but their use in business-to-consumer communication under certain conditions is not precluded.

Table C-4:
PlasticsEurope: Excerpts from Life Cycle Inventories
Polymer Comparisons

Indicator	LDPE	HDPE	PP	PET	GPPS
Non-renewable materials					
•Minerals	4.2g	2.6g	1.8g	2.9g	-
•Fossil fuels	1,591.3g	1,595.7g	1,564.5g	1,715.0g	-
•Uranium	0.009g	0.006g	0.005g	0.009g	-
Renewable materials (biomass)	10.79g	8.70g	5.13g	15.34g	-
Water use in processing	2,934g	3.38g	4.79g	4,828g	510g
Non-renewable energy resources as upper heating value					
•For energy	25.3MJ	21.7MJ	20.4MJ	42.5 MJ	33.96-37.96 MJ
•For feedstock	51.6MJ	54.3MJ	52.6MJ	39.8 MJ	44.3-48.3 MJ
Renewable energy resources (biomass)					
•For energy	1.2MJ	0.8MJ	0.4MJ	0.6MJ	0.52MJ
•For feedstock	0	0	0	0	0
Waste					
•Non-hazardous	0.034kg	0.032kg	0.024kg	0.089kg	0.015kg
•Hazardous	0.005kg	0.006kg	0.005kg	0.004kg	0.00055kg
Global Warming Potential	2.13kg CO_2eq	1.96 kg CO_2eq	2.00kg CO_2eq	3.49 kg CO_2eq	2.25kg CO_2eq
Ozone Depletion Potential	n/a	n/a	n/a	n/a	0.000016g CFC-11 eq
Acidification Potential	7.74g SO_2eq	6.39g SO_2eq	6.13g SO_2eq	15.59g SO_2eq	5.38g SO_2eq
Petrochemical Ozone Creation Potential	1.19g ethene eq	1.23g ethene eq	0.92g ethene eq	2.43g ethene eq	0.85 g ethene eq
Nutrification Potential (eutrophication)	0.50g PO_4eq	0.43g PO_4eq	0.74g PO_4eq	1.03g PO_4eq	0.48g PO_4eq
Dust/Particulate Matter	0.69g PM_{10}	0.64g PM_{10}	0.59g PM_{10}	1.94g PM_{10}	0.15g PM_{10}
Total Particulate Matter	0.70g	0.64g	0.60g	1.95g	0.17g PM_{10}

g = grams kg = kilograms n/a = entries are below quantification limit
mj = megajoules eq = equivalent

Limitations in Application of the LCIs to Santa Clara County:

The LCIs contain a cradle-to-gate analysis, meaning they only consider environmental effects resulting from the manufacturing process up until the material leaves the factory. The reports do not include analysis of environmental effects related to creating, using, or disposing food containers. The information is provided in this Initial Study because it is among the best available for all of the plastic feedstocks under discussion, and it allows comparison between the materials; it is not similar or comparable to the complete life cycle analyses discussed elsewhere in this Initial Study, which generally address more than just the source materials.

Additionally, the reports state that the information was gathered from European processors and manufacturers. This information may or may not be the same as the processing done for the products available to the American food service industry. Air and water emissions regulations differ between Europe and the United States. The type of energy sources used to produce electricity play a substantial role in determining the environmental impact of plastic production, and that differs between Europe and the United States too.

Applications of the LCIs to Santa Clara County:

The data supporting the PlasticsEurope LCIs was provided by various plastics producers in the European industry and represents the industry averages. In the case of GPPS, the data covers 95 percent of the European GPPS production capacity.[6] Since the LCA data covers so much of the European industry, factors such as electricity sources and transportation distances which are typically variable should be more constant and allow for comparison of the production impacts of each pellet. Thus the data in Table C-4 and summarized on page 16, above, provides a fairly accurate comparison of PET, GPPS, PP, and HDPE/LDPE.

Conclusions:

When the sources of energy and transportation distances are relatively constant, the production of PET resin pellets results in substantially higher water use, global warming potential, acidification, and particulate matter emissions. However as demonstrated by other LCAs summarized in this appendix, product manufacturing, consumption, and end-of-life stages of plastic products is determinative of the product's life cycle impacts. Therefore the outcomes of these LCIs cannot be used to say decisively that one product has a greater environmental impact than another.

[6] PlasticsEurope. "Environmental Product Declarations of the European Plastics Manufacturers: General Purpose Polystyrene (GPPS) and High-Impact Polystyrene (HIPS)." November 2012. Page 3. Available at: http://www.plasticseurope.org/plastics-sustainability/eco-profiles/browse-by-list.aspx

Zabaniotou, A. & Kassidi, E.
Life cycle assessment applied to egg packaging made from polystyrene and recycled paper

Authors: A. Zabaniotou, E. Kassidi

Sponsor: Aristotle University of Thessaloniki

Date: October 25, 2002

Products Analyzed: 6-egg eggcup containers (EPS foam and recycled paper)

Functional Unit: 50,000 6-egg eggcups (1.1 metric tons recycled paper, 0.75 metric tons polystyrene)

Impact Categories: Greenhouse Warming Potential, Ozone Depletion Potential, Acidification Potential, Nutrient Enrichment, Summer Smog, Winter Smog, Carcinogenic Substances, Heavy Metals

Summary:

This 2002 LCA studied the material and energy inputs and subsequent air and water emissions from the production of eggcup packaging. In this way the study was more like an LCI than an LCA. The systems studied are in Greece and Europe, and the study uses data derived from other European countries. This LCI does not include the transportation, distribution, use, or disposal phases of the product life cycles; therefore it is a "Cradle-to-Gate" study.

Zabaniotou and Kassidi found that polystyrene foam eggcup production produced seven times more NO_x and 16 times more SO_x than the production of recycled paper eggcups. Recycled paper eggcup production resulted in twice as much solid waste and twice as much heavy metal waste (e.g. lead, cadmium, and nickel). Relevant data from the study is provided in Table C-5, below.

Table C-5
Zabanioutou & Kassidi Eggcup Container Study
Selected Material Input and Emissions Data

	Polystyrene Foam	Recycled Paper
Raw Materials		
Fuel	718 m^3	358 m^3
Natural Gas	715 m^3	18.5 m^3
Waste Paper	-	1,500 kg
Energy Feedstock		
Total Energy	*84,548 MJ*	*38,288 MJ*
Air Emissions		
CH_4 (methane)	3.4 kg	1.6 kg
CO_2 (carbon dioxide)	2,952.5 kg	1,788.0 kg
N_2O (Nitrous oxide)	11.5 g	16.3 g
NO_x (Nitrogen oxides)	32.7 kg	4.2 kg
SO_x (Sulfur oxides)	95.0 kg	5.8 kg

Limitations in Application of the LCI to Santa Clara County:

This LCI has limited relevance for the proposed project, because it does not include any products that would be affected by the proposed project. It is included in this Appendix because there is a small amount of available life cycle information about the environmental impacts of paper food packaging production.

The main issues with this LCI are the lack of definitions, the geographic region studied, and assumptions made for the data. For example, the study does not define the quantity of recycled content used in the paper eggcups, so the reader is left to assume that they are made of 100 percent recycled paper. One of the measurements, 'fuel,' is also undefined. Fuel is implied to mean a petrochemical, but it is measured in kilograms and cubic meters in two separate places in the study, which means it could be a solid, liquid, or gaseous petroleum product.

Zabaniotou and Kassidi study eggcups in Greece and polystyrene production in Europe. The transportation of raw materials as well as the composition of the energy supply in Europe likely differs from the production of eggcups sold in the United States. The authors also note that the data used for their calculations was not readily available, so they relied on a European model that represents the average European production scenario.

Applications of the LCI to Santa Clara County:

The results of the study can be used at a general level to compare EPS foam and recycled paper, but it would be speculative to make any conclusions about cups, plates, bowls, and clamshell containers based on the eggcup study. This study shows that to produce 1.1 metric tons of recycled paper eggcup containers, 1.5 metric tons of recycled paper is used. The study does not provide enough context to show whether 73 percent efficiency feedstock efficiency is representative of recycled paper products in general.

Conclusions:

The scope of this study and the data used to support the calculations have limited applications for the proposed ordinance. This study supports the hypothesis that producing products with recycled paper requires less energy than producing EPS foam products, but it does not prove it conclusively for the products used in the project area.

Franklin Associates
Life Cycle Inventory of 16-ounce Disposable Cups

Author: Franklin Associates

Sponsor: MicroGREEN Polymers

Date: February 19, 2009

Products Analyzed: EPS cup, LDPE-coated Paperboard cup, LDPE-coated Paperboard cup + corrugated sleeve, and RPET SMX (recycled PET solid-state microcellular expansion) foam

Functional Unit: 10,000 16-ounce cups

Impact Categories: Solid waste (weight and volume), Energy, Global Warming Potential

Summary:

In 2009 Franklin Associates prepared a Life Cycle Inventory for MicroGREEN Polymers, the producers of the RPET SMX foam cup. The LCI compares the RPET cup to polystyrene foam and coated paperboard cups. The study includes the impacts associated with the packaging for the cups as well. Two ISO-compliant approaches are used to model the effects of recycled-content and end-of-life recycling. The data included below is from the "Postconsumer free" approach that allocates the impacts of disposal to the current system unless the product can be recycled, in which case the ultimate burdens leave the studied system. The alternative approach assumes subsequent uses for all products, but since it does not resemble the waste disposal system in the project area it is not included here.

The report found that RPET SMX and EPS foam cups had lower impacts in all categories than coated paperboard cups, with or without sleeves. Packaging for EPS foam cups resulted in the greatest impacts across all categories when compared to the packaging of other products. The data summarized in Table C-6 below does not incorporate energy credits for the products since the end-of-life assumptions made in the study do not reflect the actual end-of-life scenarios in Santa Clara County (e.g. energy credit for incinerating EPS foam).

Table C-6 Franklin Associates 16-oz Hot Cup Study Life Cycle Impacts of 10,000 Cups – Postconsumer Free Approach				
	Total Energy (Million Btu)	**Global Warming Potential** (Pounds of CO_2e)	**Solid Waste (Weight)** (Pounds)	**Solid Waste (Volume)** (Cubic feet)
RPET SMX	4.65	768	205	8.66
EPS	7.46	780	136	10.49
Coated Paperboard	8.62	798	354	10.65
Coated Paperboard + Corrugated Sleeve	10.34	1,215	483	14.70

Limitations in Application of the LCI to Santa Clara County:

This study assumes that EPS foam and paperboard products were made entirely from virgin materials whereas the RPET is modeled to contain 100 percent post-consumer resin. Coated paperboard cups can include post-consumer recycled content, which would affect the environmental emissions from their production.

The study also relies on the Franklin Associates database for corrugated packaging using industry average data. Data for EPS foam resin production comes from the U.S. LCI database and data for RPET SMX production comes from MicroGREEN, the sponsor of the study. These data sources introduce the potential for bias, which could weigh the results in favor of the sponsors of the study.

The difficulty in applying this study to the proposed project arises out of the fact that the functional unit is 10,000 hot cups. At this time, the City of San José does not have the information necessary to estimate how many of each type of EPS foam product are used in the project area. The life cycle impacts of clamshells, plates, and bowls, are likely different than the 16-ounce hot cups studied. This makes it difficult to extrapolate from the results and apply any quantitative analysis to the proposed project and the substitute products.

Applications of the LCI to Santa Clara County:

This study shows that while paperboard cups and EPS foam cups yield similar volumes of solid waste when disposed, paperboard is much heavier and results in slightly greater greenhouse gas emissions. The effects of the corrugated sleeve on the impacts of paperboard hot cups are substantial; corrugated sleeves cause an approximately 50 percent increase in global warming potential and a 40 percent increase in the volume of solid waste. Since most people use corrugated sleeves when drinking hot beverages from paper cups, it is reasonable to assume that the two should be evaluated together when considering hot cups.

Conclusion:

The corrugated sleeves used with coated paperboard hot cups account for a substantial portion of the greenhouse gas and solid waste impacts of the cups. While the greenhouse gas emission margins between 16-ounce paperboard cups and EPS foam cups are small, it is reasonable to conclude based on this study that paperboard cups with corrugated sleeves account for greater greenhouse gas emissions than EPS foam cups.

PE Americas
Comparative Life Cycle Assessment Ingeo™ biopolymer, PET, PP Drinking Cups

Author: PE Americas

Sponsor: NatureWorks LLC & Starbucks

Date: December 12, 2009

Products Analyzed: Ingeo™ PLA, PET, and PP

Functional Unit: One 16-ounce cold drinking cup and flat lid

Impact Categories: Energy Use, Global Warming Potential, Acidification Potential, Eutrophication Potential, Summer Smog, Water Use,

Summary:

In 2009, PE Americas prepared this study for Starbucks, which was considering integrating sustainable packaging materials into its cold beverage cup designs. Starbucks currently uses PET cups and lids, but could replace it with the NatureWorks Ingeo™ biopolymer. Polypropylene is also included in the study. This LCA evaluates the cradle-to-gate production of the polymer pellets, the transportation and conversion of the pellets, the transportation of the cups and lids to Starbucks shops, and disposal of the cups into landfills. Two different weights are considered for both PP and PLA products. Data was not available for energy used in Ingeo™ production, so Ingeo™ is modeled based on the information as provided for PP and PET. Since the results are presented graphically and do not include specific data points, the impact results are provided in the table below based on relative rank.

The results of the study show that the PET cup and lid have the highest energy use, global warming potential, and photochemical ozone creation potential (summer smog) of the products considered. The Ingeo™ 14.4g cup and 2.32g lid combination with the PET energy data applied has the greatest acidification and eutrophication potential and also uses the most water. In general, the traditional plastics (PET and PP) have more impacts related to energy, smog, and global warming than the Ingeo™ products do. On the other hand, the Ingeo™ products use more water and cause more water quality impacts than traditional plastics.

Table C-7 PE Americas Cold Cup LCA Relative Performance of One 16-oz Drinking Cup and Lid							
	PET	Polypropylene		Ingeo™			
	15.5g/2.5g	13.18g/2.12g	12.73g/2.05g	13.6g / 2.19g		14.4g / 2.32g	
				PET[b]	PP[b]	PET[b]	PP[b]
Energy	**1**	2	3	5	7	4	6
GWP	**1**	2	3	5	7	4	6
Acidification	4	6	**7**	2	5	**1**	3
Eutrophication	5	6	**7**	3	4	**1**	2
Summer Smog	**1**	3	6	4	7	2	5
Water Use	4	5	**6**	2[c]	3	**1**	2[c]

[a] Rankings are in order of greatest to lowest impact. For example, PET uses the most energy, whereas the 14.4g/2.32g Ingeo™ (with PET energy data) uses the most water. A '7' represents the most favorable outcome for the products studied.
[b] The PET and PP scenarios for the Ingeo™ polymer apply production energy data for PET and PP to the Ingeo™ production process.
[c] These two products' life cycles use approximately the same amount of water.

Limitations in Application of the LCA to Santa Clara County:

This study examines very specific transportation and production scenarios associated with Starbucks cups and lids. All pellets are assumed to be transported to a Solo Cup Company facility (manufacturer of Starbucks cups) and all final products are assumed to be transported to a Starbucks distribution center. Thus the study does not apply to all products that would be affected by the proposed project.

Another limitation of the study is the lack of energy data for Ingeo™ production. Assuming that the energy used for Ingeo™ is similar or identical to the energy used for PET and PP serves a comparative purpose, but does not provide a definitive result about which products use the most energy or have the biggest impacts.

Finally, the study assumes that all products are landfilled. This simplifies the comparison, however it is not representative of the current waste disposal options available in Santa Clara County. Many people favor PLA products because they assume they will be composted (an end-of-life scenario that actually increases the greenhouse impacts of PLA products). Though the industrial composting capacity of the County is limited, it is not insignificant. Also, PET and PP are both widely recycled in California and are accepted at recycling facilities in Santa Clara County.

Applications of LCA to Santa Clara County:

Though Starbucks does not use or distribute polystyrene foam food ware at its stores, the results of this study reveal the differing environmental impacts between substitute product materials. PET has the highest energy use and global warming potential of the polymer materials, which is similar to the results of other studies summarized in this Appendix. The Ingeo™ PLA products perform well in those categories, but those results could be different if they were assumed to be landfilled and if measured energy data from its production were used in the LCA.

The PLA products considered in this study use the most water and have the biggest impacts on water quality. This is most likely due to the production of the corn feedstock, which typically involves the use of pesticides and fertilizers.

One thing this study shows clearly is that for two products of the same material type, the lighter the product the lower the impact. This makes sense since they both use the same materials and weight reflects the amount of feedstock used to make the product.

Conclusions:

The assumed end-of-life scenario for the products in this study lends bias to the PLA products. PET is typically recycled and PLA can be composted in many parts of Santa Clara County. Under those circumstances, PET would have lower energy use and PLA would have a higher global warming potential. Therefore the results of this study should not be applied to the proposed project.

Appendix D

Summary of Available Information On Disposable Food Containers

A SUMMARY OF AVAILABLE INFORMATION ON DISPOSABLE FOOD CONTAINERS

Prepared by

David J. Powers & Associates, Inc.

For

City of San José

July 2013

DISPOSABLE FOOD WARE

The project proposes to ban the use of expanded or extruded polystyrene (EPS) foam food service ware by individuals, restaurants, and other entities within participating jurisdictions in Santa Clara County. Foam food service ware products generally include hot and cold cups, bowls, plates, clamshells, and in some cases food trays.[1] Some jurisdictions may also choose to adopt ordinances restricting EPS foam food ware sales in stores and retail outlets. A restriction on sales of EPS foam coolers or ice chests could also be included in ordinances adopted by participating jurisdictions.

The City of San José and other participating jurisdictions are not proposing to specify which materials must be used as alternatives to EPS foam containers, and there are a wide variety of substitutes available for purchase both locally and on the internet. The result of the proposed project would be a decrease in the use of EPS foam, though overall use of disposable food service ware is not expected to decrease.

The food service ware products identified during preparation of this Initial Study and available for sale to the general public include a variety of plastics, paper materials, paper materials lined with plastics, and bioplastics. Many of these products are made from virgin materials (i.e. newly-produced); many others contain pre-consumer and/or post-consumer recycled content. Predicting which substitutes would be selected by food vendors and consumers is not as straight-forward as looking at the price because the characteristics of the materials (e.g. durability, water resistance, insulation) are also factors in the selection process.

As with EPS foam food service ware, the environmental impacts of the substitutes arise from raw material extraction and processing, product manufacturing, the use and disposal of the products, and the transportation associated with each step of the product life-cycle. Since the City of San José cannot predict exactly which materials would replace EPS foam in the local food service industry, the following discussion is provided to characterize the available substitutes and to summarize what is known about their environmental impacts.

[1] A clamshell is a foldable, closable container that holds food ranging from sandwiches to take-out dinners.

Plastic Products

Many plastic products already exist that could replace polystyrene foam plates, bowls, cold drink cups, lids, and clamshells. A range of plastic resins can be used to manufacture these products, though the most common plastics used are polypropylene (PP), general purpose polystyrene (GPPS, unfoamed), and PET (polyethylene terephthalate). In most jurisdictions within Santa Clara County, these plastic materials are recyclable regardless of food contamination and are used widely along with EPS foam. Other plastics that could be used to produce foodservice ware include polyvinyl chloride (PVC), low-density and high-density polyethylene (LDPE and HDPE), and polycarbonate (PC).

The European plastics industry prepared Life Cycle Inventories (LCIs) for a number of plastic resins including GPPS. Though the LCIs do not include the impacts of turning the resins into completed products, they allow for a comparison of the impacts of manufacturing each type of plastic commonly used for food ware.

The data used for these LCIs is from European plastic manufacturers, which may or may not closely resemble processes used by the manufacturers that produce the disposable food ware available to United States buyers. For example, one of the biggest differences between manufacturers can be the sources of energy used for the production process. Using electricity from coal versus electricity from nuclear power would substantially alter the impacts from plastic production.

The following data from the European plastics industry is provided because it is among the best available for all of the plastic resin feedstocks under discussion, and because it allows comparison of materials. Data from other studies is provided in Appendix C of this Initial Study as well as later in this Appendix.

Table D-1: PlasticsEurope: Excerpts from Life Cycle Inventories Plastic Comparisons					
Indicator	**LDPE**	**HDPE**	**PP**	**PET**	**GPPS**
Non-renewable materials					
•Minerals	4.2g	2.6g	1.8g	2.9g	*Data not available*
•Fossil fuels	1,591.3g	1,595.7g	1,564.5g	1,715.0g	
•Uranium	0.009g	0.006g	0.005g	0.009g	
Renewable materials (biomass)	10.79g	8.70g	5.13g	15.34g	*Data not available*
Water use in processing	2,934g	3.38g	4.79g	4,828g	510g
Non-renewable energy resources as upper heating value					
•For energy	25.3MJ	21.7MJ	20.4MJ	42.5 MJ	33.96-37.96 MJ
•For feedstock	51.6MJ	54.3MJ	52.6MJ	39.8 MJ	44.3-48.3 MJ
Renewable energy resources (biomass)					
•For energy	1.2MJ	0.8MJ	0.4MJ	0.6MJ	0.52MJ
•For feedstock	0	0	0	0	0

g = grams
MJ = megajoules

The information in Table D-1 shows environmental performance indicators associated with the manufacture of one kilogram (kg) of each type of plastic indicated. It is not possible, based on the information available to the City of San José, to state that one of these five plastic resins results in a much greater environmental impact than the other. There is not enough context for the manufacturing activities to know how applicable they are to products sold and used in the United States and Santa Clara County.

Polystyrene (PS) and PET appear to use comparable amounts of energy for production, however PS uses much less water and generally has smaller environmental impacts. The production of polypropylene (PP) uses much less water and energy than PS or PET do, however it uses more non-renewable energy resources for its feedstock than PS does.

Paper Products

Paper products are commonplace among disposable food service ware used by consumers and food vendors. Cold cups, hot cups, and bowls are usually made of paperboard lined with either wax or a thin layer of polyethylene. The lining acts as a non-porous layer and prevents the paper from absorbing fluids in the food. Hot cups are typically used along with a corrugated sleeve in order to insulate the user's hands from the temperature of the cup.

Plates and clamshells can also be made with paperboard, though most are made from molded pulp or fiber that can also be lined. Paper products can be produced with virgin pulp or recycled pulp (pre-consumer and/or post-consumer) or a combination of the two.

There is limited information available about the life cycle environmental impacts of paper food service ware products. The information below comes from studies sponsored by the plastics industry and one academic study that examines eggcups, a product which would not be affected by the proposed ordinance. See Appendix C for further details on these studies.

Table D-2
Zabanioutou & Kassidi Eggcup Container Study
Material Input and Emissions Data
For 50,000 6-egg Eggcup Containers

	Polystyrene Foam	Recycled Paper
Raw Materials		
Fuel	718 m^3	358 m^3
Natural Gas	715 m^3	18.5 m^3
Waste Paper	-	1,500 kg
Total Energy	84,548 MJ	38,288 MJ
Air Emissions		
CH_4 (methane)	3.4 kg	1.6 kg
CO_2 (carbon dioxide)	2,952.5 kg	1,788.0 kg
N_2O (Nitrous oxide)	11.5 g	16.3 g
NO_x (Nitrogen oxides)	32.7 kg	4.2 kg
SO_x (Sulfur oxides)	95.0 kg	5.8 kg

Based on Zabanioutou and Kassidi's study of the life cycle of eggcup containers in Greece, recycled paper requires much less raw material and energy than polystyrene does. As a result it causes fewer nitrogen and sulfur oxides and greenhouse gases to be released. The study shows that recycled paper eggcup production results in more nitrous oxide emissions than polystyrene foam eggcup production does. The applications of this study to the proposed ordinance are limited by its scope, but it shows some of the key emissions from the manufacturing process.

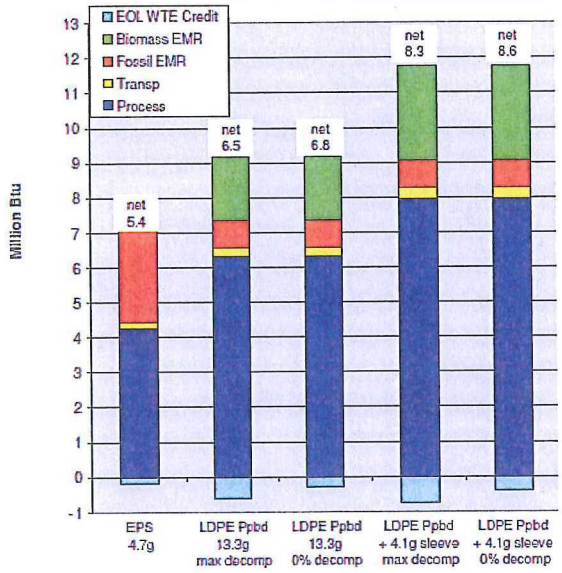
Two studies by Franklin Associates conclude that paperboard products have higher life-cycle environmental impacts than polystyrene foam. One of the two studies was sponsored by MicroGREEN Polymers to compare their 16-ounce recycled PET hot cup to similar EPS foam and paperboard cups. The data from this 2009 report is shown in Table D-3 below.

Table D-3 Franklin Associates 16-oz Hot Cup Study Life Cycle Impacts of 10,000 Cups – Postconsumer Free Approach				
	Total Energy (Million Btu)	**Global Warming Potential** (Pounds of CO_2e)	**Solid Waste (Weight)** (Pounds)	**Solid Waste (Volume)** (Cubic feet)
RPET SMX	4.65	768	205	8.66
EPS	7.46	780	136	10.49
Coated Paperboard	8.62	798	354	10.65
Coated Paperboard + Corrugated Sleeve	10.34	1,215	483	14.70

According to this study, coated paperboard hot cups with a corrugated sleeve require the use of almost 50 percent more energy than EPS foam cups during their life-cycle. They also yield far greater waste both by weight and by volume.

A separate 2011 study by Franklin Associates and sponsored by the American Chemistry Council shows that 16-ounce low-density polyethylene (LDPE) coated paperboard hot cups use more energy than EPS cups do. Other impact categories discussed in the 2011 study such as solid waste and global warming potential show similar results.

Figure D-1: Select Data from 2011 Franklin Associates LCA Energy for 16-oz Hot Cups (10,000 average weight cups)



Each life cycle assessment or inventory uses different parameters that limit the applicability of the life cycle analysis to the products being studied. Paper products generally seem to require more energy and generate more waste than EPS foam, though their performance can depend on recycled content and the disposal path. Paper products are also compostable and biodegrade in the marine environment.

Bio-based Products

A recent trend in the disposable food service ware industry has been to make products out of materials derived from plants such as corn, sugar cane, and wheat. Two bio-based materials, polylactic acid (PLA) and bagasse, provide alternatives to plastic and paper, respectively. Polylactic acid is a polymer derived from corn starch and for a long time was only produced by NatureWorks LLC in Blair, Nebraska. That is changing as more producers enter the market. Bagasse is a dry fibrous residue that remains after juice is extracted from the crushed stalks of sugar cane.

Since PLA and bagasse can serve as substitutes for plastic and paper, they can substitute for PS foam food service ware products in ways similar to plastic and paper products. According to WorldCentric, a manufacturer of bio-based foodservice ware, producing bio-based materials uses much less energy and water than producing EPS foam. On the other hand, producing bio-based products uses more water than producing substitute plastic products. Table D-4 from their website is shown below.

Table D-4
WorldCentric Eco-profiles for different materials

Manufacturing One Pound of the Material	Energy Used (kWh)	Water Used (gals)	Solid Waste (lbs)	CO_2 Emissions (lbs)
Wheat-Straw	0.66	13.33	n/a	0.69
Sugarcane Bagasse	1.73	14.41	n/a	1.71
Corn PLA	5.37	8.29	0.042	1.3
Virgin Coated Paperboard (SBS)	5.2	12.38	2.33	3.2
100% Recycled Paperboard (SBS)	3.06	3.53	1.34	1.71
PET (Polyethylene)	10.28	7.45	0.087	2.81
PP (Polypropylene)	9.34	5.12	0.029	1.67
EPS (Polystyrene / Styrofoam)	11.28	20.54	0.113	2.51

[a] Source: WorldCentric. "Energy Savings." 2013. Accessed April 17, 2013. Available at: http://www.worldcentric.org/sustainability/energy-savings
- All eco-profiles for plastics are referenced through PlasticsEurope
- Ingeo™ PLA eco-profile data is referenced from NatureWorks LLC
- Paperboard data is referenced from Environmental Paper Network Calculator
- Since Sugar Cane and Wheat Straw fiber are discarded agricultural by-products and the plants not grown exclusively for making compostable tableware products, WorldCentric only takes energy & resource and emissions data from field to factory gate.
- Bagasse and Wheat Straw data is actual manufacturing data.

The WorldCentric eco-profiles do not include the impacts associated with the manufacture, transportation, use, and disposal of the products, which could substantially alter the results. The profiles also treat sugar cane and wheat straw fiber as by-products, so the calculations do not include the energy and water used to grow the sugar cane and wheat straw.

Further information on the life cycle impacts of bio-based products can be found in Appendix C of this Initial Study.

Divertability

The waste disposal paths available to consumers within the project area vary based on the jurisdiction and waste collection provider. The end-of-life scenario for a given product plays an important role in determining its environmental impact. For example when a plastic product is recycled and reused, it displaces a certain amount of plastic that would otherwise need to be newly-produced. The environmental benefits of that displacement are credited to the recycled product, reducing its individual environmental impact. On the other hand if that plastic product is landfilled, then none of the energy or resources that were expended for its production are recovered.

The end of life scenario of a product is an especially important factor in determining the greenhouse gas impacts of PLA products. According to Kuczenski et al., PLA remains inert in landfills but can release its full carbon content as carbon dioxide in municipal and commercial composting facilities.[2] Since PLA is made from plants, plants which capture atmospheric carbon in order to grow, if it is landfilled it serves as a carbon sink. However if PLA is composted then the carbon that was initially captured by the plants is ultimately released back into the atmosphere, which recycles carbon that has been part of the 'active' carbon cycle (as opposed to carbon from petroleum fossil fuels released from the 'geologic' carbon cycle (as opposed to carbon from petroleum fossil fuels released from the 'geologic' carbon cycle) and does not represent a net change in atmospheric carbon levels.

There are no facilities in Santa Clara County that incinerate waste and convert the heat into electricity or another form of usable energy. Some facilities perform methane recovery, but in general if a product is landfilled then the energy and resources that are contained in the product are also disposed. The following table indicates the waste disposal paths that would be followed by EPS foam and substitute foodservice products made from plastics, fibers, and compostable plastics. Some jurisdictions are in the process of adding composting programs or testing composting programs for various sectors.

[2] Kuczenski et al. "Plastic Clamshell Container Case Study." May, 2012. Page 8.

Table D-5 Food Service Ware Disposal Path by Material Type and Sector for Jurisdictions in Santa Clara County					
		Material Type			
Jurisdiction	**Sector**	**EPS Foam**	**Rigid Plastic (PET, PP, PS)**	**Fiber (Paper, Bagasse)**	**Compostable Plastic (PLA)**
San Jose	Single Family Residential (SF Res)	**Landfill**	**Recycled** *If source separated*	**Landfill**	**Landfill**
	Multi-Family Residential (MF Res)	**Landfill**	**Recycled** *Source separated or post-collection MSW (Municipal Solid Waste) processing*	**Composted** *Post-collection MSW processing*	**Compostable** *Post-collection MSW processing*
	Commercial (Comm)	**Landfill**	**Recycled**	**Composted** *Post-collection processing*	**Potentially Compostable**
	Special Events	**Landfill**	**Recycled**	**Composted** *If source separated*	**Composted** *If source separated*
Campbell, Los Gatos, Monte Sereno, Saratoga	SF Res	**Landfill**	**Recycled** *if source separated*	**Landfill**	**Landfill**
	MF Res	**Landfill**	**Recycled** *if source separated*	**Landfill**	**Landfill**
	Comm	**Landfill**	**Recycled** *if source separated*	**Composted** *if source separated*	**Composted** *if source separated*
	Special Events	**Landfill**	**Recycled** *if source separated*	**Composted** *if source separated*	**Composted** *if source separated*
Cupertino	SF Res	**Landfill**	**Recycled**	**Composted** *Post Collection if source separated*	**Landfill**
	MF Res	**Landfill**	**Recycled**	**Composted** *Post Collection if source separated*	**Landfill**
	Comm	**Landfill**	**Recycled**	**Composted** *Post Collection if source separated*	**Landfill**
	Special Events	**Landfill**	**Recycled**	**Composted** *Post Collection*	**Landfill**

Table D-5
Food Service Ware Disposal Path by Material Type and Sector for Jurisdictions in Santa Clara County

		Material Type			
Jurisdiction	**Sector**	**EPS Foam**	**Rigid Plastic (PET, PP, PS)**	**Fiber (Paper, Bagasse)**	**Compostable Plastic (PLA)**
Gilroy	SF Res	**Landfill**	**Recycled**	**Composted** *if source separated in organics cart*	**Composted** *if source separated in organics cart*
	MF Res	**Landfill**	**Recycled**	**Landfill**	**Landfill**
	Comm	**Landfill**	**Recycled**	**Composted** *if source separated in organics cart*[1]	**Composted** *if source separated in organics cart*[1]
	Special Events	**Landfill**	**Recycled**	**Composted** *if source separated by event organizer*	**Composted** *if source separated by event organizer*
Los Altos	SF Res	**Landfill**	**Recycled**	**Recycled/ Composted**[2]	**Landfill**
	MF Res	**Landfill**	**Recycled**	**Recycled/ Composted**[2]	**Landfill**
	Comm	**Landfill**	**Recycled**	**Recycled/ Composted**[2]	**Landfill**
	Special Events	**Landfill**	**Recycled**	**Recycled/ Composted**[2]	**Landfill**
Milpitas	SF Res	**Landfill**	**Recycled**	**Landfill**	**Landfill**
	MF Res	**Landfill**	**Recycled**	**Landfill**	**Landfill**
	Comm	**Landfill**	**Recycled**	**Landfill**	**Landfill**
	Special Events	**Landfill**	**Recycled**	**Landfill**	**Landfill**
Morgan Hill	SF Res	**Landfill**	**Recycled**	**Composted** *if source separated in organics cart*	**Composted** *if source separated in organics cart*
	MF Res	**Landfill**	**Recycled**	**Landfill**	**Landfill**
	Comm	**Landfill**	**Recycled**	**Composted** *if source separated in organics cart*[1]	**Composted** *if source separated in organics cart*[1]
	Special Events	**Landfill**	**Recycled**	**Composted** *if source separated by event organizer*	**Composted** *if source separated by event organizer*

Table D-5 Food Service Ware Disposal Path by Material Type and Sector for Jurisdictions in Santa Clara County					
		Material Type			
Jurisdiction	Sector	EPS Foam	Rigid Plastic (PET, PP, PS)	Fiber (Paper, Bagasse)	Compostable Plastic (PLA)
Mountain View[3]	SF Res	**Landfill**	**Recycled** *Source separated or post-collection MSW processing*	**Landfill**	**Landfill**
	MF Res	**Landfill**	**Recycled** *Source separated or post-collection MSW processing*	**Landfill**	**Landfill**
	Comm	**Landfill**	**Recycled**	**Composted or Landfill** *if source separated*[4]	**Composted or Landfill** *if source separated*[4]
	Special Events	**Landfill**	**Recycled**	**Composted** *if source separated*	**Composted** *if source separated*
Palo Alto	SF Res	**Landfill**	**Recycled**	**Landfill** *compost pilot*	**Landfill** *compost pilot*
	MF Res	**Landfill**	**Recycled**	**Composted** *if source separated*	**Composted** *if source separated*
	Comm	**Landfill**	**Recycled**	**Composted** *if source separated*	**Potentially Compostable** *if source separated*
	Special Events	**Landfill**	**Recycled**	**Composted** *if source separated*	**Composted** *if source separated*
Santa Clara	SF Res	**Landfill**	**Recycled**	**Landfill** *clean paper recycled*	**Landfill**
	MF Res	**Landfill**	**Recycled**	**Landfill** *clean paper recycled*	**Landfill**
	Comm	**Landfill**	**Recycled**	**Landfill** *clean paper recycled*	**Landfill**
	Special Events	**Landfill**	**Recycled**	**Landfill** *clean paper recycled*	**Landfill**
Sunnyvale	SF Res	**Landfill**	**Recycled**[5]	**Landfill**	**Landfill**
	MF Res	**Landfill**	**Recycled**[5]	**Landfill**	**Landfill**
	Comm	**Landfill**	**Recycled**[5]	**Composted** *if participant in food scrap pilot program only*	**Composted** *if participant in food scrap pilot program only*
	Special Events	**Landfill**	**Recycled**[5]	**Composted** *if source separated; Annual Art and Wine Festival Only*	**Composted** *if source separated; Annual Art and Wine Festival Only*

Table D-5
Food Service Ware Disposal Path by Material Type and Sector for Jurisdictions in Santa Clara County

		Material Type			
Jurisdiction	**Sector**	**EPS Foam**	**Rigid Plastic (PET, PP, PS)**	**Fiber (Paper, Bagasse)**	**Compostable Plastic (PLA)**
Uninc. County, Districts 1, 4, 5 A,B, & C	SF Res	**Landfill**	**Recycled**	**Landfill**	**Landfill**
	MF Res	**Landfill**	**Recycled**	**Landfill**	**Landfill**
	Comm	**Landfill**	**Recycled**	**Landfill**	**Landfill**
	Special Events	**Landfill**	**Recycled**	**Landfill**	**Landfill**
Uninc. County, District 2	SF Res	**Landfill**	**Recycled**	**Recycled** *if source separated*	**Landfill**
	MF Res	**Landfill**	**Recycled**	**Recycled** *if source separated*	**Landfill**
	Comm	**Landfill**	**Recycled**	**Recycled** *if source separated*	**Landfill**
	Special Events	**Landfill**	**Recycled**	**Recycled** *if source separated*	**Landfill**
Uninc. County, District 3A	SF Res	**Landfill**	**Recycled**	**Recycled**[6]	**Landfill**
	MF Res	**Landfill**	**Recycled**	**Recycled**[6]	**Landfill**
	Comm	**Landfill**	**Recycled**	**Recycled**[6]	**Landfill**
	Special Events	**n/a**	**n/a**	**n/a**	**n/a**
Uninc. County, District 3, B & C	SF Res	**Landfill**	**Recycled** *if source separated*	**Landfill**	**Landfill**
	MF Res	**Landfill**	**Recycled** *if source separated*	**Landfill**	**Landfill**
	Comm	**Landfill**	**Recycled** *if source separated*	**Landfill**	**Landfill**
	Special Events	**Landfill**	**Recycled** *if source separated*	**Composted** *if source separated*	**Composted** *if source separated*

[1] Gilroy and Morgan Hill: only 3-4 businesses currently have organics collection.
[2] Los Altos: paper is recycled or composted depending on type (e.g. clean or soiled), Bagasse is composted.
[3] Mountain View: rigid plastic clamshells not accepted for recycling.
[4] Mountain View: composting program available to all businesses beginning July 1, 2013.
[5] Single-use disposable plastic foodservice ware is recycled when/if markets exist. Other rigid plastics (#1-#7) are recycled.
[6] District 3a: Processed MSW fiber is composted, mixed recycled fiber is recycled.

Coolers/Ice Chests

Jurisdictions within the project area may prohibit the sale of expanded polystyrene coolers or ice chests along with EPS foam food service ware. EPS foam ice chests tend to range in volume from 22 to 30 quarts, or enough to hold 24 12-ounce cans. At this time, the City of San José is unable to identify any disposable substitutes that might be used in place of EPS foam coolers. Therefore it is expected that people would use either durable plastic ice chests or insulated bag coolers as alternatives.

Information on the environmental impacts of ice chests is sparse, and the City could not find any life-cycle analyses or inventories to document the impacts of substitute containers. As shown above, polystyrene foam containers consistently weigh less than their plastic counterparts. It is reasonable to assume that durable plastic substitute coolers are heavier than EPS foam coolers of similar sizes. Not only do durable plastic coolers weigh more than comparable EPS foam coolers, they also can be much larger. For example, Wal-Mart offers a 150-quart Rubbermaid ice chest, which offers a volume more than five times greater than the typical EPS foam ice chest.

Based on weight and the information presented in this appendix, it seems that the production of a polystyrene foam ice chest would have fewer environmental impacts than the production a durable plastic ice chest. When looking at the full life-cycle of the two, it is less clear. Durable plastic coolers are intended for reuse over many years whereas EPS foam coolers may be used as few as one or two times. The longer a durable plastic cooler is used, the better its environmental performance will be relative to an EPS foam cooler.

With regards to the end of life phase, neither product is recyclable or compostable, so both would end up in landfills when disposed of properly. If improperly disposed, polystyrene foam coolers would be more likely to break into pieces and disperse in the terrestrial or marine environment than durable coolers. This is due to the fact that EPS foam coolers are made of small PS foam beads that can break apart from physical impacts as well as erosive forces from water, sand, and wind.

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # MA-1 ✓

Date: April 22, 2014

To: City Manager for Council Action

From: Director of Electric Utility

Subject: Approval for Use of City Forces, Electric Department Estimates

EXECUTIVE SUMMARY:

It is requested that the City Council find that City Forces, supplemented by Public Works and Contract Labor, if necessary, can best perform the installation of the following electric facilities and approve the use of City Forces, therefore:

Estimate No:	33502
Title/Location	New Underground Cable from VTA Reliability, 5001 Great America Parkway
Type of Job:	Reliability
Description of Work:	Replace existing Bridge Tap underground cable for VTA so that SVP can relocate for the street widening on Tasman Drive.

Estimated Cost:	$3,551.26	Customer/Developer Contribution:	$	.00
		Salvaged Plant	$	262.44
		Customer Service Charge	$	3,288.82

RECOMMENDATION:

That Council approve the use of City Electric forces for the installation of facilities at 5001 Great America Parkway.

John C. Roukema
Director of Electric Utility

APPROVED

Julio J. Fuentes
City Manager

Documents related to this report: None

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-2

Date: April 15, 2014

To: City Manager for Council Action

From: Director of Human Resources

Subject: Approval of Revised Job Description for Electric Program Manager

EXECUTIVE SUMMARY:

This is a management position in the unclassified service, responsible for managing the multi-million dollar customer-focused programs or project management in the following areas:

- Public Benefit concentration: The incumbent performs administrative and promotional duties entailing the development and supervision of special state mandated community-wide program activities.
- Fiber Optics and Networks concentration: The incumbent performs administrative duties entailing the areas of fiber optics, dark fiber leasing, and communication delivery to internal and external customers.
- Maintenance and Project Planning concentration: The incumbent performs maintenance project planning for utility assets and/or provides intra-City program support for departments or divisions such as Public Works- Traffic Engineering or Water and Sewer Utilities.

The employee in the Electric Program Manager classification is a member of the City's unclassified service, which is an "at will" position, and the incumbent serves at the discretion of the City Manager. This job description incorporates the expectation for incumbents to adhere to the City's Code of Ethics and Values, and demonstrate strong professional and service-oriented leadership. Staff is recommending approval of this revised job description.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the revised job description for Electric Program Manager will provide for a current job description. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

There is no economic or fiscal impact to the City in approving the revised job description, other than administrative staff time and expense. Funding is provided for this position in the Electric Department's 2013-2014 budget.

RECOMMENDATION:
That the Council approve the revised job description for Electric Program Manager.

Elizabeth C. Brown
Director of Human Resources

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report
1) Revised Job Description for Electric Program Manager

Proposed May, 2014
Approved September, 2010

CITY OF SANTA CLARA, CALIFORNIA
ELECTRIC PROGRAM MANAGER
(424)

EDUCATION AND EXPERIENCE

- Education and experience equivalent to graduation from an accredited college or university with a Bachelor's Degree in Engineering, Economics, Public or Business Administration, Environmental Sciences, Finance or a closely-related field; and
- Three (3) years experience in managing and coordinating City or customer related programs, project management, or building facilities management.
- An advanced degree in Engineering, Public or Business Administration, Environmental Sciences or related field is desirable.

LICENSE

Possession of a valid Class C California driver's license is required at the time of appointment and for the duration of employment.

DISTINGUISHING CHARACTERISTICS

This is a management position in the unclassified service responsible for managing the multi-million dollar customer-focused programs or project management in the following areas:

- Public Benefit concentration: The incumbent performs administrative and promotional duties entailing the development and supervision of special state mandated community-wide program activities.
- Fiber Optics and Networks concentration: The incumbent performs administrative duties entailing the areas of fiber optics, dark fiber leasing, and communication delivery to internal and external customers.
- Maintenance and Project Planning concentration: The incumbent performs maintenance project planning for utility assets and/or provides intra-City program support for departments, such as Public Works- Traffic Engineering or Water and Sewer Utilities

This class requires a demonstrated ability to work well with management, professional and administrative support employees in the Department and with customers, professionals, managers, and all City Departments.

As a member of the City's Unclassified Service, this is an "at-will" position and the incumbent serves at the discretion of the City Manager. An incumbent in this classification demonstrates strong ethical, professional, and service-oriented leadership and interpersonal skills; sets a good example; and correctly applies the tenets of the City's Code of Ethics and values.

TYPICAL DUTIES

Duties may include, but are not limited to the following.

Under general direction:

- Manages and participates in the identification, development, and implementation of programs to benefit retail customers and the City;
    - Public Benefit concentration: focusing in the areas of energy efficiency, renewable energy, low income services, and research and development of new energy technologies. Develops, implements, and monitors renewable resources, research and development of potential programs, and low-income programs consistent with existing statutes and regulations.
    - Fiber Optics and Networks concentration: focusing in the areas of fiber optics, dark fiber leasing, and communication delivery to internal and external customers.
    - Maintenance and Project Planning concentration: focusing on asset management, forecasting, planning and tracking short term and long term maintenance and construction activities, reporting on activities and budgeting time and materials for maintenance and construction activities.
- Conducts research and performs analyses to make recommendations to management related to program design;
- Implements programs which may include such functions as scheduling, coordinating, and assigning staff to projects;
- Selects, manages, trains, and evaluates staff assigned to programs and projects;
- Prepares forecasts of short and long term needs;
- Oversees request for proposal processes, participates in the preparation of vendor contracts, negotiates contracts, and acts as lead contract administrator for planned program objectives;
- Prepares a variety of narrative and periodic reports to keep management informed of program/project status;
- Implements program audit systems to ensure appropriate use of public funds;
- Develops qualitative and quantitative measures to evaluate program/project financial status, customer satisfaction, contractor performance, and public relations;
- Makes recommendations for program/project modification to increase effectiveness;
- Develops and maintains electronic databases for tracking program status and funds;
- Maintains and monitors contract and program budgets and participates in the preparation of the division budget;
- Maintains current knowledge of external program trends and legislation to ensure necessary compliance;
- May participate in regional and state efforts to meet legislative and societal goals;
- Develops, implements and evaluates marketing and educational materials;
- Uses computer applications, including electronic spreadsheets and word processing software;
- Prepares reports, memos, and supporting documentation; and
- Performs other related duties as assigned.

<u>KNOWLEDGE, SKILLS, AND ABILITIES</u>

Knowledge of:

- Specifically by concentration area:
  - Public Benefit concentration:
    - Energy efficiency methods and principles
    - Residential, commercial, and industrial energy audits and equipment
    - Renewable resources and low income programs
    - Utility economics
  - Fiber Optic concentration
    - Fiber optic construction methods and principles
    - Fiber optic contract methodologies
    - Business-to-business marketing
    - State and Federal laws related to communication services
    - Product development and new business development techniques
  - Maintenance and Project Planning concentration
    - Best practice utility maintenance methods
    - Electric department contract methodologies
    - Asset management fundamentals
    - State and Federal laws related to construction, maintenance and inspections
- Program management;
- Project and workload planning;
- Preparation, negotiation, and administration of contracts and fiscal planning;
- Negotiation techniques and strategies;
- Principles and practices of customer service;
- Research methods and statistical analysis;
- Principles and practices of management, employee supervision, training, and performance evaluation;
- Pertinent State, Federal, and Local laws and regulations;
- Problem solving and conflict resolution practices and techniques;
- Computer applications such as Microsoft Word, Access, Excel, and PowerPoint; and
- Office safety practices, procedures and standards.

Ability to:

- Develop, implement, and monitor programs;
- Conduct effective problem solving;
- Evaluate situations, identify problems, and exercise sound independent judgment within established guidelines;
- Identify, research and gather relevant information from a variety of sources;
- Collect and analyze data and prepare a variety of statistical and narrative reports;
- Operate standard office equipment;
- Use personal computers and applicable software;
- Develop and maintain electronic databases;
- Effectively develop, negotiate, and monitor contracts;
- Interpret and apply laws and regulations, policies and procedures;
- Communicate clearly and effectively both orally and in writing by using correct English grammar, spelling, and punctuation;

- Understand, follow, provide, and carry out oral and written instructions;
- Prepare and present clear, concise and complex written and oral reports;
- Develop and conduct effective public relations programs on energy conservation;
- Speak effectively before large groups of people;
- Establish and maintain tactful, courteous and effective working relationships with those contacted in the course of work including the general public;
- Work independently with minimal supervision;
- Work effectively as a member of the department to achieve common goals and be able to deliver excellent customer service to both internal and external City clients;
- Work effectively in time-sensitive situations and meet deadlines;
- Coordinate multiple projects and complex tasks simultaneously;
- Develop creative and practical solutions to complex and difficult problems; and
- Bend, stoop, reach, carry, climb, and lift as necessary to perform assigned duties.

SUPERVISION RECEIVED

Works under the general supervision of the Director of Electric Utility, Assistant Director of Electric Utility, Electric Division Manager, or other manager as assigned.

SUPERVISION EXERCISED

Provides supervision for professional, technical, and other support staff as assigned.

OTHER REQUIREMENTS

Must be able to perform all of the essential functions of the job assignment.

CONFLICT OF INTEREST

Incumbents in this position are required to file a Conflict of Interest Statement upon assuming office, annually, and upon leaving office, in accordance with City Manager Directive 100.

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-3 ✓

Date: April 17, 2014

To: City Manager for Council Action

From: Director of Human Resources

Subject: Approval of the Revised Job Description for Fire Marshal

EXECUTIVE SUMMARY:

The Fire Marshal is a management position in the unclassified service. An incumbent in this classification exercises independent judgment and discretion; formulates administrative policies for the effective use of assigned personnel; actively supports the direction and policies established by the City Manager and Fire Chief, as well as policies established by the City Council, for the delivery of public safety service to the citizens of Santa Clara. As an officer in charge of the Fire Prevention and Hazardous Materials Division, the Fire Marshal provides leadership that is characterized as being organized, responsible, intelligent, trustworthy, honest, and principled. An incumbent in this classification will be expected to be the Department's representative in the coordination of efforts for inspection of buildings, abatement or removal of fire hazards, life and fire safety education, enforcement of fire prevention codes and regulations, and the investigation of fires. An employee in this classification is a member of the City's Unclassified Service, which is an "at will" position, and the incumbent serves at the discretion of the City Manager. This position incorporates the expectation for incumbents to adhere to the City's Code of Ethics and Values, and demonstrate strong professional and service-oriented leadership. Staff is recommending the modification of this job description.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this job description will allow the Fire Chief to fill a vacancy created by a retirement. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

There is no economic or fiscal impact to the City in approving this modified job description, other than administrative staff time and expense. Funding is provided for in the FY 2013-14 Budget.

RECOMMENDATION:

That the Council approve the revised job description for Fire Marshal.

Elizabeth C. Brown
Director of Human Resources

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) Job Description for Fire Marshal

Proposed May, 2014
Approved January, 1998

CITY OF SANTA CLARA, CALIFORNIA

FIRE MARSHAL
(Unclassified)
(120)

EDUCATION AND EXPERIENCE

- Education and experience equivalent to graduation from college with a Bachelor's Degree in Public Administration, Business Administration, Political Science or related field, plus
- Ten (10) years of paid experience in the public service uniformed fire service, with at least four (4) years assigned to fire prevention or hazardous materials enforcement, at a rank equivalent to Deputy Fire Marshal, including application and compliance with State and local fire and building codes, plan review of fire protection systems, land development, and building construction; and
- One (1) year of management experience.

DESIRABLE QUALIFICATIONS

- Fire investigation experience.
- Experience responding to or handling hazardous materials emergencies.
- Experience enforcement of the Fire Code including inspection and plan review.
- Underground Tank Inspector Certification issued by the California Water Resource Control Board.

LICENSES AND/OR CERTIFICATES

- Possession of a valid California Class C driver's license is required at time of appointment and for the duration of employment.
- Completion of California State Fire Marshal Fire Prevention 1 Training or equivalent or possession of Certification as a Fire Inspector I from the International Code Council.
- Completion of California State Fire Marshal Fire Investigation 1A or equivalent.
- Completion of California State Fire Marshal Fire Management 1 Training or equivalent.
- Completion of California State Fire Marshal Fire Investigation 1B Training or equivalent within six (6) month of appointment.
- Certification as Fire Inspector II from the International Code Council within one (1) year of appointment.
- Incumbents shall be required to obtain and maintain any other licenses(s) and or certification(s) that may be required by future regulation by Federal, State, local and/or industry requirements.

DISTINGUISHING CHARACTERISTICS

An incumbent in this classification exercises independent judgment and discretion; formulates administrative policies for the effective use of assigned personnel; actively supports the direction and policies established by the City Manager and Fire Chief, as well as policies established by the City Council, for the delivery of public safety service to the citizens of Santa Clara. As an

officer in charge of the Fire Prevention and Hazardous Materials Division, the Fire Marshal provides leadership that is characterized as being organized, responsible, intelligent, trustworthy, honest, and principled. An incumbent in this classification will be expected to be the Department's representative in the coordination of efforts for inspection of buildings, abatement or removal of fire hazards, life and fire safety education, enforcement of fire prevention codes and regulations, and the investigation of fires. ;; .

This is a professional management position in the unclassified service of the City. As a member of the City's Unclassified Service, this is an "at-will" position and the incumbent serves at the discretion of the City Manager. An incumbent in this classification: demonstrates strong ethical, professional, and service-oriented leadership and interpersonal skills; sets a good example; and correctly applies the tenets of the City's Code of Ethics and Values.

TYPICAL DUTIES

Duties include, but are not limited to the following.

Under general direction, the incumbent will:

- Plan, organize, manage, and evaluate all segments of the Fire Prevention and Hazardous Materials Division;
- Coordinate, assign, and direct the work and activities of all personnel assigned to the Fire Prevention and Hazardous Materials Division;
- Meet and deal tactfully and effectively with the public, superiors, subordinates, and fellow employees;
- Evaluate and provide training to subordinates;
- Stimulate individual and group initiative;
- Detect, analyze the cause of, adjust, and handle grievances;
- Develop a plan for, and adjust staffing requirements as necessary;
- Develop and justify budget requirements and requests to support division programs and projects;
- Interpret legislation at the local, state, and federal levels as it applies to the fire service;
- Transmit, actively support, and carry out City and Fire Department policies;
- Provide and supervise technical inspections of various occupancies within the City, taking measures to determine, educate, and enforce compliance with codes, ordinances, laws and regulations pertaining to safety, prevention, and control of fire;
- Initiate the investigation of fires to determine their cause and origin, following cases to prosecution when necessary;
- Coordinate with other Divisions within the Fire Department for the education and training of Department personnel in inspection programs, hazardous and flammable materials, detection of evidence of arson, and the recognition and appraisal of hazardous conditions;
- Interface with other City departments on regulations and safety practices involving property and life safety;
- Initiate the inspection of areas or places of public gatherings, high value, or hazardous conditions;
- Plan, coordinate, direct, and conduct programs in Life and Fire Safety education and provide information regarding fire prevention and life safety;

- Investigate complaints and answer questions regarding hazards and violations of fire prevention regulations;
- Conduct fire drills in schools, hospitals, and convalescent homes;
- Advise the Fire Chief and keep him/her apprised on matters related to fire prevention;
- Maintain records and prepare reports;
- Present evidence in court;
- Give talks to industrial groups, civic organizations, and school groups;
- Coordinate the maintenance of complete and accurate files of fire safety codes and regulations;
- Manage the plan checking of revised and new construction, sprinkler systems, exits for code conformation, and any other condition requiring the submittal of plans;
- Coordinate the adoption of the Fire Code;
- Make presentations to the City Council, as directed by the Fire Chief;
- Inspect all underground and overhead pipes and fittings for sprinkler systems, gas systems, or other hazardous material installations; and
- Perform other related work as assigned.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Modern management and effective interpersonal skills;
- Principles of fire prevention and the related principles of arson investigation and the state and city laws concerning these activities;
- Applicable sections of various codes, such as Fire and Building Codes, and the appropriate enforcement methods;
- Building construction, including hazardous materials, alarm systems, sprinkler systems, wet and dry standpipe systems and related systems;
- Firefighting procedures, techniques, and equipment;
- Principles of chemistry, analytical testing techniques and sampling techniques;
- Environmental and safety practices, procedures and standards;
- Fire investigation techniques;
- Supervisory techniques and methods of motivating staff to perform efficiently;
- Research techniques, methods and procedures and report presentation; and
- Desktop applications computer software including electronic spreadsheets, word processing, and database software (e.g., Excel, Word, Access)

Ability to:

- Apply firefighting procedures, techniques, and equipment to a variety of fire control and prevention situations;
- Manage, train, and discipline subordinate personnel;
- Develop and conduct an effective public relations program on fire prevention;
- Develop and conduct an effective public relations program on hazardous materials and waste;
- Speak effectively before large groups of people;
- Reason logically and analyze situations correctly;

- Understand laws, rules, and regulations pertaining to hazardous materials and waste;
- Interpret and present findings in a clear, concise written form including the creation and use of tables, charts, and graphics to summarize results;
- Exercise independent judgment and initiative;
- Communicate requirements, policies, and decisions to the public and personnel in an effective manner;
- Communicate logically and clearly using correct English grammar, spelling and punctuation;
- Carry out and provide written and oral directions;
- Prepare comprehensive and precise written reports;
- Plan, assign, manage and review the work of fire department personnel;
- Research, interpret, apply and explain laws, regulations, policies, and procedures;
- Establish and maintain effective working relationships with those contacted in the course of work;
- Deal tactfully and courteously with government officials, supervisors, co-workers, contractors, architects and the general public;
- Work in a team-based environment and achieve common goals;
- Effectively handle multiple priorities, organize workload, and meet strict deadlines;
- Read and interpret blueprints or construction drawings;
- Perform heavy and hazardous physical labor, and wear protective clothing and breathing apparatus as required to perform inspections and investigations; and
- Bend, stoop, reach, carry, crawl, climb, and lift as necessary to perform assigned duties.

SUPERVISION RECEIVED

Works under the general direction of the Fire Chief and/or the Deputy Fire Chief-Administrative/Technical Services.

SUPERVISION EXERCISED

Manage personnel assigned to the Fire Prevention and Hazardous Materials Division which include Deputy Fire Marshals, Deputy Fire Marshals – Hazardous Materials, Fire Inspectors, Fire Protection Specialists, - Fire Safety Aides, Fire Inspector Aides, and assigned administrative support staff.

OTHER REQUIREMENTS

- May be required to work unusual hours and be available on an on-call basis.
- Incumbents of this classification are required to maintain a permanent residence within a fifty minute response time to the City within six months of appointment. The fifty minute response time assumes standard road conditions and following speed limits.
- Candidates will be required to pass a City background investigation which will include fingerprinting and may include psychological and polygraph screening as required for Fire Marshal.
- Must be able to perform all of the essential functions of the job assignment.

CONFLICT OF INTEREST

The incumbent in this position is required to file a Conflict of Interest statement upon assuming office, annually, and upon leaving office, in accordance with City Manager Directive 100.

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # MA-4

Santa Clara All-America City 2001

Date: April 10, 2014

To: City Manager for Council Action

From: Director of Public Works / City Engineer

Subject: Acceptance: San Tomas Aquino-Saratoga Creek Trail On-Street Portion Enhancements Project CE 11-12-01
Contractor: Golden Bay Construction, Inc.
3826 Depot Road
Hayward, CA 94545

EXECUTIVE SUMMARY:

This project consisted of bike lane construction, 4 lighted crosswalks, 7 curb ramps, traffic signal modifications, slurry sealing, and traffic striping.

This is to certify that all work in connection with the referenced project has been completed in accordance with the plans and specifications and to the satisfaction of the City Engineer.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval will allow acceptance of contract and allow for the thirty-five (35) day retention period to begin.

ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than staff time and expense.

RECOMMENDATION:

That the Council:

1. Accept the work performed by Golden Bay Construction, Inc. on San Tomas Aquino-Saratoga Creek Trail On-Street Portion Enhancements Project (CE 11-12-01); and
2. Authorize recordation of a Notice of Completion with the County Recorder.

Rajeev Batra
Director of Public Works / City Engineer

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report: None

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Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # MA-5

Santa Clara All-America City 2001

Date: April 25, 2014

To: City Manager for Council Action

From: Director of Human Resources

Subject: Establish the Salary Schedule and Range for Senior Resource Analyst as A-43

EXECUTIVE SUMMARY:

In the Fiscal Year 2014-2015 Operating Budget, the Electric Utility Department requested a new classification titled Senior Resource Analyst. The position was established in the budget as an unclassified management position.

The Human Resources Department conducted a job analysis study for the classification in February 2014. It was determined that the level of responsibility for the position did not meet the definition of an exempt position and the job description was written and approved by the Employees' Association bargaining unit as a classified position. To begin the recruitment process, the City must establish a salary schedule pay range for the position. The Human Resources Department conducted a salary survey and the salary proposed in the 2014-2015 Operating Budget is comparable to the average salary from the survey. Establishing the salary range for Senior Resource Analyst at A-43 will allow the City to begin the recruitment and fill the vacant position.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Adoption of a salary schedule and range will allow the City to begin the recruitment process to fill the Senior Resource Analyst position. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

There is no fiscal impact for this change. The position is currently funded in the 2013-2014 Fiscal Year operating budget. The proposed monthly salary range is $8,672 - $11,055.

RECOMMENDATION:

That the Council establish the Salary Schedule and Range for Senior Resource Analyst as A-43.

Elizabeth C. Brown
Director of Human Resources

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to the Report: None

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-6

Date: April 29, 2014

To: City Manager for Council Action

From: Director of Public Works/City Engineer

Subject: Adopt a Resolution of Intention to Order that the Alternative Method for the Levy of Benefit Assessment Be Made Applicable to the City of Santa Clara Convention Center Complex Maintenance District No. 183, Set a Hearing Date of June 10, 2014 to Approve the Director's Report for Fiscal Year 2014/15 and Authorize the Publication and Posting of the Notice of Public Hearing as Stated in the Resolution

EXECUTIVE SUMMARY:

The original lease agreements between the Redevelopment Agency of the City of Santa Clara (City), Santa Clara Convention Hotel Limited Partnership (Hotel), and SCCC Associates II (Techmart) provided for the formation of Maintenance District No. 183 (District) to apportion the funds necessary to maintain and operate the common improvements serving the Convention Center, Hotel, and Techmart. Equity Office currently owns Techmart and is responsible for a portion of the FY 2014/15 assessment. The current hotel property owner is the Hyatt Hotel group. The Convention Center is owned by the City of Santa Clara and is responsible for that share of the assessment.

The common improvements generally consist of, but are not limited to, surface and structural (parking garage) parking areas, landscaping, roadway, pedestrian bridges, space frames, lighting, etc. In addition to the costs of maintaining and operating the common improvements, the proposed total cost includes expenses relating to City cost to administer the District, insurance, utilities and reserve funds. The Director's Report in the attached Resolution of Intention shows the formula for the annual assessment levy, parcel descriptions, and amount of assessment to be levied against each benefiting parcel. Staff met with property owners and any interested tenants to discuss expenditures on March 6. A second meeting will also be held to continue to discuss any question about the Director's Report on May 1, 2014.

A Resolution of Intention entitled "A Resolution of Intention to Order that the Alternative Method for the Levy of Benefit Assessment be Made Applicable to City of Santa Clara Convention Center Complex Maintenance District No. 183, Approving Director's Report, and Providing for Notice of Hearing on the Assessment District Budget and Director's Report for Fiscal Year 2014/15".

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the proposed assessment would allow for the continued maintenance of common improvements at the Convention Center Complex.

Discussion

In April 1980, the City Council adopted an ordinance providing for an alternative method for annually fixing and levying a special benefit assessment within maintenance districts of the City of Santa Clara. The ordinance was required because Proposition 13 debarred the City from continuing its practice of assessing maintenance costs based upon assessed value.

The ordinance requires that a report be prepared each fiscal year for each maintenance district, setting forth the budget for the ensuing year, the formula for the annual assessment levy, and a description of each property, including the amount of assessment to be levied against each lot. A copy of the Director's Report for fiscal year 2014/15 has been prepared and a copy will be sent to each property owner. This report has also been filed with the City Clerk as required by the ordinance.

A meeting date of March 6, 2014 was set to first meet with the property owners and any interested tenants to discuss the proposed fiscal year 2014/15 expenditures that are part of the Director's Report. A second meeting date of May 1, 2014, will also be held to continue to discuss any questions about the Director's Report.

In conjunction with the report, the Council is required to hold a public hearing. The confirmed assessments are sent out by the City for collection.

A resolution entitled "A Resolution Ordering That The Alternative Method For The Levy of Benefit Assessment Be Made Applicable To City of Santa Clara Convention Center Complex Maintenance District No. 183, and Approving, Confirming, And Adopting Director's Report For Fiscal Year 2014/15" has been prepared and is attached hereto. The resolution sets June 10, 2014 as the hearing date.

Entity	FY2014/15 Total Assessment	(Less) Prior Years Surplus	FY2014/15 Net Assessment
City of Santa Clara (Convention Center)	$610,547	($0)	$610,547
Hyatt Regency Hotel Santa Clara	$281,823	($0)	$281,823
Equity Office Techmart	$446,283	($0)	$446,283
TOTAL	**$1,338,653**	**($0)**	**$1,338,653**

ECONOMIC/FISCAL IMPACT:

Approval of the assessment would result in a $728,106 revenue collection to the City from the Hotel and Techmart to fund the maintenance of common improvements at the Convention Center Complex.

RECOMMENDATION:

That the Council

1) adopt a Resolution of Intention to order that the alternative method for the levy of benefit assessment be made applicable to the Santa Clara Convention Center Complex Maintenance District No. 183, and

2) set a hearing date for June 10, 2014 and authorize the publication and posting of the notice of public hearing as stated in the Resolution

Rajeev Batra
Director of Public Works/City Engineer

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Resolution of Intention

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, OF INTENTION TO ORDER THAT THE ALTERNATIVE METHOD FOR THE LEVY OF BENEFIT ASSESSMENT BE MADE APPLICABLE TO CITY OF SANTA CLARA CONVENTION CENTER COMPLEX MAINTENANCE DISTRICT NO. 183, APPROVING DIRECTOR'S REPORT, AND PROVIDING FOR NOTICE OF HEARING ON THE ASSESSMENT DISTRICT BUDGET AND DIRECTOR'S REPORT FOR FISCAL YEAR 2014/15

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

WHEREAS, pursuant to Chapter 16.10 of "The Code of the City of Santa Clara, California" ("City Code"), the City Council of the City of Santa Clara, California ("Council") adopted Resolution No. 5081 on June 3, 1986, creating "City of Santa Clara Convention Center Complex Maintenance District No. 183" ("District") in the City of Santa Clara, California ("City"). Resolution No. 5081 also ordered that the costs and expenses of maintaining and operating the on-site public improvements ("Public Improvements") on the property within the District, including the cost of necessary repairs, replacements, fuel, power, electrical current, care, supervision and any and all other items necessary for the proper maintenance and operation of the Public Improvements be raised by the levy of an annual special benefit assessment apportioned according to special benefits conferred among the parcels of property within the District in accordance with a formula set forth in Resolution 5081, and in accordance with and pursuant to the provisions for the alternative method for the levy of benefit assessments in maintenance districts in the City as provided in the City Code;

WHEREAS, Resolution No. 5081 provided that the Council shall, in addition to all other taxes, annually fix and levy a special assessment tax upon the real property (land and improvements) within the District as therein provided, sufficient to raise the amount of money necessary to pay the annual costs of maintenance and operation;

WHEREAS, the Council adopted Ordinance No. 1401 on April 8, 1980, which provided for an alternative method for annually fixing and levying a special benefit assessment within maintenance districts located in the City for said purpose;

WHEREAS, in the opinion of this Council, the annual costs of maintenance and operation of the Public Improvements shall be appropriately financed pursuant to the provisions of Resolutions 1401 and 5081 and related provisions of the City Code;

WHEREAS, pursuant to the provisions of Resolution No. 5081, the City's Director of Public Works/City Engineer has made and filed with the City Clerk a written report ("Director's Report") setting forth the budget, the formula for the annual assessment levy, a description of each lot or parcel of property to be assessed and the amount of the assessment to be levied against each lot or parcel of property in accordance with said formula. The costs of operation, maintenance, and servicing of improvements to be funded by the District are apportioned to each parcel in proportion to the special benefit it receives;

WHEREAS, Proposition 218 passed by the voters in the general election on November 5, 1996, added Articles XIIIC and XIIID to the State of California Constitution which require the property owners within the District to annually approve any assessment increase that is more than any previous assessment;

WHEREAS, in the event of an assessment that is greater than any previous assessment, the procedures of approval under Proposition 218 not only require the preparation of a Director's Report on how the assessments were prepared and based, but further necessitate a written ballot ("Ballot") to be returned in order to determine approval of any assessment increases for the District;

WHEREAS, in the event of an assessment that is greater than any previous assessment, a majority weighted vote of the Ballots (weighting determined by an amount of assessment paid), must be received in order to approve any proposed increase in assessment;

WHEREAS, for Fiscal Year 2014-15, the assessments are not greater than any previous assessment and therefore, Proposition 218 requirements do not apply; and

WHEREAS, the Council has duly considered the Director's Report and finds that it is sufficient and does not require modification.

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

1. That the recitals set forth above are true and correct and by this reference makes them a part hereof.

2. That the public interest and convenience require and this Council hereby orders that the costs and expenses of acquiring, constructing, reconstructing, installing, extending, enlarging, repairing, improving, maintaining and operating the Public Improvements now existing or hereafter to be constructed in and for the District which benefit the District as a whole, including the cost of necessary repairs, replacements, water, fuel, power, gas, electric current, care, supervision and any and all other items necessary for the proper maintenance and operation thereof, and of all additions, improvements and enlargements thereto which may hereafter be made, be raised by an annual special benefit assessment in accordance with and pursuant to the provisions for the alternative method for the levy of benefit assessments in maintenance districts in the City, as provided in Section 16.10.490 and Section 16.10.500 of the City Code, on all lots or parcels of property within the District.

3. That the costs and expenses of maintaining and operating the Public Improvements within the District shall annually be assessed, either partly or wholly, upon the benefited lots and parcels of property within the District by apportioning the costs and expenses according to benefits in proportion to the special benefits received by each lot or parcel of property within the District in accordance with the formula set forth in EXHIBIT "B" of Resolution No. 5081.

4. That the City Manager caused a budget to be prepared for the costs of the expenses of maintaining and operating the Public Improvements during fiscal year 2014/15 and the Director of Public Works/City Engineer prepared and filed a Director's Report with the City Clerk which provides the basis for the levy of benefit assessments for the cost of maintenance and operation on all lots or parcels of property within the District. The City Council hereby approves this Director's Report for fiscal year 2014/15.

5. NOTICE IS HEREBY GIVEN that on Tuesday, June 10, 2014, at 7:00 p.m., at its regular meeting place in the Council Chambers at City Hall, 1500 Warburton Avenue, Santa Clara, California, the Council will hold a public hearing during which it will hear any and all evidence and protests relating to said alternative method for the levy of benefit assessments and said formula for the District, and if the assessment is greater than any previous assessment, certify any ballots received and determine any weighted vote necessary, examine said Director's Report and hear all persons interested therein. Any interested property owner, who objects to the alternative method for the levy of benefit assessments, the formula, or to the amount of the assessment on any lot or parcel of property owned by him/her, may file a signed written protest with the City Clerk before the commencement of the Council meeting during which the public hearing will be held, describing the lot or parcel of property owned by him/her so that it may be identified and stating the grounds of his/her protest. The property owner may appear at the

hearing and be heard with regard to his/her protest.

6. NOTICE IS HEREBY GIVEN that no later than Thursday, May 1, 2014 at the hour of 9:00 a.m., at the Santa Clara Convention Center, 5001 Great America Parkway, Santa Clara, California, City staff will present and discuss the Director's Report with owners of the affected parcels.

7. The City Clerk is hereby authorized and directed to a) post a copy of notice of hearing on or near the Council Chamber door or any bulletin board in or adjacent to the City Hall and b) publish a copy of notice of hearing at least once in a newspaper of general circulation, pursuant to City Code Section 16.10.490(p).

8. The Director of Public Works/City Engineer is hereby authorized and directed to give notice of said hearing by mailing a copy of this Resolution of Intention and Director's Report, postage prepaid to record owners of any lot or parcel of property subject to a benefit assessment to pay said costs of maintenance and operation, as determined by the last assessment roll. This Resolution will be available for public inspection in the City Clerk's office; and said mailing, posting and publication shall be completed not less than ten (10) days, prior to the date fixed (June 10, 2014) for the hearing.

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9. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Director's Report

I:\MD #183 Convention Center\Assessments\2014\April\MD#183 Resolution of Intention 2014.doc

DIRECTOR'S REPORT

CITY OF SANTA CLARA

SANTA CLARA CONVENTION CENTER COMPLEX

MAINTENANCE DISTRICT NO. 183

FISCAL YEAR 2014-2015

4/28/14

COUNCIL APPROVED: (proposed June 10, 2014)

Rajeev Batra
Director of Public Works/City Engineer

SANTA CLARA CONVENTION CENTER COMPLEX
MAINTENANCE DISTRICT NO. 183
City of Santa Clara, California

SPECIAL BENEFIT ASSESSMENT for Fiscal Year 2014-2015

DIRECTOR'S REPORT

I, Rajeev Batra, Director of Public Works/City Engineer of the City of Santa Clara, California, pursuant to the provisions of Section 16.10.490 of the Code of the City of Santa Clara, hereby make this report and following special benefit assessment to cover the cost and expenses of maintaining and operating the improvement within Santa Clara Convention Center Complex Maintenance District No. 183 of said City, including the costs and expenses incidental thereto, to be paid by said Maintenance District.

The amount to be paid therefore by said Maintenance District for the Fiscal Year 2014-2015 is as follows:

		As Preliminarily Approved
Maintenance and Operations	$	1,130,453
Permanent Parking Controls	$	3,000
Reserve for Dynamic Parking Controls	$	205,200
Exceptional Improvements	$	0
Funds Advanced by and to be Repaid to City	$	0
TOTAL COST	**$**	**1,338,653**
Less Amount of Surplus From Prior Years:		
Convention Center	$	0
Hyatt Corporation - A Delaware Limited Liability Corporation	$	0
Equity Office Techmart	$	0
Amount of Reserves:	$	0
Amount of Contribution:	$	0
BALANCE OF ASSESSMENT	**$**	**1,338,653**

And I do thereby assess and apportion the amount of said costs and expenses, including the cost and expenses incidental thereto, upon the several lots or parcels of property liable therefore and specially benefited thereby, in proportion to the benefits to be received by each lot or parcel of property, from the maintenance and operation thereof and more particularly set forth in the list hereto attached and by reference made a part hereof.

Each lot or parcel of land is described in the assessment list by reference to its parcel number as shown on the assessor's maps of the County of Santa Clara for Effective Roll Year 2013/2014 to the right of the parcel numbers and include all of such parcel.

I hereby certify to the best of my professional knowledge and experience that each of the identified benefiting properties located within the District receives a special benefit over and above the benefits conferred to the public at large and that the amount of the assessment is proportional to the benefits specially received or enjoyed by each parcel or property within the District.

Dated: 5. 2. 14

Rajeev Batra
Director of Public Works/City Engineer
City of Santa Clara

SANTA CLARA CONVENTION CENTER COMPLEX
MAINTENANCE DISTRICT NO. 183
City of Santa Clara, California

SPECIAL BENEFIT ASSESSMENT for Fiscal Year 2014-2015

DIRECTOR'S REPORT

TABLE 1. BUDGET

Category	Estimated Cost	Description Of Category
Maintenance and Operation	$ 1,130,453	Labor, materials, supplies and equipment to maintain and operate Maintenance District No. 183 including, but not limited to water, sewer, electrical and other utility costs, sweeping of parking lots, maintenance of pavement and sidewalks, pavement striping, signs, fountains, landscaping, storm drains, lighting, space frames, parking structure, bridges, other common improvements, City supervision and management of maintenance district, insurance, contingencies, and incidental expenses.
Permanent Parking Controls	$ 3,000	Labor, materials, supplies and equipment to maintain and operate fixed directional signs, electronic signs, automatic vehicle counting devices, cashiering stations, ticket printer, dispensers, card readers, cashier booths, including regularly scheduled parking attendants and guards.
Dynamic Parking Controls	$ 205,200	Labor, materials, supplies and equipment to maintain and operate movable barriers and barrier placement, special parking attendants and guards, implementation of adjustable gates, special directional signs, and implementation of electronic signs.
Exceptional Improvements	$ 0	Special improvement project benefiting special parcel.
Funds Advanced by and to be Repaid to City	$ 0	For deficits which occurred in prior years
TOTAL COST	**$ 1,338,653**	

Less	Amount of Surplus From Prior Years:		
	City of Santa Clara	$	0
	Hyatt Regency Hotel Santa Clara	$	0
	Equity Office Techmart	$	0
	Amount of Reserves:	$	0
	Amount of Contribution:	$	0
	BALANCE OF ASSESSMENT	**$**	**1,338,653**

SANTA CLARA CONVENTION CENTER COMPLEX
MAINTENANCE DISTRICT NO. 183
City of Santa Clara, California

SPECIAL BENEFIT ASSESSMENT for Fiscal Year 2014-2015

DIRECTOR'S REPORT

TABLE 2. PROPERTY OWNERS TO BE ASSESSED

Name & Address of Owner	Assessor's Parcel Number	As Finally Confirmed	As Preliminarily Approved
City of Santa Clara 1500 Warburton Avenue Santa Clara, CA 95050 (Convention Center)	104-55-017	$	$ 610,547
Santa Clara Convention Center Hyatt Corporation, an Agent of Hyatt Equities, LLC, A Delaware Limited Liability Company dba Hyatt Regency Santa Clara Attention: Dania Duke - General Manager 5101 Great America Parkway Santa Clara, CA 95054 (408) 980-3901 (Hotel)	104-55-005 104-55-012	$	$ 281,823
Equity Office Techmart LLC Attention: Olga Ornelas, General Manager 10 Almaden Boulevard, Suite 535 San Jose, CA 95113 (408) 572-4406 (Techmart)	104-55-013	$	$ 446,283
TOTAL		**$**	**$ 1,338,653**

Also Send Copy of Director's Report To:

Hyatt Regency Santa Clara
Dania Duke, General Manager
5101 Great America Parkway
Santa Clara, CA 95054

Equity Office Techmart LLC
Michelle Mariscal, Sr. Property Manager
10 Almaden Boulevard, Suite 535
San Jose, CA 95113

Equity Office Techmart LLC
5201 Great America Parkway, Suite 226
Santa Clara, CA 95054

SANTA CLARA CONVENTION CENTER COMPLEX
MAINTENANCE DISTRICT NO. 183
City of Santa Clara, California

SPECIAL BENEFIT ASSESSMENT for Fiscal Year 2014-2015

DIRECTOR'S REPORT

TABLE 3. BUDGET/ASSESSMENT COMPARISON

	Budget For Fiscal Year 2013-2014			Budget For Fiscal Year 2014-2015		
	Total Assessment	Reduced By Proportion From Prior Year's Surplus	Net Assessment	Total Assessment	Reduced By Proportion From Prior Year's Surplus	Net Assessment
City of Santa Clara (Convention Center)	$ 604,555	$ 0	$ 604,555	$ 610,547	$ 0	$ 610,547
Hyatt Regency Hotel Santa Clara	$ 283,758	$ 0	$ 283,758	$ 281,823	$ 0	$ 281,823
Equity Office Techmart	$ 450,696	$ 0	$ 450,696	$ 446,283	$ 0	$ 446,283
TOTAL	**$ 1,339,009**	**$ 0**	**$ 1,339,009**	**$ 1,338,653**	**$ 0**	**$ 1,338,653**

SANTA CLARA CONVENTION CENTER COMPLEX
MAINTENANCE DISTRICT NO. 183
City of Santa Clara, California

SPECIAL BENEFIT ASSESSMENT for Fiscal Year 2014-2015

DIRECTOR'S REPORT

TABLE 4. FORMULA FOR ASSESSMENT LEVY

	Category	Estimated Expenditure	City of Santa Clara (Conv. Center)	Hyatt Regency Hotel Santa Clara	Equity Office Techmart
			39.64%	22.94%	37.42%
I.	Maintenance and Operations	$ 1,130,453	$ 448,112	$ 259,326	$ 423,015
			30.04%	22.12%	47.84%
II.	Permanent Parking Controls	$ 3,000	$ 901	$ 664	$ 1,435
			78.72%	10.64%	10.64%
III.	Dynamic Parking Controls	$ 205,200	$ 161,534	$ 21,833	$ 21,833
IV.	Exceptional Improvements	$ 0	$ 0	$ 0	$ 0
V.	Funds Advanced by/to be Repaid to City	$ 0	$ 0	$ 0	$ 0
VI.	Surplus Funds from Prior Year	$ 0	$ 0	$ 0	$ 0
	TOTAL ASSESSMENT	**$ 1,338,653**	**$ 610,547**	**$ 281,823**	**$ 446,283**

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # MB-1

Santa Clara All-America City 2001

Date: April 11, 2014

To: City Manager for Council Action

From: Director of Public Works/City Engineer

Subject: Approval of a Landscape Maintenance Agreement with the County of Santa Clara for Landscaping on Lawrence Expressway Overpass Embankments at El Camino Real

EXECUTIVE SUMMARY:

At the September 13, 2013 Strategic Planning off-site meeting, the City Council approved the concept of upgrading the aesthetics in the El Camino Real Corridor. With the improved look of this major Corridor within the City, it is anticipated that existing businesses will also enhance their on-site improvements and these upgrades will attract new businesses, bringing additional revenue to the City.

One significant improvement along the El Camino Real Corridor is the El Camino Real/Lawrence Expressway Beautification Project (Project). This Project consists of the following three Phases:

- Phase I - Painting of the bridge and installation of the City Seal and Name on the bridge.
- Phase II - Landscaping the four (4) bridge embankment areas along the Lawrence Expressway On/Off ramps.
- Phase III - Painting of the murals on the bridge abutment walls.

The proposed Landscape Maintenance Agreement (LMA) is one of the documents required for Phase II of the Project, a copy of the LMA has been placed in Council Offices for review.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The proposed LMA along with the Landscape Plans and the Traffic Control Plans approved by the County of Santa Clara (County) will allow the City to install and maintain the landscape on all four (4) bridge embankment areas within the County right-of-way.

The Project improvements and improvements at other gateways into the City provide an incentive for businesses to upgrade and maintain their properties, encouraging new businesses to locate in the City.

ECONOMIC/FISCAL IMPACT:

There will be an initial capital improvement investment cost for the initial installation of the landscape and irrigation system improvements. At the November 19, 2013 Council meeting, Council appropriated $425,000 for the Project of which $250,000 is funded by the Water and Sewer Utility's Water Conservation fund. There will be an additional on-going cost for the maintenance of the landscape and irrigation system. Staff will incorporate said on-going maintenance cost in the FY 2015-2016 Operating Budget.

RECOMMENDATION:

That the Council approve and authorize the City Manager to execute the Landscape Maintenance Agreement with the County of Santa Clara for Landscaping on Lawrence Expressway Overpass Embankments at El Camino Real.

Rajeev Batra

Rajeev Batra
Director of Public Works/City Engineer

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Landscape Maintenance Agreement with the County of Santa Clara

I:\ENGINEERING\Agenda\Agenda Reports\Landscape Maint Agreement ECR-Lawrence Expwy.doc

RECORDING REQUESTED BY:
County of Santa Clara

WHEN RECORDED MAIL TO:
The County of Santa Clara
Roads and Airports Department
101 Skyport Drive
San Jose, CA 95110-1302
Attention: Jim Walsh

Space Above For Recorder's Use

LANDSCAPE MAINTENANCE AGREEMENT
Landscaping on Lawrence Expressway Overpass Embankments at El Camino Real

THIS LANDSCAPE MAINTENANCE AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 2014, by City of Santa Clara, a chartered municipal corporation of the State of California ("City") and the County of Santa Clara, a political subdivision of the State of California ("County"), collectively referred to herein as the "Parties" and individually, a "Party".

RECITALS

WHEREAS, the County owns, operates and maintains Lawrence Expressway; and

WHEREAS, the Comprehensive County Expressway Planning Study – 2008 Update adopted by the Santa Clara County Board of Supervisors, established a County policy that precludes the County from incurring new landscape costs, including costs of maintenance, for County expressways; and

WHEREAS, the City seeks to improve the overpass embankments on Lawrence Expressway at El Camino Real in the City of Santa Clara to include landscaping ("Landscaping") within County right-of-way (ROW) as shown in Exhibit A ("County ROW"); and

WHEREAS, subject to and in accordance with the terms and conditions of this Agreement, City has agreed to retain all responsibility for the maintenance and repair of the Landscaping within County ROW; and

WHEREAS, the Parties desire to memorialize such agreement in writing.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Incorporation. The above Recitals are hereby incorporated herein and made a part hereof.

2. Maintenance and Repair. City shall, at no cost or expense to County, at all times during the term hereof maintain, or cause to be maintained, the Landscaping in good, clean and orderly condition.

    a. Maintenance shall consist of the following (collectively, "Maintenance"):

        i. Trimming, clipping and mowing the Landscaping as necessary to keep the same in good, clean and orderly condition;

        ii. Removing all papers, debris, filth and refuse to the extent necessary to keep the Landscaping in good, clean and orderly condition;

        iii. Pruning trees and shrubs as necessary, in such a manner as to not interfere with sight lines and vehicular clearance or clear passage for pedestrian, bicycle and motorized vehicle traffic on adjacent roadways;

        iv. Installing tree root barriers for new trees planted as needed to protect expressway curb, pavement, and sidewalk;

        v. Removing all tree debris regularly as part of routine maintenance to prevent debris from being deposited into County roadway drainage system inlets;

        vi. Collecting and removing clippings, debris, or litter. Clippings, debris, or litter may not be blown or swept onto the pavement/expressway (blowing materials away from the pavement, conditions permitting, shall generally be permissible);

        vii. Maintaining and repairing irrigation systems serving the Landscaping; and

        viii. Paying all costs and expenses for the water used to irrigate the Landscaping.

    b. Maintenance **does not include** maintaining, repairing, or replacing:

        i. Public utilities belonging to other agencies;

        ii. Traffic signals or related fixtures or equipment;

        iii. Storm drains, sewers or any other subsurface improvements, except irrigation systems;

        iv. Street improvements adjacent to the Landscaping, such as the curb and gutter; or

        v. Roadway improvements adjacent to the Landscaping.

The City shall complete or cause to be completed all Maintenance to the satisfaction of the County Director of Roads and Airports Department. County shall have the right to monitor or otherwise evaluate the Maintenance and all work performed in connection with the Landscaping. City agrees that any damages caused by Landscaping (direct or indirect) to the County ROW, public drainage system, or any public structures within County ROW shall be restored to their original condition by City at its sole cost and expense. All restoration work shall be conducted in accordance with the County's standard specifications to the satisfaction of the Director of Roads and Airports Department.

3. Maintenance Service Contract and Payment. If the City contracts for third-party services to satisfy its Maintenance obligations under this Agreement the following provisions apply:

    a. The frequency of the landscape improvement maintenance activities shall be established in a maintenance service agreement prepared by City and mutually agreed upon in writing by County and City.

    b. City shall prepare the landscape maintenance service agreement to be reviewed and approved in writing by County prior to City awarding the contract. City landscape maintenance service agreement with a third party shall include, at a minimum, the County general provisions provided to the City by County on public convenience and safety, Clean Water Regulations, Section 7, Integrated Pest Management (IPM), of this Agreement, and application for an annual no-fee County encroachment permit for the work performed in County rights-of-way. Following approval by the County, City shall obtain services in accordance with City policies and procedures for contracted services. City shall be solely responsible for the award, administration and payment of the services established in the maintenance service agreement.

    c. Any and all maintenance services identified in the maintenance service agreement between the City and County and performed by City's contractors must require City contractors to defend and indemnify County, its officers, agents and employees for any damages and injuries, including costs and attorney's fees, occurring from or arising out of the negligent acts or omissions or willful misconduct or performance of the landscape maintenance service contract by City contractors. The City's contractor must name the County as additional insured on all applicable insurance coverage required by City of its contractor.

4. Failure to Maintain. If City fails to perform the Maintenance as required herein, County shall give City a 30-day notice to comply with City's Maintenance obligations under this Agreement unless there is an immediate safety concern. In the event of an immediate safety concern, or after the 30-day notice, County may, at its option, provide the Maintenance not performed by City and collect all costs incurred by County to perform the Maintenance not performed by City under the notice from County. Any action by the County does not affect or limit City's indemnification of County.

5. Obligation to Remove. In the event the Director of Roads and Airports determines in his sole discretion that a necessary work of improvement requires that the Landscaping or a portion thereof, must be removed from the County ROW, the County will give City a minimum of thirty (30) days notice to remove those portions of the Landscaping that prevent implementation of said work of improvement. In the event that City fails to remove those portions of the Landscaping upon expiration of the time limit imposed by the County, the County may, at its option, remove those portions of the Landscaping and collect all costs from City which costs will include administrative charges. Any action by the County does not affect or limit City's indemnification of County. Upon removal of the Landscaping and the payment of all costs of removal charged by the County, the City shall be deemed to be fully and completely released from the Maintenance obligations hereunder and this Agreement shall terminate in accordance with Section 10 herein. The County will record a release from this Agreement upon the termination pursuant to this section.

6. Indemnification. In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between the Parties pursuant to Government Code Section 895.6, the Parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead the County and City agree that pursuant to Government Code Section 895.4, each of the parties hereto shall fully indemnify and hold each of the other parties, their officers, board members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this Agreement. No party, nor any officer, board member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of other parties hereto, their officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such other parties under this Agreement. This indemnification provision shall survive any termination of this Agreement.

7. Integrated Pest Management (IPM). The County has adopted Santa Clara County Ordinance No. NS-517.70, Division B28, attached hereto as "Exhibit B", concerning integrated pest management and pesticide use, referred herein as the "IPM Ordinance" and incorporated into this Agreement by reference. City agrees to comply with the provisions of the IPM Ordinance, including as follows:

    a. Prior to using any pesticide, City shall receive the written approval of the County IPM Coordinator. If pesticides must be used, City shall use only those pesticides on the list located at http://Pesticides.CountyRoads.org, which are designated as approved pesticides. The list of approved pesticides may change from time to time. Upon change, the list will be updated on the website. For an updated list, the applicant may also contact the County IPM Coordinator, as listed on the aforementioned website.

b. City shall not use any pesticides listed under Section B28-6 of the IPM Ordinance.

c. If pesticide must be used and they are listed as approved pesticides on the list located at http://Pesticides.CountyRoads.org, they shall be applied only by a licensed applicator in the appropriate category, licensed by the Structural Pest Control Board/Department of Pesticide Regulation, State of California.

d. Following approval to use a pesticide per Subsection 7(a), City shall provide the County with seventy-two (72) hours notice of actual pesticide applications to be performed on the Property.

e. City shall maintain and provide County with pesticide use records. The pesticide use records shall include all the information listed in Section B28-8(a) of the IPM Ordinance. The records shall be maintained by the City for three (3) years following the date of submission to the County.

8. Attorney's Fees. In the event a Party commences a legal proceeding to enforce any of the terms of this Agreement, the prevailing Party in such action shall have the right to recover reasonable attorneys' fees and costs from the other Party, to be fixed by the court in the same action. The term "legal proceedings" as used above shall be deemed to include appeals from a lower court judgment and it shall include proceedings in the Federal Bankruptcy Court, whether or not they are adversary proceedings or contested matters. The term "Prevailing Party" as used above in reference to proceedings in the Federal Bankruptcy Court shall be deemed to mean the prevailing Party in any adversary proceeding or contested matter, or any other actions taken by the non-bankrupt Party which are reasonably necessary to protect its rights under the terms of this Agreement.

9. Recordation. This Agreement shall be recorded in the appropriate public records of Santa Clara County, California.

10. Term. This Agreement is effective upon the date that all parties hereto have executed this Agreement. It shall remain effective until terminated by (1) mutual agreement of the Parties in writing, (2) by at least thirty (30) days' prior written notice of termination from one Party to the other, or (3) otherwise pursuant to the terms of this Agreement. Prior to termination of the Agreement pursuant to this section, County shall have the right to require City to remove the Landscaping and return the County ROW to its original condition at City's sole expense. If City does not remove the Landscaping prior to termination of the Agreement, County may elect to remove the Landscaping, return the County ROW to its original condition, and collect all costs thereof from City. Upon removal of the Landscaping and the return of the County ROW to its original condition, or if applicable, the payment of all costs of removal charged by the County, the City shall be fully and completely released from obligations hereunder. The County will record a release from this Agreement.

11. No Property Interest. City shall not acquire any interest or estate in County's property pursuant to this Agreement.

12. Notices. All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express (or other established express delivery service which maintains delivery records), (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the Parties at the following addresses, or at such other address as the Parties may designate by written notice in the above manner.

To the County:	To the City:
Michael J. Murdter, Director Roads and Airports Department County of Santa Clara 101 Skyport Drive San Jose, CA 95110-1302	Rajeev Batra, Director of Public Works Public Work Department City of Santa Clara 1500 Warburton Drive Santa Clara, CA 95050

Such communications may also be given by facsimile transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

13. Future Improvements. Additional improvements on the County ROW are not allowed without approval by the County and an appropriate encroachment permit issued by the County Roads and Airports Department.

14. Law and Permits. The Parties shall comply with all applicable laws and regulations. City shall require third party installers of Landscaping improvements to obtain all required permits including a no-fee encroachment permit from the County Roads and Airports Department prior to entry and construction on County ROW. City or its contractor shall obtain a no-fee encroachment permit from the County Roads and Airports Department with an approved Traffic Control Plan to conduct any maintenance activities that affect the expressway travel way or shoulder.

15. Governing Law and Venue. This Agreement shall be construed and interpreted according to the laws of the State of California, excluding its conflict of law principles. Proper venue for legal actions will be exclusively vested in a state court in the County of Santa Clara. The parties agree that subject matter and personal jurisdiction are proper in state court in the County of Santa Clara, and waive all venue objections.

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16. Miscellaneous. This Agreement shall be interpreted and construed only by the contents hereof and there shall be no presumption or standard of construction in favor of or against either Party. This Agreement may be modified or amended only by a writing duly executed by both Parties. The invalidity or unenforceability of any provision of this Agreement or the applicability or inapplicability to either Party, as determined by a court, shall in no way affect the validity or enforceability of any of the remaining provisions hereof or their applicability to the other Party.

IN WITNESS WHEREOF, the Parties have entered into this Agreement as of the date first above written.

CITY OF SANTA CLARA, CALIFORNIA,
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone:(408) 615-2210
Fax: (408) 241-6771

"CITY"

(ATTACH NOTARY FORM)

APPROVED AS TO FORM AND LEGALITY

BY: _____
E. Ray Ruiz DATE
Deputy County Counsel

COUNTY OF SANTA CLARA

BY: _____
Michael J. Murdter, Director DATE
Roads and Airports Department

Approved by the Office of the County Executive

_____
Deputy County Executive DATE

I:\ENGINEERING\Draft\WP\AGREE\Landscape Maintenance Agreement- Lawrence Expressway-ECR C.doc

EXHIBIT A

COUNTY RIGHT-OF-WAY

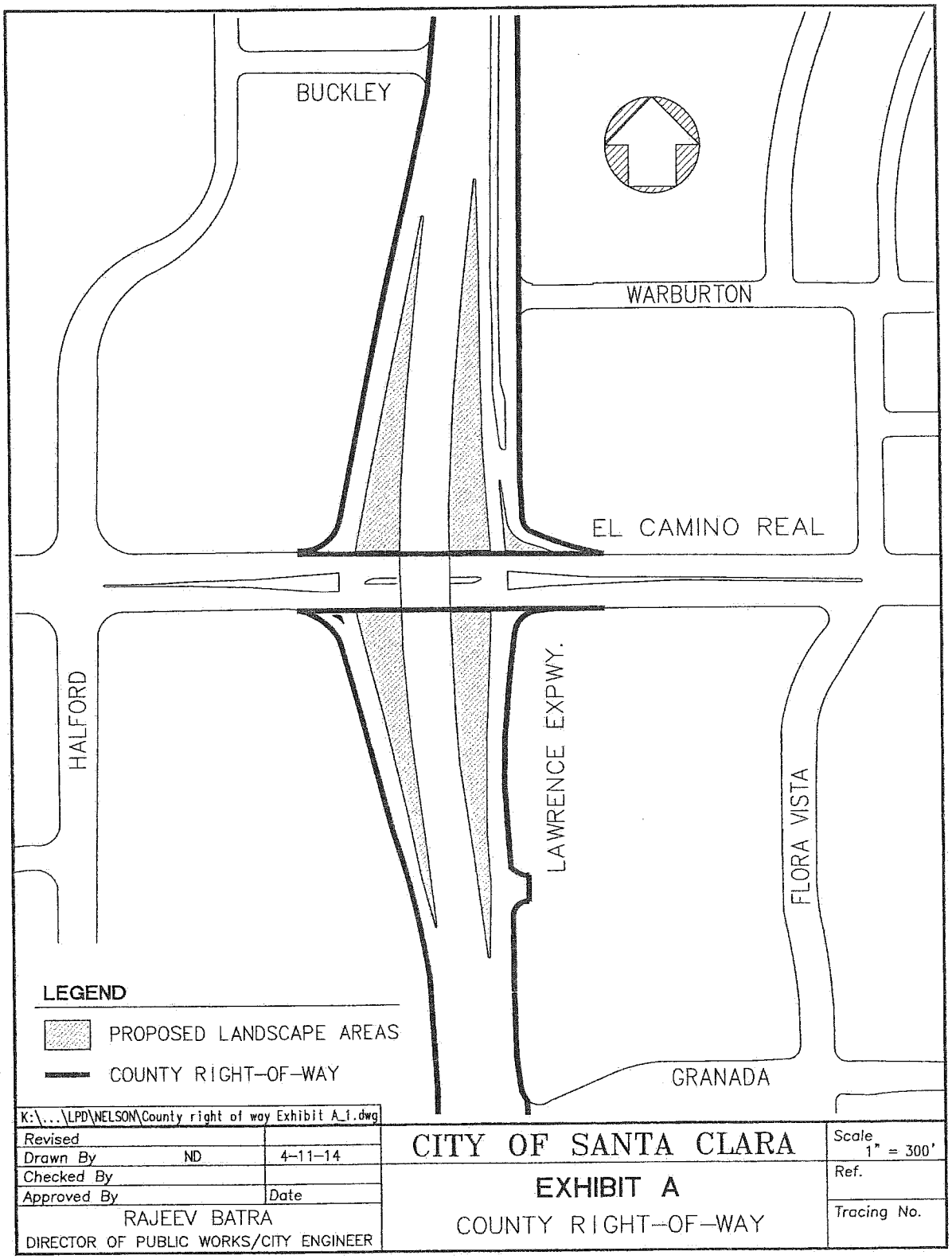
BUCKLEY
WARBURTON
EL CAMINO REAL
HALFORD
LAWRENCE EXPWY.
FLORA VISTA
GRANADA
LEGEND
PROPOSED LANDSCAPE AREAS
COUNTY RIGHT-OF-WAY
K:\...\LPD\NELSON\County right of way Exhibit A_1.dwg
Revised
Drawn By ND 4-11-14
Checked By
Approved By Date
RAJEEV BATRA
DIRECTOR OF PUBLIC WORKS/CITY ENGINEER
CITY OF SANTA CLARA
EXHIBIT A
COUNTY RIGHT-OF-WAY
Scale 1" = 300'
Ref.
Tracing No.

EXHIBIT B

INTEGRATED PEST MANAGEMENT AND PESTICIDE USE

CHAPTER I. GENERAL PROVISIONS

Sec. B28-1. Intent and purpose.

The County, in carrying out its operations, finds it necessary from time to time to use pesticides on County property. The intent of this division is to protect the health and safety of County employees and the general public, the environment, and water quality, as well as to provide sustainable solutions for pest control on County property. The Board of Supervisors hereby finds and declares that it shall be the policy of the County of Santa Clara to eliminate or reduce pesticide applications on County property to the maximum extent feasible. Preference shall be given to available non-pesticide alternatives, where feasible, before considering the use of pesticides on County property.

This division concerns the application of pesticides to property owned by the County of Santa Clara only, and does not concern the application of pesticides to property that is not owned by the County of Santa Clara.
(Ord. No. NS-517.70, 5-21-02)

Sec. B28-2. Definitions.

Whenever used in this division, the following terms shall have the meanings set forth below:

(a) *Antimicrobial pesticides* are pesticides, such as disinfectants and sanitizers, that are intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or protect inanimate objects (for example floors and walls), industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime.

(b) *Approved list* is the list of pesticides authorized by the County IPM Coordinator for use on County property developed in accordance with Section B28-5.

(c) *Carbamates* means esters on N-methyl carbamic acid, which inhibit cholinesterase.

(d) *Contract* is a binding written agreement, including but not limited to a contract, permit, license or lease between a person, firm, corporation or other entity, including a governmental entity, and the County of Santa Clara which grants a right to use or occupy property of the County or which provides pest management services.

(e) *County Executive* is the County Executive or his or her designee of the County of Santa Clara.

(f) *Demonstration site* is a specific area or site designated by a department to evaluate the use of a pest management strategy.

(g) *Department* is any agency or department of the County of Santa Clara. Department does not include the vector control district or any other local, state, or federal agency.

(h) *Departmental IPM coordinator* is someone designated by a department head to coordinate the department's IPM program.

(i) *County IPM Coordinator* is the person designated by the County Executive to implement and oversee the County of Santa Clara's IPM program.

(j) *Feasible* means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(k) *Integrated pest management (IPM)* is a decision-making process for managing pests using monitoring to determine pest-caused injury levels and combining biological control, cultural practices, mechanical and physical tools, and chemicals to minimize pesticide usage. The method uses extensive knowledge about pests, such as infestation thresholds, life histories, environmental requirements, and natural enemies to complement and facilitate biological and other natural control of pests. The method uses the least hazardous pesticides only as a last resort for controlling pests.

(l) *IPM technical advisory group (IPM TAG)* is the technical advisory group to the County for the IPM program and is further described in Section B28-9.

(m) *Organophosphates* means organophosphorus esters, which inhibit cholinesterase.

(n) *Pest* is any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism (except certain insects, viruses, bacteria, or other microorganism on or in living man or living animals).

(o) *Pesticide* is any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment. Pesticide for purposes of this division does not include antimicrobial agents.

(p) *Posting* is to place signs as identified in Section B28-7 to inform employees and the public of pesticide use at a given site.

(q) *Signal words* are the words used on a pesticide label—Danger, Warning, Caution—to indicate level of toxicity.

(r) *Toxicity Category I pesticide product* is any pesticide product that meets United States Environmental Protection Agency criteria for Toxicity Category I under Section 156.10 of Part 156 of Title 40 of the Code of Federal Regulations.

(s) *Toxicity Category II pesticide product* is any pesticide product that meets United States Environmental Protection Agency criteria for Toxicity Category II under Section 156.10 of Part 156 of Title 40 of the Code of Federal Regulations.

(Ord. No. NS-517.70, 5-21-02)

Sec. B28-3. General exemptions.

(a) This division shall not apply to the use of any pesticide for the purpose of improving or maintaining water quality at any County owned or operated drinking water treatment plants, wastewater treatment plants, reservoirs, and related collection, distribution, and treatment facilities.

(b) This division shall not apply to any use of pesticides on County property by any department when performing pest management or pesticide activities authorized by state or federal laws or regulations.

(c) This division shall not apply to the use of pesticides by the vector control district.

(d) This division shall not apply to antimicrobial pesticides or pesticides used to control pests in or on living humans or animals.

(e) This division shall not apply to existing contracts except as provided in Section B28-10.

(f) This division shall not apply to contracts under negotiation at the time this division becomes effective for a period of five years.
(Ord. No. NS-517.70, 5-21-02)

CHAPTER II. PESTICIDE MANAGEMENT

Sec. B28-4. County integrated pest management (IPM) program.

(a) The County IPM Coordinator shall oversee and coordinate implementation of the IPM program.

(b) The IPM program shall include, but not be limited to, the following:

(1) Identify staff member(s) responsible for program implementation;

(2) Acquaint County workers with the IPM approach and new pest management strategies, as they become known;

(3) Inform the public of the County's effort to reduce pesticide use;

(4) Respond to questions about the County's pest management program and practices;

(5) Conduct ongoing educational programs, where appropriate;

(6) Maintain records and evaluate program effectiveness;

(7) Develop and maintain the approved list of pesticides.

(c) Departments shall implement the IPM program consistent with the IPM practices outlined below. Where feasible, departments shall consider a range of potential treatments for the pest problem and employ non-pesticide management tactics first, consider the use of chemicals only as a last resort, and select and use chemicals in accordance with the provisions of this division. The IPM practices shall include ways to:

(1) Monitor pests to determine pest population size, occurrence, and natural enemy population, if present. Identify decisions and practices that could affect pest populations. Keep records of monitoring results;

(2) Set treatment levels for each pest at each site based on how much biological, aesthetic or economic damage the site can tolerate;

(3) Determine the most effective treatment time, based on pest biology and other variables, such as weather, seasonal changes in wildlife use and local conditions;

(4) Design construction and building remodels to reduce or eliminate pest habitats and improve efficiency in facility and landscape maintenance and sanitation;

(5) Reduce pest incidences by modifying management practices such as watering, mulching, fertilizer use, and pruning;

(6) Modify pest ecosystems, including waste management and food storage, to reduce pest food, living space, and access;

(7) Use physical controls such as hand-weeding, traps and barriers, heat and cold;

(8) Use biological controls such as introducing or enhancing pests' natural enemies;

(9) When indoors, use baits or least toxic methods of pest control rather than sprays;

(10) Monitor treatment to evaluate effectiveness;

(11) Maintain records as set forth in Section B28-8.

(Ord. No. NS-517.70, 5-21-02)

Sec. B28-5. Pesticide use.

(a) *Approved list.* The County IPM Coordinator shall develop the approved list using a set of criteria that will be developed with the review and input of the IPM TAG. The criteria will take into account environmental and human health hazards, principles of the IPM approach, and technically based methods, conditions, and specifications for pesticide use. The County IPM Coordinator shall maintain the list of approved pesticides that may be used on County property. The approved list shall be reviewed and updated at least annually. The IPM Coordinator may amend this list as needed at any time as long as the products are consistent with the established criteria. These amendments shall be communicated to the IPM TAG in writing at the quarterly meetings.

(b) *Specific exemptions.* An exemption may be obtained from the County IPM Coordinator for use of a product not on the approved list as follows:

(1) One-year exemptions. The County IPM Coordinator may grant a specific exemption, with limited conditions for use, for a one-year period upon a written request showing that a department has:

a. Identified the need for use;

b. Made a good-faith effort to find alternatives to the pesticide;

c. Identified or demonstrated that effective economic alternatives to the pesticide do not exist for that particular use; and

d. Developed a reasonable plan for investigating alternatives to the pesticide during the exemption period.

(2) An exemption may be continued beyond the one-year period by filing a new request for exemption as required in Subsection (b)(i) above.

(3) The County Executive shall have the discretion to revoke any exemption.

(c) *Emergency use of pesticides.*

(1) A department responsible for maintenance of a site or facility may apply to the County IPM Coordinator for an emergency pesticide use exemption in the event that a pest outbreak poses an immediate threat to public health or may cause significant economic damage.

(2) If the County IPM Coordinator cannot respond to the application in a timely manner, the departmental IPM coordinator submitting the application may authorize the one-time emergency use of the required pesticide and provide notice of the emergency application to the County IPM Coordinator in writing within 48 hours.

(3) Posting of emergency use of pesticides shall be at the time of pesticide application and comply with all other posting requirements.

(4) Reporting of the exemption and pesticide use will comply with all other reporting requirements as stated in Section B28-8.

(Ord. No. NS-517.70, 5-21-02)

Sec. B28-6. Restriction on the use of pesticides.

Except for the use of pesticides exempted pursuant to Section B28-3, pesticides granted an exemption pursuant to Section B28-5(b) or 5(c) or pesticides on the approved list per Section B28-5(a), no department shall use any of the following types of pesticides. A list of the pesticides and pesticide products identified in (b) through (g) below shall be on file with the County IPM Coordinator.

(a) Toxicity Category I or II pesticide products.

(b) Any pesticide containing a chemical identified by the State of California as a chemical known to the State to cause cancer or reproductive or developmental toxicity pursuant to the California Safe Drinking Water and Toxic Enforcement Act of 1986.

(c) Pesticides identified by the State of California on the Groundwater Protection List (Food and Agricultural Code § 13145(d)).

(d) Pesticides classified by active ingredient as organophosphate type pesticides as identified by the United States Environmental Protection Agency (Office of Pesticide Programs, Document 735-F-99-14, May 1999), or California Environmental Protection Agency, Department of Pesticide Regulation, Chemical Inquiries Database.

(e) Pesticides containing carbamate-type chemicals (California Environmental Protection Agency, Department of Pesticide Regulation, Chemical Inquiries Database).

(f) Any pesticide classified as a human carcinogen, probable human carcinogen or possible human carcinogen by the United States Environmental Protection Agency, under procedures established in "Proposed Guidelines for Carcinogen Risk Assessment," EPA/600/P-92/003C, April 1996, or equivalent documents.

(g) Any pesticide group officially designated by the California Environmental Protection Agency Department of Pesticide Regulation or by the United States Environmental Protection Agency as posing significant hazard to human health or the environment.

(Ord. No. NS-517.70, 5-21-02)

Sec. B28-7. Posting of pesticide use.

(a) Except as provided for in Section B28-5(c) and Section B28-7(b), any department that uses or authorizes the use of a pesticide shall comply with the following posting procedures:

(1) Signs shall be posted at least three days before application of the pesticide and

remain posted at least four days after application, except for baits and emergency use of pesticides, which are posted at the time of treatment in accordance with Section B28-5(c)(3) above and Subsection (b)(3) below;

(2) For buildings and/or landscaped areas adjacent to buildings, signs shall be posted at main entry points where the pesticide is applied;

(3) For open areas, signs shall be posted in highly visible locations around the perimeter of the area where the pesticide is applied;

(4) For vehicles used primarily by County staff, signs shall be posted at areas where vehicles are obtained or posting information shall be given to the primary drivers.

(5) Signs shall contain the:

a. Trade name and active ingredient of the pesticide product;

b. Target pest;

c. Date of posting;

d. Date(s) of anticipated pesticide use; the date(s) of actual pesticide use will be posted at the main entrance, park office, or designated site;

e. Signal word indicating the toxicity category of the pesticide product;

f. Date for re-entry of staff and the public to the area treated if applicable;

g. Name and contact number for the department responsible for the application.

(6) Signs shall have a standard design that is easily recognizable by the public and workers;

(b) Exemptions to posting.

(1) Departments shall not be required to post signs in accordance with Section B28-7(a) in right-of-way locations and other areas that the general public does not use for recreational purposes.

a. Each department that uses pesticides in such locations shall provide a public access telephone number for information about pesticide applications. The public access telephone number shall be posted in a prominent location at the department's main office building. Information provided shall include all the items in Subsection (a)(5) above.

(2) Any pesticide granted an emergency exemption by the County IPM Coordinator shall not be required to be posted prior to treatment. However, all other requirements for posting as set forth in Section B28-7(a) shall be followed.

(3) Any pesticide bait placed in a container or trap, or applied as a gel or paste in a crack or crevice shall not be required to post signs prior to treatment. Baits, used indoors, shall be posted in the vicinity of application. Baits, used outdoors, shall be posted in the main office, park office, or a designated site. Signs shall be posted according to the requirements as set forth in Section B28-7(a).

(4) The County IPM Coordinator may in his or her discretion grant necessary exemptions to the posting requirements.

(Ord. No. NS-517.70, 5-21-02)

Sec. B28-8. Record keeping and reporting.

(a) Each department that uses pesticides shall keep records of pest management activities, including information about demonstration sites and exemptions. A copy of this information shall be placed in a centralized record keeping area in each department. Where feasible, this information shall be kept in a notebook or electronic equivalent maintained in each occupied building. Each pest management activity such as pesticide application, trapping or inspection shall be recorded and, when applicable, include at least the following information:

(1) Target pest and extent of problem;

(2) Product name, active ingredients, EPA registration number, formulation, and quantity of pesticide used;

(3) Site of the pesticide application;

(4) Date of pesticide application;

(5) Name of person conducting pest management activity;

(6) Application equipment number, if applicable;

(7) Prevention and other non-chemical methods of control recommended or used, and;

(8) Evaluation of effectiveness.

(b) The departmental IPM coordinator shall keep the following:

(1) Records of pesticide use;

(2) A copy of the label of all pesticides used; and,

(3) The material safety data sheet for each pesticide used.

(c) Each department that uses pesticides shall submit a summary of pest management records required in Section B28-8(a) and (b) to the County IPM Coordinator at least quarterly.

(d) Pest management records, including pesticide use records, are all public records.

(e) Pesticide use records shall be kept indefinitely until an electronic database tracking system has been established.
(Ord. No. NS-517.70, 5-21-02)

CHAPTER III. IPM IMPLEMENTATION

Sec. B28-9. Implementation of County Integrated Pest Management Ordinance.

(a) This division shall be phased-in over one to two years in order to provide adequate time for developing the approved list, documenting current IPM practices and/or reductions, and identifying and implementing alternate pest management measures. The County IPM Coordinator shall develop a timetable and format for departments to each submit a plan for implementing this division.

(b) A technical advisory group (TAG) shall be formed and shall meet at least four times per year to review the County's IPM program and provide comments to the County Executive. The following representatives will be invited to participate on the TAG: two from Pesticide Alternatives of Santa Clara County; one from the Santa Clara Valley Water District; one from the County Agricultural Commissioner; one from the Santa Clara County Pollution Prevention Committee; one County employee representing a labor organization; and one representative from each of the following Santa Clara County agencies and departments: Roads and Airports, Parks and Recreation, the General Services Agency, Valley Health and Hospital System, and Occupational Safety and Environmental Compliance. The Board of Supervisors may at their discretion make changes to the composition of the group as deemed necessary.

(c) The IPM Coordinator shall provide a quarterly report to one or more Board-designated committees on the status of the IPM program including information about pest problems, pesticide use, list of exemptions, goals and progress, staff training and public education, and anticipated changes that may affect pesticide use.
(Ord. No. NS-517.70, 5-21-02)

Sec. B28-10. County contracts and easements.

(a) Except as provided in (i) below, when a department enters into a new contract (see Section B28-2(d)) or amends an existing contract to extend the term of the contract for more than six months beyond the current term and any optional extension periods, the contract shall require compliance with the provisions of this division including those relating to pesticide restrictions, record keeping, and reporting.

(1) The County Executive may grant an exemption for up to five years from contract compliance with all or part of the provisions of this division in the event compliance would negatively impact County revenues, prevent the highest and best use of

an asset as determined by the County Executive, or where it is demonstrated that full compliance cannot be achieved. Notice of any exemption granted pursuant to this Subsection (1) shall be given to the applicant and to the IPM TAG. The notice shall state that any person dissatisfied with the decision of the County Executive may file an appeal with the Clerk of the Board within 15 calendar days of the date of the notice. The appeal will first be heard before the County's Housing, Land Use, Environment, and Transportation Committee, which Committee shall make a recommendation to the Board of Supervisors. The decision of the Board of Supervisors shall be final.

(b) A contractor, or department on behalf of a contractor, may apply for exemptions authorized under Section B28-5(b) and (c), and this Section B28-10.

(c) When a department enters into a new lease in which the County is occupying or using property not owned by the County (and thus not within the definition of contract in Section B28-2(d)), the County shall use reasonable efforts to negotiate the use of IPM practices as part of that lease.

(d) In current leases in which the County is occupying or using property not owned by the County, the County shall encourage the use of IPM practices whenever practical.

(e) When the County is granted an easement, the maintenance of the easement shall be in compliance with this division if consistent with the terms of the easement.

(f) A process, which incorporates a request for qualifications, shall be used in the selection of all contractors for pest management services and shall be in compliance with County contracting policies and state law. The County IPM Coordinator and the TAG may participate in the process. All contractors applying for pest management services shall submit a pest management plan, which outlines how they will comply with the IPM Ordinance. The plan shall give preference to prevention and other non-pesticide or least toxic methods of pest control.
(Ord. No. NS-517.70, 5-21-02)

Sec. B28-11. Pesticide purchases.

All pesticide products and pest control services that include pesticide applications shall comply with this division and be purchased through the County Procurement Department, not using the petty cash or direct pay methods.
(Ord. No. NS-517.70, 5-21-02)

Sec. B28-12. Policy and guidelines.

The County Executive may recommend policy for Board approval and issue guidelines to implement this division.
(Ord. No. NS-517.70, 5-21-02)

Sec. B28-13. No criminal penalties or sanctions.

The provisions of Section A1-28 of the Santa Clara County Ordinance Code shall not apply to this division; nor shall any person, or government official, board, commission, or agency be responsible for any criminal penalties for any violation of the division.
(Ord. No. NS-517.70, 5-21-02)

Sec. B28-14. No civil liability for violations of this chapter.

This division and the provisions are directory, and are intended to set forth goals and program elements for management of pests and pesticide use. This chapter is not intended to create a standard of civil liability for the acts or failure to act of the County and its employees and contractors. No person, government official, board, commission, or agency shall be liable in any civil action or proceeding for damages for violation of any of the provisions of this division.
(Ord. No. NS-517.70, 5-21-02)

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # MB-2

Date: May 6, 2014

To: City Manager for Council Action

From: City Attorney

Subject: Approval of a Standard Agreement with the California Highway Patrol for Traffic Control Related Services for Levi's Stadium Events

EXECUTIVE SUMMARY:

This Agreement with the California Highway Patrol (CHP) is the standard agreement for traffic control services provided by the CHP for special events. Under the Agreement, CHP officers from the San Jose Area Office will provide necessary traffic control and support for stadium events, subject to the hourly rates indicated in the Agreement.

A copy of the Agreement has been placed in Council offices for review.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The advantages of this Agreement are that the CHP can provide necessary traffic control for Levi's Stadium events and that the duties and responsibilities of the City and the CHP are clearly set forth.

ECONOMIC/FISCAL IMPACT:

It is anticipated that these traffic control costs will be reimbursed as public safety costs per the Stadium Lease Agreement.

RECOMMENDATION:

That the Council approve and authorize the City Manager to execute the Standard Agreement by and between the City of Santa Clara and the California Highway Patrol for Traffic Control Related Services for Levi's Stadium Events.

Richard E. Nosky, Jr.
City Attorney

Michael Sellers
Police Chief

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1. Standard Agreement No. 14R340002-0

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STATE OF CALIFORNIA
STANDARD AGREEMENT
STD 213 (Rev 06/03)

T.G.

AGREEMENT NUMBER
14R340002
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractee named below:

STATE AGENCY'S NAME
Department of California Highway Patrol

CONTRACTEE'S NAME STATE AGENCY'S NAME
City of Santa Clara

2. The term of this Agreement is: 07/01/2014 OR UPON APPROVAL BY *(whichever is later)* through 06/30/2016

3. The maximum amount of this Agreement is: $ 1,724,811.00
One Million Seven Hundred Twenty-Four Thousand Eight Hundred Eleven Dollars and Zero Cents

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	2 pages
Exhibit B – Budget Detail and Payment Provisions	1 page
Exhibit C* – General Terms and Conditions	GTC 610
Exhibit D - Special Terms and Conditions	1 page

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.ols.dgs.ca.gov/Standard+Language

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTEE		***California Department of General Services Use Only***
CONTRACTEE'S NAME *(if other than an individual, state whether a corporation, partnership, etc.)* City of Santa Clara		
BY *(Authorized Signature)*	DATE SIGNED *(Do not type)*	
PRINTED NAME AND TITLE OF PERSON SIGNING		
ADDRESS 601 El Camino Real Santa Clara, CA 95050		
STATE OF CALIFORNIA		
AGENCY NAME Department of California Highway Patrol		
BY *(Authorized Signature)*	DATE SIGNED *(Do not type)*	
PRINTED NAME AND TITLE OF PERSON SIGNING T. L. ANDERSON, Assistant Chief, Administrative Services Division		☐ Exempt per:
ADDRESS P.O. Box 942898, Sacramento, CA 94298-0001		

EXHIBIT A
(Standard Agreement)

SCOPE OF WORK

1. Contractee agrees to reimburse the Department of California Highway Patrol (CHP) for costs associated with traffic control related services for the planned events at the Levi's Stadium provided by the CHP San Jose Area office.

2. The services shall be provided during:

   The hours of duty performed by CHP officer(s) under this Agreement are those mutually agreed upon by the Project Representatives listed below, or designees. Any changes to the proposed plan such as additional hours, dates, and sites for traffic control can be requested and/or on an "as needed" basis and must be mutually agreed upon by the local CHP command and the City of Santa Clara.

3. The Project Representatives during the term of this Agreement will be:

STATE AGENCY		CONTRACTEE	
Department of California Highway Patrol		City of Santa Clara	
NAME		NAME	
Lt. John Blencowe		Michael Sellers, Chief of Police	
TELEPHONE NUMBER	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
(408) 467-5400	(408) 467-5407	(408) 615-4890	(408) 261-9165

Direct all inquiries to :

STATE AGENCY		CONTRACTEE	
Department of California Highway Patrol		City of Santa Clara	
SECTION/UNIT		SECTION/UNIT	
Business Services Section/Contract Services Unit		Santa Clara Police Department	
ATTENTION		ATTENTION	
Tessa Gomez		Michael Sellers , Chief of Police	
ADDRESS		ADDRESS	
601 N. 7th Street, Sacramento, CA 95811		601 El Camino Real, Santa Clara, CA 95050	
TELEPHONE NUMBER	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
(916) 843-3613	(916) 322-3166	(408) 615-4890	(408) 261-9165

EXHIBIT A
(Standard Agreement)

SCOPE OF WORK *(Continued)*

5. Detailed description of work to be performed:

   A. CHP San Jose Area office shall provide CHP officer(s) with vehicles and coordinate all traffic control. Should the CHP San Jose Area be unable to fill the necessary staffing for each event, the shortage of CHP Officers will be utilized from out-of-Area uniformed personnel.

   B. The traffic control services to be performed by CHP officer(s) under this Agreement, including the standards of performance, discipline and control thereof, shall be the responsibility of CHP.

   C. It is understood by the City of Santa Clara that billing of CHP officer(s) time shall be from portal to portal (CHP Area office to the service location and return to CHP Area office) except as specified in Item D.

   D. If the CHP officer(s) has reported to the assigned location and has worked less than four (4) hours, City of Santa Clara agrees to pay every assigned CHP officer(s) a minimum of four (4) hours overtime. Exception: This does not apply to those cases when the hours worked is part of an extended shift.

      If the CHP officer(s) report(s) to the assigned service location and if for any reason CHP reassigns the officer(s) away from the service location, City of Santa Clara will be billed only for the officer(s) actual time incurred from the CHP Area office to the service location and for the time spent at the assigned service location covered under this Agreement.

   E. Cancellation of Services

      City of Santa Clara shall not be charged for service cancellations made more than 24 hours prior to the scheduled assignment.

      1. City of Santa Clara agrees that if service cancellation is made within 24 hours prior to the scheduled assignment and the assigned CHP officer(s) cannot be notified of such service cancellation, a minimum of four (4) hours overtime shall be charged for each assigned CHP officer.

      2. City of Santa Clara agrees that if service cancellation is made within 24 hours prior to the scheduled assignment and CHP officer(s) is notified of such service cancellation, City of Santa Clara shall only be charged a short notice service cancellation fee of $50.00 per assigned CHP officer(s).

      3. All service cancellation notices to CHP must be made during normal CHP business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding state holidays.

      4. The CHP agrees to make reasonable efforts to notify the assigned CHP officer(s) of the service cancellation.

EXHIBIT B
(Standard Agreement)

BUDGET DETAIL AND PAYMENT PROVISIONS

1. **Invoicing and Payment**

A. The CHP shall provide City of Santa Clara with an itemized invoice which details all CHP costs for traffic control services under this Agreement.

Monthly itemized invoices will be submitted in duplicate to:

City of Santa Clara
Santa Clara Police Department
601 El Camino Real
Santa Clara, CA 95050

Attn: Lt. Brian Gilbert Phone: (408) 615-4804

City of Santa Clara agrees to pay CHP within thirty (30) days after the date of the invoice.

B. This Agreement includes hourly usages and anticipated mileage for the planned events at Levi's Stadium.

Officer Hours:	15,600 hours
Sergeant Hours:	1,200 hours
Motor Sergeant Hours:	1,200 hours
Pilot Officer	600 hours
Flight Officer	1,200 hours
Aircraft	300 hours
Patrol car mileage:	33,600 miles
Motorcycle mileage:	2,400 miles

C. In consideration for the traffic control services contained herein, City of Santa Clara agrees to reimburse the CHP upon receipt of an itemized invoice. City of Santa Clara agrees to reimburse the CHP for **the actual costs incurred** at the time services are provided. The rates indicated in this agreement are for estimate purposes only. It is understood by both parties that rate increases in salary and benefits are governed by collective bargaining agreements and/or statute and that no advance written notification is necessary prior to implementing the increased rates. In the event CHP is granted a rate increase, City of Santa Clara agrees to pay the increased rate. The following information are the CHP officer and sergeant overtime rates effective Fiscal Year 13/14, until superseded:

CLASSIFICATION	OVERTIME RATE
CHP Officer	$ 79.25 per hour
CHP Sergeant	$ 96.39 per hour
M/C Sergeant	$ 99.73 per hour
Pilot Officer	$ 92.57 per hour
Flight Officer	$ 82.82 per hour
Aircraft	$207.71 per hour
CHP Automobile	$ 1.53 per mile
CHP Motorcycle	$ 0.96 per mile

GTC 610

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. APPROVAL: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.

2. AMENDMENT: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.

3. ASSIGNMENT: This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.

4. AUDIT: Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).

5. INDEMNIFICATION: Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.

6. DISPUTES: Contractor shall continue with the responsibilities under this Agreement during any dispute.

7. TERMINATION FOR CAUSE: The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.

8. INDEPENDENT CONTRACTOR: Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.

9. RECYCLING CERTIFICATION: The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).

10. NON-DISCRIMINATION CLAUSE: During the performance of this Agreement, Contractor and its subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Contractor and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

11. CERTIFICATION CLAUSES: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 307 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

12. TIMELINESS: Time is of the essence in this Agreement.

13. COMPENSATION: The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

14. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.

15. ANTITRUST CLAIMS: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.
a. The Government Code Chapter on Antitrust claims contains the following definitions:
1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.
2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.

b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.

d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of $100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

a. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and

b. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of $200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

a. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)

b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. LOSS LEADER:

If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

CCC-307

CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

Contractor/Bidder Firm Name (Printed)	*Federal ID Number*
By (Authorized Signature)	
Printed Name and Title of Person Signing	
Date Executed	*Executed in the County of*

CONTRACTOR CERTIFICATION CLAUSES

1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 8103) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:

1) the dangers of drug abuse in the workplace;
2) the person's or organization's policy of maintaining a drug-free workplace;
3) any available counseling, rehabilitation and employee assistance programs; and,
4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed Agreement will:

1) receive a copy of the company's drug-free workplace policy statement; and,
2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Contractor has made false certification, or violated the

certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court, which orders Contractor to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES $50,000 OR MORE- PRO BONO REQUIREMENT: Contractor hereby certifies that contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Contractor agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the contract equal to the lessor of 30 multiplied by the number of full time attorneys in the firm's offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its contract with the State.

Failure to make a good faith effort may be cause for non-renewal of a state contract for legal services, and may be taken into account when determining the award of future contracts with the State for legal services.

5. EXPATRIATE CORPORATIONS: Contractor hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. SWEATFREE CODE OF CONDUCT:

a. All Contractors contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The contractor further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at www.dir.ca.gov, and Public Contract Code Section 6108.

b. The contractor agrees to cooperate fully in providing reasonable access to the contractor's records, documents, agents or employees, or premises if reasonably required by authorized officials of the contracting agency, the Department of Industrial Relations,

or the Department of Justice to determine the contractor's compliance with the requirements under paragraph (a).

7. DOMESTIC PARTNERS: For contracts over $100,000 executed or amended after January 1, 2007, the contractor certifies that contractor is in compliance with Public Contract Code section 10295.3.

DOING BUSINESS WITH THE STATE OF CALIFORNIA

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code §10410):

1). No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

2). No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code §10411):

1). For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

2). For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (Pub. Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Contractor needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700).

3. AMERICANS WITH DISABILITIES ACT: Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. CONTRACTOR NAME CHANGE: An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.

c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other governmental entity.

EXHIBIT D
(Standard Agreement)

SPECIAL TERMS AND CONDITIONS

1. The CHP and City of Santa Clara agree this Agreement may be canceled by either party with thirty (30) days advance written notice.

2. In the event of an emergency, this Agreement may be canceled by either party without prior notice.

3. The CHP and City of Santa Clara, agree that this Agreement may be amended by written mutual consent of the parties hereto.

4. Unforeseen events may require CHP officer(s) to expend hours in excess of the original estimate. Any costs in excess of the original estimated amount will be processed by appropriate amendment to the Agreement, to reflect the actual costs incurred.

5. Additional charges may be assessed for CHP supplies, additional equipment utilized, damage to property repaired or replaced at state expense, which are directly related to the services provided herein, but only to the extent such supplies or additional equipment are specifically requested in writing by City of Santa Clara or such need for repair or replacement of property arises directly from the City of Santa Clara gross misconduct or willful negligence with respect to the property.

6. Gifts, donations, or gratuities may not be accepted by CHP employees in their own behalf or in behalf of the Department, informal squad club, or other local funds.

7. Any dispute concerning a question of fact arising under the terms of this agreement which is not disposed within a reasonable period of time (ten days) by the parties normally responsible for the administration of this contract shall be brought to the attention of the Administrative Services Officer (or designated representative) of each organization for joint resolution

8. City of Santa Clara agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy and records and supporting documentation pertaining to the performance of this Agreement. City of Santa Clara agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. City of Santa Clara agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, City of Santa Clara agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et CCR Title 2, Section 1896).

9. Any dispute concerning a question of fact arising under the terms of this agreement which is not disposed within a reasonable period of time (ten days) by the parties normally responsible for the administration of this contract shall be brought to the attention of the Administrative Services Officer (or designated representative) of each organization for joint resolution

10. City of Santa Clara agrees to provide CHP with a resolution, motion, order or ordinance of the governing body, which authorizes execution of this Agreement, and indicates the individual who is authorized to sign the Agreement on behalf of City of Santa Clara.

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7B-3

Santa Clara All-America City 2001

Date: April 17, 2014

To: City Manager for Council Action

From: Director of Public Works / City Engineer

Subject: Approval of an Agreement for the Performance of Services with TRC Engineers, Inc. for Environmental Consulting and Construction Services for Contaminated Soil Removal, Gateway Parcel 3

EXECUTIVE SUMMARY:

Approximately ten years ago the property north and south of Yerba Buena Way (recently renamed Great America Way) was the subject of a large project to clear the site of soil contamination. The contamination consisted substantially of charcoal dust in the upper 3 to 5 feet of the soil. The property was cleaned to allow the leasing of the area to the Irvine Company for development.

To reduce costs, the majority of the contaminated soil was re-buried in a "cell" on an undevelopable site between Great America Way and Highway 237. Unfortunately, the cell was constructed slightly across a future property line between the cell site and the adjacent parcel leased to the Irvine Company. In order to allow use of the complete Irvine parcel, the westerly 15 feet of the cell will need to be excavated, the contaminated soil properly disposed of at an offsite landfill, and the end of the cell reconstructed.

This Agreement with TRC Engineers, Inc. (TRC) provides for all of the construction and regulatory coordination to be covered under one Agreement to insure proper coordination and responsibility. TRC is being recommended as they were the consultants on the original clean-up of the site and, therefore, are completely familiar with the history of the site. Also, they are currently the geotechnical consultants to the Irvine Company, so they are familiar with the current situation at the site as well. The earthwork will be done by a contractor under TRC's direction. They solicited three proposals, received two and will work with the contractor with the lowest price.

This Agreement was prepared by staff and a copy has been placed in the Council Offices for review.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this Agreement will allow the full use of property leased to the Irvine Company.

ECONOMIC/FISCAL IMPACT:

This Agreement is for an amount not to exceed $214,212.00. Appropriations are available in the Monitoring Wells Project (538-4463-80XXX-6137).

RECOMMENDATION:

That the Council:

1. Approve and authorize the City Manager to execute the Agreement for the Performance of Services with TRC Engineers, Inc. for Environmental Consulting and Construction Services for Contaminated Soil Removal, Gateway Parcel 3 for an amount not to exceed $214,212.00; and
2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if necessary.

Rajeev Batra
Director of Public Works / City Engineer

APPROVED:

for Julio J. Fuentes
City Manager

Certified as to Availability of Funds:
538-4463-80XXX-6137 $ 214,212.00

Gary Ameling
Director of Finance

MAJORITY VOTE OF COUNCIL

Documents Related to this Report:
1) Agreement for the Performance of Services

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AGREEMENT FOR THE PERFORMANCE OF SERVICES BY AND BETWEEN THE CITY OF SANTA CLARA, CALIFORNIA, AND TRC ENGINEERS, INC. FOR ENVIRONMENTAL CONSULTING AND CONSTRUCTION SERVICES FOR CONTAMINATED SOIL REMOVAL, GATEWAY PARCEL 3

PREAMBLE

This agreement for the performance of services ("Agreement") is made and entered into on this _____ day of _____, 2014, ("Effective Date") by and between TRC Engineers, Inc., a California corporation, with its principal place of business located at 123 Technology Drive, Irvine, California 92618 ("Contractor"), and the City of Santa Clara, California, a chartered California municipal corporation with its primary business address at 1500 Warburton Avenue, Santa Clara, California 95050 ("City"). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

A. City desires to secure professional services more fully described in this Agreement, at Exhibit A, entitled "Scope of Services"; and

B. Contractor represents that it, and its subcontractors, if any, have the professional qualifications, expertise, necessary licenses and desire to provide certain goods and/or required services of the quality and type which meet objectives and requirements of City; and,

C. The Parties have specified herein the terms and conditions under which such services will be provided and paid for.

The Parties agree as follows:

AGREEMENT PROVISIONS

1. EMPLOYMENT OF CONTRACTOR.

City hereby employs Contractor to perform services set forth in this Agreement. To accomplish that end, City may assign a Project Manager to personally direct the Services to be provided by Contractor and will notify Contractor in writing of City's choice. City shall pay for all such materials and services provided which are consistent with the terms of this Agreement.

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2. SERVICES TO BE PROVIDED.

Except as specified in this Agreement, Contractor shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise (collectively referred to as "Services") to satisfactorily complete the work required by City at his/her own risk and expense. Services to be provided to City are more fully described in Exhibit A entitled "SCOPE OF SERVICES." All of the exhibits referenced in this Agreement are attached and are incorporated by this reference. In the event of a conflict between the provisions of the main body of this Agreement and the provisions of any exhibit, the provisions of the main body of this Agreement shall control.

3. COMMENCEMENT AND COMPLETION OF SERVICES.

A. Contractor shall begin providing the services under the requirements of this Agreement upon receipt of written Notice to Proceed from City. Such notice shall be deemed to have occurred three (3) calendar days after it has been deposited in the regular United States mail. Contractor shall complete the Services within the time limits set forth in the Scope of Services or as mutually determined in writing by the Parties.

B. When City determines that Contractor has satisfactorily completed the Services, City shall give Contractor written Notice of Final Acceptance. Upon receipt of such notice, Contractor shall not incur any further costs under this Agreement. Contractor may request this determination of completion be made when, in its opinion, the Services have been satisfactorily completed. If so requested by the contractor, City shall make this determination within fourteen (14) days of its receipt of such request.

4. QUALIFICATIONS OF CONTRACTOR - STANDARD OF WORKMANSHIP.

Contractor represents and maintains that it has the necessary expertise in the professional calling necessary to perform services, and its duties and obligations, expressed and implied, contained herein, and City expressly relies upon Contractor's representations regarding its skills and knowledge. Contractor shall perform such services and duties in conformance to and consistent with the professional standards of a specialist in the same discipline in the State of California.

The plans, designs, specifications, estimates, calculations, reports and other documents furnished under Exhibit A shall be of a quality acceptable to City. The criteria for acceptance of the work provided under this Agreement shall be a product of neat appearance, well organized, that is technically and grammatically correct, checked and having the maker and checker identified. The minimum standard of appearance, organization and content of the drawings shall be that used by City for similar projects.

5. TERM OF AGREEMENT.

Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of this Agreement shall begin on the Effective Date of this Agreement and terminate on December 31, 2015.

6. MONITORING OF SERVICES.

City may monitor the Services performed under this Agreement to determine whether Contractor's operation conforms to City policy and to the terms of this Agreement. City may also monitor the Services to be performed to determine whether financial operations are conducted in accord with applicable City, county, state, and federal requirements. If any action of Contractor constitutes material a breach, City may terminate this Agreement pursuant to the provisions described herein.

7. WARRANTY.

Contractor expressly warrants that all materials covered by this Agreement shall be fit for the purpose intended, shall be free from defect, and shall conform to the specifications, requirements, and instructions upon which this Agreement is based. Contractor agrees to promptly replace or correct any incomplete, inaccurate, or defective Services at no further cost to City when defects are due to the negligence, errors or omissions of Contractor. If Contractor fails to promptly correct or replace materials or services, City may make corrections or replace materials or services and charge Contractor for the cost incurred by City.

8. PERFORMANCE OF SERVICES.

Contractor shall be as fully responsible to City for the acts and omissions of its subcontractors, and of persons employed by them, as Contractor is for the acts and omissions of persons directly employed by it. Contractor will perform all Services in a safe manner and in accordance with all federal, state and local operation and safety regulations.

9. RESPONSIBILITY OF CONTRACTOR.

Contractor shall be responsible for the professional quality, technical accuracy and coordination of the Services furnished by it under this Agreement. Neither City's review, acceptance, nor payments for any of the Services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and Contractor shall be and remain liable to City in accordance with applicable law for all damages to City caused by Contractor negligent performance of any of the Services furnished under this Agreement.

Any acceptance by City of plans, specifications, construction contract documents, reports, diagrams, maps and other material prepared by Contractor shall not in any respect absolve Contractor form the responsibility Contractor has in accordance with customary standards of good professional practice in compliance with applicable federal, state, county, and/or municipal laws, ordinances, regulations, rules and orders.

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10. COMPENSATION AND PAYMENT.

In consideration for Contractor's performance of Services, City shall pay Contractor for all materials provided and services rendered by Contractor at the rate per hour for labor and cost per unit for materials as outlined in Exhibit B, entitled "SCHEDULE OF FEES."

Contractor will bill City on a monthly basis for Services provided by Contractor during the preceding month, subject to verification by City. City will pay Contractor within thirty (30) days of City's receipt of invoice.

11. TERMINATION OF AGREEMENT.

Either Party may terminate this Agreement without cause by giving the other Party written notice ("Notice of Termination") which clearly expresses that Party's intent to terminate the Agreement. Notice of Termination shall become effective no less than thirty (30) calendar days after a Party receives such notice. After either Party terminates the Agreement, Contractor shall discontinue further services as of the effective date of termination, and City shall pay Contractor for all Services satisfactorily performed up to such date.

12. NO ASSIGNMENT OR SUBCONTRACTING OF AGREEMENT.

City and Contractor bind themselves, their successors and assigns to all covenants of this Agreement. This Agreement shall not be assigned or transferred without the prior written approval of City. Contractor shall not hire subcontractors without express written permission from City.

13. NO THIRD PARTY BENEFICIARY.

This Agreement shall not be construed to be an agreement for the benefit of any third party or parties and no third party or parties shall have any claim or right of action under this Agreement for any cause whatsoever.

14. INDEPENDENT CONTRACTOR.

Contractor and all person(s) employed by or contracted with Contractor to furnish labor and/or materials under this Agreement are independent contractors and do not act as agent(s) or employee(s) of City. Contractor has full rights, however, to manage its employees in their performance of Services under this Agreement. Contractor is not authorized to bind City to any contracts or other obligations.

15. NO PLEDGING OF CITY'S CREDIT.

Under no circumstances shall Contractor have the authority or power to pledge the credit of City or incur any obligation in the name of City. Contractor shall save and hold harmless the City, its City Council, its officers, employees, boards and commissions for expenses arising out of any unauthorized pledges of City's credit by Contractor under this Agreement.

16. CONFIDENTIALITY OF MATERIAL.

All ideas, memoranda, specifications, plans, manufacturing procedures, data, drawings, descriptions, documents, discussions or other information developed or received by or for Contractor and all other written information submitted to Contractor in connection with the performance of this Agreement shall be held confidential by Contractor and shall not, without the prior written consent of City, be used for any purposes other than the performance of the Services nor be disclosed to an entity not connected with performance of the Services. Nothing furnished to Contractor which is otherwise known to Contractor or becomes generally known to the related industry shall be deemed confidential.

17. USE OF CITY NAME OR EMBLEM.

Contractor shall not use City's name, insignia, or emblem, or distribute any information related to services under this Agreement in any magazine, trade paper, newspaper or other medium without express written consent of City.

18. OWNERSHIP OF MATERIAL.

After payment in full as required by this Agreement, all material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared under this Agreement shall be the property of City but Contractor may retain and use copies thereof. Contractor shall not be responsible for damages resulting from the use of said material for work other than Project, including, but not limited to, the release of this material to third parties.

19. RIGHT OF CITY TO INSPECT RECORDS OF CONTRACTOR.

For work performed on a time and material basis, City, through its authorized employees, representatives or agents shall have the right during the term of this Agreement and for three (3) years from the date of final payment for goods or services provided under this Agreement, to audit the books and records of Contractor for the purpose of verifying any and all charges made by Contractor in connection with Contractor compensation under this Agreement, including termination of Contractor. Contractor agrees to maintain sufficient books and records in accordance with generally accepted accounting principles to establish the correctness of all charges submitted to City. Any expenses not so recorded shall be disallowed by City.

Contractor shall submit to City any and all reports concerning its performance under this Agreement that may be requested by City in writing. Contractor agrees to assist City in meeting City's reporting requirements to the State and other agencies with respect to Contractor's Services hereunder.

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20. CORRECTION OF SERVICES.

Contractor agrees to correct any incomplete, inaccurate or defective Services at no further costs to City, when such defects are due to the negligence, errors or omissions of Contractor.

21. FAIR EMPLOYMENT.

Contractor shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, gender, sexual orientation, age, disability, religion, ethnic background, or marital status, in violation of state or federal law.

22. HOLD HARMLESS/INDEMNIFICATION.

To the extent permitted by law, Contractor agrees to protect, defend, hold harmless and indemnify City, its City Council, commissions, officers, employees, volunteers and agents from and against any claim, injury, liability, loss, cost, and/or expense or damage, including all costs and reasonable attorney's fees in providing a defense to any claim arising therefrom, for which City shall become liable arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the Contractor, its employees, subcontractors, or agents in the performance, or non-performance of services under this Agreement.

23. INSURANCE REQUIREMENTS.

During the term of this Agreement, and for any time period set forth in Exhibit C, Contractor shall purchase and maintain in full force and effect, at no cost to City insurance policies with respect to employees and vehicles assigned to the Performance of Services under this Agreement with coverage amounts, required endorsements, certificates of insurance, and coverage verifications as defined in Exhibit C.

24. AMENDMENTS.

This Agreement may be amended only with the written consent of both Parties.

25. INTEGRATED DOCUMENT.

This Agreement represents the entire agreement between City and Contractor. No other understanding, agreements, conversations, or otherwise, with any representative of City prior to execution of this Agreement shall affect or modify any of the terms or obligations of this Agreement. Any verbal agreement shall be considered unofficial information and is not binding upon City.

26. SEVERABILITY CLAUSE.

In case any one or more of the provisions in this Agreement shall, for any reason, be held invalid, illegal or unenforceable in any respect, it shall not affect the validity of the other provisions, which shall remain in full force and effect.

27. WAIVER.

Contractor agrees that waiver by City of any one or more of the conditions of performance under this Agreement shall not be construed as waiver(s) of any other condition of performance under this Agreement.

28. NOTICES.

All notices to the Parties shall, unless otherwise requested in writing, be sent to City addressed as follows:

City of Santa Clara
Attention: Rajeev Batra
1500 Warburton Avenue
Santa Clara, California 95050
or by facsimile at (408) 985-7936

And to Contractor addressed as follows:

TRC Engineers, Inc.
101 2nd Street, Suite 300
San Francisco, CA 94105
or by facsimile at (415) 541-9378

If notice is sent via facsimile, a signed, hard copy of the material shall also be mailed. The workday the facsimile was sent shall control the date notice was deemed given if there is a facsimile machine generated document on the date of transmission. A facsimile transmitted after 1:00 p.m. on a Friday shall be deemed to have been transmitted on the following Monday.

29. CAPTIONS.

The captions of the various sections, paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of interpretation.

30. LAW GOVERNING CONTRACT AND VENUE.

This Agreement shall be governed and construed in accordance with the statutes and laws of the State of California. The venue of any suit filed by either Party shall be vested in the state courts of the County of Santa Clara, or if appropriate, in the United States District Court, Northern District of California, San Jose, California.

31. DISPUTE RESOLUTION.

A. Unless otherwise mutually agreed to by the Parties, any controversies between Contractor and City regarding the construction or application of this Agreement, and claims arising out of this Agreement or its breach, shall be submitted to mediation within thirty (30) days of the written request of one Party after the service of that request on the other Party.

B. The Parties may agree on one mediator. If they cannot agree on one mediator, the Party demanding mediation shall request the Superior Court of Santa Clara County to appoint a mediator. The mediation meeting shall not exceed one day (eight (8) hours). The Parties may agree to extend the time allowed for mediation under this Agreement.

C. The costs of mediation shall be borne by the Parties equally.

D. For any contract dispute, mediation under this section is a condition precedent to filing an action in any court. In the event of mediation which arises out of any dispute related to this Agreement, the Parties shall each pay their respective attorney's fees, expert witness costs and cost of suit through mediation only. In the event of litigation, the prevailing Party shall recover its reasonable costs of suit, expert's fees, and attorney's fees. If mediation does not resolve the dispute, the Parties agree that the matter shall be litigated in a court of law, and not subject to the arbitration provisions of the Public Contracts Code.

32. COMPLIANCE WITH ETHICAL STANDARDS.

Contractor shall:

A. Read Exhibit D, entitled "ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA"; and,

B. Execute Exhibit E, entitled "AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS."

33. LIQUIDATED DAMAGES. (NOT USED)

34. CONFLICT OF INTERESTS.

This Agreement does not prevent either Party from entering into similar agreements with other parties. To prevent a conflict of interest, Contractor certifies that to the best of its knowledge, no City officer, employee or authorized representative has any financial interest in the business of Contractor and that no person associated with Contractor has any interest, direct or indirect, which could conflict with the faithful performance of this Agreement. Contractor is familiar with the provisions of California Government Code Section 87100 and following, and certifies that it does not know of any facts which would violate these code provisions. Contractor will advise City if a conflict arises.

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This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument; and, the Parties agree that signatures on this Agreement, including those transmitted by facsimile, shall be sufficient to bind the Parties.

The Parties acknowledge and accept the terms and conditions of this Agreement as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Agreement shall become operative on the Effective Date.

CITY OF SANTA CLARA, CALIFORNIA,
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

TRC ENGINEERS, INC.,
a California corporation

By: _____
(Signature of Person executing the Agreement on behalf of Contractor)
Name: CHARLES METTLER, P.G.
Title: Principal Geologist
Local Address: 101 2nd Street, Suite 300
San Francisco, CA 94105
Telephone: (415-644-3000
Fax: (415) 541-9378

"CONTRACTOR"

I:\ENGINEERING\Final\AGREE\TRC Engineers Contaminated Soil Removal Gateway 3 Svc Agmt.doc

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
TRC ENGINEERS, INC.
FOR
ENVIRONMENTAL CONSULTING AND CONSTRUCTION SERVICES FOR CONTAMINATED SOIL REMOVAL, GATEWAY PARCEL 3

EXHIBIT A

SCOPE OF SERVICES

The Services to be performed for the City by the Contractor under this Agreement are more fully described in the Contractor's proposal entitled, "Environmental Consulting and Construction Services for Contaminated Soil Removal Gateway Parcel 3 Santa Clara County, California" dated March 20, 2014, which is attached to this Exhibit A.

In the event of a conflict between the terms of this Exhibit A and the terms of the main body of this Agreement, the main body of this Agreement shall control.

101 2nd Street
Suite 300
San Francisco, CA 94105

March 20, 2014
213075

Mr. Jim Parissenti
THE CITY OF SANTA CLARA
1500 Warburton Ave.
Santa Clara, California 95050

RE: ENVIRONMENTAL CONSULTING AND CONSTRUCTION SERVICES FOR CONTAMINATED SOIL REMOVAL GATEWAY PARCEL 3 SANTA CLARA COUNTY, CALIFORNIA

Dear Mr. Parissenti:

Thank you for presenting TRC Engineers, Inc. (TRC) with the opportunity to provide our environmental consulting and construction services to The City of Santa Clara (City) regarding the Santa Clara Gateway Parcel 3 Remainder Site located in Santa Clara County, California.

THE PROJECT

The Santa Clara Gateway Project is located in Santa Clara County between Great America Parkway and Lafayette Street in Santa Clara County (Gateway Site). The Gateway Site is divided into three parcels, Parcels 1, 2 and 3, which are all currently being redeveloped for commercial use. Portions of Parcel 3 of the Gateway Site were previously determined to contain polycyclic aromatic hydrocarbon (PAH) impacted soils at concentrations above established residential cleanup levels in depths of 0–10 feet below ground surface.

The majority of impacted soils were excavated and transferred to a consolidation cell that was constructed on-Site in September 2001. The consolidation cell measuring 400-feet long and 60-feet wide and 18-feet deep, is located in the north-easternmost portion of the property, and constitutes Parcel 3 Remainder (Site), adjacent to Highway 237.

A *Covenant to Restrict Use of Property: Environmental Restriction* was issued by the City of Santa Clara in November of 2003, which restricts soil disturbing activity in identified impacted areas of the Gateway Site. A portion of the cell was inadvertently constructed on Parcel 3. In order to clear Parcel 3 of the contaminated soil, an estimated 1,200 cubic-yards (cy) of impacted soil will need to be excavated and appropriately disposed of and the cap reconstructed.

TRC has been approached to assist the City and the developer The Irvine Company with coordination with the Department of Toxics Substances Control (DTSC) in accordance with the *Covenant to Restrict Use of Property: Environmental Restriction* requirements for excavation and disturbance of previously-identified impacted soil areas at Parcel 3 Remainder of the Gateway Site, procurement and management of the remedial contractor performing the work, construction quality assurance of the work, and development of a summary report for the DTSC.

TRC EXPERIENCE

Since 1969, TRC Companies, Inc. (TRC) has provided environmental, engineering, and construction services for several types of power facilities and industrial clients. TRC is highly familiar with the Site and has previously developed the current *Soil Management Plan (SMP)*, *Operation and Maintenance Plan (O&M)*, and draft *Health and Safety Plan* for the Gateway Site. TRC has also prepared and submitted a project notification letter to the DTSC (dated: December 21, 2013) for this project. Subsequently DTSC has issued an approval letter dated December 31, 2013. TRC's current and previous involvement with the Gateway Site and its current redevelopment efforts will enable TRC to provide knowledgeable, site-specific environmental consulting and construction services that will greatly expedite agency correspondence and approval for impacted soil removal from the Site.

This project would be carried out by a team of professionals and subcontractors selected based on their previous work experience and expertise. The team would be based primarily out of our San Francisco office. If needed, individuals may be resourced from other offices within TRC's organization of over 2,400 professional and technical employees.

SCOPE OF WORK

TRC would perform the following scope of work as requested:

- Prepare and submit a notification letter to California Department of Toxics Substance Control (DTSC). The letter will provide DTSC with a notification summarizing proposed impacted soil disturbance activities at Parcel 3 and Parcel 3 Remainder of the Gateway Site. TRC will clarify impacted soil excavation and disposal protocols in accordance with the current Gateway Site Soil Management Plan, Health and Safety Plan and applicable federal, state and local regulations. The notification will also include a request for approval of the soil disturbing activities. A draft letter will be provided to Irvine Company and the City of Santa Clara for review and comment. Any comments will be incorporated into a final draft which will then be sent electronically to the DTSC.
- Work with DTSC, on the behalf of the City of Santa Clara, to solicit approval as required of the planned grading activities at Parcel 3 and Parcel 3 Remainder. Correspondence by phone, email, fax, letter, or meetings may be required. Time for DTSC to review and comment on the letter for approval is approximately 5 to 10 business days.
- Project management; coordinate project environmental elements as required by the DTSC approval letter dated December 31, 2013, and keep the stakeholders apprised of the project activities as they progress. One preconstruction site meeting is assumed and additional correspondence by phone, email, fax, or letter may be required.
- Procure a licensed remedial contractor and provide field oversight of construction activities.
    - Utilize provided schematic design plans to contract with a licensed remediation contractor.
    - TRC will review all contractor submittals before, during, and after construction; it is assumed that there will be approximately six submittals that require review.
    - TRC will have a field engineer or geologist on-Site for the duration of the work to perform construction oversight of the remedial contractor. It is assumed that the field activities will take approximately 10 days to complete and oversight will require nine hours per day.

- Based on conceptual plans available for the project, the contractor assumes that the construction elements of the project shall include the following as shown in the attached contractor proposal:
  - Mobilization to the Site
  - Utility clearance
  - Clear and Grub remedial area
  - Excavation of approximately 1200 cy of impacted soil
  - Profile and off haul 1,200 cy of impacted soil
  - Remove existing curb and asphalt material to access contaminated soils as needed
  - Backfill and reconstruction of the cap in accordance with SMP and O&M Plan
  - Compliance with Site Health and Safety Plan
  - Repair and replacement of any damaged asphalt or concrete, including parking lot curb.
- Procure licensed surveyor to stake alignment for replacement of parking lot curb
- Following excavation TRC shall collect three soil samples for confirmation that excavated impacted soil has been completely removed and submit them to a state-certified laboratory under chain-of-custody procedures. The soil samples will be analyzed for PAHs, EPA Method 8270C. Due to the short time line for this project and to minimize contractor downtime, laboratory analysis of these samples will be performed on an expedited turn-around-time.

- TRC to provide geotechnical testing for the reconstruction of the 2-foot-thick cap utilizing a nuclear density gauge (ASTM D-1557) and provide a brief description of the results to be included in the final report.
- Provide a summary report to DTSC describing field and soil disposal activities regarding impacted soil excavation and disposal at Parcel 3 Remainder. The summary report will also include a summary of associated analytical lab and field test results, waste disposal manifests, field notes, photos, and figures. A draft summary report will be provided to the City for review and comment. Any comments will be incorporated into a final draft, a hard and electronic copy will be sent to the DTSC to expedite review and approval. The City will be provided an electronic copy (pdf format).
- TRC shall perform a 5 year review pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 121 (c), the National Oil and Hazardous Substance Pollution Contingency Plan (NCP) Section 300.400 (f) (11), and Office of Solid Waste and Emergency Response (OSWER) directives 9355.7-02 and 9355.7-02a. This review is required by statute. The purpose of a 5-Year Review is to ensure that the remedial action remains protective of public health and the environment and is functioning as designed. This review will be performed following the landscaping work to be performed after remediation.

SCHEDULE

We are prepared to begin work upon receiving your authorization to proceed. We will strive to keep you informed of significant project developments and to be available to answer your inquiries.

FEES AND TERMS

TRC will perform the proposed scope of services described above for the *Time and Expense* presented in Table 1 in accordance with the *attached terms and conditions*. Payment for work shall be due and payable upon receipt of TRC's statement. To be recognized, any dispute over charges must be claimed in writing within 30 days of the billing date. Disputes or questions about a statement shall not be cause for withholding payment for remaining portions due. A service charge of 1 percent per month shall be assessed on balances unpaid 30 days after the issue date of TRC's statement to compensate TRC for the cost and burden of administering the account and collecting fees owed. Additional services requested by you that are not outlined in this agreement, such as additional attendance at project meetings and preparation of additional reports, will be charged on a *time-and-expense* basis. Requested changes to this contract must be approved in writing before we proceed.

As requested by the City, TRC has calculated the additional cost associated with the implementation of the enhanced landscaping work proposed by The Irvine Company. While Table 1 presents the total cost to implement the remediation project and all regulatory requirements, Table 2 presents only the additional costs necessitated by the additional landscaping work. Please note that this proposal does not include construction or environmental oversight cost for the landscaping portion of the project. The costs shown in Table 2 are included in TRC's proposed budget and are only broken out in Table 2 for City tracking purposes.

Table 1: SUMMARY OF ESTIMATED COSTS – TASK BREAKDOWN

Task No.	Task Description	Estimated Cost
1	**DTSC Letter / Coordination / Project Management**	**$9,550**
	> DTSC Letter	$3000
	> Project Management	$6550
2	**Remedial Contractor Procurement / Construction Management**	**$194,012**
	> Remedial Contractor including Markup (See Proposal Attachment)	$174,600
	> TRC Construction Management (10 full days) > and submittal review)	$16,500
	> Laboratory Costs	$600
	> Laboratory 12% Markup	$72
	> Surveying	$2,000
	> Surveying 12% Markup	$240
3	**Geotechnical Observation and Testing Services – Backfill and Compaction of Excavation Areas**	**$2,000**
4	**DTSC Summary Report**	**$7,050**
5	**5 Year Review Report**	**$1,600**
	TOTAL COST ESTIMATE	**$214,212**

Table 2: SUMMARY OF LANDSCAPING ESTIMATED COSTS – TASK BREAKDOWN		
Task No.	**Task Description**	**Estimated Cost**
1	DTSC Coordination / Project Management	$0
2	Remedial Contractor Procurement / Construction Management	$0
3	Geotechnical Observation and Testing Services – Backfill and Compaction of Excavation Areas	$0
4	DTSC Summary Report	$1,000
	TOTAL COST ESTIMATE	**$1,000**

ASSUMPTIONS OR EXCLUSIONS

The City will be notified (for approval) if further work and or investigations will be needed outside of and/or as a result of the proposed scope of work. The above cost is estimated based on assumptions as noted in the description of the Scope of Work above and as stated in the contractors attached proposal. If additional work is necessary that would exceed the above estimated time and expense cost, a change order will be submitted for your approval. If less time is required to complete the scope of work, the invoice will be adjusted accordingly. TRC will not be designated as Generator of any generated wastes on-Site. It is assumed that no as-built drawings or surveys are required for this work.

AUTHORIZATION

Please acknowledge your receipt of and agreement with the attached Terms and Conditions by signing the last page and returning one signed original to us. As soon as we receive a signed agreement, we will begin work.

We look forward to working with you on this important project. Thank you for choosing TRC to assist you. If you have any questions, please call and we will be glad to discuss them with you.

Very truly yours,

TRC ENGINEERS, INC.

Justin Hanzel-Durbin, EIT
Senior Engineer / Project Manager

Charles Mettler, P.G.
Principal Geologist

Agreement accepted by:

THE CITY OF SANTA CLARA

Signature Date

Please Print Name and Title

CCM:JHD:jcm

Copies: Addressee (email)

Attachment(s): Rate Schedule
Terms and Conditions
Contractors Proposal

OK:\ 213075 CityofSantaClara_Contam Soil Removal_Parcel 3 pro jhd ccm 20140320

TRC

Schedule of Hourly Fee Rates
PREVAILING WAGE
Through December 31, 2013

Senior Principal Engineer or Geologist	$214.00
Principal Engineer or Geologist	$205.00
Senior Project Engineer, Geologist, or Scientist	$185.00
Project Engineer, Hydrogeologist or Geologist	$155.00
Environmental Inspector	$133.00
Senior Staff Engineer, Hydrogeologist or Geologist	$133.00
Staff Engineer , Geologist or Biologist	$122.00
Staff Planner	$122.00
Senior Supervisory Technician	$160.00
Supervisory Technician	$146.00
Senior Technician	$136.00
Engineering Technician II	$112.00
Engineering Technician I	$106.00
GIS Specialist II	$126.00
GIS Specialist	$105.00
Technical Illustrator/CAD	$78.00
Technical Assistant	$78.00
Administrative Clerk	$72.00

Equipment Charges

Field Vehicle	$0.55 per mile
Digital Camera	$10.00 per day
Laboratory Equipment	$11.50 per hour
Hand-Held Global Positioning System (5 to 10 foot accuracy)	$35.00 per day
Backpack Global Positioning System (1 to 3 foot accuracy)	$95.00 per day
PDR-1000 Dust Meter	$100.00 per day or /$300.00 per week
Organic Vapor Meter	$125.00 per day
Depth Sounder	$30.00 per day
55-gallon drum	$50.00 each
Brass Liners	$5.00 each
Hand Auger	$15.00 per day

Charges for employees will be made in accordance with the Schedule of Hourly Fee Rates. These rates are subject to change in January 2014. For other than professional employees, time spent over 8 hours per day, time spent on swing shifts, and time spent on Saturdays will be charged at 1.5 times the hourly billing rate. Work on Sunday will be charged at 2.0 times the hourly billing rate, and holiday work will be charged at 2.5 times the hourly billing rate. All field personnel charges are portal to portal. Service performed under fixed fee contracts will be charged at the agreed fixed rate. For time and materials contracts, expenses and other similar project- related costs are billed at cost plus 18.5 percent

Payment for Work and expenses shall be due and payable upon receipt of TRC's statement. To be recognized, any dispute over charges must be claimed in writing within thirty (30) days of the billing date. Disputes or questions about a statement shall not be cause for withholding payment for remaining portions due. Amounts unpaid thirty (30) days after the issue date of TRC's statement shall be assessed a service charge of one (1) percent per month on balances outstanding to compensate TRC for the cost and burden of administering the account and collecting fees owed.

158956

2013 PW Hr Rate EB

ERRG
Engineering/Remediation Resources Group, Inc.
115 Sansome St., Suite 200
San Francisco, CA 94104
P: 415.395.9974
F: 415.395.9983
www.errg.com

Transmitted via Electronic Mail: jhanzel-durbin@trcsolutions.com

February 6th, 2014

Mr. Justin Hanzel-Durbin
TRC Solutions
101 Second Street, Suite 300
San Francisco, CA 94105

Cost Proposal
Santa Clara Gateway Parcel 3 Remainder Remediation
Santa Clara, California

Dear Mr. Hanzel-Durbin:

Engineering/Remediation Resources Group, Inc. (ERRG) is pleased to submit this proposal to provide removal, transportation, disposal, and backfill services at the Santa Clara Gateway in Santa Clara, California. Our proposal is based upon your request for proposal, received December 12, 2013, a site visit conducted December 18th, 2013, and changed scope received via email on February 2nd, 2014.

The general scope of services to be provided includes:

- Develop and implement a site specific HASP.
- Mobilize to the site, place control materials at the completion of the restoration, and demob.
- Excavation, load, and dispose of approximately 1,200 cubic yards from the western edge of the consolidation cell.
- Construct a two foot thick cap over the remaining exposed soil on the slope within the consolidation cell and place and compact four feet of fill in flat area in the former location of the consolidation cell.
- Replace 40 linear feet of unreinforsed curb, 150 square feet of AC, and restripe the parking lot in the work area.

ERRG proposes to complete the project on a lump-sum basis not to exceed the prices below.

Description	Cost
Health and Safety Plan	$4,075
Mob, Fence Removal and Reinstallation, Erosion Control Materials, Demob	$8,912

ERRG

Excavate, Load, T&D of Consolidation Cell	$103,045
Construct Two Foot Thick Cap & Restore Former Consolidation Area	$39,861
TOTAL	**$155,893**

Technical Assumptions

In addition to the assumptions included with the scope of work (summarized above), the following technical assumptions were made in compiling the cost estimate for this project:

- No permits are required
- No prevailing wages are required
- No fence removal or reinstallation is required
- All disposal is for non-regulated solids
- All work will be conducted as one mobilization
- Bonding is not included in this pricing
- The parking lot to the west of the work area will available for use as a support area

We appreciate the opportunity to provide you with this proposal and look forward to working with you on this project. Should you have any questions, please do not hesitate to contact me at (925) 250-4056.

Sincerely,

Tyson Appel,
Regional Operations Manager

Attachments:
Attachment 1 – Cost Backup

N:\Proposals\TRC\TRC_SantaClara_Rev2.docx

Client: TRC
Project: TRC_Santa Clara Gateway
Location: Santa Clara
Estimate Date: 12/20/13
Scope of Work: Partial cap removal and restoration.
Partial cap removal and restoration.

Phase: 01
Task: 01
Billing Type: Lump Sum
Task Title: HASP
Duration:

01
02
Lump Sum
Mob, Erosion, Demob
2 Days

01
04
Lump Sum
Excavate, Load, T&D
3 Days

01
05
Lump Sum
Restore Cap
5 Days

Modification/Revision #:

1a. ERRG Labor	Loaded Rate ($)	Unit	Units	Total Task Cost ($)	Units	Total Task Cost ($)	Units	Total Task Cost ($)	Units	Total Task Cost ($)	Total Units	Total Cost ($)
Project Manager	$135.04	Hour	4	$540.16	5	$675.20	7.5	$1,012.80	12.5	$1,688.00	29.00	$3,916.16
Project Scientist	$81.88	Hour	24	$1,845.92							24.00	$1,845.92
Staff Scientist	$55.96	Hour	16	$895.36							16.00	$895.36
Superintendent	$109.03	Hour			20	$2,180.60	38	$3,265.60	50	$5,476.60	100.00	$10,953.08
Operator	$73.02	Hour			16	$1,168.32	23	$2,009.66	40	$2,920.80	89.00	$6,498.78
G1Laborer	$53.65	Hour			16	$858.80	33	$1,767.15	40	$2,142.00	89.00	$4,768.95
Technical Editor	$105.85	Hour	4	$423.20							4.00	$423.20
CADD Operator	$68.44	Hour	4	$273.76							4.00	$273.76
		Subtotals	52	$4,075.40	57	$4,882.92	103	$8,475.21	143	$12,227.30	355.00	$29,668.13

1b. Subcontractor Labor	Loaded Rate ($)	Unit	Units	Total Task Cost ($)	Units	Total Task Cost ($)	Units	Total Task Cost ($)	Units	Total Task Cost ($)	Total Units	Total Cost ($)
		Subtotals	0	$0.00	0	$0.00	0	$0.00	0	$0.00		$0.00

2. Equipment	Loaded Rate ($)	Unit	Units	Total Cost ($)	Units	Total Cost ($)	Units	Total Cost ($)	Units	Total Cost ($)	Total Units	Total Cost ($)
45 LBS Excavator	$2,808.54	week			0.4	$1,123.42	0.5	$1,685.12	1	$2,808.54	2.00	$5,617.08
Skiploader	$639.31	week			0.4	$255.72	0.5	$503.59	1	$639.31	2.00	$1,878.62
D4 Dozer	$1,547.64	week			0.4	$619.06	0.5	$928.59	1	$1,547.64	2.00	$3,095.28
Pickup Truck	$110.78	day			1	$443.12	0	$664.68	10	$1,107.80	20.00	$2,215.60
Water Tote	$417.08	week			0.4	$166.82	0.5	$250.23	1	$417.08	2.00	$834.16
Nuke Gauge	$130.33	day			2	$260.66	3	$390.99	5	$651.65	10.00	$1,303.30
		Subtotals		$0.00		$2,848.80		$4,423.19		$7,371.33		$14,743.86

3. Materials and Other Di	Loaded Rate ($)	Unit	Units	Total Cost ($)	Units	Total Cost ($)	Units	Total Cost ($)	Units	Total Cost ($)	Total Units	Total Cost ($)
TAD Class II	$40.92	Ton					2100	$85,932.00			2,100.00	$85,932.00
Fill Material (Quarry Fines)	$21.70	Ton							500	$10,850.00	500.00	$10,850.00
Top Soil	$723.20	load							2	$1,446.40	2.00	$1,446.40
AB	$32.20	ton							10	$322.00	10.00	$322.00
Misc Hand Tools	$51.66	day			2	$103.32	3	$154.98	5	$258.30	10.00	$516.60
ECO & Wattle	$968.57	allow			1	$968.57					1.00	$968.57
Water Meter & Usage	$1,614.28	allow					1	$1,614.28			1.00	$1,614.28
Support Facilities	$645.71	allow					1	$645.71			1.00	$645.71
Poly Sheeting	$148.51	roll					5	$742.55			5.00	$742.55
		Subtotals		$0.00		$1,071.89		$89,089.52		$12,877.68		$103,015.61

4. Subcontractors	Loaded Rate ($)	Unit	Units	Total Cost ($)	Units	Total Cost ($)	Units	Total Cost ($)	Units	Total Cost ($)	Total Units	Total Cost ($)
Curb and AC repair	$7,384.65	allow							1	$7,384.65	2.00	$7,384.65
TKD Analysis	$1,057.43	each					1	$1,057.43			1.00	$1,057.43
		Subtotals		$0.00		$0.00		$1,057.43		$7,384.65		$8,442.08

5. Travel	Loaded Rate ($)	Unit	Units	Total Cost ($)	Units	Total Cost ($)	Units	Total Cost ($)	Units	Total Cost ($)	Total Units	Total Cost ($)
		Subtotals		$0.00		$0.00		$0.00		$0.00		$0.00
		SUBTOTALS		$4,075.40		$8,811.61		$103,645.55		$39,861.64		$155,293.20

Notes:

Comply HASP for earthmoving with PAHs	Mob, Erosion Control on the new cap Demob	1,200 cy of 2,000 tons. Area is 28 x 60 x 3 to 15 feet. 29 loads per day excavated and hauled. . 10 hr day	Sloped Area = 1,000 sqft @ 28 thick = 120 BCY installed at a loss factor of 1.9 to 2.0 to 85% compaction. Flat Area = 1873 sqft @ 48 thick = 250 BCY installed with 2% slope away from expansion area compacted to 95%. Area under curb = 5 BYC of AB compacted to 95%. Assume natural fines have a conversion factor of 1.9 from BCY to tons. 40 lin ft of curb area. 150 sqft of AC to replace. Restripe area.	
Unit Type:	LS	LS	LS	LS
# of Units	1	1	1	1
Actual Unit Rate:	$4,075.4000	$8,811.6100	$103,645.5500	$39,861.6400
Has Subtasks?	No	No	No	No

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
TRC ENGINEERS, INC.
FOR
ENVIRONMENTAL CONSULTING AND CONSTRUCTION SERVICES FOR CONTAMINATED SOIL REMOVAL, GATEWAY PARCEL 3

EXHIBIT B

FEE SCHEDULE

The Fee Schedule shall be per the schedule of rates and fees included in the Contractor's proposal entitled, "Environmental Consulting and Construction Services for Contaminated Soil Removal Gateway Parcel 3 Santa Clara County, California" dated March 20, 2014, which is attached to Exhibit A.

In no event shall the amount billed to City by Contractor for services under this Agreement exceed Two Hundred Fourteen Thousand, Two Hundred Twelve dollars ($214,212.00), subject to budget appropriations.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
TRC ENGINEERS, INC.
FOR
ENVIRONMENTAL CONSULTING AND CONSTRUCTION SERVICES FOR CONTAMINATED SOIL REMOVAL, GATEWAY PARCEL 3

EXHIBIT C

INSURANCE REQUIREMENTS

Without limiting the Contractor's indemnification of the City, and prior to commencing any of the Services required under this Agreement, the Contractor shall purchase and maintain in full force and effect, at its sole cost and expense, the following insurance policies with at least the indicated coverages, provisions and endorsements:

A. COMMERCIAL GENERAL LIABILITY INSURANCE

1. Commercial General Liability Insurance policy which provides coverage at least as broad as Insurance Services Office form CG 00 01. Policy limits are subject to review, but shall in no event be less than, the following:

   $3,000,000 Each occurrence
   $3,000,000 General Aggregate
   $3,000,000 Products/Completed Operations Aggregate
   $3,000,000 Personal Injury
   $3,000,000 Project Aggregate

2. Exact structure and layering of the coverage shall be left to the discretion of Contractor; however, any excess or umbrella policies used to meet the required limits shall be at least as broad as the underlying coverage and shall otherwise follow form.

3. The following provisions shall apply to the Commercial Liability policy as well as any umbrella policy maintained by the Contractor to comply with the insurance requirements of this Agreement:

   a. Coverage shall be on a "pay on behalf" basis with defense costs payable in addition to policy limits;

   b. There shall be no cross liability exclusion which precludes coverage for claims or suits by one insured against another; and

   c. Coverage shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of liability.

B. BUSINESS AUTOMOBILE LIABILITY INSURANCE

Business automobile liability insurance policy which provides coverage at least as broad as ISO form CA 00 01 with policy limits a minimum limit of not less than two million dollars ($2,000,000) each accident using, or providing coverage at least as broad as, Insurance Services Office form CA 00 01. Liability coverage shall apply to all owned, non-owned and hired autos.

In the event that the Work being performed under this Agreement involves transporting of hazardous or regulated substances, hazardous or regulated wastes and/or hazardous or regulated materials, Contractor and/or its subcontractors involved in such activities shall provide coverage with a limit of two million dollars ($2,000,000) per accident covering transportation of such materials by the addition to the Business Auto Coverage Policy of Environmental Impairment Endorsement MCS90 or Insurance Services Office endorsement form CA 99 48, which amends the pollution exclusion in the standard Business Automobile Policy to cover pollutants that are in or upon, being transported or towed by, being loaded onto, or being unloaded from a covered auto.

C. WORKERS' COMPENSATION

1. Workers' Compensation Insurance Policy as required by statute and employer's liability with limits of at least one million dollars ($1,000,000) policy limit Bodily Injury by disease, one million dollars ($1,000,000) each accident/Bodily Injury and one million dollars ($1,000,000) each employee Bodily Injury by disease.

2. The indemnification and hold harmless obligations of Contractor included in this Agreement shall not be limited in any way by any limitation on the amount or type of damage, compensation or benefit payable by or for Contractor or any subcontractor under any Workers' Compensation Act(s), Disability Benefits Act(s) or other employee benefits act(s).

3. This policy must include a Waiver of Subrogation in favor of the City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents.

D. POLLUTION LIABILITY

In the event that this contract involves hazardous or regulated wastes and/or hazardous or regulated materials, Contractor and/or its subcontractors shall provide a Contractor's Pollution Liability Insurance policy with coverage limits not less than two million dollars ($2,000,000) each claim in connection with the Work performed under this Contract. All activities contemplated in this agreement shall be specifically scheduled on the policy as "covered operations." Any deductible must be declared to and approved by City. Such policy shall cover, at a minimum, liability for bodily injury, damage to and loss of use of property, and clean–up costs arising from sudden, accidental and gradual pollution and remediation in connection with the Work under this Agreement. Contractor will use its best efforts to have the City, Council, officers, employees and volunteers added as additional insureds under this policy. The following provisions shall apply:

1. The policy shall provide coverage for the hauling of waste from the project site to the final disposal location, including non-owned disposal sites.

2. Products/completed operations coverage shall extend a minimum of three (3) years after project completion.

3. Coverage shall be included on behalf of the insured for covered claims arising out of the actions of independent contractors.

4. If the insured is using subcontractors the Policy must include work performed "by or on behalf" of the insured.

5. Policy shall contain no language that would invalidate or remove the insurer's duty to defend or indemnify for claims or suits expressly excluded from coverage. Policy shall specifically provide for a duty to defend on the part of the insurer.

E. COMPLIANCE WITH REQUIREMENTS

All of the following clauses and/or endorsements, or similar provisions, must be part of each commercial general liability policy, and each umbrella or excess policy.

1. Additional Insureds. City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents are hereby added as additional insureds in respect to liability arising out of Contractor's work for City, using Insurance Services Office (ISO) Endorsement CG 20 10 11 85 or the combination of CG 20 10 03 97 and CG 20 37 10 01, or its equivalent.

2. Primary and non-contributing. Each insurance policy provided by Contractor shall contain language or be endorsed to contain wording making it primary insurance as respects to, and not requiring contribution from, any other insurance which the indemnities may possess, including any self-insurance or self-insured retention they may have. Any other insurance indemnities may possess shall be considered excess insurance only and shall not be called upon to contribute with Contractor's insurance.

3. General Aggregate. The general aggregate limits shall apply separately to Contractor's work under this Agreement providing coverage at least as broad as Insurance Services Office (ISO) Endorsement CG 2503, 1985 Edition, or insurer's equivalent (CGL);

4. Cancellation.

   a. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided due to non-payment of premiums shall be effective until written notice has been given to City at least ten (10) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least ten (10) days prior to the effective date of non-renewal.

b. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided for any cause save and except non-payment of premiums shall be effective until written notice has been given to City at least thirty (30) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least thirty (30) days prior to the effective date of non-renewal.

5. Other Endorsements. Other endorsements may be required for policies other than the commercial general liability policy if specified in the description of required insurance set forth in Sections A through E of this Document 00820.

F. ADDITIONAL INSURANCE RELATED PROVISIONS

Contractor and City agree as follows:

1. Requirements of specific insurance coverage features described in this Agreement shall not be construed to be a limitation of liability on the part of Contractor or any of its subcontractors, nor to relieve any of them of any liability or responsibility under the Contract Documents, as a matter of law or otherwise. Such requirements are not intended by any Party to be limited to providing coverage for the vicarious liability of the City or to the supervisory role, if any, of City.

2. Contractor shall maintain all required insurance policies in full force and effect during entire period of performance of the Services under this Agreement of Contract Documents. Contractor shall also keep such insurance in force during warranty and guarantee periods. At time of making application for extension of time, Contractor shall submit evidence that insurance policies will be in effect during requested additional period of time.

3. City reserves the right, at any time during the term of this Agreement to change the amounts and types of insurance required by giving the Contractor thirty (30) days advance written notice of such change. If such change results in substantial additional cost to the Contractor, the City will negotiate in good faith additional compensation proportional to the increased benefit to City.

4. Any type of insurance or any increase of limits of liability not described in this Exhibit which Contractor requires for its own protection or in compliance with applicable statutes or regulations, shall be Contractors' responsibility and at its own expense.

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5. No liability insurance coverage provided by Contractor to comply with the terms of this Agreement shall prohibit Contractor, or Contractor's employees, or agents, from waiving the right of subrogation prior to a loss. Contractor waives its right of subrogation against indemnitees. Any property insurance policies affected by Contractor shall be endorsed to delete the subrogation condition as to indemnitees or shall specifically allow Contractor to waive subrogation prior to a loss. Contractor hereby waives any right of recovery against the indemnitees and agrees to require any subcontractor to do so.

6. Contractor agrees to ensure that subcontractors, and any other party involved with the Services who is brought onto or involved in the performance of the Services by Contractor, provide the same minimum insurance coverage required of Contractor, <u>except as with respect to limits</u>. Contractor agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this Agreement. Contractor agrees that upon request by City, all agreements with, and insurance compliance documents provided by, such subcontractors and others engaged in the project will be submitted to City for review.

7. Contractor shall cooperate fully with City and Contractor's insurance companies in any safety and accident prevention program and claims handling procedures as established for the performance of Services under this Agreement.

8. All coverage types and limits required under this Agreement are subject to approval, modification and additional requirements by the City, as the need arises. Contractor shall not make any reductions in scope of coverage which may affect City's protection without City's prior written consent.

9. For purposes of applying insurance coverage only, all contracts pertaining to the performance of services will be deemed to be executed when finalized and any activity commences in furtherance of performance under this agreement.

10. Contractor acknowledges and agrees that any actual or alleged failure on the part of City to inform Contractor of non-compliance with any of the insurance requirements set forth in this Agreement in no way imposes any additional obligations on City nor does it waive any of the City's rights under this Agreement or any other regard.

11. Any provision in this Agreement dealing with the insurance coverage provided pursuant to these requirements, is subordinate to and superseded by the requirements contained herein. These insurance requirements are intended to be separate and distinct from any other provision in this Agreement and are intended by the Parties here to be interpreted as such.

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12. Contractor agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Contractor for the cost of additional insurance coverage required by this Agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.

13. Contractor agrees to obtain and provide to City evidence of Professional Liability insurance for Architects or Engineers if engaged by Contractor to perform any of the Services required under this Agreement. City shall determine the minimum coverage and policy limits required, after consultation with Contractor.

14. The City acknowledges that some insurance requirements contained in this Agreement may be fulfilled by self-insurance on the part of the Contractor. The Contractor's insurance obligations under this Agreement under may be satisfied in whole or in part by adequately funded self-insurance retention, but only after approval from the City Attorney's Office upon satisfactory evidence of financial capacity.

15. The City reserves the right to withhold payments from the Contractor in the event of material noncompliance with the insurance requirements set forth in this Agreement.

G. EVIDENCE OF COVERAGE

Prior to commencement of any Services under this Agreement, Contractor, and each and every subcontractor (of every tier) shall, at its sole cost and expense, purchase and maintain not less than the minimum insurance coverage with the endorsements and deductibles indicated in this Agreement. Such insurance coverage shall be maintained with insurers, and under forms of policies, satisfactory to City and as described in this Agreement. Contractor shall file with the City all certificates and endorsements for the required insurance policies for City's approval as to adequacy of the insurance protection.

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H. EVIDENCE OF COMPLIANCE

Contractor or its insurance broker shall provide the required proof of insurance compliance, consisting of Insurance Services Office (ISO) endorsement forms or their equivalent and the ACORD form 25-S certificate of insurance (or its equivalent), evidencing all required coverage shall be delivered to City, or its representative as set forth below, at or prior to execution of this Agreement. Unless otherwise required by the terms of this Agreement, all certificates, endorsements, coverage verifications and other items required to be delivered to City pursuant to this Agreement shall be mailed to:

EBIX Inc.
City of Santa Clara Engineering Department
P.O. 12010-S2 or 151 North Lyon Avenue
Hemet, CA 92546-8010 Hemet, CA 92543

Telephone number: 951-766-2280
Fax number: 770-325-0409
Email address: ctsantaclara@ebix.com

I. QUALIFYING INSURERS

All of the insurance companies providing insurance for Contractor shall have, and provide written proof of, an A. M. Best rating of at least A minus 6 (A- VI) or shall be an insurance company of equal financial stability that is approved by the City or its insurance compliance representatives.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
TRC ENGINEERS, INC.
FOR
ENVIRONMENTAL CONSULTING AND CONSTRUCTION SERVICES FOR CONTAMINATED SOIL REMOVAL, GATEWAY PARCEL 3

EXHIBIT D

ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA

Termination of Agreement for Certain Acts.

A. The City may, at its sole discretion, terminate this Agreement in the event any one or more of the following occurs:

1. If a Contractor[1] does any of the following:

a. Is convicted[2] of operating a business in violation of any Federal, State or local law or regulation;

b. Is convicted of a crime punishable as a felony involving dishonesty[3];

c. Is convicted of an offense involving dishonesty or is convicted of fraud or a criminal offense in connection with: (1) obtaining; (2) attempting to obtain; or, (3) performing a public contract or subcontract;

d. Is convicted of any offense which indicates a lack of business integrity or business honesty which seriously and directly affects the present responsibility of a City contractor or subcontractor; and/or,

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[1] For purposes of this Agreement, the word "Consultant" (whether a person or a legal entity) also refers to "Contractor" and means any of the following: an owner or co-owner of a sole proprietorship; a person who controls or who has the power to control a business entity; a general partner of a partnership; a principal in a joint venture; or a primary corporate stockholder [i.e., a person who owns more than ten percent (10%) of the outstanding stock of a corporation] and who is active in the day to day operations of that corporation.

[2] For purposes of this Agreement, the words "convicted" or "conviction" mean a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere within the past five (5) years.

[3] As used herein, "dishonesty" includes, but is not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, failure to pay tax obligations, receiving stolen property, collusion or conspiracy.

e. Made (or makes) any false statement(s) or representation(s) with respect to this Agreement.

2. If fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with the Contractor can be imputed to the Contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the Contractor, with the Contractor's knowledge, approval or acquiescence, the Contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval or acquiescence.

B. The City may also terminate this Agreement in the event any one or more of the following occurs:

1. The City determines that Contractor no longer has the financial capability[4] or business experience[5] to perform the terms of, or operate under, this Agreement; or,

2. If City determines that the Contractor fails to submit information, or submits false information, which is required to perform or be awarded a contract with City, including, but not limited to, Contractor's failure to maintain a required State issued license, failure to obtain a City business license (if applicable) or failure to purchase and maintain bonds and/or insurance policies required under this Agreement.

C. In the event a prospective Contractor (or bidder) is ruled ineligible (debarred) to participate in a contract award process or a contract is terminated pursuant to these provisions, Contractor may appeal the City's action to the City Council by filing a written request with the City Clerk within ten (10) days of the notice given by City to have the matter heard. The matter will be heard within thirty (30) days of the filing of the appeal request with the City Clerk. The Contractor will have the burden of proof on the appeal. The Contractor shall have the opportunity to present evidence, both oral and documentary, and argument.

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[4] Contractor becomes insolvent, transfers assets in fraud of creditors, makes an assignment for the benefit of creditors, files a petition under any section or chapter of the federal Bankruptcy Code (11 U.S.C.), as amended, or under any similar law or statute of the United States or any state thereof, is adjudged bankrupt or insolvent in proceedings under such laws, or a receiver or trustee is appointed for all or substantially all of the assets of Contractor.

[5] Loss of personnel deemed essential by the City for the successful performance of the obligations of the Contractor to the City.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
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TRC ENGINEERS, INC.
FOR
ENVIRONMENTAL CONSULTING AND CONSTRUCTION SERVICES FOR CONTAMINATED SOIL REMOVAL, GATEWAY PARCEL 3

EXHIBIT E

AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS

I hereby state that I have read and understand the language, entitled "Ethical Standards" set forth in Exhibit D. I have the authority to make these representations on my own behalf or on behalf of the legal entity identified herein. I have examined appropriate business records, and I have made appropriate inquiry of those individuals potentially included within the definition of "Contractor" contained in Ethical Standards at footnote 1.

Based on my review of the appropriate documents and my good-faith review of the necessary inquiry responses, I hereby state that neither the business entity nor any individual(s) belonging to said "Contractor" category [i.e., owner or co-owner of a sole proprietorship, general partner, person who controls or has power to control a business entity, etc.] has been convicted of any one or more of the crimes identified in the Ethical Standards within the past five (5) years.

The above assertions are true and correct and are made under penalty of perjury under the laws of the State of California.

TRC ENGINEERS, INC.,
a California corporation

By: _____
Signature of Authorized Person or Representative

Name: _____

Title: _____

NOTARY'S ACKNOWLEDGMENT TO BE ATTACHED

Please execute the affidavit and attach a notary public's acknowledgment of execution of the affidavit by the signatory. If the affidavit is on behalf of a corporation, partnership, or other legal entity, the entity's complete legal name and the title of the person signing on behalf of the legal entity shall appear above. Written evidence of the authority of the person executing this affidavit on behalf of a corporation, partnership, joint venture, or any other legal entity, other than a sole proprietorship, shall be attached.

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7B-4

Santa Clara All-America City 2001

Date April 22, 2014

To: City Manager for Council Action

From: Director of Electric Utility

Subject: Approval of Amendment No. 1 to Call No.13-1 for Professional Services with Electrical Consultants, Inc. to Increase the Contract Amount and Time for Engineering and Detailed Design of 60kV Short-Circuit Mitigation Equipment at Northern Receiving Station for the Phase Shifting Transformer

EXECUTIVE SUMMARY:

The City of Santa Clara's Electric Department, Silicon Valley Power (SVP) went through a Request For Proposal process to assist with the engineering, design and purchase of a Phase Shifting Transformer. The successful vendor was Electrical Consultants Inc. On May 21, 2013 the City entered into a Call Agreement and Call 13-1 to prepare the detailed design for the Phase Shifting Transformer. This project will procure and install a phase shifting transformer at the SVP Switching Station, located near the Water Pollution Control Plant in San Jose, CA. The operation of the phase shifting transformer requires the installation of short circuit mitigation equipment on the 115kv bus at the Northern Receiving Station.

Staff has determined that design and construction efficiencies could be secured by increasing the scope of work of the PST project to include the 60kV short circuit equipment. ECI was asked to submit a proposal to include the 60kV design work as an amendment to the PST design work under Call 13-1. Amendment No. 1 to Call 13-1 will allow ECI to design the installation of short circuit mitigation equipment on both the 115kV and 60kV busses at Northern Receiving Station. This will also provide for the construction of both bus improvements under a single public works contract. A copy of Amendment No. 1 to Call 13-1 for Professional Services with Electrical Consultants, Inc. is available for review in the Council Offices.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Amendment No. 1 to Call No. 13-1 with ECI will provide engineering consulting services for the design of the 60kV short-circuit mitigation equipment at SVP's Northern Receiving Station.

ECONOMIC/FISCAL IMPACT:

Call No. 13-1 has a proposed cost not to exceed $546,380.00. Amendment No. 1 to Call No. 13-1 for Professional Services with Electrical Consultants, Inc. increases this amount by $231,242.00 for a total not to exceed amount of $777,622.00. Sufficient funds are available in the Electric Department Capital Project System Short Circuit Fault Duty Reduction account, 591-1361-80100-2106-[A]00037-[F]36200.

RECOMMENDATION:

That Council approve, and authorize the City Manager to execute, Amendment No. 1 to Call No. 13-1 for Professional Services with Electrical Consultants, Inc., in an amount not to exceed $231,242.00 (for a total not to exceed $777,622.00), for engineering and detailed design of 60kv short-circuit mitigation equipment at Northern Receiving Station for the Phase Shifting Transformer.

For Paul Dfsth
John C. Roukema
Director of Electric Utility

APPROVED:

for Julio J. Fuentes
City Manager

Certified as to Availability of Funds:
591-1361-80100-2106 $231,242.00

Gary Ameling
Director of Finance/Assistant City Manager

MAJORITY VOTE OF COUNCIL

Documents Related to this Report:

1) Amendment No. 1 to Call 13-1 for Professional Services with Electrical Consultants, Inc.

AMENDMENT NO. 1 TO CALL NO. 13-1
FOR PROFESSIONAL SERVICES TO BE PROVIDED TO THE
CITY OF SANTA CLARA, CALIFORNIA BY ELECTRICAL CONSULTANTS, INC.

The Parties acknowledge that they entered into Call No. 13-1 ("Original Call"), dated May 21, 2013 and now agree that on this ____ day of _____, 2014, this Amendment No.1 to Call 13-1 For Professional Services ("Amended Call") is made and entered into pursuant to the terms of a Call Agreement between the Parties entitled, "Call Agreement by and Between the City of Santa Clara, California and "Electrical Consultants, Inc.," dated February 11, 2014, ("Call Agreement"). The terms of the Call Agreement and the Original Call are incorporated by this reference.

This Amended Call describes the Services to be provided to the City of Santa Clara, California ("City") by Electrical Consultants, Inc. ("Contractor"), which are fully described in Contractor's proposal to City entitled "Price Proposal for NRS Scope Change to Include Engineering for 60kV Reactors, LTC Controls & Line Relay Upgrades" dated February 12, 2014("Proposal"), attached to this Amended Call as Exhibit A and incorporated by this reference. The Parties agree that this Amended Call incorporates all of the Services ("Services") which were to be performed by the Contractor under the Original Call, as well as all of the additions, modifications and/or deletions to the Services to be performed under this Amended Call ("Revised Services"). It also includes a revised 'not to exceed' dollar amount to be paid for the Revised Services to be performed under this Amended Call. The Revised Services to be performed under this Amended Call shall be completed within the time period beginning on April 22, 2014, and ending on April 22, 2016, an extension of two years. The attached Proposal contains a complete description of the Revised Services, and specifies the performance dates for the completion of the Revised Services, to be performed by the Contractor under this Amended Call. In no event shall the amount paid to the Contractor for the Revised Services provided to City by the Contractor under this Amended Call, including all fees or pre-approved costs and/or expenses, exceed seven hundred seventy seven thousand six hundred twenty two dollars ($777,622.00), subject to budgetary appropriations. This Amended Call supersedes and replaces the Original Call and includes the entire amount of payments to the amount of Contractor for the Revised Services to be provided to the City.

The Parties acknowledge and accept the terms and conditions of this Amended Call, as evidenced by the following signatures of their duly authorized representatives.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument; and, the Parties agree that signatures on this Agreement, including those transmitted by facsimile, shall be sufficient to bind the Parties.

CITY OF SANTA CLARA, CALIFORNIA,
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

ELECTRICAL CONSULTANTS, INC.
a Montana corporation

By: _____
GLEN SMITH
Title: General Manager, Tucson Office
Address: 6740 N. Oracle Road, Suite 100
Tucson, AZ 85704
Telephone: (520) 219-9933
Fax: (520) 219-9949

"CONTRACTOR"

"Engineering with Distinction"
ECI ELECTRICAL CONSULTANTS, INC.
BILLINGS OFFICE: 3521 GABEL ROAD, BILLINGS, MONTANA 59102 • PHONE: 406-259-9933 • FAX: 406-259-3441

February 12, 2014

Mr. Albert Saenz
Silicon Valley Power
1500 Warburton Ave.
Santa Clara, CA 95050

Re: Price Proposal for NRS Scope Change to Include Engineering for 60 kV Reactors, LTC Controls & Line Relay Upgrades

Dear Albert:

Electrical Consultants, Inc. (ECI) is pleased to provide our proposal and cost estimate outlining engineering services for Silicon Valley Power's (SVP's) detailed design of the 60 kV reactor additions at the NRS Substation, addition of LTC controls and coordination with SEL for 230 kV line relay upgrades at NRS. The intent of this price proposal is to outline scope and costs associated with the components not included in the original Call No. 1, as outlined in Proposal No. SVP-014. The original proposal included scope items for detailed engineering at SSS and NRS substation associated with the PST addition at SSS and 115 kV Series reactor addition at NRS. The following discussions detail each of the scope addition task items for the proposed addendum to Call No. 1.

60 kV Series Reactor Additions at NRS

ECI will assist in the procurement of owner-furnished equipment, engineering and detailed design and Public Works bidding and contracting associated with the 60 kV series reactor additions at NRS Substation. For the procurement of owner-furnished equipment, specifications will be prepared for 60 kV circuit breakers, 60 kV current limiting reactor, 60 kV disconnect switches and the underground cable bus required for the incorporation of the 60 kV series reactor.

In addition to the procurement of owner-furnished equipment, ECI will also provide detailed design and drawings necessary for the 60 kV reactor additions. This design includes development of a complete physical package with plans, elevations, conduit, grounding, bus details, steel details, foundations and bill of materials. In addition, a complete electrical package including one lines, schematics, wiring and control panel modifications shall be provided for the 60 kV series reactor additions.

LTC Controls

As a result of the phase shifter addition at SSS, SVP would like the capability to adjust the load tap changer (LTC) at the 230/115 kV transformer located at NRS Substation in an effort to control circulating MVAR flow through SVP's 115 kV system. ECI's specific scope includes modification of the NRS 230 kV yard schematics & wiring as well as conduit and cable schedules to accurately reflect changes necessary to allow remote operation of the LTC, which is located on the 230 kV side of the NRS transformer. The minimal requirement is that SVP operators have the

BILLINGS OFFICE:
3521 GABEL ROAD
BILLINGS, MT 59102
PHONE: 406-259-9933
FAX: 406-259-3441
EMAIL: contact-us@ecibillings.com

SALT LAKE CITY OFFICE:
660 WEST 700 SOUTH
WOODS CROSS, UT 84087
PHONE: 801-292-9954
FAX: 801-292-9177
EMAIL: contact-us@ecislc.com

TUCSON OFFICE:
6740 NORTH ORACLE RD, #100
TUCSON, AZ 85704
PHONE: 520-219-9933
FAX: 520-219-9949
EMAIL: contact-us@ecituc.com

MADISON OFFICE:
2800 ROYAL AVENUE
MADISON, WI 53713
PHONE: 608-240-9933
FAX: 608-240-1579
EMAIL: contact-us@ecimadison.com

capability to modify the tap position from a remote location; it does not necessarily need to be an automated process. The details of the RTAC interface and LTC control scheme will be achieved through a coordinated effort with all parties, including ECI, SEL and SVP.

Line Relay Upgrades

This addendum to the Call Number 1 includes coordination with SEL for the installation of the line relays at the NRS Substation looking towards the SSS Substation as a result of relaying modifications for the PST additions. ECI's scope includes modifications to the schematics, wiring and panel layouts at NRS to replace the existing line relays with the "new" relays required to interface with the SSS line relay additions. ECI intends to coordinate with SEL and SVP for the relay modifications. ECI's cost does not include preparation of relay settings or SEL engineering fees of which it is understood that SEL would directly invoice SVP for services provided by SEL.

ECI proposes to complete this work on a time and material basis, as an Addendum to Call Number 1 up to a not to exceed cost of $231,242 as illustrated in Table 1. The table also includes a breakdown for each of the scope items associated with the addendum. Note that the Sub-Consultant costs listed below includes coordination with Exaro for a sub-surface utility investigation and with Geotherm for obtaining Rho samples and does not include SEL engineering fees.

Task	Senior PM	Project Engineer	Designer/Drafter	Administrative
Procurement of Owner Furnished Equipment	20	55	10	20
Engineering and Detailed Design (NRS 60 kV Reactors)	310	280	340	60
Public Works Bidding and Contracting	20	40		20
LTC Controls	80	120	80	20
Coordination with SEL for NRS 230 kV Line Relay Upgrades	80	140	120	40
Total hours	510	635	550	160
Cost/hr	$139	$108	$68	$46
Engineering Cost per Individual	$70,890	$68,580	$37,400	$7,360
Total Engineering cost	$184,230			
Direct Costs	**Travel**	**Software**	**Sub-Consultants**	
(2 trips, 2 people, 2 days on-site)	$7,200	$4,400	$24,400	
Total Direct Costs	$36,000			
Contingency (5%)	$11,012			
Total Not-to-Exceed	$231,242			

Table 1
Summary of Not-to-Exceed Costs for Call #1 Addendum

Term of Task

ECI anticipates approximately twelve (12) months after the start date in order to complete the detailed engineering phase of the SSS and NRS projects. Intermittent deliverables shall be included throughout this duration in order to meet milestone schedules as agreed upon by SVP and ECI.

ECI's original budget for PST-Detailed Engineering-Phase I is $546,380. With consideration of the addendum outlined in this letter, total not-to-exceed cost is estimated at $777,622. Please do not hesitate to contact me at 406-259-9933 with any questions or comments you may have regarding our proposed scope modifications and cost estimates for the NRS scope additions.

Sincerely,

David R. Maehl

David R. Maehl, P.E.
General Manager

cc: Dick McComish, ECI
Kevin Keating, SVP
Mike Keller, Consultant
Glen Smith, ECI

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7B5

Date: April 21, 2014

To: City Manager for Council Action

From: Director of Public Works/City Engineer

Subject: Monitoring Well Encroachment Agreement with PES Environmental, Inc. to construct and maintain five (5) groundwater monitoring wells within various streets east and northeast of 2640 El Camino Real (APN 290-06-020; S.C. 18,680)

EXECUTIVE SUMMARY:

PES Environmental, Inc. (PES) is requesting to construct and maintain five (5) groundwater monitoring wells within various streets (1 on Buchanan Dr., 1 on Donovan Ave., 1 on Oswald Place, and 2 on Ravizza Ave.) easterly, northerly, and northeasterly of 2640 El Camino Real. The monitoring wells are needed as an ongoing groundwater remediation at the subject property. The agreement stipulates that PES shall restore, at its sole cost and expense, the public right-of-way to its condition prior to issuance of the agreement upon demand from City. Notices have been posted around the neighborhood of the subject property and at this time no objections have been received.

PES has signed a Monitoring Well Encroachment Agreement that will allow PES to construct and maintain the five (5) groundwater monitoring wells within the public right-of-way. A copy of the Agreement has been placed in the Council Offices for review.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the encroachment agreement will allow PES to construct and maintain said improvements within the public right-of-way and to proceed with the groundwater mitigation within the subject property while relieving the City of associated liability.

ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than staff time and expense.

RECOMMENDATION:

That the Council approve the Monitoring Well Encroachment Agreement with PES Environmental, Inc. to construct and maintain five (5) groundwater monitoring wells within various streets easterly, northerly, and northeasterly of 2640 El Camino Real (APN 290-06-020; S.C. 18,680).

Rajeev Batra
Director of Public Works/City Engineer

APPROVED:

for Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Monitoring Well Encroachment Agreement

CITY OF SANTA CLARA
MONITORING WELL ENCROACHMENT AGREEMENT
(PUBLIC PROPERTY OR PUBLIC RIGHT-OF-WAY)

ENGINEERING DEPARTMENT 1500 WARBURTON AVE., SANTA CLARA, CA 95050 TEL.: (408) 615-3000 FAX: (408) 985-7936 E-mail: engineering@santaclaraca.gov

ADDRESS OF WORK: See Attached Text and Map

LOCATION: See Attached Text and Map (NORTH, SOUTH, EAST WEST) SIDE OF STREET BETWEEN See Attached Text and Map AND

PURPOSE OF WORK: To install groundwater monitoring wells downgradient (i.e., at off-site locations) of the Former Moonlite Cleaners site to monitor groundwater that is potentially impacted with volatile organic compounds (VOCs).

GENERAL INFORMATION:

STARTING DATE: April ~~14~~ 25, 2014

COMPLETION DATE: April ~~18~~ TBD, 2014

PERMIT EXPIRES:

SIZE OF OPENING: 8-inch diameter

TYPE OF SURFACE: Asphalt

SIZE/TYPE OF PIPE: 2-inch diameter Schedule 40 PVC

APPLICANT:

NAME: PES Environmental, Inc. (Attn. Gary Thomas)

ADDRESS: 1682 Novato Blvd., Suite 100 Novato, California 94947-7021

CITY BUSINESS LICENSE NO.: 116162

OWNER/LESSEE OF PROPERTY (IF DIFFERENT FROM ABOVE):

NAME: ① Moonlite Associates LLC ② United Artist Theatre Circuit

ADDRESS: ① Moonlite Associates LLC c/o Gualco Law, 400 Capital Mall, Eleventh Floor, Sacramento, CA 95814 ② United Artist Theatre Circuit c/o Hogan Lovells US LLP, One Tabor Center, Suite 1500, 1200 Seventeenth St. Denver Colorado 80202 Attn: Scott Reisch, Esq.

AS A CONDITION OF THE AGREEMENT, THE APPLICANT (PERMITTEE) HEREBY AGREES AND COVENANTS:

1. TO PAY FEES AND TO COMPLY IN STRICT CONFORMITY WITH THE PROVISIONS OF ALL APPLICABLE CITY OF SANTA CLARA CODES, ORDINANCES, RULES AND REGULATIONS OF THE PERMIT APPLIED FOR, THE GENERAL AND SPECIAL PROVISIONS LISTED ON PAGE 2 AND REQUIREMENTS OF CITY INSPECTORS TO ACCOMPLISH COMPLIANCE;
2. TO SAVE, INDEMNIFY AND TO HOLD HARMLESS THE CITY OF SANTA CLARA, ITS COUNCIL, OFFICERS, EMPLOYEES, AGENTS, SUCCESSORS, AND ASSIGNS FROM ALL LIABILITIES, JUDGMENTS, COSTS AND EXPENSES WHICH MAY ACCRUE AGAINST SAID CITY IN CONSEQUENCE OF THE GRANTING OF THIS AGREEMENT, OR IN ANY WAY CONNECTED WITH OR RELATED TO ANY OPERATION THEREUNDER;
3. TO CONTACT U.S.A. TO VERIFY THE LOCATION OF EXISTING UNDERGROUND FACILITIES;
4. TO OBTAIN AN ENCROACHMENT PERMIT FROM THE ENGINEERING DEPARTMENT PRIOR TO THE CONSTRUCTION OF THE WELL(S);
5. TO PROVIDE A MINIMUM OF 5' HORIZONTAL CLEARANCE FROM ANY WATER OR SANITARY SEWER LINES;
6. A VIOLATION OF ANY TERM, CONDITION OR COVENANT OF THIS AGREEMENT WILL CONSTITUTE CAUSE FOR ITS REVOCATION OR TERMINATION AT WILL AND SOLE DISCRETION OF THE CITY ENGINEER; AND
7. TO NOTIFY, BY LETTER, THE OCCUPANT/OWNER OF PROPERTY(S) ADJACENT TO PROPOSED WELL OF ACTIVITY TO BE CONDUCTED AT THE PROPOSED WELL SITE. A COPY OF SAID LETTER SHALL BE SUBMITTED TO THE ENGINEERING DEPARTMENT PRIOR TO OBTAINING AN ENCROACHMENT PERMIT.

APPLICANT'S SIGNATURE: [signature] DATE: 3/7/14

PRINT NAME: Gary Thomas (PES Environmental, Inc.) PHONE NO.: 415-899-1600 (office) 415-250-7217 (cell phone)

THE REQUESTED AGREEMENT IS HEREBY GRANTED AS CONDITIONED:

BY: _____ DATE: _____

CITY ENGINEER

OTHER CONDITIONS:

INSPECTION IS REQUIRED. ANY WORK UNDERTAKEN WITHOUT BENEFIT OF INSPECTION SHALL BE SUBJECT TO REMOVAL AND REINSTALLATION AT PERMITTEE'S EXPENSE. PERMITTEE SHALL NOTIFY CITY ENGINEERING FIELD SERVICES DIVISION BY TELEPHONE (408) 615-3000 AT LEAST ONE (1) FULL CITY WORKING DAY PRIOR TO EXCAVATION AND AGAIN ONE (1) WORKING DAY PRIOR TO INSTALLATION OF FINAL ASPHALT CONCRETE HOT PATCH, IF REQUIRED.

Non-refundable Fee: Contact Engineering Department

File Ref.: S.C. No.: 18,680
Receipt No.: 1407230-1/14

GENERAL PROVISIONS
(ALL APPLICABLE)

1. Permittee shall assume entire responsibility for any and all activities and uses under this Agreement.
2. This Agreement is valid only for the purpose specified herein. No change of program as outlined in application or drawing submitted with application is permitted, except upon prior written permission of the City Engineer.
3. Any damage caused to City property in any way related to or by any activity connected with this Agreement shall be repaired to the satisfaction of the City Engineer at the cost of permittee and without cost to the City. Should permittee neglect to promptly make repairs, City may make repairs or have repairs made, and permittee will be billed and shall pay costs therefor.
4. This Agreement may be revoked by the City on thirty (30) days notice for any cause whatsoever when required by the City Engineer, permittee shall restore the public property or public right-of-way to its condition prior to issuance of the Agreement and then shall vacate the premises. Should permittee neglect to restore the premises to a condition satisfactory to the City Engineer, City may perform such work or have work performed, and permittee agrees to reimburse City for all costs of the work so performed upon receipt of a statement therefor.
5. Permittee shall place and maintain appropriate barricades to maintain safe conditions.

SPECIAL PROVISIONS
(ONLY THOSE ITEMS CHECKED)

✓ Permittee shall submit the final report of the monitoring program to the city of Santa Clara Engineering and Water Departments.

✓ Permittee shall continually maintain the encroachment at his sole cost and expense.

✓ Permittee shall repair and correct any and all defects and deficiencies, due to workmanship or materials in connection with this project, which are discovered within one year from date of final inspection and approval of work by City. Within thirty (30) days of notification of any defects or deficiencies, Permittee shall cause its repair and correction.

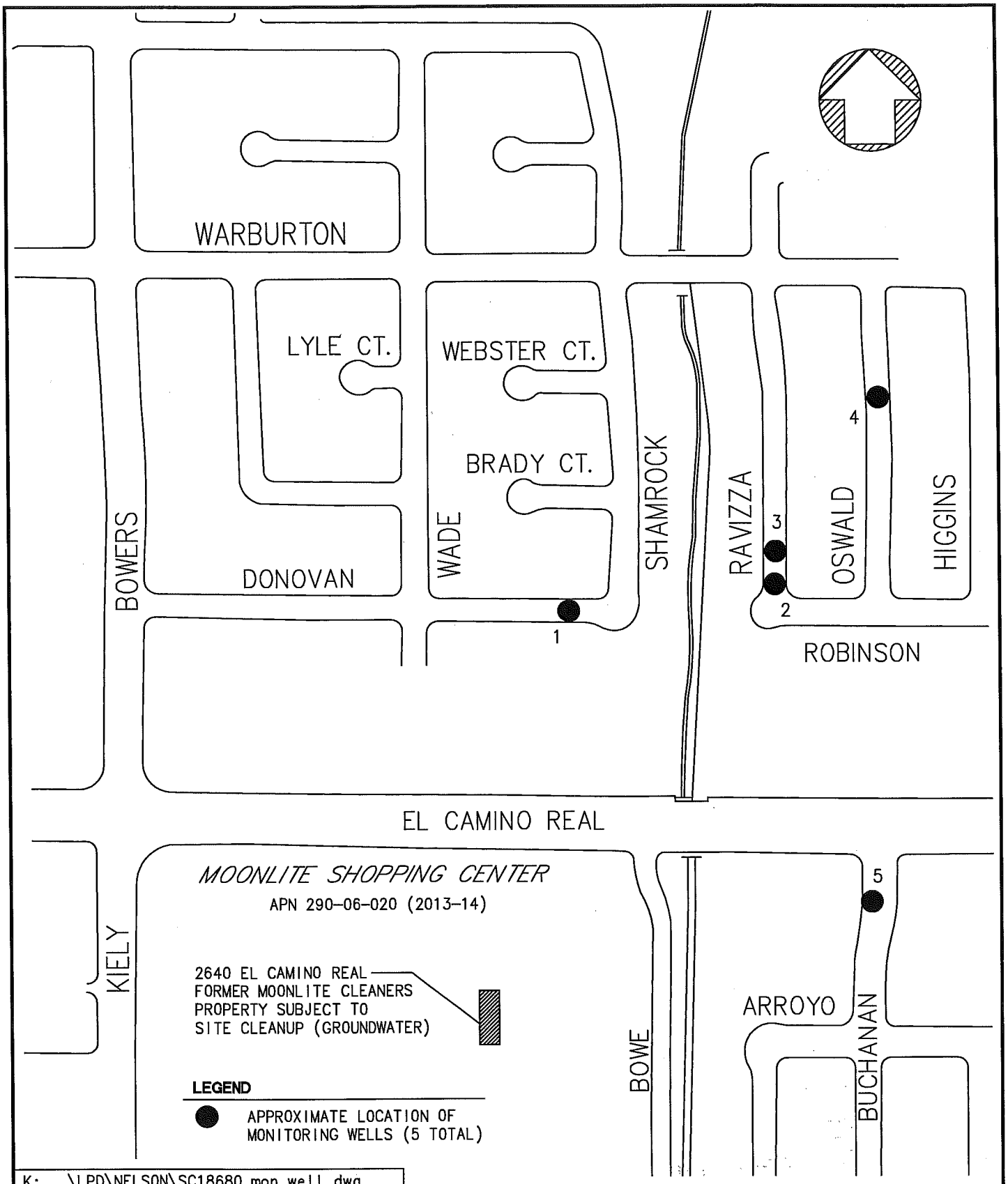
✓ The monitoring well(s) shall be constructed in accordance with the Santa Clara Valley Water District (SCVWD) standards. Upon termination of the groundwater monitoring program, said well(s) shall be sealed in accordance with the SCVWD standards. A copy of the destruction permit issued by the SCVWD, indicating that the well was properly sealed, shall be submitted to the City Water and Engineering Departments. Prior to destruction of well(s), a City of Santa Clara Encroachment Permit shall be obtained, ensuring that street repair shall be in accordance with City Standards.

✓ Permittee shall secure a durable identification tag to the well cap including but not limited to the following information: 1, Name and phone number of firm maintaining the well(s). 2, Designation of well(s). 3, Date of installation of well(s).

✓ Other: WELLS SHALL MAINTAIN A MINIMUM CLEARANCE OF 10-FEET FROM WATER UTILITY FACILITIES & 5-FEET FROM ALL OTHER PUBLIC UTILITY FACILITIES.

Approximate location of the well(s) is(are) shown on the attached City Tracing No. 12,023-A

Permittee is hereby given notice of an existing state law (Sec. 4215 et. Seq., Chapter 3.1, Division 5, Title 1 of the Government Code), as amended by A.B. 73, effective January 1, 1990. Said law requires owners of underground facilities to join a regional notification center, e.g. USA; requires Contractors to contact such a regional notification center prior to excavation; and requires Owners to mark their underground facilities when notified; and sets civil penalties for failure to comply therewith.



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Revised		CITY OF SANTA CLARA	Scale 1" = 300'
Drawn By ND	3-26-14		
Checked By R. Santos	3-28-14	MONITORING WELL ENCROACHMENT AGREEMENT	Ref. SC 18,680
Approved By G. Gomez	Date 4-3-14	2640 EL CAMINO REAL	Tracing No. 12,023-A
RAJEEV BATRA DIRECTOR OF PUBLIC WORKS/CITY ENGINEER			

12,023-A

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7B-6

Santa Clara All-America City 2001

Date: April 7, 2014

To: City Manager for Council Action

From: Director of Public Works/City Engineer

Subject: Approval of a Monitoring Well Encroachment Agreement with Stantec Consulting Services to construct and maintain three (3) groundwater monitoring wells within the public right-of-way along Market Street, approximately 400' northwest of 2665 The Alameda (APN 230-12-012; S.C. 18,683)

EXECUTIVE SUMMARY:

Stantec Consulting Services (STANTEC) is requesting to construct and maintain three (3) groundwater monitoring wells within the public right-of-way along Market Street, approximately 400' northwest of 2665 The Alameda. The monitoring wells are needed as an ongoing groundwater remediation at the subject property which was previously used as a gas station. The agreement stipulates that STANTEC shall restore, at its sole cost and expense, the public right-of-way to its condition prior to issuance of the agreement upon demand from City.

STANTEC has signed a Monitoring Well Encroachment Agreement that will allow STANTEC to construct and maintain the three (3) groundwater monitoring wells within the public right-of-way. A copy of the Agreement has been placed in the Council Offices for review.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the encroachment agreement will allow STANTEC to construct and maintain said improvements within the public right-of-way and to proceed with the groundwater mitigation within the subject property while relieving the City of associated liability.

ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than staff time and expense.

RECOMMENDATION:

That the Council:

1. Approve the Monitoring Well Encroachment Agreement with Stantec Consulting Services to construct and maintain three (3) groundwater monitoring wells within the public right-of-way along Market Street, approximately 400' northwest of 2665 The Alameda (APN 230-12-012; S.C. 18,683).

Rajeev Batra
Director of Public Works/City Engineer

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Monitoring Well Encroachment Agreement

CITY OF SANTA CLARA
MONITORING WELL ENCROACHMENT AGREEMENT
(PUBLIC PROPERTY OR PUBLIC RIGHT-OF-WAY)

ENGINEERING DEPARTMENT 1500 WARBURTON AVE., SANTA CLARA, CA 95050 TEL.: (408) 615-3000 FAX: (408) 985-7936 E-mail: engineering@santaclaraca.gov

ADDRESS OF WORK: MARKET ST. AND THE ALAMEDA, SANTA CLARA, CA.

LOCATION: SOUTH (NORTH, SOUTH, EAST WEST) SIDE OF STREET BETWEEN ALVISO ST. AND THE ALAMEDA.

PURPOSE OF WORK: INSTALL ONE TRIPLE NESTED MONITORING WELL ON MARKET ST. NEAR THE ALAMEDA. - SEE WORK PLAN/CSCDEH APPROVAL TO MOVE WELL.

GENERAL INFORMATION:

STARTING DATE: TBD

COMPLETION DATE: TBD

PERMIT EXPIRES:

SIZE OF OPENING: 12" DIAMETER BORING

TYPE OF SURFACE: WELL VAULT

SIZE/TYPE OF PIPE: 2" PVC CASING

APPLICANT:

NAME: STANTEC

ADDRESS: 15575 LOS GATOS BLVD., BLG C., LOS GATOS, CA.

CITY BUSINESS LICENSE NO.: 120532

OWNER/LESSEE OF PROPERTY (IF DIFFERENT FROM ABOVE):

NAME: CITY OF SANTA CLARA.

ADDRESS: 1500 WARBURTON AVE., SANTA CLARA, CA.

AS A CONDITION OF THE AGREEMENT, THE APPLICANT (PERMITTEE) HEREBY AGREES AND COVENANTS:

1. TO PAY FEES AND TO COMPLY IN STRICT CONFORMITY WITH THE PROVISIONS OF ALL APPLICABLE CITY OF SANTA CLARA CODES, ORDINANCES, RULES AND REGULATIONS OF THE PERMIT APPLIED FOR, THE GENERAL AND SPECIAL PROVISIONS LISTED ON PAGE 2 AND REQUIREMENTS OF CITY INSPECTORS TO ACCOMPLISH COMPLIANCE;
2. TO SAVE, INDEMNIFY AND TO HOLD HARMLESS THE CITY OF SANTA CLARA, ITS COUNCIL, OFFICERS, EMPLOYEES, AGENTS, SUCCESSORS, AND ASSIGNS FROM ALL LIABILITIES, JUDGMENTS, COSTS AND EXPENSES WHICH MAY ACCRUE AGAINST SAID CITY IN CONSEQUENCE OF THE GRANTING OF THIS AGREEMENT, OR IN ANY WAY CONNECTED WITH OR RELATED TO ANY OPERATION THEREUNDER;
3. TO CONTACT U.S.A. TO VERIFY THE LOCATION OF EXISTING UNDERGROUND FACILITIES;
4. TO OBTAIN AN ENCROACHMENT PERMIT FROM THE ENGINEERING DEPARTMENT PRIOR TO THE CONSTRUCTION OF THE WELL(S);
5. TO PROVIDE A MINIMUM OF 5' HORIZONTAL CLEARANCE FROM ANY WATER OR SANITARY SEWER LINES;
6. A VIOLATION OF ANY TERM, CONDITION OR COVENANT OF THIS AGREEMENT WILL CONSTITUTE CAUSE FOR ITS REVOCATION OR TERMINATION AT WILL AND SOLE DISCRETION OF THE CITY ENGINEER; AND
7. TO NOTIFY, BY LETTER, THE OCCUPANT/OWNER OF PROPERTY(S) ADJACENT TO PROPOSED WELL OF ACTIVITY TO BE CONDUCTED AT THE PROPOSED WELL SITE. A COPY OF SAID LETTER SHALL BE SUBMITTED TO THE ENGINEERING DEPARTMENT PRIOR TO OBTAINING AN ENCROACHMENT PERMIT.

APPLICANT'S SIGNATURE: (FOR STANTEC) DATE: 3-11-14

PRINT NAME: SUCHEON SUNG PHONE NO.: 408-827-3875

THE REQUESTED AGREEMENT IS HEREBY GRANTED AS CONDITIONED:

BY: _____ DATE: _____

CITY ENGINEER

OTHER CONDITIONS:

INSPECTION IS REQUIRED. ANY WORK UNDERTAKEN WITHOUT BENEFIT OF INSPECTION SHALL BE SUBJECT TO REMOVAL AND REINSTALLATION AT PERMITTEE'S EXPENSE. PERMITTEE SHALL NOTIFY CITY ENGINEERING FIELD SERVICES DIVISION BY TELEPHONE (408) 615-3000 AT LEAST ONE (1) FULL CITY WORKING DAY PRIOR TO EXCAVATION AND AGAIN ONE (1) WORKING DAY PRIOR TO INSTALLATION OF FINAL ASPHALT CONCRETE HOT PATCH, IF REQUIRED.

Non-refundable Fee: Contact Engineering Department

File Ref.: S.C. No.: 18,683
Receipt No.: 1407830-1/11

GENERAL PROVISIONS
(ALL APPLICABLE)

1. Permittee shall assume entire responsibility for any and all activities and uses under this Agreement.
2. This Agreement is valid only for the purpose specified herein. No change of program as outlined in application or drawing submitted with application is permitted, except upon prior written permission of the City Engineer.
3. Any damage caused to City property in any way related to or by any activity connected with this Agreement shall be repaired to the satisfaction of the City Engineer at the cost of permittee and without cost to the City. Should permittee neglect to promptly make repairs, City may make repairs or have repairs made, and permittee will be billed and shall pay costs therefore.
4. This Agreement may be revoked by the City on thirty (30) days notice for any cause whatsoever when required by the City Engineer, permittee shall restore the public property or public right-of-way to its condition prior to issuance of the Agreement and then shall vacate the premises. Should permittee neglect to restore the premises to a condition satisfactory to the City Engineer, City may perform such work or have work performed, and permittee agrees to reimburse City for all costs of the work so performed upon receipt of a statement therefore.
5. Permittee shall place and maintain appropriate barricades to maintain safe conditions.

SPECIAL PROVISIONS
(ONLY THOSE ITEMS CHECKED)

✓ Permittee shall submit the final report of the monitoring program to the City of Santa Clara Engineering and Water Departments.

✓ Permittee shall continually maintain the encroachment at his sole cost and expense.

✓ Permittee shall repair and correct any and all defects and deficiencies, due to workmanship or materials in connection with this project, which are discovered within one year from date of final inspection and approval of work by City. Within thirty (30) days of notification of any defects or deficiencies, Permittee shall cause its repair and correction.

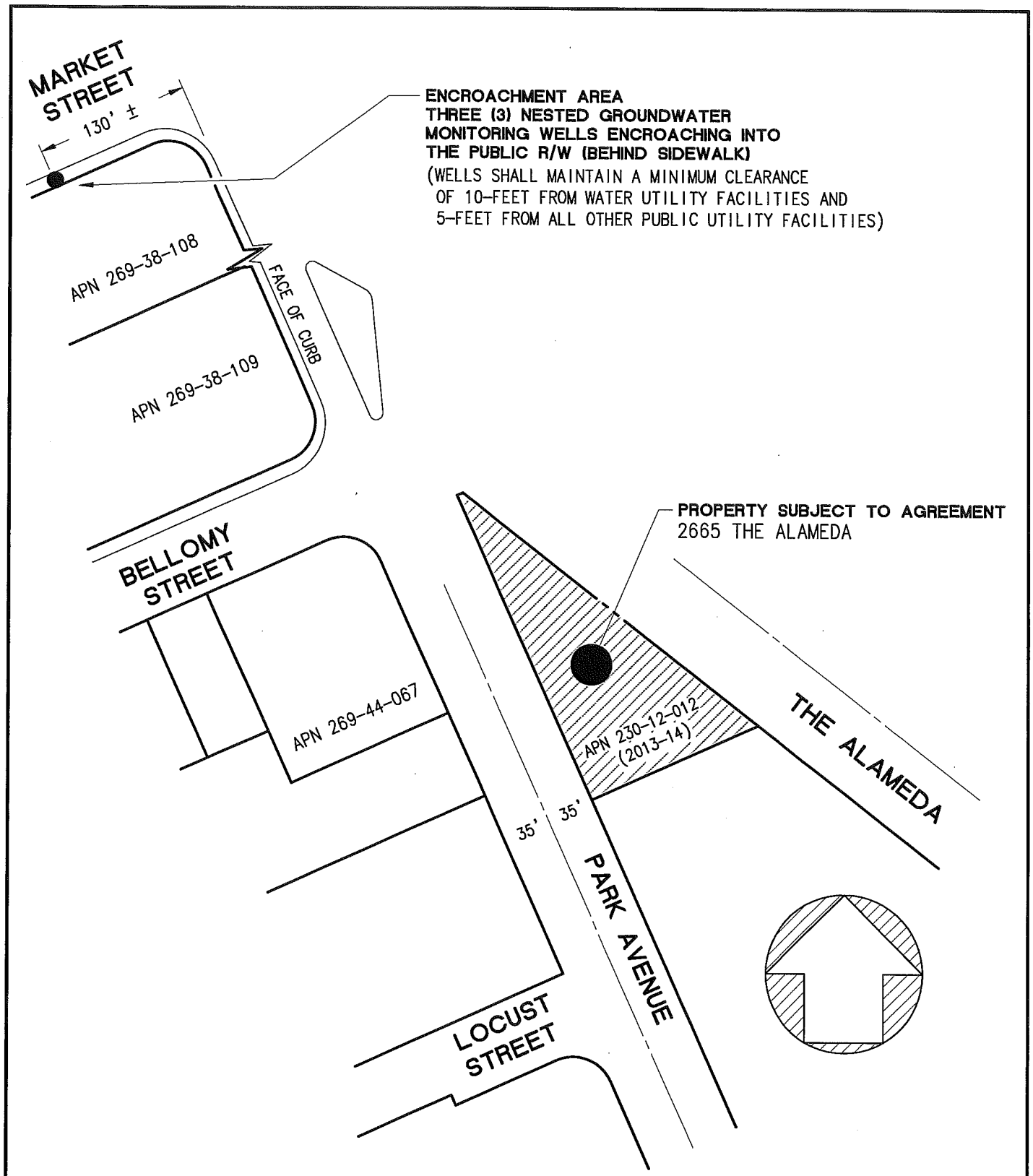
✓ The monitoring well(s) shall be constructed in accordance with the Santa Clara Valley Water District (SCVWD) standards. Upon termination of the groundwater monitoring program, said well(s) shall be sealed in accordance with the SCVWD standards. A copy of the destruction permit issued by the SCVWD, indicating that the well was properly sealed, shall be submitted to the City Water and Engineering Departments. Prior to destruction of well(s), a City of Santa Clara Encroachment Permit shall be obtained, ensuring that street repair shall be in accordance with City Standards.

✓ Permittee shall secure a durable identification tag to the well cap including but not limited to the following information: 1, Name and phone number of firm maintaining the well(s). 2, Designation of well(s). 3, Date of installation of well(s).

✓ Other: WELLS SHALL MAINTAIN A MINIMUM CLEARANCE OF 10-FEET FROM WATER UTILITY FACILITIES & 5-FEET FROM ALL OTHER PUBLIC UTILITY FACILITIES.

Approximate location of the well(s) is(are) shown on the attached City Tracing No. 12,025-A

Permittee is hereby given notice of an existing state law (Sec. 4215 et. Seq., Chapter 3.1, Division 5, Title 1 of the Government Code), as amended by A.B. 73, effective January 1, 1990. Said law requires owners of underground facilities to join a regional notification center, e.g. USA; requires Contractors to contact such a regional notification center prior to excavation; and requires Owners to mark their underground facilities when notified; and sets civil penalties for failure to comply therewith.



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Revised		CITY OF SANTA CLARA	Scale 1" = 100'
Drawn By ND	04-03-14		
Checked By RBSantos	04-16-14	MONITORING WELL ENCROACHMENT AGREEMENT	Ref. SC 18,683
Approved By G. Gomez	Date 4-11-14		
RAJEEV BATRA DIRECTOR OF PUBLIC WORKS/CITY ENGINEER		2665 THE ALAMEDA	Tracing No. 12,025-A

12,025-A

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7D-1

Santa Clara All-America City 2001

Date: March 31, 2014

To: City Manager for Council Information

From: Director of Planning and Inspection

Subject: Note and File: Historical and Landmarks Commission Minutes of February 6, 2014

On March 6, 2014, the Historical and Landmarks Commission approved its Minutes of February 6, 2014. These Minutes are now being brought forward to the City Council to be noted and filed. Any items on these Minutes marked for City Council Action were either brought forward already or will be brought forward under separate cover accompanied by a separate Agenda Report.

Kevin L. Riley
Director of Planning and Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) Historical and Landmarks Commission Minutes of February 6, 2014

I:\PLANNING\Templates and Exhibits\Agendas and Minutes\Minutes Agenda Report.doc

City of Santa Clara
HISTORICAL AND LANDMARKS COMMISSION MEETING MINUTES
Thursday, February 6, 2014 – 7:00 P.M.
CITY COUNCIL CHAMBERS
1505 Warburton Avenue
Santa Clara, CA 95050

Please refer to the Historical and Landmarks Commission Procedural Items guideline for information on all procedural matters.
An audio recording of this meeting is available in the Planning Office for review or purchase the Friday following the meeting.

ITEMS FOR COUNCIL ACTION

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

- **Agenda Item No. 8.B.:** Rezoning from CT to PD - 1460 & 1476 Monroe Street, 1386 El Camino Real, and 1485 Madison Street

1. CALL TO ORDER
The meeting was called to order at 7:03 p.m.

2. ROLL CALL
Commissioners Present: Chair Brian Johns, Michael Hyams, Robert Luckinbill, Jeannie Mahan, and Kris Motyka

Commissioners Excused: Jerry McKee, and J.L. "Spike" Standifer

Staff Present: Yen Chen, Associate Planner, Shaun Lacey, Assistant Planner II (Item 8.A., 9.A.i.), and Payal Bagaht, Assistant Planner II (Item 8.B)

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS
Copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing. Chair Johns reviewed this procedure.

4. DECLARATION OF COMMISSION PROCEDURES
Chair Johns reviewed the Historical and Landmarks Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES
A. Withdrawals – None
B. Continuances - None
C. Exceptions – None

6. ORAL PETITIONS/ANNOUNCEMENTS AND COMMUNICATIONS

- **None**

7. CONSENT CALENDAR

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

- **None**

**********END OF CONSENT CALENDAR**********

8. PUBLIC MEETNG ITEMS

8.A.	File No.(s):	**PLN2013-09691**
	Location:	1593 Lexington Street, an 11,325 square foot parcel located at the northeast corner of Lexington Street and Lincoln Street (APN: 269-26-012). Property is zoned Medium-Density, Multiple-Family Residential (R3-36D).
	Applicant / Owner:	Fawzy Ismail
	Request:	**Design Review** of a new detached residential accessory unit and conversion of a basement to habitable living space
	CEQA Determination:	Categorical Exemption per CEQA Section 15303, New Construction
	Project Planner:	Shaun Lacey, AICP, Assistant Planner II
	Staff Recommendation:	**Recommend Approval, subject to conditions**

Notice: The notice of public meeting for these items was posted within 300 feet of the site and was mailed to property owners within 300 feet.

Discussion:

Mr. Lacey gave a brief presentation of the project and responded to Commissioner questions. He noted that the applicant provided revised drawings per the direction of the Commission, and that the Commission's motion would be entertained by the Planning Commission at a future meeting. He also noted that the proposal was shared with Craig Mineweaser, AIA, the Volunteer Architectural Advisor to the HLC, and Lorie Garcia, Honorary City Historian, for consideration.

The public comment period was opened. Several members of the community noted concerns about the project, including the structural integrity of the existing house, substandard parking for the property, and the number of bedrooms proposed within the basement. The public comment period was closed.

The Commission discussed the proposal before them. Commissioner Mahan noted concerns about the potential number of bedrooms proposed, in that the impact would be detrimental to the historic value of the neighborhood. Commissioner Johns noted the proposal to raise the house to meet the basement height clearances was not compatible with preserving the historic integrity of the existing house. Commissioner Motyka noted that she did not believe that the request was compatible with the General Plan and that the project did not meet the Secretary of the Interior's Standards for Historic Preservation.

Motion/Action:
It was moved by Commissioner Motyka, seconded by Commissioner Hyams and was carried (5-0-0-2, McKee and Standifer absent) to recommend denial of the project, subject to the finding that the project was incompatible with nearby historic resources in the neighborhood.

8.B.	File No.(s):	**PLN2013-09113**
	Location:	1460 & 1476 Monroe Street, 1386 El Camino Real, and 1485 Madison Street, six parcels totaling 29,185 square foot site located between the block of Monroe and Madison Street fronting El Camino Real; APN(s): 269-03-067, -068, -075, -142, -143, & -147; property is zoned Thoroughfare Commercial (CT)
	Applicant / Owner:	SiliconSage Builders
	Request:	**Design Review** of a mixed use four story building with 5,100 square foot retail and 1,370 square foot first floor office and three floors of one, two, and three bedroom condominium units above. The project includes demolition of existing structures onsite and construction of surface and below grade parking, widened sidewalks, landscaping, and other improvements
	CEQA Determination:	Mitigated Negative Declaration
	Project Planner:	Payal Bhagat, Assistant Planner II
	Staff Recommendation:	Recommend Approval, subject to conditions

Notice: The notice of public meeting for these items was posted within 500 feet of the site and was mailed to property owners within 500 feet.

Discussion:
Ms. Bagaht gave a brief presentation of the project. Mr. Erik Schoennauer introduced the project design. Lorie Garcia, Honorary City Historian submitted written comments on the association with significant events and persons important to the history of Santa Clara for the property. She also noted in her comments that the historical and architectural evaluation needs to be re-written to correct inaccuracies. Mr. Schoennauer responded to Commission concerns on the parking. He noted that the homeowners association and CC&R's will restrict the parking between the commercial and residential uses.

The public comment period was opened. Eliza Thompson noted concerns over shadowing over from the project and adequacy of parking. Sarah Doty noted concerns over construction hours and noise, asbestos and lead paint abatement. Judy Tucker noted concerns over the overall height of the building. She commented that with more than 2 persons per bedroom there is not adequate parking. Randy Jurrat commented that 4 stories is not appropriate for this section of the El Camino Real. He noted the project does not fit in with the Old Quad area. Kevin Moore noted his support for the project and commented the project will clean up the area. He noted in the past the Old Quad Task Force was looking at Mission Style architecture for this segment of the El Camino Real. The pubic comment period was closed.

Mr. Schoennauer discussed the availability of parking on each level of the garage and commented that there are eleven extra tandem spaces. Shannon George from David J. Powers & Associates, Inc. noted that over time the property has been modified resulting in the loss of integrity. She noted that MBA Architects reviewed the existing conditions and that Marvin Bamburg, AIA has over 35 years experience in historic preservation architecture.

The Commission discussed the need to update and correct the historical and architectural survey. The Commission noted that building no longer has integrity, and inquired whether the

building can be relocated instead of being demolished. The Commission commented that the structure is part of Santa Clara past and should be saved.

Motion/Action:
It was moved by Commissioner Luckinbill, seconded by Commissioner Motyka and was carried (5-0-0-2, McKee and Standifer absent) to recommend approval of the project, subject to the following:

1) The applicant shall make the existing house at 1460 Monroe Street available for relocation with no option for demolition;
2) Provide an updated historical and architectural survey (DPR); and
3) The applicant is to provide the "EPA Renovation, Repair and Painting Rule" for lead paint to the job site contractor.

9. OTHER BUSINESS

9.A. Commission Procedures and Staff Communications

i. Announcements/Other Items

- Historical Evaluation for 166 Saratoga Avenue (PLN2013-10111)
  - Mr. Lacey noted that the intent of the referral is to introduce the scope of work and the historical assessment for the property to the Commission. The Commission noted discrepancy on the age of the structures and ask for clarity on when the structure was relocated to the site.
- Monthly Report on HT properties: Residential reversions (verbal update)
  - None.
- Office of Historic Preservation – eLearning Training (Yen Chen)
  - Mr. Chen informed the Commission that future eLearning will occur at the end of the meetings as time permits. A number of Preservation Ordinance Ad-hoc Committee meetings are now scheduled for the time slot before regular HLC meetings.

ii. Report of the Liaison from the Planning and Inspection Department

- City Council and Planning Commission Actions (verbal update)
  - Mr. Chen gave a brief overview of items before the City Council and Planning Commission.
  - Ms. Sarah Doty commented that the Planning staff misrepresents HLC position at the Planning Commission Meeting. She recommends that the HLC members attend the Planning Commission meeting when 1593 Lexington Street is on the agenda.

iii. Commission/Board Liaison and Reports

- Santa Clara Arts and Historic Consortium (McKee / Standifer as alternate) [Fourth Monday of each month at 7:15 p.m. - Headen-Inman House]
- Historic Preservation Society of Santa Clara (Mahan / Luckinbill as alternate) [Second Friday of each month at 10:00 a.m. - Harris Lass Preserve]
  - Commissioner Mahan reported on the spring time preparations and maintenance of the gardens. The organization is seeing assistance from the City to redo the orchard. She noted that $1200 was provided by the Historic Home Tour proceeds for the repair of the barn.
- Old Quad Residents Association (Motyka / Hyams as alternate)
  - Commissioner Motyka reported that the Association is re-energized. Approximately 65 to 70 people attended the February 5th meeting. The meeting facility was provided by SCU. People in attendance donated funds to the organization and many sign up to be members and paid dues.
  - Mr. Chen requested contact information for the organization be updated once officers have been seated.
  - Mr. Lou Faria noted agendas and mailings to the Old Quad Residents Association should be sent to P.O. Box 1241, Santa Clara, CA 95052.

- Commissioner Johns noted that agendas are posted on the City's website the Friday before the HLC meeting.
- Architectural Committee (Mahan / Johns as alternate)
- Agnews Historic Cemetery Museum Committee (Standifer / Luckinbill as alternate)
- BART/ High Speed Rail/ VTA BRT Committee (Johns / McKee as alternate)
- Zoning Ordinance Update (Motyka / Johns as Alternate)
- Mr. Chen reported the City has issued an RFP for outside consultant assistance on the ordinance update.
- Preservation Ordinance Ad-hoc Committee (Motyka and Mahan / Luckinbill and McKee as alternate)
- Commissioner Mahan noted that Committee is using the County ordinance as a base. Commissioner Motyka noted there is a proposal to have a working meeting City Council, and that staff resources will be available to assist the Committees work.
- Sesquicentennial Railroad Depot Celebration (Mahan / Johns as alternate)
- Commissioner Mahan thanked everyone for attending and manning the table.

iv. Commission Activities

- Commissioner Travel and Training Reports
- California Preservation Annual Conference will be discussed next meeting. The conference will be held at the Asilomar conference Grounds, Pacific Grove, April 22 thru 25.

v. Upcoming Agenda Items

- Technical Review of Resources for Maywood Tract – March 2014
- Annual report on matter of document retention – December 2014
- Tour of the City's Mackay neighborhoods – TBD
- Franklin Post Office Update (Lorie Garcia) – TBD
- Review of Street Name List (Lorie Garcia) – TBD
- Office of Historic Preservation – eLearning Training (Yen Chen) – TBD

10. ADJOURNMENT

The meeting was adjourned at 9:49 p.m. The next regular Historical and Landmarks Commission meeting will be held on Thursday, March 6, 2014 at 7:00 p.m. in the City Council Chambers.

Prepared by: Yen Chen
Yen Chen
Associate Planner

Approved: Gloria Sciara
Gloria Sciara, AICP
Development Review Officer

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Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # MD-2

Santa Clara All-America City 2001

Date: March 31, 2014

To: City Manager for Council Information

From: Director of Planning and Inspection

Subject: Note and File: Historical and Landmarks Commission Minutes of January 9, 2014

On March 6, 2014, the Historical and Landmarks Commission approved its Minutes of January 9, 2014. These Minutes are now being brought forward to the City Council to be noted and filed. Any items on these Minutes marked for City Council Action were either brought forward already or will be brought forward under separate cover accompanied by a separate Agenda Report.

Kevin L. Riley
Director of Planning and Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) Historical and Landmarks Commission Minutes of January 9, 2014

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City of Santa Clara

HISTORICAL AND LANDMARKS COMMISSION MEETING MINUTES

Thursday, January 9, 2014 – 7:00 P.M.
CITY COUNCIL CHAMBERS
1505 Warburton Avenue
Santa Clara, CA 95050

Please refer to the Historical and Landmarks Commission Procedural Items guideline for information on all procedural matters.
An audio recording of this meeting is available in the Planning Office for review or purchase the Friday following the meeting.

ITEMS FOR COUNCIL ACTION

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

- **None**

1. CALL TO ORDER

The meeting was called to order at 7:03 p.m.

2. ROLL CALL

Commissioners Present: Chair Brian Johns, Michael Hyams, Robert Luckinbill, Jeannie Mahan, and J.L. "Spike" Standifer

Commissioner Excused: Kris Motyka and Jerry McKee

Staff Present: Yen Chen, Associate Planner, Payal Bhagat, Assistant Planner II (Item 8.B.)

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing. Chair Johns reviewed this procedure.

4. DECLARATION OF COMMISSION PROCEDURES

Chair Johns reviewed the Historical and Landmarks Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

A. Withdrawals – None
B. Continuances - None
C. Exceptions - None

6. ORAL PETITIONS/ANNOUNCEMENTS AND COMMUNICATIONS

- Ms. Sarah Doty requested to be placed on a future agenda. She plans to brief the Commission on her research of clerk records on the role of the Commission.

7. CONSENT CALENDAR

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

7.A. Approval of Historical and Landmarks Commission Minutes for the meeting of December 4, 2013.

Motion/Action:
It was moved by Commissioner Luckinbill, seconded by Commissioner Mahan and was carried (5-0-0-2) to approve the Minutes of December 4, 2013

**********END OF CONSENT CALENDAR**********

8. PUBLIC MEETNG ITEMS

8.A.	File No.(s):	**PLN2013-10069**
	Location:	500 El Camino Real, Building 109, Santa Clara University Nobili Hall, between Mayer Theater and Adobe Lodge, directly behind the Mission Church; APN: 269-23-073; property is zoned Public, Quasi-public, and Public Park or Recreation Zoning District (B)
	Applicant/Owner:	Joe Sugg, Santa Clara University
	Request:	**Design Review** of a lobby expansion in Nobili Hall; the project includes renovation of the interior stairway
	CEQA Determination:	Categorical Exemption per CEQA Section 15331, Historical Resource Restoration/Rehabilitation
	Project Planner:	Debby Fernandez, Associate Planner
	Staff Recommendation:	**Recommend Approval, subject to conditions**

Notice: The notice of public meeting for these items was posted within 300 feet of the site and was mailed to property owners within 300 feet.

Discussion:
Mr. Chen gave a brief presentation of the project. On November 7, 2013, Commission reviewed the proposal. Following public comment and discussion, the Commission requested additional information from the University to assist in evaluating the proposal and continued the project.

Mr. Salvatore Caruso, AIA, representing Santa Clara University, provided photographs of the stairs. He noted that the proposal is to modify the entry to accommodate accessibility and safety. The proposal entails moving the newel post back three feet to create a foyer. The public comment period was open and closed with no public comment.

The Commission inquired about the recommended Findings of Effect Report and impact on future designation as a State or National resource. Mr. Craig Mineweaser, AIA, the Volunteer Architectural Advisor to the HLC, noted the applicant, by clarifying the proposal to use Historic Building Code and to keep and reuse the existing stairwell, results in a minor alteration. Mr. Mineweaser also noted that, providing documentation on the change will assist in the future if the applicant was to apply for State or National designated resource.

Motion/Action:
It was moved by Commissioner Luckinbill, seconded by Commissioner Hyams and was carried (5-0-0-2, Motyka and McKee absent), to recommend approval of the project, subject to using the Historic Building code and reuse of the stair well materials.

8.B.	File No.(s):	**PLN2013-10117**
	Location:	1277 Lafayette Street, a 6,500 square foot site located approximately fifty feet south east from the intersection of Harrison Street and Lafayette Street; APN: 269-16-063; Property is zoned Single-Family (R1-6L)
	Applicant/Owner:	Salvatore Caruso/Eugene Korsunsly
	Request:	**Design Review** of a 375 square foot addition to the main structure and construction of a 639 square foot dwelling unit above a new two car garage in the rear yard
	CEQA Determination:	Categorical Exemption per CEQA Section 15303, New Construction
	Project Planner:	Payal Bhagat, Assistant Planner II
	Staff Recommendation:	**Recommend Approval, subject to conditions**

Notice: The notice of public meeting for these items was posted within 300 feet of the site and was mailed to property owners within 300 feet.

Discussion:
Ms. Bhagat gave a brief presentation of the project. The Commission reviewed a letter in opposition to the proposed change to Planned Development zoning from Shirley Odou dated January 9, 2014. Craig Mineweaser, AIA, the Volunteer Architectural Advisor to the HLC commented that a variance is a better application process for these types of projects. He commented that the addition to the rear of the residence is not visible. He also noted that impacts to the streetscape are limited since the two story unit above the garage is located at the back of the lot. Mr. Sal Caruso explained that the Planning Application for a rezone to Planned Development is necessary due to the limitations of the Single Family zoning district. Mr. Caruso presented photos of the existing residence and noted that the existing large fig tree in the back yard will be replaced with a medium size tree.

The public comment period was opened. Ms. Judy Tucker commented that parking is limited on Lafayette Street. She noted concerns over the number of bedrooms proposed and the possible use of the property as student housing. Ms. Sarah Doty noted that backing out on Lafayette Street is dangerous. The pubic comment period was closed.

Commissioner Mahan noted the proposed intensification of the lot and the possible use of the student hosing will have an impact to the surrounding properties. She noted her concerns over parking impacts upon the neighborhood. Commissioner Standifer concurred and noted the need to preserve the Old Quad. Commissioner Hyams discussed the efforts to protect the single family residential neighborhood in the Old Quad and commented on City policies adopted with GP Amendment #34 back in 1994. Commissioner Luckinbill stated that he was concerned with parking, however, the matter should be addressed by the Planning Commission and City Council. Commissioner Johns noted concerns over the use of the Planned Development instead of pursuing the proposal as a variance application. He then noted that under a variance application the project might not be supported.

The Commission discussed the concerns over parking, number of bedrooms and student housing. Mr. Sal Caruso noted that cars can turn around on the lot and there is no need to back out onto Lafayette Street.

The Commission re-opened the public comment period. Ms. Judy Tucker noted concerns over the amount of hardscape being proposed. She has seen in the Old Quad reduction of open space in back yards. Ms. Sarah Doty spoke on the need to be sensitive to Old Quad residents that have decided to maintain the use of properties single family residences. She also noted her concerns over possible parking impacts to surrounding neighborhood. Mr. James Rowen commented Santa Clara University is the oldest resident in the Old Quad. He commented that houses should be allowed to build taller and larger where there are no impacts to surrounding properties. Mr. Sal Caruso responded that the concrete surface area is less than 50% of the improved area and referred to drawings. The pubic comment period was closed.

Motion/Action:
It was moved by Commissioner Luckinbill, seconded by Commissioner Hyams and was carried (5-0-0-2, Motyka and McKee absent) to recommend approval of the addition to the rear of the main house.

It was moved by Commissioner Luckinbill, seconded by Commissioner Johns and was carried (4-1-0-2, Standifer opposed, Motyka and McKee absent) to recommend approval of the addition to the rear of the main house and construction of the two car garage.

It was moved by Commissioner Johns, seconded by Commissioner Hyams and was lost (2-3-0-2, Johns and Luckinbill in favor, Hyams, Mahan and Standifer opposed, Motyka and McKee absent) to recommend approval of the addition to the rear of the main house, construction of the dwelling unit above the new two car garage.

8.C.	File No.(s):	**PLN2013-10087**
	Location:	1545 Newhall Street, a 6,753 sf. parcel located on the north side of Newhall Street, approximately 300 feet east of Alviso Street; APN: 269-52-091; property is zoned Single-Family (R1-6L)
	Applicant/Owner:	Don M. Hare, Brandon M. Hare
	Request:	**Design Review** of a new 550 square foot detached accessory structure addition to a single-story home; the property is located within 100 feet of a historic resource
	CEQA Determination:	Categorical Exemption per CEQA Section 15301, Existing Facilities
	Project Planner:	Steve Le, Planning Intern
	Staff Recommendation:	**Recommend Approval, subject to conditions**

Notice: The notice of public meeting for these items was posted within 300 feet of the site and was mailed to property owners within 300 feet.

Discussion:
Mr. Chen gave a brief presentation of the project. Mr. Brandon Hare commented that the project will convert the existing two-car garage to living space and construct a new garage at the rear of the property with access to Kaiser Alley. The public comment period was opened. Ms. Judy Tucker commented on the oversized garage and inquired about its relationship to the lot size. The pubic comment period was closed.

The Commission noted that similar size structures and garage uses line the alley. Mr. Chen noted that other properties that face Newhall Street also have access from Kaiser Alley.

Motion/Action:
It was moved by Commissioner Hyams, seconded by Commissioner Mahan and was carried (5-0-0-2, Motyka and McKee absent), to recommend approval of the project.

9. OTHER BUSINESS

9.A. Commission Procedures and Staff Communications

i. Announcements/Other Items

- Request from Sarah Doty – Re: 1077 Harrison Street / "Harrison Street Block"
  - Ms. Sarah Doty noted that December 3, 1981 the HLC supported National listing of the property. She noted at that time, even with the HABS report, not all the homeowners on Harrison Street supported listing.
  - Craig Mineweaser, AIA, the Volunteer Architectural Advisor to the HLC noted that the body of record for a nomination is extensive.
  - Mr. James Rowen commented that the item was not properly noticed or listed correctly on the agenda. He was concerned that this was a Brown Act violation. He also commented the entirety of the Harrison Street Block should be informed and part of the request. He noted piece meal consideration of the project is not appropriate.
  - The Commission noted that the effort to obtain listing is a good idea.
  - Mr. Chen noted that a formal request would be referred to the City once an application is completed with the State Historic Preservation Office.
  - It was moved by Commissioner Luckinbill, seconded by Commissioner Hyams and was carried (5-0-0-2, Motyka and McKee absent), that formal reviews received by the City for National or State listings be placed on the HLC agenda review and comment.
- Email from Judy Tucker – Re: HLC meeting 12/5/13
  - Chair Johns noted receiving the complimentary email from Ms. Tucker.
- California's Statewide Historic Preservation Plan 2013-2017 (verbal update)
  - Mr. Chen noted the full plan is on-line and the handout is the executive summary.
- Update on Morse Mansion (verbal update)
  - Mr. Chen provided an update on the Morse Mansion. He noted that the resolution on the removal of trees and landscaping is being pursued by the Planning staff.
- Zoning Ordinance Update (verbal update)
  - Mr. Chen noted that outside consultants will be assisting the Planning staff with the update to the zoning ordinance.
- Monthly Report on HT properties: Residential reversions (verbal update)
  - None.
- Annual report on matter of document retention (verbal update)
  - No items to report.

ii. Report of the Liaison from the Planning and Inspection Department

- City Council and Planning Commission Actions (verbal update)
  - Mr. Chen gave a brief overview of items before the City Council and Planning Commission.

iii. Commission/Board Liaison and Committee Reports

- Santa Clara Arts and Historic Consortium (McKee / Standifer as alternate) [Fourth Monday of each month at 7:15 p.m. - Headen-Inman House]
- Historic Preservation Society of Santa Clara (Mahan / Luckinbill as alternate) [Second Friday of each month at 10:00 a.m. - Harris Lass Preserve]
  - Commissioner Mahan noted that 818 tickets were sold. Generating a profit of approximately $12,000 of which $6,000 goes to Harris Lass and the other funds will be for senior services, fire and railroad museum.
- Old Quad Residents Association (Motyka / Hyams as alternate)
  - Commissioner Hyams noted that 20 people were in attendance at the December 14th meeting. The purpose of the meeting was to find out the interest of the members, create a mission statement. Next meeting is set for mid-January to determine how to broaden membership.
- Architectural Committee (Mahan / Johns as alternate)
- Agnews Historic Cemetery Museum Committee (Standifer / Luckinbill as alternate)

- BART/ High Speed Rail/ VTA BRT Committee (Johns / McKee as alternate)
- Zoning Ordinance Update (Motyka / Johns as Alternate)
- Preservation Ordinance Ad-hoc Committee (Motyka and Mahan / Luckinbill and McKee as alternate)
  - The Committee is progressing forward with the use of the Santa Clara County as a basis for the preservation ordinance.
- Sesquicentennial Railroad Depot Celebration (Mahan / Johns as alternate)
  - The event is on January 18 from 11:00am to 3:00pm. The Commission will have a table inside the depot.

iv. Commission Activities

- Commissioner Travel and Training Reports

v. Upcoming Agenda Items

- Technical Review of Resources for Maywood Tract – March 2014
- Tour of the City's Mackay neighborhoods (Yen Chen) - TBD
- Franklin Post Office Update (Lorie Garcia) – TBD
- Review of Street Name List (Lorie Garcia) – TBD
- Office of Historic Preservation – eLearning Training (Yen Chen) - TBD

10. ADJOURNMENT

The meeting was adjourned at 9:38 p.m. The next regular Historical and Landmarks Commission meeting will be held on Thursday, February 6, 2014 at 7:00 p.m. in the City Council Chambers.

Prepared by: Yen Chen
Yen Chen
Associate Planner

Approved: Gloria Sciara
Gloria Sciara, AICP
Development Review Officer

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Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # MD-3 /

Santa Clara
All-America City
2001

Date: March 31, 2014

To: City Manager for Council Information

From: Director of Planning and Inspection

Subject: Note and File: Planning Commission Minutes of February 12, 2014

On March 12, 2014, the Planning Commission approved its Minutes of February 12, 2014. These Minutes are now being brought forward to the City Council to be noted and filed. Any items on these Minutes marked for City Council Action were either brought forward already or will be brought forward under separate cover accompanied by a separate Agenda Report.

Kevin L. Riley
Director of Planning and Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) Planning Commission Minutes of February 12, 2014

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City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, February 12, 2014 – 7:00 P.M.

CITY COUNCIL CHAMBERS
1500 Warburton Avenue
Santa Clara, CA 95050

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.
An audio recording of this meeting is available in the Planning Office for review or purchase the Friday following the meeting.

ITEMS FOR COUNCIL ACTION

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

- **Item 7.B.**: File No.(s) PLN2013-09776 / CEQ2013-01164, Location: 2121 Laurelwood Road, Rezone from Planned Development (PD) to Light Industrial (ML) allowing a self storage and U-Haul facility; (Follow-up action: Adoption of Resolutions Recommending City Council Approval per Recommendation at Planning Commission meeting of January 15, 2014)
- **Item 8.A.**: File No.(s) PLN2012-09113, PLN2013-09656, CEQ2013-01167, Location: 1460 & 1476 Monroe Street, 1386 El Camino Real, and 1485 Madison Street, APN(s) 269-03-067,-068,-075,-142,-143,-147; Rezoning for four story mixed use building with 28 residential condominium units and ground floor retail and office

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

Chair Champeny initiated the Pledge of Allegiance, and the Statement of Values was read.

2. ROLL CALL

The following Commissioners responded to roll call: Chair Ian Champeny, Raj Chahal, Deborah Costa, Yuki Ikezi, Keith Stattenfield, and Joe Sweeney. Commissioner Kelly was excused.

Staff present were City Planner Steve Lynch, Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, Assistant Planner II Payal Bhagat, and Office Specialist IV Megan Zimmershead.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES

Chair Champeny reviewed the Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

A. Withdrawals - None
B. Continuances without a hearing – None
C. Exceptions (requests for agenda items to be taken out of order) - None

6. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

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

None.

7. CONSENT CALENDAR

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

7.A. Planning Commission Minutes of January 15, 2014

7.B.	**File No.(s):**	**PLN2013-09776 / CEQ2013-01164**
	Location:	2121 Laurelwood Road/ APN: 104-14-153
	Applicant/Owner:	Jim Lorimer/ SPI Holdings, Inc.
	Subject:	*(Continuation of Closed Public Hearing for the purpose of Approving Resolutions per action taken by Planning Commission on January 14, 2014 for the following request)*
	Prior Request:	**Rezone** from Planned Development (PD) to Light Industrial (ML); Use Permit to allow conversion and expansion of an existing legal nonconforming commercial warehouse use to a self storage facility with outdoor vehicle storage and leasing in conjunction with a reduced minimum on-site parking requirement; and Adoption of Mitigated Negative Declaration
	CEQA Determination:	Mitigated Negative Declaration
	Project Planner:	Debby Fernandez, Associate Planner
	Action Requested:	**Approve Resolutions recommending City Council Approval, subject to conditions**

Motion/Action: The Commission motioned to approve the Consent Calendar unanimously, (6-0-1-0, Kelly absent).

**********END OF CONSENT CALENDAR**********

8. PUBLIC HEARING ITEMS

8.A.	**File No.(s):**	**PLN2012-09113, PLN2013-09656, and CEQ2013-01167**
	Address/APN:	1460 & 1476 Monroe Street, 1386 El Camino Real, and 1485 Madison Street, APN(s) 269-03-067, -068,

	-075, -142, -143, -147
Applicant/Owner:	Sanjeev Acharya, SiliconSage Builders, LLC
Request:	**Rezone** from CT(Thoroughfare Commercial) to PD (Planned Development) to allow a four story mixed use building with 5,100 square feet of retail, 1,370 square feet of office, and 28 residential condominium units; **Adoption** of Mitigated Negative Declaration
CEQA Determination:	Mitigated Negative Declaration
Project Planner:	Payal Bhagat, Assistant Planner II
Staff Recommendation:	**Recommend City Council Approval, subject to conditions**

Notice: The notice of public hearing for Item 8.A. was posted and mailed to property owners within 500 feet of the project site.

Discussion: Payal Bhagat gave a brief presentation on the project.

Commissioner Costa disclosed that she had previously engaged in financial dealings with SiliconSage Builders and noted that all business is now closed.

The Commission discussed the stormwater requirements and the density allowed under the General Plan and the related State density bonus granted for providing affordable housing.

Eric Schoennauer, representative for applicant, gave a presentation on the project noting the community meetings and public outreach efforts for the project. Mr. Schoennauer highlighted the overall design of the project, including increased setbacks, landscaping, architecture, and privacy features. It was noted that the Historical & Landmarks Commission recommended approval of the overall design. Additional features of the project, including electric vehicle parking and a high "walkability" score were also noted.

The Commission inquired about the parking separation for the retail and residential components of the project. It was explained that the outdoor parking would be reserved for retail use during business hours and that residents could park there after close of business. The residential parking would be clearly marked and restricted to residential use at all times. It was noted that four total vehicle charging stations will be on-site, two in each of the retail and residential parking areas. The residential parking area will be constructed and wired for future additional charging station parking spaces should the need arise. As the project will provide for-sale residential and retail condominiums, parking will be managed by a homeowners' association (HOA). The Commission noted that the City currently does not require electric vehicle chagrining stations, though they are strongly encouraged through the Climate Action Plan.

The Public Hearing was opened.

Lawrence Morrison, neighboring resident, stated that he was not aware of any community meetings and expressed concern for the lack of affordable housing in Santa Clara. Mr. Morrison stated that the cost of housing will force seniors and other people with lower incomes out of the City.

The Commission clarified the outreach efforts, community meeting dates, the Council Study Session date, and corresponding noticing efforts.

Sarah Doty, Santa Clara resident, stated that the outreach to neighbors was inadequate. Ms. Doty was appreciative of the charging stations and urged the Commission to review and modify the construction regulations, including water runoff, dust control, noise control, and construction hours. Ms. Doty added that the project should be a maximum of three stories, have more open

space, and that the privacy trees should be a taller species.

Kevin Moore, Santa Clara resident, stated that he had served on the El Camino Taskforce which envisioned projects like this. Mr. Moore stated that the project was great for the future residents of the building and the general neighborhood as it will keep people in Santa Clara instead of having them travel to Campbell or Willow Glen.

In a rebuttal statement, Mr. Schoennauer stated that all public outreach requirements were met and exceeded in that notices were mailed and posted within 500 feet of the project site, and that the applicant talked to neighbors and walked the neighborhood to meet residents and discuss the project.

The Public Hearing was closed.

The Commission clarified that the hours of construction cannot be modified by the Planning Commission.

The Commission expressed concern for the residents that will need to relocate as a result of this project and urged the applicant to help with relocation efforts.

Motion/Action: The Commission motioned to adopt a resolution to recommend that the City Council approve the Mitigated Negative Declaration for the property located at 1460 & 1476 Monroe Street, 1386 El Camino Real, and 1485 Madison Street unanimously (6-0-1-0, Kelly absent).

The Commission discussed the existing house on the project site and noted that the HLC requested that the house be relocated and not demolished. A condition to restrict the demolition of the house until such time as the house has been relocated or a defined minimum period of time has passed was discussed. The applicant stated that he would be agreeable to a condition that required two months to pass before the house could be demolished.

Motion/Action: The Commission motioned to adopt a resolution to recommend that the City Council approve the rezone of the property located at 1460 & 1476 Monroe Street, 1386 El Camino Real, and 1485 Madison Street from Thoroughfare Commercial (CT) to Planned Development (PD) unanimously (6-0-1-0, Kelly absent) with the following added condition:

1) Prior to issuance of the demolition permit, the applicant shall make the existing house (currently used as a sales office) available for a minimum period of 60-days for either salvage or relocation.

Motion/Action: The Commission motioned to adopt a resolution to recommend that the Council approve the Tentative Subdivision Map for property located at 1460 & 1476 Monroe Street, 1386 El Camino Real, and 1485 Madison Street unanimously (6-0-1-0, Kelly absent).

9. OTHER BUSINESS

9.A. Commission Procedures and Staff Communications

i. Announcements/Other Items

- Commissioner Stattenfield requested to be excused from the meeting of March 12, 2014. The Commission motioned to excuse Commissioner Stattenfield unanimously (6-0-1-0, Kelly absent).

ii. Report of the Director of Planning and Inspection

- City Council Action

iii. Commission/Board Liaison and Committee Reports

- Architectural Committee: Commissioners Stattenfield and Chahal
- Station Area Plan: Commissioner Champeny

- General Plan sub-Committee: Commissioners Champeny and Ikezi
- Historic Preservation Ordinance Committee: Commissioners Chahal and Ikezi

iv. Commission Activities

- Commissioner Travel and Training Reports; Requests to Attend Training
- Planning Commissioners Academy: It was confirmed that Commissioners Kelly and Sweeney would attend the Planning Commissioners Academy.
- APA National Conference: It was confirmed that Commissioners Chahal, and Champeny would attend the APA National Conference.
- CalAPA Conference: Commissioner Ikezi expressed attending the CalAPA conference.

v. Follow-ups to Planning Commission Action/Requests

- Miscellaneous

vi. Upcoming agenda items

10. ADJOURNMENT

The meeting adjourned at 8:21 p.m. The next regular Planning Commission meeting will be held on Wednesday, March 12, 2014, at 7:00 p.m.

Prepared by: _____
Megan Zimmershead
Office Specialist IV

Approved: _____
Kevin L. Riley
Director of Planning & Inspection

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Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 8-A

Date: April 11, 2014

To: City Manager for Council Action

From: Acting Housing and Community Services Division Manager

Subject: PUBLIC HEARING: Approval of the Program Year 2014 Annual Plan for the Use of Federal Community Development Block Grant Program (CDBG) and the Home Investment Partnerships Program (HOME) Funds

EXECUTIVE SUMMARY:

The U.S. Department of Housing and Urban Development (HUD) requires an entitlement grantee to prepare and submit a one-year Annual Plan as part of its application for CDBG and HOME funding. Preparation of the Plan has included three public hearings to determine community needs and the objectives and priorities for the City's funding allocations. The process includes a thirty-day public comment period on the City's draft Plan, running from March 26, 2014 to April 25, 2014. No comments have been received as of the date of this report. The proposed use of the CDBG and HOME funds in Program Year (PY) 2014 (City fiscal year July 1, 2014 to June 30, 2015) is based on the Council's funding approvals made on March 18, 2014. A copy of the Annual Plan has been placed in Council Offices for review.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Annual Plan describes the manner by which the City will use federal CDBG and HOME funds to assist low and moderate income City residents in PY 2014. Submission of the Plan to HUD is necessary for the City to receive the entitlement grant funds.

ECONOMIC/FISCAL IMPACT:

The City PY 2014 grants of $856,158 in CDBG funds and $327,815 in HOME funds will be made available to the community in FY 2014-15. The actual PY 2014 grant amounts were not known until after the second Public Hearing held on March 18, 2014, therefore the amounts are slightly different than what was presented to Council at that meeting. In approving the Annual Plan, Council will be authorizing that $36,611 in anticipated FY 2014-15 CDBG Program Income be used to fund Public Service activities and $22,825 in reallocated HOME Administration funds for fair housing services to be provided by Project Sentinel and for the Homeless Management Information System operated by the Community Technology Alliance.

RECOMMENDATION:

That the Council approve the Annual Plan for Program Year 2014 (City fiscal year 2014-15) for the Use of Federal Community Development Block Grant Program and the Home Investment Partnerships Program Funds and authorize the City Manager to execute the documents necessary for submission to the U.S. Department of Housing and Urban Development by May 15, 2014.

APPROVED:

Kevin L. Riley
Director of Planning and Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Summary of FY 2014-15 CDBG/HOME Allocations***
2) ***Program Year 2014 Annual Plan for the CDBG and HOME Programs.***

DISCUSSION:

On March 18, 2014, City Council approved a formula for adjusting individual CDBG and HOME grant appropriations, to be applied by City staff once the actual entitlement grant amounts were known. HUD released the actual grant allocations on March 19, 2014.

Proposed Formula for adjusting the funding allocation based on the actual grant entitlements to be provided by HUD: The funding allocations as approved by Council on March 18, 2014, are adjusted as follows:

- Administration
  CDBG: Fund the full 20% of the entitlement grant, as provided under CDBG regulations.
  HOME: Fund the full 10% of the entitlement grant, as provided under HOME regulations.

- Public Services
  CDBG: Use the full 15% of the entitlement grant to fund public service agencies that are currently under a CDBG-funded service contract for FY 2013-14, with a proportionate adjustment based on the actual grant amount.

- Capital Improvement Projects
  CDBG: Adjust the amount of HOME funds allocated to the Neighborhood Conservation and Improvement Program, as necessary.
  HOME: Adjust the amount of HOME funds allocated to the Neighborhood Conservation and Improvement Program, as necessary.

Substantial Amendment to PY 2010 and 2012 Annual Action Plans

A substantial amendment to PY 2010 and 2012 was originally included in the draft Annual Plan in order to cancel the HOME-funded Charities Housing Gianera Homeownership project and create a new HOME-funded rental housing project. The new HOME-funded project will not be able to move forward at this time and staff will be exploring an alternate project in the near future.

Summary of HUD Grant Allocations

A summary of the CDBG/HOME allocations for FY2014-15 is included in the complete Annual Plan; however, for convenience, a copy of the summary is also provided immediately following this discussion section.

CITY OF SANTA CLARA

FISCAL YEAR 2014-15 CDBG/HOME ALLOCATION

13-14	$822,597	CDBG Entitlement Grant:	$856,158	*actual grant amount*
13-14	$309,696	HOME Entitlement Grant:	$327,815	*actual grant amount*

#	Fund	FY 2013-14 Allocation	Applicant Agency Project Name	FY 14-15 Request	STAFF CDBG Recomm	STAFF HOME Recomm	
1A	CDBG	$164,519	CDBG ADMIN (20% Maximum)	$171,232	$171,232	XXX	
1B	HOME	$30,970	HOME ADMIN (10% Maximum)	$32,782	XXX	$32,782	
1C	HOME	$18,075	PROJECT SENTINEL Fair Housing Services	$18,075 (FY 14-15 Anticipated Program Income)	$0	$18,075	
1D	HOME	$4,750 FY 12-13	COMMUNITY TECH ALLIANCE Homeless MIS System	$4,750	$0 Reallocated HOME admin	$4,750	

PUBLIC SERVICE REQUESTS (15% of grant maximum)

$123,390	CDBG Entitlement Funds Available:	$128,424			
$26,574	FY 14-15 Anticipated Program Income:	$36,611	*As of 12/31/13*	*$244,070*	*CDBG PI*
$149,964	**TOTAL FUNDS AVAILABLE:**	**$165,034**			

est same funding as prior year

#	Fund	FY 2013-14 Allocation	Applicant Agency Project Name	FY 14-15 Request	STAFF CDBG Recomm	
2	CDBG	$47,804	BILL WILSON CENTER Family Therapy/School Outreach/Grief Counseling	$50,194	$50,194	
3	CDBG	$5,270	CATHOLIC CHARITIES Long-Term Care Ombudsman	$5,270	$5,270	
4	CDBG	$22,010	SANTA CLARA SENIOR CENTER Nutrition Site Meals	$22,000	$22,000	
5	CDBG	$4,680	YWCA Services for Battered Women	$4,914	$4,914	
6	CDBG	$3,955	SENIOR ADULT LEGAL ASST Legal Assistance to Elders	$4,153	$4,153	
7	CDBG	$3,315	LIVE OAK ADULT DAY SERVICES Senior Adult Day Care	$3,480	$3,480	
8	CDBG	$6,815	HEART OF THE VALLEY Volunterr Coord/Sr Transportation	$7,156	$7,156	
9	CDBG	$9,180	ST JUSTIN COMMUNITY MINISTRY Food Assistance for Needy	$9,639	$9,639	
10	CDBG	$32,730	OUTREACH & ESCORT Special Needs Transportation	$33,988	$33,988	
11	CDBG	$14,205	HEALTHIER KIDS FOUNDATION COPE program	$14,240	$14,240	
12	CDBG	$0	NEXT DOOR SOLUTIONS HomeSafe Santa Clara	$10,000	$10,000	
		$149,964			165,034	

13-14 Funding		Requests	Recommendations	
$149,964	**CDBG PUBLIC SERVICE SUBTOTAL**	$165,034	CDBG	**$165,034**

CITY OF SANTA CLARA

FISCAL YEAR 2014-15 CDBG/HOME ALLOCATION

CAPITAL IMPROVEMENT REQUESTS

CDBG Entitlement Funds Available:	$556,503	
plus unallocated CDBG	$0	Project 5500
TOTAL CDBG FUNDS AVAILABLE:	**$556,503**	
HOME Entitlement Funds Available:	**$295,034**	
plus unallocated HOME	$0	Project 5900
TOTAL HOME FUNDS AVAILABLE:	**$295,034**	

#	Fund	FY 2013-14 Allocation	Applicant Agency Project Name	FY 14-15 Request	STAFF CDBG Recomm	STAFF HOME Recomm	
13	CDBG HOME	$0 $278,726	CITY-HOUSING & COMMUNITY SER Neighborhood Conserv & Improv (NCIP)	$89,003 $295,034	$89,003 XXX	XXX $295,034	
14	CDBG	$220,592	CITY-PUBLIC WORKS DEPT Barriers Removal - Curb Cuts	$250,000	$250,000	XXX	
15	CDBG	$214,096	SCMRF - LIBERTY TOWER Domestic Water Pump Replacement	$67,500	$67,500	XXX	
16	CDBG	$100,000	CITY -PUBLIC WORKS DEPT City Hall ADA Study & Improvements	$150,000	$150,000	XXX	
FEDERAL		**CAPITAL IMPROVEMENT SUBTOTAL**		**851,537**	**556,503**	**295,034**	**0**
		ALL CATEGORIES TOTAL		**1,243,409**	**892,769**	**350,641**	**0**

SUMMARY OF FEDERAL FUNDING RECOMMENDED ALLOCATIONS BY FUNDING SOURCE AND ACTIVITY CATEGORY

ACTIVITY CATEGORY	CDBG	HOME	Totals
Administration	$171,232	$55,607	$226,839
Public Services	$165,034	XXX	$165,034
Capital Projects (Non-Housing)	$400,000	XXX	$400,000
Capital Projects (Housing)	$156,503	$295,034	$451,537
TOTAL BY FUNDING SOURCE	**$892,769**	**$350,641**	**$1,243,410**

SF 424

SF 424

Date Submitted 5/7/14	Appl ID: B14MC06022	**Type of Submission**	
Date Submitted to State:	State Identifier	**Application**	**Pre-application**
Date Received by HUD	Federal Identifier	☐ Construction	☐ Construction
		☒ Non Construction	☐ Non Construction
Applicant Information			
Jurisdiction: **City of Santa Clara**		CA63354 SANTA CLARA	
1500 Civic Center Drive		Organizational DUNS: **065242948**	
		City of Santa Clara	
Santa Clara	**California**	Planning & Inspection	
95050	**U.S.A.**	Housing & Community Services	
Employer Identification Number (EIN):		Santa Clara	
94-6000426		7/1/14	
Applicant Type:		**Specify Other Type if necessary:**	
Local Government: City		0	
Program Funding		**U.S. Department of Housing and Urban Development**	
Catalogue of Federal Domestic Assistance Numbers; Descriptive Title of Applicant Project(s); Areas Affected by Project(s) (cities, Counties, localities etc.); Estimated Funding			
Community Development Block Grant		14.218 Entitlement Grant	
CDBG Project Titles: Fiscal Year 2014-15 Annual Plan for use of CDBG entitlement funds		Description of Areas Affected by CDBG Project(s): City of Santa Clara, California	
$ 856,158 CDBG Grant Amount	$Additional HUD Grant(s) Leveraged None	Describe	
$ 0 Additional Federal Funds Leveraged		$ 0.00 Additional State Funds Leveraged	
$ 0 Locally Leveraged Funds		$ 0 Grantee Funds Leveraged	
$ 150,000 Anticipated Program Income		Other (Describe)	
$ 150,000 Total Funds Leveraged for CDBG-based Project(s)			
Home Investment Partnerships Program		14.239 HOME	
HOME Project Titles: Fiscal Year 2014-15 Annual Plan for use of HOME entitlement funds		Description of Areas Affected by HOME Project(s): City of Santa Clara, California	
$ 327,815 HOME Grant Amount	$Additional HUD Grant(s) Leveraged NONE	Describe	
$ 0 Additional Federal Funds Leveraged		$0.00 Additional State Funds Leveraged	
$ 0 Locally Leveraged Funds		$0.00 Grantee Funds Leveraged	
$ 100,000 Anticipated Program Income		Other (Describe)	
$ 100,000 Total Funds Leveraged for HOME-based Project(s)			
Housing Opportunities for People with AIDS		14.241 HOPWA	
HOPWA Project Titles: NOT APPLICABLE		Description of Areas Affected by HOPWA Project(s)	

$HOPWA Grant Amount	$Additional HUD Grant(s) Leveraged	Describe
$Additional Federal Funds Leveraged	$Additional State Funds Leveraged	
$Locally Leveraged Funds	$Grantee Funds Leveraged	
$Anticipated Program Income	Other (Describe)	
Total Funds Leveraged for HOPWA-based Project(s)		

Emergency Shelter Grants Program	14.231 ESG	
ESG Project Titles: NOT APPLICABLE	Description of Areas Affected by ESG Project(s)	
$ESG Grant Amount	$Additional HUD Grant(s) Leveraged	Describe
$Additional Federal Funds Leveraged	$Additional State Funds Leveraged	
$Locally Leveraged Funds	$Grantee Funds Leveraged	
$Anticipated Program Income	Other (Describe)	
Total Funds Leveraged for ESG-based Project(s)		

Congressional Districts of:		Is application subject to review by state Executive Order 12372 Process?	
Applicant Districts: 15	Project Districts: 15		
Is the applicant delinquent on any federal debt? If "Yes" please include an additional document explaining the situation.		☐ Yes	This application was made available to the state EO 12372 process for review on DATE
		☒ No	Program is not covered by EO 12372
☐ Yes	☒ No	☐ N/A	Program has not been selected by the state for review

Person to be contacted regarding this application		
Eloiza		Murillo-Garcia
Acting Hous & Comm Serv Division Manager	408-615-2490	(408) 248-3381
emurillo-garcia@santaclaraca.gov	www.santaclaraca.gov	Eloiza Murillo-Garcia
Signature of Authorized Representative Julio J. Fuentes, City Manager		Date Signed May 7, 2014

CITY OF SANTA CLARA, CALIFORNIA

ANNUAL PLAN
FOR
PROGRAM YEAR 2014
OF THE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROGRAM
AND THE
HOME INVESTMENT PARTNERSHIPS ACT (HOME)
PROGRAM

Prepared by the Housing and Community Services Division,
Department of Planning and Inspection

City Submission Date: May 15, 2014
Public Review Period: March 26 to April 25, 2014

For information, contact the Housing & Community Services Division,
1500 Warburton Avenue, Santa Clara, CA 95050
(408) 615-2490

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DESCRIPTIONS OF PY 2014 FEDERALLY-FUNDED PROJECTS CONTRIBUTING TO THE ACCOMPLISHMENTS OF THOSE OBJECTIVES (TABLE 3C)

Availability/Accessibility of Decent Housing (DH-1)
NCIP (CDBG) 1

Affordability of Decent Housing (DH-2)
Liberty Tower Pump Replacement (CDBG) 2

Availability/Accessibility of Suitable Living Environment (SL-1)
Live Oak Adult Day Services (CDBG) 3
Senior Adults Legal Assistance (CDBG) 4
Long-Term Care Ombudsman (CDBG) 5
Services for Battered Women (CDBG) 6
Family Therapy/School Outreach/Centre for Living with Dying (CDBG) 7
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A. CERTIFICATIONS

CPMP Non-State Grantee Certifications

Many elements of this document may be completed electronically, however a signature must be manually applied and the document must be submitted in paper form to the Field Office.

☐ **This certification does not apply.**
☒ **This certification is applicable.**

NON-STATE GOVERNMENT CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
   a. The dangers of drug abuse in the workplace;
   b. The grantee's policy of maintaining a drug-free workplace;
   c. Any available drug counseling, rehabilitation, and employee assistance programs; and
   d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will –
   a. Abide by the terms of the statement; and
   b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted –
   a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
   b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

05-07-2014

Signature/Authorized Official

Date

Julio J. Fuentes

Name

City Manager

Title

1500 Warburton Avenue

Address

Santa Clara, CA 95050

City/State/Zip

408-615-2210

Telephone Number

☐ **This certification does not apply.**
☒ **This certification is applicable.**

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

Maximum Feasible Priority - With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

Overall Benefit - The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2014, 2___, 2___, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

Special Assessments - It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

Compliance with Laws -- It will comply with applicable laws.

05-07-2014

Signature/Authorized Official

Date

Julio J. Fuentes

Name

City Manager

Title

1500 Warburton Avenue

Address

Santa Clara, CA 95050

City/State/Zip

408-615-2210

Telephone Number

☒ **This certification does not apply.**
☐ **This certification is applicable.**

OPTIONAL CERTIFICATION
CDBG

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities, which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

☐ **This certification does not apply.**
☒ **This certification is applicable.**

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

> The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

05-07-2014

Signature/Authorized Official — Date

Julio J. Fuentes

Name

City Manager

Title

1500 Warburton Avenue

Address

Santa Clara, CA 95050

City/State/Zip

408-615-2210

Telephone Number

☒ **This certification does not apply.**
☐ **This certification is applicable.**

HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,

2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

☒ **This certification does not apply.**
☐ **This certification is applicable.**

ESG Certifications

I, , Chief Executive Officer of **Error! Not a valid link.**, certify that the local government will ensure the provision of the matching supplemental funds required by the regulation at 24 *CFR* 576.51. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the local government will comply with:

1. The requirements of 24 *CFR* 576.53 concerning the continued use of buildings for which Emergency Shelter Grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services.

2. The building standards requirement of 24 *CFR* 576.55.

3. The requirements of 24 *CFR* 576.56, concerning assurances on services and other assistance to the homeless.

4. The requirements of 24 *CFR* 576.57, other appropriate provisions of 24 *CFR* Part 576, and other applicable federal laws concerning nondiscrimination and equal opportunity.

5. The requirements of 24 *CFR* 576.59(b) concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

6. The requirement of 24 *CFR* 576.59 concerning minimizing the displacement of persons as a result of a project assisted with these funds.

7. The requirements of 24 *CFR* Part 24 concerning the Drug Free Workplace Act of 1988.

8. The requirements of 24 *CFR* 576.56(a) and 576.65(b) that grantees develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted with ESG funds and that the address or location of any family violence shelter project will not be made public, except with written authorization of the person or persons responsible for the operation of such shelter.

9. The requirement that recipients involve themselves, to the maximum extent practicable and where appropriate, homeless individuals and families in policymaking, renovating, maintaining, and operating facilities assisted under the ESG program, and in providing services for occupants of these facilities as provided by 24 *CFR* 76.56.

10. The requirements of 24 *CFR* 576.57(e) dealing with the provisions of, and regulations and procedures applicable with respect to the environmental review responsibilities under the National Environmental Policy Act of 1969 and related

authorities as specified in 24 *CFR* Part 58.

11. The requirements of 24 *CFR* 576.21(a)(4) providing that the funding of homeless prevention activities for families that have received eviction notices or notices of termination of utility services will meet the requirements that: (A) the inability of the family to make the required payments must be the result of a sudden reduction in income; (B) the assistance must be necessary to avoid eviction of the family or termination of the services to the family; (C) there must be a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and (D) the assistance must not supplant funding for preexisting homeless prevention activities from any other source.

12. The new requirement of the McKinney-Vento Act (42 *USC* 11362) to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. I further understand that state and local governments are primarily responsible for the care of these individuals, and that ESG funds are not to be used to assist such persons in place of state and local resources.

13. HUD's standards for participation in a local Homeless Management Information System (HMIS) and the collection and reporting of client-level information.

I further certify that the submission of a completed and approved Consolidated Plan with its certifications, which act as the application for an Emergency Shelter Grant, is authorized under state and/or local law, and that the local government possesses legal authority to carry out grant activities in accordance with the applicable laws and regulations of the U. S. Department of Housing and Urban Development.

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

☐ **This certification does not apply.**
☒ **This certification is applicable.**

APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

Lobbying Certification
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Drug-Free Workplace Certification
1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

2. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code) Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 21.

Place Name	Street	City	County	State	Zip
City of Santa Clara City Hall	1500 Warburton Avenue	Santa Clara	Santa Clara	CA	95050
Housing & Community Serv Div	1500 Civic Center Drive	Santa Clara	Santa Clara	CA	95050
Santa Clara Senior Center	1303 Fremont Avenue	Santa Clara	Santa Clara	CA	95050

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules: "Controlled substance" means a controlled substance in Schedules I through V of the Controlled
Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15); "Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of

sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including:

a. All "direct charge" employees;
b. all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and
c. temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Note that by signing these certifications, certain documents must completed, in use, and on file for verification. These documents include:

1. Analysis of Impediments to Fair Housing
2. Citizen Participation Plan
3. Anti-displacement and Relocation Plan

05-07-2014

Signature/Authorized Official

Date

Julio J. Fuentes

Name

City Manager

Title

1500 Warburton Avenue

Address

Santa Clara, CA 95050

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408-615-2210

Telephone Number

CITY OF SANTA CLARA, CALIFORNIA
2014 PROGRAM YEAR ACTION PLAN
FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
AND
HOME INVESTMENT PARTNERSHIP ACT PROGRAM

1. EXECUTIVE SUMMARY

A. Five Year Plan

In 2010, the City created a Consolidated Plan (CP) that is a detailed description of the City's five-year housing and community development strategy. Program Year (PY) 2014 will be the fifth and final year under that Plan. The objectives, strategies and goals of the CP are incorporated in this Annual Plan by this reference. The PY 2014 Action Plan details the specific actions to be taken to implement the objectives, strategies and goals of the CP. The City of Santa Clara's One-Year Action Plan for PY 2014 is a comprehensive approach to addressing the immediate community needs of people who are very low, low and moderate income.

B. Federal Resources

The City's PY 2014 Community Development Block Grant (CDBG) entitlement grant amount is $856,158. The Annual Plan anticipates $150,000 in PY 2014 CDBG Program Income.

The City's PY 2014 Home Investment Partnerships Act (HOME) entitlement grant is $327,815. The Annual Plan anticipates $100,000 in PY 2014 HOME Program Income. In addition, the City will reallocate $22,825 in HOME Administration funds, which had not been spent in prior years.

C. Other Resources

As reported last year, the Redevelopment Agency of the City of Santa Clara (RDA) was formally dissolved on February 1, 2012, under provisions of AB 1x 26. Prior to its dissolution and in agreement with the City of Santa Clara, the RDA elected the City as Successor Housing Agency (SHA), which retains all the assets, rights, powers, obligations and functions previously performed by the RDA in administering its Low and Moderate Income Housing Fund (LMIHF). As a result of the RDA dissolution, the City will no longer be able to consider the LMIHF for subsidizing the housing service agencies. Consideration to fund housing service agencies is limited to only the allocation of CDBG funds for public service activities.

Adding further distress to the picture is that the City discontinued the use of its City Affordable Housing Fund to subsidize public service agencies in PY2013.

D. Citizen Participation

The Housing and Community Services Division of the Planning and Inspection Department is the lead agency for overseeing the development of the Consolidated Plan and Annual Action Plan. The current Citizen Participation Plan was last updated on November 9, 1999. Consistent with that Plan, the City held three public hearings between November, 2013 and March, 2014, ending with City Council approval of the appropriations of the federal entitlement grant amounts described in this action plan. No comments on the draft Annual Plan were received by the City.

E. Consultation with Other Jurisdictions

As standard practice, CDBG and HOME program coordinators of entitlement jurisdictions from throughout Santa Clara County meet as the CDBG Coordinators Committee at least quarterly to discuss issues of common interest. These quarterly meetings provided the opportunity for the City to consult with other jurisdictions on its proposed use of federal funds for PY 2014.

F. Geographic Distribution

Funding support for the listed projects is based more on expressed need within the community rather than upon geographical priority.

G. Homeless and Special Needs

The City will fund, with its available funds, 13 public service programs (11 funded by CDBG, 2 by HOME for fair housing services and the Homeless Management and Information Systems), most of which serve homeless, at-risk of homelessness, or other special needs populations.

H. Homeownership

The City's Neighborhood Conservation & Improvement Program (NCIP) provides assistance to low-income homeowners to undertake needed repairs and rehabilitation to their owner-occupied homes. Assistance is provided in the form of low-interest deferred payment loans, and grants for certain types of rehabilitation activities.

The City operates one first-time homebuyer program. The Below Market Purchase (BMP) Program creates new homeownership housing through the City's inclusionary housing policy. This program requires developers to set aside ten percent of newly constructed units for housing affordable to moderate income homebuyers. The BMP Program creates revenue resulting from the developer's payment of fractional units and the eventual homeowner pay-off of the City Promissory Note when the home is re-sold at market rate after the initial 5-years of ownership. Income received through the BMP Program is deposited in the City Affordable Housing Fund (CAHF).

I. Public Housing

The City has a successful working relationship with the Housing Authority of the County of Santa Clara. The Housing Authority currently owns 7 housing projects in the City. No new projects are planned for PY 2014.

J. Fair Housing

The City affirmatively supports both the purpose and goal of fair housing and works to achieve fair housing in administering its Federal, State and local programs. The City also supports the development of affordable housing stock that is an important part of a fair housing initiative, given the high cost of local housing.

K. Program Monitoring

The City will enter into the third year of three year agreements for 10 public service programs (nine funded by CDBG and one funded by HOME administration) in PY 2014. These agencies have a proven track record of more than three years of service to City residents using City funds. At least one on-site monitoring will be conducted for all agencies during the three year agreements. The agreements will also require agencies to submit two accomplishment reports per year. For completed housing projects, affordability and performance monitoring for compliance with federal program requirements will continue to be scheduled at least once annually. The schedule of on-site property inspections for HOME-assisted units will be modified to reflect the new HOME rule, which requires on-site inspections at least once every three years. A risk-based monitoring plan will be developed in PY 2014 to comply with the new HOME regulations.

2. FUNDING RESOURCES

A. Federal Resources

The City's PY 2014 CDBG and HOME entitlement grant amounts are $856,158 and $327,815 respectively. Because the actual CDBG and HOME entitlement grant amounts were not known until after the second public hearing, Council approved formulas for adjusting the CDBG and HOME funding allocations when the actual grant amounts were provided by HUD for PY 2014 on March 18, 2014. The funding for projects has been adjusted to reflect the Council approved formulas. The formulas for adjusting the actual appropriations are as follows:

A. Administration
CDBG: Fund the full 20% of the entitlement grant, as provided under CDBG regulations.
HOME: Funded the full 10% of the entitlement grant, as provided under HOME regulations .

B. Public Services
CDBG: Use the full 15% of the entitlement grant to fund public service agencies that are currently under a CDBG-funded service contract for PY 2013, with a proportionate adjustment based on the actual PY 2014 grant amount.

C. Capital Improvement Projects
CDBG: Adjust the amount of CDBG funds allocated to the Barriers Removal - Curb Cut Project, as necessary.
HOME: Adjust the amount of HOME funds allocated to the Neighborhood Conservation and Improvement Program, as necessary.

The Annual Plan estimates $150,000 in PY 2014 CDBG Program Income, almost all of which will come from the City's homeowner rehabilitation program, the Neighborhood Conservation and Improvement Program (NCIP). Of the anticipated Program Income, $36,611 will be used to supplement funding for CDBG Public Services.

The Annual Plan estimates $100,000 in PY 2014 HOME Program Income, about 75% of which will come from the NCIP Program and the rest from loan payments of HOME rental projects developed in prior years. In addition, the City will reallocate $22,825 in HOME Administration funds, which had not been spent in prior years.

HOME regulations require that the City set aside a minimum of 15% of its annual entitlement grant to projects undertaken by a certified Community Housing Development Organization (CHDO). Since the inception of the HOME Program, the City has committed over 45% of its HOME entitlement grants to CHDOs. The City is proposing to fund a new CHDO activity in PY 2014. The project is further described under the Amendments to Prior Year Plans section on p. 23.

HOME regulations require that the City develop matching funds equal to 25% of its expenditures, less amounts spent for administration. As of June 30, 2013, the City had leveraged an excess local match of $5,778,950. Based on its current balance of unspent HOME funds, the

City would be liable for an estimated $131,040 in local match. For PY 2014, the City anticipates that it will leverage approximately $750,000 in new local match.

B. Other Resources

For PY 2014, the City has appropriated local funding for public service agencies providing services to low income City residents. That local funding will come from the General Fund. The City will appropriate $62,719 from its General Fund for two service activities:

Project Sentinel, Landlord-Tenant Dispute Resolution Services Program $57,719, and United Way Silicon Valley – 2-1-1 Program $5,000.

3. CITIZEN PARTICIPATION & CONSULTATION W/ OTHER JURISDICTIONS

A. Citizen Participation

The Housing and Community Services Division of the Planning and Inspection Department is the lead agency for overseeing the development of the Consolidated Plan and Annual Action Plan. The current Citizen Participation Plan was last updated on November 9, 1999. Consistent with that Plan, the City held four public hearings.

This PY 2014 Annual Plan development process began with a public hearing, held by the City Council on November 12, 2013, to determine community and housing needs relative to very low, low and moderate income persons. In addition to the public notice and announcements on the City's Website, written notification of the hearing was made to numerous non-profit service agencies, community advocates and the local Citizens Advisory Committee for the purpose of gaining greater input for determining the best use of anticipated federal funds for addressing community needs.

Two advertised public hearings were held by Council on February 11 and March 18, 2014, to review proposals and to determine the allocation of CDBG and HOME funds for PY 2014. The Annual Plan 30 day public review period occurred March 26 through April 25, 2015. No comments were received during the 30 day public review period.

The Annual Plan was approved by City Council after a public hearing on May 6, 2014. No written or verbal testimony was received during the public hearing.

B. Consultation with Other Jurisdictions

As standard practice, CDBG and HOME program coordinators of entitlement jurisdictions from throughout Santa Clara County meet as the CDBG Coordinators Committee at least quarterly to discuss issues of common interest. Meeting agendas cover such topics as projects receiving multi-jurisdictional funding, performance levels and costs for contracted public services,

proposed annual funding plans, HUD program administration requirements, and other topics of mutual concern. These quarterly meetings provided the opportunity for the City to consult with other jurisdictions on its proposed use of federal funds for PY 2014. The Housing Authority of Santa Clara County is a regular participant in these meetings. The City of Santa Clara is also an active participant in the Santa Clara County Fair Housing Task Force, which meets quarterly.

4. GEOGRAPHIC DISTRIBUTION

City policy for the use of federal entitlement funds is based on the premise that community needs are generated throughout the City rather than concentrated in a few neighborhoods. It is the City's policy to seek the widest possible dispersal of housing for low-income households. Thus, funding support for the listed projects is based more on expressed need within the community rather than upon geographical priority.

5. HOMELESS AND SPECIAL NEEDS PERSONS

A. Homeless Support Services and Housing

In PY 2004, the County of Santa Clara launched a Ten Year Plan to End Chronic Homelessness. That plan uses a "Housing First" model to address the desired outcome of ending chronic homelessness. That model seeks to create stable housing for homeless persons and then provide focused support services. The model also includes "closing the backdoor" to homelessness by addressing institutions such as foster care, the criminal justice system and health system that often "release" individuals who are at-risk of becoming homeless into the community with no plan or resources for housing. Such actions provide a continuing source of new homeless persons. City staff participated in the countywide Blue Ribbon Commission on Ending Homelessness and Solving the Affordable Housing Crisis, which set forth the specific goals of the Ten Year Plan. The Commission made five recommendations to help end homelessness:

- Improve access to services by creating outreach and benefit teams.
- Institutional outreach and discharge planning (e.g., jails, medical facilities).
- Implement a medical respite facility to link homeless persons discharged from institutional facilities to services and permanent housing.
- Establish a one-stop homeless prevention center.
- Implement housing first, providing permanent housing with services as quickly as possible.

The City of Santa Clara, as far back as 2005, identified two significant gaps regarding the "Housing First" model as it evolved in the County:

(1) The current Homeless Management Information System (HMIS) does not track homeless individuals once they move into "permanent housing." Thus, it cannot be used to correlate the demand of "housing first" residents for continued homeless, psychiatric and emergency services. A significant number of permanent housing residents relapse into homelessness within two years of entering "permanent" housing. The HMIS should capture this information on those in permanent housing to better assess the success of "Housing First" and to identify program changes that can improve that success.

(2) The current model is based on addressing the needs of the seriously mentally ill, many of whom may not be suited for self-sufficiency or independent living. Such models presume that long-term, subsidized housing with support services may be the highest level of self-sufficiency of which many participants may be capable. For this group, supportive housing is often the permanent solution. The City of Santa Clara has supported "permanent housing"

models that address the needs of homeless, often dysfunctional, families and at-risk youth. These models have focused on providing a systematic, direct means for vulnerable and at-risk homeless families and youths to develop (or redevelop) stable living patterns, with access to individualized support services, in order to enter or return to independent living.

In PY 2011, the City appropriated HOME funds for a Tenant Based Rental Assistance (TBRA) Program for the homeless. In the last two years, the City has been in discussions with other entities to develop a countywide TBRA program for homeless persons. In PY 2012, the City entered into a public service grant agreement with the Housing Trust of Santa Clara County (HTSCC) to provide security deposits and utility assistance through its Finally Home Program. The program provides critical funds to individuals and families moving off the streets or out of shelters, and into permanent housing. The assistance goes to families and individuals registered with the Destination Home: Housing 1000 campaign. HTSCC is looking to expand the program for homeless prevention by assisting low-income households with emergency rental assistance.

A biennial census/survey is required in order to apply for McKinney-Vento funds. The City has provided funding for the last five census/surveys, the last of which was conducted in 2013.

Santa Clara Adult Education has had HUD funding to serve the homeless population for job training and placement since 1996. The HUD grant is called Career Advantage and Retraining Program (CARP), and has been awarded $204,353 for PY 2013. The grant served over 500 homeless persons in FY 2012-2013. Most of the clients are from the San Jose area, but CARP works with three shelters in the City of Santa Clara – Bill Wilson Center, Sobrato Family Living Center and HomeSafe-Santa Clara. Additionally there are several transitional homes for clients who meet the federal definition of homeless. CARP has been providing vocational and adult basic education classes both on site and at the shelters. Employment assistance and employability workshops are provided at our Career Center at the Adult Education site. The SCUSD participates in the HMIS (Homeless Management Information System), as required by HUD. CARP staff members served on the County Task Force that developed the ten-year plan to end chronic homelessness. Staff members serve on, and are part of the steering committee, of the Santa Clara County Collaborative on Affordable Housing and Homeless Issues; they also are serving on several committees to help end homelessness in Santa Clara County. The School District also has a Homeless Children and Youth Program, which is projected to serve over 590 students up to 12th grade next year.

The City of Santa Clara will continue to work with the State and County agencies to create a collaborative strategy for the housing and placement of persons discharged into the community with little or no resources for housing. The goal of that activity will be to create a countywide, comprehensive Discharge Coordination Policy. That policy covers four major areas: (1) foster care; (2) health care; (3) mental health care; and (4) corrections (jails). Most of these areas involve facilities and programs funded and administered by Santa Clara County.

B. Extremely Low Income Households At-Risk of Homelessness

In its five year Consolidated Plan, the City described a strategy of targeting its public service resources to persons living in Extremely Low Income (ELI) households, that is households with

income less than 30% of Area Median Income, adjusted for household size. Of the 9,561 persons receiving benefits from the City's Public Service programs in PY 2012, 87% were ELI.

For PY 2014, the City has allocated $9,639 in CDBG Public Service funds for the Food Assistance for Needy Persons Program, administered by St. Justin Community Ministry. That program provides monthly bags of groceries to low income families, 97% of whom are ELI. One in four of those households consists of a single female with one or more dependent children. St Justin also provides lunches three days a week to homeless persons. In addition, depending on availability, the program provides clothing, household items, hygiene kits, diapers and other infant items, bus passes, sleeping bags, blankets, and health aid items. This program is an example of a faith-based organization providing an important social service as described in CFR 24 Part 570.

C. Other Special Needs Populations

Nine of the ten Public Service programs to be supported by CDBG funds in PY 2014 will serve exclusively one or more special needs populations identified in the City's Consolidated Plan: homeless persons, seniors, persons with disabilities and survivors of domestic violence. One in 5 persons served has one or more disabilities; 22% are seniors.

D. Housing Opportunities for Persons With AIDS (HOPWA)

The City of Santa Clara consults with the City of San Jose in the use of Housing Opportunities for Persons With AIDS (HOPWA) funds in meeting the service objectives of the Santa Clara HIV/AIDS Care Consortium. San Jose works with the Santa Clara County HIV Planning Council, the Santa Clara County Office of Affordable Housing, County of San Benito Health and Human Service Agency, the Health Trust's Housing for Health Board, and other applicable agencies to research innovative service strategies and determine the appropriate allocation of funding to meet the housing and support service needs of individuals and families living with HIV/AIDS. According to the HOPWA Coordinator for San Jose, the estimated total of PY 2014 HOPWA funds for all of Santa Clara and San Benito Counties is $872,663. The plan for use of those HOPWA funds is:

- City of San Jose program administration: $26,179;
- The Health Trust will receive $796,755 to provide in-home support services and administer the Shared Housing Assistance Placement and Support Services and Special Project of National Significance (HOPWA SPNS) for 105 persons living with HIV/AIDS.
- San Benito County will receive $49,729 to provide support approximately 9 individuals and families living with HIV/AIDS.

In January 2013, the City of San Jose received notification of the opportunity to renew its Housing Opportunities for Persons with AIDS (HOPWA) Permanent Supportive Housing Program [Special Project of National Significance (SPNS)] competitive grant for an additional 3 years. The City anticipates receiving a total of $1,306,800 for FY 2013-2016 and will continue to contract with the Health Trust to administer the grant. This will include allocating $1,271,160 ($448,156 for the first year and $410,528 and $412,476 for the following two years) to the Health Trust to provide long-term rental subsidies and supportive services to low-income persons living with HIV/AIDS in Santa Clara County. A one-time allocation of $40,000 is included in

the first year of the grant for "resource identification" costs that will include activities aimed at increasing coordination between the local Continuum of Care and the HOPWA SPNS program. Of the total HOPWA SPNS grant, $35,640 ($11,880 per year) will be allocated to the City of San José Housing Department to cover administrative costs.

6. HOMEOWNERSHIP

The Neighborhood Conservation & Improvement Program (NCIP) is administered by the Housing & Community Services Division of the City's Planning & Inspection Department. The program addresses building/housing code deficiencies, abatement of hazardous conditions, repair/rehabilitation of deteriorated conditions, and accessibility for persons with disabilities, all to improve the habitability, use and occupancy of owner-occupied housing. Financial assistance is provided in the form of a loan, grant or combination of the two, depending on the nature and scope of needed repairs. Terms are flexible and below market, depending on the homeowner's household income. City staff conducts a housing inspection to determine repair needs, prepares work specifications, solicits construction contractors and performs construction and progress inspections. Since 1976, the NCIP Program has assisted more than 1,700 homeowners. For PY 2014, the City has budgeted $384,037 in HOME and CDBG funds for NCIP. Anticipated CDBG Program Income of $150,000 and HOME Program Income of $100,000 will augment the Program. Unspent PY 2013 NCIP funds of approximately $1,200,000 are also projected to be available.

A Memorandum of Understanding approved by the City Council and RDA Board on November 14, 2006, directed that all RDA funds appropriated for the NCIP Program "will be committed permanently" to the City's NCIP Affordable Housing Rehabilitation Fund (AHRF). Any program income accruing from the expenditure of SHA funds for NCIP activities would also be deposited in the AHRF. That program income will not be subject to federal restrictions or requirements. It will primarily be used for the NCIP Program, but may be used for other activities that benefit low and moderate income persons as long as those activities address one or more of the housing and community goals set forth in the City's Consolidated Plan for Program Years 2010-11 through 2014-2015.

The City has a Below Market Purchase Program (BMP) that is authorized by its Housing Element. This program requires developers to set aside ten percent of newly constructed units for housing affordable to moderate income homebuyers. The City's BMP Program is currently administered by Neighborhood Housing Services of Silicon Valley.

The City substantially restructured its BMP Program in FY 2006-07. The new program was approved by City Council on January 9, 2007. The revised program is a market-based approach that enables first time homebuyers to participate in the housing market after five years of residence and full appreciation as market-rate owners after twenty years of residency in the BMP Unit. Because it is a hybrid, with both resale restrictions (the first five years) and recapture restrictions (after five years), the program is not eligible for federal HOME funds. The program has been well received by developers and has been approved for use with California Housing Finance Agency (CalHFA) homeowner loans.

The revised BMP Program also created an additional source of revenue to augment future housing and community objectives – the City Affordable Housing Fund (CAHF). After five years, a BMP housing unit can convert from a restricted sales price to a market price. If a BMP unit is sold after the initial 5-year period, the City recaptures the value of the affordable purchase price discount. Proceeds from that recapture are deposited in the CAHF. Use of CAHF funds is not subject to federal or state restrictions or requirements. The CAHF funds will be used for activities that benefit

low and moderate income persons and address one or more of the housing and community goals set forth in the City's Consolidated Plan and its Housing Element.

7. ANTI-POVERTY STRATEGY

The City's Section 3 Affirmative Action Plan was last updated on July 1, 2011. The purpose of the plan is to assure that new jobs created by the use of federal entitlement funds provides opportunity for the recruitment, training and employment of low income persons residing in the City of Santa Clara. To this end, the stated purpose of the plan is to "provide lower income residents within the project area [Santa Clara City] the opportunity for employment and training and for the awarding of contracts to businesses located or owned in substantial part by persons residing in the project area." This action plan is required of all contracts for non-exempt projects funded by HUD. Projects with less than $200,000 in CDBG/HOME funds are exempt from Section 3 requirements.

The City of Santa Clara is a participating member of the North County Consortium of Neighborhood Self Sufficiency Centers whose mission is to support the long-term sustainability and self-sufficiency of CalWorks families. The consortium is made up of over 30 businesses, agencies and schools that have a record of successful work with CalWorks clients.

The Santa Clara Unified School District (SCUSD) Adult Education Center has a CalWORKs Site Representative who acts as a liaison for participating CalWORKs students and Santa Clara County Social Services Agency. Some of these responsibilities include ensuring that all participants on campus are remaining in compliance with federal regulations, developing a 'welfare to work' plan, reporting monthly attendance to the County for each participant, and reporting progress reports on a quarterly basis for each participant CalWORKs student to the County. In addition to the Site Representative, the Adult Education Center has a Career Advisor for CalWORKs students to help them in job placement, resume development, and interviewing skills.

Santa Clara Adult Education has had HUD funding to serve homeless individuals for job training and placement since 1996. The HUD grant is called Career Advantage and Retraining Program (CARP), and has been awarded $204,353 annually. The grant served over 500 homeless persons in FY 2012-2013. Most of the clients are from the San Jose area, but CARP works with three shelters in the City of Santa Clara – Bill Wilson Center, Sobrato Family Living Center and HomeSafe. Additionally there are several transitional homes for clients who meet the federal definition of homeless. CARP has been providing vocational and adult basic education classes both on site and at the shelters. Employment assistance and employability workshops are provided at our Career Center at the Adult Education site. The program serves over 500 clients each year in some capacity. More than half the clients show a significant increase in income.

In 1983, the City of Santa Clara joined with several other cities to create the North Valley Job Training Consortium (NOVA) in response to the federal Workforce Investment Act. The consortium is a private/public partnership made up of representatives of local government, business and industry, labor, education and training systems, employment services, and community support organizations. Currently, the cities of Santa Clara, Cupertino, Los Altos, Milpitas, Mountain View, Palo Alto, and Sunnyvale are participating members. The NOVA Workforce Board was established to guide the agency in its mission to deliver employment and training services that enhance people's ability to live and work in Silicon Valley. Many of the services and programs provided by NOVA target disadvantaged youth and adult populations, who may have limited education and/or barriers to employment. NOVA is a partner in the CONNECT! Job Seeker Center, a comprehensive resource center open to all job seekers, which offers computer access, a resource library, resume assistance

and job search workshops. Over 650 City residents are expected to benefit from the various NOVA programs in FY 2013-14.

Through the initiative known as EDGE (Education, Diversity, and Growth in the Economy), NOVA and its partners are developing a comprehensive regional workforce strategy for Silicon Valley that will improve access to skill building and adult education and training, and will build and strengthen alliances that link job seekers, employers, educators, and other key stakeholders. The goals of this project are aligned with and represent the next evolution of the California EDGE Campaign at the statewide level.

The Housing Authority was approved as a Moving to Work (MTW) Agency in January, 2008. That program allows the HACSC additional administrative flexibility between programs. The three major goals for the MTW program are to increase cost effectiveness, to promote self sufficiency, and to expand housing options for program participants. The proposed changes for FY 2014 continue HACSC's focus on streamlining procedures and creating more efficient programs.

8. OTHER ACTIONS

In addition to the projects identified to receive federal funding in PY 2014, the City will continue working to accomplish projects funded in the prior years' programs. The City will continue several ongoing initiatives to foster decent housing and reduce poverty.

HUD informed the City in 1999 that the San Jose Metropolitan Statistical Area is one of the high-income areas where the income limits were increased to the actual 80% of median income, adjusted for household size. The City of Santa Clara will continue to use the actual 80% of median income limits for all of its CDBG and HOME entitlement programs in PY 2014. Individual activities may use lower income eligibility criteria.

The City undertakes HUD-funded projects in accordance with the Lead-Based Paint Regulations published in 2000. These regulations most commonly affect residential structures rehabilitated through NCIP. When identified, the lead paint will be controlled or abated and disposed of properly to eliminate or reduce the hazard of environmental or human contamination. The City has adopted a written plan to implement the regulations in its NCIP Program and other housing rehabilitation activities. The City remains concerned that the full implementation of the new Lead-Based Paint regulations has increased costs to its NCIP housing rehabilitation program as well as efforts to expand and maintain the City's stock of affordable housing through acquisition and/or rehabilitation. The result has been fewer housing units created and maintained with federal funds.

The City will continue its efforts to encourage consortium-building among housing developers, public service providers, and governmental and non-governmental entities. The City has achieved proven results in using federal funds to leverage private funds.

The City will continue its active participation in the CDBG Coordinators Committee, which increasingly has become a public forum for discussion and active planning of common strategies to address the housing and community needs in Santa Clara County.

The City will continue its active participation in the Santa Clara County Fair Housing Task Force in order to coordinate countywide strategies to address the barriers to equal opportunity in housing.

9. PUBLIC HOUSING

The Housing Authority of the County of Santa Clara (HACSC) is a participating member of the CDBG Coordinators Committee.

The City has a successful working relationship with the HACSC. The Housing Authority, using funds from non-defunct RDA, has developed seven housing projects in the City, with 340 affordable units over the last decade.

The HACSC is currently using 100 % of its Section 8 funds. No new funds for additional vouchers are expected. The efficient use of resources leaves the Section 8 program in the County vulnerable to increasing market rents and federal budget reductions. Market rents are up. At the same time, Fair Market Rents, on which Section 8 subsidies are based, have not kept pace with the increase.

Public Housing funding by the federal government has been decreasing over the last several years. In response, the Housing Authority has developed an asset based model to convert its public housing units to project-based rental assistance. This would free up more funds for capital improvements and provide enhanced services for the clients.

10. MONITORING STANDARDS AND PROCEDURES

In PY 2012, the City entered into new three-year agreements with 10 agencies that have a proven track record of serving City residents with City funds. At least one on-site monitoring will be conducted for all agencies under the three year agreements. Agencies are also required to submit two accomplishment reports per year under the agreements. The three year agreements are expected to save 370 City staff hours and 165 service agency staff hours. For completed housing projects, affordability and performance monitoring for compliance to federal program requirements will continue to be scheduled in accordance with federal requirements.

All recipients of PY 2014 federal funds are required to have both productivity performance goals and quantifiable project impact goals. Project impact goals reflect the extent to which funded activities yield the desired outcomes in the community or in the lives of persons assisted.

The City undertakes an annual Single Audit according to the requirements of the federal Office of Management and Budget. As standard practice, notification is made to HUD on the availability of the City's annual audit.

For completed housing projects, affordability and performance monitoring for compliance to federal program requirements will continue to be scheduled in accordance with federal requirements. Housing Quality Inspections are completed as required by federal regulations. In accordance with the new HOME rule, the City will draft a new risk-based monitoring plan in PY 2014 to comply with the new HOME regulations, adopt the new property standards schedule and perform on-site monitoring at least once every three years. The City has invested in several HOME housing projects, both within the City and in adjacent cities, which have involved joint funding by other participating jurisdictions (PJ) in the County. A coordinated system of monitoring has been developed and will continue to be implemented to assure comprehensive monitoring without duplicative review by each of the PJ's. The jurisdiction in which the project is located takes the lead role in monitoring compliance and preparing a written report. The other jurisdictions may then choose to follow-up on particular issues.

The City requires that all rental housing projects with 5 or more HOME Units to develop a written affirmative marketing plan. Each project's annual report includes a section identifying, by race/ethnicity, all applicants, rejected applicants, and accepted tenants. That report, as well as an annual summary of the race/ethnicity of tenants, provides the basis for the City's evaluation of the effectiveness of each project's affirmative marketing plan.

11. FAIR HOUSING

The City supports both the purpose and goal of fair housing through the federal, State and local programs it administers. The City also supports the development of affordable housing stock that is an important part of fair housing in respect to the high cost of housing locally. The City operates all of its housing related programs and activities and public services free of discrimination. In addition, the City includes anti-discrimination and affirmative fair housing requirements in its contracts and agreements.

The City updated its Analysis of Impediments (AI) in May, 2007. That update incorporated information from the 2000 Census, the 2005 American Community Survey, the Fair Housing Study of 2002, Home Mortgage Disclosure Act data from 2005 and 2006, and other local and regional studies of the housing market. It covered the period July, 2006 to June, 2011. An updated action plan, for the period beginning July 1, 2006, was completed in PY 2006; the action plan resulting from the analysis covers through June 30, 2011. Because 2010 Census data was not available by that date and because of program staff transitions, the City has chosen to extend its current analysis and action plan through June 30, 2015. A new AI will be developed in coordination with the FY 2015-2020 Consolidated Plan. The City's AI is available, upon request, from the Housing & Community Services Division.

The City's Fair Housing agency is Project Sentinel, which provides information and referral, and complaint investigation. The City has funded this activity in the past using tax increment revenue of the former Redevelopment Agency. As a result of the dissolution of the RDA, the City is funding Project Sentinel's Fair Housing Program as an administration activity utilizing anticipated PY 2014 HOME program income. This funding step was taken in order to maximize the use of CDBG funds for public service activities.

In its PY 2013 Consolidated Annual Performance and Evaluation Report, expected in September, 2014, the City will report steps taken to implement the Action Plan. The Action Plan below sets forth a number of initiatives in two forms. First, the basic ongoing strategy. Second, any specific initiatives to be taken in the next year. The actions set forth in the City's Housing Element are part of this Action Plan. The City annually reports its progress in meeting the objectives set forth in the Housing Element. The City's Housing Element update was last completed in PY 2012 and is currently in the process of being updated, with a scheduled completion date of late 2014/early 2015.

1. *Participate in the Fair Housing Task Force.*

   The Santa Clara County Fair Housing Task Force has three primary tasks: (1) Identify and prioritize key issues; (2) Develop common strategies for addressing issues; and (3) Identify new sources of funding and coordinate them with existing sources.

   CITY ACTIONS

   A. Review the Fair Housing Study, prioritize the recommendations, develop a countywide strategy for implementing those with the highest priority, and identify new sources of funds.
      Responsibility: Housing & Community Services Division.
      Target Date: Ongoing.

B. Review those issues identified in the AI as needing further research, establish a countywide priority in addressing those questions, develop a strategy for addressing those issues with the highest priority, and identify new sources of funds as required.
Responsibility: Housing & Community Services Division.
Target Date: Ongoing.

2. *Update and Implement the Housing Implementation Programs Identified in the City's Housing Element.*

The City's Year 2012 Housing Element includes policies and programs which implement the City's commitment to better meet the housing needs of senior citizens, low and moderate income families and other population groups with special housing needs. The Element utilizes the best available data.

CITY ACTIONS

A. Annually report on the progress in meeting the objectives of the City's Housing Implementation Programs.
Responsibility: Planning Division.
Target Date: Annually.
B. Analyze and determine whether there are constraints to providing housing for persons with disabilities, consistent with the year 2001 Senate Bill 520 (Chesbro). The analysis will concentrate on land use controls, and permit procedures. If any constraints are found in these two or in any other areas, develop a plan to mitigate or remove those constraints.
Responsibility: Planning Division.
Target Date: Annually.
C. Update the City's Housing Element.
Responsibility: Planning Division.
Target Date: Most recent update completed in 2012. Revised Housing Element in process with an expected completion in late 2014/early 2015.

3. *Continue to support non-profit organizations whose purpose is to further fair housing.*
Project Sentinel is currently the agency with which the City contracts to provide fair housing services, including community education and complaint investigation.

CITY ACTIONS

A. Continue to investigate complaints of housing discrimination and provide an annual report of the nature and disposition of those complaints.
Responsibility: Housing & Community Services Division.
Target Date: Ongoing.
B. Increase public awareness in the City of available fair housing services, by requiring the City's fair housing agency to develop an annual marketing strategy and appropriate methods to evaluate the effectiveness of its strategy.
Responsibility: Housing & Community Services Division.
Target Date: Ongoing.

4. *Continue to identify and mitigate housing constraints for persons with disabilities.*

Determine if there are housing constraints for persons with disabilities. Mitigate or remove any identified housing constraints.

CITY ACTIONS

A. As part of the City's review under 2B above, determine whether there is a need for a "reasonable accommodation ordinance." As appropriate, develop such an ordinance.
   Responsibility: Planning Division.
   Target Date: Ongoing.
B. Continue and update, as appropriate, the City's ADA Implementation Plan. Identify and reduce physical barriers on public property and street rights-of-way.
   Responsibility: Public Works.
   Target Date: Ongoing.

5. *Enhance housing for persons with disabilities by implementing federal and state fair housing and building code requirements related to residential accessibility.*

   CITY ACTIONS

   A. Continue to assist residents with disabilities in constructing accessibility modifications in existing housing.
      Responsibility: Housing & Community Services Division.
      Target Date: Ongoing.
   B. Continue the initiative of the City and its fair housing provider to address housing discrimination against persons with disabilities and provide an annual summary of results of those efforts.
      Responsibility: Housing & Community Services Division.
      Target Date: Annually.

6. *Continue to encourage the development of higher occupancy rental housing where feasible.*
   The private housing market continues to focus on the creation of smaller rental units. In subsidizing affordable housing projects, the City will give priority to projects with high occupancy units (2 or more bedrooms).

7. *Continue to require, review and update assisted housing projects Affirmative Marketing Plans.*
   The City requires that all federally assisted housing projects develop an affirmative marketing plan and annually report racial/ethnic data on applicants, rejections, and tenants.

   CITY ACTIONS

   A. Develop an affirmative marketing plan for the Below Market Purchase (BMP) Program.
      Responsibility: Housing & Community Services Division.
      Target Date: Completed 2010. Update in progress, expected to be completed by end of 2014.

8. *Continue to implement its residential Anti-Displacement and Relocation Assistance Policy.*
   The City's policy is to make all efforts to avoid displacement of residents or businesses in any assisted housing projects. When displacement cannot be avoided, federal and state relocation law requirements, as applicable, will be implemented.

9. *The City will continue to support police and community groups in the development of viable policies to deal with local incidents of hate crimes.*
   The City's Police Department regularly reviews and, as appropriate, updates its procedures for handling and reporting alleged hate crimes. The Police Department annually reports the number and type of hate crime incidents.

12. PROGRAM ADMINISTRATION

The Housing & Community Services Division of the Planning and Inspection Department of the City of Santa Clara is responsible for administering federal programs covered by this Annual Plan and the City's five year Consolidated Plan.

In compliance with federal regulatory provisions, the City has budgeted $171,232 in CDBG funds and $32,782 in HOME funds for program administration expenses during PY 2014. They represent the full 20% of CDBG and 10% of HOME allocations that are allowable under federal law. The City also uses local funds to assist in the administration of the federal entitlement programs.

In July, 2001, the Housing & Community Services Division was assigned the responsibility for administering the Redevelopment Agency of the City of Santa Clara's affordable housing set-aside. On February 1, 2012, the Redevelopment Agency of the City of Santa Clara (RDA) was formally dissolved under provisions of AB 1x 26. Prior to its dissolution and in agreement with the City of Santa Clara, the RDA elected the City as Successor Housing Agency (SHA), which retains all the assets, rights, powers, obligations and functions previously performed by the RDA in administering its Low and Moderate Housing Fund. The combination of that source under the same administration with the federal entitlement programs has improved the City's development of a comprehensive housing plan, using the SHA, CDBG and HOME funds more efficiently.

13. MINORITY/WOMEN BUSINESS ENTERPRISE OUTREACH

Consistent with federal requirements, the City of Santa Clara has adopted a Disadvantaged Business Enterprise Program, last updated in March, 2002. The policy of the City is to ensure that minority and women business enterprises have the maximum opportunity to compete for contracts funded wholly or in part with federal funds.

14. AMENDMENTS TO PREVIOUS YEAR ANNUAL PLANS

SUBSTANTIAL AMENDMENT TO PY 2010 and 2012 ANNUAL PLANs:

There was a proposed substantial amendment in the draft PY 2014 Annual Plan to Cancel the HOME-funded Charities Housing Gianera Homeownership project to create a new HOME-funded rental housing project to develop up to 15 rental housing units funded from HOME funds. During the course of the draft plan, it was discovered that the project will be unable to proceed. The City will be exploring an alternative project in the coming year.

Minor Amendment to PY 2013 Annual Plan:

1) Increase the amount of funding for Outreach from $32,730 to $41,730 because of increased demand for rides.

15. RELATIONSHIP OF THE PY 2014 ANNUAL PLAN TO THE FIVE YEAR CONSOLIDATED PLAN

Program Year 2014 will be the fifth and final year of the City's five year Consolidated Plan for the period 2010-2015. The table below sets forth the five year goals of that Plan and the one-year goals of the PY 2014 Annual Plan.

Summary of Specific Housing/Community Development Objectives

Funding Sources	Specific Objective	Performance Measure	Performance Goal		Section 215 Goals	
			5 Year	PY 2014	5 Year	PY 2014
Goal One: OWNERSHIP HOUSING						
SHA	First Time Homebuyer	Housing Units	100	0	10	0
SHA	Below Market Price	Housing Units	40	5	5	0
HOME/SHA	Self-Help Ownership	Housing Units	6	0	6	0
Goal Two: RENTAL HOUSING						
HOME/SHA	Acquisition	Housing Units	25	0	25	0
HOME/SHA	New Construction	Housing Units	100	0	100	0
HOME/SHA	Special Needs	Housing Units	160	14	160	0
SHA	Shared Housing	Housing Units	100	0	100	0
Goal Three: HOUSING REHABILITATION						
HOME/CDBG	Homeowner Rehabilitation	Housing Units	300	50	300	50
HOME/CDBG	Rental Rehabilitation	Housing Units	150	100	150	100
Goal Four: HOMELESS HOUSING/SERVICES						
HOME/CDBG	Rental Housing	Housing Units	40	0	40	0
SHA	Support Services	Persons	258/Year	0	N.A.	N.A
CDBG	At-Risk Households	Persons	5,470/Year	68	N.A.	N.A
SHA	Emergency Rental Assistance	Households	100	0	N.A.	N.A
Goal Five: SERVICES FOR SPECIAL NEEDS						
CDBG	Public Services	Persons	2,500/Year	1,538	N.A.	N.A
SHA	Affordable Housing Services	Persons	515/Year	0	N.A.	N.A
SHA	Foreclosure Prevention	Households	75	0	N.A.	N.A
Goal Six: FAIR HOUSING ACTIVITIES						
HOME	Fair Housing Services	Persons	50/Year	50	N.A.	N.A
Goal Seven: PUBLIC FACILITIES						
CDBG	Removal of Barriers	Projects	10	1	N.A.	N.A
CDBG	City Owned Facilities	Projects	2	1	N.A.	N.A
CDBG	Non-Profit Owned Facilities	Projects	1	0	N.A.	N.A

Activities are only counted as accomplishments when they are completed. Some of the proposed projects for PY 2014 may not be completed by June 30, 2015. Projects funded in previous years may be completed in PY 2014 and would there be included as accomplishments for PY 2014. The City will prepare a Consolidated Annual Performance and Evaluation Report (CAPER) in September 2014, reporting the accomplishments in PY 2013 and progress towards meeting the 5-year performance goals.

Section 215 is a section of the Federal Code that defines specific forms of affordable housing. To qualify as Section 215 Affordable Housing, a rental unit must be occupied by a very low, low, or moderate income household with a rent that is the lesser of (1) the existing Section 8 Fair Market Rent for comparable units in the area or, (2) 30% of the adjusted income of a family whose income equals 65% of the median income for the area. Homebuyers qualify as Section 215 Affordable Housing if they are very low, low, or moderate income, first-time homebuyers who make the purchased home their principal residence, and the price of the purchased home does not exceed the mortgage limit for the type of single family housing for the area under HUD's single family insuring authority under the National Housing Act. The current HUD-approved limit for a single-family home is $430,000. Because of the actual cost of housing in Santa Clara County, the City performed a market analysis to develop its own 95% of AMI value limit in accordance with 92.254(a)(2)(iii). The result of the City's analysis was that the 95% of AMI value is $758,100. For rehabilitated housing, the unit must be occupied by a very low, low, or moderate income household who use the house as a principal residence and which has a value, after rehabilitation, that does not exceed the mortgage limit applied to homebuyers above.

Each proposed activity of the 2014 Program Year is listed below in relation to the strategy it intends to address in the adopted 2010-15 Five Year Consolidated Plan. All of the proposed activities are open to all income-eligible City residents and no racial or ethnic group has a disproportionately greater need for any particular service or activity.

Goal One: Provide Housing Opportunities to First-Time Lower and Moderate Income Homebuyers

Program 1A: First-Time Homebuyer Financing Program
Proposed 2014 Activity: No new project.

Program 1B: Below Marketing Purchase Program
Proposed 2014 Activity: CITY OF SANTA CLARA HOUSING & COMMUNITY SERVICES DIVISION: Below Market Purchase Program (SHA housing).
Division offices located at 1500 Civic Center Drive, Santa Clara, CA.
2014 Goal: 5 Housing Units: 0 Section 215 Housing Unit.

Program 1C: Self-Help/Sweat Equity Homeowner Construction
Proposed 2014 Activity: No new project.

Goal Two: Provide Affordable Rental Housing to Very Low Income Households, Particularly Special Needs Populations

Program 2A: Expand Affordable Rental Housing Through Acquisition/Rehabilitation.
Proposed 2014 Activity: No new project.

Program 2B: Expand Affordable Rental Housing Through New Construction.
Proposed 2014 Activity: No new project.

Program 2C: Expand Affordable Rental Housing For Special Needs Populations.
Proposed 2014 Activity: No new project.

Program 2D: Expand Affordable Rental Housing Through Shared Housing.
Proposed 2014 Activity: No new project.

Goal Three: Preserve and Maintain Existing Housing Stock Occupied by Lower Income Households

Program 3A: Neighborhood Conservation and Improvement Program.
Proposed 2014 Activity: CITY OF SANTA CLARA: Housing & Community Services Division (HOME Housing; CDBG Housing).
Division offices located at 1500 Civic Center Drive, Santa Clara, CA.
2013 Goal: 50 Housing Units: 50 Section 215 Housing Units.

Program 3B: Rental Rehabilitation Program.
Proposed 2014 Activity: CITY OF SANTA CLARA: Accessibility Modifications (CDBG Housing).
Division offices located at 1500 Civic Center Drive, Santa Clara, CA.
2014 Goal: 25 Housing Units; 25 Section 215 Housing Units.

Program 3C: Liberty Tower Domestic Water Pump Replacement.
Proposed 2014 Activity: Santa Clara Methodist Retirement Foundation (CDBG Housing).
890 Main Street, Santa Clara, CA
2014 Goal: 100 Housing Units; 100 Section 215 Housing Units

Goal Four: Provide Housing and Supportive Services to Homeless Individuals and Families

Program 4A: Housing for Homeless Individuals and Families

Proposed 2014 Activity: No new project.

Program 4B: Support Services

Proposed 2014 Activity: NEXT DOOR SOLUTION TO DOMESTIC VIOLENCE: Homesafe Case Management (CDBG Public service).
611 El Camino Real, Santa Clara, CA.
2014 Goal: 70 Persons.

Program 4C: Support Entities Providing Basic Necessities to Households At-Risk for Homelessness

Proposed 2014 Activity: ST JUSTIN COMMUNITY MINISTRY: Food Assistance for the Needy (CDBG public service).
2655 Homestead Road, Santa Clara, CA.
2014 Goal: 4,000 Persons.

Program 4D: Provide Emergency Rental Assistance to Households in Danger of Eviction for Non-Payment of Rent.

Proposed 2014 Activity: No new project.

Goal Five: Support Non-Profit Community Service Organizations That Provide Essential Services to City Residents, Particularly Identified Special Needs Populations

Program 5A: Social Services for Special Needs Populations

Proposed 2014 Activity: BILL WILSON CENTER: Family Therapy/School Outreach/Grief Counseling Programs (CDBG public service).
Agency offices are located at 3490 The Alameda, Santa Clara, CA.
2014 Goal: 270 Persons.

Proposed 2014 Activity: CATHOLIC CHARITIES: Long-Term Ombudsman Program (CDBG public service).
Agency offices are located at 2625 Zanker Rd., San Jose, CA.
2014 Goal: 373 Persons.

Proposed 2014 Activity: SANTA CLARA COUNTY: Nutrition Site Meals Program (CDBG public service).
1303 Fremont St., Santa Clara, CA.
2014 Goal: 200 Persons.

Proposed 2014 Activity: YWCA of Silicon Valley: Services for Battered Women (CDBG public service).
Program services location at 1257 Tasman Drive, Suite C, Sunnyvale, CA.
Agency offices are located at 375 S. Third Street, San Jose, CA
2014 Goal: 50 Persons.

Proposed 2014 Activity: SENIOR ADULTS LEGAL ASSISTANCE: Legal Services for Elders (CDBG public service).
Services provided at 1303 Fremont Street, Santa Clara, CA. Agency Offices are located at 160 East Virginia Street, Suite 260, San Jose, CA.
2014 Goal: 53 Persons.

Proposed 2014 Activity: LIVE OAK ADULT DAY SERVICES: Senior Adult Day Care (CDBG public service).
Closest facility is located at 1147 Minnesota Avenue, San Jose, CA.
2014 Goal: 7 Persons.

Proposed 2014 Activity: OUTREACH & ESCORT: Special Needs Transportation (CDBG public service).
Agency office located at 926 Rock Avenue, Suite 10, San Jose, CA.
2014 Goal: 383 Persons.

Proposed 2014 Activity: HEART OF THE VALLEY: Senior Transportation and Volunteer Coordinator (CDBG public service).
Agency office located at 1550 El Camino Real, Santa Clara, CA.
2014 Goal: 46 Persons.

Proposed 2014 Activity: HEALTHIER KIDS FOUNDATION: COPE Program (CDBG public service).
Agency office located at 4030 Moorpark Ave., Suite 107, San Jose, CA
2014 Goal: 99 Persons.

Program 5B: Housing Services for Special Needs Populations

Proposed 2014 Activity: PROJECT SENTINEL, Rental Dispute Resolution Services (General Fund Housing Service).
Agency offices are located at 1490 El Camino Real, Santa Clara, CA.
2014 Goal: 270 Persons.

Program 5C: Foreclosure Prevention

Proposed 2014 Activity: No new project.

Goal Six: Provide Services and Promotional Support to Persons Experiencing Discrimination in Housing

Program 6A: Investigate Allegations of Discrimination in Housing

Proposed 2014 Activity: PROJECT SENTINEL, Fair Housing Services (HOME admin).
Agency offices are located at 1490 El Camino Real, Santa Clara, CA.
2014 Goal: 50 Persons.

Program 6B: Reduce Local Incidents of Hate Crimes

Proposed 2014 Activity: CITY OF SANTA CLARA, Police Department
601 El Camino Real, Santa Clara, CA.
2013 Goal: 1 Reportable Incident or less.

Program 6C: Update Analysis of Impediments to Fair Housing and Action Plan

Proposed 2014 Activity: CITY OF SANTA CLARA HOUSING & COMMUNITY SERVICES DIVISION: Affirmatively Further Fair Housing (HOME/CDBG Administration).
Division offices located at 1500 Civic Center Drive, Santa Clara, CA.
2014 Goal: Update current Analysis of Impediments.

Program 6D: Affirmative Marketing of Housing Programs and Projects

Proposed 2014 Activity: CITY OF SANTA CLARA HOUSING & COMMUNITY SERVICES DIVISION: Affirmatively Further Fair Housing (HOME Administration).
Division offices located at 1500 Civic Center Drive, Santa Clara, CA.
2014 Goal: Review all HOME Projects.

Goal Seven: Provide the Public Facilities Necessary to Assure the Health, Safety and Welfare for all Residents of the Community

Program 7A: Remove Architectural Barriers from City Facilities, and City Sidewalks.

Proposed 2014 Activity: CITY OF SANTA CLARA PUBLIC WORKS DEPARTMENT: Removal of Barriers to the Physically Handicapped, Curb Cuts (CDBG public facility - accessibility).
Citywide. Offices located at 1500 Warburton Avenue, Santa Clara, CA.
2014 Goal: 1 Public Facility Project/Accessibility (32 Curb Cuts).

Proposed 2013 Activity: CITY OF SANTA CLARA PUBLIC WORKS DEPARTMENT: Install Accessibility Enhancements Needed in City Hall Complex (CDBG public facility - accessibility).
Offices located at 1500 Warburton Avenue, Santa Clara, CA.
2014 Goal: 1 Public Facility Project/Accessibility.

Program 7B: Improve and Upgrade City Facilities in Lower Income Neighborhoods.

Proposed 2014 Activity: No new project.

Program 7C: Enhancement of Deteriorated Lower Income Neighborhoods.

Proposed 2014 Activity: No new project.

Program 7D: Improve and Upgrade Privately Owned Facilities Providing Services and Benefits to Lower Income Residents.

Proposed 2014 Activity: No new project.

Goal Eight: Provide Planning, Development and Monitoring Administration Necessary to Carry out the Five Year Plan Objectives and Comply with Federal and Redevelopment Law Requirements

Program 8A: Provide Stable Source of Funds for Administration.

Proposed 2014 Activity: CITY OF SANTA CLARA: Housing & Community Services Division (HOME/CDBG Administration).
Division offices located at 1500 Civic Center Drive, Santa Clara, CA.
2014 Goal: Ongoing.

Program 8B: Work with Non-Profit Partners and Other Entitlement Jurisdictions in Santa Clara County to Identify Strategies to Implement More Cost-Effective Administration of Federal Program Requirements.

Proposed 2014 Activity: CITY OF SANTA CLARA: Housing & Community Services Division (HOME/CDBG Administration).
Division offices located at 1500 Civic Center Drive, Santa Clara, CA.
2014 Goal: Ongoing

Program 8C: Support Countywide Efforts of Entitlement Jurisdictions in Santa Clara County to Identify Common County Housing & Community Development Needs and Develop Common Strategies to Address Them

Proposed 2014 Activity: CITY OF SANTA CLARA: Housing & Community Services Division (HOME/CDBG Administration).
Division offices located at 1500 Civic Center Drive, Santa Clara, CA.
2014 Goal: Ongoing.

Program 8D: Support Economic Development Activities that Promote Increased Economic Activity and Employment Growth, and Assess the Need and Feasibility of developing a CDBG-funded Economic Development Program for Individual, For-Profit Commercial Businesses in the City

Proposed 2014 Activity: CITY OF SANTA CLARA: Housing & Community Services Division (CDBG Administration).
Division offices located at 1500 Civic Center Drive, Santa Clara, CA.
2013 Goal: Ongoing.

DESCRIPTIONS OF PY 2014 FEDERALLY-FUNDED PROJECTS CONTRIBUTING TO THE ACCOMPLISHMENTS OF THOSE OBJECTIVES (TABLE 3C)

Grantee Name: **CITY OF SANTA CLARA**

CPMP Version 2.0

Project Name:	NEIGHBORHOOD CONSERVATION & IMPROVEMENT PROGRAM		
Description:	**IDIS Project #:** #1	**UOG Code:**	CA63354 SANTA CLARA

Provides minor rehabilitation to owner-occupied housing. Also provides accessibility modifications to renters. Assistance is provided in the form of loans or grants, consistent with the City Housing Rehabiltation Procedural Mannual. Each Program Year's allocation is supplemented by reallocating unused funds from the previous year and loan repayments. The "Other" accomplishment category is the number of projects involving accessibility modifications for homeowners, the number of Section 215 projects and the number of projects involving accessibility modifications for renters.

Location:

City of Santa Clara, Housing & Community Services Division, 1500 Civic Center Drive, Santa Clara, CA 95050

Completion Date:

6/30/2015

Objective Category
- (●) Decent Housing
- ( ) Suitable Living Environment
- ( ) Economic Opportunity

Outcome Categories
- [x] Availability/Accessibility
- [ ] Affordability
- [ ] Sustainability

Priority Need Category

Select one: Owner Occupied Housing

Explanation:

PY 2010: "Other" funding is RDA/Housing Authority (as of March, 2011). PY 2009 Unspent: $627,506 (CDBG); $683,313 (HOME); $199,430 (RDA) PY 2010 Unspent: $536,291 (CDBG); $576,088 (HOME); $250,766 (HA). PY 2011 Unspent: $355,480 (CDBG); $658,300 (HOME); $623,518 (HA)

Specific Objectives

1. Improve the quality of owner housing
2. Improve access to affordable owner housing
3.

Project-level Accomplishments

10 Housing Units	Proposed	300	Other	Proposed	10
	Underway	50		Underway	2
	Complete	200		Complete	5
Other	Proposed	75	Accompl. Type:	Proposed	
	Underway	15		Underway	
	Complete	56		Complete	
Other	Proposed	300	Accompl. Type:	Proposed	
	Underway	50		Underway	
	Complete	200		Complete	

Proposed Outcome	Performance Measure	Actual Outcome
Maintain Existing Housing Stock and improve accessibility for persons with disabilities	Number of Housing Units benefitting from rehab work. Number of Persons (Households) benefitting from accessibility	

14A Rehab; Single-Unit Residential 570.202	15 Code Enforcement 570.202(c)
14F Energy Efficiency Improvements 570.202	16A Residential Historic Preservation 570.202(d)
14I Lead-Based/Lead Hazard Test/Abate 570.202	Matrix Codes

Program Year 1	CDBG	Proposed Amt.	$269,686.00	Fund Source:	Proposed Amt.	
		Actual Amount			Actual Amount	
	Other	Proposed Amt.	$416,464.00	Fund Source:	Proposed Amt.	
		Actual Amount			Actual Amount	
	10 Housing Units	Proposed Units	75	Other	Proposed Units	75
		Actual Units	110		Actual Units	110
	Other	Proposed Units	15	Other	Proposed Units	2
		Actual Units	22		Actual Units	4
Program Year 2	CDBG	Proposed Amt.	$321,918.00	Fund Source:		
		Actual Amount				
	Other	Proposed Amt.	$446,899.00	Fund Source:		
		Actual Amount				
	10 Housing Units	Proposed Units	75	Other		75
		Actual Units	90			90
	Other	Proposed Units	15	Accompl. Type:		2
		Actual Units	34			1
Program Year 3	CDBG	Proposed Amt.	$263,589.00	Other		
		Actual Amount				
	Other	Proposed Amt.		Fund Source:		
		Actual Amount				
	10 Housing Units	Proposed Units	50	Other		50
		Actual Units				
	Other	Proposed Units	15	Accompl. Type:		2
		Actual Units				
Program Year 4	CDBG	Proposed Amt.		Other		
		Actual Amount				
	HOME	Proposed Amt.	$305,258.00	Fund Source:		
		Actual Amount				
	10 Housing Units	Proposed Units	50	Other		
		Actual Units				
	Other	Proposed Units	15	Accompl. Type:		
		Actual Units				
Program Year 5	CDBG	Proposed Amt.	$89,003.00	Other		
		Actual Amount				
	HOME	Proposed Amt.	$295,034.00	Fund Source:		
		Actual Amount				
	10 Housing Units	Proposed Units	50	Accompl. Type:		
		Actual Units				
	Other	Proposed Units	15	Accompl. Type:		
		Actual Units				

Grantee Name: **CITY OF SANTA CLARA**

CPMP Version 2.0

Project Name:	Liberty Tower Domestic Water Pump Replacement		
Description:	**IDIS Project #:** 2	**UOG Code:**	CA63354 SANTA CLARA

METHODIST RETIREMENT FOUNDATION: Project would replace the 40-year old domestic water pumps, tank and control panel with a more efficient pump. "Other" Accomplishment category is number of Section 215 housing units.

Location:
Liberty Tower, 890 Main Street, Santa Clara, CA 95050

Expected Completion Date:
6/30/2014

Objective Category
- (●) Decent Housing
- ( ) Suitable Living Environment
- ( ) Economic Opportunity

Outcome Categories
- [ ] Availability/Accessibility
- [x] Affordability
- [ ] Sustainability

Priority Need Category

Select one: Rental Housing

Explanation:

Specific Objectives

1. Improve the quality of affordable rental housing
2. Increase range of housing options & related services for persons w/ special needs
3.

Project-level Accomplishments

10 Housing Units	Proposed	100		Accompl. Type:	Proposed		
	Underway	100			Underway		
	Complete	0			Complete		
Other	Proposed	100		Accompl. Type:	Proposed		
	Underway	100			Underway		
	Complete	0			Complete		
Accompl. Type:	Proposed			Accompl. Type:	Proposed		
	Underway				Underway		
	Complete				Complete		

Proposed Outcome	Performance Measure	Actual Outcome
Maintain decent housing with improved/new accessibility.	Number of senior housing units benefiting from upgrades.	

14B Rehab; Multi-Unit Residential 570.202	Matrix Codes
Matrix Codes	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1	HOME	Proposed Amt.	$144,500.00	Fund Source:	Proposed Amt.		
		Actual Amount	$66,619.80		Actual Amount		
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	10 Housing Units	Proposed Units	100	Accompl. Type:	Proposed Units		
		Actual Units	100		Actual Units		
	Other	Proposed Units	100	Accompl. Type:	Proposed Units		
		Actual Units	100		Actual Units		
Program Year 2	HOME	Proposed Amt.	$0.00	Fund Source:	Proposed Amt.		
		Actual Amount	$46,890.20		Actual Amount		
	Other	Proposed Amt.	$26,553.00	Fund Source:	Proposed Amt.		
		Actual Amount	$27,553.00		Actual Amount		
	10 Housing Units	Proposed Units	incl in PY 1	Accompl. Type:	Proposed Units		
		Actual Units	N.A.		Actual Units		
	Other	Proposed Units	incl in PY 1	Accompl. Type:	Proposed Units		
		Actual Units	N.A.		Actual Units		
Program Year 3	Other	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	Other	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	10 Housing Units	Proposed Units		Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
	Accompl. Type:	Proposed Units		Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
Program Year 4	CDBG	Proposed Amt.	$214,096.00	Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	CDBG	Proposed Amt.	$90,706.00	Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	10 Housing Units	Proposed Units	100	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
	Other	Proposed Units	100	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
Program Year 5	CDBG	Proposed Amt.	$67,500.00	Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	Accompl. Type:	Proposed Units	100	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
	Accompl. Type:	Proposed Units	100	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		

CPMP Version 2.0

Grantee Name: **CITY OF SANTA CLARA**

Project Name:	SENIOR ADULT DAY CARE		
Description:	**IDIS Project #:** #3	**UOG Code:**	CA63354 SANTA CLARA

LIVE OAK ADULT DAY SERVICES: Serves frail elderly and dependent seniors with an adult day program consisting of recreation, interactive social activities, adaptive physical exercise, nutritious meals and personal care. The "Other" project accomplishment is the annual number of days of care provided.

Location:
Live Oak Adult Day Services, 1147 Minnesota Avenue, San Jose, CA 95125

Completion Date:
6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Outcome Categories
- ☑ Availability/Accessibility
- ☐ Affordability
- ☐ Sustainability

Priority Need Category

Select one: Public Services

Explanation:
PY 2010 incl PY 2009 Unliquidated Obligations of $2,513.00 PY 2010 Unliquidated Obligations: $2,639.00
PY 2011 Unliquidated Obligations: $2,506.50

Specific Objectives

1. Improve the services for low/mod income persons
2.
3.

Project-level Accomplishments

01 People	Proposed	50		Accompl. Type:	Proposed		
	Underway	10			Underway		
	Complete	19			Complete		
Other	Proposed	1890		Accompl. Type:	Proposed		
	Underway	378			Underway		
	Complete	1017			Complete		
Accompl. Type:	Proposed			Accompl. Type:	Proposed		
	Underway				Underway		
	Complete				Complete		

Proposed Outcome	Performance Measure	Actual Outcome
Prevention of Insitutionalization.	Percentage of Clients served and not institutionalized.	5 Year Goal: 90% 2 Year Completion: 95.00%

05A Senior Services 570.201(e)	Matrix Codes
Matrix Codes	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1

CDBG	Proposed Amt.	$6,300.00		Fund Source:	Proposed Amt.		
	Actual Amount	$5,151.00			Actual Amount		
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
01 People	Proposed Units	10		Accompl. Type:	Proposed Units		
	Actual Units	10			Actual Units		
Other	Proposed Units	378		Accompl. Type:	Proposed Units		
	Actual Units	603			Actual Units		

Program Year 2

CDBG	Proposed Amt.	$5,013.00		Fund Source:	Proposed Amt.		
	Actual Amount	$5,145.50			Actual Amount		
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
01 People	Proposed Units	10		Accompl. Type:	Proposed Units		
	Actual Units	9			Actual Units		
Other	Proposed Units	378		Accompl. Type:	Proposed Units		
	Actual Units	414			Actual Units		

Program Year 3

CDBG	Proposed Amt.	$4,762.00		Fund Source:	Proposed Amt.		
	Actual Amount	$4,762.00			Actual Amount		
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
01 People	Proposed Units	10		Accompl. Type:	Proposed Units		
	Actual Units				Actual Units		
Other	Proposed Units	378		Accompl. Type:	Proposed Units		
	Actual Units				Actual Units		

Program Year 4

CDBG	Proposed Amt.	$3,208.00		Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
01 People	Proposed Units	7		Other	Proposed Units		
	Actual Units				Actual Units		
Other	Proposed Units	250		Accompl. Type:	Proposed Units		
	Actual Units				Actual Units		

Program Year 5

CDBG	Proposed Amt.	$3,480.00		Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
01 People	Proposed Units	7		Accompl. Type:	Proposed Units		
	Actual Units				Actual Units		
Other	Proposed Units	250		Accompl. Type:	Proposed Units		
	Actual Units				Actual Units		

CPMP Version 2.0

Grantee Name: **CITY OF SANTA CLARA**

Project Name:	LEGAL ASSISTANCE FOR ELDERS		
Description:	**IDIS Project #:** #4	**UOG Code:**	CA63354 SANTA CLARA

SENIOR ADULTS LEGAL ASSISTANCE: Provides free, civil legal services to seniors. Consultations are made through twice monthly appointments availability at the City's Senior Center. For shut-in seniors, home visits can be arranged. "Other" Project Accomplishments are annual Appointment Days provided at the City's Senior Center.

Location:
Senior Adults Legal Assistance, 1303 Fremont Street, Santa Clara, CA 95050

Priority Need Category

Select one: Public Services

Explanation:
PY 2010 incl PY 2009 Unliquidated Obligations of $1,492.70 PY 2010 Unliquidated Obligations: $1,336,35
PY 2011 Unliquidated Obligations: $2,593.45

Completion Date:
6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Outcome Categories
- ☑ Availability/Accessibility
- ☐ Affordability
- ☐ Sustainability

Specific Objectives
1. Improve the services for low/mod income persons
2.
3.

Project-level Accomplishments

01 People	Proposed	400		Accompl. Type:	Proposed		
	Underway	80			Underway		
	Complete	249			Complete		
Other	Proposed	120		Accompl. Type:	Proposed		
	Underway	24			Underway		
	Complete	48			Complete		
Accompl. Type:	Proposed			Accompl. Type:	Proposed		
	Underway				Underway		
	Complete				Complete		

Proposed Outcome	Performance Measure	Actual Outcome
Empower seniors to understand their legal rights and how to protect them.	Increased knowledge of legal issues.	5 Year Goal: 80% 2 Year Completion: 98.17%

05A Senior Services 570.201(e)	Matrix Codes
05C Legal Services 570.201(E)	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1	CDBG	Proposed Amt.	$6,300.00	Fund Source:	Proposed Amt.		
		Actual Amount	$6,456.35		Actual Amount		
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	01 People	Proposed Units	80	Accompl. Type:	Proposed Units		
		Actual Units	125		Actual Units		
	Other	Proposed Units	24	Accompl. Type:	Proposed Units		
		Actual Units	24		Actual Units		
Program Year 2	CDBG	Proposed Amt.	$5,985.00	Fund Source:	Proposed Amt.		
		Actual Amount	$4,727.90		Actual Amount		
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	01 People	Proposed Units	80	Accompl. Type:	Proposed Units		
		Actual Units	124		Actual Units		
	Other	Proposed Units	24	Accompl. Type:	Proposed Units		
		Actual Units	24		Actual Units		
Program Year 3	CDBG	Proposed Amt.	$5,686.00	Fund Source:	Proposed Amt.		
		Actual Amount	$5,686.00		Actual Amount		
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	01 People	Proposed Units	80	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
	Other	Proposed Units	24	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
Program Year 4	CDBG	Proposed Amt.	$3,828.00	Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	01 People	Proposed Units	53	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
	Other	Proposed Units	16	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
Program Year 5	CDBG	Proposed Amt.	$4,153.00	Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	01 People	Proposed Units	53	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
	Other	Proposed Units	16	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		

Grantee Name: **CITY OF SANTA CLARA**

CPMP Version 2.0

Project Name:	LONG-TERM CARE OMBUDSMAN PROGRAM		
Description:	**IDIS Project #:** #5	**UOG Code:**	CA63354 SANTA CLARA

CATHOLIC CHARITIES: Provides advocacy and complaint investigation and resolution for persons living in the City's two skilled nursing facilities and 14 assisted care/residential care facilities for the elderly. The "Other" project accomplishment is the annual number of site visits made.

Location:
Catholic Charities, 2625 Zanker Road, San Jose, CA 95134

Completion Date:
6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Outcome Categories
- ☑ Availability/Accessibility
- ☐ Affordability
- ☐ Sustainability

Priority Need Category

Select one: Public Services

Explanation:

Specific Objectives

1. Improve the services for low/mod income persons
2.
3.

Project-level Accomplishments

01 People	Proposed	2830		Accompl. Type:	Proposed		
	Underway	566			Underway		
	Complete	1793			Complete		
Other	Proposed	600		Accompl. Type:	Proposed		
	Underway	120			Underway		
	Complete	409			Complete		
Accompl. Type:	Proposed			Accompl. Type:	Proposed		
	Underway				Underway		
	Complete				Complete		

Proposed Outcome	Performance Measure	Actual Outcome
Timely improvement of inadequate living environment situations.	Timely Resolution of Case Investigations.	5 Year Goal: 80% 2 Year Accomplishment: 76.94%

05A Senior Services 570.201(e)	Matrix Codes
05B Handicapped Services 570.201(e)	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1	CDBG	Proposed Amt.	$8,400.00		Fund Source:	Proposed Amt.	
		Actual Amount	$8,482.66			Actual Amount	
	Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.	
		Actual Amount				Actual Amount	
	01 People	Proposed Units	566		Accompl. Type:	Proposed Units	
		Actual Units	840			Actual Units	
	Other	Proposed Units	120		Accompl. Type:	Proposed Units	
		Actual Units	207			Actual Units	
Program Year 2	CDBG	Proposed Amt.	$7,980.00		Fund Source:	Proposed Amt.	
		Actual Amount	$8,893.99			Actual Amount	
	Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.	
		Actual Amount				Actual Amount	
	01 People	Proposed Units	566		Accompl. Type:	Proposed Units	
		Actual Units	993			Actual Units	
	Other	Proposed Units	120		Accompl. Type:	Proposed Units	
		Actual Units	202			Actual Units	
Program Year 3	CDBG	Proposed Amt.	$7,581.00		Fund Source:	Proposed Amt.	
		Actual Amount	$7,581.00			Actual Amount	
	Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.	
		Actual Amount				Actual Amount	
	01 People	Proposed Units	566		Accompl. Type:	Proposed Units	
		Actual Units				Actual Units	
	Other	Proposed Units	120		Accompl. Type:	Proposed Units	
		Actual Units				Actual Units	
Program Year 4	CDBG	Proposed Amt.	$5,097.00		Fund Source:	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.	
		Actual Amount				Actual Amount	
	01 People	Proposed Units	330		Accompl. Type:	Proposed Units	
		Actual Units				Actual Units	
	Other	Proposed Units	79		Accompl. Type:	Proposed Units	
		Actual Units				Actual Units	
Program Year 5	CDBG	Proposed Amt.	$5,270.00		Fund Source:	Proposed Amt.	
		Actual Amount				Actual Amount	
	Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.	
		Actual Amount				Actual Amount	
	01 People	Proposed Units	330		Accompl. Type:	Proposed Units	
		Actual Units				Actual Units	
	Other	Proposed Units	79		Accompl. Type:	Proposed Units	
		Actual Units				Actual Units	

CPMP Version 2.0

Grantee Name: **CITY OF SANTA CLARA**

Project Name:	SERVICES FOR BATTERED WOMEN		
Description:	**IDIS Project #:** #6	**UOG Code:**	CA63354 SANTA CLARA

YWCA of Silicon Valley: Provides counseling and legal services to women and their dependent children who are victims of domestic violence. The first "Other" project accomplishment is the annual number of counseling sessions provided. The second "Other" project accomplishment is the annual number of legal assistance units provided.

Location:
YWCA, 1257 Tasman Drive, Suite C, Sunnyvale, CA 94089
Agency Office:
375 S. Third St., San Jose, CA 95112

Completion Date:
6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Outcome Categories
- ☑ Availability/Accessibility
- ☐ Affordability
- ☐ Sustainability

Priority Need Category

Select one: Public Services

Explanation:

Specific Objectives

1. Improve the services for low/mod income persons
2.
3.

Project-level Accomplishments

01 People	Proposed	375	Accompl. Type:	Proposed	
	Underway	75		Underway	
	Complete	229		Complete	
Other	Proposed	4700	Accompl. Type:	Proposed	
	Underway	900		Underway	
	Complete	1779		Complete	
Other	Proposed	500	Accompl. Type:	Proposed	
	Underway	100		Underway	
	Complete	435		Complete	

Proposed Outcome	Performance Measure	Actual Outcome
Empower victims of domestic violence to take steps to reduce or eliminate such violence.	Improved self-confidence and knowledge of legal rights; by comparison before and after services began.	5 Year Goal: 65%. 2 Year Completion: 87.21%

05G Battered and Abused Spouses 570.201(e)	Matrix Codes
Matrix Codes	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1

CDBG	Proposed Amt.	$7,460.00	Fund Source:	Proposed Amt.	
	Actual Amount	$7,460.00		Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units	75	Other	Proposed Units	100
	Actual Units	135		Actual Units	323
Other	Proposed Units	1000	Accompl. Type:	Proposed Units	
	Actual Units	990		Actual Units	

Program Year 2

CDBG	Proposed Amt.	$7,087.00	Fund Source:	Proposed Amt.	
	Actual Amount	$7,087.00		Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units	75	Other	Proposed Units	100
	Actual Units	94		Actual Units	112
Other	Proposed Units	1000	Accompl. Type:	Proposed Units	
	Actual Units	789		Actual Units	

Program Year 3

CDBG	Proposed Amt.	$6,733.00	Fund Source:	Proposed Amt.	
	Actual Amount	$6,733.00		Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units	75	Other	Proposed Units	100
	Actual Units			Actual Units	
Other	Proposed Units	900	Accompl. Type:	Proposed Units	
	Actual Units			Actual Units	

Program Year 4

CDBG	Proposed Amt.	$4,529.00	Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units	50	Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units	594	Accompl. Type:	Proposed Units	
	Actual Units			Actual Units	

Program Year 5

CDBG	Proposed Amt.	$4,914.00	Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units	50	Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units	594	Accompl. Type:	Proposed Units	
	Actual Units			Actual Units	

CPMP Version 2.0

Grantee Name: **CITY OF SANTA CLARA**

Project Name:	FAMILY THERAPY/SCHOOL OUTREACH/CENTRE FOR LIVING WITH DYING		
Description:	**IDIS Project #:** #7	**UOG Code:**	CA63354 SANTA CLARA

BILL WILSON CENTER: Offers three public service programs. (1) Family Therapy provides counseling to families, couples and individuals with mental health needs. (2) School Outreach provides mental health counseling to students in seven middle and high schools in the City. (3) Centre for Living with Dying provides grief support services, including individual and group counseling. The "Other" accomplishments categories are counseling sessions provided under each of the three programs.

Location:
Bill Wilson Center, 3490 The Alameda, Santa Clara, CA 95050.

Priority Need Category
Select one: Public Services

Explanation:

Completion Date:
6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Specific Objectives

Outcome Categories
- ☑ Availability/Accessibility
- ☐ Affordability
- ☐ Sustainability

1. Improve the services for low/mod income persons
2.
3.

Project-level Accomplishments

01 People	Proposed	2050		Other	Proposed	1762
	Underway	410			Underway	350
	Complete	823			Complete	757
Other	Proposed	4550		Accompl. Type:	Proposed	
	Underway	750			Underway	
	Complete	1944			Complete	
Other	Proposed	5093		Accompl. Type:	Proposed	
	Underway	1181			Underway	
	Complete	2751			Complete	

Proposed Outcome	Performance Measure	Actual Outcome
Empower persons by teaching them methods to cope with personal and family conflict and stress.	Increased coping skills through before and after testing.	5 Year Goal: 70% 2 Year Accomplishment: 77.42%

05O Mental Health Services 570.201(e)	Matrix Codes
05D Youth Services 570.201(e)	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1

CDBG	Proposed Amt.	$53,237.00	Fund Source:	Proposed Amt.	
	Actual Amount	$53,237.00		Actual Amount	
Other	Proposed Amt.	$23,221.00	Fund Source:	Proposed Amt.	
	Actual Amount	$23,221.00		Actual Amount	
01 People	Proposed Units	410	Other	Proposed Units	775
	Actual Units	457		Actual Units	1244
Other	Proposed Units	1150	Other	Proposed Units	356
	Actual Units	994		Actual Units	473

Program Year 2

CDBG	Proposed Amt.	$37,469.00	Fund Source:	Proposed Amt.	
	Actual Amount	$37,469.00		Actual Amount	
Fund Source:	Proposed Amt.	$35,166.00	Fund Source:	Proposed Amt.	
	Actual Amount	$35,166.00		Actual Amount	
01 People	Proposed Units	410	Other	Proposed Units	775
	Actual Units	366		Actual Units	1507
Other	Proposed Units	1150	Other	Proposed Units	356
	Actual Units	950		Actual Units	284

Program Year 3

CDBG	Proposed Amt.	$66,176.00	Fund Source:	Proposed Amt.	1181
	Actual Amount	$66,176.00		Actual Amount	
Fund Source:	Proposed Amt.	$2,827.00	Fund Source:	Proposed Amt.	350
	Actual Amount	$2,827.00		Actual Amount	
01 People	Proposed Units	410	Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units	750	Other	Proposed Units	
	Actual Units			Actual Units	

Program Year 4

CDBG	Proposed Amt.	$46,250.00	Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Other	Proposed Amt.	$0.00	Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units	270	Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units	495	Other	Proposed Units	
	Actual Units			Actual Units	

Program Year 5

CDBG	Proposed Amt.	$50,194.00	Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Other	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units	270	Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units	495	Other	Proposed Units	
	Actual Units			Actual Units	

Grantee Name: **CITY OF SANTA CLARA**

CPMP Version 2.0

Project Name:	HEALTHIER KIDS KIDS FOUNDATION COPE PROGRAM		
Description:	**IDIS Project #:**	#8	**UOG Code:** CA63354 SANTA CLARA

SANTA CLARA FAMILY HEALTH FOUNDATION: Offers subsidized health care coverage for low-income children. FY 13/14 is the first year that this project is covered by CDBG funding.

Location:

SC Family Health Foundation, 210 E. Hacienda Ave, Campbell, CA 95008.

Completion Date:

6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Outcome Categories
- ☑ Availability/Accessibility
- ☐ Affordability
- ☐ Sustainability

Priority Need Category

Select one: Public Services

Explanation:

Specific Objectives

1. Improve the services for low/mod income persons
2.
3.

Project-level Accomplishments

01 People	Proposed	99		Other	Proposed		
	Underway				Underway		
	Complete				Complete		
Other	Proposed			Accompl. Type:	Proposed		
	Underway				Underway		
	Complete				Complete		
Other	Proposed			Accompl. Type:	Proposed		
	Underway				Underway		
	Complete				Complete		

Proposed Outcome	Performance Measure	Actual Outcome
Provision of health care coverage to children in need.	Increased health care coverage and access to children.	2 Year Goal: 446 children

05M Health Services 570.201(e)	Matrix Codes
05D Youth Services 570.201(e)	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1

CDBG	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Other	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	

Program Year 2

CDBG	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	

Program Year 3

CDBG	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	

Program Year 4

CDBG	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Other	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	

Program Year 5

CDBG	Proposed Amt.	$14,240.00	Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Other	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units	99	Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	

Grantee Name: **CITY OF SANTA CLARA**

CPMP Version 2.0

Project Name:	REMOVAL OF ARCHITECTURAL BARRIERS--CURB CUTS		
Description:	**IDIS Project #:** #9	**UOG Code:**	CA63354 SANTA CLARA

CITY OF SANTA CLARA PUBLIC WORKS DEPARTMENT: Modifies or retrofits City-owned buildings and public rights of way to accommodate persons with disabilities. Curb Cuts project modifies 32 or more curbs at street crossings throughout the City for persons with physical disabilities. Unused funds from one year are carried over into the folowing year.

Location:
CITYWIDE
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Completion Date
6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Outcome Categories
- ☑ Availability/Accessibility
- ☐ Affordability
- ☐ Sustainability

Priority Need Category

Select one: Public Facilities

Explanation:
Unspent funds at end of PY 2010: $801.97
Unspent funds at end of PY 2011: $18,427.57

Specific Objectives
1. Improve quality / increase quantity of public improvements for lower income persons
2.
3.

Project-level Accomplishments

01 People	Proposed	14376	Accompl. Type:	Proposed	
	Underway	0		Underway	
	Complete	14376		Complete	
11 Public Facilities	Proposed	5	Accompl. Type:	Proposed	
	Underway	1		Underway	
	Complete	2		Complete	
Other	Proposed	150	Accompl. Type:	Proposed	
	Underway	50		Underway	
	Complete	108		Complete	

Proposed Outcome	Performance Measure	Actual Outcome
Improve accessibility for persons with physical disabilities by identifying and repairing intersections for accessibility.	Number of curb cuts completed.	Goal: 150 2 Year Completed: 108

03L Sidewalks 570.201(c)	Matrix Codes
10 Removal of Architectural Barriers 570.201(k)	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1	CDBG	Proposed Amt.	$160,000.00	Fund Source:	Proposed Amt.		
		Actual Amount	$159,198.03		Actual Amount		
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	01 People	Proposed Units	14376	Other	Proposed Units	40	
		Actual Units	14376		Actual Units	50	
	11 Public Facilitie	Proposed Units	1	Accompl. Type:	Proposed Units		
		Actual Units	1		Actual Units		
Program Year 2	CDBG	Proposed Amt.	$250,000.00	Fund Source:	Proposed Amt.		
		Actual Amount	$232,374.60		Actual Amount		
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	01 People	Proposed Units	incl in PY 1	Other	Proposed Units	60	
		Actual Units	N.A.		Actual Units	58	
	11 Public Facilitie	Proposed Units	1	Accompl. Type:	Proposed Units		
		Actual Units	1		Actual Units		
Program Year 3	CDBG	Proposed Amt.	$250,000.00	Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	01 People	Proposed Units	incl in PY 1	Other	Proposed Units	50	
		Actual Units	N.A.		Actual Units		
	11 Public Facilitie	Proposed Units	1	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
Program Year 4	CDBG	Proposed Amt.	$199,493.00	Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	01 People	Proposed Units	incl in PY 1	Other	Proposed Units		
		Actual Units	N.A.		Actual Units		
	11 Public Facilitie	Proposed Units	1	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
Program Year 5	CDBG	Proposed Amt.	$250,000.00	Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	CDBG	Proposed Amt.		Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	01 People	Proposed Units	incl in PY 1	Other	Proposed Units		
		Actual Units			Actual Units		
	11 Public Facilitie	Proposed Units	1	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		

Grantee Name: **CITY OF SANTA CLARA**

CPMP Version 2.0

Project Name:	City Hall ADA Study and Implementation		
Description:	**IDIS Project #:**	#10	**UOG Code:** CA63354 SANTA CLARA

A two part project to: 1) a study/inventory of the City Hall complex to determine compliance with the American with Disabilities Act (ADA), and 2) design/engineering to implement actions recommended by the study. CDBG funding in PY 2014/15 will be used to implement the ADA improvements recommended in the study.

Location:
City of Santa Clara, Department of Public Works, 1500 Warburton Avenue, Santa Clara, CA 95050

Completion Date:
6/30/2015

Objective Category
- Decent Housing
- Suitable Living Environment
- Economic Opportunity

Outcome Categories
- Availability/Accessibility
- Affordability
- Sustainability

Priority Need Category

Select one: Public Facilities

Explanation:

Specific Objectives
1. Improve quality / increase quantity of public improvements for lower income persons
2.
3.

Project-level Accomplishments

Accompl. Type:					
Not Applicable	Proposed			Proposed	
	Underway			Underway	
	Complete			Complete	
	Proposed			Proposed	
	Underway			Underway	
	Complete			Complete	
	Proposed			Proposed	
	Underway			Underway	
	Complete			Complete	

Proposed Outcome	Performance Measure	Actual Outcome
Assure access of persons with disabilities to public facilities.	Install needed accessibility modifications.	

03 Public Facilities and Improvements (General) 570.201(c)
10 Removal of Architectural Barriers 570.201(k)

Program Year 1		Proposed Amt.			Proposed Amt.
		Actual Amount			Actual Amount
		Proposed Amt.			Proposed Amt.
		Actual Amount			Actual Amount
		Proposed Units			Proposed Units
		Actual Units			Actual Units
		Proposed Units			Proposed Units
		Actual Units			Actual Units
Program Year 2	CDBG	Proposed Amt.	$36,200.00		Proposed Amt.
		Actual Amount	$9,025.00		Actual Amount
		Proposed Amt.			Proposed Amt.
		Actual Amount			Actual Amount
		Proposed Units	Not Applicab		Proposed Units
		Actual Units			Actual Units
		Proposed Units			Proposed Units
		Actual Units			Actual Units
Program Year 3	CDBG	Proposed Amt.	$13,800.00		Proposed Amt.
		Actual Amount			Actual Amount
		Proposed Amt.			Proposed Amt.
		Actual Amount			Actual Amount
		Proposed Units	Not Applicab		Proposed Units
		Actual Units			Actual Units
		Proposed Units			Proposed Units
		Actual Units			Actual Units
Program Year 4	CDBG	Proposed Amt.	$100,000.00		Proposed Amt.
		Actual Amount			Actual Amount
		Proposed Amt.			Proposed Amt.
		Actual Amount			Actual Amount
		Proposed Units			Proposed Units
		Actual Units			Actual Units
		Proposed Units			Proposed Units
		Actual Units			Actual Units
Program Year 5	CDBG	Proposed Amt.	$150,000.00		Proposed Amt.
		Actual Amount			Actual Amount
		Proposed Amt.			Proposed Amt.
		Actual Amount			Actual Amount
		Proposed Units			Proposed Units
		Actual Units			Actual Units
		Proposed Units			Proposed Units
		Actual Units			Actual Units

CPMP Version 2.0

Grantee Name: **CITY OF SANTA CLARA**

Project Name:	SENIOR TRANSPORTATION PROGRAM/VOLUNTEER COORDINATOR			
Description:	**IDIS Project #:**	#11	**UOG Code:**	CA63354 SANTA CLARA

HEART OF THE VALLEY: Using volunteers, provides escorted, door-to-door transportation to seniors. Funding is also provided for a part-time volunteer coordinator. The "Other" project accomplishments are the annual number of roundtrip rides provided and the number of emergency kits distrubuted.

Location:
Heart of the Valley, 1550 El Camino Real, Santa Clara, CA 95050

Completion Date:
6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Outcome Categories
- ☐ Availability/Accessibility
- ☑ Affordability
- ☐ Sustainability

Priority Need Category

Select one: Public Services

Explanation:
PY 2010 incl PY 2009 Unliquidated Obligations of $1,814.63 PY 2010 Unliquidated Obligations: $4,760.18
PY 2011 Unliquidated Obligations: $5,049.46

Specific Objectives

1. Improve the services for low/mod income persons
2.
3.

Project-level Accomplishments

01 People	Proposed	310		Accompl. Type:	Proposed	
	Underway	70			Underway	
	Complete	115			Complete	
Other	Proposed	950		Accompl. Type:	Proposed	
	Underway	150			Underway	
	Complete	309			Complete	
Other	Proposed	115		Accompl. Type:	Proposed	
	Underway	24			Underway	
	Complete	56			Complete	

Proposed Outcome	Performance Measure	Actual Outcome
Reduction of amount of discretionary income spent on transportation.	Value of Subsidized Rides	5 Year Goal: $14,250. 2 Year Completion: $4,135

05A Senior Services 570.201(e)	Matrix Codes
05E Transportation Services 570.201(e)	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1

CDBG	Proposed Amt.	$10,874.00		Fund Source:	Proposed Amt.	
	Actual Amount	$7,669.96			Actual Amount	
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.	
	Actual Amount				Actual Amount	
01 People	Proposed Units	50		Other	Proposed Units	20
	Actual Units	68			Actual Units	35
Other	Proposed Units	250		Accompl. Type:	Proposed Units	
	Actual Units	142			Actual Units	

Program Year 2

CDBG	Proposed Amt.	$10,330.00		Fund Source:	Proposed Amt.	
	Actual Amount	$9,464.17			Actual Amount	
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.	
	Actual Amount				Actual Amount	
01 People	Proposed Units	50		Other	Proposed Units	20
	Actual Units	47			Actual Units	21
Other	Proposed Units	250		Accompl. Type:	Proposed Units	
	Actual Units	167			Actual Units	

Program Year 3

CDBG	Proposed Amt.	$9,814.00		Fund Source:	Proposed Amt.	
	Actual Amount	$9,814.00			Actual Amount	
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.	
	Actual Amount				Actual Amount	
01 People	Proposed Units	70		Other	Proposed Units	25
	Actual Units				Actual Units	
Other	Proposed Units	150		Accompl. Type:	Proposed Units	
	Actual Units				Actual Units	

Program Year 4

CDBG	Proposed Amt.	$6,593.00		Fund Source:	Proposed Amt.	
	Actual Amount				Actual Amount	
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.	
	Actual Amount				Actual Amount	
01 People	Proposed Units	46		Accompl. Type:	Proposed Units	
	Actual Units				Actual Units	
Other	Proposed Units	100		Accompl. Type:	Proposed Units	
	Actual Units				Actual Units	

Program Year 5

CDBG	Proposed Amt.	$7,156.00		Fund Source:	Proposed Amt.	
	Actual Amount				Actual Amount	
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.	
	Actual Amount				Actual Amount	
01 People	Proposed Units	46		Other	Proposed Units	
	Actual Units				Actual Units	
Other	Proposed Units	100		Accompl. Type:	Proposed Units	
	Actual Units				Actual Units	

Project Name:	SEPCIAL NEEDS TRANSPORTATION		
Description:	**IDIS Project #:** #12	**UOG Code:**	CA63354 SANTA CLARA

OUTREACH & ESCORT: Provides one-way rides to the disabled and elderly to medical appointments, shopping etc. The "Other" project accomplishments are the annual number of one-way rides provided.

Location:
Outreach, 1926 Rock Ave. #10, San Jose, CA 95131

Priority Need Category

Select one: Public Services

Explanation:
2014/15 is the second year that Outreach has been funded with CDBG funds.

Completion Date:
6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Outcome Categories
- ☐ Availability/Accessibility
- ☑ Affordability
- ☐ Sustainability

Specific Objectives
1. Improve the services for low/mod income persons
2.
3.

Project-level Accomplishments

01 People	Proposed	780	Accompl. Type:	Proposed	
	Underway			Underway	
	Complete			Complete	
Other	Proposed	48930	Accompl. Type:	Proposed	
	Underway			Underway	
	Complete			Complete	
Other	Proposed		Accompl. Type:	Proposed	
	Underway			Underway	
	Complete			Complete	

Proposed Outcome	Performance Measure	Actual Outcome
Reduction of amount of discretionary income spent on transportation.	Value of Subsidized Rides	

05B Handicapped Services 570.201(e)	Matrix Codes
05E Transportation Services 570.201(e)	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1

CDBG	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units		Accompl. Type:	Proposed Units	
	Actual Units			Actual Units	

Program Year 2

CDBG	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units		Accompl. Type:	Proposed Units	
	Actual Units			Actual Units	

Program Year 3

CDBG	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units		Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units		Accompl. Type:	Proposed Units	
	Actual Units			Actual Units	

Program Year 4

CDBG	Proposed Amt.	$31,665.00	Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units	390	Accompl. Type:	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units	24465	Accompl. Type:	Proposed Units	
	Actual Units			Actual Units	

Program Year 5

CDBG	Proposed Amt.	$33,988.00	Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
	Actual Amount			Actual Amount	
01 People	Proposed Units	390	Other	Proposed Units	
	Actual Units			Actual Units	
Other	Proposed Units	244465	Accompl. Type:	Proposed Units	
	Actual Units			Actual Units	

Grantee Name: **CITY OF SANTA CLARA**

CPMP Version 2.0

Project Name:	SENIOR NUTRITION PROGRAM		
Description:	**IDIS Project #:**	#13	**UOG Code:** CA63354 SANTA CLARA

COUNTY OF SANTA CLARA: Provides daily (M-F), balanced meals to persons 60 years and older. Meals are served at the City's Senior Center. The "Other" project accomplishment is the annual number of daily meals provided.

Location:

City of Santa Clara Senior Center, 1303 Fremont Street, Santa Clara, CA 95050

Priority Need Category

Select one: Public Services

Explanation:

Completion Date:

6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Outcome Categories
- ☐ Availability/Accessibility
- ☑ Affordability
- ☐ Sustainability

Specific Objectives

1. Improve the services for low/mod income persons
2.
3.

Project-level Accomplishments

01 People	Proposed	1415	Accompl. Type:	Proposed	
	Underway	300		Underway	
	Complete	1036		Complete	
Other	Proposed	94632	Accompl. Type:	Proposed	
	Underway	19760		Underway	
	Complete	41120		Complete	
Other	Proposed		Accompl. Type:	Proposed	
	Underway			Underway	
	Complete			Complete	

Proposed Outcome	Performance Measure	Actual Outcome
Reduction of amount of discretionary income spent on food.	Dollar Value of Donated Food.	5 Year Goal: $395,850.00 2 Year Completion: $145,976.00

05A Senior Services 570.201(e)	Matrix Codes
Matrix Codes	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1	CDBG	Proposed Amt.	$35,190.00	Fund Source:	Proposed Amt.	
		Actual Amount	$32,538.20		Actual Amount	
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
		Actual Amount			Actual Amount	
	01 People	Proposed Units	165	Other	Proposed Units	
		Actual Units	258		Actual Units	
	Other	Proposed Units	17000	Accompl. Type:	Proposed Units	
		Actual Units	18533		Actual Units	
Program Year 2	CDBG	Proposed Amt.	$33,431.00	Fund Source:	Proposed Amt.	
		Actual Amount	$33,514.00		Actual Amount	
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
		Actual Amount			Actual Amount	
	01 People	Proposed Units	185	Other	Proposed Units	
		Actual Units	647		Actual Units	
	Other	Proposed Units	18352	Accompl. Type:	Proposed Units	
		Actual Units	22587		Actual Units	
Program Year 3	CDBG	Proposed Amt.	$31,759.00	Fund Source:	Proposed Amt.	
		Actual Amount	$31,759.00		Actual Amount	
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
		Actual Amount			Actual Amount	
	01 People	Proposed Units	300	Other	Proposed Units	
		Actual Units			Actual Units	
	Other	Proposed Units	19760	Accompl. Type:	Proposed Units	
		Actual Units			Actual Units	
Program Year 4	CDBG	Proposed Amt.	$21,296.00	Fund Source:	Proposed Amt.	
		Actual Amount			Actual Amount	
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
		Actual Amount			Actual Amount	
	01 People	Proposed Units	300	Accompl. Type:	Proposed Units	
		Actual Units			Actual Units	
	Other	Proposed Units	19760	Accompl. Type:	Proposed Units	
		Actual Units			Actual Units	
Program Year 5	CDBG	Proposed Amt.	$22,000.00	Fund Source:	Proposed Amt.	
		Actual Amount			Actual Amount	
	Fund Source:	Proposed Amt.		Fund Source:	Proposed Amt.	
		Actual Amount			Actual Amount	
	01 People	Proposed Units	300	Accompl. Type:	Proposed Units	
		Actual Units			Actual Units	
	Other	Proposed Units	19760	Accompl. Type:	Proposed Units	
		Actual Units			Actual Units	

Grantee Name: **CITY OF SANTA CLARA**

CPMP Version 2.0

Project Name:	FOOD ASSISTANCE FOR NEEDY		
Description:	**IDIS Project #:**	#14	**UOG Code:** CA63354 SANTA CLARA

ST JUSTIN COMMUNITY MINISTRY: Provides two food services: (1) Grocery Items, provided once per month to extremely low-income households considered at-risk for homelessness; (2) Lunches, provided three days per week, to homeless individuals. The first "People" accomplishment is the number of persons receiving grocery; the second "People accomplishment is the number of homeless persons served lunches. The "Other" project accomplishment is the annual number of grocery bag packages provided.

Location:

St Justin Community Ministry, 2655 Homestead Road, Santa Clara, CA 95051

Priority Need Category

Select one: Public Services

Explanation:

PY 2010 Unliquidated Obligations: $0.00
PY 2011 Unliquidated Obligations: $0.00

Completion Date:

6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Specific Objectives

Outcome Categories
- ☐ Availability/Accessibility
- ☑ Affordability
- ☐ Sustainability

1. Improve the services for low/mod income persons
2.
3.

Project-level Accomplishments

01 People	Proposed	28000		Accompl. Type:	Proposed		
	Underway	6000			Underway		
	Complete	15035			Complete		
01 People	Proposed	0		Accompl. Type:	Proposed		
	Underway				Underway		
	Complete	1111			Complete		
Other	Proposed	98,400		Accompl. Type:	Proposed		
	Underway	20,000			Underway		
	Complete	45,586			Complete		

Proposed Outcome	Performance Measure	Actual Outcome
Reduction of amount of discretionary income spent on food.	Value of Donated Food	5 Year Goal: $1,700,000 2 Year Completion: $1,120,802.67

05 Public Services (General) 570.201(e)	Matrix Codes
Matrix Codes	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1

CDBG	Proposed Amt.	$14,659.00		Fund Source:	Proposed Amt.		
	Actual Amount	$14,659.00			Actual Amount		
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
01 People	Proposed Units	5000		Other	Proposed Units	19200	
	Actual Units	7105			Actual Units	23702	
01 People	Proposed Units	0		Accompl. Type:	Proposed Units		
	Actual Units	561			Actual Units		

Program Year 2

CDBG	Proposed Amt.	$13,926.00		Fund Source:	Proposed Amt.		
	Actual Amount	$13,926.00			Actual Amount		
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
01 People	Proposed Units	5000		Other	Proposed Units	19200	
	Actual Units	7930			Actual Units	21884	
Other	Proposed Units	19200		Accompl. Type:	Proposed Units		
	Actual Units	21884			Actual Units		

Program Year 3

CDBG	Proposed Amt.	$13,230.00		Fund Source:	Proposed Amt.		
	Actual Amount	$13,230.00			Actual Amount		
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
01 People	Proposed Units	6000		Other	Proposed Units	20000	
	Actual Units	8664			Actual Units		
Other	Proposed Units	20000		Accompl. Type:	Proposed Units		
	Actual Units	25758			Actual Units		

Program Year 4

CDBG	Proposed Amt.	$8,882.00		Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
01 People	Proposed Units	4000		Accompl. Type:	Proposed Units		
	Actual Units				Actual Units		
Other	Proposed Units	13200		Accompl. Type:	Proposed Units		
	Actual Units				Actual Units		

Program Year 5

CDBG	Proposed Amt.	$9,639.00		Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
Fund Source:	Proposed Amt.			Fund Source:	Proposed Amt.		
	Actual Amount				Actual Amount		
01 People	Proposed Units	4000		Accompl. Type:	Proposed Units		
	Actual Units				Actual Units		
Other	Proposed Units	13200		Accompl. Type:	Proposed Units		
	Actual Units				Actual Units		

Grantee Name: **CITY OF SANTA CLARA**

CPMP Version 2.0

Project Name:	Next Door Solutions		
Description:	**IDIS Project #:** #15	**UOG Code:**	CA63354 SANTA CLARA

Case Management and supportive services for HomeSafe Santa Clara, a 24 unit project for women and their families impacted by domestic violence.

Location:
Next Door Solutions
234 E. Gish Rd., Ste. 200
San Jose, CA 95112

Expected Completion Date:
6/30/2014

Objective Category
- (●) Decent Housing
- ( ) Suitable Living Environment
- ( ) Economic Opportunity

Outcome Categories
- [ ] Availability/Accessibility
- [x] Affordability
- [ ] Sustainability

Priority Need Category

Select one: Public Services

Explanation:

Specific Objectives
1. Improve access to affordable rental housing
2. Improve the services for low/mod income persons
3.

Project-level Accomplishments

01 People	Proposed	70			Proposed	
	Underway				Underway	
	Complete				Complete	
Other	Proposed	360			Proposed	
	Underway				Underway	
	Complete				Complete	
Other	Proposed	400			Proposed	
	Underway				Underway	
	Complete				Complete	

Proposed Outcome	Performance Measure	Actual Outcome
Maintain decent housing with	Number of people served.	

Program Year 1

	Proposed Amt.			Proposed Amt.	
	Actual Amount			Actual Amount	
	Proposed Amt.			Proposed Amt.	
	Actual Amount			Actual Amount	
	Proposed Units			Proposed Units	
	Actual Units			Actual Units	
	Proposed Units			Proposed Units	
	Actual Units			Actual Units	

Program Year 2

	Proposed Amt.			Proposed Amt.	
	Actual Amount			Actual Amount	
	Proposed Amt.			Proposed Amt.	
	Actual Amount			Actual Amount	
	Proposed Units			Proposed Units	
	Actual Units			Actual Units	
	Proposed Units			Proposed Units	
	Actual Units			Actual Units	

Program Year 3

	Proposed Amt.			Proposed Amt.	
	Actual Amount			Actual Amount	
	Proposed Amt.			Proposed Amt.	
	Actual Amount			Actual Amount	
	Proposed Units			Proposed Units	
	Actual Units			Actual Units	
	Proposed Units			Proposed Units	
	Actual Units			Actual Units	

Program Year 4

	Proposed Amt.			Proposed Amt.	
	Actual Amount			Actual Amount	
	Proposed Amt.			Proposed Amt.	
	Actual Amount			Actual Amount	
	Proposed Units			Proposed Units	
	Actual Units			Actual Units	
	Proposed Units			Proposed Units	
	Actual Units			Actual Units	

Program Year 5

CDBG	Proposed Amt.	$10,000.00		Proposed Amt.	
	Actual Amount			Actual Amount	
	Proposed Amt.			Proposed Amt.	
	Actual Amount			Actual Amount	
	Proposed Units	100		Proposed Units	
	Actual Units			Actual Units	
	Proposed Units	100		Proposed Units	
	Actual Units			Actual Units	

Grantee Name: **CITY OF SANTA CLARA**

CPMP Version 2.0

Project Name:	FEDERAL PROGRAM ADMINISTRATION				
Description:		**IDIS Project #:**	#16	**UOG Code:**	CA63354 SANTA CLARA

Provides planning, management and implementation of the City's CDBG & HOME Programs.

Location:

City of Santa Clara, Housing & Community Services Division, 1500 Civic Center Drive, Santa Clara, CA 95050

Priority Need Category

Select one: Planning/Administration

Explanation:

Completion Date:

6/30/2014

Objective Category
- ○ Decent Housing
- ○ Suitable Living Environment
- ○ Economic Opportunity

Specific Objectives

Outcome Categories
- ☐ Availability/Accessibility
- ☐ Affordability
- ☐ Sustainability

1
2
3

Project-level Accomplishments

Accompl. Type: Not Applicable	Proposed			Accompl. Type:	Proposed		
	Underway				Underway		
	Complete				Complete		
Accompl. Type:	Proposed			Accompl. Type:	Proposed		
	Underway				Underway		
	Complete				Complete		
Accompl. Type:	Proposed			Accompl. Type:	Proposed		
	Underway				Underway		
	Complete				Complete		

Proposed Outcome	Performance Measure	Actual Outcome
Enhance Suitable Living Environment, Decent Housing and Economic Activity through new/ improved Availability/Accessibility,	Meeting all goals of 5-Year Consolidated Plan.	

21A General Program Administration 570.206	Matrix Codes
Matrix Codes	Matrix Codes
Matrix Codes	Matrix Codes

Program Year 1	CDBG	Proposed Amt.	$234,273.00	Fund Source:	Proposed Amt.		
		Actual Amount	$234,273.00		Actual Amount		
	HOME	Proposed Amt.	$65,810.10	Fund Source:	Proposed Amt.		
		Actual Amount	$65,810.10		Actual Amount		
	Accompl. Type:	Proposed Units	Not Applicab	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
	Accompl. Type:	Proposed Units		Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
Program Year 2	CDBG	Proposed Amt.	$195,821.00	Fund Source:	Proposed Amt.		
		Actual Amount	$195,821.00		Actual Amount		
	HOME	Proposed Amt.	$58,112.00	Fund Source:	Proposed Amt.		
		Actual Amount	$58,112.00		Actual Amount		
	Accompl. Type:	Proposed Units	Not Applicab	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
	Accompl. Type:	Proposed Units		Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
Program Year 3	CDBG	Proposed Amt.	$158,027.00	Fund Source:	Proposed Amt.		
		Actual Amount	$158,027.00		Actual Amount		
	HOME	Proposed Amt.	$33,867.00	Fund Source:	Proposed Amt.		
		Actual Amount	$33,917.00		Actual Amount		
	Other	Proposed Units	Not Applicab	Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
	Accompl. Type:	Proposed Units		Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
Program Year 4	CDBG	Proposed Amt.	$158,027.00	Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	HOME	Proposed Amt.	$33,917.00	Fund Source:	Proposed Amt.		
		Actual Amount			Actual Amount		
	Other	Proposed Units		Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		
	Accompl. Type:	Proposed Units		Accompl. Type:	Proposed Units		
		Actual Units			Actual Units		

Grantee Name: **CITY OF SANTA CLARA**

CPMP Version 2.0

Project Name:	Project Sentinel Fair Housing Services		
Description:	**IDIS Project #:** 17	**UOG Code:**	CA63354 SANTA CLARA

Provide comprehensive fair housing services, including investigtion, counseling, referral and education, designed to reduce the incidence of illegal discrimination in housing, including City-funded housing projects. These services are provided to prospective and in-place renters nd homeowners, and housing providers. These services partially meet the City's requriement under CDBG to certify that affirmative steps are taken to assure equal housing opportunity.

Location:
Project Sentinel, 1490 El Camino Real, Santa Clara, CA 95050

Completion Date:
6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Outcome Categories
- ☑ Availability/Accessibility
- ☐ Affordability
- ☐ Sustainability

Priority Need Category

Select one: Planning/Administration

Explanation:
PY 2014/15 is the third year of funding Project Sentinel's Fair Housing Services with HOME anticipated program income.

Specific Objectives
1. Improve access to affordable rental housing
2. Increase range of housing options & related services for persons w/ special needs
3.

Project-level Accomplishments

01 People	Proposed	50			Proposed		
	Underway				Underway		
	Complete				Complete		
	Proposed				Proposed		
	Underway				Underway		
	Complete				Complete		
	Proposed				Proposed		
	Underway				Underway		
	Complete				Complete		

Proposed Outcome	Performance Measure	Actual Outcome
Assure equality in housing opportunities are provide fairly.	Clients served and cases opened.	

21D Fair Housing Activities (subject to 20% Admin cap) 570.2	
19A HOME Admin/Planning Costs of PJ (not part of 5% Ad	

Program Year 1	Other	Proposed Amt.				Proposed Amt.	
		Actual Amount				Actual Amount	
		Proposed Amt.				Proposed Amt.	
		Actual Amount				Actual Amount	
		Proposed Units				Proposed Units	
		Actual Units				Actual Units	
		Proposed Units				Proposed Units	
		Actual Units				Actual Units	
Program Year 2	Other	Proposed Amt.				Proposed Amt.	
		Actual Amount				Actual Amount	
		Proposed Amt.				Proposed Amt.	
		Actual Amount				Actual Amount	
		Proposed Units				Proposed Units	
		Actual Units				Actual Units	
		Proposed Units				Proposed Units	
		Actual Units				Actual Units	
Program Year 3	Other	Proposed Amt.				Proposed Amt.	
		Actual Amount				Actual Amount	
		Proposed Amt.				Proposed Amt.	
		Actual Amount				Actual Amount	
		Proposed Units	Not Applicab			Proposed Units	
		Actual Units				Actual Units	
		Proposed Units				Proposed Units	
		Actual Units				Actual Units	
Program Year 4	HOME	Proposed Amt.	$18,075.00			Proposed Amt.	
		Actual Amount				Actual Amount	
		Proposed Amt.				Proposed Amt.	
		Actual Amount				Actual Amount	
		Proposed Units				Proposed Units	
		Actual Units				Actual Units	
		Proposed Units				Proposed Units	
		Actual Units				Actual Units	
Program Year 5	HOME	Proposed Amt.	$18,075.00			Proposed Amt.	
		Actual Amount				Actual Amount	
		Proposed Amt.				Proposed Amt.	
		Actual Amount				Actual Amount	
		Proposed Units				Proposed Units	
		Actual Units				Actual Units	
		Proposed Units				Proposed Units	
		Actual Units				Actual Units	

Grantee Name: **CITY OF SANTA CLARA**

CPMF Version 2.0

Project Name:	Homeless Management Information System		
Description:	**IDIS Project #:** 18	**UOG Code:**	CA63354 SANTA CLARA

To obtain custom reports regarding homeless persons in or from the City of Santa Clara as a basis for establishing and implementing policies and programs to address the needs of homeless persons.

Location:
Community Technology Alliance
1671 The Alameda, Ste. 300
San Jose, CA 95126

Priority Need Category

Select one: Rental Housing

Explanation:

Expected Completion Date:
6/30/2015

Objective Category
- ○ Decent Housing
- ◉ Suitable Living Environment
- ○ Economic Opportunity

Outcome Categories
- ☐ Availability/Accessibility
- ☐ Affordability
- ☑ Sustainability

Specific Objectives
1. End chronic homelessness
2. Improve the services for low/mod income persons
3.

Project-level Accomplishments

	Proposed	Underway	Complete

Proposed Outcome	Performance Measure	Actual Outcome

Program Year 1		Proposed Amt.			Proposed Amt.	
		Actual Amount			Actual Amount	
		Proposed Amt.			Proposed Amt.	
		Actual Amount			Actual Amount	
		Proposed Units			Proposed Units	
		Actual Units			Actual Units	
		Proposed Units			Proposed Units	
		Actual Units			Actual Units	
Program Year 2		Proposed Amt.			Proposed Amt.	
		Actual Amount			Actual Amount	
		Proposed Amt.			Proposed Amt.	
		Actual Amount			Actual Amount	
		Proposed Units			Proposed Units	
		Actual Units			Actual Units	
		Proposed Units			Proposed Units	
		Actual Units			Actual Units	
Program Year 3	HOME	Proposed Amt.	$4,750.00		Proposed Amt.	
		Actual Amount			Actual Amount	
		Proposed Amt.			Proposed Amt.	
		Actual Amount			Actual Amount	
		Proposed Units			Proposed Units	
		Actual Units			Actual Units	
		Proposed Units			Proposed Units	
		Actual Units			Actual Units	
Program Year 4		Proposed Amt.			Proposed Amt.	
		Actual Amount			Actual Amount	
		Proposed Amt.			Proposed Amt.	
		Actual Amount			Actual Amount	
		Proposed Units			Proposed Units	
		Actual Units			Actual Units	
		Proposed Units			Proposed Units	
		Actual Units			Actual Units	
Program Year 5	HOME	Proposed Amt.	$4,750.00		Proposed Amt.	
		Actual Amount			Actual Amount	
		Proposed Amt.			Proposed Amt.	
		Actual Amount			Actual Amount	
		Proposed Units			Proposed Units	
		Actual Units			Actual Units	
		Proposed Units	100		Proposed Units	
		Actual Units			Actual Units	

APPENDIX A
SUMMARY OF FEDERALLY-FUNDED ACTIVITIES FOR PY 2014

CITY OF SANTA CLARA

FISCAL YEAR 2014-15 CDBG/HOME/RDA ALLOCATION

13-14	$822,597	CDBG Entitlement Grant:	$856,158	*actual grant amount*
13-14	$309,696	HOME Entitlement Grant:	$327,815	*actual grant amount*

#	Fund	FY 2013-14 Allocation	Applicant Agency Project Name	FY 14-15 Request	STAFF CDBG Recomm	STAFF HOME Recomm	
1A	CDBG	$164,519	CDBG ADMIN (20% Maximum)	$171,232	$171,232	XXX	
1B	HOME	$30,970	HOME ADMIN (10% Maximum)	$32,782	XXX	$32,782	
1C	HOME	$18,075	PROJECT SENTINEL Fair Housing Services	$18,075 (FY 14-15 Anticipated Program Income)	$0	$18,075	
1D	HOME	$4,750 FY 12-13	COMMUNITY TECH ALLIANCE Homeless MIS System	$4,750	$0 Reallocated HOME admin	$4,750	

PUBLIC SERVICE REQUESTS (15% of grant maximum)

$123,390	CDBG Entitlement Funds Available:	$128,424				
$26,574	FY 14-15 Anticipated Program Income:	$36,611	*As of 12/31/13*	*$244,070*	*CDBG PI*	
$149,964	**TOTAL FUNDS AVAILABLE:**	**$165,034**				

est same funding as prior year

#	Fund	FY 2013-14 Allocation	Applicant Agency Project Name	FY 14-15 Request	STAFF CDBG Recomm	
2	CDBG	$47,804	BILL WILSON CENTER Family Therapy/School Outreach/Grief Counseling	$50,194	$50,194	
3	CDBG	$5,270	CATHOLIC CHARITIES Long-Term Care Ombudsman	$5,270	$5,270	
4	CDBG	$22,010	SANTA CLARA SENIOR CENTER Nutrition Site Meals	$22,000	$22,000	
5	CDBG	$4,680	YWCA Services for Battered Women	$4,914	$4,914	
6	CDBG	$3,955	SENIOR ADULT LEGAL ASST Legal Assistance to Elders	$4,153	$4,153	
7	CDBG	$3,315	LIVE OAK ADULT DAY SERVICES Senior Adult Day Care	$3,480	$3,480	
8	CDBG	$6,815	HEART OF THE VALLEY Volunterr Coord/Sr Transportation	$7,156	$7,156	
9	CDBG	$9,180	ST JUSTIN COMMUNITY MINISTRY Food Assistance for Needy	$9,639	$9,639	
10	CDBG	$32,730	OUTREACH & ESCORT Special Needs Transportation	$33,988	$33,988	
11	CDBG	$14,205	HEALTHIER KIDS FOUNDATION COPE program	$14,240	$14,240	
12	CDBG	$0	NEXT DOOR SOLUTIONS HomeSafe Santa Clara	$10,000	$10,000	

	$149,964			165,034
13-14 Funding			Requests	Recommendations
$149,964	**CDBG PUBLIC SERVICE SUBTOTAL**		$165,034	CDBG **$165,034**

CITY OF SANTA CLARA

FISCAL YEAR 2014-15 CDBG/HOME/RDA ALLOCATION

CAPITAL IMPROVEMENT REQUESTS

CDBG Entitlement Funds Available:	$556,503	
plus unallocated CDBG	$0	Project 5500
TOTAL CDBG FUNDS AVAILABLE:	**$556,503**	
HOME Entitlement Funds Available:	**$295,034**	
plus unallocated HOME	$0	Project 5900
TOTAL HOME FUNDS AVAILABLE:	**$295,034**	

#	Fund	FY 2013-14 Allocation	Applicant Agency Project Name	FY 14-15 Request	CDBG Recomm	STAFF HOME Recomm	
13	CDBG	$0	CITY-HOUSING & COMMUNITY SER	$89,003	$89,003	XXX	
	HOME	$278,726	Neighborhood Conserv & Improv (NCIP)	$295,034	XXX	$295,034	
14	CDBG	$220,592	CITY-PUBLIC WORKS DEPT Barriers Removal - Curb Cuts	$250,000	$250,000	XXX	
15	CDBG	$214,096	SCMRF - LIBERTY TOWER Domestic Water Pump Replacement	$67,500	$67,500	XXX	
16	CDBG	$100,000	CITY -PUBLIC WORKS DEPT City Hall ADA Study & Improvements	$150,000	$150,000	XXX	
FEDERAL			**CAPITAL IMPROVEMENT SUBTOTAL**	**851,537**	**556,503**	**295,034**	**0**
			ALL CATEGORIES TOTAL	**1,243,409**	**892,769**	**350,641**	**0**

SUMMARY OF FEDERAL FUNDING RECOMMENDED ALLOCATIONS BY FUNDING SOURCE AND ACTIVITY CATEGORY

ACTIVITY CATEGORY	CDBG	HOME	Totals
Administration	$171,232	$55,607	$226,839
Public Services	$165,034	XXX	$165,034
Capital Projects (Non-Housing)	$400,000	XXX	$400,000
Capital Projects (Housing)	$156,503	$295,034	$451,537
TOTAL BY FUNDING SOURCE	**$892,769**	**$350,641**	**$1,243,410**

APPENDIX B
DESCRIPTION OF PY 2014 FUNDED ACTIVITIES

FY 2014-15 CDBG/HOME FUNDING REQUESTS
SUMMARY OF PROPOSED PROJECTS

DESCRIPTION OF ACTIVITIES

All Community Development Block Grant (CDBG)/Home Investment Partnerships Act (HOME) funding applications received by the City are summarized below. A brief description of each program is provided as well as a three-year summary of funding and program accomplishments for those projects previously funded.

Annual Expense for FY 2014-15 is the amount of funds requested from the City; for FY 2013-14, it is the amount appropriated by the City; for FY 2012-13, it is actual expenditures of CDBG/HOME funds.

Statistics for FY 2014-15 are proposed agency goals; statistics for FY 2013-14 represent half-year figures projected for the full year where available; statistics for FY 2012-13 are actual full year accomplishments. All statistics represent only residents of the City of Santa Clara, unless otherwise noted.

I ADMINISTRATION

1A/B CITY OF SANTA CLARA—HOUSING & COMMUNITY SERVICES DIVISION

1500 Civic Center Drive, Santa Clara, CA 95050 (408) 615-2490

Provides management, planning and implementation of the City's CDBG and HOME programs, administration of the assets of the City of Santa Clara Housing Authority, and administration of the Housing & Community Services Division. CDBG rules place a cap of 20% of the year's entitlement funding on this category of eligible activity and HOME rules place a cap of 10% of the year's entitlement funding on this category of eligible activity.

Housing projects developed with HOME and former RDA/Housing Authority funds require annual monitoring for compliance with affordability restrictions for periods up to fifty-five years. Thus, as new housing projects are developed, the administrative costs of monitoring contract compliance increases. In its five year Consolidated Plan for the Use of Federal Funds, 2010-2015 (ConPlan), the City identified the need to "Establish Stable Funding Base to Assure Compliance with Long Term Monitoring Requirements of CDBG, HOME and RDA."

1C. PROJECT SENTINEL--FAIR HOUSING

1490 El Camino Real, Santa Clara, CA 95050 (650) 321-6291

This project is eligible for CDBG Public Service funds, CDBG Administration funds, and HOME Administration funds. It currently receives HOME funds.

The project provides comprehensive fair housing services, including investigation, counseling, referral and education, designed to reduce the incidence of illegal discrimination in housing, including City - funded housing projects. These services are provided to prospective and in-place renters and homeowners, and housing providers. These services partially meet the City's requirement under CDBG to certify that affirmative steps are taken to assure equal housing opportunity.

Last year, 67.5% of the clients were low/moderate income. Reimbursement is based on a cost rate per Fair Housing Case Opened.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	Cases Opened	Clients Served	Cases Opened
2014-15 Proposed	**$18,075**	**50**	**25**	**Not Applicable**	
2013-14 Projected	$18,075	50	25	36	24
2012-13 Actual	$18,075	50	25	40	22

1D. COMMUNITY TECHNOLOGY ALLIANCE (CTA)—HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)

115 East Gish Road, #222, San Jose, CA 95112 (408) 437-8800

This program is eligible for CDBG and HOME Administration funds. It is not considered a public service because it provides no direct benefit to any persons.

The HMIS was developed with HUD seed funding in 2004. It is mandated by HUD in order for homeless agencies in the County to be eligible for federal McKinney Act funds; in FY 2012-13, 1,635 homeless and at-risk Santa Clara residents were served by Community Technology Alliance's 47 HMIS SCC partner agencies, including EHC LifeBuilders, InnVision Shelter Network, Santa Clara Adult Education, Next Door Solutions to Domestic Violence, and Bill Wilson Center. Of the 27,732 homeless individuals served by HMIS SCC partners in FY 12-13, 974 individuals, or 3.5%, identified Santa Clara as their last permanent residence.

The use of an HMIS system is mandated by the U.S. Department of Housing and Urban Development (HUD). Without this program, Santa Clara County homeless service providers would not qualify for HUD Continuum of Care Homeless Assistance grants – $12.7 million to be shared by 42 programs in FY 2014-15. HMIS SCC makes possible the maintenance and expansion of federal funding for transitional and supportive housing and for rapid re-housing through new ESG rental assistance programs, and also increases the effectiveness of emergency shelter and outreach programs.

The annual cost of maintaining the database is budgeted to cost approximately $420,000; 75% of that amount comes from HUD, which requires that 25% of the cost come from local sources. CTA rotates its request for local match funds among the smaller cities; their plan is to request funding from the City every two years. The City provided $4,750 in support in FY 2012-13.

Staff proposes using unspent HOME Administration funds from previous years. Unlike CDBG Administration funds, unspent HOME Administration funds in a given year can be retained for use in a future year. The current balance of the City's Unallocated Appropriations - HOME Administration account (562-5544-80060-5900) is $7,254.

FY 2014-15 Proposal: $4,750. Previous Allocation: $5,000 (FY 2012-13).
Proposed Beneficiaries: Not Applicable.

II PUBLIC SERVICE AGENCIES

The City received 10 applications from public service/affordable housing service programs currently funded in FY 2013-14 and one application from a new agency.

Eligibility Requirements for CDBG Public Services

To be eligible for CDBG funding, Public Services must meet the "Limited Clientele" criteria to qualify under the National Objective of serving low and moderate income persons. Low and moderate income persons are those who reside in households whose income is less than or equal to 80% of the County median, based on family size. Currently, for a family of four, the maximum household income to qualify as low/moderate income is $75,050. The Limited Clientele criteria requires that 51% of the beneficiaries of each individual program be of low/moderate income. Overall, 70% of the City's Public Service program beneficiaries must be of low/moderate income. To meet that program requirement, the City has required that each CDBG-funded public service meet the 70% standard. Certain categories of persons are presumed to be low/moderate income: abused children, battered spouses, elderly persons (62 & older), severely disabled adults, homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers. All but one of the currently-funded CDBG public services serves one or more of these special needs populations. The City requires that all Public Service recipients collect Client income data in order to assure compliance with the low-income benefit CDBG National Objective.

In its ConPlan, the City's strategy for public services included a priority to focus Public Service funding on programs serving Extremely Low Income (ELI) Households (households whose income is less than or equal to 30% of the County median based on family size: $31,500 for a family of four), often described as the "working poor." In FY 2012-13, 87% of the 12,989 persons served by the City's CDBG -funded public service programs were ELI.

Three-Year Public Service Agreements

Currently, there are 9 CDBG-funded public service programs that are in their second year of their three year agreements. To be eligible for three year agreements, a public service program must have served City residents for at least ten years, received City funding for at least five years, and provided satisfactory services in the most recent three years that they received City funding. All applicants for public service funding were required to submit a letter of renewal in order to be considered for FY 2014-15 funding.

2. BILL WILSON CENTER--FAMILY THERAPY/SCHOOL OUTREACH/GRIEF COUNSELING

3490 The Alameda, Santa Clara, CA 95050 (408) 243-0222

This program is only eligible for CDBG Public Service funds.

The application requests funding for three counseling programs provided by Bill Wilson Center: Family Therapy, School Outreach and Grief Counseling. The purpose of the three counseling programs is a reduction in high-risk behavior choices, a reduction in family conflict; and an increase in coping skills. The Family Therapy Program provides counseling services to low and moderate income couples, families and individuals with mental health needs. Problems addressed include child abuse and neglect, suicidal ideation, violent behavior and substance abuse. Families also seek counseling for issues related to separation, divorce, remarriage, child development and communication. The School Outreach Program offers counseling to youth in two secondary, two continuation and three middle schools in the City of Santa Clara. This counseling focuses on such issues as peer pressure, depression, problems at home, anger management, poor school performance, suicidal ideation and sexuality. Grief Counseling offers grief support services, including individual and group counseling, in order to build resiliency and coping skills to deal with changes caused by loss, death or trauma. Within the program's activities, groups deal with specific forms of grief, such as widow/widower, suicide, and deceased/terminally ill children. Reimbursement is based on a per counseling session rate.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	Counsel Sessions	Clients Served	Counsel Sessions
2014-15 Proposed	**$50,194**	**410**	**2,281**	**Not Applicable**	
2013-14 Projected	$47,804	410	2,281	446	1,987
2012-13 Actual	$69,003	410	2,281	354	2,509

3. CATHOLIC CHARITIES--LONG TERM CARE OMBUDSMAN

2625 Zanker Road, Suite 200, San Jose, CA 95134 (408) 944-0567

This program is only eligible for CDBG Public Service funds. Persons served by this program are considered to be Severely Disabled Adults and/or Elderly Persons, both of whom are presumed to be low/moderate income.

Under the direction of the California Department of Aging, provides advocacy, complaint investigation, including violations of personal rights and elder abuse, and problem resolution for primarily elderly (60+ years of age) residents in the City's 2 Nursing Facilities and 15 Assisted Living/Residential Care Facilities for the Elderly.

Reimbursement is based on hours worked by agency staff serving residents in the care facilities located in the City.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	Site Visits	Clients Served	Site Visits
2014-15 Proposed	**$ 5,270**	**500**	**80**	**Not Applicable**	
2013-14 Projected	$ 5,270	566	120	**	**
2012-13 Actual	$ 7,581	566	120	813	152

** Statistics not yet available

4. SANTA CLARA SENIOR CENTER--SENIOR NUTRITION

1303 Fremont Street, Santa Clara, CA 95050 (408) 615-3170

This program is only eligible for CDBG Public Service funds. Persons served by this program are considered to be Elderly Persons, who are presumed to be low/moderate income.

Provides daily, balanced meals to persons 60 years and older, targeting frail, isolated senior citizens. Meals are served at the City's Senior Center. The median age of clients is 76. The Program is operated by the City Parks and Recreation Department, under a contract with the County of Santa Clara. Most of the funds to operate the program come from Santa Clara County. The City's current agreement with the County limits CDBG expenditures to 15.26% of expenditures, or $21,269, whichever is less.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	Meals Served	Clients Served	Meals Served
2014-15 Proposed	**$22,000**	**300**	**19,760**	**Not Applicable**	
2013-14 Projected	$21,269	300	19,760	**	**
2012-13 Actual	$31,759	300	19,760	438	22,119

** Statistics not yet available

5. YWCA – SERVICES FOR BATTERED WOMEN

375 S. Third Street, San Jose, CA 95112 (408) 295-4011

This program is only eligible for CDBG Public Service funds. Persons served by this program are considered to be Battered Spouses or Abused Children, both of whom are presumed to be low/moderate income.

Provides an array of services to women and children who are victims of domestic violence. Services include a toll-free, bilingual 24-hour crisis line, emergency shelter, transportation and food, counseling and support groups, legal services (including restraining orders, legal advice, court accompaniment and referral to low-cost or free legal representation) and community education.

Last year, 100% of the clients were low/moderate income; 100% were extremely low income. Reimbursement is determined by actual costs, including staff time working with Santa Clara residents, incurred by the YWCA.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	Counsel Sessions	Clients Served	Counsel Sessions
2014-15 Proposed	**$ 4,914**	**75**	**900**	**Not Applicable**	
2013-14 Projected	$ 4,680	75	900	**	**
2012-13 Actual	$ 6,733	75	1,000	136	781

** Statistics not yet available

6. SENIOR ADULTS LEGAL ASSISTANCE (SALA)--ELDERS LEGAL SERVICES

160 East Virginia Street, Suite 260, San Jose, CA 95112 (408) 295-5991

This program is only eligible for CDBG Public Service funds. Persons served by this program are considered to be Elderly Persons, who are presumed to be low/moderate income.

Provides free, civil, legal services to seniors (age 60 and older). Service is provided by appointment two intake days a month at the City Senior Center on Fremont Avenue, and by phone. Homebound elders receive home visits. Services include legal advice/referrals, simple document writing, and legal representation. Currently, there is a 4-month waiting list for appointments at the City's Senior Center.

Last year, 98% of the clients were low/moderate income; 50% were extremely low income. Reimbursement is determined by actual personnel time worked with Santa Clara residents.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	Intake Days	Clients Served	Intake Days
2014-15 Proposed	**$ 4,153**	**54**	**16**	**Not Applicable**	
2013-14 Projected	$ 3,955	54	16	118	16
2012-13 Actual	$ 5,686	80	24	121	24

7. LIVE OAK ADULT DAY SERVICES--SENIOR ADULT DAY CARE

1147 Minnesota Avenue, San Jose, CA 95125 (408) 971-9363

This program is only eligible for CDBG Public Service funds. Persons served by this program are considered to be Elderly Persons, who are presumed to be low/moderate income.

Serves frail and dependent seniors with an adult day care program consisting of recreation, interactive social activities, adaptive physical exercise, nutritious meals and personal care. In addition caregivers receive respite and support services, including counseling and referrals, to assist them in their efforts to maintain their senior relative in their home. Most City residents attend the San Jose center located at 1147 Minnesota Avenue.

Last year, 100% of the clients were low/moderate income; 50% were extremely low income. Reimbursement is determined by actual personnel time worked with Santa Clara residents.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	Days of Care	Clients Served	Days of Care
2014-15 Proposed	**$ 3,480**	**10**	**378**	**Not Applicable**	
2013-14 Projected	$ 3,315	10	378	**	**
2012-13 Actual	$ 4,762	10	378	8	480

** Statistics not yet available

8. HEART OF THE VALLEY—SENIOR TRANSPORTATION

1550 El Camino Real, Santa Clara, CA 95050 (408) 241-1571

This program is only eligible for CDBG Public Service funds. Persons served by this program are considered to be Elderly Persons, who are presumed to be low/moderate income.

Heart of the Valley provides numerous services to seniors living independently in their home. These services are provided by an extensive staff of volunteers. The program includes a Volunteer Coordinator, whose tasks are to recruit, orient, train and manage volunteers who provide direct services to seniors.

City CDBG funds provide support for two direct services:

(1) Door-to-door transportation for seniors who are 59 years of age or older. Riders pay no fee. Transportation is provided by volunteers. The program does not provide transportation for persons in wheelchairs. Persons needing accessible vehicles for transportation are also referred to the countywide paratransit program. The City provides reimbursement for each roundtrip, mileage reimbursement and a monthly administration & overhead charge.

(2) Develops individual disaster preparedness plans for seniors. As part of these plans, a portion of the City's funds are used to purchase emergency kits for extremely low income seniors.

Last year, 95% of the clients were low/moderate income; 25% were extremely low income.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	Roundtrip Rides	Clients Served	Roundtrip Rides
2014-15 Proposed	**$7,156**	**70**	**150**	**Not Applicable**	
2013-14 Projected	$6,815	70	150	**	**
2012-13 Actual	$9,814	70	150	61	199

** Statistics not yet available

9. ST JUSTIN COMMUNITY MINISTRY—FOOD ASSISTANCE FOR NEEDY

2655 Homestead Road, Santa Clara, CA 95051 (408) 296-1193

This program is only eligible for CDBG Public Service funds. Persons served by this program are considered to be Homeless Persons, who are presumed to be low/moderate income.

The program focuses on the food services currently being provided by St. Justin: (1) grocery items, provided once a month to mostly extremely low income families who are considered at-risk for homelessness in the City's Consolidated Plan; and (2) lunches, provided three times a week to homeless persons. St Justin is a designated food distributor for Second Harvest Food Bank. In addition, as items are available, the program provides clothing, household items, hygiene kits, diapers and other infant items, bus passes, sleeping bags, blankets, and health aid items. Virtually all of the recipients of services are City residents. No fees are charged for services. Over 70 volunteers assist in the provision of services.

Last year, 100% of the clients were low/moderate income; 96% were extremely low income. City funds are used for purchase of additional, usually perishable, food.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	Food Parcels Delivered	Clients Served	Grocery Bags Delivered
2014-15 Proposed	**$ 9,639**	**6,000**	**20,000**	**Not Applicable**	
2013-14 Projected	$ 9,180	6,000	20,000	7,428	24,992
2012-13 Actual	$ 13,230	6,000	20,000	7,590	16,647

10. OUTREACH & ESCORT—SPECIAL NEEDS TRANSPORTATION

926 Rock Avenue, Suite #10, San Jose, CA 95131 (408) 436-2865

This program is only eligible for CDBG Public Service funds. Persons served by this program are considered to be Severely Disabled Adults, who are presumed to be low/moderate income.

Provides subsidized ambulatory and wheelchair accessible transportation services to seniors and younger City residents with disabilities who are unable to use fixed route public transportation. The service is provided under contract with the Valley Transportation Authority (VTA). City funds pay a portion of the fare charged to City residents. Clients are charged a basic fare of $4.00 per one-way ride, with City funds reducing that cost to $3.00 per one-way ride. In addition, City funds pay a $600/month fee to Outreach to administer the program for City residents.

As the table below demonstrates, ride demand by City residents has declined significantly in the last four years. In the last two years, the number of City residents using the service has declined.

FISCAL YEAR	UNDUPLICATED CLIENTS SERVED	ONE-WAY RIDES PROVIDED
FY 2009-10	768	50,251
FY 2010-11	620	40,034
FY 2011-12	652	38,449
FY 2012-13	526	34,648
FY 2013-14 (proj)	**	34,702

Last year, 100% of the clients were low/moderate income; 59% were extremely low income.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	One-Way Rides	Clients Served	One-Way Rides
2014-15 Proposed	**$ 33,988**	**580**	**40,034**	**Not Applicable**	
2013-14 Projected	$ 32,730	580	40,034	**	34,648
2012-13 Actual	$ 47,234	580	40,034	526	34,648

** Statistics not yet available

11. HEALTHIER KIDS FOUNDATION—COPE PROGRAM

4030 Moorpark Avenue, Ste. 107 San Jose, CA 95117 (408) 564-5114

This program is eligible only for CDBG funds. It was first funded by City, with CAHF funds, covering the period January, 2010 to June, 2011.

The focus of this program has changed as of July 2013. The City previously funded the Santa Clara Family Health Foundation to subsidize health coverage, including medical, dental, vision and mental health services, for children in Santa Clara County. It specifically focused on children who were not eligible for other publicly-funded health insurance, such as Medi-Cal, the Children's Health Initiative and Healthy Families. The Foundation is now known as the Healthier Kids Foundation and its mission is to provide community outreach, prevention and education. The program identified uninsured children and assists their parents in applying for and enrolling their children into subsidized health coverage through Medi-Cal, Healthy Kids and Kaiser Permanente Child Health Program. For a family of four, the maximum qualifying household income is $70,656, approximately 69% of the Area Median Income. Eligible households pay $0-21 per child per month, with a maximum payment of $63 per household per month.

The proposed project budget for FY 2014-15 is $2,003,023. Besides Santa Clara, the cities of Campbell, Morgan Hill, Mountain View and Sunnyvale are currently funding Healthy Kids.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	Continued Participation	Clients Served	Monthly Premiums Paid
2014-15 Proposed	**$ 14,240**	**106**	**1,300**	**Not Applicable**	
2013-14 Projected	$ 14,205	216	85%	**	**
2012-13 Actual	$ 20,490	216	85%	226	82.3%

*Information and Referral Calls/Contacts
** Statistics not yet available

12. NEXT DOOR SOLUTIONS TO DOMESTIC VIOLENCE—HOMESAFE CASE MANAGEMENT

234 East Gish Avenue, Suite 200, San Jose, CA 95112 (408) 501-7550

This program is only eligible for CDBG Public Service funds. It received funding support in past years from the RDA Housing Set-Aside Fund. The last time that this agency received funding was a six-month grant in FY 12-13.

The program provides case management support services for residents of the Homesafe Santa Clara, an affordable transitional housing program for survivors of domestic violence located in the City of Santa Clara. Next Door coordinates its Case Management activity with Charities Housing Development, which operates the facility and is the General Partner for the Homesafe Santa Clara, Limited Partnership, owner of the housing facility.

The program provides case management beginning with determination of appropriateness for transitional residency in the Homesafe—Santa Clara facility. Case management includes: A complete intake process to assess need; (2) A comprehensive, individualized action plan for self-sufficiency; (3) Linkages to community resources; and (4) Monitoring of progress in achieving the action plan goals. The agency provides life skills workshops, financial literacy workshops and child counseling. The agency provides referrals to other community services for other needs.

		GOALS		ACCOMPLISHMENTS	
Fiscal Year	Annual Expense	Clients Served	Counseling Sessions	Clients Served	Case Mgmt Sessions
2014-15 Proposed	**$10,000**	**70**	**360**	**Not Applicable**	
2013-14 Projected	$0	N/A	N/A	**Not Applicable**	
2012-13 Actual*	$11,342	90	300	68	521

* Received funding for six months only.

III CAPITAL IMPROVEMENT

Eligibility Requirements for Capital Improvement Projects

To be eligible for CDBG funding, Capital Improvement projects must meet one of three national objectives: (1) Benefit low and moderate income (L/M) persons; (2) Prevent or eliminate slums or blight; or (3) Urgent needs that meet certain criteria and are approved by HUD (usually resulting from a federally-declared disaster event). Seventy percent of CDBG funds must go to projects that benefit low and moderate income persons. In the last twenty years, all but two CDBG-funded capital improvement projects have qualified under that first objective.

Since 1990, all City-funded CDBG Capital projects qualifying as a benefit to low and moderate income persons have qualified under a "Limited Clientele," "Area Benefit," or "Low Income Housing" benefit finding. Limited Clientele projects are those that benefit a population of which at least 51% are L/M persons or are members of a population group that is presumed by HUD to be principally low/moderate income persons: abused children, elderly persons (62 & older), battered spouses, homeless persons, severely disabled adults, illiterate adults, persons with AIDS and migrant farm workers. To qualify as an Area Benefit, the area to be served must qualify as low income as defined by CDBG regulations. There are two ways to determine if an area (measured as Census Tract Block Groups) qualifies under the Low/Mod Area Benefit: (1) If 51% or more of the residents in the service area are low/moderate income; or (2) If the percentage of low and moderate income persons in the service area is not lower than that contained in the City's upper one-fourth of all block groups with one or more residents. This second method is called the Upper Quartile Exception and is the basis for determining an Area Benefit for City of Santa Clara projects. Based on a 2007 adjustment by HUD, the Upper Quartile percentage for the City of Santa Clara is 45.8% low and moderate income persons. For projects qualifying as Low Income Housing, each household must qualify as L/M.

13. CITY HOUSING & COMMUNITY SERVICES DIVISION--NEIGHBORHOOD CONSERVATION AND IMPROVEMENT PROGRAM (NCIP)

1500 Civic Center Drive, Santa Clara, CA 95050 (408) 615-2490

This proposal is eligible for CDBG Capital Improvement and HOME funds. Because the NCIP is a housing activity, the Low Income Housing Benefit rule applies to households assisted under this program. Each individual household benefiting from the NCIP must qualify as low and moderate income based on their actual household income. Last year, 39% of the assisted households were extremely low income; 85% were elderly households.

The City's housing rehabilitation program provides minor rehabilitation to owner-occupied, single family homes. Loans and grants are provided to low income residents, whose income is at or below 80% of the County median, adjusted for household size. Each year, the original NCIP allocation is supplemented by reallocating unused funds from NCIP loan repayments and unused NCIP appropriations from the previous year.

As of July 1, 2013, the balance of funds in the NCIP project was approximately $1.6 million, about one and a half years of program projected expenditures. Staff is recommending $89,003 in new CDBG funding and $295,034 in new HOME funding for FY 2014-15.

Fiscal Year	Annual Expense	GOALS Clients Served	ACCOMPLISHMENTS Households Served
2014-15 Proposed	**$ 384,037**	**50**	**Not Applicable**
2013-14 Projected	$ 278,726	50	**
2012-13 Actual	$ 602,048	50	56

** Statistics not yet available

14. CITY PUBLIC WORKS DEPARTMENT--REMOVAL OF ARCHITECTURAL BARRIERS

1500 Warburton Avenue, Santa Clara, CA 95050 (408) 615-2020

This proposal is only eligible for CDBG Capital Improvement funds. Persons served by this program are considered to be Severely Disabled Adults, who are presumed to be low/moderate income.

Typical projects involve modifying and/or retrofitting City-owned buildings and public rights-of-way to accommodate persons with disabilities. The proposed project for FY 2014-15 would cut an estimated 45-60 curb ramps at various intersections in the City, which have been identified as significant barriers in the public right-of-way to persons with disabilities. Design for a new curb-cut ramps project would begin in July, 2014 and construction would be completed by June 2015.

FY 2014-15 Proposal: $250,000 FY 2013-14 Allocation: $250,000.

15. CITY PUBLIC WORKS DEPARTMENT—CITY HALL ADA STUDY AND IMPLEMENTATION

1500 Warburton Avenue, Santa Clara, CA 95050 (408) 615-2020

This proposal consists of two parts: (1) a study/inventory of the City Hall complex to determine compliance with the Americans with Disabilities Act (ADA); and (2) design/engineering to implement actions recommended by the study. The first part has been completed with CDBG Administration funds; the second part is only eligible for CDBG Capital Improvement funds. Persons served by this program are considered to be Severely Disabled Adults, who are presumed to be low/moderate income.

A study of the entire City Hall complex to determine compliancy with ADA accessibility requirements has been completed. The purpose of the study was to identify potential areas of non-compliance with current ADA accessibility requirements within City Hall and provide recommendations for accessibility modification.

Now that the study has been completed, the Implementation portion of the project is scheduled to begin in the spring of 2014.

FY 2014-15 Proposal: $150,000 (Implementation) FY 2013-14 Allocation: $100,000.

16. SANTA CLARA METHODIST RETIREMENT FOUNDATION—LIBERTY TOWER DOMESTIC WATER PUMP REPLACEMENT

890 Main Street, Santa Clara, CA 95050 (408) 243-6226

This project is only eligible for CDBG funds. The project will consist of replacing the existing 40-year old domestic water pumps, tank and control panel with a more efficient pump skid at Liberty Tower. Liberty Tower staff has indicated that it has funds to cover an additional $12,000 cost to replace the building controls tie-in. The project would be completed by June, 2015.

Liberty Tower is an 11 story apartment high rise with 100 rental units available to low income seniors. SCMRF received FY 13-14 CDBG funding for relining the domestic water pipe system with ANSI/NSF 61 Certified (potable) barrier coating material to prevent ongoing pin hole leaks in the facility common areas and residential problem.

FY 2014-15 Proposal: $67,500

FY 2013-14 Allocation: $214,096
(for Domestic Water Pipe Relining)

APPENDIX C

PROOF OF PUBLICATION OF AVAILABILITY OF ANNUAL PLAN FOR PUBLIC REVIEW

(published 3/26/14)

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA AVAILABILITY FOR PUBLIC REVIEW AND NOTICE OF PUBLIC HEARING
2014-15 CDBG AND HOME FUNDS

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 3/26/2014

Dated at Santa Clara, California

This 26TH day of MARCH, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

AVAILABILITY FOR PUBLIC REVIEW AND NOTICE OF PUBLIC HEARING

City of Santa Clara Annual Plan for Program Year 2014-15 and Final Statement of Objectives and Proposed Uses of Community Development Block Grant and Home Investment Partnerships Act Entitlement Funds, and Proposed Amendments to the City's Program Year 2010 & 2012 Annual Plans for the Use of Federal CDBG and HOME Investment Partnerships ("HOME") Entitlement Funds

This Notice is to announce that a hearing on the City of Santa Clara's Annual Plan for Program Year 2014-15 Statement of Objectives and Proposed Uses of Community Development Block Grant (CDBG) and Home Investment Partnerships Act (HOME) federal entitlement programs and proposed major amendments to its PY 2010 and 2012 Annual Plans for use of CDBG and HOME federal entitlement funds will be held on May 6, 2014 at 7:00 P.M. at the City Council Chambers, 1500 Warburton Avenue, Santa Clara, California. This Notice also announces that the Annual Plans are available for examination by citizens, public agencies, and other interested parties at:

1) City of Santa Clara, Housing & Community Services Division, located at 1500 Civic Center Drive, Santa Clara, CA; Phone -- (408) 615-2490
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The City of Santa Clara has prepared its Annual Plan for Program Year 2014-15 for implementation of the CDBG and HOME programs. The purpose of that plan is to set forth the established housing and community development needs of people and neighborhoods considered eligible for assistance due to their low income status, and to describe the activities by which the City will use CDBG and HOME funds to meet those needs.

Written comments from citizens on the Annual Plan will be received up to 5:00 P.M. on April 25, 2014. The City will also be considering amendments to its Annual Plans for Program Years 2010 and 2012, to reflect the cancellation of a planned project and a reallocation of the funds for that project. Citizens wishing to attend the Public Hearing on these proposals have an opportunity to provide written and oral comments and suggestions regarding priorities and uses of the entitlement funds. The final PY 2014-15 Annual Plan with the amendment to the PY 2010 and 2012 Annual Plans will be submitted to the U.S. Department of Housing and Urban Development by May 15, 2014.

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing, or who need language translation assistance, may call 711, the nationwide Telecommunications Relay Service. Sign language interpretation, translation into languages other than English, and interpretation for persons with visual impairments are available. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to provide access for all individuals with a disability or with limited English proficiency.

FUNDING AVAILABILITY FOR PY 2014-15 ANNUAL PLAN

The fortieth year CDBG entitlement is estimated to be $822,597. A projected $41,648 in program income is anticipated to be available for reallocation for Public Services, bringing the estimated total available CDBG funds to $864,245.

The twenty-second year HOME entitlement is estimated to be $309,696. Unspent HOME funds from previous years is available for reallocation for administration of the homeless management information system and fair housing services, bringing the estimated total available HOME funds to $332,251.

SUMMARY OF CONTENTS – PY 2014-15 ANNUAL PLAN

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ACTIVITIES PROPOSED TO BE FUNDED in PY 2014-15

1. CDBG: City of Santa Clara/Administration	$164,519
2. CDBG: Bill Wilson Center/Family & Grief Counseling/School Outreach	$50,194
3. CDBG: Catholic Charities/Ombudsman	$5,270
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The proposed amendments to the previously adopted Annual Plans are:

PY 2012

Cancel the HOME-funded Charities Housing Gianera Homeownership project.

PYs 2010 and 2012:

Create a new HOME-funded rental housing project with EAH Housing to develop up to 15 rental housing units funded from HOME funds in the amount of $1,437,036. The new project would be funded with $1,437,036 in HOME funds from the cancelled Charities Housing Gianera Homeownership project.

Rod Diridon, Jr, City Clerk
Pub.: 3/36/2014

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA AVAILABILITY FOR PUBLIC REVIEW AND NOTICE OF PUBLIC HEARING 2014-15 CDBG AND HOME FUNDS

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 3/26/2014

Dated at Santa Clara, California

This 26TH day of MARCH, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

AVAILABILITY FOR PUBLIC REVIEW AND NOTICE OF PUBLIC HEARING

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Rod Diridon, Jr, City Clerk
Pub.: 3/36/2014

Meeting Date: 5/6/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 8B

Santa Clara All-America City 2001

Date: April 29, 2014

To: City Manager for Council Action

From: Director of Planning and Inspection

Subject: Public Hearing for the Monticello Village Project Located at 3515-3585 Monroe Street; Adopt Resolutions to:

1) Certify the Environmental Impact Report (EIR) and Adopt a Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program (MMRP);
2) Approve a Rezone from Planned Industrial (MP) to Planned Development (PD) to allow construction of a mixed-use development comprised of 825 apartments, 43,849 square feet of retail and 16,392 square feet of amenities with associated parking and other site improvements, Subject to Conditions; and
3) Approve the Vesting Tentative Parcel Map for financing and conveyance purposes for the 16.11 Acre Project Site, Subject to Conditions.

[PLN2013-09665, PLN2013-09666, PLN2013-09667 and CEQ2013-01150]

EXECUTIVE SUMMARY:

The applicant is requesting a Rezone from Planned Industrial (MP) to Planned Development (PD), and a Vesting Tentative Parcel Map to allow the construction of a mixed-use development. To expedite processing, the applicant requests that the project design, including the sign program, be referred to the Director of Planning and Inspection for review and approval as opposed to the recommendation by the Planning Commission that the project be referred to the Architectural Committee. The applicant proposes to demolish the existing buildings on the project site and construct a mixed-use residential development project that would consist of 825 apartment units, at an overall site density of 51.3 dwelling units per acre. The proposed project also includes approximately 43,849sf of retail space and 16,392sf of amenity space. The proposed project includes a 755,402sf two-level parking garage constructed below the apartment building podium that would provide 1,648 parking spaces for residents, guests, and overflow retail, and a surface parking lot with 100 parking spaces, for a total of 1,748 parking spaces. The proposed small-format grocery store, free standing restaurant, and additional retail space for neighborhood commercial, access driveways, and small surface parking lot to serve the commercial uses would be located along the length of the site frontage on Monroe Street (an arterial). The podium level of the residential complex would include landscaped walkways and paseos, courtyards, two 25-yard short-course swimming pools, and other recreational amenities. The Emergency Vehicle Access (EVA) easement would also serve as a fitness course for resident use. Other infrastructure improvements (i.e., sewer, water, and storm drainage) needed to serve the proposed project would also be constructed. Access to the site would be provided from Monroe and French Streets. The proposal includes the removal of the existing landscaping and planting of new trees and shrubs on the site. The proposed project also includes numerous pedestrian and bicycle improvements to adjacent roadways including Monroe and French Streets, and a traffic signal at the intersection of Monroe Street and Nobili Avenue at the main entrance into the project site.

This project was reviewed by the City Council at a study session on November 19, 2013. Based on the comments heard at the community meetings with neighbors and the City Council Study Session, the applicant has further refined the landscaping and tree planting plans. The EVA is now designed to serve as a fitness course, lined with trees and fitness stations for resident use. The applicant has also provided a parking analysis to further support the proposed parking ratio, uniform parking stalls and drive aisle widths.

The Vesting Tentative Parcel Map was reviewed by the City's Subdivision Committee and determined to be complete on March 18, 2014. The creation of two parcels through the tentative and final map approval process is for purposes of financing and conveyance. The consideration and action on the Vesting Tentative Parcel Map is a function of the City Council.

The project was reviewed by the Planning Commission on April 16, 2014. The Planning Commission recommended that the City Council certify the Environmental Impact Report and adopt a Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program; and recommended approval of the rezoning from Planned Industrial (MP) to Planned Development (PD). The Planning Commission amended the conditions of approval to have the project reviewed by the Architectural Committee.

A Draft Environmental Impact Report (DEIR) was prepared for the project and circulated for a period of 45-days for public comment and closed on March 17, 2014. A Final Environmental Impact Report (FEIR) was subsequently prepared and was circulated for a 10-day review period on April 11, 2014 and ending on April 23, 2014, in accordance with CEQA and includes all responses to comments received from the public and responsible agencies. These comments, along with the response from the environmental consultant, were provided in the Planning Commission Staff Report. The EIR found that the proposed project could have a number of significant environmental impacts, but identified mitigation measures to reduce most of these impacts to less than significant levels. With the exception of two project level and cumulative significant transportation and traffic impacts, and a cumulative significant impact for long term landfill capacity, all of the significant and potentially significant impacts of the proposed project would be reduced to less than significant levels with the incorporation of mitigation measures. A detailed discussion of the potential impacts and mitigation measures to be applied to the project are specified in the environmental document.

The notice of public hearing for this item was posted within 500 feet of the site and was mailed to property owners within 500 feet of the project site. A Notice of Hearing for the Rezone and Vesting Tentative Parcel Map was published in the Santa Clara Weekly on April 23, 2014. A full administrative record is available for review during normal business hours in the Planning Division office at City Hall.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this mixed-use project would provide an opportunity to locate high quality residential units and retail in proximity to transit facilities consistent with the City's long-term development goals. The scale and character of the mixed-use development complements and is supportive of the surrounding uses. This project maximizes density with accessibility to alternate transportation modes, and integrates pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers. This project implements smart growth principles by redeveloping underutilized properties with higher density housing projects in close proximity to established transit facilities. The proposal includes different sized units ranging from studios, one-bedroom units to two-bedroom units, increasing the City's housing stock, while providing adequate choices of housing tenure, type and location which will assist in meeting the housing needs of the City. The small-format grocery store and retail uses will provide goods and services to project residents and surrounding local neighborhoods. The project is located in an urbanized area served by existing municipal services. The project's architectural

style provides variation in design while complementing the adjacent projects, thus providing a visually interesting streetscape. The high quality design of the project will enhance the character of the surrounding area. The proposed project also includes numerous pedestrian and bicycle improvements to adjacent roadways including Monroe and French Streets, and a traffic signal at the intersection of Monroe Street and Nobili Avenue at the main entrance into the project site. Moreover, the project is designed in a manner that respects neighbors' privacy and provides sufficient on-site vehicular and bicycle parking.

The disadvantages to project are the significant unavoidable traffic impacts to the intersection of Lawrence expressway and Reed Avenue/Monroe Street, and the intersection of Lawrence and Arques Avenue. The project provides fair share contributions for the construction of interchanges to replace the at-grade intersection at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street, and Lawrence Expressway and Arques Avenue. As an interim measure, the project shall modify the traffic signal at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street to provide an overlap phase for the westbound right-turn movement. The signal equipment at this intersection shall be modified to provide a green arrow for right-turn traffic during the overlap phase.

ECONOMIC/FISCAL IMPACT:
There is no cost to the City other than administrative staff time and expense.

RECOMMENDATION:
That the Council adopt Resolutions for the Monticello Village Project located at 3515-3585 Monroe Street to:

1) Certify the Environmental Impact Report (EIR) and Adopt a Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program (MMRP);
2) Approve a Rezone from Planned Industrial (MP) to Planned Development (PD) to allow construction of a mixed-use development comprised of 825 apartments, 43,849 square feet of retail and 16,392 square feet of amenities with associated parking and other site improvements, Subject to Conditions; and
3) Approve the Vesting Tentative Parcel Map for financing and conveyance purposes for the 16.11 Acre Project Site, Subject to Conditions.

Kevin L. Riley

Kevin Riley
Director of Planning and Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) ***Applicant Statement of Justification dated April 16, 2014***
2) ***City Council Resolution to Certify the EIR and Adopt MMRP/Findings of Fact and Statement of Overriding Considerations***
3) ***City Council Resolution Adopting Rezoning from MP to PD***
4) ***City Council Resolution Adopting Vesting Tentative Parcel Map***
5) ***Conditions of Approval – Rezone***
6) ***Conditions of Approval – Map***
7) ***Mitigation Monitoring and Reporting Program (MMRP)***
8) ***Draft Environmental Impact Report (previously distributed)***
9) ***Final EIR / Response to Comments/ Parking Evaluation***
10) ***Final EIR ERRATA***
11) ***Planning Commission Meeting Excerpt Minutes from the meeting of 04/15/14***
12) ***Planning Commission Staff Report from the meeting of 04/15/14***
13) ***Development Plans***
14) ***Vesting Tentative Parcel Map***

IRVINE COMPANY
Since 1864

Monticello Village
City of Santa Clara – Planning Commission Hearing
April 16, 2014

Statement of Justification

The Irvine Company is pleased to submit to the City of Santa Clara the attached application for development within our ownership known as Monticello Village. Monticello Village is located at the north east corner of Monroe and Lawrence Expressway. We are proposing to demolish existing structures, rezone from MP to PD and process a tentative parcel map to construct a mixed-use development with this application.

The Irvine Company proposes on the 16.1-acre project site and construct an infill, transit-oriented, mixed-use residential development project that would consist of 825 apartment units with approximately 836,924 gross square feet (gsf) of residential building space and an overall site density of 51.3 dwelling units per acre. The proposed project also includes approximately 43,849 gsf (40,200 net square feet) of retail space and 16,392 gsf (15,605 net square feet) of amenity space. The proposed project includes a surface parking lot with 100 exterior parking spaces and a 755,402 square foot two-level parking garage constructed below the apartment building podium that would provide 1,648 parking spaces for residents, guests, and overflow retail, for a total of 1,748 parking spaces. Other infrastructure improvements (i.e., sewer, water, and storm drainage) needed to serve the proposed project would also be constructed. Access to the site would be provided from Monroe and French Streets.

690 N. McCarthy Blvd., Suite 100 | Milpitas, CA 95035

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING AND CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS WITH RESPECT THERETO, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING OR REPORTING PROGRAM FOR THE MONTICELLO VILLAGE PROJECT LOCATED AT 3515-3585 MONROE STREET, SANTA CLARA

SCH# 2013102055
Environmental Impact Report (CEQ2013-0150)
Rezone (PLN2013-09665)
Vesting Tentative Map (PLN2013-09666)
Architectural (PLN2013-096767)

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

WHEREAS, The Irvine Company ("Applicant") has made an application to Rezone a 16.11-acre site located at 3515-3585 Monroe Street ("Project") from Planned Industrial (MP) to Planned Development (PD) to allow the construction of a mixed use development;

WHEREAS, the Project Site is currently zoned Planned Industrial (MP);

WHEREAS, the proposed Rezone to Planned Development (PD) would facilitate the development of 825 apartments, 43,849 square feet of retail and 16,392 square feet of amenities and associated site development ("Project") as shown on the Development Plans, attached hereto and incorporated herein by this reference (Exhibit "Development Plans");

WHEREAS, on October 25, 2013, the City of Santa Clara ("City") distributed a Notice of Preparation of a Draft Environmental Impact Report ("DEIR") and Scoping Meeting and posted the Notice at the Santa Clara County Clerk's office, soliciting guidance on the scope and content of the environmental information to be included in the DEIR;

WHEREAS, on November 14, 2013, the City of Santa Clara ("City") held a Scoping Meeting in the City of Santa Clara Council Chambers to solicit guidance on the scope and content of the environmental information to be included in the DEIR;

WHEREAS, the DEIR was prepared and the City circulated copies of the DEIR to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons and agencies, and the City sought comments from such persons and agencies for forty-five (45) days, beginning on January 30, 2014 and ending on March 17, 2014 ("Comment Period");

WHEREAS, the City prepared written responses to the comments received during the Comment Period and included these responses in a Final Environmental Impact Report (FEIR) (SCH# 2013102055). The FEIR consists of: a list of agencies and organizations to whom the DEIR was sent, a list of the comment letters received on the DEIR, revisions to the text of the DEIR, responses to comments received on the DEIR, copies of comment letters, and a Mitigation Monitoring or Reporting Program, as attached. The FEIR was subsequently circulated for a 10-day review period beginning on April 11, 2014 and ending on April 23, 2014;

WHEREAS, the Planning Commission has reviewed the DEIR and FEIR (hereafter collectively referred to as the "EIR") prepared for the Project, City Staff reports pertaining to the EIR and all evidence received at duly noticed public hearing on April 16, 2014. All of these documents and evidence are incorporated herein by reference into this Resolution;

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

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

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

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

WHEREAS, attached to this Resolution is a set of Findings of Fact prepared in order to satisfy the requirements of Public Resources Code § 21081, subdivision (a);

WHEREAS, as the Findings of Fact explain, the City Council, reflecting the advice of City staff, the Planning Commission, and input from various State and local agencies, has expressed its intention to adopt the proposed Project proposed;

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

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

WHEREAS, the City Council, in reviewing the Project as recommended by Staff, intends to adopt all mitigation measures set forth in the EIR.

WHEREAS, the significant effects that cannot be avoided or substantially lessened by the adoption of feasible mitigation measures will necessarily remain significant and unavoidable;

WHEREAS, the City Council has determined, for the reasons set forth in the Findings of Fact, that as a result of specific economic, legal, and social considerations, none of the alternatives addressed in the EIR would be both feasible and environmentally superior to the Project as proposed;

WHEREAS, Public Resources Code § 21081, subdivision (b) and CEQA Guidelines § 15093 require the City Council to adopt a Statement of Overriding Considerations before approving a project with significant unavoidable environmental effects;

WHEREAS, the City Council has determined that, despite the occurrence of significant unavoidable environmental effects associated with the Project, as mitigated and adopted, there exist certain overriding economic, social and other considerations for approving the Project which justify the occurrence of those impacts and render them acceptable; and,

WHEREAS, the City has prepared CEQA Findings of Fact and a Statement of Overriding Considerations, attached hereto and incorporated herein by this reference, specifying the economic, social and other benefits that render acceptable the significant unavoidable environmental effects associated with the mitigated Project.

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

1. The City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. The City Council hereby finds that the EIR has been completed in compliance with CEQA.

3. The City Council hereby finds the EIR has been presented to City Council, which reviewed and considered the information and analysis contained therein.

4. The City Council hereby finds that the EIR reflects the City Council's independent judgment and analysis.

5. The City Council finds, pursuant to Public Resources Code Section 21081 and California Code of Regulations, Title 14, Section 15091, that with the exception of two project level and cumulative traffic impacts, and one cumulative impact related to landfill capacity, that the EIR has identified feasible mitigations measures for all significant environmental impacts. These mitigation measures therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the Project is approved.

6. The City Council finds that none of the project alternatives set forth in the EIR can feasibly substantially lessen or avoid those significant adverse environmental effects not otherwise lessened or avoided by the adoption of all feasible mitigation measures, given the existence of economic, legal, social, technological, or other considerations, set forth in the Statement of Overriding Considerations.

7. In order to comply with Public Resources Code Section 21081.6, the City Council hereby adopts the Mitigation Monitoring or Reporting Program (MMRP), as set forth in the attached Exhibit "MMRP". The MMRP is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply with the feasible mitigation measures identified. The MMRP identifies, for each mitigation measure, the party responsible for implementation.

8. That the City Council finds that the EIR sets forth project-level and cumulative environmental impacts that are significant and unavoidable that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the City Council finds that there exist certain overriding economic, social and other considerations for approving the Project that the City Council believes justify the occurrence of those impacts.

9. Based on the findings set forth in this Resolution and the evidence in the City Staff Report that the City Council approves and certifies the EIR, adopts the Mitigation Monitoring and Reporting Program, and adopts the Findings of Fact and Statement of Overriding Considerations.

10. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA STADIUM AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. EIR (Previously Distributed)
2. Mitigation Monitoring or Reporting Program (MMRP)
3. Development Plans

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the City to balance the benefits of the Project against its significant unavoidable environmental effects in determining whether to approve the Project. Since the Environmental Impact Report (EIR) identifies project-level and cumulative significant traffic impacts of the Project that cannot feasibly be mitigated below a level of significance, the City must state in writing its specific reasons for approving the Project in a "statement of overriding considerations" pursuant to sections 15043 and 15093 of the CEQA Guidelines.

In making the statement of overriding considerations, "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits ... of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic legal, social, technological, or other benefits ... of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'." (CEQA Guidelines, Section 15093(a).)

The EIR provides an assessment of the potentially significant environmental effects from implantation of the proposed Monticello Village project. The project applicant (Irvine Company) proposes to demolish the existing buildings on the project site and construct a mixed-use residential development project that would consist of 825 apartment units with approximately 836,924 square feet of residential building space and an overall site density of 51.3 dwelling units per acre. The proposed project also includes approximately 43,849sf of retail space and 16,392sf of amenity space. The proposed project includes a 755,402sf two-level parking garage constructed below the apartment building podium that would provide 1,648 parking spaces for residents, guests, and overflow retail, and a surface parking lot with 100 parking spaces, for a total of 1,748 parking spaces. Other infrastructure improvements (i.e., sewer, water, and storm drainage) needed to serve the proposed project would also be constructed. Access to the site would be provided from Monroe and French Streets. The proposed site plans include removal of the existing landscaping and planting of approximately 594 new trees and other shrubs and landscaping on the site. The proposed project also includes numerous pedestrian and bicycle improvements to adjacent roadways including Monroe and French Streets, and a traffic signal at the intersection of Monroe Street and Nobili Avenue at the main entrance into the project site.

Project Goals and Objectives

The applicant's project objectives are to develop a well-designed, economically feasible residential community that consists of a variety of residential products and unit types, and incorporates smart-growth elements such as redevelopment of underutilized properties and implementation of higher-density development along established transit corridors.

The objectives of the Project proponent are to:

1. Provide high-density housing to assist in meeting the housing needs of the City of Santa Clara and the region.
2. Develop a residential community of high quality design to enhance the character of the surrounding area.

3. Provide high-density housing in proximity to jobs, services, and transit corridors.
4. Provide recreational and open space to serve project residents.
5. Develop a project with a mix of uses to provide goods and services to project residents and residents in the surrounding area.
6. Develop a project that includes sustainable elements.

The City of Santa Clara has developed the following primary objectives to satisfy the requirements of *State CEQA Guidelines* Section 15124 (b):

1. Provide development consistent with the City's long-term development goals.
2. Create a mixed-use development of a scale and character that complements and is supportive of the surrounding uses.
3. Create a mixed-use development that maximizes density with accessibility to alternate transportation modes, and integrates pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers.
4. Implement smart growth principles by redeveloping underutilized properties with higher density housing projects along established transit corridors.

Environmental Impact Analysis

The EIR found that the proposed project would cause significant, unavoidable project-level and cumulative impacts at: i) the intersection of Lawrence Expressway and Reed Avenue/Monroe Streets; and ii) the intersection of Lawrence Expressway and Arques Avenue. Development of the proposed project would conflict with applicable policies establishing measures of effectiveness for the performance of the local roadway system and with an applicable Congestion Management Plan. To address this, the proposed project will modify the traffic signal at the intersection of Lawrence Expressway and Reed Avenue/Monore Street. The project will also make a fair share contribution for construction of an interchange to replace the at-grade intersection at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street and at the intersection Lawrence Expressway and Arques Avenue. These project-level and cumulative significant and unavoidable impacts cannot all be avoided or reduced to less than significant without major alterations in scale of development on the project site that would make the project infeasible and would not obtain most of the stated project objectives.

The proposed project, in conjunction with other past, present and reasonably foreseeable future development, would result in a significant cumulative impact related to long term landfill capacity. The City is under contract for solid waste with Newby Island Landfill through 2024 and sufficient landfill capacity exists to accommodate near-term growth, including the proposed project and related projects, the cumulative impact would be less than significant in the near term. However, with respect to solid waste disposal after 2024, the General Plan EIR notes that the City does not yet have a specific proposal and will undertake a process to identify a solution prior to 2024, and that the impact related to solid waste disposal capacity would remain significant and unavoidable. The proposed project is within the growth projections of the City for population and commercial

development and therefore would not result in solid waste volumes that would affect the City projections in the General Plan EIR for 2035. No mitigation is currently available.

CEQA requires that an EIR identify alternatives to the project as proposed and that these alternatives feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. The EIR examined four alternatives focused on reducing or eliminating significant traffic impacts, and one alternative to construct park improvements instead of paying in-lieu fees:

- No Project Alternative (CEQA-mandated alternative);
- Reduced Residential Density;
- Reduced Residential Density and Increased Commercial Intensity;
- Park Improvements;
- Alternative Location.

The EIR found that the Alternative Location Alternative is determined to be the environmentally superior alternative. The Alternate Location Alternative would avoid the significant traffic impacts of the proposed project at two intersections along Lawrence Expressway and the proposed project's impacts related to hazards and hazardous materials and hydrology. This alternative would also reduce the potentially significant impacts identified for the proposed project related to air quality, public services, and biological resources. Additionally, this alternative would further reduce the magnitude of the less than significant impact identified for the proposed project related to GHG emissions. For these reasons, the Alternative Location Alternative is the environmentally superior alternative. This alternative would meet all the objectives of the proposed project.

Identification of the environmentally superior alternative is an informational procedure and the alternative identified as the environmentally superior alternative may not be that which best meets the goals or needs of the proposed project. Moreover, there are economic, legal, social, technological, and other benefits of the Project, as set forth below, which outweigh the unavoidable environmental effects.

Statement of Overriding Considerations

The City finds that each of the specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project independently outweigh the remaining significant, adverse impacts and is an overriding consideration independently warranting Project approval. The remaining significant adverse impacts identified above are acceptable in light of each of these overriding considerations:

(i) The project is located in an urbanized area served by existing municipal services.

(ii) Approval of this mixed-use project would provide an opportunity to locate high quality residential units and retail in proximity to transit facilities consistent with the City's long-term development goals.

(iii) The scale and character of the mixed-use development complements and is supportive of the surrounding uses.

(iv) This project maximizes density with accessibility to alternate transportation modes, and integrates pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers.

(v) This project implements smart growth principles by redeveloping underutilized properties with higher density housing projects in close proximity to established transit facilities.

(vi) The project includes different sized units ranging from studios, one-bedroom units to two-bedroom units, increasing the City's housing stock, while providing adequate choices of housing tenure, type and location which will assist in meeting the housing needs of the City.

(vii) The small-format grocery store and retail uses within the project will provide goods and services to project residents and surrounding local neighborhoods.

(viii) The project's architectural style provides variation in design while complementing the adjacent projects, thus providing a visually interesting streetscape.

(ix) The high quality design of the project will enhance the character of the surrounding area.

(x) The project includes numerous pedestrian and bicycle improvements to adjacent roadways including Monroe and French Streets, and a traffic signal at the intersection of Monroe Street and Nobili Avenue at the main entrance into the project site.

(xi) The project is designed in a manner that respects neighbors' privacy and provides sufficient on-site vehicular and bicycle parking.

For the foregoing reasons, the City finds that the Project's benefits would outweigh, and therefore override, any adverse environmental impact that could potentially remain after recommended mitigation measures are implemented. In making this determination, the City incorporates by reference the Findings of Fact set forth above, as well as all of the supporting evidence cited therein and in the administrative record.

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REZONING THE PROPERTY LOCATED AT 3515-3585 MONROE STREET, SANTA CLARA FROM PLANNED INDUSTRIAL (MP) TO PLANNED DEVELOPMENT (PD)

Rezone (PLN2013-09665)

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

WHEREAS, The Irvine Company ("Applicant") has made an application to Rezone a 16.11-acre site located at 3515-3585 Monroe Street ("Project Site") from Planned Industrial (MP) to Planned Development (PD) to allow the construction of a mixed use development;

WHEREAS, the Project Site is currently zoned Planned Industrial (MP);

WHEREAS, the proposed rezone to Planned Development (PD) would facilitate the development of 825 apartments, 43,849 square feet of retail and 16,392 square feet of amenities and associated site development ("Project") as shown on the Development Plans, attached hereto and incorporated herein by this reference (Exhibit "Development Plans");

WHEREAS, an Environmental Impact Report (EIR) was prepared, distributed and noticed for 45-day public review and comment of the potential environmental impacts related to the proposal, beginning January 30, 2014 and concluding on March 17, 2014;

WHEREAS, a Final Environmental Impact Report (EIR) was prepared, and was circulated for a 10-day review period on April 11, 2014 and ending on April 23, 2014;

WHEREAS, mitigation measures have been identified and incorporated into the Project to reduce potential impacts to less than significant levels;

WHEREAS, the EIR identified significant project-level and cumulative traffic impacts, and a cumulative impact for long term landfill capacity, that cannot be avoided or substantially lessened by the adoption of feasible mitigation measures and will remain significant and

unavoidable, and a Statement of Overriding Considerations of significant unavoidable impacts prepared for City Council consideration;

WHEREAS, at its April 16, 2014 meeting, the Planning Commission held a public hearing to consider the rezoning application;

WHEREAS, the Planning Commission made a recommendation to the City Council to approve the rezoning application;

WHEREAS, pursuant to section 18.112.060 of the City of Santa Clara Code, a notice of public hearing was posted in at least eight conspicuous places within five hundred (500) feet of the affected property, and mailed to property owners within five hundred (500) feet of the Project Site ten days prior to the hearing; and,

WHEREAS, the City Council conducted a duly noticed public hearing on May 6, 2014, to consider the rezoning application.

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

1. The City Council rezones the Project Site, as shown on Exhibit "Development Plans" and conditioned in Exhibit "Conditions of Approval - Rezone", attached hereto and incorporated herein by this reference, from Planned Industrial (MP) to Planned Development (PD) to allow construction of 825 apartments, 43,849 square feet of retail and 16,392 square feet of amenities and associated site development on the Project Site.

2. Pursuant to SCCC Section 18.112.010, the City Council determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable in that, the existing zoning for the Project Site does not allow residential uses and building height proposed. The proposed project does not fit any of the City's traditional zoning designations because of the density,

building height, setbacks, and overall building coverage on the site. Therefore, the proposed Planned Development (PD) zoning would allow a greater residential density, adjustment to on-site parking requirements, building height, and building lot coverage than would otherwise be permitted at the project site.

B. The proposed zone change will conserve property values, will protect or improve the existing character and stability of the area in question, and will promote the orderly and beneficial development of such area in that the scale and character of the mixed-use development complements and is supportive of the surrounding uses. This project maximizes density with accessibility to alternate transportation modes, and integrates pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers. This project implements smart growth principles by redeveloping underutilized properties with higher density housing projects in close proximity to established transit facilities. The proposal includes different sized units ranging from studios, one-bedroom units to two-bedroom units, increasing the City's housing stock, while providing adequate choices of housing tenure, type and location which will assist in meeting the housing needs of the City. The project is located in an urbanized area served by existing municipal services.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City in that the proposed zone change allows development of high quality residential units and retail in proximity to transit facilities consistent with the City's long-term development goals. The small-format grocery store and retail uses will provide goods and services to project residents and surrounding local neighborhoods.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts. The project's architectural style provides variation in design while complementing the adjacent projects, thus

providing a visually interesting streetscape. The high quality design of the project will enhance the character of the surrounding area. The proposed project also includes numerous pedestrian and bicycle improvements to adjacent roadways including Monroe and French Streets, and a traffic signal at the intersection of Monroe Street and Nobili Avenue at the main entrance into the project site. Moreover, the project is designed in a manner that respects neighbors' privacy and provides sufficient on-site vehicular and bicycle parking.

3. That based on the findings set forth in this Resolution, the MND Resolution, the evidence in the City Staff Report, and all evidence presented at the hearing, the City Council hereby rezones the Project Site as set forth herein.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Development Plans
2. Conditions of Approval - Rezone

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING THE VESTING TENTATIVE PARCEL MAP FOR THE PROPERTY LOCATED AT 3515-3585 MONROE STREET, SANTA CLARA, TO CREATE TWO PARCELS FOR PURPOSES OF FINANCING AND CONVEYANCE

PLN2013-09666 (Vesting Tentative Parcel Map)

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

WHEREAS, The Irvine Company ("Applicant") has made an application to Rezone a 16.11-acre site located at 3515-3585 Monroe Street ("Project Site") from Planned Industrial (MP) to Planned Development (PD) to allow the construction of a mixed use development, and to subdivide the Project Site into two parcels;

WHEREAS, pursuant to Section 17.05.220 of the Code of the City of Santa Clara ("SCCC"), a parcel map is required for divisions of land into four or fewer parcels;

WHEREAS, on March 18, 2014, the Subdivision Committee determined that the application was complete and that the parcel map be reviewed by the City Council in conformance with Section 17.05.400 of the SCCC as a Vesting Tentative Parcel Map along with the project;

WHEREAS, Section 17.05.400(d) of the SCCC requires that the City Council hold a public hearing before considering the approval of a Vesting Tentative Parcel Map for the division of land;

WHEREAS, Section 17.05.400(d) of the SCCC further requires that notice of the public hearing before the City Council be given by providing notice to all property owners within three hundred (300) feet of the proposed Tentative Parcel Map area by mail and by posting a notice of public hearing in at least three places within vicinity of the project site;

WHEREAS, consistent with the proposed uses under the development plan, the proposal includes the creation of two parcels for the purposes of financing an conveyance only, as shown on Exhibit "Vesting Tentative Parcel Map" and attached hereto and incorporated herein by this reference;

WHEREAS, notice of the public hearing on the Vesting Tentative Parcel Map was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on April 23, 2014;

WHEREAS, notices of the public hearing on the Vesting Tentative Parcel Map were mailed to all property owners within five hundred (500) feet of the proposed Tentative Parcel Map, according to the most recent assessor's roll;

WHEREAS, before considering the Vesting Tentative Parcel Map, the City Council reviewed and considered the information contained in the Environmental Impact Report ("EIR") for the Project (SCH #2013102055) and Mitigation Monitoring and Reporting Program, attached hereto as Exhibit "MMRP" ("Project Mitigation Monitoring and Reporting" Program), and finds that mitigation measures identified for the Project have been imposed and incorporated into the Project and this Vesting Tentative Parcel Map, which mitigate or avoid the significant environmental effects; and that specific economic, social and overriding considerations make infeasible the project alternatives which would avoid or mitigate the environmental impacts; and,

WHEREAS, the City Council has reviewed the Vesting Tentative Parcel Map and conducted a public hearing.

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

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. Tentative Parcel Map Findings. The City Council finds and determines that:

A. The proposed subdivision is substantially consistent with the objectives, policies, general land use and programs specified in the City's General Plan subdivision would allow the development of a mixed-use residential development project that would consist of 825 apartment units, at an overall site density of 51.3 dwelling units per acre. The proposed project also includes approximately 43,849sf of retail space and 16,392sf of amenity space. The redevelopment of the property is contemplated in Phase I of the General Plan and the property is an identified underutilized site in the Housing Element. The project will include a small format grocery store, a restaurant and retail space for neighborhood commercial uses.

B. The design and improvements of the proposed subdivision are substantially consistent with the City's General Plan in that the Vesting Tentative Parcel Map is subject to the conditions set forth in Exhibit "Conditions of Approval - Map", attached hereto and incorporated by this reference. The proposed project includes pedestrian and bicycle improvements to adjacent roadways including Monroe and French Streets and a traffic signal at the intersection of Monroe Street and Nobili Avenue at the main entrance into the project. The proposed project provides a new pedestrian crossing at Monroe Street between Lawrence Expressway and Monticello Way, and additional right of way and design for a bike and vehicular lane on the north side of Monroe Street.

C. The site is physically suitable for the proposed type of development in that the project is a new mixed-use development with exemplary design. The proposed project contains buildings that are set back from roadways, and emphasizes a pedestrian-oriented frontage that contains landscaping and open space. These design features separate the project's commercial retail uses from residential uses outside the project site. As a mixed-use development, the project

contains residential uses, but these uses are largely separated from the project's retail components by a buffer of open space, sidewalks and landscaping.

D. This site is physically suitable for the proposed density and intensity of development in that the Project Site is located in an urbanized area. The proposed project is a transit-oriented, mixed-use development project given its immediate proximity to Caltrain and other transit services.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems in that the site is surrounded by residential development and does not propose the use of hazardous chemicals or materials.

F. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage. The EIR found that the proposed project could have a number of significant environmental impacts, but identified mitigation measures to reduce most of these impacts to less than significant levels. With the exception of two project level and cumulative significant transportation and traffic impacts, and a cumulative significant impact for long term landfill capacity, all of the significant and potentially significant impacts of the proposed project would be reduced to less than significant level with the incorporation of mitigation measures.

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large or use of property within the proposed subdivision, in that the project is designed to avoid encroachments and conflicts with public easements in the site design.

3. That based on the findings set forth in this resolution, the EIR and the evidence in the City Staff Report, the City Council approves the tentative parcel map for the Project Site as set forth herein.

A. The tentative map provides, to the extent feasible, for future passive or natural heating or cooling opportunities, in that operable windows are provided in the residential units, and private or semi-public outdoor gathering places are provide to the residents.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Vesting Tentative Parcel Map
2. Conditions of Approval – Map
3. Mitigation Monitoring and Reporting Program

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CONDITIONS OF APPROVAL - REZONING
MONTICELLO VILLAGE PROJECT

GENERAL

G1. The Developer shall comply with all applicable codes, regulations, ordinances and resolutions.

G2. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ATTORNEY'S OFFICE

A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

PLANNING AND BUILDING INSPECTION

P1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.

P2. Submit plans for final architectural review to the Architectural Committee ~~Planning Division~~ and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.

P3. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays. A "noise disturbance coordinator" shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. 24 hour contact information shall be posted 2 places on site.

P4. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.

P5. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.

P6. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.

P7. Commercial, industrial, and multi-family residential buildings must have enclosures for solid waste and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated solid waste and recycling needs and size of the building(s) onsite, and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.

P8. The Final Storm Water Management Plan (SWMP) must be certified by a third-party consultant from SCVURPP's current list of qualified consultants. Five copies of the approval letter from the certified third party review (wet stamped and signed) must be submitted prior to the issuance of grading or building permit.

P9. Prior to the issuance final occupancy, the applicant shall enter into Operations and Maintenance (O&M) agreement with the City. The project operator is responsible for the operations and maintenance of the SWMP and stormwater BMPs consistent with the O&M agreement throughout the life of the project.

P10. A complete landscape plan that includes, type, size and location of all plant species shall be required as part of architectural review of the project. Review and approval of the complete landscape plan, including water conservation calculations and irrigation plan shall be required prior to issuance of building permits. Installation of landscaping is required prior to occupancy permits.

P11. A master sign program shall be required as part of architectural review of the project.

P12. A master outdoor seating plan shall be required as part of architectural review of the project.

P13. The Planning Division requires the replanting of specific trees by the Developer as a Condition of Approval. In conformance with the Santa Clara Community Design Guidelines and the project EIR, the following tree replacement standards shall be included in the final landscaping plans:

- Minimum fifteen (15) gallon street tree.
- Minimum fifteen (15) gallon on private property.
- Minimum twenty (24) or thirty-six (36) inch box to replace a mature tree which has been or is proposed to be removed.

P14. Prior to issuance of the occupancy permit, the applicant shall prepare and receive approval on a 20 percent vehicle miles traveled (VMT) reduction strategy, 10 percent of which would come from a Transportation Demand Management program (TDM).

P15. On the annual anniversary of project occupancy, the applicant or the home owners association shall prepare and provide to the Planning Division an annual report outlining the performance of the TDM program.

P16. Park Fees accepted will be used only by the City of Santa Clara.

P17. Prior to issuance of occupancy permit, the applicant shall prepare Parking Management

Plan for review and approval by the Planning Division.

P18. No operations truck route allowed on Nobili Avenue for the project.

P19. The Developer shall comply with the Mitigation Monitoring and Reporting Program identified in the Environmental Impact Report for this project, and shall be incorporated into the Conditions of Approval for this project.

ENGINEERING

E1. Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.

E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a **Single Encroachment Permit** issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.

E3. The sanitary sewer (SS) discharge information (i.e., building use, square footage, point of connection to the public system, and 24-hour average and peak SS flow graphs for the peak day, showing average daily and peak daily SS flows) submitted by the developer was added to the City's Sanitary Sewer Hydraulic Model (SSHM) to determine if there is enough SS conveyance capacity in the SS trunk system to accommodate the proposed development. The SSHM report indicates that the following improvements are required to eliminate surcharging to the SS system:

a. The segment of pipe on Monroe Street from Fordham Drive to Chromite Drive must be upsized from 10" to 12".
b. The segment of pipe on Chromite Drive from Monroe Street to Bowers Ave. must be upsized from 18" to 24".

Said improvements must be completed prior to issuance of occupancy permit. The sanitary sewer evaluation may change based on pending development applications and future projects. The sanitary sewer evaluation does not guarantee or in any way reserves or holds sanitary sewer capacity until developer has Final Approval for the project. For purposes of this condition, "Final Approval" shall mean the final vote of the City Council necessary for all entitlements to be approved, unless a legal challenge is brought to the Council decisions, in which case the Final Approval shall mean the final disposition of the legal challenge.

E4. The sanitary sewer (SS) mains serving the site not included in the Sanitary Sewer Capacity Model (SSCM) were monitored in the field by the developer. The field monitoring information along with the SS discharge information submitted by the developer were analyzed by developer's Civil Engineer and determined that said SS mains currently have enough conveyance capacity to accommodate the proposed increased development. The Civil Engineer's results may change based on pending development applications and future projects. The Civil Engineer's results do not guarantee or in any way reserve or hold SS conveyance capacity until the Developer has final approval for the project.

E5. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of the parcel map and/or issuance of building permits.

E6. Install City standard manhole at property line for proposed 8" SS lateral. Trees shall be 10' clear of sewer lateral.

E7. Developer shall provide a complete storm drains study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.

E8. Obtain approval and permit from the County of Santa Clara for work within Lawrence Expressway right-of-way.

E9. Obtain Release-of-Interest (or Quit Claim) from the County of Santa Clara for the existing "No Vehicular Access" along property's French Street frontage.

E10. Show and comply with City's driveway Triangle of Safety and Intersection Visibility Obstruction Clearance requirements at proposed driveways and Monroe/French Street corner. No tree and/or structure obstructing drivers' view are allowed in the Triangle of Safety and corner Obstruction Clearance area.

E11. Dedicate sidewalk easement along the back of the proposed public sidewalk and as required when sidewalk meander onto property.

E12. Install City standard curb, gutter, and sidewalk per City standard Detail ST-12 along property's Monroe Street and French Street frontages, including new sidewalk along the westside of French Street.

E13. Obtain permit from the City of Sunnyvale for work on the westside of French Street including proposed storm drain connection to the City of Sunnyvale's storm drain system.

E14. Dedicate street right-of-way along property's Monroe Street frontage for 6' wide minimum bike lane and vehicular lane.

E15. Dedicate street right-of-way along French Street as necessary to comply with future Lawrence Expressway grade separation project.

E16. Remove existing curb ramps at the southeast and southwest corners of Monroe/Pacific intersection and replace with ADA compliant curb ramps per City Standard Detail ST-14. Remove existing stop bar and install standard crosswalk.

E17. Proposed main driveway at Monroe Street/Nobili Avenue shall be full intersection curb return style with asphalt. All other proposed driveways shall be constructed to City standard ST-9.

E18. Modify existing traffic signal at the northeast corner of Lawrence/Monroe intersection to accommodate an additional thru lane, including ADA compliant curb ramps and crosswalks.

E19. Install new traffic signal at the intersection of Monroe Street and Nobili Avenue, including new crosswalks & curb ramps at the 4 corners per City Standard Detail ST-14.

E20. Install a 3" traffic signal communication conduit along property's Monroe Street frontage from the new Monroe/Nobili traffic signal and tying into the existing traffic signal at the northwest corner of Monroe/Monticello and the existing traffic signal at the northeast corner of Lawrence/Monroe.

E21. A Traffic Impact Analysis (TIA) shall be required. The substantial reversal during the peak hours of inbound to outbound in the AM and reverse in the PM impact to the roadway system operations must be addressed in the TIA.

E22. Developer shall have a traffic calming study conducted on adjacent residential streets to determine impacts and mitigations due to on-site /off-site circulation pattern and access points.

E23. Comply with mitigations and recommendations identified in the Traffic Impact Analysis (TIA)/Environmental Impact Report (EIR).

E24. All proposed traffic striping, markings, and messages shall be thermoplastic.

E25. On-Street public parking shall not be used to count toward Developer's parking requirement.

E26. Provide bicycle facilities at the main entrance or high visible areas as follows:

- Provide 1 Class I bicycle locker per 30 employees and 2 Class II bicycle rack spaces for the restaurant area.
- Provide 1 Class I bicycle locker per 30 employees and 9 Class II bicycle rack spaces for the remaining commercial/retail and amenity area.
- Provide 275 Class I bicycle lockers and 55 Class II bicycle rack spaces for the residential area.

E27. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, through Engineering Department, and pay all appropriate fees, prior to start of construction.

E28. The Developer is to cause a Parcel Map to be recorded to create the parcel(s) for proposed development prior to the issuance of building permit.

ELECTRICAL

EL1. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.

EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.

EL3. Electric service shall be underground. See Electric Department Rules and Regulations for available services.

EL4. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.

EL5. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.

EL6. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).

EL7. All electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.

EL8. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.

EL9. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.

EL10. Any relocation of existing electric facilities shall be at Developer's expense.

EL11. Electric Load Increase fees may be applicable.

EL12. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).

EL13. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at $200,000 or more or any series of non-residential private improvements made within a three-year period valued at $200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).

EL14. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be "Open-Transition-Mode", unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.

EL15. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-261-5469 to facilitate plan review.

WATER

W1. Existing water services to the site are available for use, otherwise they shall be abandoned back to their respective water mains.

W2. Water mains shall be placed in the public right-of-way. Public water mains not in the public right-of-way shall be placed within water easements, which shall be executed prior to Project acceptance.

W3. All landscaping and irrigation systems shall meet water conservation requirements as per City's Rules and Regulations for Water Service (Resolution 6390).

W4. Landscape design shall keep trees a minimum of 10' from water and sewer facilities.

W5. Developer is advised that building height may require pumping to maintain adequate pressure for fire and domestic water.

W6. All water improvements for this development shall be paid for by the Owner.

W7. Applicant is advised that applicant must design and install adequate plumbing for the proposed development and the affected building, or reduced residual water pressure may be experienced due to added water demand.

W8. The proposed project is in an area with limited water distribution capability. Prior to the issuance of Building or Grading Permits, the applicant shall provide hydraulic calculations showing the impacts of the proposed development on the water utilities to the satisfaction of the Director of Water & Sewer Utilities.

W9. Prior to issuance of Building Permits, the applicant shall submit plans for independent water service to each individual parcel connected to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities. Additionally, different types of water use (domestic, irrigation, fire) shall be served by individual water services.

W10. Prior to the issuance of Building or Grading Permits, the applicant must indicate the disposition of all existing water services on the plans. The applicant must properly abandon all existing water services on the property that will not be used per Water & Sewer Utilities standards.

W11. Each parcel shall have their own domestic, fire and landscape services and cannot be connected thru adjacent parcels.

W12. Show Water meters and backflow preventers to scale as per City Standard Details.

W13. Design water meters and backflow preventers to be in public right-of-way, if not then 5 feet around, water easements must be provided for the services to be on the private side of the property.

W14. Need to show separate landscape services for the development.

FIRE

Occupancy Classifications:

F1. State the occupancy classification in accordance with the 2010 California Building Code for each building or areas at time of Building Permit application.

Fire Department Emergency Access:

F2. Approved fire apparatus access roads (public/private) shall be established and maintained to within 150 feet of all exterior walls of any building.

F3. Approved fire apparatus access roads shall have a minimum 20-foot width, have a minimum 13 ½-foot vertical clearances and have a minimum 36-foot inside turning radius.

F4. Dead-end fire apparatus access roads that exceed 150-feet in length shall be provided with a 75-foot diameter vehicle turnaround or an approved hammerhead turnaround (incorporating the minimum 36-foot inside turning radius).

F5. Adjacent private emergency access roads from lands adjoining a property required to have access shall not be considered unless such access is designated as a "shared Emergency Access Easement" (E.A.E.). **Note: When parcels are subdivided, E.A.E. will most likely be required.**

F6. In new buildings, or buildings expanded by more than 20%, or buildings in which a change in occupancy classification occurs where adequate interior emergency radio communication is not possible, a system or equipment that will provide emergency radio coverage acceptable to the Fire Code Official shall be installed (2007 SCMFEC 511.1)

Water Supply:

F7. Private fire hydrants and mains capable of supplying the required fire flow shall be installed when any portion of the building protected is in excess of 150 feet from a water supply, as measured by an approved route around the exterior of the facility or building. On-site fire hydrants and mains capable of supplying the required fire flow shall be provided. Fire flow for hydrants shall be in accordance with Appendix B and C of the 2010 CFC. **Show all existing and proposed on-site and city fire hydrants on the site plan at time of Building Permit application.**

F8. When underground fire service mains are required, submit separate plans, fees and fire flow calculations to the Fire Department for separate review and permit. Each parcel or building may require separate fire service. (NOTE: Stamped and wet signed Civil drawings shall be submitted in conjunction with shop quality drawings by the installing "A" or "C-16" licensed contractor).

F9. Any development providing any combination of six (6) or more fire hydrants, fire sprinkler or standpipe services, shall not be served bay a dead end water main, but rather served by a looped service with two separate feeds containing fire department connections (FDCs), post indicator valves (PIVs) and private fire hydrants. When a FDC pressurizes fire service mains including private hydrants, the hydrant intended to be used by the fire department must be a hydrant directly connected to the public water main (i.e., a city hydrant). Each fire sprinkler system shall be provided with an independent FDC when the fire service main includes fire hydrants and sprinkler systems. **The FDC and PIV shall be located on the street fronting each building. The FDC shall be located within 50 feet of a city (public) fire hydrant, plus on the same side of the road as the fire hydrant(s).**

F10. In private underground piping systems, any dead end pipe, which supplies both sprinkler and hydrants, shall be not less than eight (8) inches in diameter. In private underground piping systems, any dead end pipe, which supplies both sprinkler and hydrants, shall be not less than eight (8) inches in diameter.

Required Fire Protections/ Detection Systems and Equipment:

F11. At time of building permit application, state on the title sheet what type of sprinkler system will be required (NFPA 13 or 13R) for the residential portions. If a sprinkler system is used for increases in height/stories/area allowable, etc., it shall be a NFPA 13 system

F12. A Class I standpipe system will be required.

F13. The installation of a kitchen automatic fire protection system will be required for the cooking areas. The system shall comply with 2002 NFPA 17A; 2010 California Fire Code (CFC) Chapter 9, Section 904.11; and the 2010 California Mechanical Code (CMC) Chapter 5. A permit must be obtained directly from the Fire Department.

F14. In new residential buildings, smoke alarms shall be hardwired with battery backup and be located in accordance with CBC Section 907.2.11

F15. A fire alarm system shall be provided in accordance with the Fire Code.

F16. **In all new Group R buildings**, an approved carbon monoxide alarm (with listing and approval from the Office of the State Fire Marshal) shall be installed in dwelling units and in sleeping units within which fuel-burning appliances are installed; and in dwelling units that have attached garages. The primary power source shall be from the building wiring from a commercial power source, and be equipped with battery back-up. Alarm wiring shall be directly connected to the permanent building wiring without a disconnecting switch other than as required for overcurrent protection (2010 CBC, 420.4). **Interconnection**: Where more than one carbon monoxide alarm is required to be installed within the dwelling unit or within a sleeping unit, the alarm shall be interconnected in a manner that activation of one alarm shall activate all of the alarms in the individual unit. (2010 CBC, 420.4.1.2).

F17. **Installation locations of carbon monoxide alarms:** 1. Outside of each separate dwelling unit sleeping area in the immediate vicinity of the bedroom(s). 2. On every level of a dwelling unit including basements. 3. For R-1 (i.e. hotels) only: On the ceiling of sleeping units with permanently installed fuel-burning appliances. NOTE: It is recommended to install "multi-purpose alarms" – Carbon monoxide alarms combined with smoke alarms, that are listed and approved by the Office of the State Fire Marshal.

Dumpster Storage:

F18. Rubbish containers: Containers that are 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings, property lines or combustible roof eave lines unless protected by approved fire sprinklers (2007 CFC 304.3.3). Exceptions may apply. If a roof over the trash enclosure is to be provided, then it shall be of non-combustible construction.

Fire Safety During Construction:

F19. **At the time of permit application, submit** a construction **"Fire Safety Plan"** to the Fire Department for review and approval. The "Fire Safety Plan" shall address fire protection (i.e., access roads, water mains, on-site fire hydrants, fire extinguishers and standpipes) be installed and made serviceable prior to the time of construction. Include in the safety plan the location of fire extinguishers, fire hydrants (public and private), storage of combustible construction materials, propane tanks, and "NO SMOKING" signs. Plus the Safety plan shall address the how the following items will be used: temporary heating devices, temporary electrical wiring, cutting/welding and other open-flame devices. See "Standards for Construction site fire Safety" handout or website at www.unidocs.org/fire

Fire Department (Required on plans/ drawings at the time of application)

F20. **At the time of Building Permit application,** submit Civil Drawings that denote existing and proposed locations of fire hydrants, underground sectional valves, fire department connections and post indicator valves for fire department review and approval.

F21. Prior to combustible materials being brought onto the site, approved fire apparatus access roads shall be constructed. These shall be capable of supporting the imposed fire apparatus load (70,000 lbs.) and have a FD approved all-weather driving surface.

F22. Construction materials shall not obstruct access roads, access to buildings, hydrants or fire appliances.

F23. Combustible construction in excess of 100 feet from the street shall not commence until emergency access roads; underground fire service lines and permanent on-site hydrants are in service and have been tested, flushed and approved by the Fire Department.

F24. During construction of a building and until permanent fire-extinguishers have been installed, portable fire extinguishers are required within 50 feet travel distance to any part of the building in accordance with California Fire Code and the Santa Clara Municipal Fire and Environmental Code.

F25. General Permit Storm Water Discharges Associated with Construction Activity-Water Quality through the State (order 99-08-DWQ) shall be adhered to regarding non-point source issues on construction sites. (i.e., prevention of paints, debris, etc. from going down storm drains). The Permit is issued by the State Water Resources Control Board. Information regarding the permit can be found at www.waterboards.ca.gov/stormwtr/index.html.

F26. Internal-combustion-powered construction equipment shall be used as follows; (a) Equipment shall not be refueled while in operation, (b) Exhausts shall be piped to the outside of the building.

POLICE

PD1. The Developer shall provide a minimum average illumination of one-foot candle in carport, parking areas and in all common pedestrian or landscaped areas of the development, subject to adjustments by the Police Chief in consultation with Silicon Valley Power and Planning Department as necessary for the project to meet LEED Certification, or equivalent, objectives. The illumination should be deployed in fixtures that are both weather and vandal resistant.

PD2. Address numbers of the individual units shall be clearly visible from the street and shall be a minimum of six (6) inches in height and of a color contrasting with the background material. Numbers shall be illuminated during the hours of darkness. Individual apartment numbers shall be a minimum of six (6) inches in height and a color contrasting to the background material and either visible from the street or from the center area of the project. Where multiple units/buildings occupy the same property, unit/building address shall be clearly visible.

PD3. The Developer shall meet the City's guidelines established for radio signal penetration, detailed in the Santa Clara Police Department's Public Safety Radio System Building Penetration Guidelines. The intended use of telecommunications sites shall be clearly and accurately stated in the project description. The signal, of whatever nature, of any communications facility or system, shall in no way whatsoever interfere with or affect any Police communication or Police communication system.

PD4. When in the opinion of the fire code official, a new structure obstructs the line of sight of emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment

necessary to restore communications capabilities. The equipment shall be located in an approved space or area within the new structure.

PD5. The Developer shall provide enclosure fencing (trash area, utility equipment, etc.) that is either see-through or that has a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures should be locked.

PD6. The Owner/Developer shall ensure that exterior elevators are see-through for maximum visibility. The Owner/Developer shall ensure that all elevators are well lit and equipped with a security mirror to provide interior and exterior visibility prior to entry or exit.

PD7. In a development where there is an alley, driveway, etc. providing a rear entrance or access, the Developer shall ensure that addresses are displayed to both the front and rear of the individual buildings. Where an alley, driveway, etc. provides vehicular access, address numbers shall be clearly visible from that access.

PD8. Parking structures, including ramps, corners and entrances, should be illuminated at a minimum of an average of 5-foot candles at all hours by the Developer, subject to adjustments by the Police Chief in consultation with Silicon Valley Power and Planning Department as necessary for the project to meet LEED Certification, or equivalent, objectives.

PD9. The Developer should equip the parking structure/site with an emergency panic alarm system that reports to a central office and/or 9-1-1. If more than one button is installed, they should be placed no more than 100 ft. apart.

PD10. All entrances to parking areas (surface, structure, sub-terranean, etc.) should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code Section 22658(a) for guidance).

PD11. The developer should install skate stoppers on any low clearance wall of 36 inches in height or lower to prevent vandalism to the wall.

PD12. If the development includes any benches, these benches should not be longer in five feet in length and have arm rests at both ends. If the benches are longer than five feet in length, there should be a divider (arm rest or similar) in the middle of the bench in addition to the arm rests on both ends.

PD13. If there is outdoor seating associated with a restaurant or similar business which is near vehicle parking stalls or roadways, the developer will install bollards or low fencing to ensure the safety of the public from possible vehicular related incidents.

STREET

ST1. Submit copy of complete landscape and automatic irrigation plans for review and comment by City staff. Plans are to include all existing trees with 4" or larger diameter (measured 30" above ground) on development property and adjacent property if they may be impacted. Trees are to be correctly labeled with specie name and correctly plotted as to exact location on the plans. Trees are to be noted as to whether they are proposed to be saved or removed. City tree preservation specifications are to be included on all plans where existing trees are to be saved during construction. A copy of these specifications can be obtained from the City Arborist at 408-615-3080.

ST2. The Developer is to supply and install City street trees per City specifications; spacing, specie, and size (36" box minimum) to be determined by City Arborist.

ST3. No cutting of any part of City trees, including roots, shall be done without following city tree preservation specifications and securing approval and direct supervision from the City Arborist at 408-615-3080.

ST4. No cutting of any part of private trees, including roots, shall be done without direct supervision of a certified arborist (Certification of International Society of Arboriculture).

ST5. Identified existing mature trees to be maintained. Prepare a tree protection plan for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site. Provide 48-inch box trees for screening adjacent to the existing residential properties, type to be determined by City Arborist.

ST6. All trees, existing and proposed, must maintain minimum of ten (10) feet from any existing or proposed Water Department facilities. Existing trees that conflict must be removed by developer. Trees shall not be planted in water easements or public utility easements.

ST7. Prior to submitting any project for Street Department review, applicant shall provide a site plan showing all existing trees (including size and species), proposed trees (including size and species), existing stormwater drainage facilities, proposed storm water drainage facilities, proposed locations of solid waste containers and, if applicable, a statement on the site plan confirming compliance with Fire Department approved fire apparatus access roads (1998 CFC 902.2.2.1 & 902.2.2.3).

ST8. All landscaping and irrigation systems shall meet City standard specifications.

ST9. Since this project involves disturbing a land area of one acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State Construction General Permit (Order No. 2009-0009-DWQ) prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.

ST10. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.

ST11. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.

ST12. All post construction structural controls shall require property owner to execute with City a Stormwater Treatment Measures Inspection and Maintenance Agreement.

ST13. Decorative water features such as fountains and ponds shall be designed and constructed to drain to sanitary sewer only. No discharges allowed to storm drain.

ST14. Special Urban Runoff Stormwater Pollution Prevention requirements apply. Set up meeting with the Street Department to discuss requirements. Contact Dave Staub at 408-615-3080.

ST15. Commercial, industrial, and multi-family residential buildings must have enclosures for solid waste and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated solid waste and recycling needs and size of the structure,

and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid gates are the preferred design.

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CONDITIONS OF APPROVAL – MAP
MONTICELLO VILLAGE PROJECT

GENERAL

G1. The Developer shall comply with all applicable codes, regulations, ordinances and resolutions.

G2. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ATTORNEY'S OFFICE

A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

PLANNING AND BUILDING INSPECTION

P1. Submit draft Restrictive Covenant Running with the Land ("REA Covenant") to the Planning Division for review prior to City Council consideration of the tentative map. Final REA Covenant is to be approved by the City Attorney and Planning Division prior to City Council consideration of the final map. This REA Covenant is for the purpose of creating a single building site for Zoning and Building Code considerations pertaining to the parking podium structure only, and requiring each lot to jointly maintain, operate and control the parking podium structure as a single parking podium structure in perpetuity.

ENGINEERING

E1. Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.

E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a **Single Encroachment Permit** issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.

E3. After City Council approval of Tentative Parcel Map, submit 10 copies of the Parcel Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees. Parcel Map must be approved by staff and recorded by developer prior to building permit issuance.

E4. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of the parcel map and/or issuance of building permits.

E5. Install City standard manhole at property line for proposed 8" SS lateral. Trees shall be 10' clear of sewer lateral.

E6. Obtain approval and permit from the County of Santa Clara for work within Lawrence Expressway right-of-way.

E7. Obtain Release-of-Interest (or Quit Claim) from the County of Santa Clara for the existing "No Vehicular Access" along property's French Street frontage.

E8. Show and comply with City's driveway Triangle of Safety and Intersection Visibility Obstruction Clearance requirements at proposed driveways and Monroe/French Street corner. No tree and/or structure obstructing drivers' view are allowed in the Triangle of Safety and corner Obstruction Clearance area.

E9. Dedicate sidewalk easement along the back of the proposed public sidewalk and as required when sidewalk meander onto property.

E10. Install City standard curb, gutter, and sidewalk per City standard Detail ST-12 along property's Monroe Street and French Street frontages, including new sidewalk along the westside of French Street.

E11. Obtain permit from the City of Sunnyvale for work on the westside of French Street including proposed storm drain connection to the City of Sunnyvale's storm drain system.

E12. Dedicate street right-of-way along property's Monroe Street frontage for 6' wide minimum bike lane and vehicular lane.

E13. Dedicate street right-of-way along French Street as necessary to comply with future Lawrence Expressway grade separation project.

E14. Remove existing curb ramps at the southeast and southwest corners of Monroe/Pacific intersection and replace with ADA compliant curb ramps per City Standard Detail ST-14. Remove existing stop bar and install standard crosswalk.

E15. Proposed main driveway at Monroe Street/Nobili Avenue shall be full intersection curb return style with asphalt. All other proposed driveways shall be constructed to City standard ST-9.

E16. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, through Engineering Department, and pay all appropriate fees, prior to start of construction.

I:\PLANNING\2013\Project Files Active\PLN2013-09665 3515-3585 Monroe Street\PC\Conditions of Approval Map_v1.doc

Monticello Village

Mitigation Monitoring and Reporting Program

Prepared for:

City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 95050

Prepared by:

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April 2014

MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. CEQA (Public Resources Code Section 21081.6(a)(1)) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted at the time that the agency determines to carry out a project for which an EIR has been prepared, to ensure that mitigation measures identified in the EIR are fully implemented.

The MMRP for the Monticello Village Project is presented in **Table 1, Monticello Village Project Mitigation and Monitoring Reporting Program**. **Table 1** includes the full text of the mitigation measures identified in the Final EIR. The MMRP describes implementation and monitoring procedures, responsibilities, and timing for each mitigation measure identified in the EIR, and includes the following:

- **Environmental Topic and Impact:** Identifies the impact number and statement from the Final EIR.
- **Mitigation Measures:** Provides full text of the mitigation measure as provided in the Final EIR.
- **Monitoring/Reporting Action(s)**: Designates responsibility for implementation of the mitigation measure and when appropriate, summarizes the steps to be taken to implement the measure.
- **Mitigation Timing:** Identifies the stage of the project during which the mitigation action will be taken.
- **Monitoring Schedule:** Specifies procedures for documenting and reporting mitigation implementation.

The City of Santa Clara may modify the means by which a mitigation measure will be implemented, as long as the alternative means ensure compliance during project implementation. The responsibilities of mitigation implementation, monitoring and reporting extend to several City departments and offices. The manager or department lead of the identified unit or department will be directly responsible for ensuring the responsible party complies with the mitigation. The Planning and Inspection Department is responsible for the overall administration of the program and for assisting relevant departments and project managers in their oversight and reporting responsibilities. The Planning and Inspection Department is also responsible for ensuring the relevant parties understand their charge and complete the required procedures accurately and on schedule.

Table 1
Monticello Village Project
Mitigation Monitoring and Reporting Program

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Air Quality				
Impact AIR-1 Construction of the proposed project could result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable national or state ambient air quality standard (including resulting in emissions which exceed quantitative thresholds for ozone precursors).	**Mitigation Measure AIR-1** The construction contractor(s) shall implement the following measures during construction: • 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.	City of Santa Clara Planning and Inspection Department. Shall review project applicant's dust control plan.	Prior to construction.	Confirm and document prior to and during construction.

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Air Quality (continued)				
Impact AIR-1 (continued)	**Mitigation Measure AIR-1 (continued)** • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the 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. • All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. • All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. • During grading activities, wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. • Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. • The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.			

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Air Quality (continued)				
Impact AIR-1 (continued)	**Mitigation Measure AIR-1 (continued)** • All trucks and equipment, including their tires, shall be washed off prior to leaving the site. • Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. • Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. • Minimizing the idling time of diesel powered construction equipment to 2 minutes. • Require all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines. • Develop a plan demonstrating that the off-road equipment (more than 50 horsepower and on-site for more than two consecutive workdays) to be used in project construction would achieve an additional 20 percent reduction in both NOx and exhaust particulate matter emissions, compared to similar equipment based on CARB statewide average emissions. Based on the construction plans presented for this project and the CalEEMod modeling, a feasible method to achieve this objective would be the following: a. All diesel-powered generators, air compressors, pumps or signal boards used during all construction phases that meet or exceed U.S. EPA Tier 4 standards for particulate matter emissions or substituted with alternatively fueled equipment (e.g., LPG fuel). b. All other off-road construction equipment used on the site shall, on a fleet-wide average, meet U.S. EPA Tier 2 emission standards.			

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Air Quality (continued)				
Impact AIR-2 Project construction activities could expose existing sensitive receptors to substantial pollutant concentrations.	**Mitigation Measure AIR-2** Implement **Mitigation Measure AIR-1** to control fugitive dust and on-site construction exhaust emissions.	See monitoring and reporting for **Mitigation Measure AIR-1** above.		
Impact AIR-5 The proposed project could expose sensitive receptors on the project site as well as off site to substantial pollutant concentrations.	**Mitigation Measure AIR-5** The project applicant shall include the following measures to minimize long-term toxic air contaminant (TAC) exposure for new residences adjacent to Lawrence Expressway. A summary of maximum excess cancer risks calculations and fine particulate matter (PM2.5) concentrations is included in **Appendix 4.2** that shall be used to identify the units that require mitigation. 1. Integrate building design features to limit exposure from sources of TAC and PM2.5. 2. Install air filtration in residential or other buildings that would include sensitive receptors that have predicted PM2.5 concentrations above 0.3 $\mu g/m^3$ or excess lifetime cancer risk of 10.0 per million or greater. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, the ventilation system shall meet the following minimal design standards: a. A MERV13 or higher rating; b. At least one air exchange(s) per hour of fresh outside filtered air; c. At least four air exchange(s) per hour recirculation; and d. At least 0.25 air exchange(s) per hour in unfiltered infiltration.	City of Santa Clara Planning and Inspection Department. Shall review project applicant's plan to reduce particulate matter emissions and monitor implementation.	Prior to construction; during construction; and monitor yearly during project occupancy.	Confirm and document prior to and during construction. Follow up at least yearly.

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Air Quality (continued)				
Impact AIR-5 (continued)	**Mitigation Measure AIR-5 (continued)** As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk or annual PM2.5 exposures are predicted. Subsequent studies could be conducted to identify the ongoing need for the ventilation systems as future information becomes available. 3 Ensure that the lease agreement and other property documents include the following: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks; (2) assurance that new tenants are provided information on the ventilation system; (3) provisions that fees associated with leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed; and (4) provide information regarding the ventilation/filtration systems and importance of keeping windows and doors closed to maximize the efficiency of the system. 4. Plots of maximum excess cancer risks and annual PM2.5 concentrations resulting from Lawrence Expressway are included in **Appendix 4.2**. In lieu of any change to the project design, these plots should be used to identify portions of the project where residential units would require this mitigation measure.			

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Biological Resources				
Impact BIO-1 The proposed project could have an adverse effect on special-status bird and non-special status bird species during the nesting season and on roosting bat species.	**Mitigation Measure BIO-1a** Tree and vegetation removal and building demolition shall be initiated in the non-breeding season for birds, defined as September 1 to January 31. During this period breeding is not occurring and pre-construction surveys for breeding birds would not be required. However, if nesting birds are encountered during work activities in the non-breeding season, activities with potential to disturb the nest shall be postponed until the nest is abandoned or young birds have fledged. **Mitigation Measure BIO-1b** If tree and vegetation removal and building demolition will occur during the breeding season, between February 1 and August 31, pre-construction breeding bird surveys shall be conducted by a qualified biologist prior to and within 14 days of any initial ground disturbance activities. Surveys shall be conducted within all suitable nesting habitats within the work area. Survey results are valid for 14 days from the survey date. Should ground disturbance commence later than 14 days from the survey date, surveys shall be repeated. If no nesting birds are encountered, work may commence as planned.	City of Santa Clara Planning and Inspection Department. Shall oversee implementation of pre-construction survey recommendations.	Prior to issuance of site preparation, grading, and construction permits.	Document in project file at project approval.

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Biological Resources (continued)				
Impact BIO-1 (continued)	**Mitigation Measure BIO-1b (continued)** If active nests are found in areas that could be directly affected or are within 500 feet of construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them will be determined by the qualified biologist taking into account factors such as the following: • Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity. • Distance and amount of vegetation or other screening between the construction site and the nest. • Sensitivity of individual nesting species and behaviors of the nesting birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or another appropriate barrier and construction personnel shall be instructed on the sensitivity of nest areas. The existing nests shall be removed after nesting has concluded and the nests are vacated (as determined by a qualified biologist).			

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Biological Resources (continued)				
Impact BIO-1 (continued)	**Mitigation Measure BIO-1c** A qualified biologist shall conduct a roosting bat habitat evaluation prior to the demolition of any buildings. The evaluation shall determine if any buildings proposed for demolition and trees proposed for removal provide potential bat roosting habitat. If it is determined that there is no potential roosting habitat, no further action would be required. If suitable roost structures are identified, then surveys may be conducted to determine if roosting bats are present. If it is determined that roosting bats are present, then a site-specific bat protection plan shall be developed by the qualified biologist to prevent disturbance of an active maternity or hibernation roost; the plan may include the use of passive bat exclusion devices, adjusting project timing to when the roost is not active, or other protective measures. It should be noted that there are two acceptable seasonal time windows for human exclusion: • Between about March 1, when bats become active again after heavy winter rains and when evening temperatures are above 45 degrees Fahrenheit, and April 15, when females start giving birth to pups. • Between August 31 and about October 15, or before heavy winter rains and when evening temperatures are above 45 degrees Fahrenheit. After that time, torpid bats are unable to fly out through the one-way exits. Additionally, conducting bat surveys during the hibernation period (generally October 16 to February 28) may not provide conclusive results as bats are inactive and may be difficult or impossible to detect. Therefore, the timing of these seasonal time windows must be taken into consideration in planning and conducting the bat habitat evaluation/surveys.			

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Biological Resources (continued)				
Impact BIO-3 The proposed project would not conflict with applicable policies protecting biological resources.	**Mitigation Measure BIO-3** During the design and construction phases, the proposed project will adhere to the following recommendations: **Design** • Verify the location and tag of the three trees to be preserved. Include trunk locations and tag numbers on all plans. • Provide for the Consulting Arborist to review all future project submittals including grading, utility, drainage, irrigation, and landscape plans. • Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be 1 inch behind the edge of excavation. No grading, excavation, construction, or storage of materials shall occur within that zone. • Install protection around trees to be preserved. Fencing shall be 6-inch chain link with posts sunk into the ground. No entry will be permitted into a tree protection zone without permission of the project superintendent. • Route underground services, including utilities, sub-drains, water, or sewer, around the Tree Protection Zone. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to minimize root injury. • Use only herbicides safe for use around trees and labeled for that use, even below pavement. • Design irrigation systems so that no trenching will occur within the Tree Protection Zone.	City of Santa Clara Planning and Inspection Department. Shall oversee tree protection.	Project design and review process.	Document in project file at project approval.

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Biological Resources (continued)				
Impact BIO-3 (continued)	**Mitigation Measure BIO-3 (continued)** **Pre-Construction and Demolition** • The demolition contractor shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection. • Temporary irrigation will be required during the demolition and construction phases. • Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. Pruning contractor shall have the C25/D61 license specification. **Tree Protection during Construction** • Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas, and tree protection measures. • Any grading, construction, demolition, or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist. • If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. • Tree protection fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project superintendent.			

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Biological Resources (continued)				
Impact BIO-3 (continued)	**Mitigation Measure BIO-3 (continued)** • Construction trailers, traffic and storage areas must remain outside fenced areas at all times. • No materials, equipment, spoil, waste or wash-out water may be deposited, stored, or parked within the TREE PROTECTION ZONE (fenced area). • Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel. • All trees shall be irrigated on a schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the TREE PROTECTION ZONE to a depth of 30 inches. • Any roots damaged during grading or construction shall be exposed to sound tissues and cut cleanly.			
Cultural Resources				
Impact CUL-2 The proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5.	**Mitigation Measure CUL-2** The project applicant shall retain an archaeologist on an "on-call" basis to identify, evaluate, and recommend treatment of any significant unexpected archaeological discoveries during redevelopment. In addition, the "on call" archaeologist shall conduct a pre-construction briefing of the construction team regarding the potential to expose significant subsurface resources and the procedures to be implemented in the event of an unexpected discovery. Furthermore, the project applicant shall retain an archaeologist to conduct a short "toolbox" briefing of the excavation crew(s) prior to the start of excavation to sensitize them to the potential for subsurface archaeological resources and the protocols to be followed to protect the discovery.	City of Santa Clara Planning and Inspection Department. Shall oversee retention of archaeologist.	During construction.	Document in project file at project approval.

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Hazards and Hazardous Materials				
Impact HAZ-2 The proposed project could 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.	**Mitigation Measure HAZ-2a** Construction at the subject property shall be conducted under a project-specific Soil Management Plan (SMP) with the objective of protecting construction workers, the general public, the environment, and future site occupants from potential unknown contamination that may be present in the subsurface. The SMP shall identify (1) worker health and safety plan covering all workers potentially exposed to hazardous materials in accordance with state and federal worker safety regulations; (2) requirements to periodically monitor groundwater between the project site southwestern boundary and the dewatering wells to assess potential migration of petroleum hydrocarbons from the Shell gas station and to reduce concentrations below applicable, environmentally protective permit conditions (e.g., through treatment or off-site disposal) in the event that dewatering water exceeds these concentrations; (3) procedures for evaluating and discharging dewatering water; (4) provisions to visually inspect soil underlying existing buildings for potential unknown contamination; and (5) management options if contaminated soil is encountered during demolition or excavation. Contaminated soil management options may include appropriate off-site disposal of such soil since the soil is likely to be excavated as part of the mass excavation for the parking garage, or notification of and oversight by an applicable regulatory agency if on-site encapsulation of the contaminated soil is appropriate. **Mitigation Measure HAZ-2b** The project applicant will obtain the appropriate dewatering permit from the San Francisco Regional Water Quality Control Board prior to the discharge of any groundwater to surface waters. The dewatering permit will contain requirements for the discharge of dewatering water, including testing, treatment, monitoring, and reporting to ensure that the discharge meets the appropriate water quality objectives for the receiving waters.	City of Santa Clara Planning and Inspection Department. Shall review the Soil Management Plan and dewatering permit.	Prior to construction.	Document prior to construction.

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Hazards and Hazardous Materials (continued)				
Impact HAZ-2	**Mitigation Measure HAZ-2c**			
	For the southwestern portion of the project site, utility trenches will include low-permeability cut-off walls at the perimeter of at-grade buildings to limit the potential for migration of VOCs in groundwater or soil vapor along the backfill.	Oversee construction of cut-off walls.	During construction.	Document during construction.
Hydrology and Water Quality				
Impact HYDRO-1	**Mitigation Measure HYDRO-1**			
The proposed project could result in the discharge of storm water that violates water quality standards.	Implement **Mitigation Measures HAZ-2a** and **HAZ-2b**.	See monitoring and reporting for **Mitigation Measure HAZ-2a** and **HAZ-2b**.		
Noise				
Impact NOISE-1	**Mitigation Measure NOISE-1a**			
Future residents of the project site would be exposed to exterior noise levels greater than those considered "compatible" per the City of Santa Clara General Plan and the State Building Code.	A project-specific acoustical analysis shall be prepared by a qualified acoustical consultant as the design is refined to determine specific improvements (e.g., STC ratings, exterior wall construction, treatment of façade openings) to reduce interior noise levels to meet the City of Santa Clara General Plan and the state Building Code requirement of an Ldn of 45 dB(A) or less, as required by the City and the state Building Code. The results of the analysis and recommended ratings for windows and doors shall be submitted to the City Building Official for approval and approved prior to issuance of building permits. The approved windows and doors, and forced air mechanical ventilation shall be incorporated where windows must remain closed in order to achieve the interior noise criteria.	City of Santa Clara Planning and Inspection Department. Shall review acoustical analysis and project design features.	Prior to final project design and during construction.	Document during and after project construction.

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Noise (continued)				
Impact NOISE-1 (continued)	**Mitigation Measure NOISE-1b** A project-specific acoustical analysis shall be prepared by a qualified acoustical consultant as the design is refined to determine the minimum Sound Transmission Class (STC) ratings for exterior windows and doors that would be required to reduce interior noise levels to an Ldn of 50 dB(A) or less as required by the City for commercial uses. The results of the analysis and recommended ratings for windows and doors shall be submitted to the City Building Official for approval and approved prior to issuance of building permits. The approved windows and doors shall be incorporated into the project design in order to achieve the interior noise standard. **Mitigation Measure NOISE-1c** A project-specific acoustical analysis shall be conducted by a qualified acoustical consultant to design glass screen walls for outdoor seating areas facing Monroe Street that attenuate the noise levels to below 68 dB(A) Ldn.			
Impact NOISE-3 Noise from heating, ventilating, and air conditioning equipment for the proposed buildings may exceed the 55 dB(A) Leq daytime and 50 dB(A) Leq nighttime noise standard at existing neighboring residential properties.	**Mitigation Measure NOISE-3** Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's Noise Ordinance requirements. A qualified acoustical consultant shall be retained to review mechanical noise, as these systems are developed to determine specific noise reduction measures necessary to reduce noise to comply with the City's Noise Ordinance.	City of Santa Clara Planning and Inspection Department. Shall review project design features and oversee retention of acoustical consultant.	Prior to final project design and during construction.	Document in project file at project approval and during project construction.

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Noise (continued)				
Impact NOISE-5	**Mitigation Measure NOISE-5**			
Noise generated by construction activities on the project site would substantially increase noise levels at residential and other noise sensitive land uses in the vicinity of the project site.	Construction-related activities shall be conducted in accordance with the following: • Pursuant to the Santa Clara City Code, construction activities within 300 feet of any residence. shall be limited to the hours of 7:00 AM to 6:00 PM, Monday through Friday and 9:00 AM to 6:00 PM on Saturday. No construction shall occur on Sundays and holidays. • During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations. • Unnecessary idling of internal combustion engines shall be limited. • Stationary noise sources and staging areas shall be located as far as is feasible from existing residences and the school, or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dB(A) of reduction compared to uncontrolled engines). Locating stationary noise sources near existing roadways away from adjacent properties is recommended (i.e., at the southwest corner of the project site). • Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields. • If for construction purposes, locating stationary construction equipment near existing residential uses is required, an 8 feet tall sound-rated fence should be erected between the equipment and the sensitive receptors. The fence should be located as close to the equipment as is feasible.	City of Santa Clara Planning and Inspection Department. Shall monitor compliance of construction noise levels and truck routes.	During construction.	Confirm and document during construction.

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Noise (continued)				
Impact NOISE-5 (continued)	**Mitigation Measure NOISE-5 (continued)** • Construction vehicle access routes shall be designed to minimize the impact on existing residences and the school. • The vehicle access route should be along Lawrence Expressway, entering the site on Monroe Street or French Street. • A "construction liaison" shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Occupants and property owners of residences within 400 feet of construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison. • A qualified acoustical engineer shall be retained as needed to address neighbor complaints as they occur. If complaints occur, noise measurements could be conducted to determine if construction noise levels at adjacent property lines are within the standards. Short-term or long-term construction noise monitoring could also be utilized to diagnose complaints and determine if additional mitigation is required for certain phases of construction.			
Impact NOISE-6 The construction of the proposed project would temporarily expose persons to excessive groundborne vibration.	**Mitigation Measure NOISE-6a** The proposed project shall monitor any structures that are less than 50 feet from the project site boundary where high-vibration generating equipment will be used. In the event that any property damage is observed, the project will repair that damage. **Mitigation Measure NOISE-6b** The proposed project shall notify adjacent land uses of scheduled construction activities and shall limit construction activities with the highest potential to produce perceptible vibration to the least sensitive times of the day (e.g., midday).	City of Santa Clara Planning and Inspection Department. Shall monitor compliance of construction vibration reduction tactics and notification of adjacent land uses.	During construction.	Confirm and document during construction.

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Public Services				
Impact PUB-5 Development of the proposed project would increase the use of existing neighborhood parks or other recreational facilities such that substantial physical deterioration of the facilities could occur or be accelerated. In addition, the demand created by the proposed project could require the construction of new or physically altered parks and recreation facilities.	**Mitigation Measure PUB-5** To the extent that the applicant is not able to fully satisfy the park requirement using on-site credits, the project applicant shall pay park in-lieu fees to satisfy the City's parkland dedication requirement.	City of Santa Clara Planning and Inspection Department. Shall document receipt of park in-lieu fees.	Prior to issuance of building permits.	Considered complete upon payment of fees.
Transportation and Traffic				
Impact TRANS-1 Development of the proposed project would conflict with applicable policies establishing measures of effectiveness for the performance of the local roadway system and with an applicable Congestion Management Plan under Adjusted Baseline Conditions.	**Mitigation Measure TRANS-1a** The proposed project shall modify the traffic signal at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street to provide an overlap phase for the westbound right-turn movement. The signal equipment at this intersection shall be modified to provide a green arrow for right-turn traffic during the overlap phase.	City of Santa Clara Public Works Department Shall oversee traffic signal modifications.	Prior to issuance of building permits.	Confirm modification during construction.
	Mitigation Measure TRANS-1b The proposed project will make a fair-share contribution to the City of Santa Clara for payment to Santa Clara County for construction of an interchange to replace the at-grade intersection at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street.	Shall oversee payment of fair share contribution.	During construction.	Considered complete upon payment of fees.
Impact TRANS-2 Development of the proposed project would conflict with applicable policies establishing measures of effectiveness for the performance of the local roadway system and with an applicable Congestion Management Plan under Background Conditions.	**Mitigation Measure TRANS-2a** As a condition of project approval, the proposed project shall make a fair share contribution to the City of Santa Clara for payment to Santa Clara County for the necessary improvements at the intersection of Lawrence Expressway and Arques Avenue.	City of Santa Clara Public Works Department Shall oversee payment of fair share contribution.	During construction.	Considered complete upon payment of fees.
	Mitigation Measure TRANS-2b Implement **Mitigation Measures TRANS-1a** and **1b** at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street.	See monitoring and reporting for **Mitigation Measure TRANS-1a and TRANS-1b.**		

Environmental Topic and Impact	Mitigation Measures	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
Transportation and Traffic (continued)				
Cumulative Impact TRANS-1 Development of the proposed project would conflict with applicable policies establishing measures of effectiveness for the performance of the local roadway system and with an applicable Congestion Management Plan under Cumulative Conditions.	**Mitigation Measure Cumulative TRANS-1a** Implement **Mitigation Measures TRANS-1a** and **1b** for the impact at Lawrence Expressway and Reed/Monroe Street intersection. **Mitigation Measure Cumulative TRANS-1b** Implement **Mitigation Measure TRANS-2a** for the impact at Lawrence Expressway and Arques Avenue intersection.	See monitoring and reporting for **Mitigation Measure-TRANS-1a, TRANS-1b,** and **TRANS-2a.**		

City of Santa Clara

Monticello Village
Final Environmental Impact Report
SCH No. 2013102055

Prepared for:

City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 95050

Prepared by:

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April 2014

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1.0 INTRODUCTION

1.1 PURPOSE OF THE FINAL ENVIRONMENTAL IMPACT REPORT

This response to comments document, together with the Monticello Village Draft Environmental Impact Report (Draft EIR) which is incorporated by reference, constitutes the Monticello Village Final Environmental Impact Report (Final EIR). The Final EIR is an informational document prepared by the lead agency (City of Santa Clara) that must be considered by decision makers before approving or denying the Monticello Village project (proposed project). Pursuant to Section 15132 of the *California Environmental Quality Act (CEQA) Guidelines*, this Final EIR consists of (1) revisions to the Draft EIR, (2) a list of persons, organizations, and public agencies commenting on the Draft EIR, (3) comments received on the Draft EIR, (4) the City's responses to significant environmental points raised in the review and consultation process, and (5) any other information added by the City. The Final EIR will be used for review and consideration for certification by the City.

A copy of the Final EIR is available on the web at http://www.santaclaraca.gov/. The Final EIR is also available for review at the following location:

City of Santa Clara
City Hall
1500 Warburton Avenue
Santa Clara, California 95050

Contact: Yen Han Chen, Associate Planner
Email address: ychen@santaclaraca.gov

1.2 ORGANIZATION OF THIS RESPONSE TO COMMENTS DOCUMENT

This document is organized into four sections. Following this introduction (**Section 1.0**), **Section 2.0, Comments on the Draft EIR and Responses to Comments**, contains a list of persons that submitted written comments on the Draft EIR; reproductions of the written comments; and responses to those comments. Each comment letter is coded and each comment is labeled with a number in the margin. (The comment letters are presented in **Appendix A.**) **Section 3.0, Errata** presents changes to Draft EIR text in response to comments received on the Draft EIR as well as City-initiated minor changes to the project. **Section 4.0, Report Preparation,** lists persons involved in the preparation of the Final EIR.

1.3 EIR CERTIFICATION – PROJECT APPROVAL PROCESS

Prior to approving the proposed project, the City must certify that (1) the Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA); (2) the City has reviewed and considered the information in the Final EIR; and (3) the Final EIR reflects the City's independent judgment and analysis (*State CEQA Guidelines*, Section 15090).

Once the Final EIR is certified, the City can approve the project as proposed, approve one of the alternatives evaluated in the EIR, or choose to take no action on the project. As part of the approval of either the project or an alternative, the City must make written findings for each significant effect identified in the EIR. These findings will state whether the identified significant effect can be avoided or substantially reduced through feasible mitigation measures or a feasible alternative, whether the effect can only be mitigated by the action of some agency other than the City, or whether the identified mitigation measures or alternatives are infeasible and cannot be implemented (*State CEQA Guidelines*, Section 15091). To ensure implementation of all adopted mitigation measures, the City must adopt a mitigation monitoring and reporting plan (*State CEQA Guidelines*, Section 15097). In addition, after all feasible mitigation measures are adopted, if some effects are still considered significant and unavoidable, the City must adopt a Statement of Overriding Considerations that identifies the specific economic, social, technical, or other considerations that, in the City's judgment, outweigh the significant environmental effects of the proposed project (*State CEQA Guidelines*, Section 15091).

Once it is certified, the Final EIR may also be used by responsible agencies in deciding whether, or under what conditions, to approve the required entitlements.

1.4 PUBLIC INVOLVEMENT

On January 30, 2014, the City of Santa Clara, as the Lead Agency under CEQA, issued a Draft EIR on the Monticello Village Project. The Draft EIR was circulated for a 45-day public comment period that ended on March 17, 2014. Copies of the Draft EIR were distributed to agencies, local governments, and interested parties. The Draft EIR, including all appendices, was also posted on the City's web site, and hard copies of the Draft EIR and appendices were made available to the public at the Santa Clara Library and Santa Clara Planning Division.

1.5 RESPONSE TO COMMENTS

Under CEQA, following completion of a Draft EIR, the City of Santa Clara is required to consult with and obtain comments from public agencies that have jurisdiction by law or discretionary approval authority with respect to the proposed project, and provide the general public with an opportunity to comment on the Draft EIR. Responses to all written comments received within the comment period are contained in this Final EIR in **Section 2.0, Comments on the Draft EIR and Response to Comments**. In addition to the responses, this Final EIR includes factual corrections to the Draft EIR text and minor project description changes. Any changes to the text of the Draft EIR that resulted from the comments are also presented in **Section 3.0, Errata** of this document. None of the changes to the Draft EIR text represents significant new information (as defined by *State CEQA Guidelines* Section 15088.5) and the conclusions of the EIR regarding significant impacts, alternatives, and mitigation measures remain unchanged.

2.0 COMMENTS ON THE DRAFT EIR AND RESPONSES TO COMMENTS

2.1 INDEX TO COMMENTS

All agencies, organizations, and individuals who commented on the Draft EIR are listed in Table 2.0-1, **Index to Comments**, below. As described in **Section 1.0, Introduction,** all comments on the Draft Environmental Impact Report (EIR) received in writing have been coded, and the codes assigned to each comment are indicated on the written communications that are reproduced in **Appendix A.**.

Table 2.0-1
Index of Comments

Letter Number	Agency/Organization/Individuals Name
Local Agencies	
LA-1	Santa Clara Valley Transportation Authority Roy Molseed, Senior Environmental Planner
LA-2	County of Santa Clara, Roads and Airports Department Dawn S. Cameron, County Transportation Planner
LA-3	City of Sunnyvale Andrew Miner, Principal Planner
Organizations	
ORG-1	North Nobili Homeowners Association Michael Kaufman
ORG-2	Citizens Advocating Rational Development Nick Green
Individuals	
IND-1	Yito Chi
IND-2	Curtis Knight
IND-3	Kevin Strong
IND-4	Josh Kessler
IND-5	Holly Lofgren
IND-6	Jim Schibler
IND-7	Yito Chi
IND-8	Michael Kaufman
IND-9	Shelley Relph
IND-10	Nichole Seow

2.2 RESPONSES TO INDIVIDUAL COMMENTS

Table 2.0-2, Response to Comments, that follows presents all written comments received on the Draft EIR and responses to individual comments. All comments are reproduced verbatim in the table below. The original letters are included in Appendix A.

Table 2.0-2
Response to Comments

Comment Number	Comment	Response
Comment Letter LA 1 - Santa Clara Valley Transportation Authority, March 17, 2014		
LA 1-1	Land Use VTA supports the proposed land use intensification on this site, strategically located on the regional transportation network and served by the Lawrence Caltrain station. The proposed residential density of 51 units/acre will provide a built in market for transit at the site and help incrementally reduce vehicle travel and greenhouse gas emissions. In addition, the inclusion of a significant amount of retail in conjunction with residential on the site can serve to internally capture trips and incrementally reduce the automobile usage and greenhouse gas emissions associated with the project.	Santa Clara Valley Transportation Authority's (VTA) support of the proposed project is noted.
LA 1-2	Bicycle and Pedestrian Accommodations VTA commends the City and the project applicant for including a thorough analysis of bicycle and pedestrian modes and proposing several improvements to these modes in the TIA, along with a map of improvements (pgs. 45–47).	Comment noted.

Comment Number	Comment	Response
LA 1-3	CMP Intersection Impacts and Mitigation The TIA and DEIR find significant impacts to two CMP Intersections under Background Plus Project Conditions: Lawrence Expressway and Argues Avenue and Lawrence Expressway and Reed Avenue/Monroe Street. For both impacts, physical improvements to the intersections identified in the Comprehensive County Expressway Study are identified as potential mitigation measures, but the impacts are found Significant and Unavoidable because the specific details of the interchange designs are not available. However, in the absence of mitigation measures to reduce the impact to Less than Significant and considering that the grade separation of Lawrence Expressway is a long-term project, VTA recommends that the applicant implement automobile trip reduction strategies from the Deficiency Plan Action List found on pages 19-20 of the VTA Deficiency Plan Guidelines to reduce the impact to the extent feasible. In particular, VTA recommends expanding the transit fare incentive program described on page 22 of the TIA to include both residents and employees on an ongoing basis, rather than "for residents at move in" as described.	As discussed in Draft EIR Section 3.8.5, the Applicant proposes to incorporate Transportation Demand Management (TDM) strategies into the proposed project and additionally provide bicycle and pedestrian amenities to decrease use of the single-occupant automobile and reduce vehicle miles traveled. The TDM program is proposed as a project design feature and will be finalized prior to project occupancy. The TDM program will include a provision that would allow the program to be adjusted over the life of the project based on the annual evaluation of the program. Please note, as described in more detail in Draft EIR Section 3.8.5, that the proposed project includes many of the measures in Table 4-1 of the Deficiency Plan Guidelines, namely bicycle and pedestrian improvements (A1, A3, A5, A6, and A7); improvements to the bus stop on Monroe Street adjacent to the site (B1); provision of transit information at a kiosk and electronic transit arrival information (B5); travel green incentive program for residents (B7); retail services on the project site (E4); parking management (E6); and traffic flow improvements on Monroe Street (F4 and F6). The City's goal is to reduce trip generation from the project to the maximum extent feasible. The City will consider the suggestion in this comment to require a transit fare incentive program for residents and employees on an ongoing basis.

Comment Number	Comment	Response
LA 1-4	Potential Future VTA Bus Route Options The Lawrence Caltrain station currently is not directly served by VTA bus service. The closest routes are Route 328 (Limited Service) which operates along Lawrence Expressway only in the morning and afternoon peak periods, and Route 32 which operates along Monroe Street at 30- minute headways during peak periods and 45-minute headways in the middle of the day. In order to facilitate transit connections to and from the Caltrain station and serve existing and future development in the station area, VTA may explore opportunities to provide bus access directly to the station in the future. Any changes to service would be considered in the framework of VTA's Board-adopted Transit Sustainability Policy and Service Design Guidelines (TSP/SDG), which provide guidance for evaluating possible new or modified VTA transit service. VTA looks forward to continued coordination with the City of Santa Clara, the City of Sunnyvale, and the County Roads and Airports Division on roadway configurations to facilitate potential future bus access to the Caltrain station, including ongoing discussions through the Lawrence Grade Separation Study.	Comment noted.

Comment Number	Comment	Response
LA 1-5	Existing Bus Service The DEIR notes that the existing bus stop will be moved slightly east to accommodate the development. The exact location and design of the bus stop should be coordinated with VTA as the project goes through the design process. The bus stop should include the following improvements: • A minimum 22' wide curb lane or bus duckout to achieve this width • A minimum 10' X 55' PCC concrete bus pad constructed to VTA standards • A minimum 8' X 40' sidewalk adjacent to the bus stop • A solar powered pole mounted bus stop light with ADA accessible button	The Applicant will work with the City and VTA to establish the exact location and develop the design of the relocated bus stop. The improvements identified by VTA will be considered in this process.
LA 2-1	The Mitigation Measure TRANS-1a proposes to "modify the traffic signal at the intersection of Lawrence Expressway and Reed A venue/Monroe Street to provide an overlap phase for the westbound right-turn movement." The overlap phase as a mitigation measure is acceptable provided that the Lawrence Expressway southbound U-turn movement is prohibited and the currently free running right turn from westbound Monroe Street onto northbound Lawrence is conveyed into a squared corner, in order to prevent overlap phase conflicts. It may be necessary to provide double right-turn lanes from westbound Monroe Street to northbound Lawrence Expressway to handle the volumes with the squared corner.	Based on conversations between the City's traffic engineer and the County staff, improvements to the Lawrence Expressway/Reed/Monroe Avenue intersection will include squaring off the northeast corner, modifying the traffic signal to provide a westbound right turn overlap, and prohibiting the southbound Lawrence U-turn movement. Currently, with the existing configuration of the intersection, there is no receiving lane on Lawrence Expressway for westbound right-turn movement from Monroe Street, therefore all existing westbound right turn traffic must come to a stop or yield to traffic on Lawrence Expressway. The right-turn overlap along with squaring of the corner will not impact the capacity of the movement or queue storage, but will provide more efficiency and throughput. In addition, motorists will be given a green right turn arrow when there are no conflicts, which will remove some ambiguity of when they need to stop or yield to possible conflicting movements. However, a 2nd right-turn lane will not be provided, because that would increase the crossing distance and decrease safety for pedestrians, as they would be exposed to approaching traffic for a longer duration.

Comment Number	Comment	Response
LA 2-2	We concur with Mitigation Measure TRANS-1b and TRANS-2a to provide a fair share contribution to the City of Santa Clara for payment to Santa Clara County for construction and implement necessary improvements, such as the Lawrence Expressway Grade Separation project. Please note that any fair share contributions should be made only to Santa Clara County, as Caltrans does not own or maintain the expressway facility.	Mitigation Measures TRANS-1b and TRANS-2a have been modified to delete the reference to Caltrans. Please see Final EIR **Chapter 3.0, Errata.**
LA 2-3	The counts conducted in August 2013 for Lawrence Expressway for existing conditions were not approved peak counts. The TIA should re-do AM and PM counts on Lawrence Expressway.	The City used the most recent counts from the last CMP monitoring that were available as of the date of the Notice of Preparation (October 25, 2013).
LA 2-4	The timing settings for expressway intersections are incorrect. The transportation impact analysis should be conducted using County signal timing for County study intersections and the most recent CMP count and LOS data for CMP intersections. The County will provide the correct signal timing settings for the TIA upon request. The TIA should recalculate LOS for all conditions to ensure potential impacts are correctly identified.	The City used the timing settings that were available as of the date of the Notice of Preparation (October 25, 2013). For CMP intersections, CMP settings (PM Peak Hour) were used.

Comment Number	Comment	Response
Comment Letter LA 3 - City of Sunnyvale, March 17, 2014		
LA 3-1	The Cities of Sunnyvale and Santa Clara have worked jointly to create the context of the Lawrence Station Area Plan (LSAP). The plan area includes the area half mile from the Caltrain station, and includes the project site. A Technical Advisory Group (TAG) is included as part of the LSAP efforts to ensure applicable agencies are included in the discussion of the plan. Agencies include the City of Santa Clara, County of Santa Clara, VTA, ABAG and MTC, Caltrain and the Bay Area Air Quality Management District. During the first phases of the LSAP preparation, the cities of Sunnyvale and Santa Clara would hold joint public outreach meetings to gain an understanding of the community's goals and expectations for the plan area. A key component of these community discussions was how to improve area-wide access to an underutilized train station. The Lawrence Caltrain station is difficult to reach because of a poor circulation pattern in the area. There is no bus access to the station due, in part, because of the poor road systems in the area. The LSAP was created for two main purposes: create land use allowances to bring more activity to the station area, and to improve circulation in the area. Given the difficulty in providing new and improved roads, the expectations have been that future redevelopment of the area would provide opportunities to improve the circulation.	As stated in Draft EIR Section 4.8.1, the project site falls outside the Draft Lawrence Station Area Plan. Nonetheless, as a transit-oriented multifamily mixed-use development, the proposed project is consistent with the Draft Station Area Plan. Furthermore, the City and the Applicant are working with VTA to meet transit needs of the area.

Comment Number	Comment	Response
LA 3-1 cont.	The adopted first phase of the LSAP identified the poor access to the Caltrain station from as a key area to be addressed. Consequently, the circulation framework for the LSAP shows methods for improving circulation to the station and in the area in general. This circulation framework for the area south of the train tracks shows the need for a future road on the old Extreme Network site which would connect Nobili Avenue in Santa Clara to French Street in order to provide improved multi-modal access for the community to the Lawrence Caltrain station. Redevelopment of the site would provide the opportunity to meet the goals of the community and LSAP. The first phase of the Lawrence Station Area Plan was adopted by the Sunnyvale City Council in fall of 2011. The formal station plan and EIR are currently in preparation based on elements from the first phase. The plan adoption is expected later this year.	

Comment Number	Comment	Response
LA 3-2	3.8.5 Sustainable Development Features: Improving alternative access to major transit stops, such as Lawrence Caltrain station, is an important sustainable goal. While the addition of high density housing near the station is a key element, providing improved access to the station to the community is also an important sustainable goal. The proposed project has the opportunity to greatly improve access to the station by allowing a road to extend through the project site to access French Street at the north side of the site. Aligning a road with Nobili Avenue and running along the rear of the project would allow another point of access to the station. The project, instead, maintains French Street as the only road to the station, a one-way street in the current location. The French Street location is severely hampered by the close proximity to Lawrence Expressway. This close proximity prevents a signal being placed at French Street and Monroe Street and reduces the transportation opportunities for the site. The DEIR mentions the project's accessibility to multiple transportation modes, including on-site improvements and transit programs, but all programs being included will only address those that affect the project site. They do not improve access to the station from the surrounding community. A major element of the Lawrence Station Area Plan is to provide multiple modes of transit options in the area, which this project does, not do.	As described in Draft EIR Section 4.11, a road through the project site that was wide enough to accommodate buses and vehicle traffic on the turns would cut a wide swath through the site and would create remainder parcels that would be oddly shaped. It would not be possible to develop the site in a coherent fashion, and the construction of a public roadway through the project site could render the proposed project infeasible. If it becomes necessary or desirable in the future for VTA to run buses to the Lawrence Caltrain station from Monroe Street, they could use Agate Drive and Monticello Way. As can be seen from the VTA's comment letter (LA 1) on the Draft EIR, VTA has not requested a direct route through the project site.

Comment Number	Comment	Response
LA 3-3	**4.8.1 Introduction:** The comment to the second bullet point that the project be analyzed within the context of the LSAP incorrectly states that the project site falls outside the LSAP. The LSAP boundary is a half mile radius from the Caltrain station, and the project site is approximately one fourth mile from the station. It is acknowledged that the policies of the LSAP will only affect property in Sunnyvale, but the initial concept of the LSAP was developed in conjunction with the City of Santa Clara, including the initial circulation framework that included a road connecting Nobili to French Street. This framework still shows the internal street layout through the project site.	The project site is within the LSAP study area but not within the plan area boundary as the LSAP applies only to lands that lie within the City of Sunnyvale. With respect to a roadway through the project site to connect Nobili Street to French Street, please see Response to Comment LA 3-2, above. It is acknowledged that a prior project proposed at the site included an internal private drive connecting Nobili Avenue to French Street. However, this internal private drive included a roundabout and was not sized to accommodate buses.
LA 3-4	**4.8.3.2 Local Plans:** The Lawrence Station Area Plan (LSAP) is a local adopted plan that should be included In the description of local plans.	The LSAP is still in development and has not been adopted. Furthermore, the boundaries of the plan area do not include the project site. Therefore, the LSAP is appropriately not included in Draft EIR Section 4.8.3.2.

Comment Number	Comment	Response
LA 3-5	**4.8.4.3 Projected Impacts and Mitigation Measures, Impact LU-1** The proposed project would not physically divide an established community: While the project would not exacerbate the physical divide the project site creates by limiting access from the adjacent community, it also does not take advantage of the opportunity to improve the situation. Providing an internal road from Nobili Avenue to French Street would improve access from the surrounding neighborhoods to the station for all types of transportation uses, including transit, cars, bicycles and pedestrian. Also, the project is designed with a large footprint effectively spanning the entire site. Land use plans, including the LSAP, calls for large blocks to be broken into 300 foot lengths to allow for pedestrian access throughout the site and the avoidance of large, bulky developments. If the scaled plan on Figure 3.0-2 is accurate, the ground floor development extends over 900 feet across the site. Although this is not dividing an established community, it is preventing the entire site to feel like a part of the existing area since it is designed to look into itself, and not relate as much to the surrounding area.	As discussed in the Draft EIR Section 4.8.4.3, Impact LU-1, the proposed project would not physically divide an established community. Please see Response to Comment LA 3-2, above regarding the infeasibility of constructing a public roadway through the project site. As the proposed project is located outside the LSAP, it is not subject to the design goals of that plan that ask for large blocks to be broken into 300-foot lengths. Provision of public access (pedestrian or bicycle) cutting directly through the project site is not feasible. However, please note, as described in more detail in Draft EIR Section 3.8.5, the project includes several improvements to pedestrian and bicycle facilities along the periphery of the project.

Comment Number	Comment	Response
LA 3-6	**4.11.1 Introduction:** The final bullet point on page 4.11-3 asks that a corridor progression analysis be performed on Lawrence Expressway traffic, and the response is that this type of analysis is not typically performed to evaluate the impact of new land use development projects. The City of Sunnyvale has included this type of study of the DEIR for the project known as "Landbank" at North Wolfe Road and Arques Avenue. Use of this technique could better characterize the traffic impacts of the Monticello project in this location.	The City of Sunnyvale was contacted to request an example of a traffic study that included a "progression analysis." Sunnyvale provided the traffic study for the Landbank R&D Office Redevelopment, dated January 16, 2014. The City of Santa Clara reviewed that study and finds that it presents a qualitative description of operational issues along Lawrence Expressway, including queues that block upstream intersections and queues that overspill turn pockets. The study states that the level of service grading system does not adequately characterize these problems. The Landbank traffic study does not make any adjustments to the intersection level of service calculations as a result of these observations. The report states the following on page 35 "The City (Sunnyvale) does not have a formal threshold for queuing impacts, but rather treats queuing issues as operational issues unless overall intersection LOS thresholds are exceeded. Thus, the exacerbation of vehicle queues due to the proposed project is not a project impact." The Monticello traffic study, included in the Draft EIR Appendix 4.11, makes similar statements about operating conditions along Lawrence Expressway on page 16, and takes the same approach to queuing impacts as the Landbank traffic study. Thus, the Monticello Village project traffic study uses essentially the same methodology that Sunnyvale used in the Landbank traffic study to analyze the project's traffic impacts along Lawrence Expressway within its jurisdiction and no further analysis is required.

Comment Number	Comment	Response
Comment Letter ORG 1 - North Nobili Homeowners Association		
ORG 1-1	1. It is very difficult to tell how the traffic numbers for Nobili Ave are generated for the report. If I understand correctly, the traffic numbers are computed based on a comparison with the traffic that would be present if the current Extreme Networks site were fully utilized - which, of course, it hasn't been for many years. Could we get some additional information from the traffic engineer? For instance, when it is stated that the project will result in 5-10 additional trips on Nobili per hour (averaged over 24 hours, I presume) is it correct that this is a comparison with what would already be on Nobili if the site was currently fully utilized? Is there a way to gauge the increase over the current traffic levels?	The increase in traffic due to the project was estimated by deducting the trips associated with the use of the existing buildings as office space from the total trips that would be generated by the proposed project. This is described in the Draft EIR Section 4.11.4.3. This approach to analysis is in compliance with CEQA. The estimated daily trips on Nobili Avenue that would be added by the office buildings if they were occupied are 82 trips. The residential component of the project is estimated to add about the same number of daily trips: 82 trips. The commercial component of the project (retail and restaurant) is estimated to add 255 daily trips to Nobili Avenue. Most of these would be trips generated within the neighborhood. For context, Nobili Avenue carries about 1,500 vehicles per day under existing conditions.
ORG 1-2	2. We are very happy to see that the traffic engineer agrees that Nobili should not be used for truck traffic. I could not find any indication of this in the report, but where can one find information about the places where trucks are not allowed to go, both during construction and once the project is open?	The conditions of approval for the project will specify truck routes for the commercial and residential components when they are built and occupied. The conditions will also require the developer to submit a construction management plan to the City prior to commencement of construction. That plan will specify the truck routes for construction vehicles, along with other parameters, such as days and hours of construction.

Comment Number	Comment	Response
ORG 1-3	3. Since the Draft EIR states that the city does not support closing the Nobili entrance to cars, we have another concern. As traffic has increased along Monroe with the improving economy, exiting Nobili to turn west on Monroe has become increasingly hazardous. We are very concerned that the construction-related traffic, especially in the mornings, will make the intersection increasingly hazardous. Although the development plan says that there will be a signal placed at the intersection, it does not say when the signal will be installed. Given the hazardous nature of the current intersection, is there a way to ensure that the signal be installed and made operational at the beginning of project construction? The left turn from Nobili to Monroe is already partially blind due to cars parked at the western corner of the intersection. We are afraid that construction conditions will make this even more hazardous.	The City of Santa Clara will require that the signal be installed as early in the construction process as feasible, but in any event no later than the issuance of the first certificate of use and occupancy. It will be installed as part of site development in conjunction with the widening of Monroe Avenue. The project conditions of approval will include the implementation of a construction management plan to control traffic during construction.
ORG 1-4	4. Many people in our group do not find the parking analysis to be credible; there is simply no way to ensure that the planned parking volume will be sufficient for actual rental conditions. Given the very limited parking along Monroe, members of our community fully expect our street to become the de facto overflow/visitor parking for the development. Could the project developers or city staff inform us of what our recourse might be should the northern end of Nobili Ave become a parking lot? The first 100-150 ft of Nobili on both sides of the street are already de facto overflow parking for rentals along Monroe; additional parking volume has the potential to inexorably change the character of our neighborhood.	The parking analysis has been prepared by a qualified parking consultant. This parking analysis has been revised to clarify how the proposed parking complies with the City of Santa Clara's zoning code. The revised parking study is attached as **Appendix B**. The parking study demonstrates that the project will provide adequate on-site parking supply to meet demand while incorporating features to achieve the City's General Plan goals and policies for reducing parking demand and supply and to promote the use of alternative means of transportation. As noted in the revised parking study, the project is expected to have lower traffic generation and parking demand characteristics when compared to stand-alone Medium Density Multi-Family and Commercial Retail projects.

Comment Number	Comment	Response
ORG 1-4 Cont.		The project has been parked based on parking rate requirements established by the City for more applicable mixed-use type projects, with additional visitor, carpool, vanpool, and Zip Car parking spaces provided on-site. In addition, the project proposes to implement an ongoing on-site parking management program that includes daily and nighttime monitoring of the parking facilities which will ensure compliance with the project parking regulations. These measures, coupled with the fact that some retail businesses and the leasing office will be closed in the evenings, will ensure that ample and convenient parking spaces will always available for the visitors to the project site, without adverse impact on adjacent streets. Furthermore, should future conditions show any on-site parking problems and/or overflow parking in the adjacent neighborhoods, improvements will be made to the parking management program, which could include providing additional parking spaces by re-striping in the parking garage, to address these problems. As conditions of project approval, the City will require the applicant to (1) monitor parking in the project vicinity and provide additional parking within the parking garage by restriping, if necessary, and (2) provide a point of contact in the leasing office that the neighbors can contact related to any parking overflow issues.
ORG 1-5	5. Finally, do you know the date of the meeting at which the planning commission will be reviewing the Draft EIR?	The Final EIR will be presented to the Planning Commission on April 16th, 2014.

Comment Number	Comment	Response
Comment Letter ORG 2 - Citizens Advocating Rational Development, March 11, 2014		
ORG 2-1	The DEIR does not discuss any requirements that the Project adopt energy saving techniques and fixtures, nor is there any discussion of potential solar energy facilities which could be located on the roofs of the Project. Under current building standards and codes which all jurisdictions have been advised to adopt, discussions of these energy uses are critical; the proposed demolition of four industrial office buildings totaling 275,000 sf in area, and the replacement construction of a new mixed-use development consisting of 825 residential units, and 43,849 sf of retail commercial building area, and 16,688 sf of amenities, will devour copious quantities of electrical energy, as well as other forms of energy.	The Draft EIR reports the estimated amounts of electricity and natural gas that would be used on the project site upon completion of project construction, and the environmental impacts from energy use are analyzed in Section 4.12, Utilities and Service Systems, including Energy. See Draft EIR Section 4.12.4.3, Impacts UTL-8 and UTL-9. As stated on Draft EIR Sections 3.8.4 and 3.8.5, the project has been designed and is planned to be constructed to comply with California Green Building Standards Code (CALGreen Code). Based on the Green Point Rated Checklist completed for the project, among other green features the project includes: • installation of Energy Star appliances; and • building energy efficiency 15 percent better than 2008 Title 24.
ORG 2-2	**Water Supply** The EIR (or DEIR – the terms are used interchangeably herein) does not adequately address the issue of water supply, which in California, is a historical environmental problem of major proportions. What the DEIR fails to do is: 1. Document wholesale water supplies; 2. Document Project demand;	The Draft EIR adequately addressed the issue of water supply. Water supply impacts are fully analyzed in Draft EIR Section 4.12.4.3. 1. The water resources that would serve the proposed project are discussed in Draft EIR Section 4.12.2.1. As discussed in the Draft EIR, existing sources of water supply for the City consist of groundwater, imported SCVWD surface water, and imported SFPUC surface water. The Draft EIR analyzes historic water supplies from each of these sources, and provides a description of expected future availability. 2. Table 4.12-1 in the Draft EIR identifies projected water demand for the project based on standard water consumption rates for the types of development proposed. As described in Draft EIR Section 4.12.4.3 under Impact UTL-1, there is sufficient water available to serve the proposed project.

Comment Number	Comment	Response
ORG 2-2 cont.	3. Determine reasonably foreseeable development scenarios, both near-term and long-term;	3. The methodology to estimate near-term and long-term development scenarios used in Appendix 4.12, Water Supply Assessment (WSA) is described in greater detail in the City of Santa Clara's 2010 Urban Water Management Plan (UWMP). Specifically, the methodology to develop water demand projections starting on page 14 indicates the use of ABAG 2007 and General Plan population projections as well as future development within the City of Santa Clara service area.
	4. Determine the water demands necessary to serve both near-term and long-term development and project build-out.	4. Table 4.12-4 in the Draft EIR identifies projected water supply and demand for the City of Santa Clara. The project demand is presented in Table 4.12-3 in the Draft EIR. Page 14 of the WSA (Draft EIR Appendix 4.12), identifies the breakdown of water demand by land use type to serve both near-term and long-term demand in the City including project buildout. The discussion under Cumulative Impact UTL-1 analyzes the availability of water supply to meet the demands of the proposed project in conjunction with cumulative projects as well as the projected growth anticipated by the City of Santa Clara.
	5. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources;	5. Draft EIR Section 4.12.2.1 identifies near- and long-term water supply sources including groundwater, imported SCVWD surface water, and imported SFPUC surface water. As described in the Draft EIR Section 4.12.2.1, imported SFPUC surface water may not be available after approximately 2018. The analysis of future water supplies of the City with and without SFPUC water is shown in Tables 4.12-4 through 4.12-7. The commenter is further referred to Draft EIR Impact UTL-1 for a discussion of projected water supplies.
	6.	6. The number 6 was skipped in this list.

Comment Number	Comment	Response
ORG 2-2 cont.	7. Identify the likely yields of future water from the identified sources;	7. Draft EIR Section 4.12.2.1 identifies future yields from groundwater supplies for the City of Santa Clara. Future water supplies from all three water sources that the City of Santa Clara relies on are discussed in Impact UTL-1. Additional information regarding City of Santa Clara water supplies is detailed in the UWMP starting on page 24. As shown, groundwater would provide the largest supply of future water. As described on page 52 of the UWMP, the safe yield of the Santa Clara Sub-Basin is assumed to be approximately 200,000 acre-feet/year (afy).
	8. Determine cumulative demands on the water supply system;	8. Cumulative impacts related to water supply are discussed in detail under Impact UTL-1 and Cumulative Impact UTL-1. As shown in Tables 4.12-4 through 4.12-7 of the Draft EIR, water supplies have been identified for normal and multiple-dry-year scenarios to meet the projected demand generated by the proposed project and related projects. Thus, sufficient supplies are available and no significant cumulative impacts would occur.
	9. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;	9. Adequate water supplies in the near-term and long-term (2015 to 2035) have been identified in Table 4.12-4 (normal weather conditions), Table 4.12-5 (single dry year), and Tables 4.12-6 through 4.12-7 (multiple dry years) of the Draft EIR to meet demand in normal, single, and multiple-dry-year scenarios. Thus, no additional water supplies are necessary for this project, and no additional analysis is required. As demonstrated in Impact UTL-1, the proposed project would be served by sufficient water supplies. As such, no new or expanded water supplies would be required to serve the demand generated by the proposed project and related projects, and therefore no impacts would result from the development of new or additional water supplies.

Comment Number	Comment	Response
ORG 2-2 cont.	10. Identify the environmental impacts of developing future sources of water; and	10. As discussed above, the proposed project would not result in any environmental effects related to developing future water sources, as sufficient water sources exist to serve the proposed project. Therefore, no mitigation measures are necessary.
	11. Identify mitigation measures for any significant environmental impacts of developing future water supplies.	11. Draft EIR Section 4.12.2.1 includes a discussion of future conditions and the reliability of SCVWD surface water supply taking into account potential climate change effects. As stated above, the SFPUC water supply may not be available after 2018 as the City of Santa Clara has an interruptible supply contract with San Francisco. The City of Santa Clara's 2010 UWMP describes the effects of global warming on water supplies starting on page 51.
	12. Discuss the effect of global warming on water supplies.	12. Global climate change has the potential to result in a range of environmental effects, among which is the potential to increase the frequency and severity of droughts, which could affect the future availability of water supply throughout the state. As discussed in above, the Draft EIR identifies adequate water supplies to meet projected demand in a multiple-dry-year scenario, i.e., drought conditions, and to meet projected demand generated by the proposed project and related projects.
	There is virtually no information in the DEIR which permits the reader to draw reasonable conclusions regarding the impact of the Project on water supply, either existing or in the future.	In sum, Draft EIR Section 4.12 Utilities and Service Systems, including Energy, provides sufficient information to allow the reader to draw a reasonable conclusion regarding the impacts of the proposed project on water supply both under existing conditions and in the future.
	For the foregoing reasons, this EIR is fatally flawed.	This comment expresses an opinion. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Comment Number	Comment	Response
ORG 2-3	**Air Quality/Greenhouse Emissions/ Climate Change** The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming. This portion of the EIR fails for the following reasons: 1. The DEIR does not provide any support or evidence that the Guidelines utilized in the analysis are in fact supported by substantial evidence. References to the work of others is inadequate unless the document explains in sufficient detail the manner and methodology utilized by others.	The Draft EIR includes a detailed analysis of the project's impacts on air quality and climate change in accordance with the *CEQA Guidelines*. The analyses are provided in Section 4.2 Air Quality and Section 4.5 Greenhouse Gas Emissions of the Draft EIR. As the analysis of the project's greenhouse gas emissions shows, the project will result in a less than significant impact on global climate. 1. The Draft EIR relies upon the guidance for impact analysis provided by the BAAQMD in its *2011 CEQA Air Quality Guidelines*, which have been adopted by the City of Santa Clara as the Lead Agency along with the BAAQMD staff report (BAAQMD 2009) that provides substantial evidence in support of the *Guidelines*. Section 4.2 Air Quality of the Draft EIR, specifically Section 4.2.4.2 describes the methodology and the model used in the air quality analysis. References used to conduct the analysis are cited at the end of Section 4.2 Air Quality.

Comment Number	Comment	Response
ORG 2-3 cont.	2. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project's projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project.	2. As discussed in Draft EIR Section 4.5.2.3, while climate change is generally understood to affect local rainfall and snow pack levels, it is not possible to make a precise link between the emissions of any single project, including the one analyzed in the Draft EIR, on those levels. Climate change is a global issue in which emissions from sources in Asia or Africa have as much impact on rainfall in California as emissions from local sources do. In the context of global changes in weather or climate, emissions from any individual project are inconsequential. Therefore, impacts can only be considered in terms of cumulative emissions, which is what the BAAQMD significance thresholds address.
	3. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed adequately.	3. Climate change may affect air quality, but only indirectly through an influence on general climate conditions and meteorology. There is no indication from the BAAQMD or the California Air Resources Board that greenhouse gas emissions have any substantial impact on local or regional air quality. Direct impacts of the project on air quality are addressed in Draft EIR Section 4.2 Air Quality.
	4. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard.	4. The Draft EIR adequately analyzed the proposed project's cumulative air quality and climate change impacts in Draft EIR Section 4.2 Air Quality and Section 4.5 Greenhouse Gas Emissions. Specifically see Section 4.2.4.4, Cumulative Impact AIR-1 and Section 4.5.4.4, Cumulative Impact GHG-1. Please refer to Response to Comment **ORG 2-2**, above, regarding the proposed project's cumulative water supply impact.

Comment Number	Comment	Response
ORG 2-3 cont.	For the foregoing reasons, the EIR is fatally flawed.	This comment expresses an opinion. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. Refer to **ORG 2-1** through **ORG 2-4** regarding why the Draft EIR is not fatally flawed.
ORG 2-4	Alternative Analysis The alternative analysis fails in that the entire alternatives-to-the-project section provides no discussion of the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project, nor does it discuss the deleterious effects of failing to update the project upon those same surrounding properties and the land uses which may or have occurred thereon.	Chapter 5.0 of the Draft EIR presents a thorough evaluation of alternatives to the proposed project. Section 5.3 includes a discussion of all the environmental impacts of the proposed project, including impacts related to land use and planning, consistent with *State CEQA Guidelines*. The chapter also identifies feasible alternatives to the proposed project that may reduce the significant impacts identified for the project, as required by Section 15126.6 of the *State CEQA Guidelines*. Each alternative is evaluated according to the topic areas addressed in the Draft EIR including land use. The potential growth-inducing impacts of the proposed project are presented in Draft EIR Chapter 6.0, Other CEQA Considerations. As discussed in that chapter of the Draft EIR, the proposed project site is located in a developed area of the City of Santa Clara, and the project would not remove an impediment to growth for any nearby property by extending service infrastructure to a currently unserved area, cause substantial economic growth, or establish a precedent that would result in unplanned growth in the area. Therefore, the proposed project would not result in growth-inducing impacts.

Comment Number	Comment	Response
Comment Letter IND 1 - Yito Chi August 18, 2013		
IND 1-1	Thank you for forwarding the link. Actually there will be a huge impact on the school, and traffic if this project is approved. I hope city should reconsider this project. At least to reduce the # of unit. The density is too high. Residents in/around this area do not like that high density.	The potential impacts of the proposed project on traffic and schools are evaluated and disclosed in the Draft EIR (see Sections 4.10 and 4.11). A reduced density alternative is also evaluated in the Draft EIR (See Chapter 5.0). The commenter's comment concerning the proposed density of the project will be considered by the Planning Commission in their recommendation to the City Council regarding the project and by the City Council in their consideration of whether or not to approve the project as proposed.

Comment Number	Comment	Response
Comment IND 2 - Curtis Knight February 12, 2014		
IND 2-1	I notice these say not significant impact. But I will note that the state is in a drought. People are being asked to cut back. So if we don't have enough water for existing housing in the state and city, how can there be enough for this new development? I do not see that addressed. The state is trying to find new sources of water and groundwater is running out. New pipes are being build. All of which would be used to support this I assume. I feel adding this housing and usage will use more water whose source and distribution is unaccounted for. There should be a source of water identified by the builder or a statement saying the city of santa clara is exempt from current and future water conservation measures. Every shower counts and I assume this housing hows showers that do not exist today. If they would like to mitigate it by removing existing showers in other places that would be addressing the issues.	The effects of the proposed project on water supply are analyzed and disclosed in detail in Draft EIR Section 4.12.4.3, Impact UTL-1. The analysis reported in the Draft EIR is based on a Water Supply Assessment (WSA) prepared by the City of Santa Clara that estimated the proposed project's water demand, added the project's demand to water demand from existing and reasonably foreseeable future development in the City, and compared the total demand to available supply during both normal water years and single and multiple dry years. The WSA concluded that there would be adequate water to serve the project under both normal water conditions as well as drought conditions. The project has been designed and is planned to be constructed to comply with California Green Building Standards Code (CALGreen Code). Based on the Green Point Rated Checklist completed for the project, among other green features the project includes the following features that would reduce water use: • 75 percent of plants are drought-tolerant, California Natives, Mediterranean or other appropriate species; minimization of the use of turf; use of high-efficiency irrigation systems; and • high-efficiency showerheads.

Comment Number	Comment	Response
Comment Letter IND 3 - Kevin Strong February 18, 2014		
IND 3-1	I have been a Santa Clara resident for the past 27 years. I live near Monroe and Lawrence Expressway and just learned about the new Monticello Village project. Although I have always been in favor of new modern projects in our City I am very concerned about this one. Every morning I take Monroe to Lawrence in order to get to 101 north to go to work. Most days it is very difficult to get on to Lawrence at Monroe because the traffic on Lawrence has increased tremendously in recent years thus creating a back up on Monroe. I cannot imagine what it would be like after adding over 800 single family home and retail space on that very corner. I would like to be informed as to when there will be any future meetings where residents can have a voice and learn how traffic will be dealt with. I look forward to your reply.	The traffic impacts of the proposed project on Monroe Street and Lawrence Expressway are analyzed in the Draft EIR and mitigation measures are set forth to address the project's significant traffic impacts at the intersection of Monroe and Lawrence Expressway. Please see Draft EIR Section 4.11.4.4, Impact TRANS-1. The proposed project does not include any single-family homes. The project would develop 825 apartment units ranging from studios to two bedroom units. The breakdown of apartment type is shown in Table 3.0-2 in the Draft EIR. The City of Santa Clara sent out notices (the Notice of Completion and Notice of Availability for the Draft EIR) to property owners within 500 feet of the project site.

Comment Number	Comment	Response
Comment Letter IND 4- Joshua Kessler February 23, 2014		
IND 4-1	I live in the neighborhood and attended the open house last week about this project. All my concerns were addressed except one. There was no notices about the increase of traffic on Calabazas Blvd and the recent reduction of traffic capacity by putting in bicycle lane from El Camino Real to Cabrillo Ave. The former car right of way needs to be restored before the Monticello Village completes. Calabazas Blvd is a direct route to El Camino Real. The frequent traffic jams on Lawrence Expwy and more importantly, Bowers Ave will force more traffic onto Calabazas Blvd. Calabazas Blvd will be more effected than Nobili Ave by the increase in traffic due to its location and path. The single lane configuration until Cabrillo Ave. will so down traffic and could adversely effect traffic into the El Camino Real intersection.	The bicycle lane on Calabazas Boulevard reduced the number of lanes from two lanes in each direction to one lane in each direction. The capacity of a two-lane road is about 15,000 vehicles per day. The existing traffic volume on Calabazas Boulevard is about 3,400 vehicles per day, which is well within the capacity of a two-lane road. The project would add about 565 daily vehicles to Calabazas Boulevard, which would bring the total volume to just over 4,000 vehicles per day. This is still well within the capacity of a two-lane road. The other concerns expressed in this comment are related to the removal of vehicle travel lanes by the bicycle lane project, and are not related to the proposed project.
Comment Letter IND 5 - Holly Lofgren February 24, 2014		
IND 5-1	Monticello Village's 825 units will impact traffic, water, air quality and your own school enrollments as part of a cumulative effect together with other developments. The EIR document, whether including what is legally required or not, as written, is an inadequate measure of the environmental impact that the project will have on the area. Its effects are not acceptable to me.	All of the potential environmental effects of the proposed project, including impacts on traffic, water supply, air quality and local schools both singly and in conjunction with other proposed or planned development are fully evaluated and disclosed in the Draft EIR. Mitigation measures have been put forth for all impacts that were determined to be significant based on the thresholds of significance used by the City to evaluate impacts. This comment also expresses an opinion. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project

Comment Number	Comment	Response
IND 5-2	Any traffic benefits resulting from this type of 'community' or 'node' development in regards to sustainability are largely unproven. It is unknown if a major supermarket will even be on site. Caltrain is currently in an over capacity situation and agreement for its expanded capacity is stalled, which was the impetus for TOD along its route.	The proposed project is very well located with respect to transit. The project site is located approximately 0.1 mile south of the Lawrence Caltrain Station, and is served by bus Route 32 located directly adjacent to the project site on Monroe Street. In addition, as discussed in Draft EIR Section 4.11.4.3, the project proposes to incorporate Transportation Demand Management (TDM) strategies and to provide bicycle and pedestrian amenities to further decrease use of the single-occupant automobile and reduce vehicle miles traveled. Specifically, the project proposes bicycle and pedestrian safety and access improvements, including: • a traffic signal at the intersection of Monroe Street and Nobili Avenue, which provides a new pedestrian crossing at Monroe Street between Lawrence Expressway and Monticello Way (a distance of over 1,500 feet); • new 5-foot sidewalks along the east side of French Street and north side of Monroe Street, with a landscaped buffer separating walkways from vehicular travel lanes; • additional right of way and design for a bike lane on the north side of Monroe Street, to include enhanced green markings for conflict areas and wayfinding signage; • Americans with Disabilities Act (ADA) and safety improvements at the northeast corner of the Monroe Street/Lawrence Expressway intersection, and a new raised marked crosswalk across French Street, to safely transition users to/from the development and French Street; • the addition of bicycle wayfinding signage and a contra flow (Class II) bike lane for bikes heading southbound from the train station, and a Class III (shared) northbound bikeway wayfinding; and

Comment Number	Comment	Response
IND 5-2 cont.		• bicycle parking improvements which include on-street and off-street racks near lobbies and entryways for public use, individual racks and spaces throughout the residential parking garage, a bicycle repair center for residents and tenants, a centralized secure bike cage for residents (250 spaces, or approximately 0.31 spaces/unit), retail-oriented bicycle parking, and employee-oriented bicycle parking. To maximize the project site's accessibility to multiple alternate transportation modes, including the Lawrence Caltrain Station and the VTA bus system, the proposed project proposes to include a TDM plan that includes the following elements (or similar elements or measures designed to reduce the use of single occupancy automobiles): (1) construction of a bus stop with seating and weather protection on Monroe Street just west of the Nobili intersection; (2) 33 electric vehicle charging stations; (3) two car share parking spaces; (4) four carpool and vanpool parking spaces; (5) a "Travel Green" incentive program that includes a discounted Caltrain GoPass/VTA Ecopass or equivalent for residents at move in; and (6) unbundled parking. Transit-oriented and mixed-use development like the proposed project has been studied to demonstrate the correlation between reduced vehicle trips and increased use of alternative transit. Residents of transit-oriented neighborhoods, particularly mixed-use, own the fewest cars, drive significantly less, and walk or use public transportation more than residents of other neighborhoods (Litman 2010).

Comment Number	Comment	Response
IND 5-2 cont.		A grocery store is proposed as part of the project as described in Draft EIR Section 3.5.1. As of spring 2013 the Caltrain was showing over capacity of ridership during the peak hours. However, it is noted that Caltrain will implement the Peninsula Corridor Electrification Project by 2019 which will electrify and upgrade the performance, operating efficiency, capacity, safety, and reliability of Caltrain's commuter rail service. Construction will begin late 2015 to early 2016. The current 5 trains per peak hour will increase to 6 trains addressing the need for additional capacity (Caltrain 2013). In summary, as described above, the transit-oriented and mixed-use development has been shown to reduce vehicle trips and increase use of alternative transportation. Additionally, the proposed project would incorporate a number of measures to promote the use of alternative transit such as walking, bicycling, the bus, and Caltrain. Although Caltrain is currently over capacity during peak hours, there are plans for improvements to increase the number of trains during peak hour which will address the over capacity issue.

Comment Number	Comment	Response
IND 5-3	Even if there is some benefit to the environment from these 'communities' in the form of less damage to our water, air quality transportation, etc., than other types of living, common sense dictates that adding more people to a built out area will create more stress on the infrastructure, not less. I believe that the number of living units is unsustainable and, at the very least, until Caltrain service is improved and there is actual evidence that the traffic effects of the added population is being offset by the usage of mass transit, then the City of Santa Clara would be adding to unsustainability by approving the EIR and the project.	As described above in Response to Comment IND 5-2, studies have shown a correlation between the reduction in vehicle use and increase in the use of alternative transportation by residents living in transit-oriented and mixed-use development. Reduced automobile use results in concomitant reductions in impacts on air quality and transportation network. The impacts of the proposed project on infrastructure such as water supply and conveyance, wastewater treatment capacity, electrical and natural gas utility lines, and landfills are analyzed in detail in Draft EIR Section 4.10, Utilities and Service Systems, Including Energy Resources, and are determined to be less than significant. Please see Response to Comment IND 5-2 above regarding improvements to Caltrain service which are expected to be in place a few years after the completion of the proposed project.

Comment Number	Comment	Response
Comment Letter IND 6 - Jim Schibler March 4, 2014		
IND 6-1	1. The impact study on the Lawrence@Reed/Monroe (Table ES1) lists the current baseline service level as LOS E (79 sec delay). However, the county roads department has shared their own 2013 data that grade that intersection as the worst in the entire expressway system, at LOS F (213 sec delay). The dramatic discrepancy (nearly 3x!) between the draft EIR value and the county's value needs to be reconciled. Given that the intersection is already such a problem, the impact of new traffic loads from the Monticello Village project will be even more serious than the draft EIR indicates. Proceeding with Monticello Village would further increase the urgency of the proposed (but not funded) grade separation project at the intersection. http://www.sccgov.org/sites/rda/plans/Lawrence/Documents/Presentation_PublicMeeting-3_030314.pdf	The County's level of service (LOS) calculations are based on traffic counts from a different day than the data included in the Monticello Draft EIR. Traffic volume and intersection operating conditions can change from day to day. It should be noted that the calculated AM peak hour LOS in the Monticello Draft EIR reports 79 seconds of delay (LOS E), whereas 80 seconds of delay would be reported as LOS F. When intersections get very busy, small changes in traffic volumes can dramatically affect calculated delay (although in real life the delay swings are not that pronounced). In any event, the Monticello Draft EIR reports that the Lawrence Expressway & Reed/Monroe intersection will operate at LOS F in the very near future (with approved projects) even if it doesn't operate at LOS F today based on traffic counts conducted for the project. The Monticello project is shown to have a significant impact at the intersection, and mitigation is described in the Draft EIR.

Comment Number	Comment	Response
IND 6-2	2. The TIA states, on page 4.11-2, "The project will have no impact on Fordham Drive. No traffic will use Fordham Drive. There is no plan to block off Nobili Avenue." While the third sentence may be true, the first two are clearly not true. Even if no barrier is installed to block or partially limit traffic at Nobili Avenue, a project adding 1200-1500 residents at Lawrence/Monroe will most certainly add traffic to all nearby north-south city street routes (Fordham Drive, Calabazas Boulevard, and Nobili Avenue). Some of this traffic will be pass-through, as residents and their guests seek alternate ways to access El Camino Real, and some will be caused by residents seeking access to Machado Park (the public park nearest to the project.) The TIA needs to be updated with a more realistic assessment of the traffic impact that the project will create on Fordham Drive.	There is no reason to expect that traffic from the project would use Fordham Drive. Fordham Drive is parallel to Nobili Avenue and Calabazas Boulevard but, as shown in **Figure 2-1**, Fordham Drive does not offer as good of connections to the project site or to the rest of Santa Clara and the major street system, including El Camino Real, as do Nobili Avenue and Calabazas Boulevard. Furthermore, it is a local serving street with an unsignalized intersection with Monroe Street and a number of stop signs at its intersections with local streets, which make it less desirable for travel to destinations south of the project site compared to Nobili Avenue and Calabazas Boulevard.
IND 6-3	3. The TIA estimates that cut-through traffic on Nobili Avenue will increase by 13 trips during the a.m. peak period and 27 trips during the p.m. peak period. Those numbers seem rather low for a project that will be adding over 1200 residents, of which a large fraction will be driving; some rationale for those estimates should be provided.	Two categories of traffic would use Nobili Avenue: project residents traveling to work, school, or other destinations; and neighbors traveling to the proposed stores and restaurants on the site. Some of the neighbors presumably already are using Nobili Avenue to get to stores and restaurants and some would be new. Regarding project residents using Nobili Avenue, the estimate of only 13 trips during the AM peak hour and 27 trips during the PM peak hour is because of the limited access that Nobili Avenue offers to key destinations. Traffic to and from the north or south would use Lawrence Expressway. Traffic to and from the east or west would use Monroe Street/Reed Avenue. Only traffic to or from El Camino Real, and to a lesser extent Cabrillo Avenue, would be likely to use Nobili Avenue. However, this traffic also can use Calabazas Boulevard, which offers a shorter travel time than Nobili Avenue.

Comment Number	Comment	Response
IND 6-4	4. To address traffic load concerns that have been expressed by Nobili Avenue residents, I would recommend performing an actual survey of current traffic loads at the north end of Nobili Avenue, so that the impact estimates can be better understood in relation to the current loads. The measured data should be included in the final EIR along with the other traffic counts.	The traffic volumes at the intersection of Monroe Street and Nobili Avenue were counted. The traffic study on page 43 (Figure 15) shows the traffic volumes on Nobili Avenue under various scenarios.
Comment Letter IND 7 - Yito Chi March 12, 2014		
IND 7-1	I am living close to Lawrence Expressway. I noticed that city has a project to build a high density apartment at the north corner of Monroe/Lawrence. I think the density of the apartment building is really too high. Our Santa Clara schools have already been at full capacity, it will be worse when this building is completed. Do you think the total units of this apartment should be cut to half? Even half (400 units) is a lot. Santa Clara city just has two new high density apartments already (one at the south corner of El Camino Real / Lawrence Expressway, and another one is located at the south corner of 237 / Lawrence Expressway. Actually there is another small one located at the south side of Caltrain station. Please do not overbuild. City development cannot be too quick.	Comment noted. The impact of the proposed project on schools is analyzed in the Draft EIR (see Section 4.10.4.3, Impact PUB-3), and a reduced density alternative (Alternative 2: Reduced Residential Density) is also analyzed in the Draft EIR (see Chapter 5.0 Alternatives, Section 5.5.2).

Comment Number	Comment	Response
Comment Letter IND 8 - Michael Kaufman March 17, 2014		
IND 8-1	One more concern that we have that we feel should be addressed: with plans moving forward on Lawrence Expressway improvements, there is a likelihood that the neighborhood could be subject to major construction disruptions for 6 or more years (3 years for Monticello, and succeeding years for Lawrence Expy.) Can this be addressed?	Preliminary estimates for construction of the Lawrence Expressway improvements indicate a start date in 2035 or 2040. The proposed project would begin construction in early 2014 and end late 2017. Therefore the construction of the two projects will neither overlap nor would the construction occur back to back. As there would be no overlap, there would not be a potential for cumulative construction phase impacts.

SOURCE: Impact Sciences, Inc., April 2014

FIGURE 2-1

Fordham Drive

1176.001•04/14

Comment Number	Comment	Response
Comment Letter IND 9 - Shelley Relph March 17, 2014		
IND 9-1	The last meeting for the Lawrence Expressway improvement project was a couple of weeks ago. During the Q&A someone asked, 'if there was funding tomorrow, how long would the project take'. The response was that it would take 2–3 years to finalize the plans and complete the EIR and then 3–5 years for construction. In response to a question regarding including any intersections south of Monroe/Reed and Lawrence Expressway, the response was that there would be another opportunity for discussion of the improvement project in 8, 12, or however many years when there is funding for the project. At a prior meeting I was at last summer when asked about the timing, the presenter indicated it would not be something she would be working on; it would be something her children's generation might be working on. (I would say the presenter was in her 40's). So having attended the Lawrence Expressway improvement meeting, it sounds to me like the Lawrence Expressway improvement project is not going to be a reality for at least 15 years.	The commenter is correctly informed regarding the timing of construction of the Lawrence Expressway improvements. As discussed above in Response to Comment IND 8-1, preliminary estimates for construction of the Lawrence Expressway improvements indicate a start date in 2035 or 2040. The proposed project would begin construction in early 2014 and end in late 2017. Given the projected timeline for Lawrence Expressway improvements and uncertainty associated with the specifics of the improvements, the Draft EIR concludes that under adjusted baseline, background plus project, and cumulative conditions, there would be significant impacts at some Lawrence Expressway intersections. The project would pay fair share contribution to the City of Santa Clara for payment to Santa Clara County for the construction of Lawrence Expressway improvements (Mitigation Measures TRANS-1b, TRANS-2a, and TRANS-2b). However, the traffic impacts would remain significant and unavoidable given the uncertainty regarding the timing of the improvements.

Comment Number	Comment	Response
IND 9-2	While I understand and agree with the desire to rezone the area around the Lawrence Caltrain Station for the long term, given the above information and having read the EIR report, it seems that it would be better for the timing of a project similar to the Monticello Village Project at the Extreme Networks site to coincide with the timing of the Lawrence Expressway improvement project. As the EIR indicates, *"existing buildings are in good condition and usable with minimal to no interior modifications"*. The Irvine Company hosted two meetings in the cafeteria area of the Extreme Networks site and the buildings seem to be in good shape. Building the Monticello Village project on the Extreme Network site at this time, would mean that by the time the infrastructure is in place to support the traffic impact, the units will be 15–20 years old, at a time when people may be more interested in living in a newer development.	Traffic impacts analyzed in the Draft EIR Section 4.11 are based on the roadway network as it is at the present time and mitigation put forth reduces the impacts of the proposed project on Lawrence Expressway as much as feasible. Chapter 5.0, Alternatives, analyzes the No Project Alternative (see Draft EIR Section 5.5.1) which would entail the occupancy of the existing buildings and no further development of the site. The Planning Commission and the City Council will consider the proposed project and alternatives, including the No Project Alternative, in their decision making with respect to the proposed project.
IND 9-3	One point I did not see mentioned in the traffic impact of the EIR, is that with the current MP zoning and usage, the traffic impact is mostly 8:00 a.m. – 5:00 p.m. Monday-Friday. The neighborhood (especially south of the project off Nobili) is largely single family and the majority of the residence are at work during this time. There is currently no traffic generated by the usage of the site during the evening/nighttime hours or on weekends.	In accordance with CMP guidelines, the traffic study focuses on the weekday AM and PM peak hour commute time periods. This is when traffic volumes and congestion are highest in the area. These are the time periods when the project would be most likely to have traffic impacts, as defined by CEQA (degradations to levels of service). The commenter is correct that, unlike the existing office buildings, the proposed project would generate traffic at other time periods such as at night and on weekends. However, because the ambient traffic levels are so much lower at those times than during commute hours, the project's impacts during nighttime hours and on weekends would not rise to the level of significance.

Comment Number	Comment	Response
IND 9-4	In the EIR report, Alternative #5 for building the project at the Moonlite Shopping Center site at El Camino and Kiely seems like a more suitable location at this time. From the EIR Report: *"Based on the analysis above, Alternative 5, Alternate Location Alternative, is determined to be the environmentally superior alternative. Alternative 5 would avoid the significant traffic impacts of the proposed project at two intersections along Lawrence Expressway and the proposed project's impacts related to hazards and hazardous materials and hydrology. This alternative would also reduce the potentially significant impacts identified for the proposed project related to air quality, public services, and biological resources. Additionally, this alternative would further reduce the magnitude of the less than significant impact identified for the proposed project related to GHG emissions. For these reasons, Alternative 5 is the environmentally superior alternative"*	Comment noted. The Planning Commission and the City Council will consider the proposed project and alternatives, including the Alternate Location Alternative, in their decision making with respect to the proposed project.

Comment Number	Comment	Response
IND 9-5	Regarding the proposed Monticello Village project, the following statements were contained in the EIR: *"Bicyclists would be able to go from Cabrillo Avenue to northbound on Nobili Avenue, cross Monroe Street at the new signalized intersection, proceed along the bike lanes on Monroe Street to French Street and then to the Caltrain station."* *"Eventually, the City plans to prohibit parking on the south side of Monroe Street to accommodate bicycles in the eastbound direction of Monroe Street."* The reality is, especially on nights and weekends, Nobili between Monroe and Norte Dame typically has parked cars on both sides of the street. Nobili is a relatively narrow street (not like Calabasas). Also, while the planning commission may look at a city map and see that there is not parking permitted on the east side of Nobili near Monroe in front of what I believe is a six-plex, the reality is that cars have parked in the no parking zone for years; taking this parking away will force cars further down Nobili (across Notre Dame) or onto Notre Dame. Encouraging Nobili as a bicycle route seems rather dangerous to me. Calabasas, a much wider street, which already has bike lanes on part of the street would seem like a better place to encourage bicyclists. If parking is taken away from the south side of Monroe street I'm not sure where the cars from all the 6 – 8 plex's on Monroe will park.	Comment noted. This comment is regarding the bicycle lane project and does not relate to the proposed project.

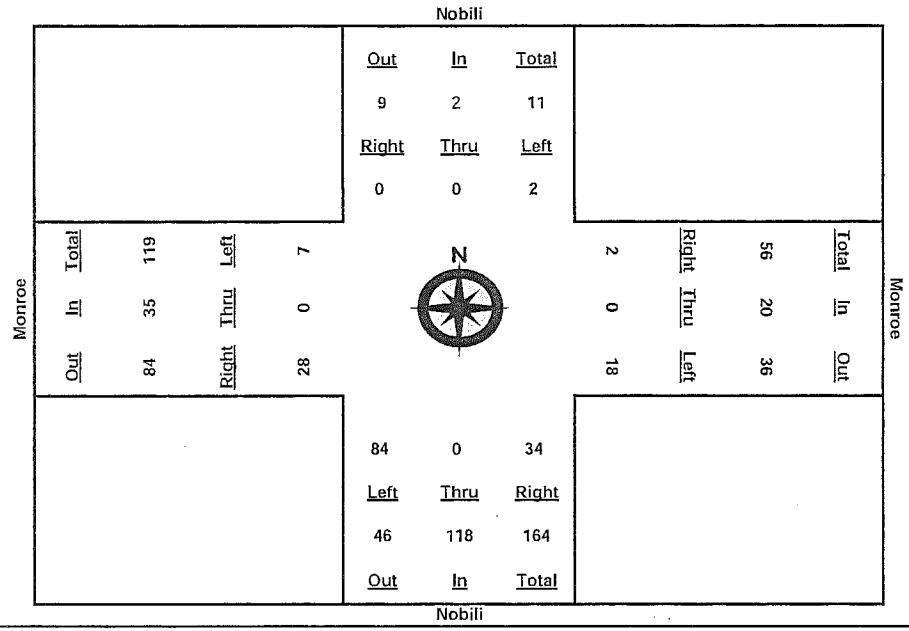
Comment Number	Comment	Response
IND 9-6	Today, the main entrance to the Business Park is the western entrance closer to Lawrence Expressway. The entrance across from Nobili was typically only used by deliver trucks (UPS, FedEx, etc.). One thing I would like to clarify in the EIR is that the suggestion was not to block all traffic southbound from Monroe onto Nobili, the suggestion was that if a traffic light must go at Monroe and Nobili, to not allow traffic from the Monticello development to be able to drive straight across to Nobili. I actually would like to see a mid street main entrance to the development that would result in a traffic light perhaps in front of the church. This would be similar to the traffic light on El Camino near Lawrence into the shopping center where Chili's is. The anchor tenant of the proposed retail is a grocery store which is planned for the corner of Monroe and French. It would seem to me that it would be better to have the main entrance closer to the anchor tenant rather than at the opposite end of the retail center.	Disallowing through traffic from the project site to use Nobili Avenue would not be in conformance with the role of Nobili Avenue as a collector street in the Santa Clara circulation network. Disallowing that movement to Nobili Avenue would likely result in traffic using Pacific Drive or Fordham Drive, which are local streets not designated to carry through traffic. It would not be possible to locate the main project entrance and a new traffic signal, closer to Lawrence Expressway, for example opposite the church. There would be insufficient space for vehicles to queue on Monroe Street at the Lawrence signal or at the project entrance. Vehicles turning left into the project driveway would overspill the turn pocket and would block Monroe Street.
IND 9-7	Also, I did not notice anything in the EIR or the appendices that indicated the existing traffic volume on Nobili. It would be good to have this information for future comparisons.	The traffic volumes at the intersection of Monroe Street and Nobili Avenue were counted. AM and PM peak hour traffic counts at the Monroe Street & Nobili Avenue intersection are presented in **Figure 2-2** and **Figure 2-3**.

Comment Number	Comment	Response
IND 9-8	One other comment, while it is great to indicate that commuting on Caltrain will be encouraged, I think the practically needs to be considered. For example, I work in Sunnyvale at Central and Mary. There's a lot of development going on it that area including a large LinkedIn development and several other projects are underway. If I were to take Caltrain to work, I guess I would get off at the Sunnyvale station; however, then what? I'm still a mile and a half or so from Central and Mary. It's great to say that taking the train will be encouraged, but until there is the infrastructure (bus/light rail, etc.) to actually get people to where they want to go efficiently, I'm going to driving my car.	The proposed project encourages the use of alternative transportation due to its location and project features described further in Response to Comment **IND 5-2**. The future residents of the proposed project would have access to a variety of public transportation options, including buses and Caltrain. It is outside the scope of the project to determine the distance from Caltrain stations and the end destinations of the project residents. However, Caltrain cars are designed to accommodate a certain number of bicycles which could be used by the residents to transport themselves from the Caltrain stations to the end destination.

	Nobili				Monroe				Nobili				Monroe			
	North Approach				East Approach				South Approach				West Approach			
Start Time	Right	Thru	Left	Total	Right	Thru	Left	Total	Right	Thru	Left	Total	Right	Thru	Left	Total
7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15	0	0	0	0	0	0	2	2	4	0	8	12	5	0	2	7
7:30	1	0	0	1	2	0	4	6	4	0	12	16	10	0	3	13
7:45	1	0	0	1	4	0	6	10	9	0	23	32	12	0	5	17
8:00	1	0	2	3	5	0	9	14	12	0	48	60	19	0	7	26
8:15	1	0	2	3	5	0	13	18	17	0	68	85	28	0	8	36
8:30	1	0	2	3	5	0	18	23	27	0	92	119	34	0	11	45
8:45	1	0	2	3	6	0	24	30	43	0	107	150	40	0	12	52
9:00	1	0	2	3	6	0	27	33	54	0	122	176	42	0	14	56

Peak Hour	Right	Thru	Left	Total	Right	Thru	Left	Total	Right	Thru	Left	Total	Right	Thru	Left	Total	PK Hour
7:00 - 8:00	1	0	2	3	5	0	9	14	12	0	48	60	19	0	7	26	103
7:15 - 8:15	1	0	2	3	5	0	11	16	13	0	60	73	23	0	6	29	121
7:30 - 8:30	0	0	2	2	3	0	14	17	23	0	80	103	24	0	8	32	154
7:45 - 8:45	0	0	2	2	2	0	18	20	34	0	84	118	28	0	7	35	175
8:00 - 9:00	0	0	0	0	1	0	18	19	42	0	74	116	23	0	7	30	165
Peak Volumes:	0	0	2	2	2	0	18	20	34	0	84	118	28	0	7	35	175

Cut and Paste	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
	84	0	34	2	0	0	7	0	28	18	0	2



SOURCE: Hexagon Transportation Consultants, Inc. March 2014

FIGURE 2-2

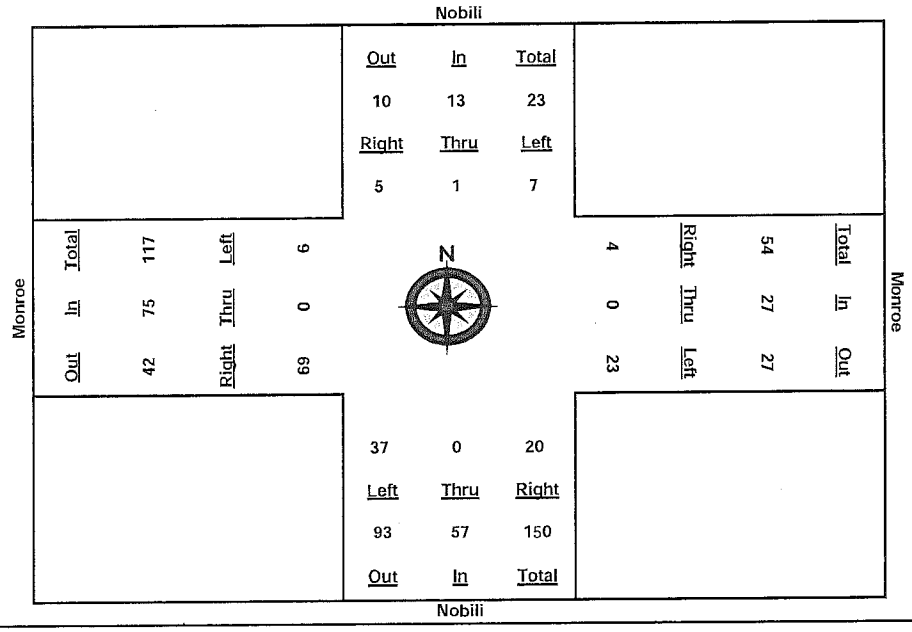
AM Peak-Hour Volume Count at Monroe Street and Nobili Avenue

1176.001•04/14

	Nobili				Monroe				Nobili				Monroe			
	North Approach				East Approach				South Approach				West Approach			
Start Time	Right	Thru	Left	Total	Right	Thru	Left	Total	Right	Thru	Left	Total	Right	Thru	Left	Total
4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15	2	0	0	2	1	0	4	5	4	0	4	8	13	0	0	13
4:30	2	0	0	2	1	0	10	11	6	0	10	16	27	0	1	28
4:45	2	0	0	2	2	0	13	15	10	0	13	23	43	0	5	48
5:00	4	1	2	7	2	0	17	19	14	0	21	35	59	0	7	66
5:15	6	2	6	14	2	0	20	22	16	0	28	44	67	0	8	75
5:30	6	2	6	14	5	0	30	35	20	0	36	56	84	0	11	95
5:45	9	2	6	17	6	0	38	44	30	0	46	76	102	0	13	115
6:00	9	2	9	20	6	0	40	46	34	0	58	92	128	0	13	141

Peak Hour	Right	Thru	Left	Total	Right	Thru	Left	Total	Right	Thru	Left	Total	Right	Thru	Left	Total	PK Hour
4:00 - 5:00	4	1	2	7	2	0	17	19	14	0	21	35	59	0	7	66	127
4:15 - 5:15	4	2	6	12	1	0	16	17	12	0	24	36	54	0	8	62	127
4:30 - 5:30	4	2	6	12	4	0	20	24	14	0	26	40	57	0	10	67	143
4:45 - 5:45	7	2	6	15	4	0	25	29	20	0	33	53	59	0	8	67	164
5:00 - 6:00	5	1	7	13	4	0	23	27	20	0	37	57	69	0	6	75	172
Peak Volumes:	5	1	7	13	4	0	23	27	20	0	37	57	69	0	6	75	172

Cut and Paste	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
	37	0	20	7	1	5	6	0	69	23	0	4



SOURCE: Hexagon Transportation Consultants, Inc. March 2014

FIGURE 2-3

PM Peak-Hour Volume Count at Monroe Street and Nobili Avenue

Comment Number	Comment	Response
Comment IND 10 - Nichole Seow March 17, 2014		
IND 10-1	I would like to suggest that a center median be provided along Monroe St, from Lawrence Expressway to the proposed signalized intersection with Nobili Ave. There are several driveways (7/11, church & townhouses) + Pacific Drive that allows left turns in/out under existing conditions. with the increase in traffic over time, it is already quite a challenge nowadays, especially during peak hours, to execute the left-turn movements from these driveways + Pacific Dr onto Monroe towards Lawrence Expressway. There are many instances of near misses as impatient left-turn drivers from these driveways (7/11 in particular) dashed out between gaps of on-coming vehicles along westbound monroe. Given the proposed additional lane and higher traffic volume in the future, such task would become even more difficult and dangerous (having to go across up to 5 lanes). It is therefore safer to make these driveways + Pacific Dr 'right-turn' only by providing the center median. however, in order to maintain accessibility for these driveways + Pacific Dr, eastbound U-turn at the proposed signalized intersection of Nobili/Monroe and westbound u-turn at the intersection of Lawrence/Monroe must be allowed. This will make it safer for drivers coming out (particularly).	The current Monroe Street improvement plan would not construct a median so that left turns still would be allowed where they are allowed today. If the City becomes aware of problems being created by left turns along this section of Monroe Street, it could construct a median at that time. U-turns are and will be allowed at the Nobili/Monroe Street intersection and the Lawrence Expressway/Monroe Street intersection except that the U-turn on Lawrence Expressway in the southbound direction would be prohibited (see Response to Comment **LA 2-1**).

2.3 REFERENCES

BAAQMD. 2009. *California Environmental Quality Act Guidelines Update Proposed Thresholds of Significance.* December.

Caltrain. 2013. *Peninsula Corridor Electrification Fact Sheet.*

http://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/Peninsula+Corridor+Electrificaton+Fact+Sheet-2013.pdf

Litman, Todd. 2010. *Evaluating Public Transportation Health Benefits*. Victoria Transport Policy Institute. June 14.

3.0 ERRATA

3.1 INTRODUCTION

This chapter shows revisions to the Draft EIR, subsequent to the document's publication and public review. The revisions are presented in the order in which they appear in the Draft EIR and are identified by page number in respective chapters and sections. These revisions are shown as excerpts from the Draft EIR. Strikethrough (~~strikethrough~~) text indicates deletions and underlined (underlined) text indicates additions.

3.2 REVISIONS TO THE DRAFT EIR

2.0 Executive Summary

Because Caltrans does not own or maintain any of the intersections along Lawrence Expressway, Mitigation Measures TRANS-1b and TRANS-2a on Draft EIR page 2.0-28 have been revised to exclude the reference to Caltrans, as follows:

Transportation and Traffic			
Impact TRANS-1		**Mitigation Measure TRANS-1**	
Development of the proposed project would conflict with applicable policies establishing measures of effectiveness for the performance of the local roadway system and with an applicable Congestion Management Plan under Adjusted Baseline Conditions.	Potentially Significant	**Mitigation Measure TRANS-1a:** The proposed project shall modify the traffic signal at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street to provide an overlap phase for the westbound right-turn movement. The signal equipment at this intersection shall be modified to provide a green arrow for right-turn traffic during the overlap phase. **Mitigation Measure TRANS-1b:** The proposed project will make a fair-share contribution to the City of Santa Clara for payment to Santa Clara County ~~and/or Caltrans~~ for construction of an interchange to replace the at-grade intersection at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street.	Significant and unavoidable
Impact TRANS-2		**Mitigation Measure TRANS-2**	
Development of the proposed project would conflict with applicable policies establishing measures of effectiveness for the performance of the local roadway system and with an applicable Congestion Management Plan under Background Conditions.	Potentially Significant	**Mitigation Measure TRANS-2a:** As a condition of project approval, the proposed project shall make a fair share contribution to the City of Santa Clara for payment to Santa Clara County ~~and/or Caltrans~~ for the necessary improvements at the intersection of Lawrence Expressway and Arques Avenue. **Mitigation Measure TRANS-2b:** Implement **Mitigation Measures TRANS-1a** and **1b** at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street.	Significant and unavoidable

3.0 Project Description

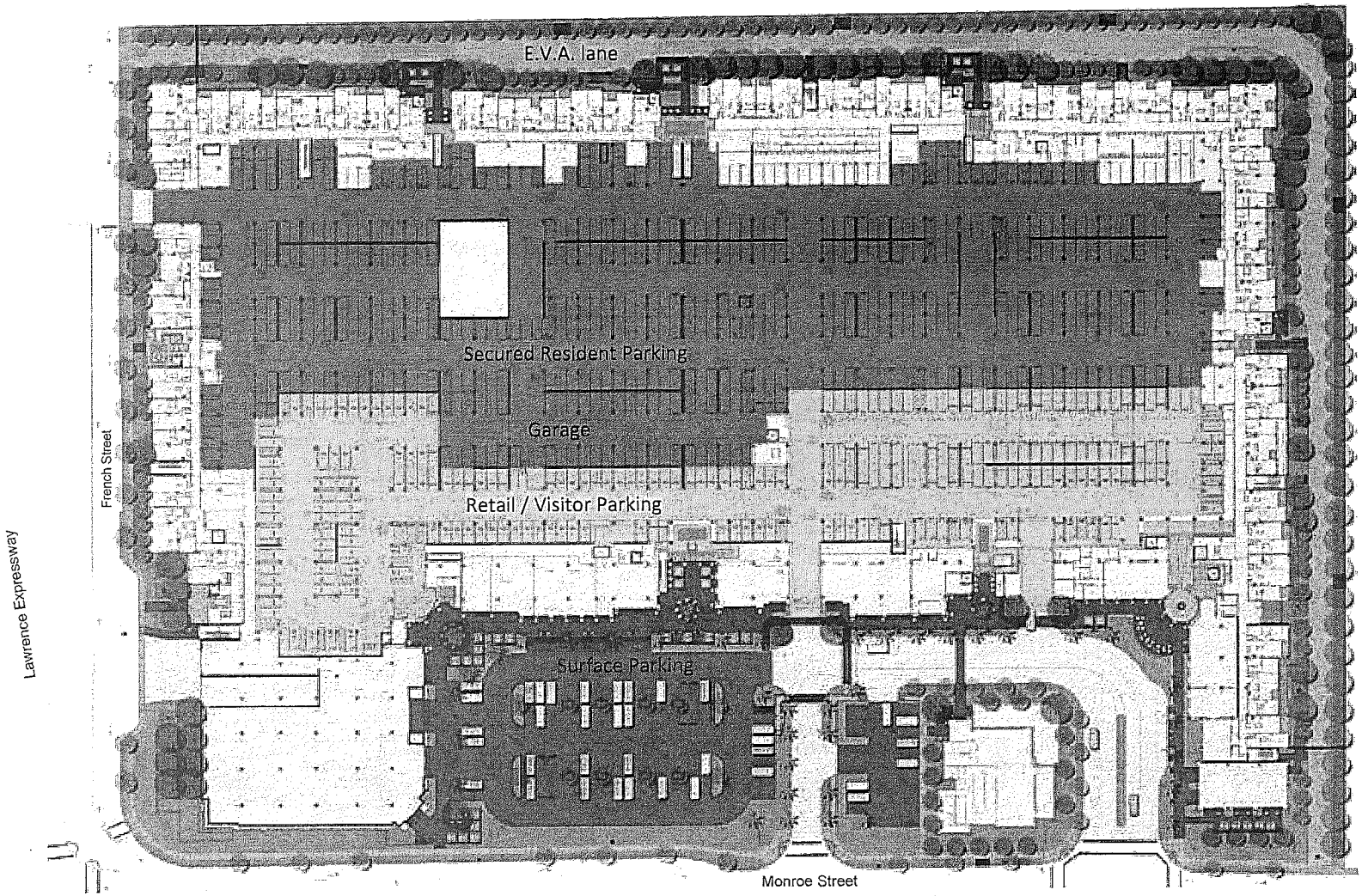
Figure 3.0-8 on Draft EIR page 3.0-14 has been revised to reflect the changes in parking provided as part of the proposed project, as shown on the following page.

The information on Draft EIR page 3.0-15 and accompanying Table 3.0-3 on page 3.0-16 has been revised to reflect the changes in parking provided as part of the proposed project, as shown below:

Table 3.0-3, Proposed Parking and **Figure 3.0-8** shows the number of parking spaces and configuration of parking proposed at the project site. Resident parking would be provided in the two-level garage at a rate of 1.0 parking space per studio unit, 1.5 parking spaces per one-bedroom dwelling unit, and 2.0 parking spaces per two-bedroom dwelling unit. Visitor parking would be provided in the garage at a rate of 10 percent of total residential parking ~~0.1 space per dwelling unit~~. Retail parking would be provided both in the upper level garage and in the surface lot at a rate of five spaces per 1,000 gsf of retail space, and restaurant parking would be provided at five spaces per 1,000 gsf of indoor restaurant space and one parking space per 3.5 outdoor patio seats. ~~and~~ Leasing office parking ~~would be~~ ~~provided at the rate of five spaces per 1,000 gsf of space~~ is included in the residential parking rates.

The two-level parking garage would be located below the building podium and would provide parking for the residential units, visitors, and overflow for the retail space. The 339,243-gsf upper garage would be located entirely above grade and the 416,159-gsf lower garage would be constructed primarily below grade. The total garage area would be 755,402 gsf. The two-level parking garage and surface parking lot would provide a total of ~~1,748~~1,742 parking spaces, including 1,424 spaces for residential units, 83 spaces for visitors, ~~six shared vehicle rental and carpool spaces, 15 spaces for leasing,~~ 45 spaces for the restaurant, and ~~220~~190 spaces for retail uses. Six carpool/vanpool/car share spaces are included in the total parking provided. The proposed project includes two fully wired electric-vehicle charging stations on the surface parking lot one of which would be Americans with Disabilities Act (ADA) compliant, and 33 pre-wired electric vehicle charging stations in the parking garage.

Of the retail and restaurant parking, 100 spaces would be provided in the surface parking lot and ~~120~~135 spaces would be provided in the upper parking garage. The proposed project includes 275 Class I bicycle lockers and 55 Class II bicycle racks for use by the residents and visitors.



Retail (Surface) Parking
- 100 Spaces

Overflow Retail Parking (Upper Garage Level)
- ~~120 Spaces~~ 135 Spaces
Visitor Parking
- 83 Spaces
~~Leasing Parking~~
~~-15 Spaces~~

Resident Parking
- 1,42~~30~~4 Spaces (including lower garage level - not shown)

~~Retail: 5/1000 S.F.~~
~~Residential: 1 / 1.85~~
Total parking: 1,742~~8~~

NOT TO SCALE

SOURCE: EPT Design, December 2013

FIGURE **3.0-8**

Parking Plan

1176.001•04/14

Table 3.0-3
Proposed Parking (Garage and Surface)

Parking Type	Number of Units/Estimated Square Feet	Proposed Rate	Proposed Parking[1]	~~Proposed Parking by Type~~ ~~Standard~~	~~Handicapped~~	~~Total~~
Residential				~~1,407~~	~~17~~	~~1,424~~
Studio	7	1.0	7			
One-Bedroom	439	1.5	659	—	—	—
Two-Bedroom	379	2.0	758	—	—	—
Visitor	--	0.1	83	~~78~~	~~5~~	~~83~~
~~Carpool/Vanpool/Car Share~~	—	~~NA~~	~~6~~	~~6~~	-	~~6~~
Retail	37,959	5/1,000 sf	~~220~~190	~~209~~	~~11~~	~~220~~
Restaurant – Indoor	5,890	5/1000 sf	30			
Restaurant – Exclusive Outdoor Patio	1,900 sf/50 seats	1/3.5 seats	15			
Leasing	—	~~5/1,000 sf~~ n/a[2]	~~15~~ n/a	~~13~~	~~2~~	~~15~~
TOTAL	~~825~~	--	~~1,748~~1,742	~~1,715~~	~~34~~	~~1,748~~

Source: Irvine Company, 2013
sf = square feet.
[1] *Six carpool/vanpool/car share spaces are included in the total parking provided.*
[2] *Included in residential parking rates.*

4.11 Traffic and Transportation

Mitigation Measure TRANS-1b on Draft EIR page 4.11-39 has been revised as follows:

TRANS-1b	The proposed project will make a fair-share contribution to the City of Santa Clara for payment to Santa Clara County ~~and/or Caltrans~~ for construction of an interchange to replace the at-grade intersection at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street.

Mitigation Measure TRANS-2a on Draft EIR page 4.11-43 has been revised as follows:

TRANS-2a	As a condition of project approval, the proposed project shall make a fair share contribution to the City of Santa Clara for payment to Santa Clara County ~~and/or Caltrans~~ for the necessary improvements at the intersection of Lawrence Expressway and Arques Avenue.

Impact TRANS-5 starting on Draft EIR page 4.11-44 has been revised to reflect the changes in parking provided for the proposed project as follows:

Impact TRANS-5: Development of the proposed project would not result in inadequate parking. (*Less than Significant*)

As discussed in **Chapter 3.0, Project Description,** a two-level parking garage and a surface parking lot are included in the proposed project that would provide a total of ~~1,748~~1,742 parking spaces, including 1,424 spaces for residential units, 83 spaces for visitors, ~~six shared vehicle rental and carpool spaces,~~ and ~~220~~ 235 spaces for retail and restaurant uses. Parking for the leasing office is included within the residential parking rates and six carpool/vanpool/car share spaces are included in the project's total parking. Resident parking would be provided at a rate of 1.0 parking space per studio unit, 1.5 parking spaces per one-bedroom dwelling unit, and 2.0 parking spaces per two-bedroom dwelling unit. Retail parking would be provided both in the upper level garage and in the surface lot at a rate of five spaces per 1,000 gsf of retail space, and restaurant parking would be provided at five spaces per 1,000 gsf of indoor restaurant space and one parking space per 3.5 outdoor patio seats. ~~and leasing office parking would be provided at the rate of five spaces per 1,000 gsf of space~~. Of the retail parking, 100 spaces would be provided in the surface parking lot and ~~120~~135 spaces would be provided in the upper parking garage.

City of Santa Clara Parking Requirements and Policies

The City of Santa Clara has specific parking requirements for residential and commercial developments. The City requires two parking spaces (one covered and one open) for each dwelling for multifamily projects in the Medium Density Multiple-Dwelling Zoning Districts. The City's Zoning Code has also established parking requirements for multifamily units in Mixed Use Zoning Districts, which are based on the number of bedrooms in each unit (one space per studio, 1.5 spaces for one-bedroom, two spaces per two-plus bedrooms). For retail use, the City's parking rate requirement is five parking spaces per 1,000 gsf.

In addition to the code requirements, the City has adopted policies in its General Plan to provide further guidance for development projects in the City. Specifically the following two policies provide guidance regarding parking for new development projects:

> General Plan Policy 5.3.2-P21 - Encourage new housing developments to incorporate design features, programs and incentives for increased transit ridership and decreased parking demand.
>
> General Plan Policy 5.8.3-P9 - Require new development to incorporate reduced onsite parking and provide enhanced amenities, such as pedestrian links, benches and lighting, in order to encourage transit use and increase access to transit services.

Furthermore, the City's Zoning Code Section 18.22.040 Development Standards for Mixed Use Combining Zoning Districts state that "Mixed use development, located near transit, and transportation demand management (TDM) can accommodate reduced parking because increased transit capacity and mixed uses can reduce vehicle trips and vehicle demand per household or by land use."

Project Parking Evaluation

Information presented below is based on a parking evaluation prepared for the proposed project by Pirzadeh and Associates, dated ~~January~~ April 2014. Based on the City's parking rate requirement of five parking spaces per 1,000 gross square feet (gsf) of retail use, a total of ~~220~~190 parking spaces are required for the proposed 37,959 gsf retail uses. The project would provide the required number of spaces. Conservatively no reduction factor related to the mixed-use, transit-oriented nature of the proposed project has been applied to the retail parking. The parking rate for the indoor restaurant would be the same as the retail uses and the resulting parking allocation for the proposed 5,890 square foot ~~(5,480 net square foot)~~ restaurant pad would be 30 parking spaces. Although the City of Santa Clara does not have a specific parking code requirement for outdoor patios for restaurants, applying Zoning Code Section 18.74(r)2), would require one space for each 200 square feet of gross floor area or one space for each three seats, whichever is greater. Based on this requirement, the 1900, sf, 50-seat patio planned exclusively for the restaurant would require 17 parking spaces, calculated for number of seats, or 10 parking spaces when using the square footage of the patio area. Due to the TOD/mixed use nature of the project, a slightly reduced rate of 1 space per 3.5 outdoor restaurant seats is applied to the proposed project and 15 parking spaces are included in the project. The common area seating is provided as an amenity for the residents and visitors and since no services will be offered at these seating locations no additional parking demand will be generated by this element of the project. ~~has been assumed to also accommodate any demand associated with the exclusive outdoor patio area for the restaurant. Based on planned operations for the site, it is assumed that the patio will not have the same utilization as the indoor dining area and, as stated earlier, the residential element of the proposed project will make up a significant part of the retail/restaurant services patronage. Therefore, since no reduction factor based on the residential/restaurant patronage has been applied to the retail parking rate, there will be adequate parking available for the outdoor restaurant patio area.~~

Employee parking for the various elements of the proposed project will be provided in the parking garage. On-going on-site parking management program including daily and nighttime monitoring of the parking facilities will ensure compliance with the project parking regulations. Additionally, the monitoring program will prevent the use of the surface parking lot and visitor spaces in the parking garage for potential "park-n-ride" purposes. These measures coupled with the fact that some retail businesses and the leasing office will be closed in the evenings will ensure that ample and convenient parking spaces will always be available for the visitors to the project site. Furthermore, should future

conditions show any on-site parking problems and/or over flow parking in the adjacent neighborhoods and parking management plan, which could include providing additional parking spaces within the parking structure, will be developed to address these problems.

With respect to residential parking, based on the Medium Density Multiple-Dwelling zoning requirements, the project would need to provide 1,650 parking spaces of which 825 must be covered. Based on the parking requirements for multifamily units in Mixed Use Zoning Districts, the project would need to provide 1,425 spaces (applicable accessible parking spaces are included in both totals). The proposed project plans to provide ~~1,528~~1,424 parking spaces to serve the residential component of the project. Visitor parking would be provided in the garage at a rate of 10 percent of total residential parking for a total of 83 spaces ~~including six spaces for car pool/van pool and Zip Cars~~. The parking demand associated with the leasing office for residential projects is included in the parking rates established for the residential units within the project and carpool/vanpool/car share spaces are included in the project totals. Although the residential element of the project is subject to the City's Medium-Density Multiple-Dwelling Zoning District requirements, as a Planned Development (PD), the project is proposed to establish parking that would meet demand based on its location, development features and to further alternative means of transportation in accordance with the General Plan policies stated above. In addition, the proposed development with its mixed-use land use elements meets the project features and the intent of the Zoning Code Development Standards Section 18.22.040 for reduced parking requirements, as well as the lower parking requirements of the Mixed Use Zoning Districts.

Local agencies adopt parking requirements as part of their Municipal Code and development standards. These rates are typically based on rates established and being utilized by other neighboring jurisdictions or based on actual parking surveys for special land uses. Regional planning agencies and national professional organizations, such as Urban Land Institute (ULI) and Institute of Transportation Engineers (ITE) also publish recommended parking rates for a variety of land uses. ULI and ITE have also developed methodologies and databases for mixed-use type land uses. Additionally, certain reduction factors are identified for parking demand at projects with unique characteristics, such as close proximity to transit facilities or in areas with active pedestrian or bike facilities. The City of Santa Clara has adopted policies in its General Plan which are consistent with these transportation planning principles.

The proposed project qualifies as a mixed-use type project with close proximity to transit facilities. The project site is located two blocks away from the Caltrain Santa Clara station at 1001 Railroad Avenue. In addition to Caltrain, Altamont Commuter Express, Amtrak, VTA, and Airport Flyer provide transit services to and from this station. The project's proposed pedestrian pathways and street frontage sidewalks provide easy and convenient means of access to and from this transit station. Additionally, on-site bike lockers are provided for residents and employees to further facilitate and encourage alternative means of transportation. These project features and the interaction between the on-site residential and retail uses will result in overall reduction of parking demand at this site. ULI and ITE would allow and

recommend a parking reduction factor of at least 15 percent for sites with similar features as the proposed project.

In summary, the project is expected to have lower traffic generation and parking demand characteristics when compared to stand-alone Medium Density multifamily and Commercial Retail projects. The proposed project provides parking for multifamily units in accordance with the City's requirements for mixed-use projects, with additional parking spaces for visitors, which would also serve the ~~and its~~ leasing office. Although the on-site residential parking supply (~~1,528~~ 1,424 spaces) is less than the Medium-Density Zoning District requirements (1,650 spaces), it ~~exceeds~~ meets the Mixed-Use Zoning District requirements (1,425 spaces). The mixed-use nature of the project would reduce the need for additional parking as detailed above.

The retail parking (~~220~~190 spaces) and indoor restaurant parking (30 spaces) has been provided in accordance with the City's zoning requirements and without any reductions as allowed by ULI and ITE. The outdoor exclusive use patio for the restaurant would be provided parking at the rate of 1 space per 3.5 seats, resulting in 15 parking spaces. The parking rate and resulting parking allocation for the proposed retail/restaurant uses will accommodate any demand associated with the exclusive outdoor patio area for the restaurant.

As proposed, the project will provide adequate on-site parking supply to meet demand while incorporating features to achieve the City's General Plan goals and policies for reducing parking demand and supply and to promote the use of alternative means of transportation. The project's parking demand will be accommodated on site without adverse impacts on adjacent streets. The impact would be less than significant.

Mitigation Measures: No mitigation measures required.

4.0 REPORT PREPARATION

4.1 LEAD AGENCY

City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 95050

Kevin Riley, Director of Planning & Inspection

Yen Han Chen, Associate Planner

Steve Lynch, City Planner

Dennis Ng, City Traffic Engineer

4.2 EIR CONSULTANT

Impact Sciences, Inc.
555 12th Street, Suite 1650
Oakland, California 94607

Shabnam Barati, Managing Principal

Jennifer Millman, Project Manager

Paul Stephenson, Project Manager

Eric Bell, Senior Air Quality and GHG Engineer

Caitlin Gilleran, Project Planner

Ian Hillway, Publications Manager

APPENDIX A

Comment Letters received on the Monticello Village Draft EIR

Comment Letter LA 1

SANTA CLARA
Valley Transportation Authority

March 17, 2014

City of Santa Clara
Department of Planning
1500 Warburton Avenue
Santa Clara, CA 95050

Attention: Yen Han Chen

Subject: City File No. CEQ2013-01150 / Monticello Village

Dear Mr. Chen:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR (DEIR) for 825 residential units and 43,849 square feet of retail space on 16.11 acres on 7.3 acres at the northeast corner of Monroe Street and French Street. We have the following comments.

Land Use
VTA supports the proposed land use intensification on this site, strategically located on the regional transportation network and served by the Lawrence Caltrain station. The proposed residential density of 51 units/acre will provide a built in market for transit at the site and help incrementally reduce vehicle travel and greenhouse gas emissions. In addition, the inclusion of a significant amount of retail in conjunction with residential on the site can serve to internally capture trips and incrementally reduce the automobile usage and greenhouse gas emissions associated with the project. 1

Bicycle and Pedestrian Accommodations
VTA commends the City and the project applicant for including a thorough analysis of bicycle and pedestrian modes and proposing several improvements to these modes in the TIA, along with a map of improvements (pgs. 45-47). 2

CMP Intersection Impacts and Mitigation
The TIA and DEIR find significant impacts to two CMP Intersections under Background Plus Project Conditions: Lawrence Expressway and Arques Avenue and Lawrence Expressway and Reed Avenue/Monroe Street. For both impacts, physical improvements to the intersections identified in the Comprehensive County Expressway Study are identified as potential mitigation measures, but the impacts are found Significant and Unavoidable because the specific details of the interchange designs are not available. However, in the absence of mitigation measures to reduce the impact to Less than Significant and considering that the grade separation of Lawrence Expressway is a long-term project, VTA recommends that the applicant implement automobile trip reduction strategies from the Deficiency Plan Action List found on pages 19-20 of the VTA Deficiency Plan Guidelines to reduce the impact to the extent feasible. In particular, VTA 3

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recommends expanding the transit fare incentive program described on page 22 of the TIA to include both residents and employees on an ongoing basis, rather than "for residents at move in" as described. 3

Potential Future VTA Bus Route Options

The Lawrence Caltrain station currently is not directly served by VTA bus service. The closest routes are Route 328 (Limited Service) which operates along Lawrence Expressway only in the morning and afternoon peak periods, and Route 32 which operates along Monroe Street at 30-minute headways during peak periods and 45-minute headways in the middle of the day. In order to facilitate transit connections to and from the Caltrain station and serve existing and future development in the station area, VTA may explore opportunities to provide bus access directly to the station in the future. Any changes to service would be considered in the framework of VTA's Board-adopted Transit Sustainability Policy and Service Design Guidelines (TSP/SDG), which provide guidance for evaluating possible new or modified VTA transit service. VTA looks forward to continued coordination with the City of Santa Clara, the City of Sunnyvale, and the County Roads and Airports Division on roadway configurations to facilitate potential future bus access to the Caltrain station, including ongoing discussions through the Lawrence Grade Separation Study. 4

Existing Bus Service

The DEIR notes that the existing bus stop will be moved slightly east to accommodate the development. The exact location and design of the bus stop should be coordinated with VTA as the project goes through the design process. The bus stop should include the following improvements: 5

- A minimum 22' wide curb lane or bus duckout to achieve this width
- A minimum 10' X 55' PCC concrete bus pad constructed to VTA standards
- A minimum 8' X 40' sidewalk adjacent to the bus stop
- A solar powered pole mounted bus stop light with ADA accessible button

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

cc: Erik Alm, Caltrans Brian Brandert, Caltrans SCI307

Comment Letter LA 2

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

March 17, 2014

Yen Chen
Associate Planner
City of Santa Clara Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050

SUBJECT: Monticello Village Project – Draft Environmental Impact Report

Dear Mr. Chen:

Thank you for the opportunity to comment on the Monticello Village Project DEIR. The County of Santa Clara Roads and Airports Department is submitting the following comments.

1. The Mitigation Measure TRANS-1a proposes to "modify the traffic signal at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street to provide an overlap phase for the westbound right-turn movement." The overlap phase as a mitigation measure is acceptable provided that the Lawrence Expressway southbound U-turn movement is prohibited and the currently free-running right turn from westbound Monroe Street onto northbound Lawrence is converted into a squared corner, in order to prevent overlap phase conflicts. It may be necessary to provide double right-turn lanes from westbound Monroe Street to northbound Lawrence Expressway to handle the volumes with the squared corner. 1

2. We concur with Mitigation Measure TRANS-1b and TRANS-2a to provide a fair share contribution to the City of Santa Clara for payment to Santa Clara County for construction and implement necessary improvements, such as the Lawrence Expressway Grade Separation project. Please note that any fair share contributions should be made only to Santa Clara County, as Caltrans does not own or maintain the expressway facility. 2

3. The counts conducted in August 2013 for Lawrence Expressway for existing conditions were not approved peak counts. The TIA should re-do AM and PM counts on Lawrence Expressway. 3

4. The timing settings for expressway intersections are incorrect. The transportation impact analysis should be conducted using County signal timing for County study intersections and the most recent CMP count and LOS data for CMP intersections. The County will provide the correct signal timing settings for the TIA upon request. The TIA should recalculate LOS for all conditions to ensure potential impacts are correctly identified. 4

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith

If you have any questions or concerns about these comments, please contact me at (408) 573-2465 or dawn.cameron@rda.sccgov.org.

Sincerely,

Dawn S. Cameron
County Transportation Planner

cc:MA

Comment Letter LA 3

March 17, 2014

Yen Chen, Associate Planner
City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050

Re: Comments to Draft Environmental Impact Report for Monticello Village (Irvine Company)

Dear Yen:

Thank you for the opportunity to review the Draft Environmental Impact Report for the proposed mixed-use project at Lawrence Expressway and Monroe Street in Santa Clara. This letter includes all City of Sunnyvale comments to the project NOP.

A. Lawrence Station Area Plan:

The Cities of Sunnyvale and Santa Clara have worked jointly to create the context of the Lawrence Station Area Plan (LSAP). The plan area includes the area ½ mile from the Caltrain station, and includes the project site. A Technical Advisory Group (TAG) is included as part of the LSAP efforts to ensure applicable agencies are included in the discussion of the plan. Agencies include the City of Santa Clara, County of Santa Clara, VTA, ABAG and MTC, Caltrain and the Bay Area Air Quality Management District.

During the first phases of the LSAP preparation, the cities of Sunnyvale and Santa Clara would hold joint public outreach meetings to gain an understanding of the community's goals and expectations for the plan area. A key component of these community discussions was how to improve area-wide access to an underutilized train station. The Lawrence Caltrain station is difficult to reach because of a poor circulation pattern in the area. There is no bus access to the station due, in part, because of the poor road systems in the area. 1

The LSAP was created for two main purposes: create land use allowances to bring more activity to the station area, and to improve circulation in the area. Given the difficulty in providing new and improved roads, the expectations have been that future redevelopment of the area would provide opportunities to improve the circulation. The adopted first phase of the LSAP identified the poor access to the Caltrain station from as a key area to be addressed. Consequently, the circulation framework for the LSAP shows methods for improving circulation to the station and in the area in general. This circulation framework for the area south of the train tracks shows the need for a future road on the old Extreme Network site which would connect Nobili Avenue in Santa Clara to French Street in order to provide improved multi-modal access for the community to the Lawrence Caltrain station. Redevelopment of the site would provide the opportunity to meet the goals of the community and LSAP.

ADDRESS ALL MAIL TO: P.O. BOX 3707 SUNNYVALE, CALIFORNIA 94088-3707
TDD (408) 730-7501
Printed on Recycled Paper

The first phase of the Lawrence Station Area Plan was adopted by the Sunnyvale City Council in fall of 2011. The formal station plan and EIR are currently in preparation based on elements from the first phase. The plan adoption is expected later this year. 1

B. Project Description:

1. 3.8.5 Sustainable Development Features: Improving alternative access to major transit stops, such as Lawrence Caltrain station, is an important sustainable goal. While the addition of high-density housing near the station is a key element, providing improved access to the station to the community is also an important sustainable goal.

   The proposed project has the opportunity to greatly improve access to the station by allowing a road to extend through the project site to access French Street at the north side of the site. Aligning a road with Nobili Avenue and running along the rear of the project would allow another point of access to the station. 2

   The project, instead, maintains French Street as the only road to the station, a one-way street in the current location. The French Street location is severely hampered by the close proximity to Lawrence Expressway. This close proximity prevents a signal being placed at French Street and Monroe Street and reduces the transportation opportunities for the site.

   The DEIR mentions the project's accessibility to multiple transportation modes, including on-site improvements and transit programs, but all programs being included will only address those that affect the project site. They do not improve access to the station from the surrounding community. A major element of the Lawrence Station Area Plan is to provide multiple modes of transit options in the area, which this project does not do.

B. 4.0 Environmental Impact Analysis:

1. 4.8.1 Introduction: The comment to the second bullet point that the project be analyzed within the context of the LSAP incorrectly states that the project site falls outside the LSAP. The LSAP boundary is a ½ mile radius from the Caltrain station, and the project site is approximately ¼ mile from the station. It is acknowledged that the policies of the LSAP will only affect property in Sunnyvale, but the initial concept of the LSAP was developed in conjunction with the City of Santa Clara, including the initial circulation framework that included a road connecting Nobili to French Street. This framework still shows the internal street layout through the project site. 3

2. 4.8.3.2 Local Plans: The Lawrence Station Area Plan (LSAP) is a local adopted plan that should be included in the description of local plans. 4

3. 4.8.4.3 Projected Impacts and Mitigation Measures, Impact LU-1, The proposed project would not physically divide an established community: While the project would not exacerbate the physical divide the project site creates by limiting access from the adjacent community, it also does not take advantage of the opportunity to improve the situation. Providing an internal road from Nobili Avenue to French Street would improve access from the surrounding 5

neighborhoods to the station for all types of transportation uses, including transit, cars, bicycles and pedestrian.

Also, the project is designed with a large footprint effectively spanning the entire site. Land use plans, including the LSAP, calls for large blocks to be broken into 300 foot lengths to allow for pedestrian access throughout the site and the avoidance of large, bulky developments. If the scaled plan on Figure 3.0-2 is accurate, the ground floor development extends over 900 feet across the site. Although this is not dividing an established community, it is preventing the entire site to feel like a part of the existing area since it is designed to look into itself, and not relate as much to the surrounding area. 5

4. 4.11.1 Introduction: The final bullet point on page 4.11-3 asks that a corridor progression analysis be performed on Lawrence Expressway traffic, and the response is that this type of analysis is not typically performed to evaluate the impact of new land use development projects. The City of Sunnyvale has included this type of study of the DEIR for the project known as "Landbank" at North Wolfe Road and Arques Avenue. Use of this technique could better characterize the traffic impacts of the Monticello project in this location. 6

Thank you for the opportunity to review the DEIR for the project. Please contact me at 408 730-7707 or aminer@sunnyvale.ca.gov if you have any questions or concerns about items discussed in this letter.

Sincerely,

Andrew Miner
Principal Planner, Community Development Department

cc: Hanson Hom, CDD Director
Kent Steffens, Director of Public Works
Trudi Ryan, Planning Officer
Jack Witthaus, Transportation and Traffic Manager
Kevin Riley, Santa Clara Director of Planning and Development
Steve Lynch, Santa Clara City Planner

Comment Letter ORG 1

From: Michael & Melissa Kaufman <mjkmkk@comcast.net>
Sent: Sunday, March 16, 2014 10:54 PM
To: Yen Chen
Subject: Re: Monticello/Irvine development

Dear Yen,
Please find below some concerns in response to the Draft EIR for the Monticello development:

1. It is very difficult to tell how the traffic numbers for Nobili Ave are generated for the report. If I understand correctly, the traffic numbers are computed based on a comparison with the traffic that would be present if the current Extreme Networks site were fully utilized - which, of course, it hasn't been for many years. Could we get some additional information from the traffic engineer? For instance, when it is stated that the project will result in 5-10 additional trips on Nobili per hour (averaged over 24 hours, I presume) is it correct that this is a comparison with what would already be on Nobili if the site was currently fully utilized? Is there a way to gauge the increase over the current traffic levels? 1

2. We are very happy to see that the traffic engineer agrees that Nobil should not be used for truck traffic. I could not find any indication of this in the report, but where can one find information about the places where trucks are not allowed to go, both during construction and once the project is open? 2

3. Since the Draft EIR states that the city does not support closing the Nobili entrance to cars, we have another concern. As traffic has increased along Monroe with the improving economy, exiting Nobili to turn west on Monroe has become increasingly hazardous. We are very concerned that the construction-related traffic, especially in the mornings, will make the intersection increasingly hazardous. Although the development plan says that there will be a signal placed at the intersection, it does not say when the signal will be installed. Given the hazardous nature of the current intersection, is there a way to ensure that the signal be installed and made operational at the beginning of project construction? The left turn from Nobili to Monroe is already partially blind due to cars parked at the western corner of the intersection. We are afraid that construction conditions will make this even more hazardous. 3

4. Many people in our group do not find the parking analysis to be credible; there is simply no way to ensure that the planned parking volume will be sufficient for actual rental conditions. Given the very limited parking along Monroe, members of our community fully expect our street to become the de facto overflow/visitor parking for the development. Could the project developers or city staff inform us of what our recourse might be should the northern end of Nobili Ave become a parking lot? The first 100-150 ft of Nobili on both sides of the street are already de facto overflow parking for rentals along Monroe; additional parking volume has the potential to inexorably change the character of our neighborhood. 4

5. Finally, do you know the date of the meeting at which the planning commission will be reviewing the Draft EIR? 5

Thank you,

Michael Kaufman
on behalf of the North Nobili Homeowners Association

1

Comment Letter ORG 2

From: Nicholas Green [nick@rationaldev.org]
Sent: Tuesday, March 11, 2014 9:48 AM
To: Yen Chen
Cc: Nicholas Green
Subject: DEIR challenge - Monticello Village Project; From CARD (Citizens Advocating Rational Development)

Mr. Chen,

These comments are submitted on behalf of CARD (Citizens Advocating Rational Development) in response to the Draft EIR prepared for the "Monticello Village Project" (SCH # 2013102055). Please make sure that our comments are added to the public record.

Additionally, we are requesting a copy of both the final EIR and the Notice of Determination when they are issued.

Please mail hard copies of those documents to the following address:

Nick Green
5626 Jed Smith Rd.
Hidden Hills, CA
91302

Please email electronic copies of the aforementioned documents to nick@rationaldev.org

1

Thank you,

Nick R. Green

Nick R. Green
President & Founder

CARD - Citizens Advocating Rational Development

Phone: +1 818 618 8897
Email: nick@rationaldev.org
Web: *rationaldev.org*

- Working to Solve The Climate Crisis -

Twitter: https://twitter.com/earthneedsusall
Pinterest: http://www.pinterest.com/cardrationaldev

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Yen Han Chen
City of Santa Clara
(408) 615-2450
1500 Warburton Avenue
Santa Clara, CA 95050

Re: **Monticello Village Project**

SCH # - 2013102055

Dear Mr. Chen,

The undersigned represents Citizens Advocating Rational Development ("CARD"), a non-profit corporation dedicated to issues in development and growth.

This letter contains comments on the Draft Environmental Impact Report on the Monticello Village Project, in accordance with CEQA and the Notice of Completion and Availability. Please ensure that these comments are made a part of the public record.

ENERGY

The DEIR does not discuss any requirements that the Project adopt energy saving techniques and fixtures, nor is there any discussion of potential solar energy facilities which could be located on the roofs of the Project. Under current building standards and codes which all jurisdictions have been advised to adopt, discussions of these energy uses are critical; the proposed demolition of four industrial office buildings totaling 275,000 sf in area, and the replacement construction of a new mixed-use development consisting of 825 residential units, and 43,849 sf of retail commercial building area, and 16,688 sf of amenities, will devour copious quantities of electrical energy, as well as other forms of energy. 1

WATER SUPPLY

The EIR (or DEIR – the terms are used interchangeably herein) does not adequately address the issue of water supply, which in California, is a historical environmental problem of major proportions.

What the DEIR fails to do is:

1. Document wholesale water supplies;

2. Document Project demand;

3. Determine reasonably foreseeable development scenarios, both near-term and long-term;

4. Determine the water demands necessary to serve both near-term and long-term development and project build-out.

5. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources; 2

7. Identify the likely yields of future water from the identified sources;

8. Determine cumulative demands on the water supply system;

9. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;

10. Identify the environmental impacts of developing future sources of water; and

11. Identify mitigation measures for any significant environmental impacts of developing future water supplies.

12. Discuss the effect of global warming on water supplies.

There is virtually no information in the DEIR which permits the reader to draw reasonable conclusions regarding the impact of the Project on water supply, either existing or in the future.

For the foregoing reasons, this EIR is fatally flawed.

AIR QUALITY/GREENHOUSE EMISSIONS/CLIMATE CHANGE

The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming.

This portion of the EIR fails for the following reasons:

1. The DEIR does not provide any support or evidence that the Guidelines utilized in the analysis are in fact supported by substantial evidence. References to the work of others is inadequate unless the document explains in sufficient detail the manner and methodology utilized by others.

2. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project's projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project. 3

3. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed adequately.

4. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard.

For the foregoing reasons, the EIR is fatally flawed.

ALTERNATIVE ANALYSIS

The alternative analysis fails in that the entire alternatives-to-the-project section provides no discussion of the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project, nor does it discuss the deleterious effects of failing to update the project upon those same surrounding properties and the land uses which may or have occurred thereon. 4

Thank you for the opportunity to address these factors as they pertain to the referenced DEIR.

Very truly yours,

CITIZENS ADVOCATING RATIONAL DEVELOPMENT

NICK R. Green

President

Comment Letter IND 1

From: Yen Chen <YChen@santaclaraca.gov>
To: 'yiti chi' <chivito2001@yahoo.com>
Sent: Monday, February 3, 2014 4:16 PM
Subject: Monticello Village Project

Hello Yito,

I'm not sure if you are within the 500 ft notice area. The City posted the Notice of Availability for public review of an EIR for the Monticello Village project. Attached is the Notice of Availability. The EIR document is also available online at www.santaclaraca.gov/CEQA.

Yen Han Chen, Associate Planner
(408) 615-2450 / x 2455 direct/vm
ychen@santaclaraca.gov

From: yiti chi [mailto:chivito2001@yahoo.com]
Sent: Sunday, August 18, 2013 7:45 PM
To: Yen Chen
Subject: Monticello Village Project

Dear Yen Han Chen,

I am living close to Lawrence Express way. I noticed that city has a project to build a high density apartment at the north corner of Monroe/Lawrence. I think the density of the apartment building is really too high. Our Santa Clara schools have already been at full capacity, it will be worse when this building is completed. Do you think the total units of this apartment should be cut to half? Even half (400 units) is a lot.

Santa Clara city just has two new high density apartments already (one at the south corner of El Camino Real / Lawrence Express way, and another one is located at the south corner of 237 / Lawrence Express way. Actually there is another small one located at the south side of Caltrain station. Please do not overbuild. City development can not be too quick.

Yito

1

Comment Letter IND 2

From: Curtis Knight <cknight2000@me.com>
Sent: Wednesday, February 12, 2014 8:51 PM
To: Yen Chen
Subject: DEIR Monticello Village

Hi

I would like to comment on the utilities section. Specifically

Utilities and Service Systems

Impact UTL-1

Development of the proposed project would not result in the need for new or expanded water supply entitlements.

Impact UTL-2

Development of the proposed project would not require expansion of the CSC's water delivery system.

Impact UTL-3

Development of the proposed project would not require the construction of new or expanded wastewater treatment facilities.

Impact UTL-4

Development of the proposed project would require the construction of new or expanded wastewater conveyance systems. The construction of new or expanded wastewater conveyance systems would not result in significant environmental effects.

1

I notice these say not significant impact. But I will note that the state is in a drought. People are being asked to cut back. So if we don't have enought water for existing housing in the state and city, how can there be enough for this new development? I do not see that addressed. The state is trying to find new sources of water and groundwater is running out. New pipes are being build. All of which would be used to support this I assume. I feel adding this housing and usage will use more water whose source and distribution is unaccounted for. There should be a source of water identified by the builder or a statement saying the city of santa clara is exempt from current and future water conservation measures. Every shower counts and I assume this housing hows showers that do not exist today. If they would like to mitigate it by removing existing showers in other places that would be addressing the issues.

Thanks for your consideration
Curtis

1

Comment Letter IND 3

From: Kevin Strong <fivestrongs@yahoo.com>
Sent: Tuesday, February 18, 2014 4:36 PM
To: Yen Chen
Subject: Monticello Village

Hello Mr. Chen,

I have been a Santa Clara resident for the past 27 years. I live near Monroe and Lawrence Expressway and just learned about the new Monticello Village project. Although I have always been in favor of new modern projects in our City I am very concerned about this one. Every morning I take Monroe to Lawrence in order to get to 101 north to go to work. Most days it is very difficult to get on to Lawrence at Monroe because the traffic on Lawrence has increased tremendously in recent years thus creating a back up on Monroe. I cannot imagine what it would be like after adding over 800 single family home and retail space on that very corner. I would like to be informed as to when there will be any future meetings where residents can have a voice and learn how traffic will be dealt with. I look forward to your reply. 1

Thank You,

Kevin Strong

1

Comment Letter IND 4

From: Josh Kessler <josh.kessler@gmail.com>
Sent: Sunday, February 23, 2014 12:41 PM
To: Yen Chen
Subject: Monticello Village & traffic patterns

Yen Han Chen -

I live in the neighborhood and attended the open house last week about this project. All my concerns were addressed except one. There was no notices about the increase of traffic on Calabazas Blvd and the recent reduction of traffic capacity by putting in bicycle lane from El Camino Real to Cabrillo Ave.

The former car right of way needs to be restored before the Monticello Village completes. Calabazas Blvd is a direct route to El Camino Real. The frequent traffic jams on Lawrence Expwy and more importantly, Bowers Ave will force more traffic onto Calabazas Blvd. Calabazas Blvd will be more effected than Nobili Ave by the increase in traffic due to its location and path. The single lane configuration until Cabrillo Ave. will so down traffic and could adversely effect traffic into the El Camino Real intersection. 1

Thank you for listening.
-Josh

Joshua Kessler
2602 Monticello Way,
Santa Clara

--
"If you need booze or drugs to enjoy your life to the fullest then you're doing it wrong." - Robin Williams

1

Comment Letter IND 5

February 24, 2014

City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Mayor and Council,

I am a Sunnyvale resident responding to both the EIR document of the Monticello Village project and its impending use permit hearing. The City of Santa Clara has numerous large scale developments which it is placing along its Eastern borders, causing much of the impact to be felt by the residents of Sunnyvale.

Monticello Village's 825 units will impact traffic, water, air quality and your own school enrollments as part of a cumulative effect together with other developments. The EIR document, whether including what is legally required or not, as written, is an inadequate measure of the environmental impact that the project will have on the area. Its effects are not acceptable to me. 1

Any traffic benefits resulting from this type of 'community' or 'node' development in regards to sustainability are largely unproven. It is unknown if a major supermarket will even be on site. Caltrain is currently in an over capacity situation and agreement for its expanded capacity is stalled, which was the impetus for TOD along its route. 2

Even if there is some benefit to the environment from these 'communities' in the form of less damage to our water, air quality transportation, etc., than other types of living, common sense dictates that adding more people to a built out area will create more stress on the infrastructure, not less. I believe that the number of living units is unsustainable and, at the very least, until Caltrain service is improved and there is actual evidence that the traffic effects of the added population is being offset by the usage of mass transit, then the City of Santa Clara would be adding to unsustainability by approving the EIR and the project. 3

You should reject this plan and those like it and not rezone the site upwards. That is true sustainability!

Holly Lofgren

Sunnyvale

cc. City of Santa Clara Planning Division

Comment Letter IND 6

From: jim.schibler@comcast.net [mailto:jim.schibler@comcast.net]
Sent: Tuesday, March 04, 2014 4:56 PM
To: Yen Chen
Cc: hi lauramc
Subject: Comments about Monticello Village Draft EIR (SCH No. 2013102055)

Mr. Chen -

I have reviewed much of the draft EIR for the Monticello Village project (SCH No. 2013102055), and I'd like some comments to be added to the record:

1. The impact study on the Lawrence@Reed/Monroe (Table ES1) lists the current baseline service level as LOS E (79 sec delay). However, the county roads department has shared their own 2013 data that grade that intersection as the worst in the entire expressway system, at LOS F (213 sec delay). The dramatic discrepancy (nearly 3x!) between the draft EIR value and the county's value needs to be reconciled. Given that the intersection is already such a problem, the impact of new traffic loads from the Monticello Village project will be even more serious than the draft EIR indicates. Proceeding with Monticello Village would further increase the urgency of the proposed (but not funded) grade separation project at the intersection. http://www.sccgov.org/sites/rda/plans/Lawrence/Documents/Presentation_PublicMeeting-3_030314.pdf 1

2. The TIA states, on page 4.11-2, "The project will have no impact on Fordham Drive. No traffic will use Fordham Drive. There is no plan to block off Nobili Avenue." While the third sentence may be true, the first two are clearly not true. Even if no barrier is installed to block or partially limit traffic at Nobili Avenue, a project adding 1200-1500 residents at Lawrence/Monroe will most certainly add traffic to all nearby north-south city street routes (Fordham Drive, Calabazas Boulevard, and Nobili Avenue). Some of this traffic will be pass-through, as residents and their guests seek alternate ways to access El Camino Real, and some will be caused by residents seeking access to Machado Park (the public park nearest to the project.) The TIA needs to be updated with a more realistic assessment of the traffic impact that the project will create on Fordham Drive. 2

3. The TIA estimates that cut-through traffic on Nobili Avenue will increase by 13 trips during the a.m. peak period and 27 trips during the p.m. peak period. Those numbers seem rather low for a project that will be adding over 1200 residents, of which a large fraction will be driving; some rationale for those estimates should be provided. 3

4. To address traffic load concerns that have been expressed by Nobili Avenue residents, I would recommend performing an actual survey of current traffic loads at the north end of Nobili Avenue, so that the impact estimates can be better understood in relation to the current loads. The measured data should be included in the final EIR along with the other traffic counts. 4

Please confirm that you have received this e-mail and will include its comments in the EIR document package.

Thanks.

Jim Schibler
Cooper Drive resident

Comment Letter IND 7

From: yiti chi [chiyito2001@yahoo.com]
Sent: Wednesday, March 12, 2014 6:28 PM
To: Yen Chen
Subject: Re: Monticello Village Project

Hi Mr. Chen,

Thank you for forwarding the link. Actually there will be a huge impact on the school, and traffic if this project is approved. I hope city should reconsider this project. At least to reduce the # of unit. The density is too high. Residents in/around this area do not like that high density. 1

Regards,

Yito

From: Yen Chen <YChen@santaclaraca.gov>
To: 'yiti chi' <chiyito2001@yahoo.com>
Sent: Monday, February 3, 2014 4:16 PM
Subject: Monticello Village Project

Hello Yito,

I'm not sure if you are within the 500 ft notice area. The City posted the Notice of Availability for public review of an EIR for the Monticello Village project. Attached is the Notice of Availability. The EIR document is also available online at www.santaclaraca.gov/CEQA.

Yen Han Chen, Associate Planner
(408) 615-2450 / x 2455 direct/vm
ychen@santaclaraca.gov

Comment Letter IND 8

From: Michael Kaufman <mjkmkk@comcast.net>
Sent: Monday, March 17, 2014 11:23 AM
To: Yen Chen
Subject: .... and one more thing!

Hi Yen,
One more concern that we have that we feel should be addressed: with plans moving forward on Lawrence Expressway improvements, there is a likelihood that the neighborhood could be subject to major construction disruptions for 6 or more years (3 years for Monticello, and succeeding years for Lawrence Expy.) Can this be addressed? 1
Thank you,
Michael Kaufman

1

Comment Letter IND 9

From: Shelley Relph <snowflake22@sbcglobal.net>
Sent: Monday, March 17, 2014 1:16 PM
To: YChen@santaclaraca.gov
Cc: snowflake22@sbcglobal.net
Subject: Monticello Village: Comments regarding EIR

Project Title: Monticello Village Project
File: Location: SCH#2013102055, CEQ2013-01150, PLN2013-09665, -09666,-09667
Request: Rezone from Planned Industrial (MP) to -Planned Development (PO) to allow the construction of a mixed use development comprised of 825 dwelling units, 43,849 square feet of retail and 16,392 square feet of amenities.

City of Santa Clara Planning Division,

I've been to meetings related to the Monticello Village Project, the Lawrence Expressway improvement project, and the Lawrence Station project.

The last meeting for the Lawrence Expressway improvement project was a couple of weeks ago. During the Q&A someone asked, 'if there was funding tomorrow, how long would the project take'. The response was that it would take 2 – 3 years to finalize the plans and complete the EIR and then 3 – 5 years for construction. In response to a question regarding including any intersections south of Monroe/Reed and Lawrence Expressway, the response was that there would be another opportunity for discussion of the improvement project in 8, 12, or however many years when there is funding for the project. At a prior meeting I was at last summer when asked about the timing, the presenter indicated it would not be something she would be working on; it would be something her children's generation might be working on. (I would say the presenter was in her 40's). 1

So having attended the Lawrence Expressway improvement meeting, it sounds to me like the Lawrence Expressway improvement project is not going to be a reality for at least 15 years.

While I understand and agree with the desire to rezone the area around the Lawrence Caltrain Station for the long term, given the above information and having read the EIR report, it seems that it would be better for the timing of a project similar to the Monticello Village Project at the Extreme Networks site to coincide with the timing of the Lawrence Expressway improvement project. As the EIR indicates, *"existing buildings are in good condition and usable with minimal to no interior modifications"*. The Irvine Company hosted two meetings in the cafeteria area of the Extreme Networks site and the buildings seem to be in good shape. Building the Monticello Village project on the Extreme Network site at this time, would mean that by the time the infrastructure is in place to support the traffic impact, the units will be 15 – 20 years old, at a time when people may be more interested in living in a newer development. 2

One point I did not see mentioned in the traffic impact of the EIR, is that with the current MP zoning and usage, the traffic impact is mostly 8:00 a.m. – 5:00 p.m. Monday-Friday. The neighborhood (especially south of the project off Nobili) is largely single family and the majority of the residence are at work during this time. There is currently no traffic generated by the usage of the site during the evening/nighttime hours or on weekends. 3

In the EIR report, Alternative #5 for building the project at the Moonlite Shopping Center site at El Camino and Kiely seems like a more suitable location at this time. From the EIR Report: *"Based on the analysis above, Alternative 5, Alternate Location Alternative, is determined to be the environmentally superior alternative. Alternative 5 would avoid the significant traffic impacts of the proposed project at two intersections along Lawrence Expressway and the proposed project's impacts related to hazards and hazardous materials and hydrology. This alternative would also reduce the potentially significant impacts identified for the proposed project related to air quality, public services, and biological resources. Additionally, this alternative* 4

1

would further reduce the magnitude of the less than significant impact identified for the proposed project related to GHG emissions. For these reasons, Alternative 5 is the environmentally superior alternative" 4

Regarding the proposed Monticello Village project, the following statements were contained in the EIR:

"Bicyclists would be able to go from Cabrillo Avenue to northbound on Nobili Avenue, cross Monroe Street at the new signalized intersection, proceed along the bike lanes on Monroe Street to French Street and then to the Caltrain station."

"Eventually, the City plans to prohibit parking on the south side of Monroe Street to accommodate bicycles in the eastbound direction of Monroe Street."

The reality is, especially on nights and weekends, Nobili between Monroe and Norte Dame typically has parked cars on both sides of the street. Nobili is a relatively narrow street (not like Calabasas). Also, while the planning commission may look at a city map and see that there is not parking permitted on the east side of Nobili near Monroe in front of what I believe is a six-plex, the reality is that cars have parked in the no parking zone for years; taking this parking away will force cars further down Nobili (across Notre Dame) or onto Notre Dame. Encouraging Nobili as a bicycle route seems rather dangerous to me. Calabasas, a much wider street, which already has bike lanes on part of the street would seem like a better place to encourage bicyclists. 5

If parking is taken away from the south side of Monroe street I'm not sure where the cars from all the 6 – 8 plex's on Monroe will park.

Today, the main entrance to the Business Park is the western entrance closer to Lawrence Expressway. The entrance across from Nobili was typically only used by deliver trucks (UPS, FedEx, etc.). One thing I would like to clarify in the EIR is that the suggestion was not to block all traffic southbound from Monroe onto Nobili, the suggestion was that if a traffic light must go at Monroe and Nobili, to not allow traffic from the Monticello development to be able to drive straight across to Nobili. I actually would like to see a mid street main entrance to the development that would result in a traffic light perhaps in front of the church. This would be similar to the traffic light on El Camino near Lawrence into the shopping center where Chili's is. The anchor tenant of the proposed retail is a grocery store which is planned for the corner of Monroe and French. It would seem to me that it would be better to have the main entrance closer to the anchor tenant rather than at the opposite end of the retail center. 6

Also, I did not notice anything in the EIR or the appendices that indicated the existing traffic volume on Nobili. It would be good to have this information for future comparisons. 7

One other comment, while it is great to indicate that commuting on Caltrain will be encouraged, I think the practically needs to be considered. For example, I work in Sunnyvale at Central and Mary. There's a lot of development going on it that area including a large LinkedIn development and several other projects are underway. If I were to take Caltrain to work, I guess I would get off at the Sunnyvale station; however, then what? I'm still a mile and a half or so from Central and Mary. It's great to say that taking the train will be encouraged, but until there is the infrastructure (bus/light rail, etc.) to actually get people to where they want to go efficiently, I'm going to driving my car. 8

In summary, timing is everything; whether it's running for office, building a new stadium, or rezoning a parcel to build a mixed use development. This is not the time and and place for the proposed Monticello development. Let's get the infrastructure funded (Lawrence Expressway improvement project) and then discuss building a mixed use development at the Extreme Networks site.

Regards,

Shelley Relph

2

Comment Letter IND 10

From: Nichole S <nic_newlife@yahoo.com>
Sent: Monday, March 17, 2014 4:32 PM
To: ychen@santaclaraca.gov
Subject: Monticello Development EIR

Hi,

i would like to suggest that a center median be provided along Monroe St, from Lawrence Expressway to the proposed signalized intersection with Nobili Ave.

there are several driveways(7/11, church & townhouses) + Pacific Drive that allows left turns in/out under exisiting conditions. with the increase in traffic over time, it is already quite a challenge nowadays, especially during peak hours, to execute the left-turn movements from these driveways + Pacific Dr onto Monroe towards Lawrence Expressway. there are many instances of near misses as impatient left-turn drivers from these driveways (7/11 in particular) dashed out between gaps of on-coming vehicles along westbound monroe. 1

Given the proposed additional lane and higher traffic volume in the future, such task would become even more difficult and danagerous (having to go across up to 5 lanes).

it is therefore safer to make these driveways + Pacific Dr 'right-turn' only by providing the center median. however, in order to maintain accessibility for these driveways + Pacific Dr, eastbound U-turn at the proposed signalized intersection of Nobili/Monroe and westbound u-turn at the intersection of Lawrence/Monroe must be allowed. this will make it safer for drivers coming out (particularly).

i am one of the residents along Monroe between Lawrence and Nobili. while my suggestion will mean some added inconvenience and slightly longer travel time (having to wait for light at the intersections), it is a safer arrangement.

i would greatly appreicate it if my suggestion would be considered and evaluated. thak you.

Nichole Seow
408-657-6599

1

APPENDIX B

Revised Parking Evaluation

Monticello Village Parking Evaluation

City of Santa Clara, California

April 1, 2014

Prepared for:

Irvine Company Apartment Communities
690 N. McCarthy Blvd. Suite 100
Milpitas, CA 95035

Prepared by:

Pirzadeh & Associates, Inc.
30 Executive Park, Suite 270
Irvine, CA 92614

Monticello Village Parking Evaluation

This report is prepared by:

Peter K. Pirzadeh, P.E.
Fellow, Institute of Transportation Engineers

Monticello Village Parking Evaluation

Introduction

The purpose of this report is to review the land use and parking features of the proposed project and to assess the adequacy of on-site parking supply to meet expected demand. The report evaluates the project's conformity with the City's General Plan goals and policies and the Zoning Code requirements regarding parking and provides recommended parking standards for the project as a proposed Planned Development.

Project Description

The proposed project is an infill, transit-oriented, mixed-use residential development that would consist of 825 apartment units and approximately 43,849 gross square feet of retail space, including a 5,890 square foot restaurant with a 50-seat exclusive use outdoor patio.

The project is located in close proximity to transit services, including the Caltrain Lawrence Station, which is less than 700 feet from the project site, and key arterial facilities which are served by various transit routes provided by Santa Clara Valley Transit Authority. Pedestrian linkage to nearby transit facilities (i.e., Caltrain Lawrence Station and bus stops) and bikeway connections are provided on site to further promote alternative means of transportation for the apartment resident, retail center employees and all visitors to the site.

The proposed project includes a surface parking lot and a two level parking garage constructed below the apartment building podium that would provide a total of 1,748 parking spaces. The proposed project also includes 275 Class I bicycle lockers and 55 Class II bicycle racks, two parking spaces for shared vehicle rental and four spaces for van-carpools, two fully wired electric vehicle charging stations, 33 pre-wired electric vehicle charging stations, and a "Travel Green" incentive program that includes a discounted Caltrain Go Pass/VTA Eco pass or equivalent for residents at move in.

Development Features

Apartment Units and Amenities

The proposed project would develop a total of 825 apartment units, including of seven (7) studios, 439 one (1) bedroom units, and 379 two (2) bedroom units. On-site amenity space includes 16,392 square feet of fitness facilities, a business center, an internet café, club rooms, swimming pools, spas, outdoor entertainment areas and a 4,303 square foot leasing office.

A total of 1,528 parking spaces would be provided for the residential portion of the project in the structured parking garage to serve residents, guests and visitors to the leasing center. The parking stalls are allocated to each unit based on number of bedrooms and will include assigned and open use spaces.

Retail/Restaurant

The proposed project would include 43,849 gross square feet of retail and restaurant uses located at street level along the Monroe Street frontage to allow for easy pedestrian access. Uses would include a grocery store, personal services such as drycleaners, financial office, coffee shop, quick serve food, and a 5,890 square foot restaurant with a 1,900, sf, 50-seat patio would be located in a free standing building within the surface parking lot. The retail element of the project is smaller than a typical neighborhood center and can be characterized as a specialty center providing services mainly to the adjacent community and residences. This type of retail center has a high drive-by capture rate since area residents would typically utilize the center while driving to and from other destinations. Additionally, many visitors/shoppers are also expected to walk or bike to the center.

A total of 235 retail/restaurant parking spaces are provided for the retail portion of the project. Of the 235, 100 would be provided in the surface lot in front of the stores, and 135 spaces would be provided in the upper parking garage.

Outdoor Common Seating Area

Several outdoor seating areas would be developed along the Monroe Street frontage of the proposed project. Likely locations of these outdoor seating areas are neat the grocery store, adjacent to the retail spaces, as well as near the leasing office. These outdoor seating spaces enhance and accommodate interaction between the residential and retail parts of the community, and walkability to the Center from adjacent neighborhood thus reducing trip generation and parking demand. In addition to the 50-seat patio exclusive to the restaurant, approximately 125 common area seats are planned in various locations within the retail element of the project. The common area seating is not a parking demand generator and rather encourages walking and bicycling to the project site. The seats are not assigned to any retail spaces and are available for the enjoyment of residents and visitors to the project site.

City of Santa Clara Parking Requirements

Local agencies adopt parking requirements as part of their Municipal Code and development standards. These rates are typically based on rates established and being utilized by other neighboring jurisdictions or based on actual parking surveys for special land uses. Regional Planning Agencies and national professional organizations, such as Urban Land Institute (ULI) and Institute of Transportation Engineers (ITE) also publish recommended parking rates for variety of land uses. ULI and ITE have also developed methodologies and databases for mixed-use type land uses. Additionally, certain reduction factors are identified for parking demand at projects with unique characteristics, such as close proximity to transit facilities or in areas with active pedestrian or bike facilities. The City of Santa Clara has adopted policies in its General Plan which are consistent with these transportation planning principles.

General Plan Parking Polices

The following two General Plan policies encourage transit use, and require new develop to incorporate reduced onsite parking:

> General Plan Policy 5.3.2-P21 - Encourage new housing developments to incorporate design features, programs and incentives for increased transit ridership and decreased parking demand.
>
> General Plan Policy 5.8.3-P9 – Require new development to incorporate reduced onsite parking and provide enhanced amenities, such as pedestrian links, benches and lighting, in order to encourage transit use and increase access to transit services.

Zoning Code Parking Requirements

Planned Development District Requirements

The proposed project site is proposed to be re-zoned to Planned Development pursuant to Zoning Code Section 18.54.060. Pursuant to Zoning Code Section 18.54.060(b)(5), the project can establish its own parking requirements to meet demand based on its location, development features, and to further alternative means of transportation. Therefore, project-specific features, location and proximity to transit and services, as well as established parking requirements for similar projects should be used as a guide to develop appropriate parking requirements for a Planned Development project.

Multi-Family Residential Requirements

It is our understanding from City Planning staff that, for multi-family residential projects the City has historically applied the parking standards in the Medium-Density Multiple-Density Zoning District which requires two off-street parking spaces (one covered and one uncovered) for each dwelling unit regardless of bedroom count. Zoning Code §18.20.15. Using this standard, 825 residential units would require 1,650 parking spaces, 825 of which must be covered.

The City's Zoning Code has also established parking requirements for multifamily units in Mixed Use Combining Zoning Districts and Transit-Oriented Mixed Use Combining Zoning Districts, which are both based on the number of bedrooms in each unit (1 space per Studio, 1.5 spaces for one-bedroom, 2 spaces per two-plus bedrooms). Zoning Code §§18.22.040(j); 18.22.140(j). The application of these parking rates to the proposed project would result in a total parking requirement of 1,425 spaces for the residential units in the proposed project.

"Mixed use development, located near transit, and transportation demand management (TDM) can accommodate reduced parking because increased transit capacity and mixed uses can reduce vehicle trips and vehicle demand per household or by land use." Zoning Code §18.22.040. As a mixed use, multi-family apartment project, these parking standards are generally more appropriate to provide the standard for the residential units in the proposed Planned Development project than the Medium Density Residential standards.

Visitor Parking Requirements

Visitor parking is not expressly required in the Mixed Use Combining, Zoning Transit-Oriented Mixed Use Combining, or Medium-Density Multiple-Density Zoning Districts. We understand from City Planning staff that the City has historically required at least ten percent of the required to be assigned to visitors for multifamily residential projects. See e.g. Zoning Code §18.54.080(a)(2) for community ownership projects. The application of this parking rate to the proposed project would result in a total parking requirement of 83 spaces for the visitors to the residential units in the proposed project.

Leasing Office Requirements

The Zoning Code does not include specific parking requirements for a leasing office that is part of a multi-family residential development. The parking demand associated with the leasing office for residential projects is included in the parking rates established for the residential units within the project.

Retail and Restaurant Requirements

For retail uses, Zoning Code Section 18.74.020(r)(3) requires five (5) parking spaces per 1,000 gross square feet. For indoor restaurant uses, Zoning Code Section 18.74.020(r)(2) requires one space for each two hundred (200) square feet of gross floor area or one space for each three seats, whichever is greater.

37,959 gross square feet of retail would require 190 parking spaces. 5,890 gross square feet of indoor restaurant uses would require 30 parking spaces. The specific number of seats is not known at this time.

Although the City of Santa Clara does not have a specific parking code requirement for outdoor patios for restaurants, applying Zoning Code Section 18.74(r)2), would require one space for each two hundred (200) square feet of gross floor area or one space for each three seats, whichever is greater. Based on this requirement, the 1900, sf, 50-seat patio planned exclusively for the restaurant would require 17 parking spaces, calculated for number of seats, or 10 parking spaces when using the square footage of the patio area.

Parking Provided in the Proposed Project

Because the proposed project is mixed use, is located near transit, and will have a TDM program, its parking demand will be lower than that for used for typical multi-family residential developments in the Medium Density Multi-Family Zoning District. The required parking rates are therefore are modeled after the Mixed Use Combining Zoning District parking requirements and are based on number of bedrooms per unit for the residential component of the proposed project. Additional parking spaces for visitors and amenities are provided, as described below.

The project proposes to implement an on-going on-site parking management program, including daily and night time monitoring of the parking facilities will ensure compliance with the project parking regulations. Additionally, the monitoring program will prevent the use of the surface parking lot and the visitor spaces in the parking garage for potential "park-n-ride" purposes.

Table 1 on the following page provides a summary of the parking standards for the proposed project as compared to the standard rate used in the Medium Density Multi-Family Zoning District. An explanation of the requirements for each parking type follows Table 1.

Table 1. Monticello Village Parking Standards.

Use	Proposed Rate	*Standard Rate*	# units/ estimated sf	Proposed Parking	*Standard parking*
Multi-family mixed use Residential[1]					
Studio	**1.0**	*2.0*	**7**	**7**	*14*
One-Bedroom	**1.5**	*2.0*	**439**	**659**	*878*
Two-Bedroom	**2.0**	*2.0*	**379**	**758**	*758*
Visitor	**0.1/total**	*0.1/total*	**825**	**83**	*83*
Retail	**5/1000**	*5/1000*	**37959**	**190**	*190*
Restaurant - Indoor	**5/1000**	*Greater of 5/1000 or 1/3 seats*	**5,890**	**30**	*30*
Restaurant – Exclusive Outdoor Patio	**1/3.5**[3] **seats**	*1/3 seats*	**1,900 sf/ 50 seats**	**15**	*17*
Leasing	**n/a**[2]	*n/a*	**4,303**	**n/a**	*n/a*
TOTAL (includes 6 carpool/Vanpool/Car Share spaces in proposed project)				**1,742**	***1,970***

[1] Standard rate based on Medium Density Residential, one covered, one uncovered.
[2] Included in Multi-family parking rates.
3 Reduced due to TOD/mixed use nature of the project.

Proposed Multi-Family Residential Parking

Parking for the multi-family residential development would be provided in the parking garage at a rate of 1.0 parking space per studio unit, 1.5 parking spaces per one-bedroom unit, and 2.0 parking spaces per two bedroom unit.

This mixed-use project is located close in proximity to transit facilities. The project site is located two blocks away from the Caltrain Lawrence Station at 1001 Railroad Avenue. In addition to Caltrain, Altamont Commuter Express, Amtrak, VTA, and Airport Flyer provide transit services to and from this station. The project's proposed pedestrian pathways and street frontage sidewalks provide easy and convenient means of access to and from this transit station. Additionally, on- site bike lockers are provided for residents and employees to further facilitate and encourage alternative means of transportation.

These project features and the interaction between the on-site residential and retail uses will result in overall reduction of parking demand at this site.

The proposed project provides parking for the multifamily units in accordance with the appropriate City's Zoning Code requirements for mixed-use projects, with additional parking spaces for visitors and its leasing office. Also, the common area seating is provided as an amenity for the residents and visitors and since no services will be offered at these seating locations no additional parking demand will be generated by this element of the project.

Proposed Visitor and Carpool/Vanpool/Car Share Parking

Visitor parking would be provided in the garage at a rate of 0.1 space per unit for a total of 83 spaces. This is consistent with the Zoning Code. An additional 6 parking spaces would be provided for Carpool/Vanpool/Car Share Parking.

Proposed Leasing Office Parking

The parking demand associated with the leasing office for residential projects is included in the parking rates established for the residential units within the project so no additional parking spaces are proposed.

Proposed Retail/Restaurant Parking

The surface parking lot would provide 100 parking spaces in front of the stores, and 135 spaces additional spaces would be provided in the upper parking garage.

Parking for the retail would be provided at a ratio of five (5) spaces per 1000 gross square feet. The indoor restaurant use would be provided at a ratio of (5) spaces per 1000, regardless of the number of seats proposed in the future restaurant. The outdoor exclusive use patio for the restaurant would be provided at 1 space per 3.5 seats.

No reduction factor has been applied to the retail parking even though a 30 percent internal capture is supported by the ITE Trip Generation Manual. The parking rate and resulting parking allocation for the proposed retail/restaurant uses will therefore accommodate any demand associated with the exclusive outdoor patio area for the restaurant.

As previously stated, the City's Zoning Code confirms that Mixed Use development projects located near transit can accommodate reduced parking due to reduced vehicle trips. ITE Trip Generation Manual (9th Edition) provides a recommended range of 34% to 54% for level of internal capture within multi-use developments related to trips being originated from residential to retail. Therefore, it is reasonable to assume that at least 30 percent of the retail/restaurant parking will be already accommodated by the parking that is provided for the residents of the project since they would walk to the restaurant. Since the proposed project is providing 235 parking spaces for the retail/restaurant uses in

accordance with the City's code and without any discount (up to 66 spaces based on a 30 percent internal capture) for the mixed use feature of the project, the slightly reduced restaurant patio parking demand can be accommodated by the parking already provided for the retail/restaurant uses within the project site.

Conclusions

The proposed Monticello Village development of 825 apartment homes and a 43,849 square foot-retail center, including a 5,890 square foot restaurant with a 1,900, sf 50-seat exclusive outdoor patio, is a mixed-use type development with close proximity to transit facilities and development features that would promote alternative means of transportation. The proposed project is consistent with General Plan Policy 5.8.3-P9 because it is a new development that incorporates reduced onsite parking and provides enhanced amenities, such as pedestrian links, outdoor seating areas, encourages transit use and increase access to transit services.

The project is expected to have lower traffic generation and parking demand characteristics when compared to stand alone Medium Density Multi-Family and Commercial Retail projects. The project has been parked based on parking rate requirements established by the City for more applicable mixed-use type projects. Furthermore, additional visitor, carpool, vanpool and Zip Car parking spaces have been provided on-site. These features and the on-site parking management/monitoring plan will ensure that the project's parking demand will be accommodated on-site without adverse impact on adjacent streets.

The ongoing on-site parking management program that includes daily and night time monitoring of the parking facilities will ensure compliance with the project parking regulations. These measures, coupled with the fact that some retail businesses and the leasing office will be closed in the evenings, will ensure that ample and convenient parking spaces will always available for the visitors to the project site. Furthermore, should future conditions show any on-site parking problems and/or over flow parking in the adjacent neighborhoods a parking management plan, which could include providing additional parking spaces, will be developed to address these problems

As proposed, the project will provide adequate on-site parking supply to meet demand while incorporating features to achieve the City's General Plan goals and policies for reducing parking demand and supply and to promote the use of alternative means of transportation

Monticello Village Final Environmental Impact Report

SCH No. 2013102055

ERRATA

The total number of parking spaces for the Monticello Village project was erroneously reported as 1,742 spaces in the Final EIR. The total parking spaces proposed as part of the project is 1,748 spaces, which was also the number reported and analyzed in the Draft EIR. The Final EIR Chapter 3, Errata, has been corrected for this error. The revisions are shown below with double strikethrough (~~strikethrough~~) text indicating deletions of the Final EIR text and double underlined (underlined) text indicating additions to the Final EIR text. These changes do not change any of the impact analysis or conclusions in the Final EIR.

The following text, which appears on Final EIR page 3.0-2, is revised as shown below:

Table 3.0-3, Proposed Parking and **Figure 3.0-8** shows the number of parking spaces and configuration of parking proposed at the project site. Resident parking would be provided in the two-level garage at a rate of 1.0 parking space per studio unit, 1.5 parking spaces per one-bedroom dwelling unit, and 2.0 parking spaces per two-bedroom dwelling unit. Visitor parking would be provided in the garage at a rate of 10 percent of total residential parking ~~0.1 space per dwelling unit~~. Retail parking would be provided both in the upper level garage and in the surface lot at a rate of five spaces per 1,000 gsf of retail space, and restaurant parking would be provided at five spaces per 1,000 gsf of indoor restaurant space and one parking space per 3.5 outdoor patio seats. ~~and~~ Leasing office parking ~~would be provided at the rate of five spaces per 1,000 gsf of space~~ is included in the residential parking rates.

The two-level parking garage would be located below the building podium and would provide parking for the residential units, visitors, and overflow for the retail space. The 339,243-gsf upper garage would be located entirely above grade and the 416,159-gsf lower garage would be constructed primarily below grade. The total garage area would be 755,402 gsf. The two-level parking garage and surface parking lot would provide a total of ~~1,748~~~~1,742~~1,748 parking spaces, including 1,424 spaces for residential units, 83 spaces for visitors, ~~six shared vehicle rental and carpool spaces, 15 spaces for leasing,~~ six carpool/vanpool/car share spaces, 45 spaces for the restaurant, and ~~220~~190 spaces for retail uses. ~~Six carpool/vanpool/car share spaces are included in the total parking provided~~. The proposed project includes two fully wired electric-vehicle charging stations on the surface parking lot one of which would be Americans with Disabilities Act (ADA) compliant, and 33 pre-wired electric vehicle charging stations in the parking garage.

Figure 3.0-8 Parking Plan, which appears on page 3.0-3 of the Final EIR, has been revised and the corrected figure is attached.

Table 3.0-3, which appears on page 3.0-4 of the Final EIR, is revised as shown below.

Table 3.0-3
Proposed Parking (Garage and Surface)

Parking Type	Number of Units/Estimated Square Feet	Proposed Rate	Proposed Parking[1]	~~Proposed Parking by Type~~ ~~Standard~~	~~Handicapped~~	~~Total~~
Residential				~~1,407~~	~~17~~	~~1,424~~
Studio	7	1.0	7			
One-Bedroom	439	1.5	659	--	--	--
Two-Bedroom	379	2.0	758	--	--	--
Visitor	--	0.1	83	~~78~~	~~5~~	~~83~~
~~Carpool/Vanpool/Car Share~~	~~--~~	~~NA~~	~~6~~	~~6~~	~~-~~	~~6~~
Retail	37,959	5/1,000 sf	~~220~~190	~~209~~	~~11~~	~~220~~
Carpool/Vanpool/Car Share	-	NA	6			
Restaurant – Indoor	5,890	5/1000 sf	30			
Restaurant – Exclusive Outdoor Patio	1,900 sf/50 seats	1/3.5 seats	15			
Leasing	--	~~5/1,000 sf~~ n/a[2] 1	~~15~~ n/a	~~13~~	~~2~~	~~15~~
TOTAL	~~825~~	--	~~1,748~~~~1,742~~1,748	~~1,715~~	~~34~~	~~1,748~~

Source: Irvine Company, 2013
sf = square feet.
~~[1] Six carpool/vanpool/car share spaces are included in the total parking provided.~~
~~[2]~~ [1] *Included in residential parking rates.*

The following text, which appears on page 3.0-5 of the Final EIR, is revised as shown.

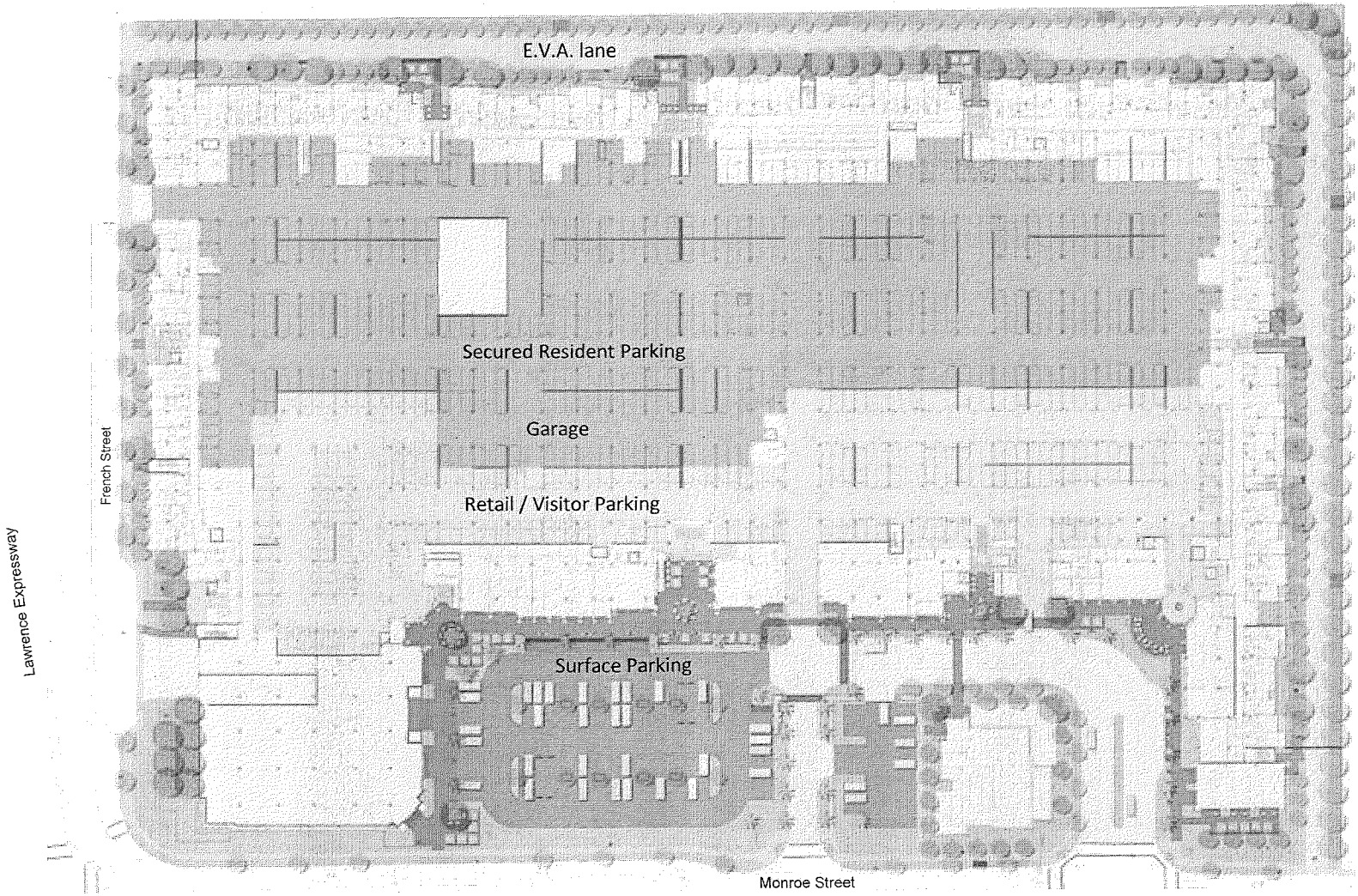
Impact TRANS-5: Development of the proposed project would not result in inadequate parking. (*Less than Significant*)

As discussed in **Chapter 3.0, Project Description**, a two-level parking garage and a surface parking lot are included in the proposed project that would provide a total of ~~1,748~~~~1,742~~1,748 parking spaces, including 1,424 spaces for residential units, 83 spaces for visitors, ~~six shared vehicle rental and carpool spaces,~~ six carpool/vanpool/car share spaces, and ~~220~~ 235 spaces for retail and restaurant uses. Parking for the leasing office is included within the residential parking rates~~ and six carpool/vanpool/car share spaces are included in the project's total parking~~. Resident parking would be provided at a rate of 1.0 parking space per studio unit, 1.5 parking spaces per one-bedroom dwelling unit, and 2.0 parking spaces per two-bedroom dwelling unit. Retail parking would be provided both in the upper level garage and in the surface lot at a rate of five spaces per 1,000 gsf of retail space, and restaurant parking would be provided at five spaces per 1,000 gsf of indoor restaurant space and one parking space per 3.5 outdoor patio seats. ~~and leasing office parking would be provided at the rate of five spaces per 1,000 gsf of space~~.

Of the retail parking, 100 spaces would be provided in the surface parking lot and ~~120~~135 spaces would be provided in the upper parking garage.

The following text, which appears on page 3.0-7 of the Final EIR, is revised as shown.

With respect to residential parking, based on the Medium Density Multiple-Dwelling zoning requirements, the project would need to provide 1,650 parking spaces of which 825 must be covered. Based on the parking requirements for multifamily units in Mixed Use Zoning Districts, the project would need to provide 1,425 spaces (applicable accessible parking spaces are included in both totals). The proposed project plans to provide ~~1,528~~1,424 parking spaces to serve the residential component of the project and an additional six parking spaces for carpool/vanpool/car share. Visitor parking would be provided in the garage at a rate of 10 percent of total residential parking for a total of 83 spaces~~including six spaces for car pool/van pool and Zip Cars~~. The parking demand associated with the leasing office for residential projects is included in the parking rates established for the residential units within the project ~~and carpool/vanpool/car share spaces are included in the project totals~~. Although the residential element of the project is subject to the City's Medium-Density Multiple-Dwelling Zoning District requirements, as a Planned Development (PD), the project is proposed to establish parking that would meet demand based on its location, development features and to further alternative means of transportation in accordance with the General Plan policies stated above. In addition, the proposed development with its mixed-use land use elements meets the project features and the intent of the Zoning Code Development Standards Section 18.22.040 for reduced parking requirements, as well as the lower parking requirements of the Mixed Use Zoning Districts.



Retail (Surface) Parking
- 100 Spaces

Overflow Retail Parking (Upper Garage Level)
- ~~120 Spaces~~ 135 Spaces
Visitor Parking
- 83 Spaces
~~Leasing Parking~~
~~-15 Spaces~~

Resident Parking
- 1,42~~30~~ Spaces (including lower garage level - not shown)

~~Retail: 5/1000 S.F.~~
~~Residential: 1 / 1.85~~
Total parking: ~~1,742~~1,748

NOT TO SCALE

SOURCE: EPT Design, December 2013

FIGURE **3.0-8**

Parking Plan

1176.001•04/14

Draft Planning Commission Minutes of April 16, 2014

8.A.	**File No.(s):**	**PLN2013-09665, PLN2013-09666, PLN2013-09667 and CEQ2013-01150**
	Location:	3515-3585 Monroe Street, single parcel totaling 116.11 acres located at the northeast corner of French Street and Monroe Street (APN: 216-25-006)
	Applicant/Owner:	Carlene Matchniff, The Irvine Company
	Request:	**Rezone** from Planned Industrial (MP) to Planned Development (PD), and **Vesting Tentative Parcel Map** creating two lots to allow the construction of a mixed use development comprised of 825 apartments, 43,849 square feet of retail and 16,392 square feet of amenities; Adoption of EIR and Statement of Overriding Consideration
	CEQA Determination:	Environmental Impact Report
	Project Planner:	Yen Chen, Associate Planner
	Staff Recommendation:	**Recommend City Council Approval, subject to conditions**

Notice: The notice of public hearing for Item 8.A. was posted and mailed to property owners within 500 feet of the project site.

Discussion: Steve Lynch gave a brief presentation on the project.

The Commission inquired about condition P2 that directs the architectural review to be completed by the Director of Planning and Inspection rather than the Architectural Review Committee. It was explained that the applicant worked closely with staff to develop the plans as presented and that the project is ready for construction with the hope for an expedited timeline.

The Commission discussed the density allowed by the General Plan, noting that the project is using a density bonus for proximity to public transportation. The Commission also noted that the commercial component of the development it roughly 41 percent of what is required for the land use designation. It was explained that the applicant believed the project's percentage for the retail component was set too high as the retail will not have a regional draw and likely only serve the local neighborhood.

The Commission noted that the Environmental Impact Report (EIR) comment period had not closed. Staff confirmed that the comment period will close prior to the City Council hearing and that all comments received will be considered.

The Commission inquired about the required park and/or open space. Staff noted that the project provides open space and is also providing funding towards the City's park programs.

Commissioner Kelly arrived at 7:20 and joined the Public Hearing.

The Commission inquired about the planned improvements to Lawrence Expressway and the fair share contributions the project would provide. Staff noted that fair share contributions are calculated by projected trip generation counts.

Carlene Matchniff, Vice President of Apartment Development with The Irvine Company, gave a

presentation on the project highlighting its sustainability, onsite retail, dining, and recreation facilities. Ms. Matchniff introduced Ken Nilmeier, project architect. Mr. Nilmeier highlighted the project's proximity to public transportation and major thoroughfares, layout of buildings and walkways, and parking. Mr. Nilmeier noted that the Planned Development zoning designation allowed a comprehensive design that maximizes the both aesthetic and functional aspects of the project.

The Commission inquired about the electric vehicle charging stations and it was confirmed that roughly four percent (4%) of the project's parking provides electric vehicle charging stations and that the project will be designed in such a way to have additional charging stations available to be installed if the demand increases in the future. The Commission also inquired about the car share parking spaces to which the applicant responded that the car share concept is relatively new and the number of parking spaces can be increased or decreased according to the success of the program.

The Public Hearing was opened.

Steve Van Dorn, President and CEO of the Santa Clara Chamber of Commerce and Convention-Visitor's Bureau, stated that the Industrial, Commercial & Economic Development Committee looked at and enthusiastically supports the project. Mr. Van Dorn added that the rental market does not have enough housing inventory and that this project is good for the economy. Mr. Van Dorn noted that The Irvine Company is a quality developer and property manager.

Shiloh Ballard, Silicon Valley Leadership Group, echoed Mr. Van Dorn's comments and gave support for the project. Ms. Ballard stated that housing is necessary to do business in Silicon Valley and that the Great Communities Collaborative (GCC) agrees that this location is ideal for this type of proposal.

A neighboring resident inquired about the impact the project would have on property values and if there were any plans to improve existing developments on the other side of Lawrence Expressway.

David Cement, neighboring resident, expressed a number of concerns including the safety of the neighborhood and CalTrain station, proximity of the parking structure to existing residences, number of electric vehicle charging stations, lack of solar panels, and availability of car share parking spaces to the general public. Mr. Cement expressed his overall support for the project and thanked The Irvine Company for maintaining open communication.

Shelley Relph, neighboring resident, expressed concern regarding the project's main vehicular entrance and the impacts it would have on the intersection of Nobili and Monroe.

Michael Kauffman, neighboring resident, expressed appreciation for the amenities that would serve the surrounding neighborhoods. Mr. Kauffman then expressed concern for additional traffic, parking, and noise impacts associated with the project. Mr. Kauffman added that he would like to see the car share program expanded to be available for the existing residential area, not just the new development.

Austin Robinson, neighboring resident, stated that he is supportive of the project and trusts the City and the developer to build a quality project that benefits the entire region and not just its own future residents.

In a rebuttal statement, Jon Paynter, Vice President of Development with The Irvine Company, commented that The Irvine Company has been working closely with City and County staff to optimize the improvements to Lawrence Expressway. Mr. Paynter noted that the car share parking spaces are within public access for general public use; the trees being planted along the back of the property will be as tall allowed by the height limitations of Silicon Valley Power to increase privacy; there is an existing condition of approval that prohibits construction traffic on Nobili Avenue; and that the additional through-lane on Monroe to Lawrence will help traffic, along with a dedicated right turn lane and six-foot bike path.

The Public Hearing was closed.

The Commission inquired about the findings of the traffic study. Gary Black, Hexagon Transportation Consultants, stated that the traffic study is an assessment of existing conditions which also then accounts for the project being considered along with other approved, but not yet constructed, projects. The assessment provides data that is used to make final conclusions that are included in the traffic study. Mr. Black noted that the EIR identifies a significant impact at the Lawrence and Monroe intersection and that while the applicant is making improvements to the smaller roads, the County is ultimately responsible for the grading project at Lawrence Expressway. Mr. Black added that the lane added to Monroe helps lessen vehicle queuing and that the right-hand turn lane will provide a green turn arrow to encourage safe and efficient traffic flow. The County is also implementing pedestrian crossing improvements to Lawrence Expressway. Mr. Black commented that while traffic conditions are constantly changing, people tend to alter their commuting habits to compensate for additional traffic.

The Commission noted that the level of service (LOS) for the intersection is already operating on the lowest level and that the project will intensify the existing conditions. The Commission commented that the grading system used to assess traffic does not have classifications below "F" to represent additional impacts to the intersection.

The Commission noted that CalTrain is running at full capacity, however, the system is being upgraded and CalTrain expects to be able to offer a large increase to its capacity.

The Commission inquired if the applicant had considered a bike share program, to which the applicant responded that they have looked into the program but found that it works better in regions such as San Francisco. It was noted that with improvements to public transportation, programs such as bike sharing will likely expand to areas like Santa Clara.

The public comment period was re-opened to allow the public to respond to the additional information presented after the close of the Public Hearing.

Shelly Ralph, neighboring resident, stated that she agreed with the traffic consultant in that when traffic gets really bad, people tend to change their commuting hours to compensate.

A neighboring resident stated that the traffic study was unclear and that the improvements to Monroe do not help the residents on Nobili Avenue.

A neighboring resident stated that the traffic will migrate into neighborhoods when more traffic is added to the area in an effort to avoid the increased traffic. The resident added that the additional lane is misleading because it has, in effect, existed without being an official lane.

The additional comment period was closed.

The Commission confirmed that the project requires contribution funds to the school district.

The Commission discussed the project alternatives identified in the EIR. It was noted that the reduced density options did not improve the traffic in the area. The Commission deliberated on the benefits of the current proposal versus the reduced density alternatives. Staff clarified that any given project has to meet certain objectives and that the project, as presented, met the most objectives of any alternative considered. It was also noted that without a project such as this being developed, the improvements to grading of Lawrence Expressway would not happen because of the lack of funding that gets provided through fair share contributions.

The Commission discussed the architectural review process and expressed concern for the project not going through the Architectural Review Committee. It was explained that the applicant has been working closely with City staff and the surrounding neighborhood to design a project that is ready to be built. The applicant requested to have the architecture approved with the project to expedite the timeline towards final completion of the project. The Commission expressed concern for the balconies on the third and fourth stories and urged the applicant to utilize the architectural review process.

Motion/Action: The Commission motioned to adopt a resolution to recommend that the City Council certify the Environmental Impact Report for the property located at 3515-3585 Monroe Street (5-1-1-0, Ikezi dissenting, Sweeney absent).

The Commission discussed a motion to recommend approval of the rezone with a modified condition that the project go through the Architectural Review Committee.

The Commission expressed concern for the commercial component of the project being less than what was designated, encouraged additional car share and electric vehicle charging parking spaces, and urged The Irvine Company to continue to work with the neighborhood to address their concerns.

Motion/Action: The Commission motioned to adopt a resolution to recommend that the City Council approve the rezone of the property located at 3515-3585 Monroe Street, from Planned Industrial (MP) to Planned Development (PD) (5-1-1-0, Ikezi dissenting, Sweeney absent) with the following modified condition:

> P2. Submit plans for final architectural review to the Architectural Committee ~~Planning Division~~ and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.

Planning Commission

STAFF REPORT

Meeting Date: April 16, 2014

Agenda Item # 8.A.

Planning and Inspection Department
City of Santa Clara, California

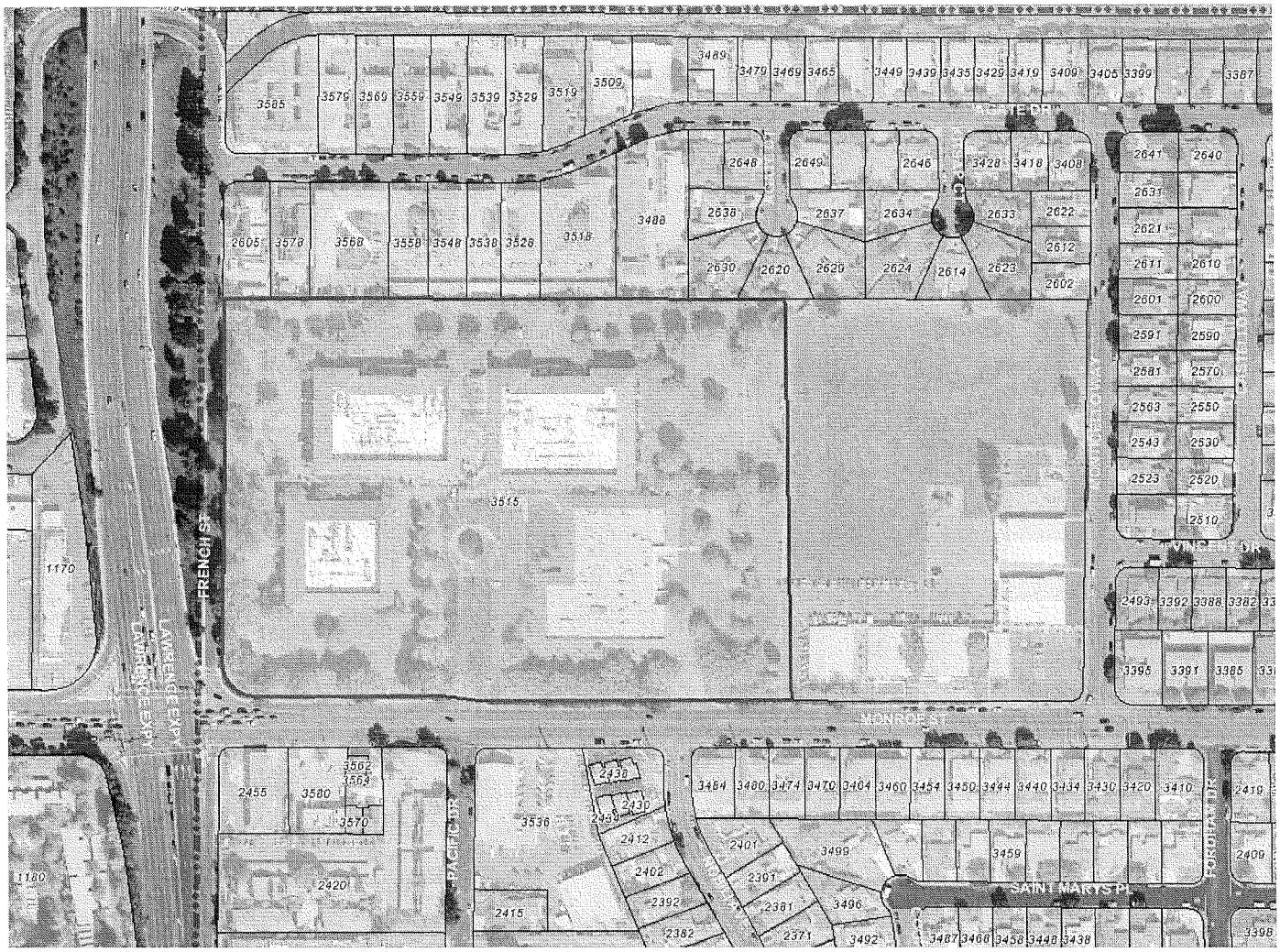
Project Name:	**Monticello Village**
File:	PLN2013-09665, PLN2013-09666, PLN2013-09667 and CEQ2013-01150
Location:	3515-3585 Monroe Street, single parcel totaling 16.11 acres located at the northeast corner of French Street and Monroe Street (APN: 216-25-006)
Applicant:	Carlene Matchniff, The Irvine Company
Owner:	The Irvine Company
Subject:	A Rezone from Planned Industrial (MP) to Planned Development (PD), and Vesting Tentative Parcel Map creating two lots to allow the construction of a mixed-use development comprised of 825 apartments, 43,849 square feet of retail and 16,392 square feet of amenities
CEQA Determination:	Environmental Impact Report
Project Planner:	Yen Chen, Associate Planner, 408-615-2450, YChen@santaclaraca.gov

EXECUTIVE SUMMARY:

The applicant is requesting a Rezone from Planned Industrial (MP) to Planned Development (PD), and a Vesting Tentative Parcel Map to allow the construction of a mixed-use development. To expedite processing, the applicant requests that the project design, including the sign program, be referred to the Director of Planning and Inspection for review and approval as opposed to the Architectural Committee. The applicant proposes to demolish the existing buildings on the project site and construct a mixed-use residential development project that would consist of 825 apartment units, at an overall site density of 51.3 dwelling units per acre. The proposed project also includes approximately 43,849sf of retail space and 16,392sf of amenity space. The proposed project includes a 755,402sf two-level parking garage constructed below the apartment building podium that would provide 1,648 parking spaces for residents, guests, and overflow retail, and a surface parking lot with 100 parking spaces, for a total of 1,748 parking spaces. The proposed small-format grocery store, free standing restaurant, and additional retail space for neighborhood commercial, access driveways, and small surface parking lot to serve the commercial uses would be located along the length of the site frontage on Monroe Street (an arterial). The podium level of the residential complex would include landscaped walkways and paseos, courtyards, two 25-yard short-course swimming pools, and other recreational amenities. The Emergency Vehicle Access (EVA) easement would also serve as a fitness course for resident use. Other infrastructure improvements (i.e., sewer, water, and storm drainage) needed to serve the proposed project would also be constructed. Access to the site would be provided from Monroe and French Streets. The proposal includes the removal of the existing landscaping and planting of new trees and shrubs on the site. The proposed project also includes numerous pedestrian and bicycle improvements to adjacent roadways including Monroe and French Streets, and a traffic signal at the intersection of Monroe Street and Nobili Avenue at the main entrance into the project site.

Project Data

	Existing	Proposed
General Plan Designation	Regional Mixed Use	Same
Zoning District	Planned Industrial (MP)	Planned Development (PD)
Land Use	Office / Industrial Buildings	Mixed-Use Multi-Family Residential and Retail
Lot Size	16.11-acre / 701,316 square feet	Same
Floor Area Ratio (FAR)	0.37 FAR	1.28 FAR
Density	n/a	51.3 dwelling unit per acre
Building Square Footage (sf.)	257,264 sf	836,924 sf residential
		43,849 sf retail 16,392 sf amenity space
		755,402 sf parking garage
Parking	1,013 parking spaces	1,748 parking spaces



Aerial Photo

Site Location and Context

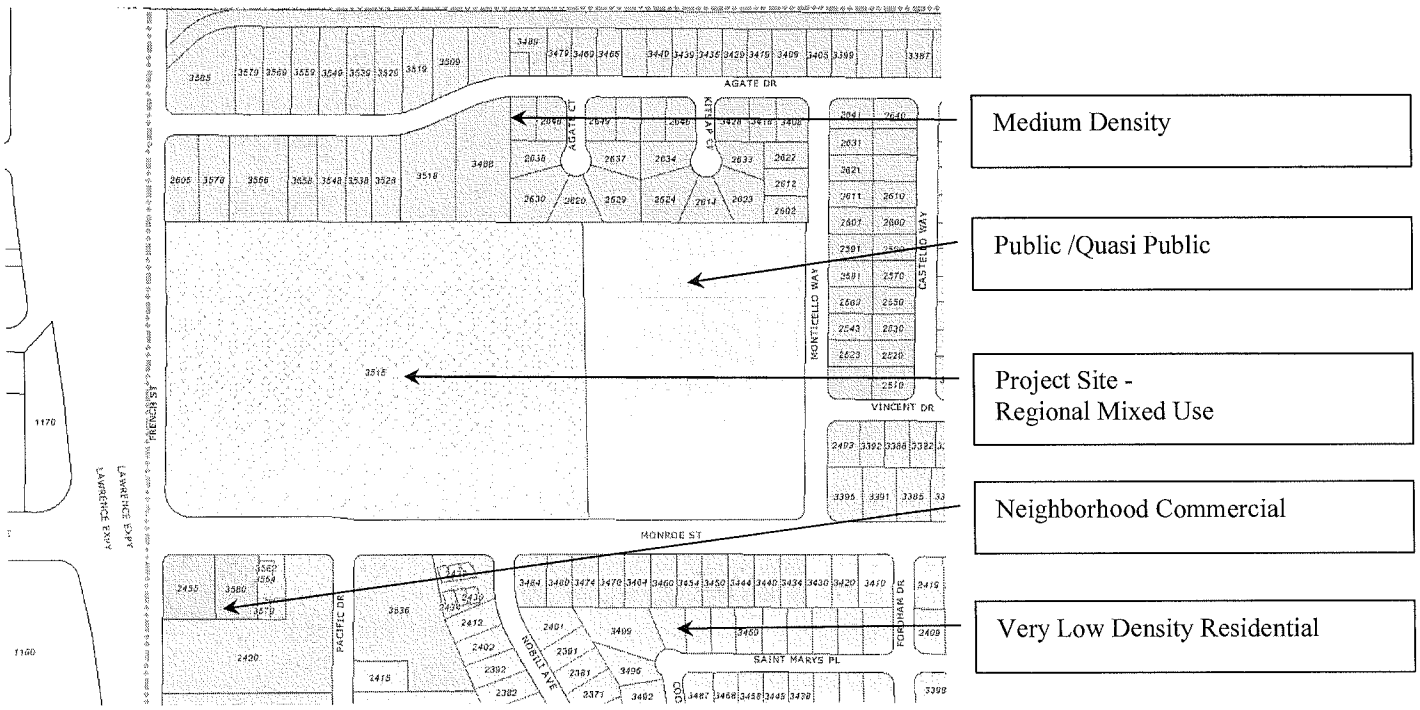
Surrounding Land Uses: The project site is located at the corner of Monroe and French Streets. The main streets that provide access to the project area are El Camino Real, Bowers Avenue, and Lawrence Expressway. Direct access to the site is provided by Monroe Street and French Street. Three access driveways currently serve the site from Monroe Street. The area surrounding the project site is fully developed and consists mainly of residential, commercial, and institutional uses. Residential developments exist to the north and south of the project site. Immediately north of the project site are two-story multi-family dwellings and one-story duplex residential dwellings. The multi-family residential units to the north are set back approximately 65 feet and separated by parking and carports. The duplex unit is separated by a private rear yard area. A church and private elementary school are located to the east and additional residential development is located further east beyond the church and school. A commercial development is located across Lawrence Expressway to the west of the project site. A gas station is located south of the project site in the southeast corner of the intersection of Monroe Street and Lawrence Expressway. The project site is located approximately 0.1 mile south of the Lawrence Caltrain Station. Business parks are located on the east and west sides of Lawrence Expressway north of the Caltrain station. Wilcox High School is located approximately 0.3 mile east of the project site on Monroe Street.

Existing Land Use Designation and Zoning:
The project site is designated Regional Mixed Use in the General Plan and zoned Planned Industrial (MP). The Regional Mixed Use designation is a combination of the Regional Commercial and High Density Residential designation that allows for a mix of high-density residential and commercial uses along major roadways. A minimum floor area ratio (FAR) of 0.15 is typically required for commercial space in conjunction with residential development between 37 and 50 units per acre. Site frontage along major streets (arterials or collectors) is required to have active, commercial uses. In addition, overall building height should be three to five stories. The goal of the Regional Mixed Use designation is to provide a pedestrian-friendly and transit-oriented corridor with high-density mixed-use development.

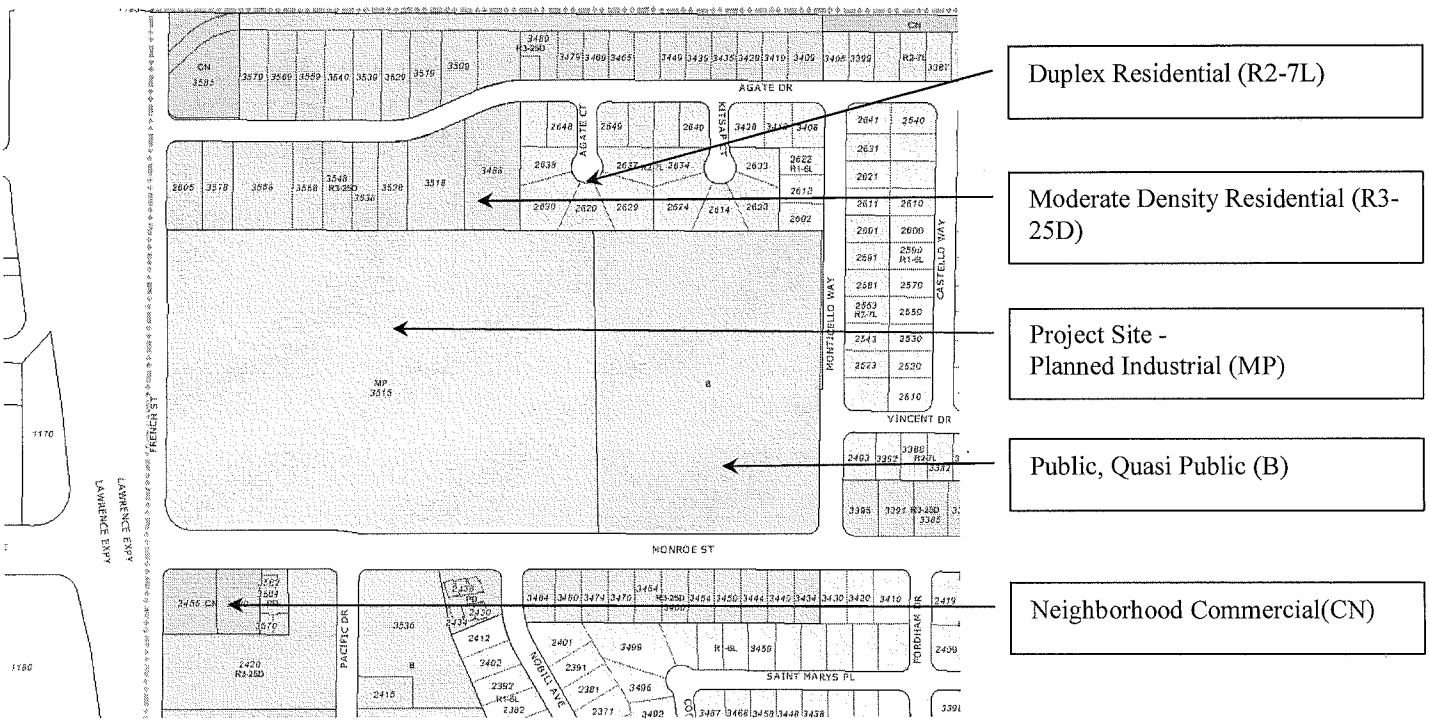
The MP zoning district (Chapter 18.46 of the City Code) is intended to provide an environment exclusively for and conducive to the development and protection of modern large-scale administrative facilities, research institutions, and specialized manufacturing organizations, all of a non-nuisance type. Permitted uses under this district include various categories of offices, laboratories, manufacturing, assembling, and packaging uses. The MP district does not allow residential uses. The parking requirement for the existing office uses is one space per 300 square feet of gross floor area per City Parking Regulations, SCCC 18.74.020(o).

Background

The project site in the 1980's was developed with four one- and two-story office/research and development buildings totaling 275,264 gross leasable square feet, 1,013 parking spaces, internal roadways, site serving infrastructure, and landscaping. The site was occupied by Extreme Networks from 1999 through July 2013 when the company sold the property to the applicant. The applicant has elected not to re-tenant the property in anticipation of redevelopment. The parking lots and buildings are flanked by mature trees and landscaping.



General Plan Map



Zoning Map

Project Analysis

Project Description:

Apartment Units

The proposed project would develop 825 apartment units at an overall density of 51.3 dwelling units per acre. The proposed apartments would include studios, one-bedroom, and two-bedroom units ranging in size from approximately 683sf to 1,320sf. The proposed apartment mix includes seven studios, which would account for 1 percent of the units; 363 one-bedroom units, which would account for 44 percent of the units; 76 one-bedroom + den units, which would account for 9 percent of the units; 351 two-bedroom units, which would account for 43 percent of the units; and 28 two-bedroom + den units, which would account for 3 percent of the units.

The apartments would be located in a complex comprising 5 four-story buildings arranged around courtyards and open space areas. The apartment units would be constructed above the podium level. The proposed project includes two levels of garage parking: one at grade and one below grade. The parking garage at grade level would be lined with residential units and retail space, as well as the leasing office and other project-serving amenities (i.e., fitness center). The residential buildings would range in height from 55 to 70 feet.

Retail Space

The proposed project would include 43,849sf of retail uses. The retail uses would be located at street level along the Monroe Street frontage. Uses would include: (1) an approximately 20,000sf small-format grocery store near the corner of Monroe and French Streets; (2) an approximately 5,480sf restaurant located within the surface parking lot near the Monroe Street and Nobili Avenue entrance in a free standing building approximately 20 feet high with a tower element that would be 27 feet tall; and (3) approximately 14,720sf of retail space for general neighborhood commercial uses along the northern side of the surface parking lot. The small-format grocery store would be geared to serve the local neighborhoods. Several outdoor seating areas would be developed along the Monroe Street frontage of the proposed project. Likely locations of these outdoor seating areas are near the grocery store, adjacent to the retail spaces, as well as near the leasing office. The outdoor seating areas would be surrounded by glass screen walls to protect them from street noise, and to keep them warmer during the cooler months.

Amenity Space

The proposed project would include 16,392sf of amenity space, the majority of which would be located along the Monroe Street frontage and the remaining would be located along the podium courtyard. This would include the leasing office, business center, clubrooms, and a fitness center available for residents of the development.

Open Space and Outdoor Areas

The podium level of the residential complex would include landscaped walkways and paseos, courtyards, two 25-yard short-course swimming pools, and other recreational amenities. Several outdoor seating areas would also be developed along the Monroe Street frontage of the proposed project adjacent to the retail space and the amenity space. In addition, an EVA road is planned for the northern and eastern perimeter of the project site. The EVA would also serve as a fitness course for resident use. It would be lined with trees, and fitness stations would be located along the EVA.

***Environmental Determination*:** Environmental Consultant, Impact Sciences, Inc. prepared the Environmental Impact Report. The 45-day review period on the Draft EIR began on January 30, 2014 and ended on March 17, 2014, in accordance with California Environmental Quality Act (CEQA) requirements. A Mitigation Monitoring and Reporting Program was prepared and is attached with this report.

A Final Environmental Impact Report (FEIR) was subsequently prepared and was circulated for a 10-day review period on April 11, 2014 and ending on April 23, 2014, in accordance with CEQA and includes all responses to comments received. Copies of the DEIR, FEIR are available in the Planning Division office during normal business hours at Santa Clara City Hall.

The DEIR found that the proposed project could have a number of significant environmental impacts, but identified mitigation measures to reduce most of these impacts to less than significant levels. With the exception of two project level and cumulative significant transportation and traffic impacts, and a cumulative significant impact for long term landfill capacity, all of the significant and potentially significant impacts of the proposed project would be reduced to less than significant level with the incorporation of mitigation measures. A detailed discussion of the potential impacts and mitigation measures to be applied to the project are specified in the environmental document.

In considering a project, CEQA requires decision-makers to balance economic, legal, social and technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. To approve a project that has significant unavoidable environmental impacts, decision-makers must make findings, supported by substantial evidence, that the specific economic, legal, social, technological or other benefits of a proposed project outweigh the unavoidable environmental effects. CEQA also requires that an EIR identify alternatives to the project as proposed and that these alternatives feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. A more detailed discussion of the project alternatives is provided in the EIR.

General Plan Conformance:

Mixed Use / Residential Land Use Goals and Policies

Redevelopment of the property is contemplated in Phase I of the General Plan and the property is an identified underutilized site in the Housing Element. The Santa Clara General Plan includes goals and policies to provide for a diversity of housing types. Goal 5.3.2-G2 requires that the City provide a variety of housing types, sizes, location, and tenure in order to maintain social and economic diversity in the City while Goal 5.3.2-G3 requires that affordable housing units be dispersed throughout the City to avoid a concentration in any one neighborhood. The proposed project is a transit-oriented, mixed-use development project with market-based rental apartments that are generally priced to be affordable for moderate-income residents, including units that are affordable for workforce housing. The surrounding neighborhood also includes a diverse range of housing types, including rental apartments serving very low and low-income residents and other market-based rental apartments, although single-family homes are the dominant form of housing in this area. The proposed project would help achieve the City's goal of diversifying the range of housing affordability within the City, and advance City and regional goals to increase the supply of housing to help address the jobs-housing imbalance. The location of the project site is particularly desirable given its immediate proximity to Caltrain and other transit services.

Mixed-Use / Commercial Land Use Goals and Policies

The proposed commercial density provides an FAR of 0.062 (43,849 sf/701,316 sf), approximately 0.088 less than the commercial FAR minimum of 0.15 for commercial uses in the Regional Mixed Use land use designation. To be fully consistent with the FAR minimum for Regional Mixed Use, the proposed project would have to include 105,200 square feet of commercial uses. The City recognizes that for mixed-use properties where there is no history of commercial uses, a reduction in the minimum FAR may be appropriate as described under Policy 5.5.1-P15 (Discretionary Policy). Here, the applicant has proposed a mixture of retail uses to serve project residents and residents of the surrounding area. The reduction in the minimum FAR is of lesser concern to City staff than the quality and mixture of retail space. The project will include a small format grocery store, a restaurant and retail space for neighborhood commercial uses. The proposed project is a new mixed-use development with exemplary design. The proposed project contains buildings that are set back from roadways, and emphasizes a pedestrian-oriented frontage that contains landscaping and open space. These design features separate the project's commercial retail uses from residential uses outside the project site. As a mixed-use development, the project contains residential uses, but these uses are largely separated from the project's retail components by a buffer of open space, sidewalks and landscaping.

Discretionary Use Goals and Policies

The project proposes residential at a density of 51.3 units per gross acre, which slightly exceeds the maximum allowed under the Regional Mixed Use land use classification. As described under Policy 5.5.1-P5, however, the proposed project is 700 feet (less than a quarter mile) from the Lawrence Caltrain Station, and therefore is eligible for a discretionary allowance of up to a 10 percent increase in density for residential use (up to 55 units per acre). If approved by the City, the proposed project's density of 51.3 units per acre would be within the density allowed by this discretionary policy.

Transition Goals and Policies

Transition goals and policies in the City's General Plan are applicable to sites where new development is of a different land use classification and/or intensity to that of adjacent neighborhoods. Transition goals include the preservation of the character of individual neighborhoods and compatibility with existing residential neighborhoods. The proposal is consistent with the following Transition goals and policies:

- Policy 5.5.2-P5: Require that new development provide an appropriate transition to surrounding neighborhoods.
- Policy 5.5.2-P7: For buildings of three stories or greater, increase the setback of upper stories where they abut lower-intensity residential uses.
- Policy 5.5.2-P11: Restrict loading, trash and noise-generating activities to protect adjacent residential uses.

The adjacent residential uses to the north are set back from the property line and are buffered by carports located between the property line and the adjacent residential structures. The City, in interpreting this policy, does not require all stories over three to be set back where they abut lower intensity residential uses. The City takes into consideration the distance between the proposed buildings and the residential uses (not just the property line) to ensure that the design will protect the privacy, and minimize the shade and shadow on adjacent residential uses. In some cases, this may require entire stories to be set back, but where there is sufficient distance and treatments as on this site, the building may be articulated to have increased setbacks in select locations so long as the intent of the policy is met. The northern side of the project, which is closest to these residential uses, has a minimum building setback of 45 feet from the property line on the northwest

corner, and a minimum building setback of 60 feet from the property line on the northeast corner. Additionally, the building is designed with significant massing breaks along the northern façade to break down the scale of the building, and as per General Plan policy 5.3.4-P7, in specific locations the building will step down from 4 stories to 3 stories over the podium level. Along the east façade, which is adjacent to a school property, the building has a minimum building setback of 45 feet from the property line on the southeast corner, and a minimum building setback of 55 feet from the property line on the northeast corner. Similar to the north façade, the roof line varies to create breaks in the massing and steps down from 4 stories to 3 stories at specific locations. Visibility to surrounding uses will be further reduced by landscape elements, trees, planters and softscape, which will be included within the setback area to soften the transition to adjacent uses. The layering of outdoor seating areas by the residential lobbies will further reinforce an enhanced residential softer edge along the north and east sides of the project site. As designed the buildings will not result in impacts to the privacy, shade or shadowing on the adjacent lower intensity residential uses to the north.

Existing trees, additional plantings, and a fence will also obscure views from the building to the neighborhood and residential yards. These design elements that incorporate setbacks, limit balconies and visual impacts are consistent with the City's Transitional Policies. The trash enclosures for the project are not located against adjacent residences. For these reasons, the project is consistent with the land use compatibility transition policies in the General Plan.

Parks, Open Space, and Recreational Goals and Policies

The City's General Plan has the stated goal of maintaining the existing standard of 2.4 acres of existing parkland per 1,000 residents, moving to a 3 acre standard in the future. In order to achieve the current General Plan goal with an on-site dedication of parkland alone, it would require 5.28 acres. The applicant, working with the Parks and Recreation Department, has received credit toward this goal for a pool/recreation area, clubroom, entertainment areas, garden courtyards, and a fitness trail. In-lieu fees will be used to off-set the remaining impact from the project residents on existing City parks and recreation facilities.

Santa Clara General Plan Consistency – Additional Discussion

Additional discussion on each of the General Plan goals and policies that are applicable to the proposed project are set forth in EIR Appendix 4.8 Santa Clara General Plan Consistency Chart. The proposed project is consistent with all applicable General Plan policies, with the exception of the amount of proposed commercial density which was discussed above. The Applicant believes that the project as proposed has the right mix of uses to serve project residents and surrounding neighborhood area.

Zoning Conformance:

The PD designation allows for flexibility in development standards in building height, setbacks, lot coverage, parking, and landscaping requirements. As noted above, the proposed project does not fit any of the City's traditional zoning designations because of the density, building height, setbacks, and overall building coverage on the site. Therefore, the proposed Planned Development zoning would allow a greater residential density, adjustment to on-site parking requirements, building height, and building lot coverage than would otherwise be permitted at the project site. In order to approve the proposed PD rezoning, the City must find that the proposed project promotes the objectives of the PD zone by providing "an environment of a stable, desirable character not out of harmony with its surrounding neighborhood", to "form a harmonious, integrated project of sufficient unity and architectural quality." If the City makes these findings, strict

compliance with the General Plan's minimum FAR for commercial uses is not required. Approval of the PD zoning would not result in a built environment on-site that would preclude the continued operation of the surrounding land uses. If the rezoning is not approved, the size and density of the project cannot be approved as proposed.

Circulation and Parking: The proposed project is a transit oriented development within close proximity of multiple public transportation options, such as Caltrain and the Santa Clara Valley Transportation Authority bus system. The project is both located and designed to encourage residents and customers to utilize public transportation and reduce dependency on automobile use. The project includes pedestrian and bicycle improvements and Transportation Demand Management (TDM) strategies to further reduce the use of single occupant vehicles.

The project includes development of a parking garage that will serve project residents and customers of the commercial retail, and a surface parking lot to serve the commercial retail. The City currently requires multifamily residential developments to meet the Medium Density Residential parking standard (CC Section 18.20.140), which is one covered and one uncovered space per unit (two spaces for every unit regardless of size), which would mean 1650 spaces for this project. However, General Plan Policy 5.8.3-P9 directs the City to reduce onsite parking for new developments in order to encourage transit use and increase access to transit services. In light of the location near transit, the project would have a lower parking requirement under the PD zoning than what would be required for a comparable Medium Density Residential development, and provide 1,528 residential spaces.

More specifically, the resident parking is at a ratio of one space for each studio, one and one-half spaces for each one bedroom unit, and two spaces for each two-plus bedroom unit, plus 10% of the total units for the visitor and guest parking spaces. Based on the proposed parking ratios for the residential units, 1,424 residential onsite parking spaces will be required for tenants, plus 83 spaces for visitors. In addition, at a ratio of 3.5/1000sf, 15 spaces would be required for the leasing office. The applicant has also voluntarily offered to provide 6 spaces for shared/carpool vehicle parking, resulting in a total of 1,528 residential spaces. Staff is supportive of the use of the alternative metrics for parking based on "spaces per bedrooms." The retail parking required at 5/1000sf is 220 spaces.

The total parking required based on the above ratios is 1,742 spaces for the proposed project. With the addition of six shared/carpool vehicle spaces, the project will have a total of 1,748 spaces. Approximately 95% of its parking will be located within parking structures (1,648 of 1,748 total spaces will be in a two-level parking garage constructed below the apartment building podium) with the minimum necessary surface parking lot adjacent to the commercial uses.

The proposed residential parking ratio for this project is consistent with SCCC 18.24.140(j) Development Standards for Transit-Oriented Mixed Use (TMU) Minimum Parking Requirements. The minimum parking requirements for commercial uses are specified in Chapter 18.74 SCCC where the retail parking is required at 5/1000SF. The SCCC also requires 10% of the total required parking spaces for a multifamily project be available as guest parking. The applicant is proposing 10% of the total units for visitor parking. The City's TMU Parking Requirements does not require additional spaces for guest or visitors. The generous outdoor seating not assigned to a specific tenant is seen as an amenity and no additional parking is required. The applicant has provided a parking analysis to further support the proposed parking ratio, uniform parking stalls and drive aisles widths.

The project proposes to incorporate TDM strategies and to provide bicycle and pedestrian amenities to additionally decrease use of the single-occupant automobile and reduce vehicle miles traveled. The TDM minimum trip reduction, as required by the City's Climate Action Plan (CAP), is 10% for this project.

To maximize the project site's accessibility to multiple alternate transportation modes, including the Lawrence Caltrain Station, and the Santa Clara Valley Transportation Authority bus system, the proposed project will include a TDM plan with the following elements (or similar elements or measures designed to reduce the use of single occupancy automobiles): (1) construction of a bus stop with seating and weather protection on Monroe Street just west of the Nobili intersection; (2) pre-wiring for 33 electric vehicle charging stations in the garage and two publicly accessible, fully installed EV stations in the surface parking lot, one of which will be ADA accessible; (3) two car share parking spaces; (4) four carpool and vanpool parking spaces; (5) a "Travel Green" incentive program that includes a discounted Caltrain GoPass/VTA Ecopass or equivalent for residents at move in; and (6) unbundled parking.

Per City Policy, the TDM program will reduce project generated vehicle trips by 10%. The project site is located approximately 700 feet from the Lawrence Caltrain Station. VTA guidelines allow a 9% trip generation reduction for residential uses when they are located within a 2,000-foot walk of a rail station. The proposed project would contain retail and residential uses. Some residents would patronize the retail establishments on the project site. This results in the internalization of some project trips. VTA guidelines allow a 15% reduction for the smaller trip generator, which for the proposed project, is retail.

City staff supports the requested reduction over the City's standard requirements based on mixed-use nature of the project and on-site management of parking spaces. Staff finds that the project's proximity to transit facilities coupled with TDM measures provides opportunities to the project's residents to use alternative modes of transportation. Therefore, staff supports the proposed alternative parking ratios for the project.

Vesting Tentative Parcel Map:
The Vesting Tentative Parcel Map creating two parcels for purposes of financing and conveyance was reviewed by the City's Subdivision Committee and determined to be complete on March 18, 2014. The purpose of the Tentative Parcel Map is for purposes of financing and conveyance only. The consideration and action on the Tentative Parcel Map is a function of the City Council.

Architecture: The project area is a mix of architectural styles with no particular design aesthetic being dominant. Because there is no predominant architectural style in the project area, the proposed building design would be compatible with the mixed visual character of the area. The building complex would be finished in the Spanish Colonial Revival style with design elements that include stucco walls, a low-pitched clay tile roof, and small balconies with decorative iron trim, double - hung windows, and canvas awnings. The height of the buildings would be about 60 feet above finished grade.

City staff supports the applicant's request that the project design, including the sign program, be referred to the Director of Planning and Inspection for review and approval. The proposed Development Plans provide sufficient details for the public to understand the scope, scale and materials of the project.

Signs: The master sign design created for Monticello Village by The Design Factor is part of the Development Plans. The sign program includes primary project identification pylon signs at the corner

Monroe and French Streets. The sign program includes project and retail tenant identification monument signs along Monroe Street. The project contemplates the use of blade signs for the project leasing center, and retail tenants. Wall signs will be used for retail tenant, leasing center and market identification. The wall signs will be fabricated painted aluminum reverse channel letters with halo-lit illumination. Blade signs will be fabricated painted aluminum panels with routed face panels and push-thru acrylic letters. The main pylon sign will have aluminum panels with a cap and base having faux limestone finish.

Pedestrian Improvements: The proposed project contains numerous improvements to pedestrian and bicycle amenities, including a traffic signal at the intersection of Monroe Street and Nobili Avenue, a bike lane and a sidewalk on the north side of Monroe Street, a bus stop with seating and possibly with weather protection and an electronic display featuring real-time arrival information on the west side of Nobili Avenue, safety improvements at the Lawrence Expressway and Monroe Street intersection for pedestrians and bikes to safely transition to French Street heading towards the train station, a sidewalk on the west side of French Street and narrowing of French Street at connection points with Monroe Street to slow cars heading on to French Street, signage for bikes within travel lanes heading towards the train station, a bicycle repair station, and the addition of a contra flow bike lane for bikes heading from the train station towards Monroe Street. The project will also include numerous pedestrian sidewalks and paths.

Landscaping: Based on the arborist report prepared for the site, there are 228 existing trees on the site. Of the 228 existing trees on the site, none is listed as a Heritage Tree in the General Plan, and none of the trees are cedars, redwoods, oaks, olives, bay laurel and pepper trees, the species specifically identified for protection in General Plan Policy 5.10.1-P4. As a result, 104 trees on the project site meet both the trunk circumference and health criteria in General Plan Policy 5.10.1-P4. Project construction would require the removal of 225 trees and three trees would be preserved. Of the 225 trees that would be removed, 103 qualify as protected trees per General Plan Policy 5.10.1-P4, and one of the three trees that would be preserved also qualifies as a protected tree. Of the trees to be removed, 173 trees meet the definition of "mature" trees.

The applicant would be required to comply with General Plan Policy 5.3.1-P10, which requires that new development "provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the project." In addition, the City's Design Guidelines require that mature trees proposed for removal is replaced on-site at a 1:1 ratio with 24-inch, 36-inch box, or specimen size material.

In order to compensate for the protected trees removed at a 2:1 ratio according to General Plan Policy 5.3.1-P10, 206 replacement trees would be required, and to comply with the City's Design Guidelines, 173 replacement trees would be required to replace "mature" trees at a 1:1 ratio. The proposed landscaping plan calls for installing approximately 594 trees representing 19 species, which would exceed the requirements of both the General Plan policy and the Design Guidelines. The proposed nursery stock size would be 24- and 36-inch boxes. This would offset the loss of the trees to be removed as a result of the project and would exceed the City's tree replacement requirements. The project also proposes to install a variety of shrubs, ground cover, and vines as part of the landscaping scheme.

Stormwater (C3) Requirements: The project will be required to comply with the Municipal Regional Stormwater Permit issued by the Regional Water Quality Control Board. The proposed project qualifies as a

"Special Status Project - Category C: Transit Oriented Development" as identified in Appendix J of the Santa Clara County Urban Runoff Pollution Prevention Program (SCVURPPP).

Public Contact

Public Notices and Comments: The notice of public hearing for this item was posted within 500 feet of the site and was mailed to property owners within 500 feet of the project site. At the time of preparation of this staff report there has been no public comments submitted in support or opposition to the proposed project, other than the comment letters on the EIR, which are addressed in the FEIR "Reponses to Comments".

Public Outreach Meetings: The applicant conducted a neighborhood outreach meeting in June 2013 and two follow-up open house meetings on October 16, 2013 and February 12, 2014. City staff was in attendance at the open house meetings. Some of the concerns raised by the community included loss of mature trees, density, parking and access issues on French Street to Lawrence Station, adequacy of on-site parking, impact from overflow parking on the neighborhood, privacy concerns between the neighbors to the north and the project site, potential traffic impacts on Monroe Street and Lawrence Expressway, cut-through traffic through the residential neighborhoods, and access to and from the site on Nobili Avenue, Fordham Drive and Calabazas Boulevard.

City Council Study Session: The applicant on November 19, 2013 presented the project to the City Council during a study session. Based on the comments heard at the community meetings with neighbors and the City Council Study Session, the applicant has further refined the landscaping and tree planting plans. The EVA is now designed to serve as a fitness course, lined with trees and fitness stations for resident use. The applicant has also provided a parking analysis to further support the proposed parking ratio, uniform parking stalls and drive aisle widths.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this mixed-use project would provide an opportunity to locate high quality residential units and retail in proximity to transit facilities consistent with the City's long-term development goals. The scale and character of the mixed-use development complements and is supportive of the surrounding uses. This project maximizes density with accessibility to alternate transportation modes, and integrates pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers. This project implements smart growth principles by redeveloping underutilized properties with higher density housing projects in close proximity to established transit facilities. The proposal includes different sized units ranging from studios, one-bedroom units to two-bedroom units, increasing the City's housing stock, while providing adequate choices of housing tenure, type and location which will assist in meeting the housing needs of the City. The small-format grocery store and retail uses will provide goods and services to project residents and surrounding local neighborhoods. The project is located in an urbanized area served by existing municipal services. The project's architectural style provides variation in design while complementing the adjacent projects, thus providing a visually interesting streetscape. The high quality design of the project will enhance the character of the surrounding area. The proposed project also includes numerous pedestrian and bicycle improvements to adjacent roadways including Monroe and French Streets, and a traffic signal at the intersection of Monroe Street and Nobili Avenue at the main entrance into the project site. Moreover, the project is designed in a manner that respects neighbors' privacy and provides sufficient on-site vehicular and bicycle parking.

The disadvantages to project are the significant unavoidable traffic impacts to the intersection of Lawrence expressway and Reed Avenue/Monroe Street, and the intersection of Lawrence and Arques Avenue. The

project provides fair share contributions for the construction of interchanges to replace the at-grade intersection at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street, and Lawrence Expressway and Arques Avenue. As an interim measure, the project shall modify the traffic signal at the intersection of Lawrence Expressway and Reed Avenue/Monroe Street to provide an overlap phase for the westbound right-turn movement. The signal equipment at this intersection shall be modified to provide a green arrow for right-turn traffic during the overlap phase.

RECOMMENDATION:

That the Planning Commission adopt resolutions for the project located at 3515-3585 Monroe Street, subject to conditions of approval, to:

1) Recommend that the City Council certify the Environmental Impact Report (EIR) and adopt a Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program (MMRP) for the Monticello Village Project; and
2) Recommend that the City Council approve the Rezone from Planned Industrial (MP) to Planned Development (PD) to allow construction of a mixed-use development comprised of 825 apartments, 43,849 square feet of retail and 16,392 square feet of amenities with associated parking and other site improvements.

Documents Related to this Report:

1) ***Applicant Statement of Justification dated April 16, 2014***
2) ***Planning Commission Resolution - Certify the EIR and adopt MMRP / Findings of Fact and Statement of Overriding Considerations***
3) ***Planning Commission Resolution - Approval of the Rezoning from MP to PD***
4) ***Conditions of Approval – Rezone***
5) ***Mitigation Monitoring and Reporting Program (MMRP)***
6) ***Draft Environmental Impact Report (previously distributed)***
7) ***Final EIR / Response to Comments/ Parking Evaluation***
8) ***Development Plans***

OWNER/SUBDIVIDER:

IRVINE COMPANY
APARTMENT COMMUNITIES
550 N. McCARTHY BLVD. SUITE 100 MILPITAS, CA 95035
TELEPHONE: (408) 957.1232 FAX: (408) 957.1212

MONTICELLO VILLAGE

REVISION

	DATE		DATE		DATE
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SHEET TITLE
COVER SHEET

SHEET NUMBER
GEN.0

JOB NO. 2012-10155
DATE 11-15-2013
SCALE

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03/18/2014 PLANNED DEVELOPMENT PERMIT

OCCUPANCY GROUP

FIRE RESISTANCE (TYPE VA)
- BEARING WALLS ____ 1-HOUR
- NON-BEARING WALLS ____ NON RATED
- STRUCTURAL FRAME ____ 1-HOUR
- UNIT TO UNIT FIRE BARRIERS ____ 1-HOUR
- FIRE WALLS ____ 2-HOUR W/ 90 MIN DOORS
- PERMANENT PARTITIONS ____ 1-HOUR
- ELEVATOR LOBBIES ____ 1-HOUR W/ 20 MIN DOORS
- SHAFT ENCLOSURES (3-STORIES OR LESS) ____ 1-HOUR
- SHAFT ENCLOSURES (4-STORIES OR PENETRATING ____ 2-HOUR

PODIUM/GARAGE OCCUPANCY SEPARATION
- MAINTANCE EQUIP./STORAGE ____ 1-HOUR

FIRE RESISTANCE (TYPE IA)
- BEARING WALLS (EXTERIOR) ____ 3-HOUR
- BEARING WALLS (INTERIOR) ____ 3-HOUR
- NON BEARING WALLS ____ 1-HOUR LESS THEN 10 FT
- STRUCTURAL FRAME ____ 3-HOUR
- PERMANENT PARTITIONS ____ 1-HOUR
- SHAFT WALLS THRU PODIUM ____ 2-HOUR
- TRASH ROOMS ____ 2-HOUR W/ 90 MIN. DOORS
- ELEVATOR MACHINE ROOM ____ 1-HOUR
- ELEVATOR LOBBIES ____ NON RATED
- GAS METER ROOM ____ 1-HOUR
- ELECTRICAL ROOM ____ 1-HOUR
- STORAGE ROOM ____ 1-HOUR
- OFFICE ____ 1-HOUR
- PODIUM SLAB OCCUPANCY SEPARATION ____ 3-HOUR

OCCUPANCY CLASSIFICATION:

USE	OCCUPANCY
PARKING GARAGE:	S-2
RESIDENTIAL:	R-2
LEASING:	B
CLUB ROOM:	A-3
INTERNET LOUNGE:	B

OCCUPANCY SEPARATION (TABLE 508.4)

S-2 (GARAGE) / R-2, A, B	3- HOUR HORIZONTAL PODIUM SLAB (509.2)
S-2/ B	1- HOUR
UNIT / UNIT (R-2/ R-2)	1- HOUR
A / R-2	1- HOUR
A / B	1- HOUR
B / R-2	1- HOUR

BIKE PARKING

275 CLASS I STALLS SHALL BE PROVIDED
55 CLASS II STALLS SHALL BE PROVIDED

UNIT MIX

MONTICELLO VILLAGE
SANTA CLARA CA
Irvine Company Apartment Communities
McLarand Vasquez Emsiek & Partners, Inc.
MVE Job # 2012-10155

UNIT	TYPE	QUANTITY	NET S.F.		GROSS S.F.	TOTAL	TOTAL	MIX	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PARKING DATA

PARKING STALL SIZE

STANDARD STALL	9'-0" X 18'-0"	33 STALLS - ELECTRIC VEHICLES
COMPACT STALL TYPE (A)	9'-0" X 16'-0"	2 STALLS (ON GRADE) - ELECTRICAL VEHICLES
COMPACT STALL TYPE (B)	8'-0" X 18'-0"	
ZIP CAR STALL	9'-0" X 18'-0"	
CAR POOL STALL	9'-0" X 18'-0"	
VAN POOL STALL	9'-0" X 18'-0"	

PARKING RATIO				PARKING REQUIRED	PARKING PROVIDED			PARKING PROVIDED
UNIT TYPE	# OF UNITS	MIX	RATIO		STALL TYPE	UNIFORM STALLS	ACCESSIBLE	
Studio	7	1%	1	7				
1 BR	439	53%	1.5	659				
2 BR	379	46%	2.0	758				
TOTAL # OF UNITS	825							
TOTAL RESIDENT PARKING RATIO				1424	GARAGE RESIDENT	1129	25+4 VAN	1424
					GARAGE COMPACT TYPE A	15		
					GARAGE COMPACT TYPE B	251		
TOTAL VISITOR PARKING RATIO			0.1	83	GARAGE VISITOR	59	4+1VAN	83
					VISITOR COMPACT TYPE B	19		
					ZIP CAR	2		6
					CAR POOL	2		
					VAN POOL	2		
TOTAL RETAIL PARKING RATIO			5/1000 sf	220	RETAIL (SURFACE)	94	9+2 VAN	220
					RETAIL (UPPER GARAGE)	104		
					RETAIL (UPPER GARAGE) COMPACT TYPE B	11		
TOTAL LEASING PARKING RATIO			3.5/1000 sf	15	LEASING	18	1 + 1VAN	15
					COMPACT TYPE B	3		
TOTAL				1742	TOTAL	1713	35	1748

SHEET INDEX

ARCHITECTURE

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GEN.1	SHEET INDEX & PROJECT INFORMATION
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A1.02	PERSPECTIVES
A1.03	PERSPECTIVES
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A1.05	PERSPECTIVES
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A1.08	PERSPECTIVES
A1.09	PERSPECTIVES
A1.10	PERSPECTIVES
A1.11	PERSPECTIVES
A1.12	PERSPECTIVES
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A2.04	LEVEL 2
A2.05	LEVEL 3
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A3.02	EXTERIOR ELEVATIONS
A3.03	EXTERIOR ELEVATIONS
A3.04	EXTERIOR ELEVATIONS
A3.05	EXTERIOR ELEVATIONS
A4.01	UNIT PLANS
A4.02	UNIT PLANS
A4.03	UNIT PLANS
A4.04	UNIT PLANS
A4.05	UNIT PLANS
A4.06	UNIT PLANS

CIVIL

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C2.00	SITE PLAN
C3.00	CONCEPTUAL UTILITY PLAN
C4.00	CONCEPTUAL GRADING PLAN
C5.00	CONCEPTUAL STORMWATER QUALITY PLAN

LANDSCAPE

L1.00	LANDSCAPE ILLUSTRATIVE PLAN
L1.00A	SITE PLAN
L1.01-L1.04	SITE LAYOUT PLANS
L1.05-L1.06	PROJECT IMAGERY
L1.07-L1.10	CONSTRUCTION DETAILS
L1.11	WALL AND FENCE PLAN
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L2.01-L2.04	PLANTING PLAN
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L2.06-L2.07	TREE IMAGES
L2.08	TREE MITIGATION PLAN
L2.09	TREE MITIGATION SCHEDULE/LEGEND
L3.01	SITE FURNISHINGS AND AMENITIES PLAN

SIGNAGE

SP	SIGN LOCATION PLAN
MX	PROJECT SIGNAGE MATRIX
1	PRIMARY PROJECT INDENTIFICATION PYLON SIGN
2	SECONDARY PROJECT IDENTIFICATION PYLON SIGN
3	PROJECT AND RETAIL TENANT IDENTIFICATION MONUMENT SIGN
4	RETAIL TENANT IDENTIFICATION MONUMENT SIGN
5	MARKET IDENTIFICATION MONUMENT SIGN
6	PROJECT IDENTIFICATION BLADE SIGN
7	LEASING CENTER IDENTIFICATION BLADE SIGN
8	LEASING CENTER IDENTIFICATION WALL SIGN
9	MARKET IDENTIFICATION WALL SIGN
10	MARKET PRODUCT & SERVICES WALL SIGN
10.1	MARKET PRODUCT & SERVICES WALL SIGN
10.2	MARKET PRODUCT & SERVICES WALL SIGN
11	RETAIL TENANT IDENTIFICATION WALL SIGN
11.1	RETAIL TENANT IDENTIFICATION WALL SIGN
11.2	RETAIL TENANT IDENTIFICATION WALL SIGN
12	RESTAURANT IDENTIFICATION WALL SIGN
13	RETAIL TENANT IDENTIFICATION BLADE SIGN
14	VEHICULAR DIRECTIONAL SIGN
15	PARKING GARAGE ENTRY SIGN
16	RETAIL TENANT DIRECTIONAL SIGN
17	PEDESTRIAN GARAGE ENTRY IDENTIFICATION SIGN

DRY UTILITIES

IN-TRACT

JT1	JOINT TRENCH COMPOSITE TITLE SHEET
JT2	JOINT TRENCH GENERAL NOTES AND DETAILS
JT3	JOINT TRENCH DETAILS
JT4	JOINT TRENCH SECTIONS AND DETAILS
JT5-JT7	JOINT TRENCH COMPOSITE PLAN

OFF-SITE

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JT4	JOINT TRENCH SECTIONS AND DETAILS
JT5-JT6	EXISTING FACILITIES AND REMOVAL EXHIBIT
JT7-JT8	JOINT TRENCH COMPOSITE PLAN
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ELECTRICAL

E1-E3	JOINT TRENCH SECONDARY ELECTRICAL PLAN

GENERAL NOTES

1. CONTRACTOR TO INSTALL A SYSTEM OR EQUIPMENT THAT WILL PROVIDE EMERGENCY RADIO COVERAGE ACCEPTABLE TO FIRE CODE OFFICIAL (2007 SCMFEC 511.1)

2. WHEN UNDERGROUND FIRE SERVICE MAINS ARE REQUIRED, SEPARATE PLANS WILL BE SUBMITTED, FEES AND FIRE FLOW CALCULATIONS TO THE FIRE DEPARTMENT FOR SEPARATE REVIEW AND PERMIT.

3. FIRE SPRINKLER OR STANDPIPE SERVICES, SHALL BE SERVED BY A LOOPED SERVICE WITH TWO SEPARATE FEEDS CONTAINING FDC'S, PIV'S AND PRIVATE FIRE HYDRANTS. THE FDC AND PIV SHALL BE LOCATED ON THE STREET FRONTING EACH BUILDING. THE FDC SHALL BE LOCATED WITHIN 50 FEET OF A CITY (PUBLIC) FIRE HYDRANT, PLUS ON THE SAME SIDE OF THE ROAD AS THE FIRE HYDRANTS.

4. FULLY SPRINKLERED NFPA 13 - 2010 EDITION W/ C.B.C. SECTION 903.2.8

5. CLASS I STANDPIPE SYSTEM WILL BE USED.

6. KITCHEN AUTOMATIC FIRE PROTECTION SYSTEM WILL BE INSTALLED IN ALL COOKING AREAS IN COMPLIANCE WITH 2002 NFPA 17A, 2010 CALIFORNIA FIRE CODE (CFC) CHAPTER 9, SECTION 904.11; AND THE 2010 MECHANICAL CODE (CMC) CHAPTER 5. A PERMIT WILL BE OBTAINED DIRECTLY FROM THE FIRE DEPARTMENT.

7. SMOKE ALARMS WILL BE HARDWIRED WITH BATTER BACKUP AND BE LOCATED IN ACCORDANCE WITH CBC SECTION 907.2.11.

8. FIRE ALARM SYSTEM WILL BE PROVIDED IN ACCORDANCE WITH THE FIRE CODE.

9. APPROVED CARBON MONOXIDE ALARMS (WITH LISTING AND APPROVAL FROM THE OFFICE OF THE STATE FIRE MARSHALL) SHALL BE INSTALLED IN DWELLING UNITS AND SLEEPING UNITS WITHIN WHICH FUEL BURNING APPLIANCES ARE INSTALLED. THE ALARM SHALL BE INTERCONNECTED IN A MANNER THAT ACTIVATION OF ONE ALARM SHALL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT (2010 CBC, 420.4.1.2)

10. CARBON MONOXIDE ALARMS SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE DWELLING UNIT SLEEPING AREA IN THE IMMEDIATE VICINITY OF BEDROOM(S) AND ON EVERY LEVEL OF A DWELLING UNIT. MULTIPURPOSE ALARMS (CARBON MONOXIDE ALARMS COMBINED WITH SMOKE ALARMS) SHALL BE INSTALLED WHEREVER POSSIBLE.

11. CONTAINERS THAT ARE 1.5 CUBIC YARDS (40.5 CUBIC FEET) OR MORE SHALL NOT BE STORED IN BUILDINGS OR PLACED WITHIN 5 FEET OF COMBUSTIBLE WALLS, OPENINGS, PROPERTY LINES OR COMBUSTIBLE ROOF EAVES UNLESS PROTECTED BY APPROVED FIRE SPRINKLERS (2007 CFC 304.3.3).

12. A KNOX BOX OR CODED ENTRY SYSTEM WILL BE INSTALLED FOR POLICE ACCESS TO ENCLOSED PARKING LOTS AND GATED COMMUNITIES.

13. THE PARKING STRUCTURE/SITE WILL BE EQUIPPED WITH AN EMERGENCY PANIC ALARM SYSTEM THAT REPORTS TO A CENTRAL OFFICE. IF MORE THAN ONE BUTTON IS IN STALLED, THEY WILL BE PLACED NO MORE THAN 100 FT. APART.

14. THE ROOF ENCLOSURE WILL BE TWO HOUR RATED. THE ROOF WILL TERMINATE AT 30" ABOVE THE ROOF AS REQUIRED BY THE BUILDING CODE. THESE ENCLOSURES WILL BE BUILT AS WOOD STUD WALLS WITH GYPSUM WALLBOARD PER GYPSUM ASSOCIATION SHAFT WALL ASSEMBLY WP 7095.

OWNER/SUBDIVIDER:
IRVINE COMPANY
APARTMENT COMMUNITIES
690 N. McCARTHY BLVD. SUITE 100 MILPITAS, CA 95035
TELEPHONE: (408) 957.1232 FAX: (408) 957.1212

MONTICELLO VILLAGE

REVISION

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SHEET TITLE
SHEET INDEX & PROJECT INFORMATION

SHEET NUMBER
GEN.1

JOB NO. 2012-10155
DATE 11-18-2013
SCALE

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SITE CONTEXT | 1

OWNER/SUBDIVIDER:

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APARTMENT COMMUNITIES
550 N. McCARTHY BLVD., SUITE 100 MILPITAS, CA 95035
TELEPHONE: (408) 957.1252 FAX: (408) 957.1212

MONTICELLO VILLAGE

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SHEET TITLE
SITE CONTEXT DIAGRAM

SHEET NUMBER
GEN.2

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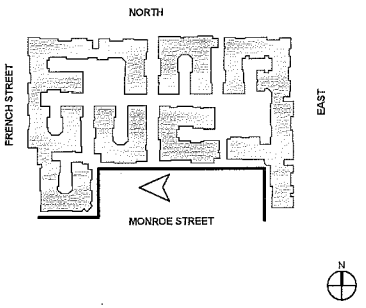

KEY PLAN

WEST VIEW RETAIL PERSPECTIVE | 1

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APARTMENT COMMUNITIES
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MONTICELLO VILLAGE

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SHEET TITLE
PERSPECTIVES

SHEET NUMBER
A1.04

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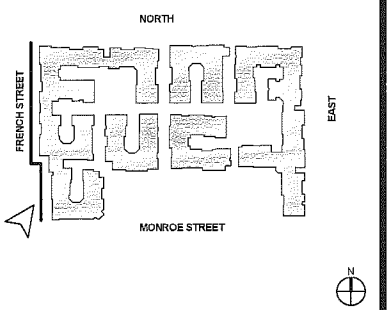
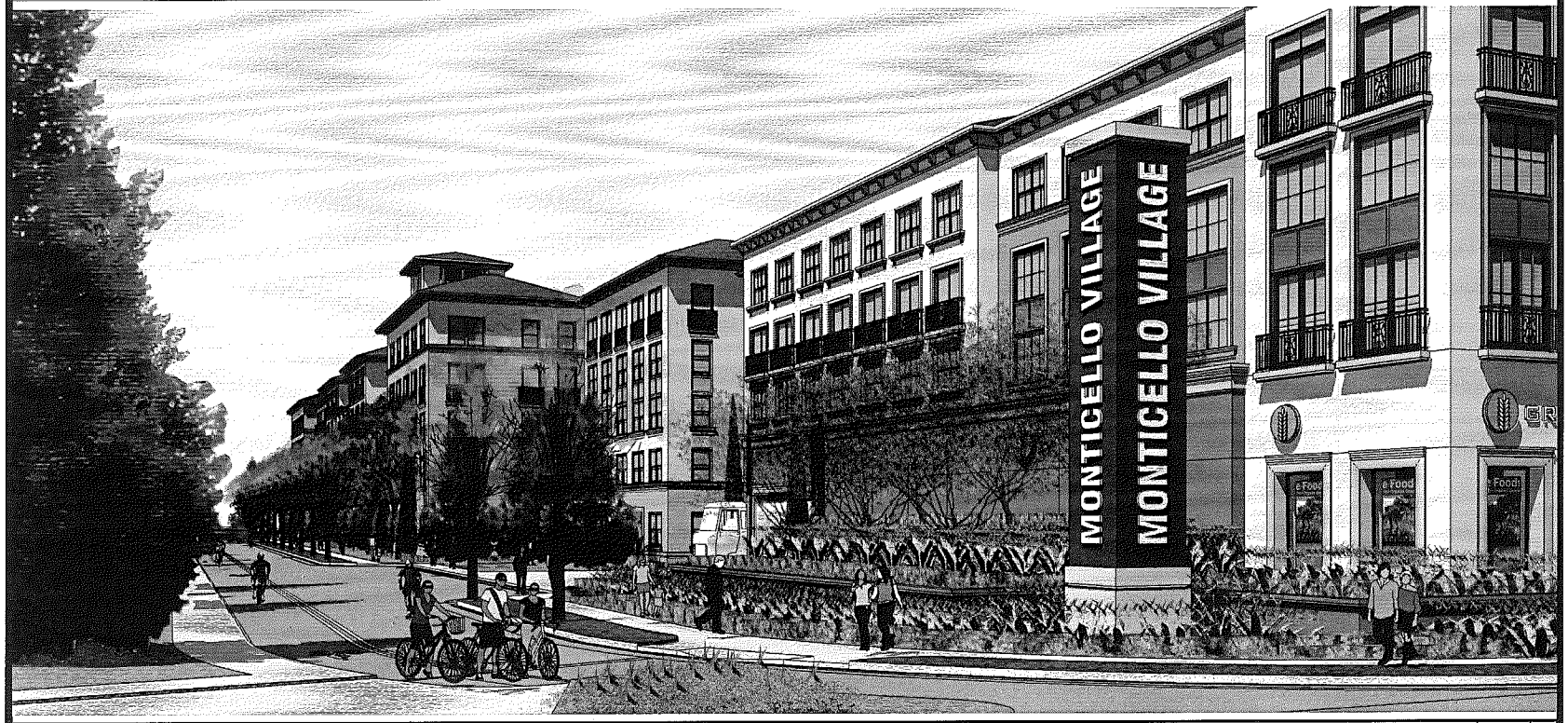


KEY PLAN



WEST FRENCH STREET PERSPECTIVE | 1

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MONTICELLO VILLAGE

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SHEET TITLE
PERSPECTIVES

SHEET NUMBER
A1.11

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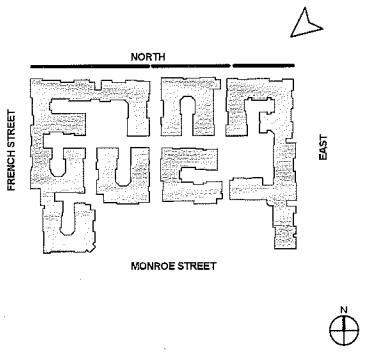

KEY PLAN

NORTH VIEW | 1

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MONTICELLO VILLAGE

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PERSPECTIVES

SHEET NUMBER
A1.13

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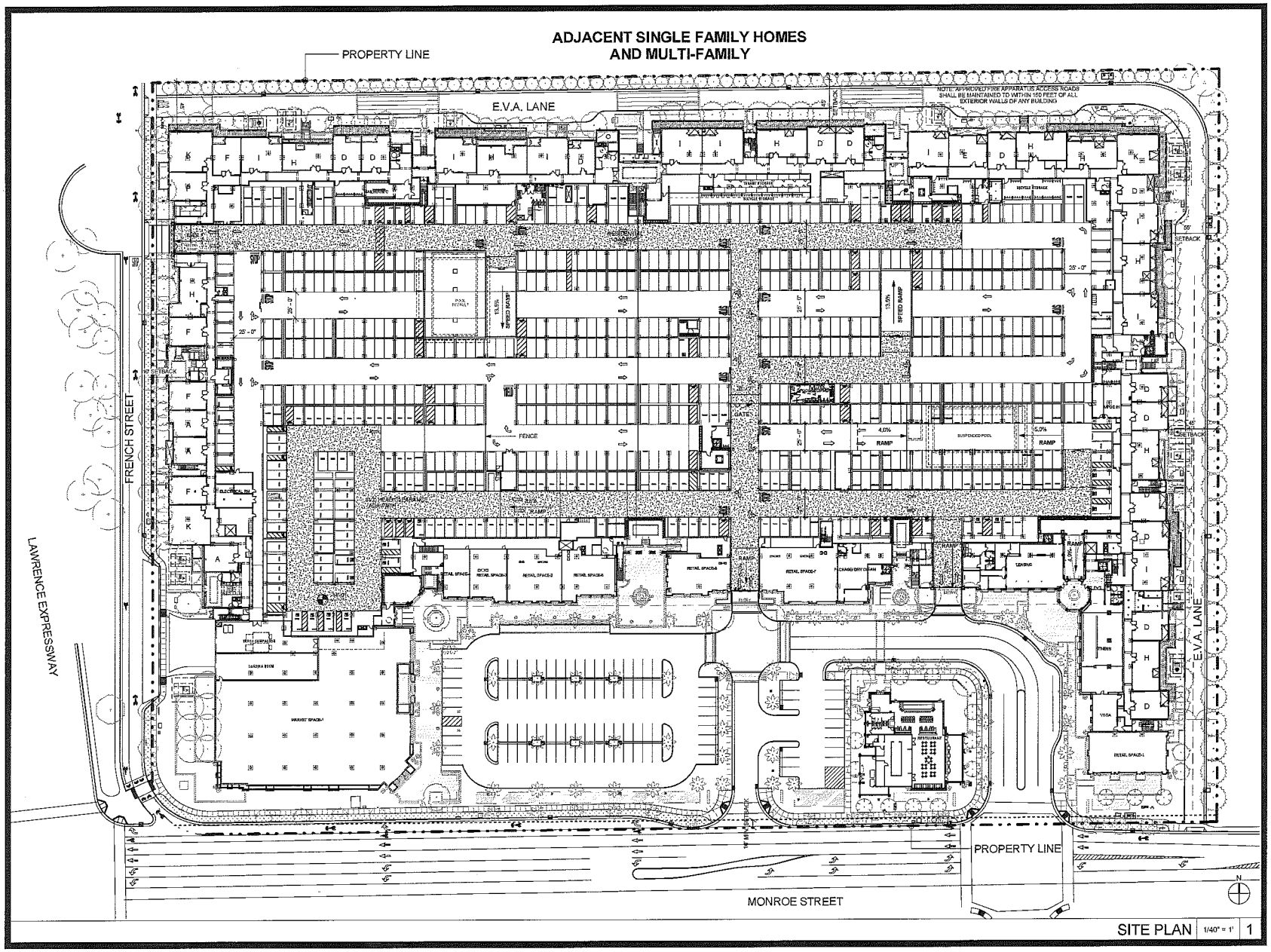

SITE PLAN | 1/40" = 1' | 1

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MONTICELLO VILLAGE

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SHEET TITLE
SITE PLAN

SHEET NUMBER
SP1.01

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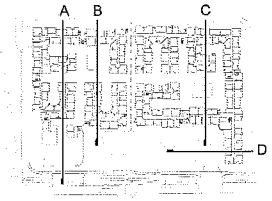

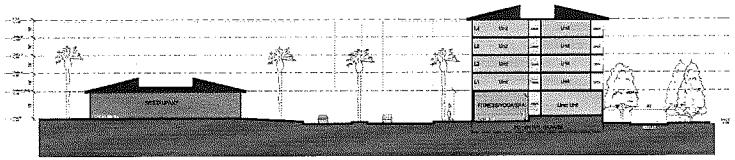

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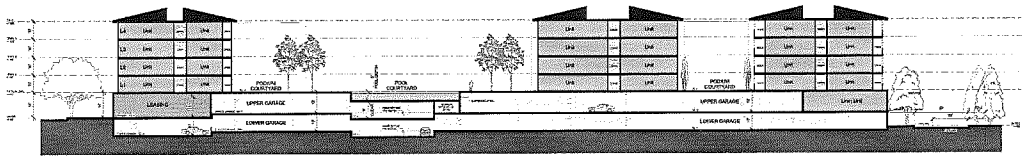

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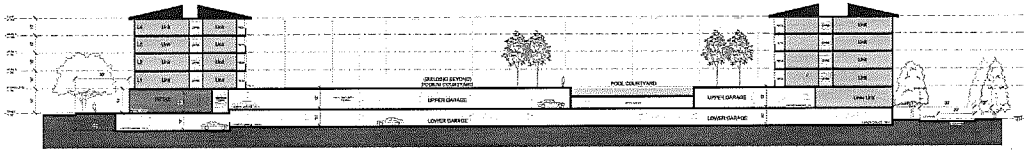
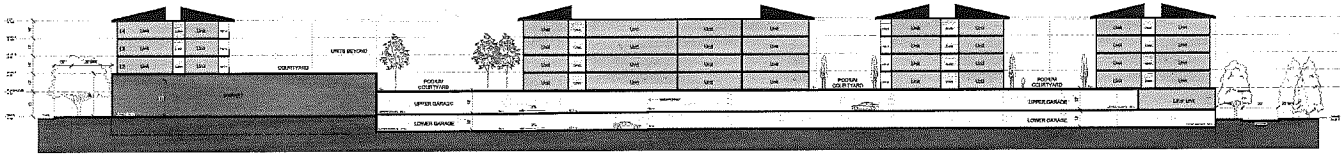


SECTION B



SECTION A

SITE SECTIONS | 1/32" = 1' | 1

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MONTICELLO VILLAGE

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SHEET TITLE
SITE SECTIONS

SHEET NUMBER
SP1.02

JRE NO. 2012-10155
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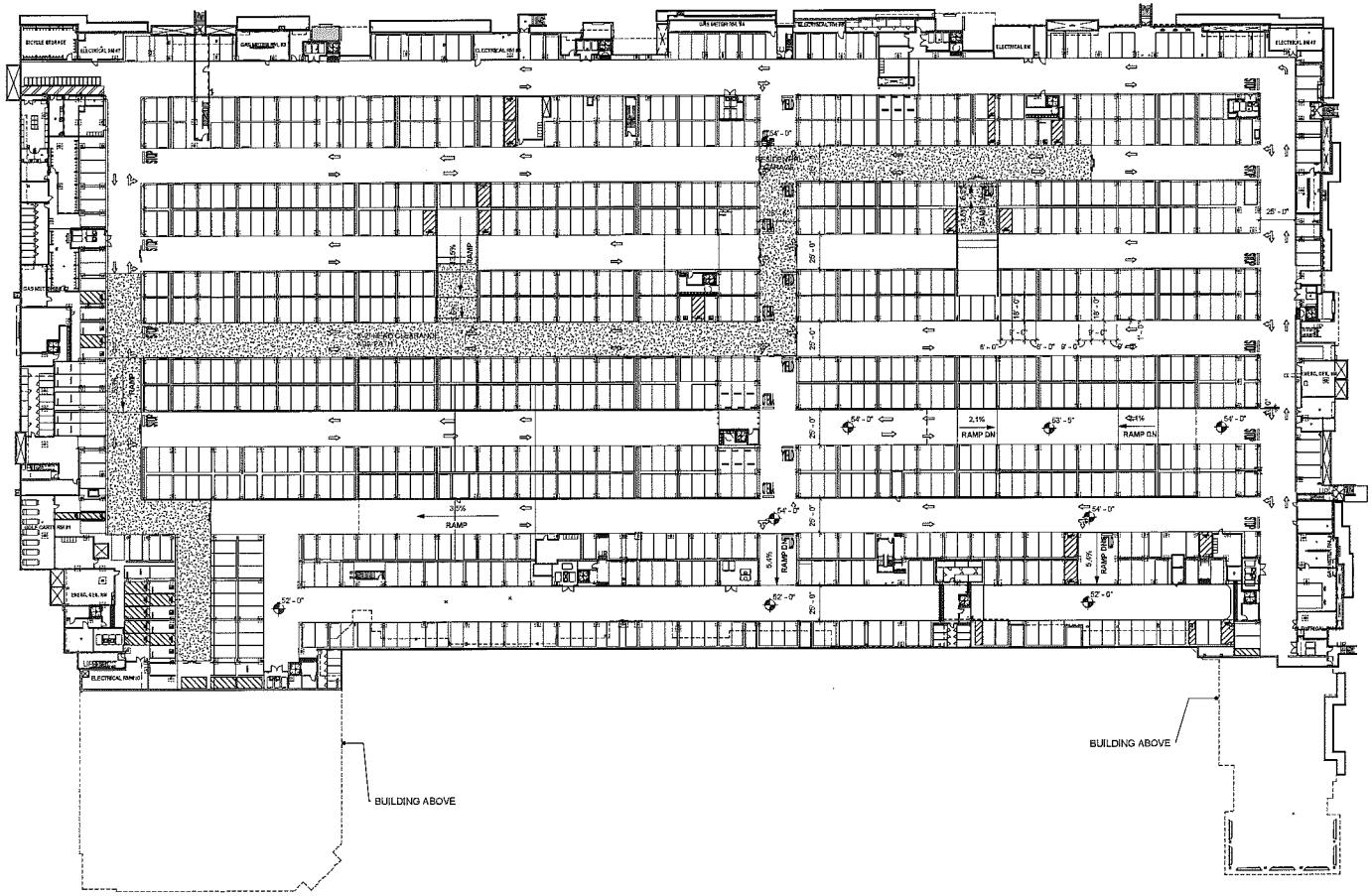

OWNER/SUBDIVIDER:

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MONTICELLO VILLAGE

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SHEET TITLE
LEVEL LOWER GARAGE

SHEET NUMBER
A2.01

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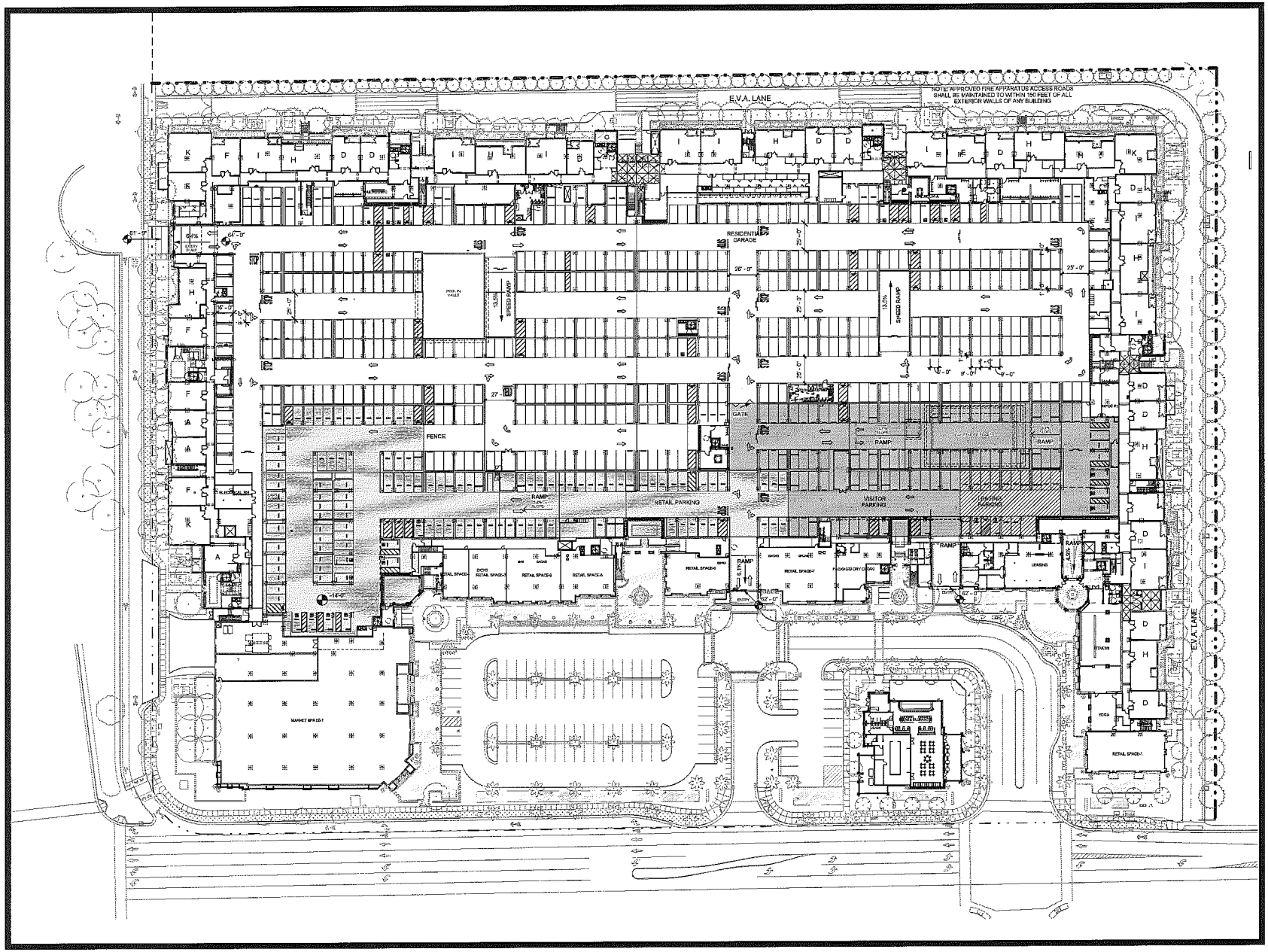

OWNER/SUBDIVIDER:

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APARTMENT COMMUNITIES
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MONTICELLO VILLAGE

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SHEET TITLE
LEVEL UPPER GARAGE

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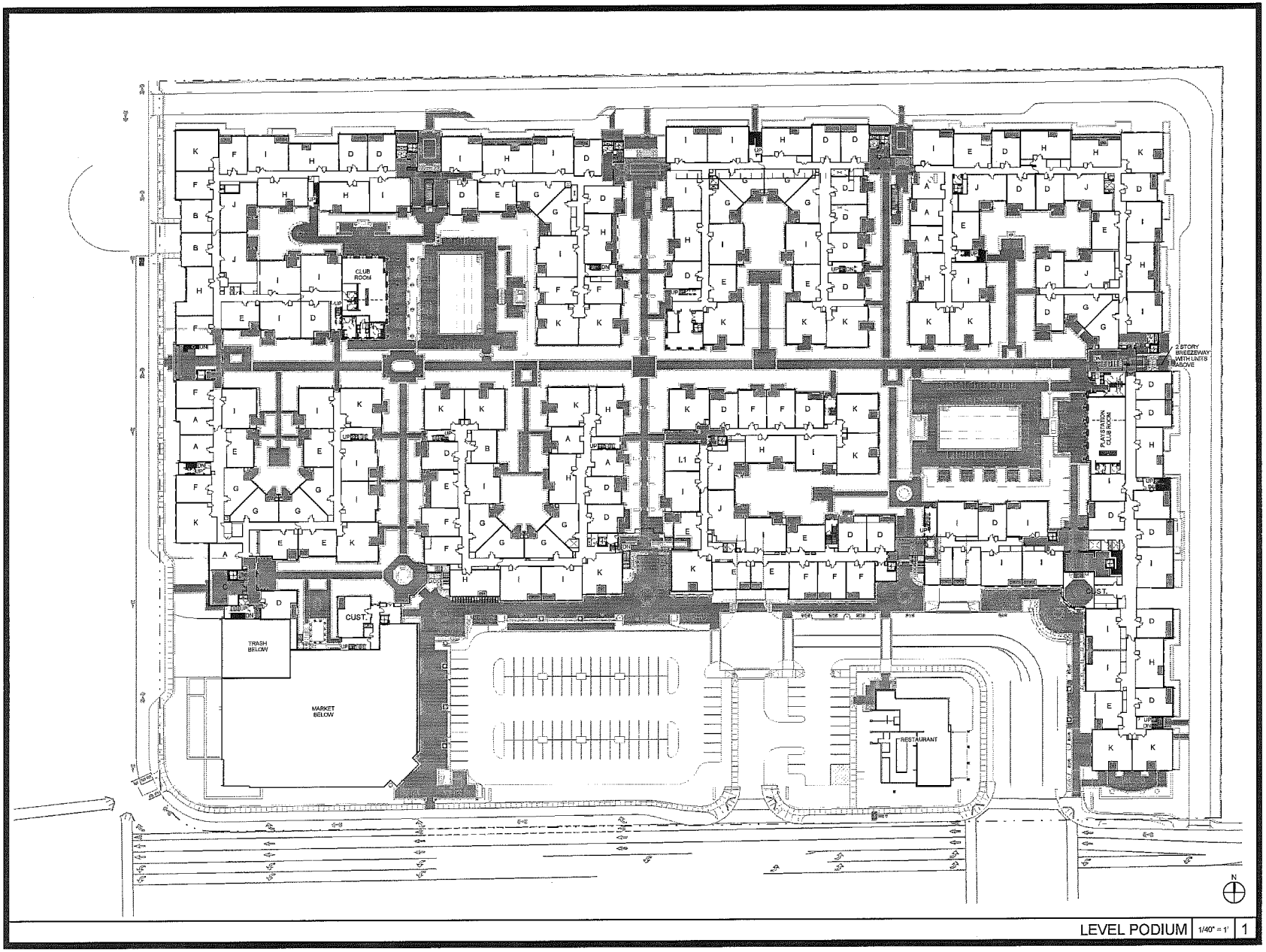

LEVEL PODIUM | 1/40" = 1' | 1

OWNER/SUBDIVIDER:

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APARTMENT COMMUNITIES
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MONTICELLO VILLAGE

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SHEET TITLE
LEVEL 1
PODIUM

SHEET NUMBER
A2.03

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LEVEL 2 | 1/40" = 1' | 1

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MONTICELLO VILLAGE

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SHEET TITLE
LEVEL 2

SHEET NUMBER
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LEVEL 3 | 1/40" = 1' | 1

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MONTICELLO VILLAGE

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SHEET TITLE
LEVEL 3

SHEET NUMBER
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LEVEL 4 | 1/40" = 1' | 1

OWNER/SUBDIVIDER:

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APARTMENT COMMUNITIES
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MONTICELLO VILLAGE

REVISION					
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SHEET TITLE
LEVEL 4

SHEET NUMBER
A2.06

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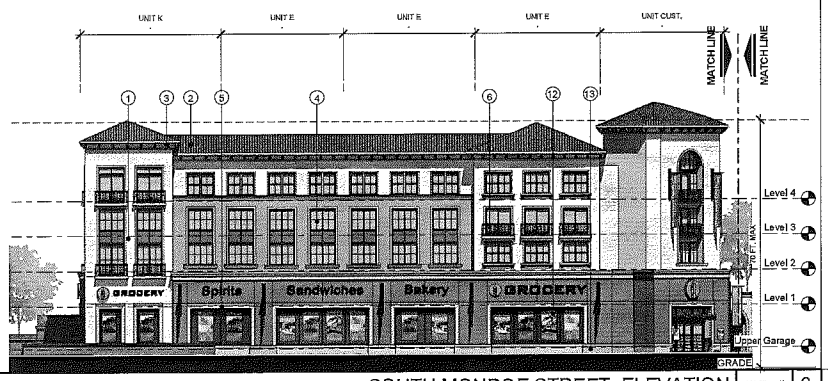
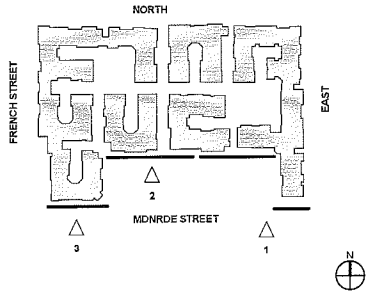


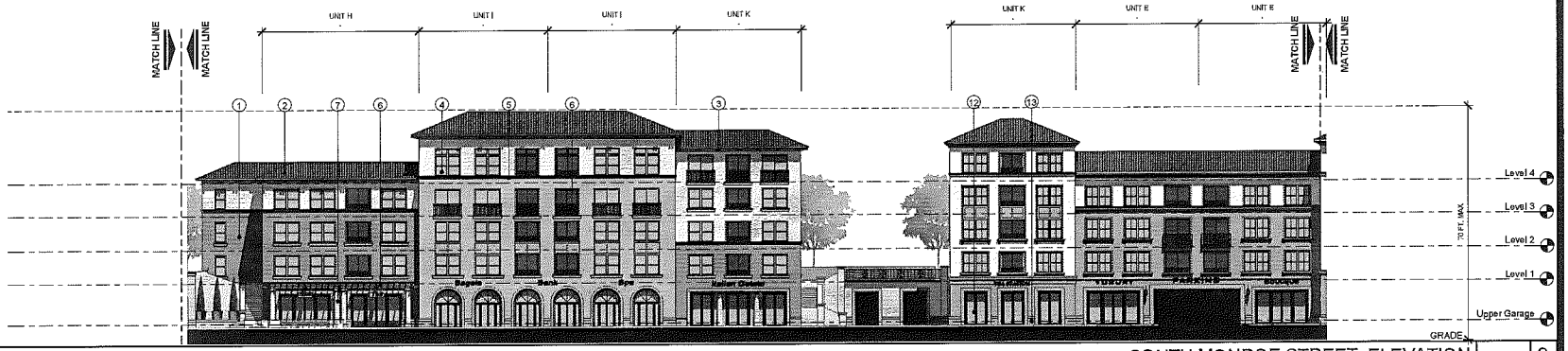
SOUTH MONROE STREET ELEVATION | 1/16" = 1' | 3

1. EXTERIOR PLASTER
2. CONCRETE TILE ROOF
3. FOAM FASCIA AND RAIN GUTTER
4. VINYL WINDOWS
5. EXTERIOR FOAM TRIM
6. ORNAMENTAL METAIL RAILING
7. WOOD POST
8. WOOD TRELLIS
9. FABRIC AWNINGS
10. NICHE DECORATIVE WITH IRON GRILL
11. NICHE WITH DECORATIVE FOAM PANEL
12. ALUMINIUM STOREFRONT
13. WAINSCOT GFRC

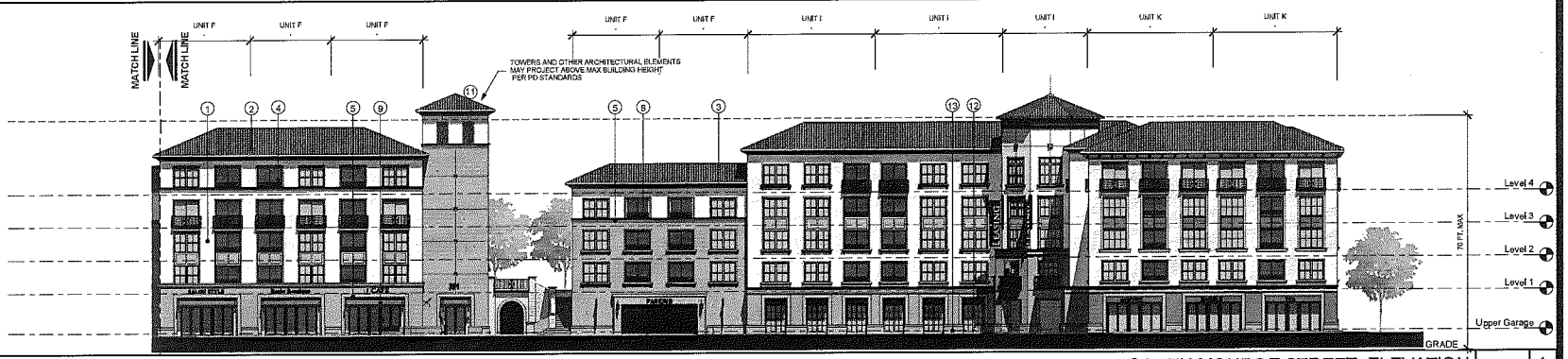
LEGEND



KEY PLAN



SOUTH MONROE STREET ELEVATION | 1/16" = 1' | 2



SOUTH MONROE STREET ELEVATION | 1/16" = 1' | 1

OWNER/SUBDIVIDER:

IRVINE COMPANY
APARTMENT COMMUNITIES
690 N. McCARTHY BLVD. SUITE 100 MILPITAS, CA 95035
TELEPHONE: (408) 957.1232 FAX: (408) 957.1212

MONTICELLO VILLAGE

REVISION

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SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NUMBER
A3.01

JOB NO. 2012-10155
DATE 05-03-2013
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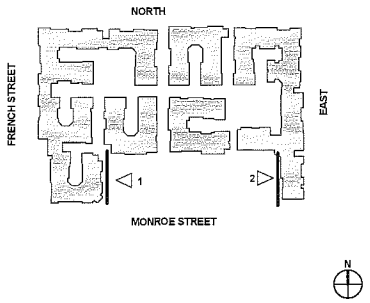
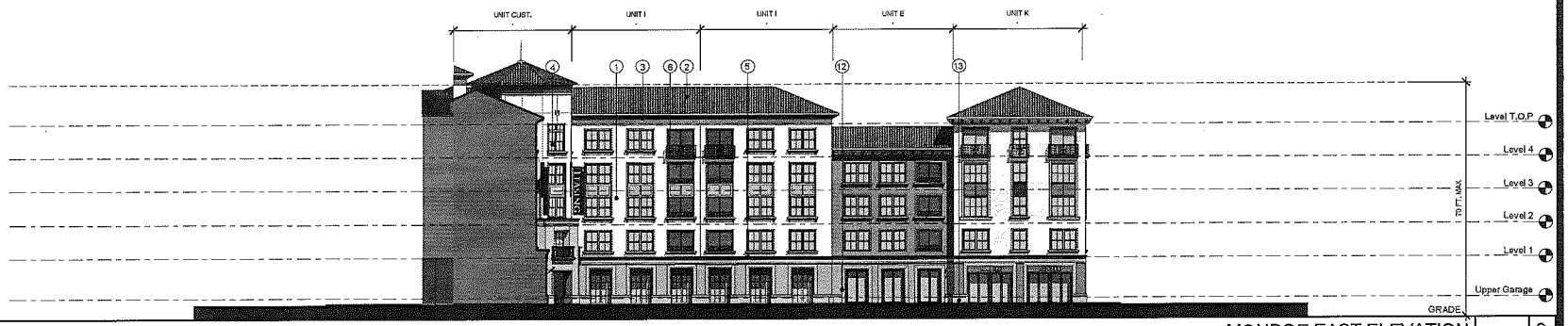
3.FOAM FASCIA AND RAIN GUTTER
4. VINYL WINDOWS
5. EXTERIOR FOAM TRIM
6. ORNAMENTAL METAIL RAILING
7. WOOD POST
8. WOOD TRELLIS
9. FABRIC AWNINGS
10.NICHE DECORATIVE WITH IRON GRILL
11. NICHE WITH DECORATIVE FOAM PANEL
12. ALUMINIUM STOREFRONT
13. WAINSCOT GFRC

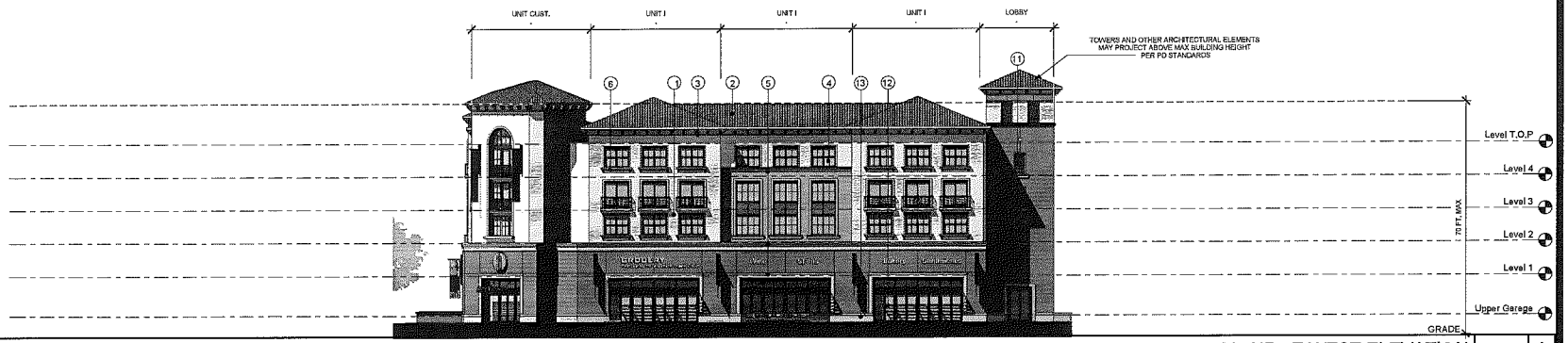
LEGEND



KEY PLAN



MONROE EAST ELEVATION | 1/16" = 1' | 2



MONROE WEST ELEVATION | 1/16" = 1' | 1

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MONTICELLO VILLAGE

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EXTERIOR ELEVATIONS

SHEET NUMBER
A3.02

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4. VINYL WINDOWS
5. EXTERIOR FOAM TRIM
6. ORNAMENTAL METAIL RAILING
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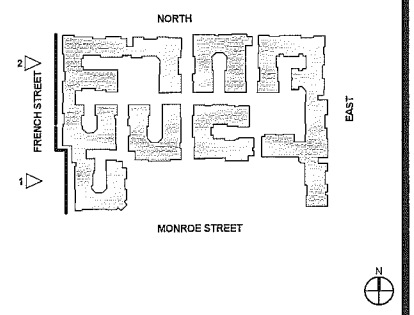
11. NICHE WITH DECORATIVE FOAM PANEL
12. ALUMINIUM STOREFRONT
13. WAINSCOT GFRC

LEGEND



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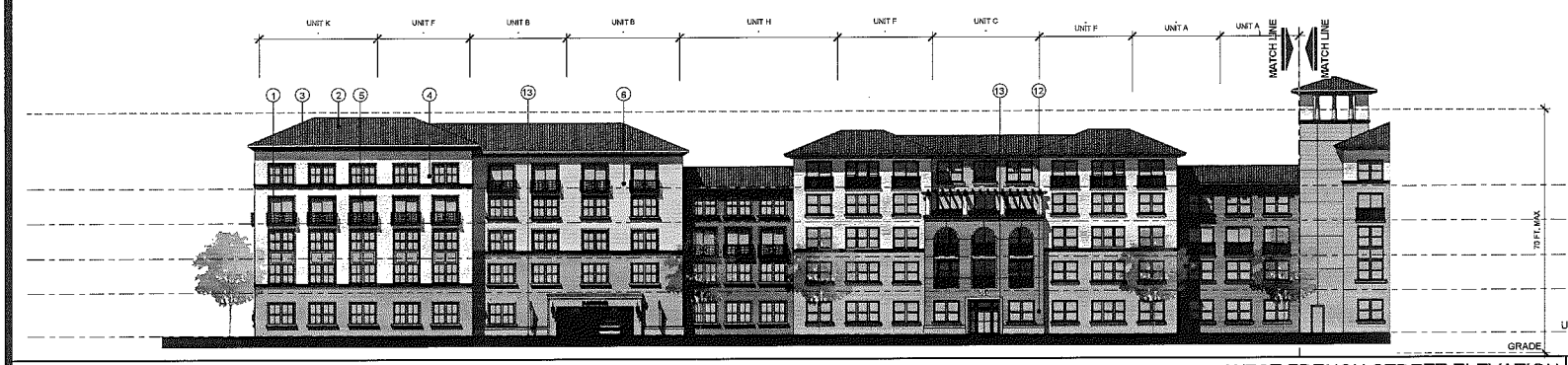
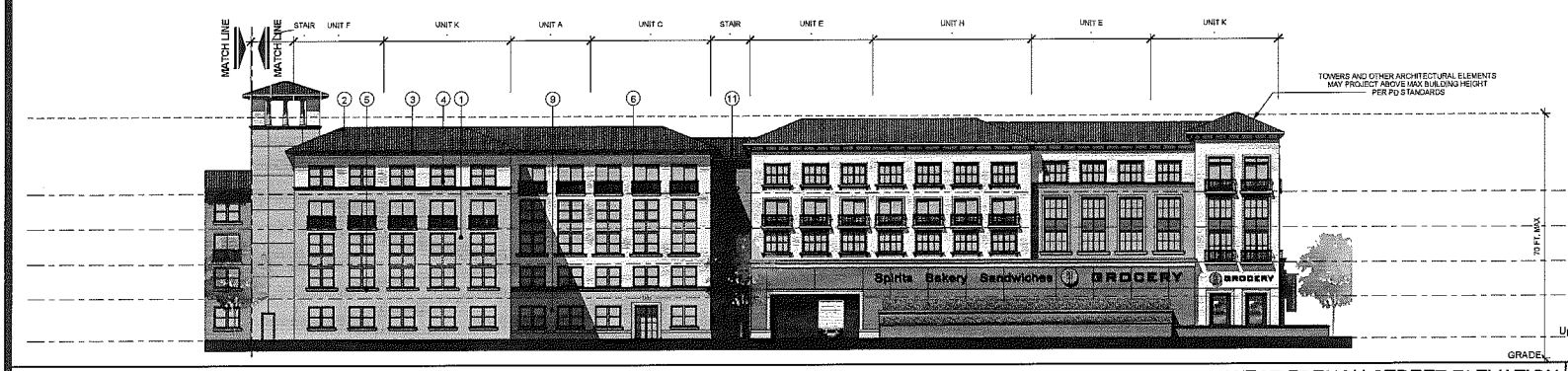


WEST FRENCH STREET ELEVATION 1/16" = 1' 2



WEST FRENCH STREET ELEVATION 1/16" = 1' 1

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MONTICELLO VILLAGE

REVISION

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EXTERIOR ELEVATIONS

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A3.03

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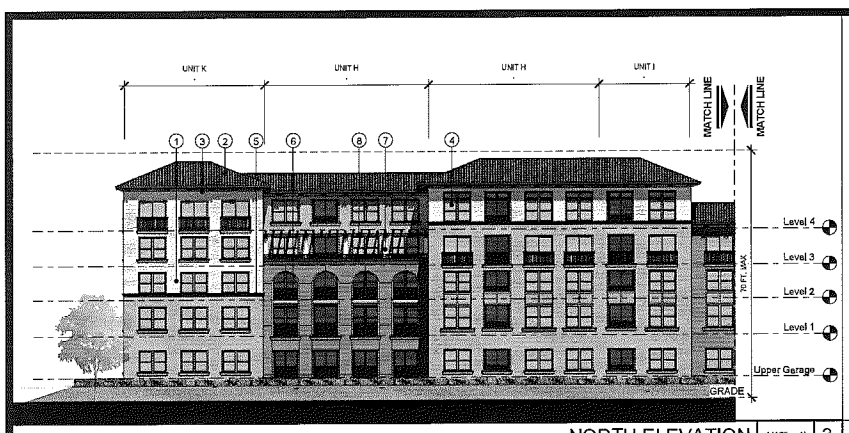

NORTH ELEVATION | 1/16" = 1' | 3

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2. CONCRETE TILE ROOF
3. FOAM FASCIA AND RAIN GUTTER
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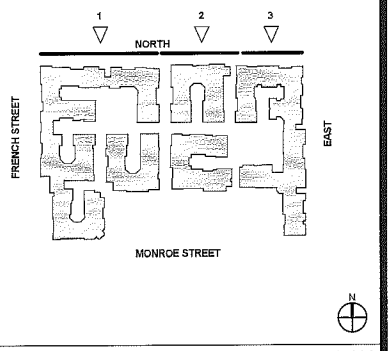
LEGEND



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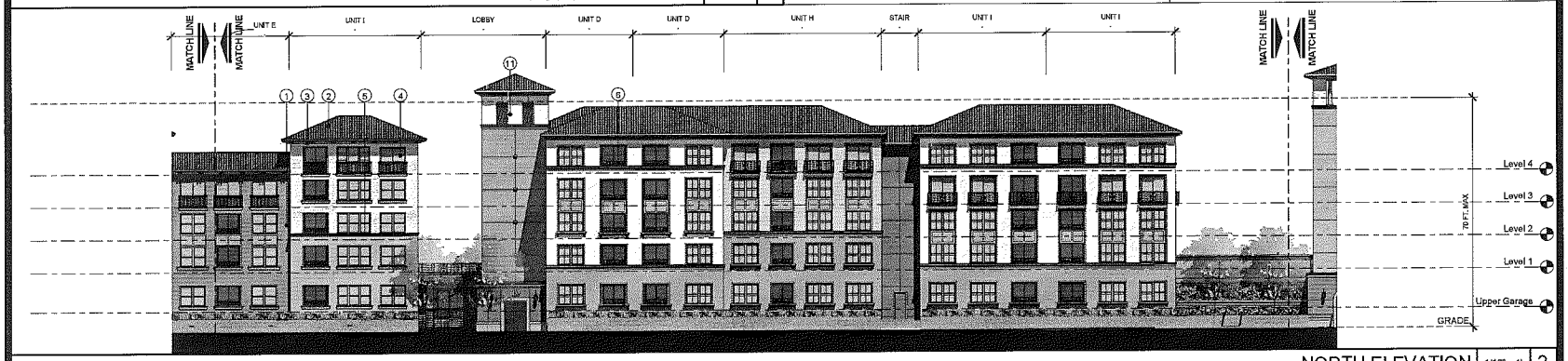
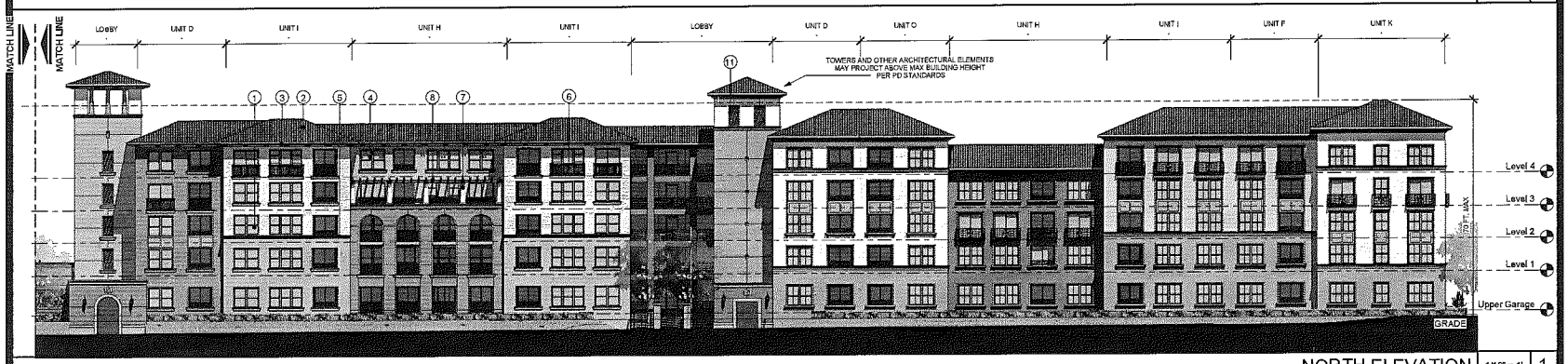


NORTH ELEVATION | 1/16" = 1' | 2



NORTH ELEVATION | 1/16" = 1' | 1

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MONTICELLO VILLAGE

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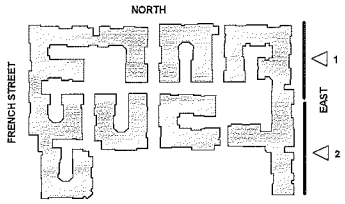

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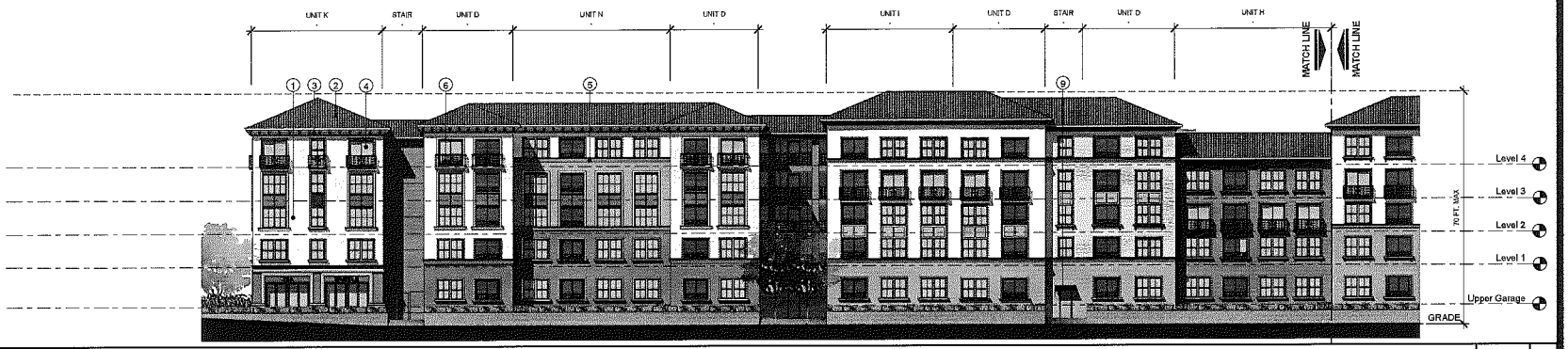
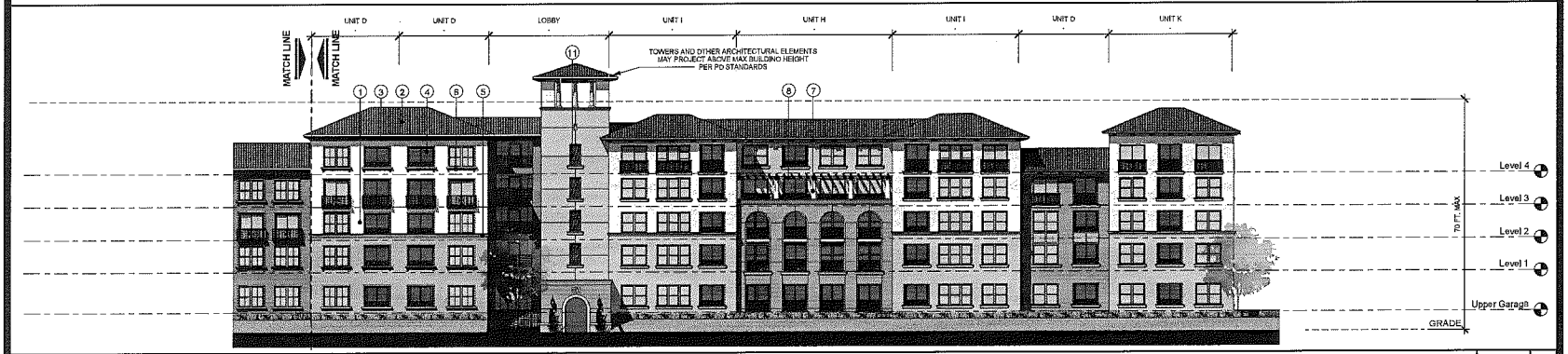


EAST ELEVATION | 1/16" = 1' | 2



EAST ELEVATION | 1/16" = 1' | 1

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MONTICELLO VILLAGE

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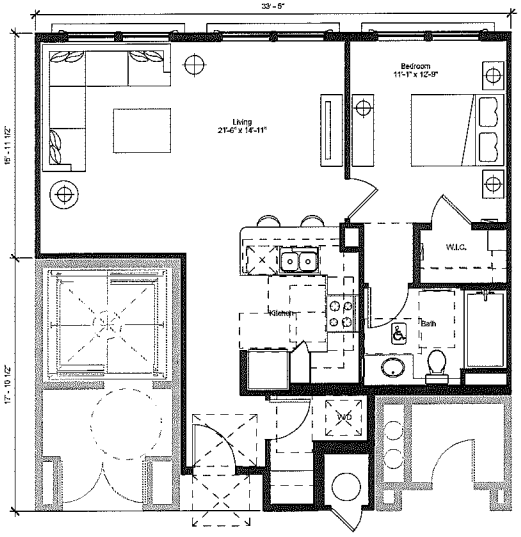
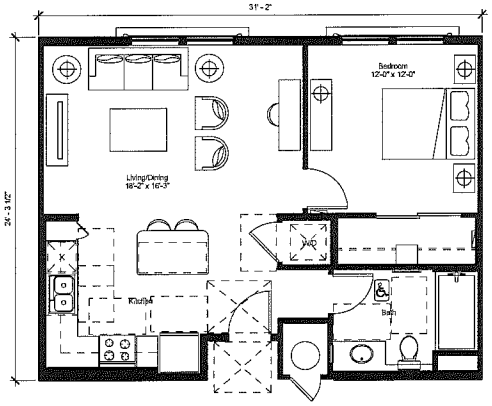
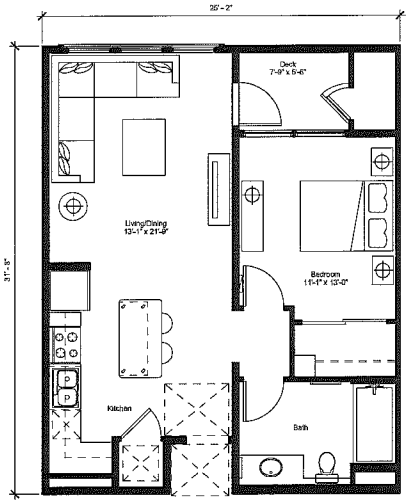


UNIT C
1 BD / 1 BA
775 S.F.



UNIT B
1 BD / 1 BA
669 S.F.



UNIT A
1 BD / 1 BA
627 S.F.

OWNER/SUBDIVIDER:

THE IRVINE COMPANY
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MONTICELLO VILLAGE

REVISION

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SHEET TITLE
UNIT PLANS

SHEET NUMBER
A4.01

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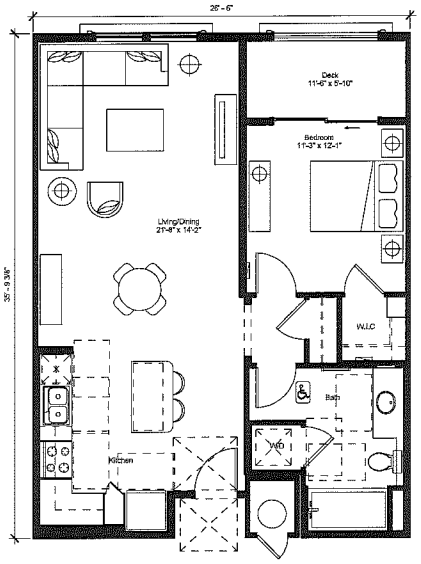
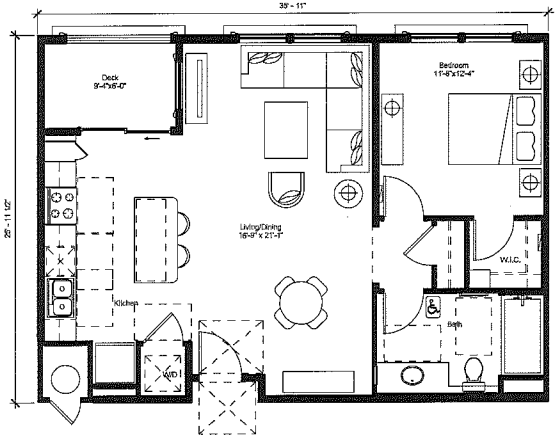
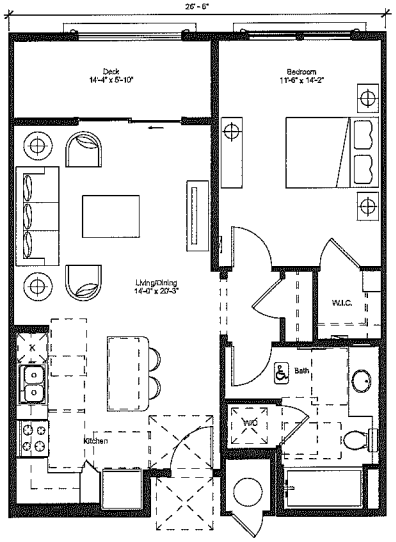


UNIT F
1 BD / 1 BA
787 S.F.



UNIT E
1 BD / 1 BA
784 S.F.



UNIT D
1 BD / 1 BA
705 S.F.

OWNER/SUBDIVIDER:

THE IRVINE COMPANY
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MONTICELLO VILLAGE

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SHEET TITLE
UNIT PLANS

SHEET NUMBER
A4.02

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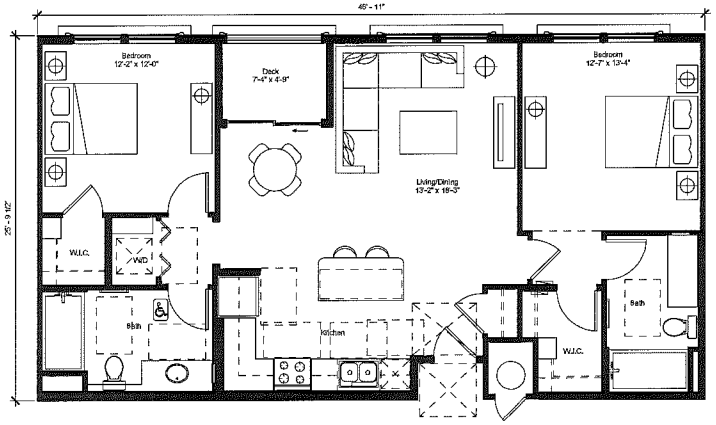
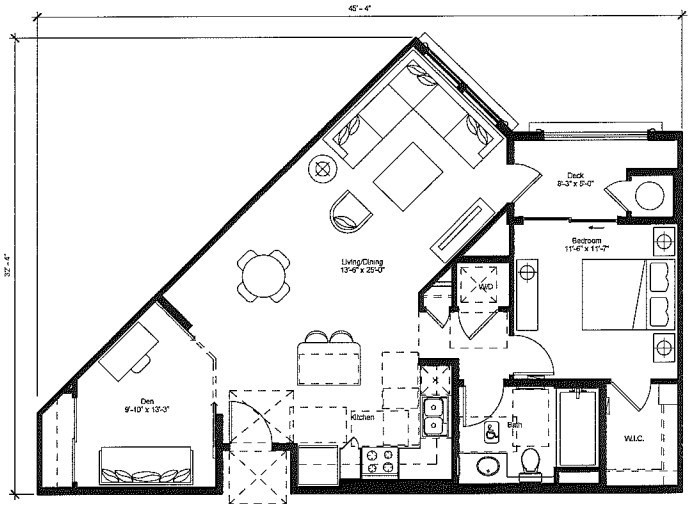


UNIT H
2 BD / 2 BA
1,061 S.F.



UNIT G
1 BD / 1 BA + DEN
862 S.F.

OWNER/SUBDIVIDER:

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SHEET TITLE
UNIT PLANS

SHEET NUMBER
A4.03

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DATE 05-03-2013
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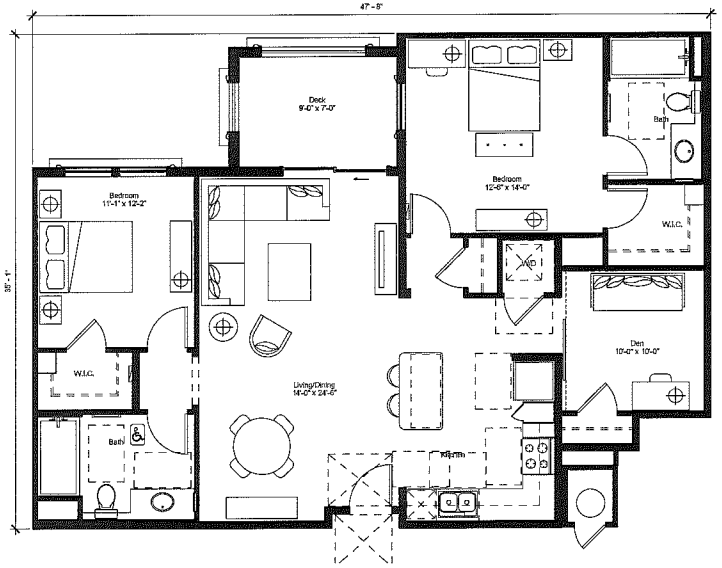
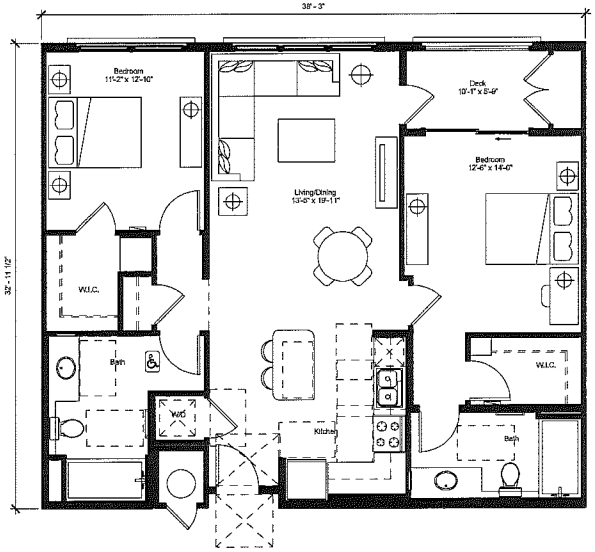


UNIT J
2 BD / 2 BA + DEN
1,230 S.F.



UNIT I
2 BD / 2 BA
1,093 S.F.

OWNER/SUBDIVIDER:

THE IRVINE COMPANY
APARTMENT COMMUNITIES
550 N. McCARTHY BLVD, SUITE 100 MILPITAS, CA 95035
TELEPHONE: (408) 957.1232 FAX: (408) 957.1212

MONTICELLO VILLAGE

REVISION

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SHEET TITLE
UNIT PLANS

SHEET NUMBER
A4.04

JOB NO. 2012-10155
DATE 05-03-2013
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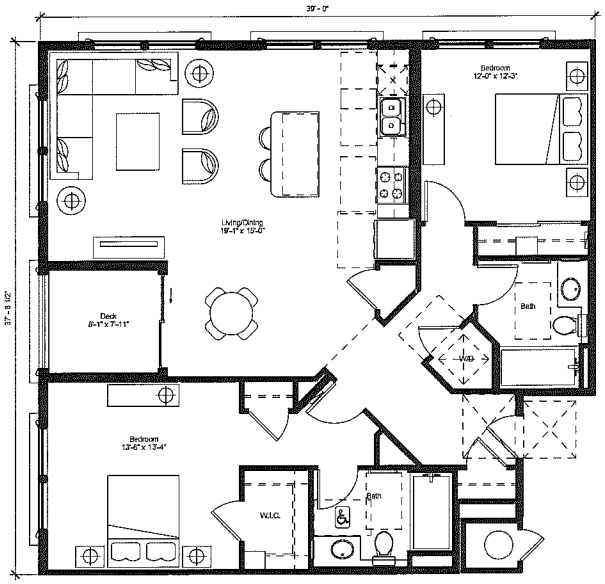

UNIT K
2 BD / 2 BA
1,241 S.F.

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MONTICELLO VILLAGE

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SHEET TITLE
UNIT PLANS

SHEET NUMBER
A4.05

JOB NO. 2012-10155
DATE 05-03-2013
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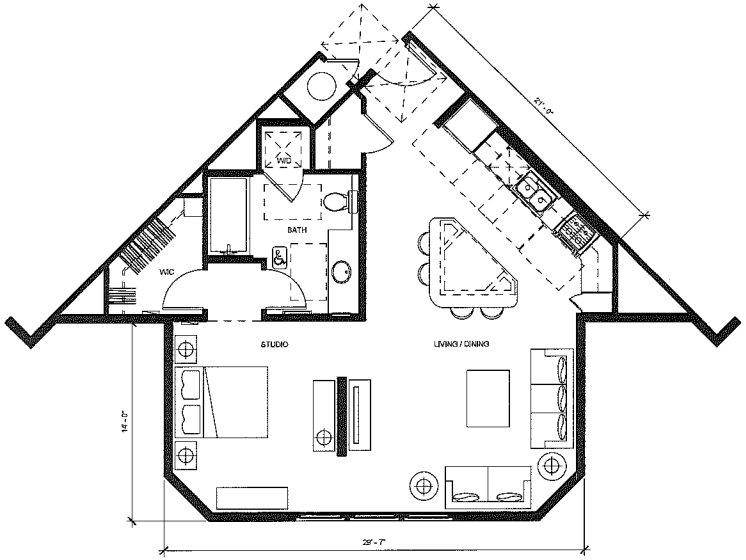
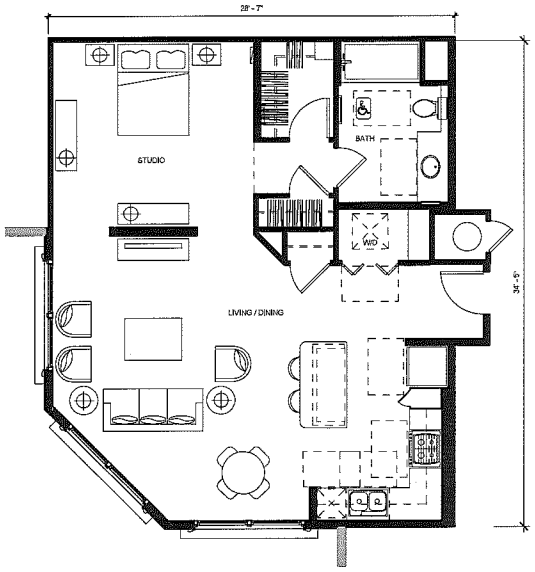


STUDIO CUST. 2
STUDIO
805 S.F.



STUDIO CUST. 1
STUDIO
906 S.F.

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MONTICELLO VILLAGE

REVISION

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SHEET TITLE
UNIT PLANS

SHEET NUMBER
A4.06

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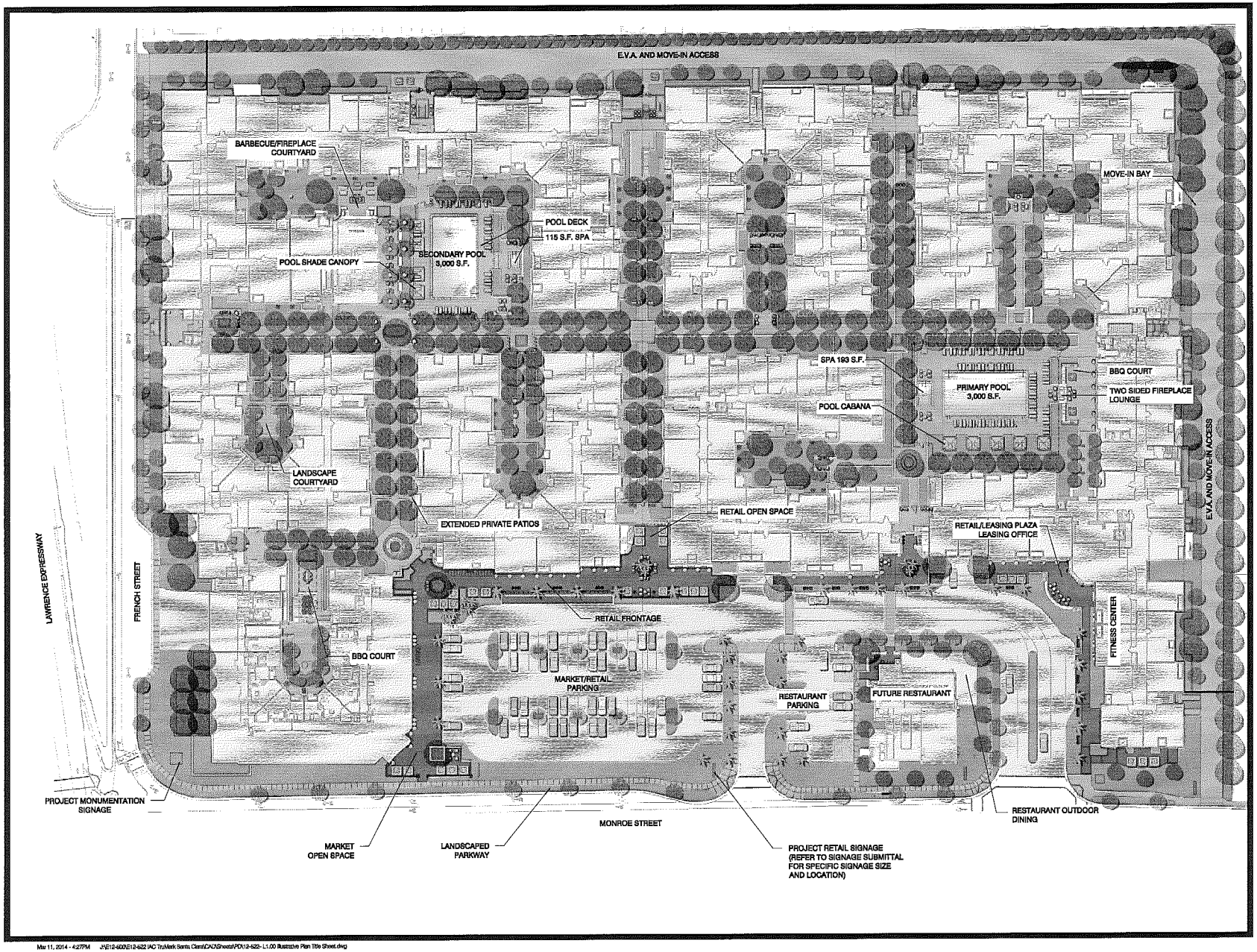

Mar 11, 2014 - 4:27PM J:\E12-600\E12-622 IAC TruMark Santa Clara\CAD\Sheets\PD\12-622- L1.00 Illustrative Plan Title Sheet.dwg

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MONTICELLO VILLAGE

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SHEET TITLE

LANDSCAPE ILLUSTRATIVE PLAN

SHEET NUMBER

L1.00

JOB NO. E12-522
DATE 03.18.2014
SCALE 1" = 40'-0"

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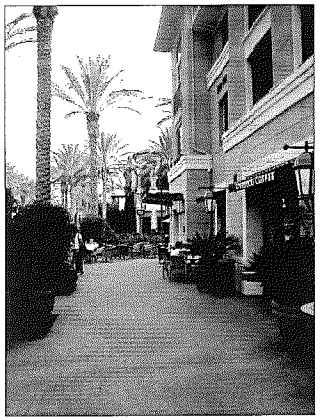
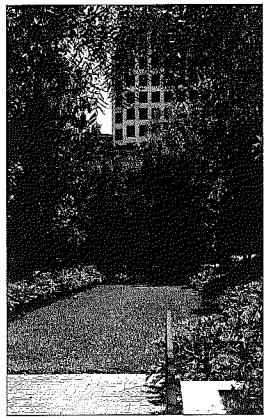
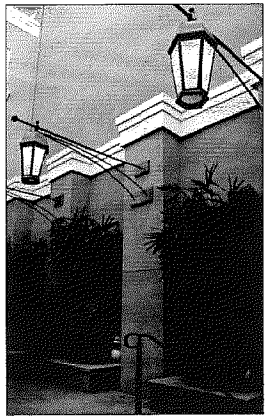
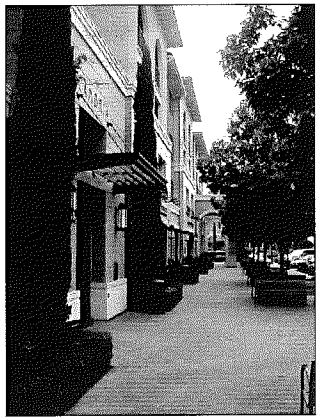
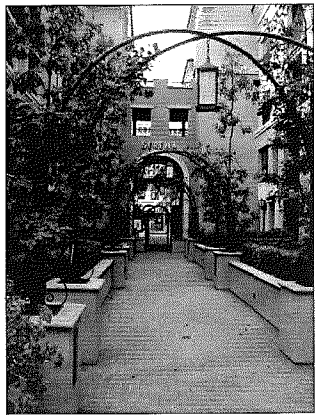

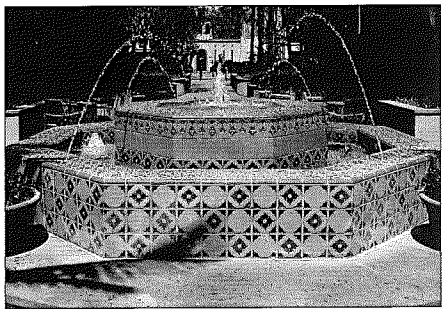
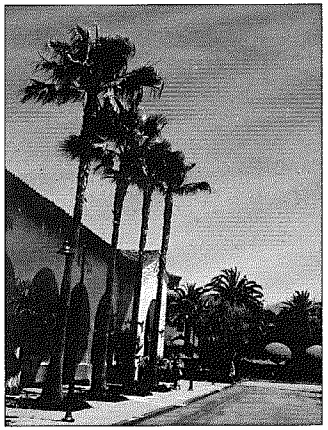
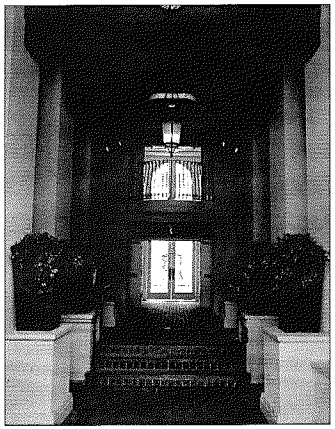
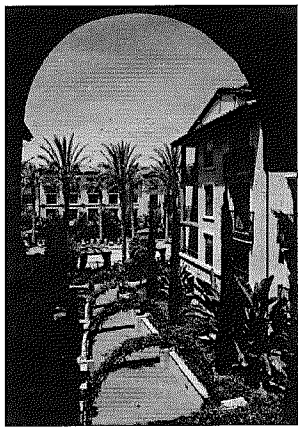
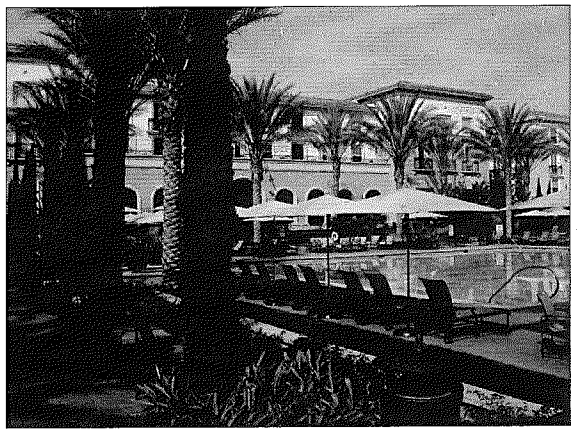

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MONTICELLO VILLAGE

REVISION

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SHEET TITLE

PROJECT IMAGERY
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SHEET NUMBER

L1.05

JOB NO. E12-522
DATE 03.18.2014
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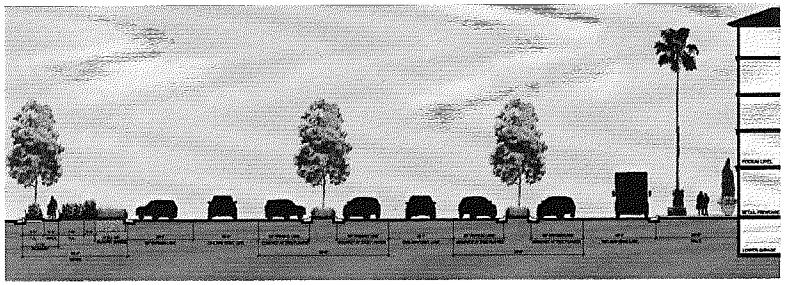
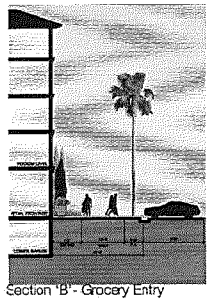
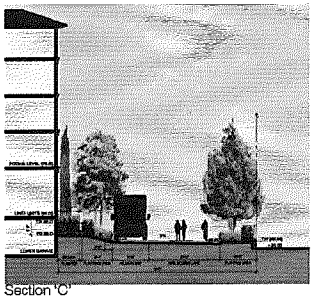


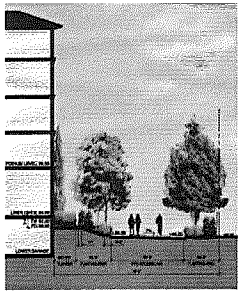
Section 'A': Retail Parking



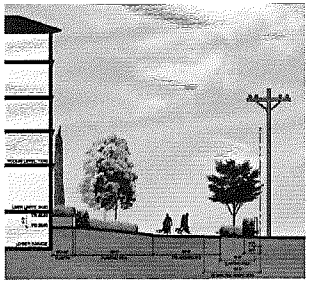
Section 'B' - Grocery Entry



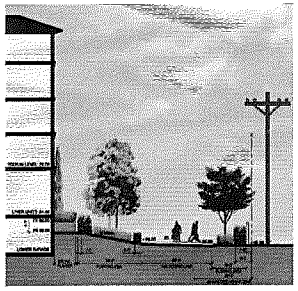
Section 'C'



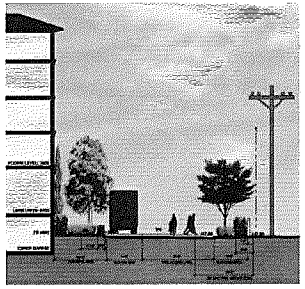
Section 'D': EVA Lane (SE Section)



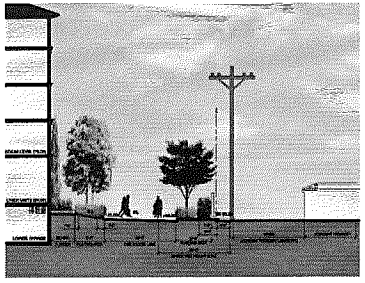
Section 'E': EVA Lane (Northeast Corner)



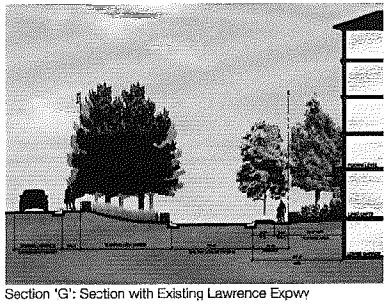
Section 'E1': EVA Lane (Northeast Corner)



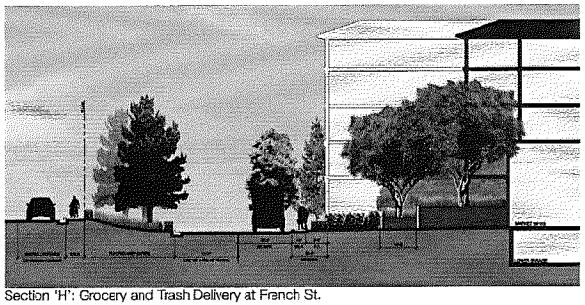
Section 'E2': EVA Lane with Move-In Bay



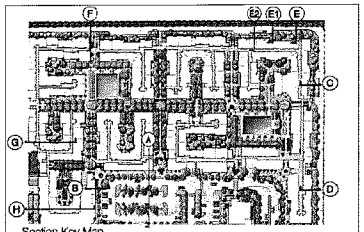
Section 'F': EVA Northwest Corner



Section 'G': Section with Existing Lawrence Expwy



Section 'H': Grocery and Trash Delivery at Franch St.



Section Key Map

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APARTMENT COMMUNITIES
690 N. McCARTHY BLVD. SUITE 100 MILPITAS, CA 95035
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MONTICELLO VILLAGE

REVISION

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SHEET TITLE

SECTIONS

SHEET NUMBER

L1.12

JOB NO. E12-522
DATE 03.18.2014
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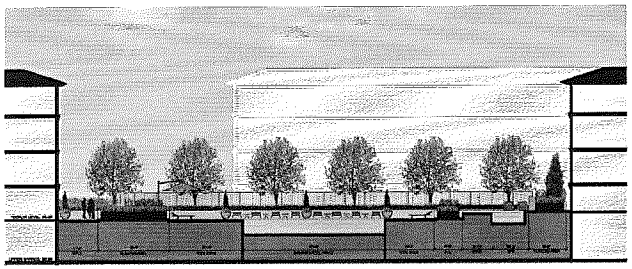
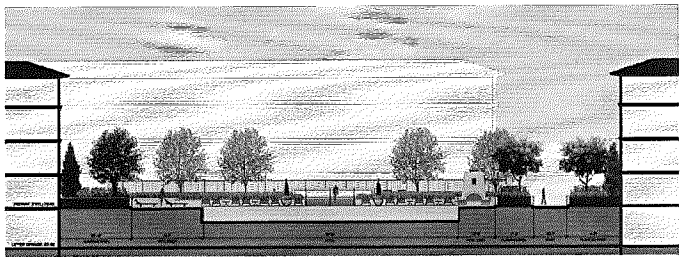
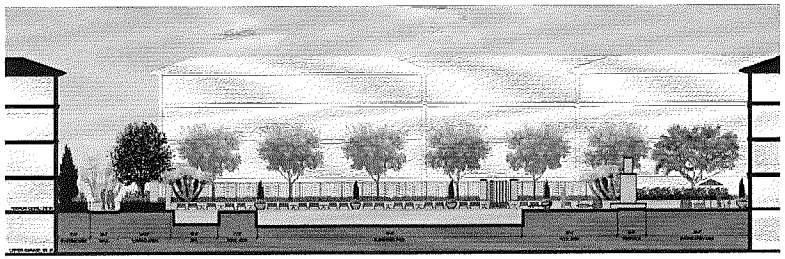


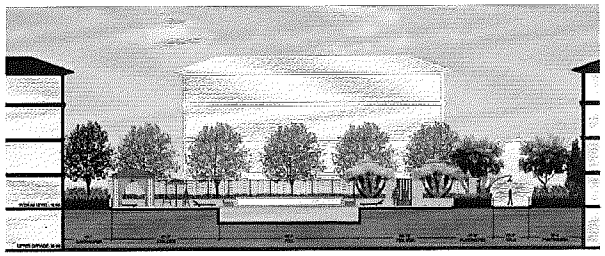
Section 'A': West Pool (View Facing North)



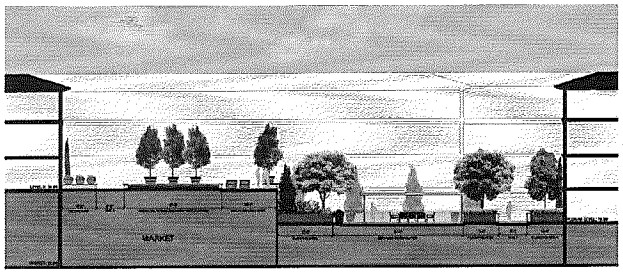
Section 'B': West Pool (View Facing East)



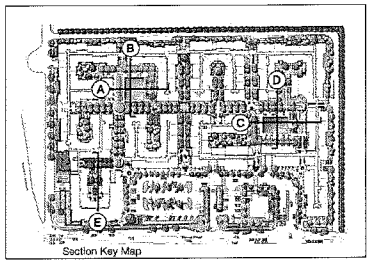
Section 'C': East Pool (View Facing North)



Section 'D': East Pool (View Facing West)



Section 'E': Market Courtyard



Section Key Map

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MONTICELLO VILLAGE

REVISION

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PODIUM SECTIONS

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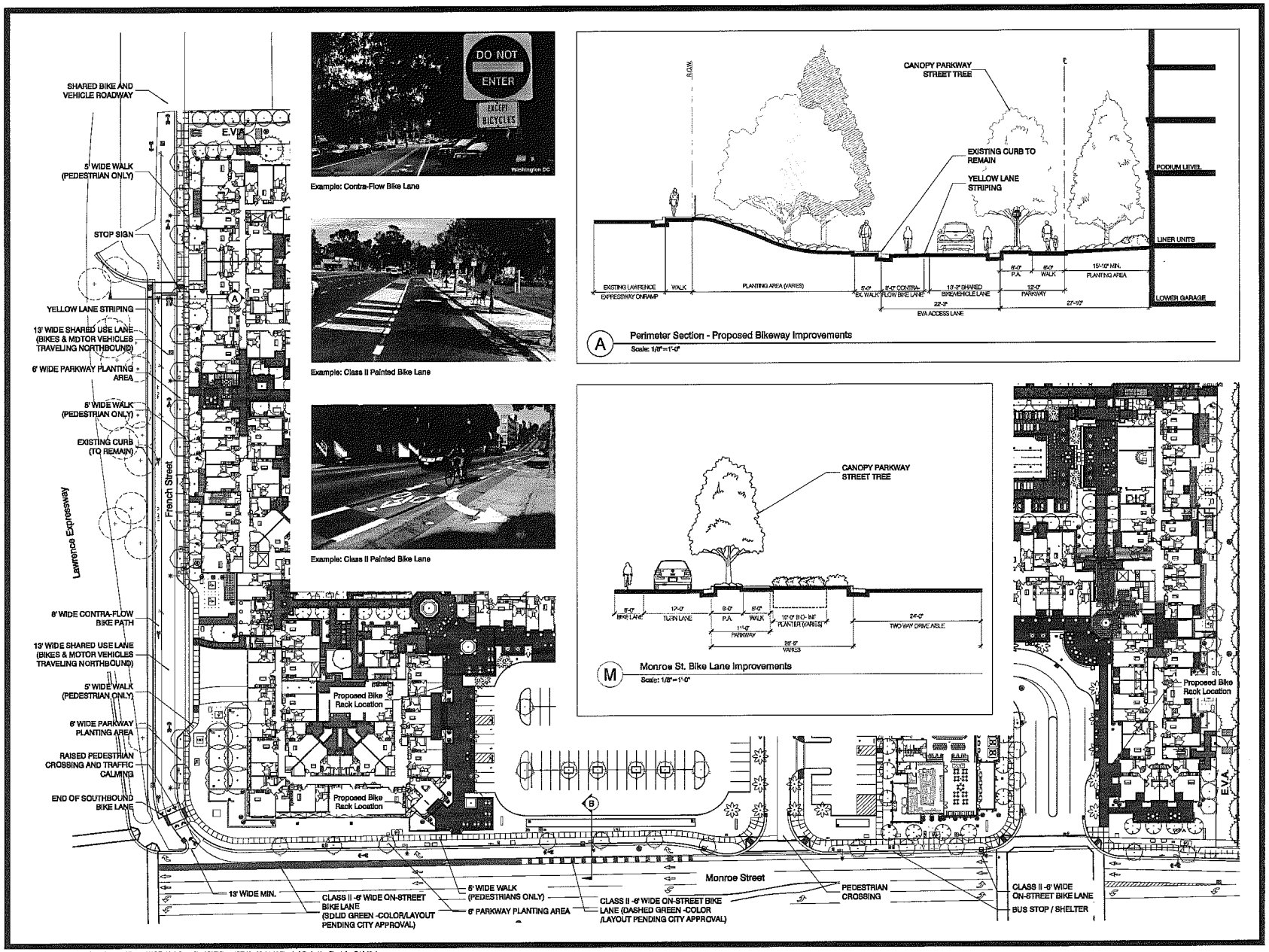

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SHEET TITLE

BICYCLE CIRCULATION PLAN

SHEET NUMBER

L1.14

JOB NO. E12-522
DATE 03.18.2014
SCALE 1" = 40'-0"

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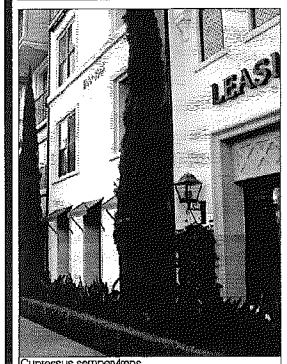
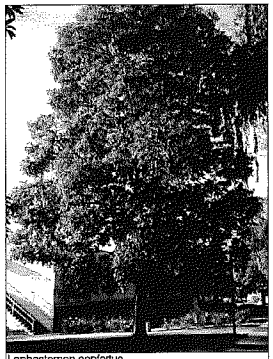
Mar 13, 2014 - 9:27AM J:\E12-600\E12-522 IAC Tri-Mark Santa Clara\CAD\Sheets\PD\12-522- L1.15 Bicycle & Pedestrian Circulation Exhibit2.dwg

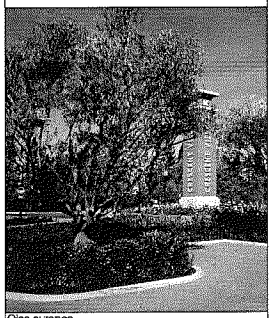
Retail Trees:

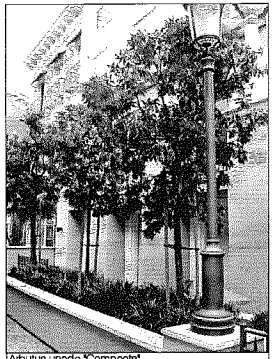


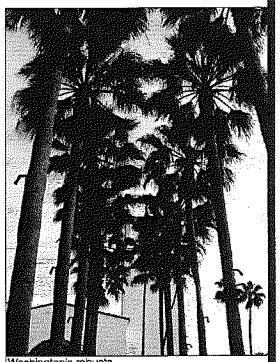
Cupressus sempervirens
Italian Cypress


Lophostemon confertus
Brisbane Box

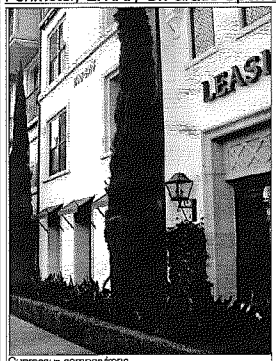
Podocarpus gracilior
Fern Pine


Olea europea
Olive Tree

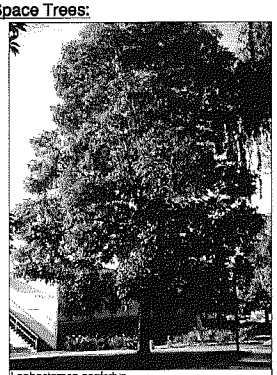

Arbutus unedo "Compacta"
Strawberry Tree

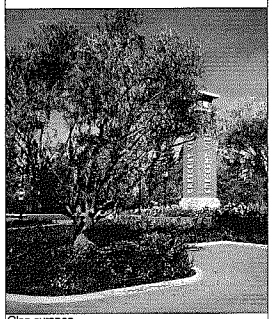

Washingtonia robusta
Mexican Fan Palm

Perimeter/ E.V.A. / On Grade Open Space Trees:

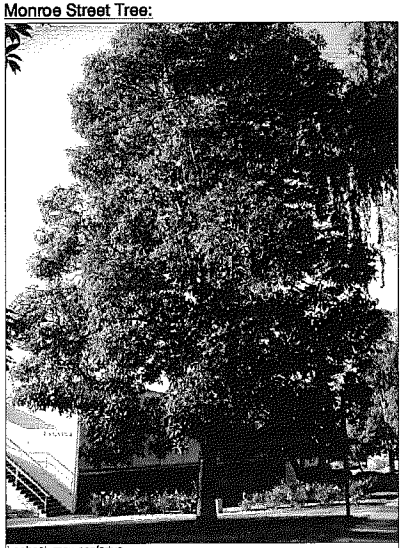


Cupressus sempervirens
Italian Cypress

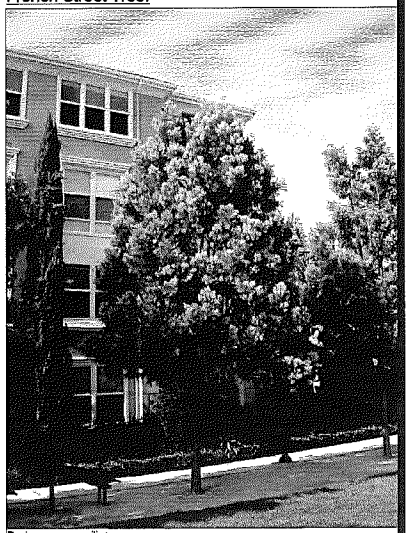

Lophostemon confertus
Brisbane Box


Olea europea
Olive Tree

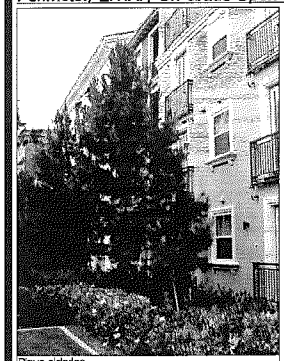
Monroe Street Tree:

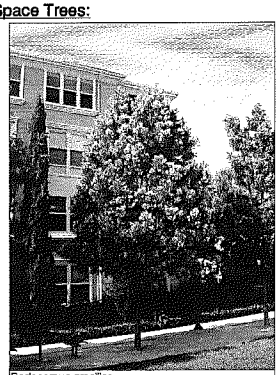

Lophostemon confertus
Brisbane Box

French Street Tree:


Podocarpus gracilior
Fern Pine

Perimeter/ E.V.A. / On Grade Open Space Trees:


Pinus eldarica
Afghan Pine Tree


Podocarpus gracilior
Fern Pine

Laurus nobilis
Sweet Bay Laurel Tree

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MONTICELLO VILLAGE

REVISION

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SHEET TITLE

TREE IMAGES

SHEET NUMBER

L2.06

JOB NO. E12-522
DATE 03.18.2014
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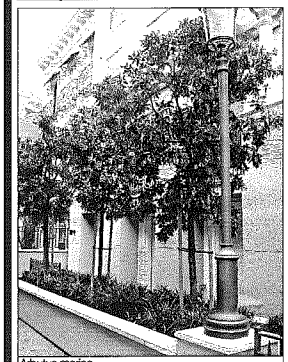
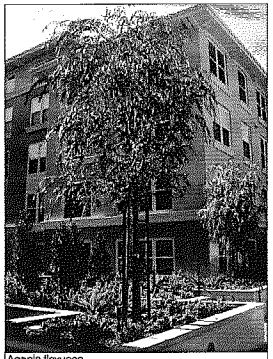
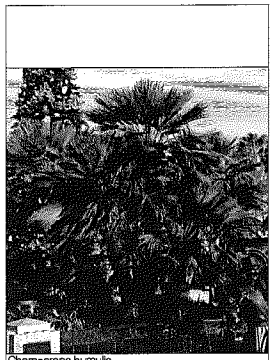
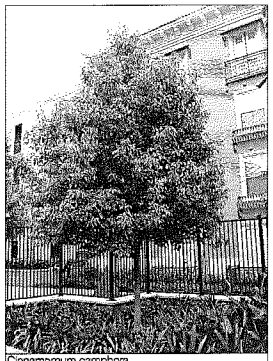
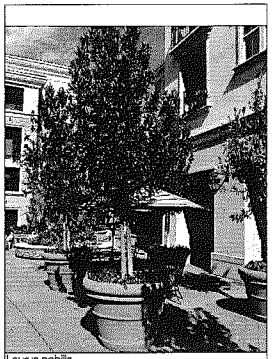
Courtyard Podium Trees

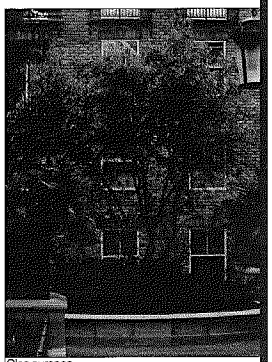

Arbutus marina
Strawberry Tree


Agonis flexuosa
Peppermint Tree

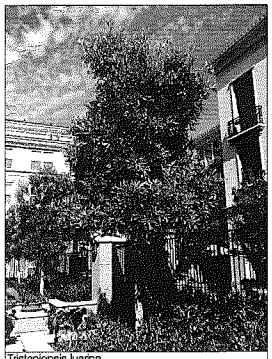

Chamaerops humulis
European Fan Palm


Cinnamomum camphora
Camphor Tree

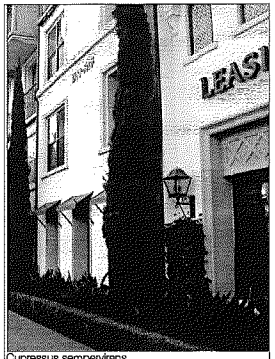

Laurus nobilis
Sweet Bay Laurel Tree


Olea europea
Olive Tree

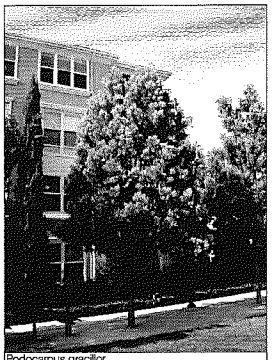
Courtyard Podium Trees - Continued


Tristaniopsis laurina
Sweet Bay

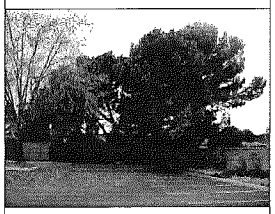
Pool/ Recreation Area Trees



Cupressus sempervirens
Italian Cypress


Podocarpus gracilior
Fern Pine

Existing Trees to Remain


Existing Northeast Corner Pine Trees to Remain

Olea europaea 'Swan Hill'
Swan Hill fruitless Olive - not proposed, for reference only per PD comment ST7

Fruitless Olive trees are typically very small trees and do not provide the required canopy clearance and visual impact required for a retail project.

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MONTICELLO VILLAGE

REVISION

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SHEET TITLE

TREE IMAGES

SHEET NUMBER

L2.07

JOB NO. E12-522
DATE 03.18.2014
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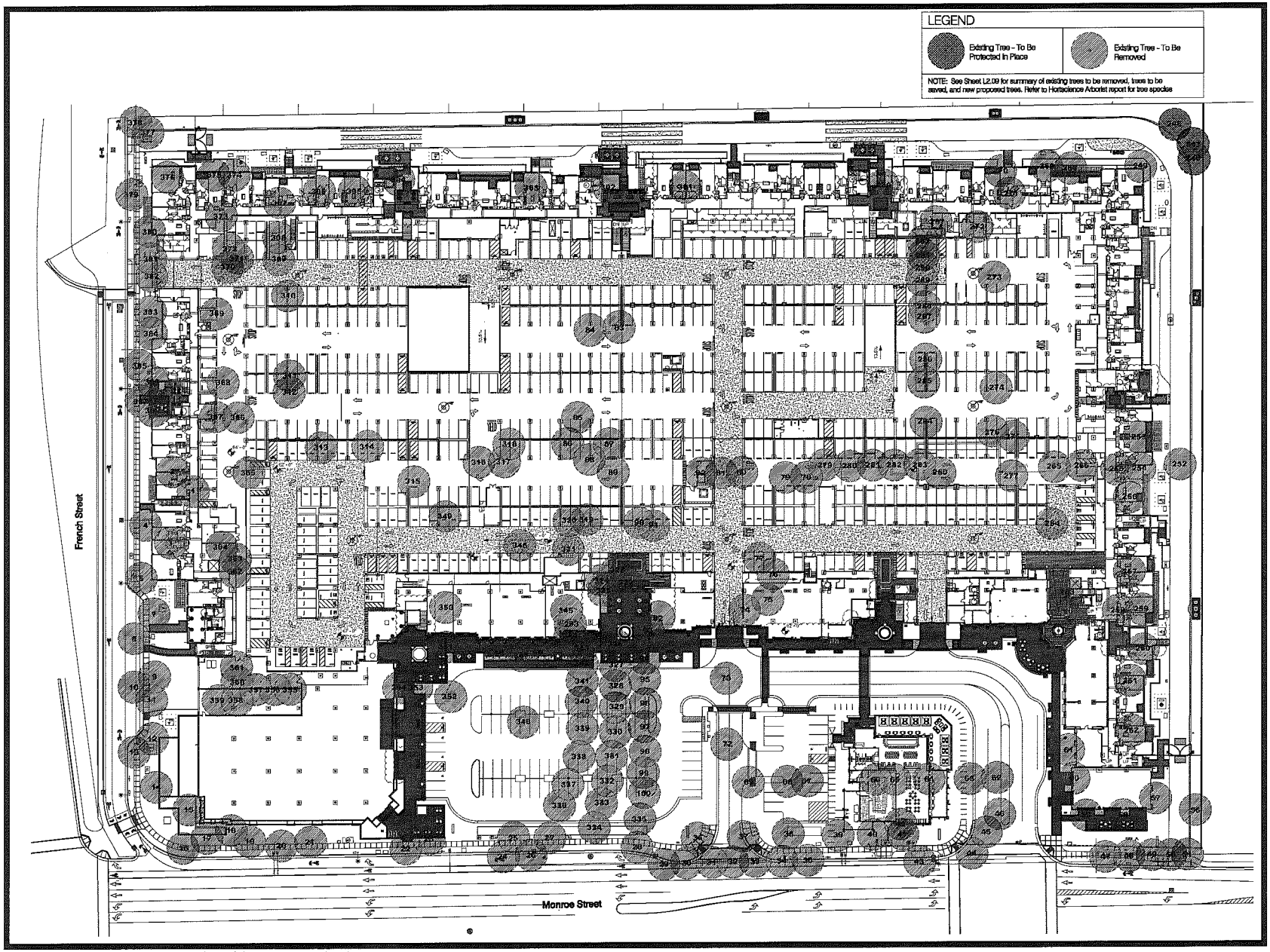

LEGEND

Existing Tree - To Be Protected In Place	Existing Tree - To Be Removed

NOTE: See Sheet L2.09 for summary of existing trees to be removed, trees to be saved, and new proposed trees. Refer to Hortscience Arborist report for tree species

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MONTICELLO VILLAGE

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SHEET TITLE

TREE MITIGATION PLAN

SHEET NUMBER

L2.08

JOB NO. E12-522
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SCALE 1" = 40'-0"

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Mar 11, 2014 - 6:02PM J:\E12-600\E12-522 IRC TruMark Santa Clara\CAD\Sheets\PD\12-522- L2.08 Existing Tree Mitigation Plan.dwg

CITY OF SANTA CLARA
ARBORIST NOTES

I. GENERAL

1. NO CUTTING OF ANY PART OF CITY TREES, INCLUDING ROOTS, SHALL BE DONE WITHOUT SECURING APPROVAL AND DIRECT SUPERVISION FROM THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY (408-615-3080).

2. NO CUTTING OF ANY PART OF PRIVATE TREES, INCLUDING ROOTS, SHALL BE DONE WITHOUT DIRECT SUPERVISION OF AN INTERNATIONAL SOCIETY OF ARBORICULTURE (I.S.A.) CERTIFIED ARBORIST.

3. WHEN CONSTRUCTION OCCURS WITHIN THE DRIP LINE OF EXISTING TREES, CONTRACTOR SHALL PILE THE SOIL ON THE SIDE AWAY FROM THE TREE. WHEN THIS IS NOT POSSIBLE, PLACE SOIL ON PLYWOOD, TARP, OR 4"-5" THICK BED OF MULCH. THIS IS TO HELP PREVENT CUTTING INTO THE SOIL SURFACE WHEN THE BACKHOE OR TRACTOR BLADE REFILLS THE TRENCH.

4. REFILL OPEN TRENCHES QUICKLY WITHIN HOURS OF EXCAVATION WHEN THEY OCCUR WITHIN THE DRIP LINE OF EXISTING TREES. IF THIS IS NOT POSSIBLE AND THE WEATHER IS HOT, DRY, OR WINDY, CONTRACTOR MUST KEEP ROOT ENDS MOIST BY COVERING THEM WITH WET BURLAP. IF THE TEMPERATURE IS 80°F OR GREATER, THE BURLAP MUST BE INSPECTED EVERY HOUR AND RE-WET AS NECESSARY TO MAINTAIN A CONSTANT COOL MOIST CONDITION. IF THE TEMPERATURE IS BELOW 80°, THE BURLAP MUST BE INSPECTED EVERY FOUR HOURS AND RE-WET AS NECESSARY TO MAINTAIN A CONSTANT COOL MOIST CONDITION. SMALL ROOTS CAN DRY OUT AND DIE IN 10-15 MINUTES. LARGER ROOTS CAN SUCCUMB IN AN HOUR OR LESS UNDER UNFAVORABLE WEATHER CONDITIONS.

5. WHEN ROOTS 2" OR LARGER ARE REQUIRED TO BE CUT, SHOVEL BY HAND NEAR THE ROOTS AND PRUNE THE ROOTS WITH AN INDUSTRY-APPROVED PRUNING TOOL. ROOTS THAT ARE ACCIDENTALLY BROKEN SHOULD BE PRUNED TWO INCHES FROM THE DAMAGED END. CRUSHED OR TORN ROOTS ARE MORE LIKELY TO ALLOW DECAY TO BEGIN. SHARPLY CUT ROOTS PRODUCE A FLUSH OF NEW ROOTS HELPING THE TREE TO RECOVER FROM ITS INJURY.

6. CONTRACTOR SHALL NOTIFY THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY 72 HOURS IN ADVANCE OF ANY WORK REQUIRING DIGGING AROUND OR WITHIN THE DRIP LINE OF EXISTING TREES.

7. A CLEAR SYSTEM OF FLAGGING MUST BE PROVIDED AROUND TREES WITHIN 20' OF THE PROPOSED GRADING. CONTRACTOR SHALL SECURE

APPROVAL OF SUCH SYSTEM FROM THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY.

8. MATERIALS, EQUIPMENT, TEMPORARY BUILDINGS, FUELS, PAINTS AND OTHER CONSTRUCTION ITEMS SHALL NOT BE PLACED WITHIN THE DRIP LINE OF EXISTING TREES.

9. FENCE ALL TREES TO BE RETAINED TO COMPLETELY ENCLOSE THE TREE PROTECTION ZONE PRIOR TO DEMOLITION, GRUBBING OR GRADING. FENCING SHALL BE PLACED AT THE DRIP LINE OF EXISTING TREES OR, IF POSSIBLE, 1.5 TIMES THE RADIUS OF THE DRIP LINE OUT FROM THE TRUNK OF THE TREE. A WARNING SIGN SHALL BE PROMINENTLY DISPLAYED ON EACH FENCE. THE SIGN SHALL BE A MINIMUM OF 8.5"x11" AND CLEARLY STATE "WARNING – TREE PROTECTION ZONE. THIS FENCE SHALL NOT BE REMOVED WITHOUT APPROVAL FROM THE CITY ARBORIST/PROJECT ARBORIST". FENCES SHALL BE 6-FOOT TALL CHAIN LINK OR EQUIVALENT, AS APPROVED BY THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. FENCES SHALL REMAIN UNTIL ALL GRADING AND CONSTRUCTION WORK IS COMPLETED. IN ADDITION, WRAP ALL TREES WITH STRAW WADDLE UP TO THE FIRST MAIN BRANCH, THEN WRAP SNOW FENCING AROUND THE WADDLE ON ALL TREES IN THE CONSTRUCTION ZONE TO PROTECT THEM FROM BARK DAMAGE CAUSED BY THE WORK.

10. NO TRENCHING SHALL BE DONE WITHIN THE DRIP LINE OF EXISTING TREES WITHOUT THE APPROVAL OF THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. OPEN TRENCHING IN THE ROOT ZONE OF A PUBLIC TREE IS PROHIBITED EXCEPT IN CASES WHERE THE TRENCHING FALLS OUTSIDE THE DRIP LINE OF THE TREE INVOLVED. EXCEPTIONS MAY BE ALLOWED IF, IN THE OPINION OF THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY, THE IMPACT OF TRENCHING ON THE TREE WILL BE NEGLIGIBLE.

11. ANY CUTTING OF EXISTING ROOTS OF CITY TREES SHALL BE DONE WITH APPROVED LIGHT EQUIPMENT UNDER THE DIRECT SUPERVISION OF THE THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. ANY CUTTING OF EXISTING ROOTS OF PRIVATE TREES SHALL BE DONE WITH APPROVED EQUIPMENT UNDER THE DIRECT SUPERVISION OF AN I.S.A CERTIFIED ARBORIST.

12. GRADING SHOULD NOT CREATE DRAINAGE PROBLEMS FOR TREES BY CHANNELING WATER INTO THEM, OR CREATING SUNKEN AREAS.

13. ALL GRADING WITHIN THE DRIP LINE OF CITY TREES SHALL BE DONE WITH APPROVED LIGHT EQUIPMENT UNDER THE DIRECT SUPERVISION OF THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. ALL GRADING WITHIN THE DRIP LINE OF PRIVATE TREES SHALL BE DONE WITH APPROVED EQUIPMENT UNDER THE DIRECT SUPERVISION OF AN I.S.A. CERTIFIED ARBORIST. THE ORIGINAL GRADE AT THE BASE OF EXISTING TREES SHALL NOT BE MODIFIED. IF A GRADE INCREASE IS NECESSARY, DRY WELLS SHOULD BE USED.

14. WHEN TRENCHING IS ALLOWED, THE CONTRACTOR MUST FIRST CUT ROOTS WITH A VERMEER ROOT CUTTER PRIOR TO ANY TRENCHING TO AVOID TUGGING OR PULLING OF ROOTS.

15. TREES THAT ARE DETERMINED TO BE REMOVED BY THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY DUE TO AN UNFORSEEN CIRCUMSTANCE DURING CONSTRUCTION SHALL BE REPLACED BY THE CONTRACTOR. THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY SHALL DETERMINE THE REPLACEMENT SPECIE, SIZE, QUANTITY, AND SPACING.

16. PLACE 4"-5" THICK MULCH AROUND ALL EXISTING TREES (OUT TO THEIR DRIP LINE) THAT ARE TO BE RETAINED PRIOR TO ANY CONSTRUCTION. THIS WILL HELP MAINTAIN MOISTURE UNDER THE TREE WITHIN THE FENCING AREA.

17. BORE PITS ARE NOT ALLOWED WITHIN THE DRIP LINE OF ANY TREE.

II. BORING

WHERE THERE IS INSUFFICIENT SPACE TO BYPASS THE DRIP LINE BY TRENCHING ADJCENT TO ALL EXISTING TREES IN EXCESS OF 5" D.B.H., THE INSTALLATION MUST BE MADE BY BORING. THE BEGINNING AND ENDING DISTANCE OF THE BORE FROM THE FACE OF THE TREE IN ANY DIRECTION IS DETERMINED BY THE DIAMETER OF THE TREE AS SPECIFIED BY THE ACCOMPANYING TABLE:

WHEN THE TREE DIAMETER AT 4½ FEET IS:	TRENCHING WILL BE REPLACED BY BORING AT THIS MINIMUM DISTANCE FROM THE FACE OF THE TREE IN ANY DIRECTION:
0-2 INCHES	1 FOOT
3-4 INCHES	2 FEET
6-9 INCHES	5 FEET
10-14 INCHES	10 FEET
15-19 INCHES	12 FEET
OVER 19 INCHES	15 FEET

TREE DIAMETER	(MINIMUM) DEPTH OF BORE
9 INCHES OR LESS	2.5 FEET
10-14 INCHES	3.0 FEET
15-19 INCHES	3.5 FEET
20 INCHES OR MORE	4.0 FEET

III. TREE PROTECTION

1. CONTRACTOR SHALL TAG AND IDENTIFY EXISTING TREES WHICH ARE TO REMAIN WITHIN THE PROJECT LIMITS AND ON THE PUBLIC RIGHT-OF-WAY PRIOR TO START OF WORK. PROTECT ALL TAGGED TREES AT ALL TIMES FROM DAMAGE BY THE WORK. TREATMENT OF ALL MINOR DAMAGE TO TAGGED TREES SHALL BE PERFORMED BY AN I.S.A. CERTIFIED ARBORIST OR OTHER PERSONNEL APPROVED BY THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. IF A TAGGED TREE IS PERMANENTLY DISFIGURED OR KILLED AS A RESULT OF THE WORK, CONTRACTOR SHALL REMOVE THE TREE, INCLUDING ITS ROOTS, FROM THE SITE AND REPLACE EACH REMOVED TREE WITH AN EQUAL-SIZED TREE. IF SUCH REPLACEMENT IS NOT POSSIBLE, THE CONTRACTOR SHALL REIMBURSE TO THE TREE OWNER THE AMOUNT LISTED IN THE TABLE BELOW. THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY SHALL BE THE SOLE JUDGE OF THE CONDITION OF ANY TREE. CONTRACTOR SHALL PROVIDE REGULAR WATERING OF EXISTING LANDSCAPING WITHIN THE CONSTRUCTION AREA THROUGH THE CONSTRUCTION PERIOD.

2. CONTRACTOR SHALL PAY THE TREE OWNER THE VALUE OF EXISTING TREES TO REMAIN THAT DIED OR WERE DAMAGED BECAUSE OF THE CONTRACTOR'S FAILURE TO PROVIDE ADEQUATE PROTECTION AND MAINTENANCE. THE PAYMENT AMOUNT SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE OF VALUES, USING "TREE CALIPER" METHOD ESTABLISHED IN THE MOST RECENT ISSUE OF THE "GUIDE FOR ESTABLISHING VALUES OF TREES AND OTHER PLANTS", PREPARED BY THE COUNCIL OF TREE AND LANDSCAPE ARCHITECTS.

7 INCHES	$ 2,400
8 INCHES	$ 3,400
9 INCHES	$ 4,400
10 INCHES	$ 5,200
11 INCHES	$ 6,200
12 INCHES	$ 7,200
13 INCHES	$ 8,200
14 INCHES	$ 9,200
15 INCHES	$ 10,000
16 INCHES	$ 11,000
17 INCHES	$ 12,000
18 INCHES AND OVER: ADD FOR EACH CALIPER INCH	$ 1,200

TREE MITIGATION SCHEDULE	Total
Existing Trees – Total Quantity	228
Existing Trees – To Be Protected In Place	3
Existing Trees – To Be Removed	225
City of Santa Clara Minimum Tree Replacement Requirement	173
Proposed New Trees – To Be Installed (24"-48" Box)	958

PLANTING LEGEND: Trees

SYMBOL	NAME	SIZE	TRUNK	QUANTITY
	Agonis flexuosa Peppermint Tree	36" Box	Standard	46
	Arbutus 'Marina' Marina Strawberry Tree	36" Box	Standard	59
		48" Box (On-Grade)	Standard	18
	Chamaerops humilis Mediterranean Fan Palm 3'-4' BTH (48" Box) 4'-6' BTH (60" Box)	48" Box	Multi	7
		60" Box (On-Grade)	Multi	4
	Cupressus sempervirens Italian Cypress	24" Box	Standard	238
		36" Box (On-Grade)	Standard	128
	Cinnamomum camphora Camphor Tree	48" Box	Multi	16
	Laurus nobilis Sweet Bay	36" Box	Standard	65
	Lophostemon confertus Brisbane Box	36" Box 48" Box (Monroe)	Standard Standard	74 12
	Tristaniopsis laurina (Podium) Water Gum	36" Box (Podium)	Standard	28
	Olea europaea Olive Tree	Large Field dug 20'-22'x20'-22'	Multi	21
	Pinus Eldarica Afgan Pine	48" Box	Standard	67
	Podocarpus Gracilior Fern Pine	36" Box	Standard	104
	Schinus molle California Pepper	48" Box	Multi	8
	Washingtonia Robusta Mexican Fan Palm	35' BTH	Standard	35
	Podocarpus Gracilior Fern Pine	48" Box	Standard	13

Project – Total Tree Count:	958

NOTE: Final tree count may vary due to design refinement, utilities, and site conditions.

OWNER/SUBDIVIDER:

THE IRVINE COMPANY
APARTMENT COMMUNITIES
690 N. McCARTHY BLVD. SUITE 100 MILPITAS, CA 95035
TELEPHONE: (408) 957.1232 FAX: (408) 957.1212

MONTICELLO VILLAGE

REVISION

	DATE		DATE		DATE
△		△		△	
△		△		△	
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△		△		△	

SHEET TITLE

TREE MITIGATION SCHEDULE / LEGEND

SHEET NUMBER

L2.09

JOB NO. E12-522
DATE 03.18.2014
SCALE N/A

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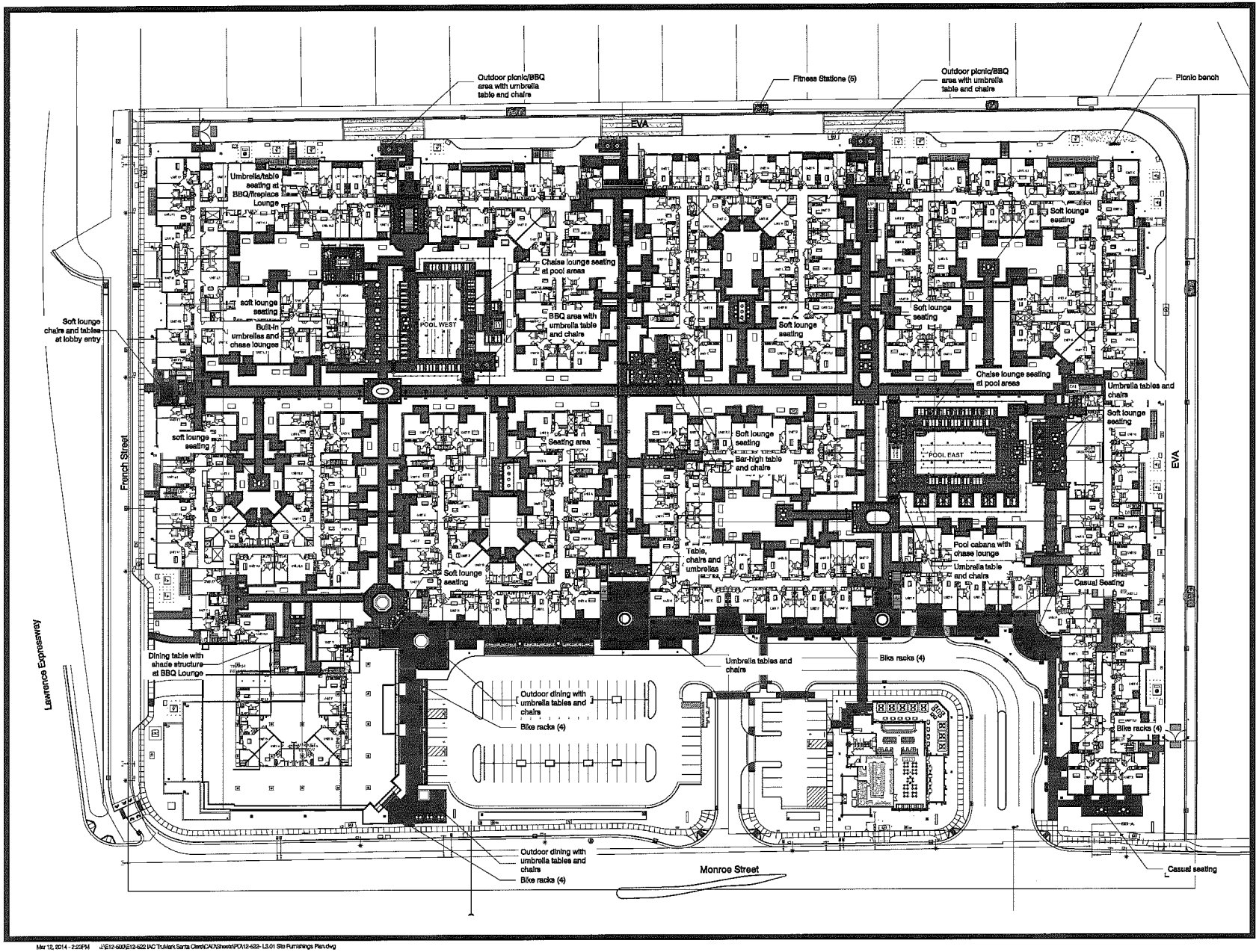
www.eptdesign.com

11/19/2013 PLANNED DEVELOPMENT PERMIT



OWNER/SUBDIVIDER:

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TELEPHONE: (408) 957.1222 FAX: (408) 957.1212

MONTICELLO VILLAGE

REVISION		
DATE	DATE	DATE

SHEET TITLE

SITE FURNISHING AND AMENITIES PLAN

SHEET NUMBER

L3.01

JOB NO. E12-522
DATE 03.18.2014
SCALE 1" = 40'-0"

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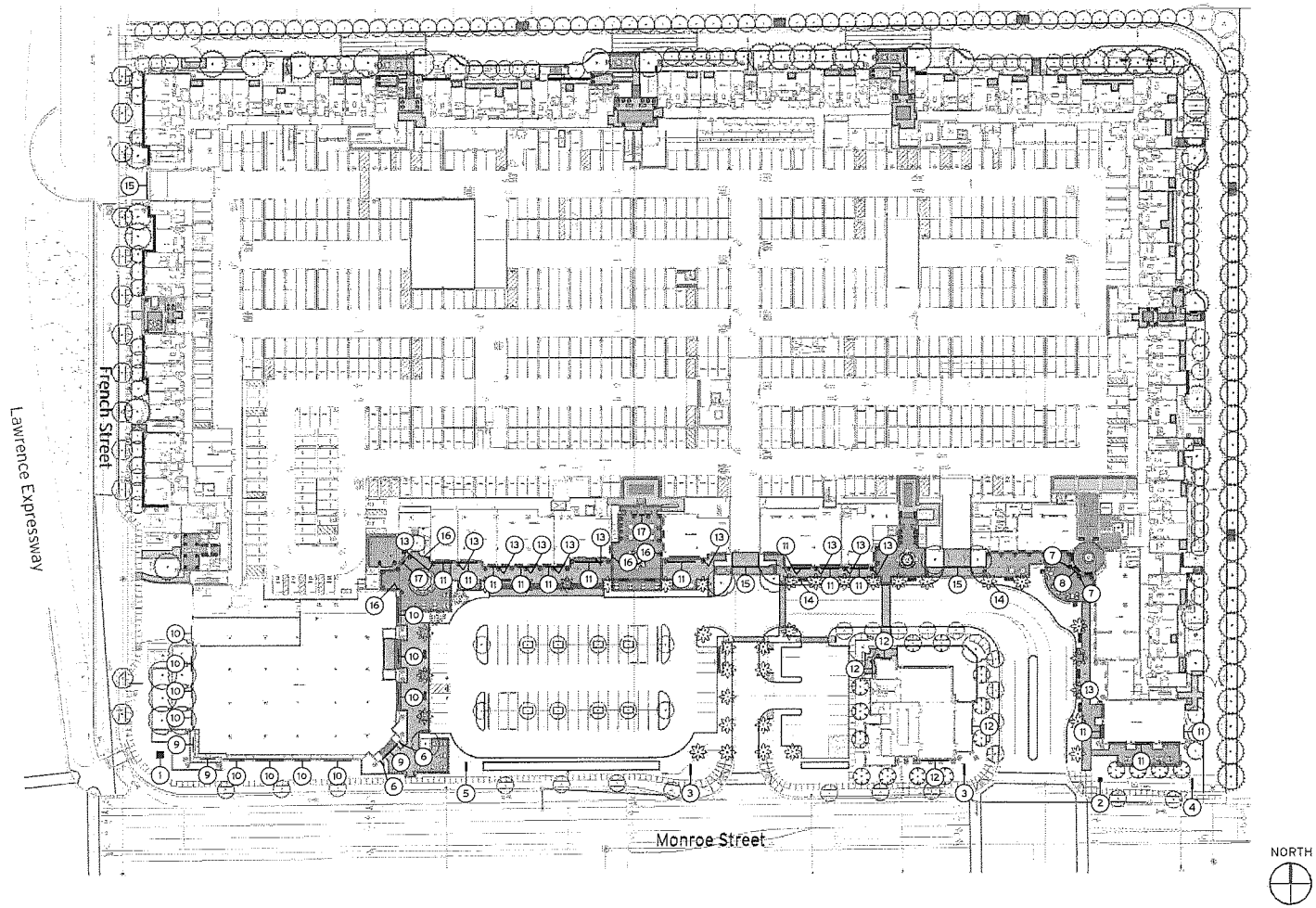
0 20 40 80 Feet

11/19/2013 PLANNED DEVELOPMENT PERMIT

Mar 12, 2014 - 2:23PM J:\E12-500\E12-522 IAC TruMark Santa Clara\CAD\Sheets\PD\12-522- L3.01 Site Furnishings Plan.dwg



1 | Sign Location Plan

Scale: 1" = 100'-0"

Sign Type Summary

No.	Sign Types	Qty.
1	Primary Project Identification Pylon Sign	1
2	Secondary Project Identification Pylon Sign	1
3	Project and Retail Tenant Identification Monument Sign	2
4	Retail Tenant Identification Monument Sign	1
5	Market Identification Monument Sign	1
6	Project Identification Blade Sign	2
7	Leasing Center Identification Blade Sign	2
8	Leasing Center Identification Wall Sign	1
9	Market Identification Wall Sign	3
10	Market Products & Services Wall Sign	11
11	Retail Tenant Identification Wall Sign	13
12	Restaurant Identification Wall Sign	4
13	Retail Tenant Identification Blade Sign	11
14	Vehicular Directional Sign	2
15	Parking Garage Entry Sign	3
16	Retail Tenant Directional Sign	4
17	Pedestrian Garage Entry Sign	2

Note

The sign locations depicted on this exhibit are intended to establish the strategic design intent. Precise locations for each sign will be documented on future submittals.

TheDesignFactor

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Project
Monticello Village
Signage Design

Sheet Title
Sign Location Plan

Sheet Number
SP

Date
D3-18-14

Project Signage Matrix

No.	Sign Types	Description	Illumination	Maximum Dimensions	Maximum Sign Area	Quantity	Total Sign Area
1	Primary Project Identification Pylon Sign	Fabricated painted aluminum 4 sided structure with routed face panels and push-thru acyclic graphics on 4 sides.	Internal florescent lamp fixtures.	Sign Structure: 35'-0" tall, 8'-0" wide Sign Face: 30'-0" tall, 6'-6" wide	195 sq. ft. (per face)	1 (4 faces)	780 sq. ft.
2	Secondary Project Identification Pylon Sign	Fabricated painted aluminum 4 sided structure with routed face panels and push-thru acyclic graphics on 3 sides.	Internal florescent lamp fixtures.	Sign Structure: 19'-0" tall, 5'-0" wide Sign Face: 14'-6" tall, 4'-0" wide	58 sq. ft. (per face)	1 (4 faces)	232 sq. ft.
3	Project and Retail Tenant Identification Monument Sign	Fabricated painted aluminum 2 sided structure with routed face panels and push-thru acyclic graphics. Project name to be at top of sign with a maximum of 3 tenant names below.	Internal florescent lamp fixtures.	Sign Structure: 8'-6" tall, 10'-0" wide Sign Face: 6'-4" tall, 10'-0" wide	63 sq. ft. (per face)	3 (6 faces)	378 sq. ft.
4	Retail Tenant Identification Monument Sign	Fabricated painted aluminum 2 sided structure with routed face panels and push-thru acyclic graphics. Maximum of 4 tenant names per sign face.	Internal florescent lamp fixtures.	Sign Structure: 9'-6" tall, 10'-0" wide Sign Face: 7'-0" tall, 10'-0" wide	70 sq. ft. (per face)	1 (2 faces)	140 sq. ft.
5	Market Identification Monument Sign	Fabricated painted aluminum 2 sided structure with routed face panels and push-thru acyclic graphics. Sign to identify market only.	Internal florescent lamp fixtures.	Sign Structure: 6'-6" tall, 8'-0" wide Sign Face: 4'-0" tall, 7'-6" wide	30 sq. ft. (per face)	1 (2 faces)	60 sq. ft.
6	Project Identification Blade Signs	Fabricated painted aluminum 2 sided sign panels and armatures with routed face panels and push-thru acyclic graphics.	Internal LED fixtures.	18'-0" tall, 4'-0" wide	72 sq. ft. (per face)	1 (2 faces)	144 sq. ft.
7	Leasing Center Identification Blade Sign	Fabricated painted aluminum 2 sided sign panels and armatures with routed face panels and push-thru acyclic graphics.	Internal LED fixtures.	14'-0" tall, 4'-0" wide	56 sq. ft. (per face)	2 (4 faces)	224 sq. ft.
8	Leasing Center Identification Wall Sign	Fabricated painted aluminum reverse channel letters.	Halo-lit with internal LED fixtures.	2'-0" tall, 12'-0" wide	24 sq. ft. (per location)	1	24 sq. ft.
9	Market Identification Wall Sign	Fabricated painted aluminum reverse channel letters.	Halo-lit with internal LED fixtures.	5'-0" tall, 20'-0" wide	100 sq. ft. (per location)	3	300 sq. ft.
10	Market Products & Services Wall Sign	Fabricated painted aluminum reverse channel letters.	Halo-lit with internal LED fixtures.	2'-6" tall, 20'-0" wide	50 sq. ft. (per location)	11	550 sq. ft.
11	Retail Tenant Identification Wall Sign	Fabricated painted aluminum reverse channel letters.	Halo-lit with internal LED fixtures.	2'-0" tall, 18'-0" wide	36 sq. ft. (per location)	15	540 sq. ft.
12	Restaurant Identification Wall Sign	Fabricated painted aluminum reverse channel letters.	Halo-lit with internal LED fixtures.	3'-0" tall, 20'-0" wide	60 sq. ft. (per location)	4	240 sq. ft.
13	Retail Tenant Identification Blade Sign	Fabricated painted aluminum blade sign.	Non-lit	3'-0" tall, 2'-7 1/2" wide	8 sq. ft. (per location)	11	88 sq. ft.
14	Vehicular Directional Sign	Fabricated painted aluminum post and panel sign.	Non-lit	5'-6" tall, 2'-4" wide	13 sq. ft. (per location)	2	26 sq. ft.
15	Parking Garage Entry Sign	Flat cut out painted acrylic copy stud mounted to building wall and fabricated painted aluminum hanging clearance bar.	Non-lit	4'-0" tall, 29'-7" wide	89 sq. ft.	3	267 sq. ft.
16	Retail Tenant Directional Sign	Fabricated layered painted acrylic plaque sign with applied die cut vinyl copy and protective satin clear coat.	Non-lit	2'-6" tall, 2'-4" wide	10 sq. ft.	4	40 sq. ft.
17	Pedestrian Garage Entry Sign	Flat cut out painted acrylic copy stud mounted to building wall.	Non-lit	8" tall, 6'-10" wide	4.5 sq. ft.	2	9 sq. ft.

Notes
All internally illuminated signs to be lit only during approved hours.
All ground mounted signs to be located outside of line of sight triangle.
All ground mounted signs to be located a minimum of 4' back of property line.

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thedesignfactor@cox.net www.thedesignfactor.biz

Project
Monticello Village
Signage Design

Sheet Title
Project Signage Matrix

Sheet Number
MX

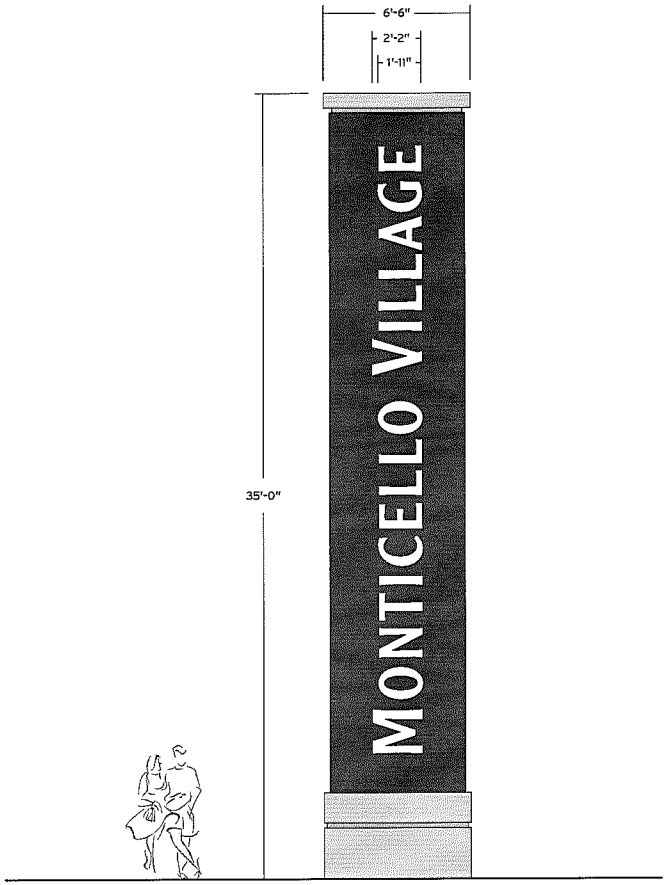
Date
03-18-14

① Primary Project Identification Pylon Sign

Internally illuminated four sided painted aluminum pylon with routed out face panels and push-thru translucent acrylic graphics. Project identification to appear on all four sides. Cap and base to have faux limestone finish to match architectural standard.

Font

Clearface Gothic - Medium



①

2 Details

Scale: 3/16" = 1'-0"

1 Architectural Context Elevation

Scale: 1/16" = 1'-0"

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Project
Monticello Village
Signage Design

Sheet Title
Primary Project Identification
Pylon Sign

Sheet Number
1

Date
03-18-14

③ Project and Retail Tenant Identification Monument Sign

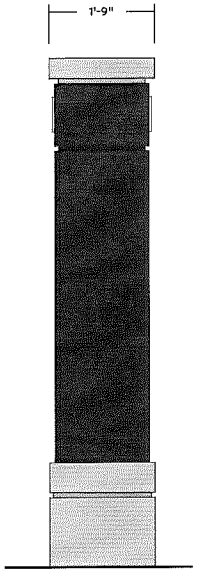
Internally illuminated double sided painted aluminum sign with routed out face panels and push-thru translucent acrylic graphics. Project name to be at top of sign with a maximum of 3 tenant names below. Cap and base to have faux limestone finish to match architectural standard.

Font

Clearface Gothic - Medium

③

front



side

1 Details

Scale: 1/2" = 1'-0"

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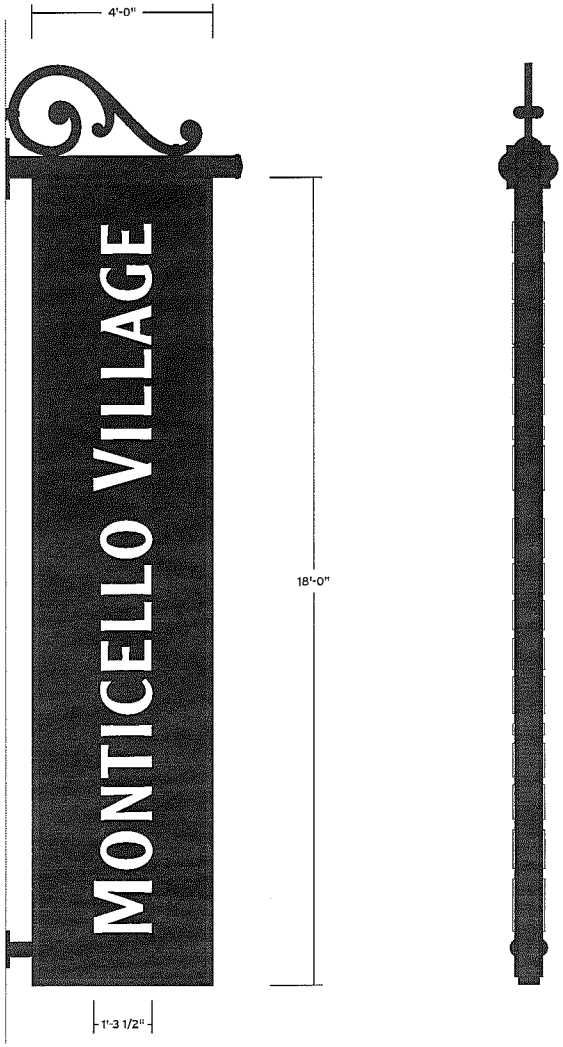
Project
Monticello Village
Signage Design

Sheet Title
Project and Retail Tenant
Identification Monument Sign

Sheet Number
3

Date
03-18-14



face

end

2 | Details

Scale: 3/8" = 1'-0"

6 | Project Identification Blade Sign

Fabricated painted aluminum 2 sided sign panels and armatures with routed face panels and push-thru acyclic letters.

Font

Clearface Gothic - Medium

1 | Market East Elevation

Scale: 3/32" = 1'-0"

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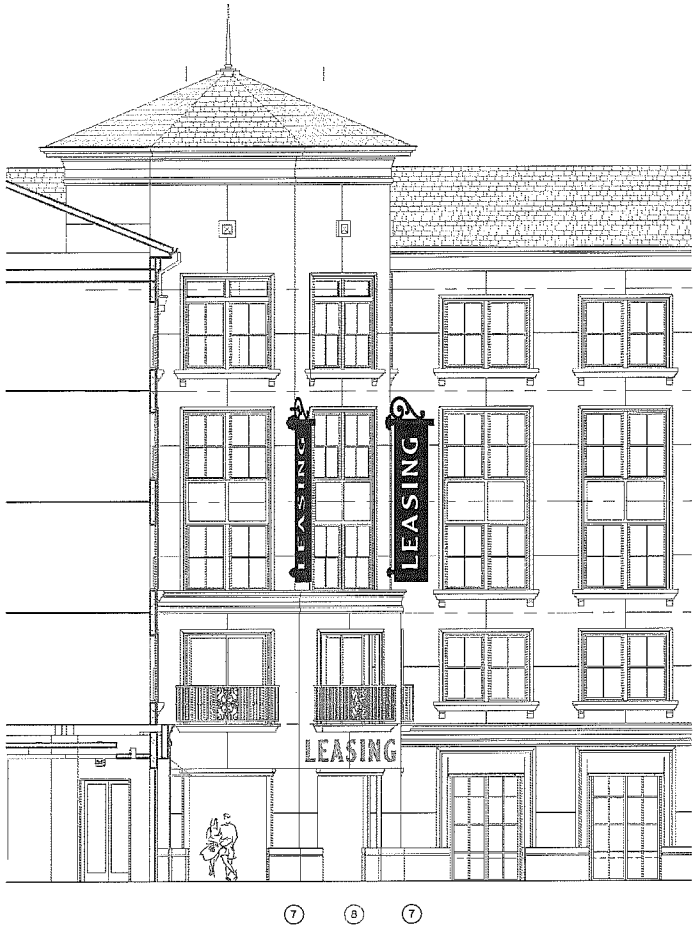
Project
Monticello Village
Signage Design

Sheet Title
Project Identification Blade Sign

Sheet Number
6

Date
03-18-14



1 Leasing Center Elevation

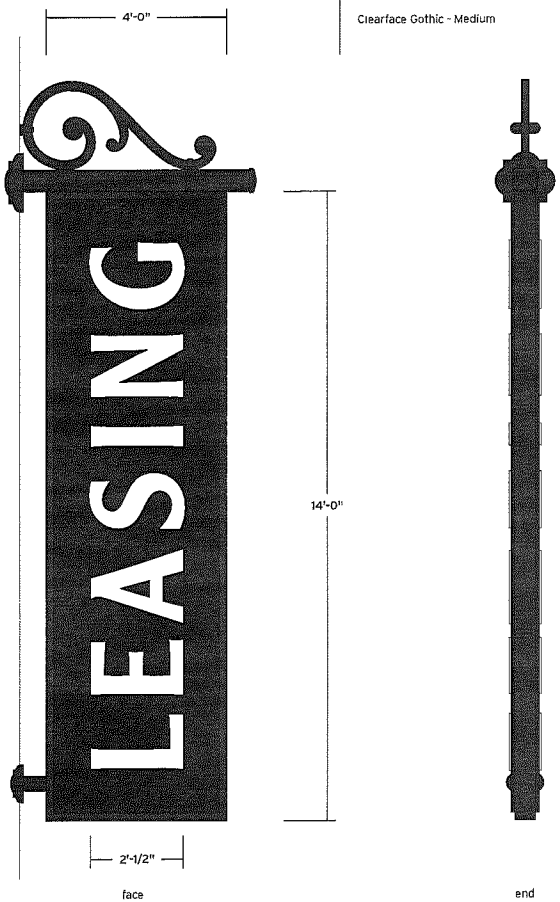
Scale: 3/32" = 1'-0"

7 Leasing Center Identification Blade Sign

Fabricated painted aluminum 2 sided sign panels and armatures with routed face panels and push-thru acyclic letters.

Font

Clearface Gothic - Medium



2 Details

Scale: 3/8" = 1'-0"

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Project
Monticello Village
Signage Design

Sheet Title
Leasing Center Identification
Blade Sign

Sheet Number
7

Date
03-18-14

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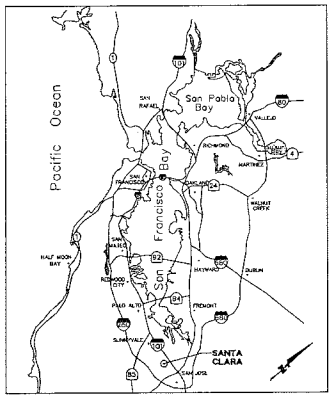
VESTING TENTATIVE PARCEL MAP
MONTICELLO VILLAGE

FOR PURPOSES OF FINANCING AND CONVEYANCE ONLY

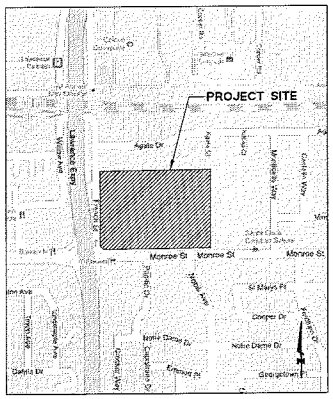
CITY OF SANTA CLARA, SANTA CLARA COUNTY, CALIFORNIA

GENERAL NOTES

1. VESTING TENTATIVE MAP: THIS VESTING TENTATIVE MAP IS BEING FILED IN ACCORDANCE WITH CHAPTER 3, ARTICLE 2, SECTION 66452 OF THE SUBDIVISION MAP ACT.
2. TENTATIVE PARCEL MAP: THIS VESTING TENTATIVE MAP CONFORMS TO THE REQUIREMENT OF CHAPTER 17.05.400 "TENTATIVE PARCEL MAP" OF THE SANTA CLARA CITY CODE.
3. TOPOGRAPHY: TOPOGRAPHY IS BASED ON PHOTOGRAMMETRIC METHODS FROM AERIAL PHOTOGRAPHY PERFORMED BY AEROMETRIC SURVEYS DATED JUNE 2010 AND SUPPLEMENTAL FIELD SURVEY PERFORMED BY BKF ENGINEERS DATED AUGUST 2012 AND DECEMBER 2012.
4. BASIS OF BEARING: TAKEN AS N89°25'00"E OF THE CENTERLINE OF MONROE AVENUE, BETWEEN FOUND MONUMENTS AS SHOWN ON RECORD OF SURVEY FILED FOR RECORD IN BOOK 447 AT PAGE 33, SANTA CLARA COUNTY RECORDS.
5. BENCHMARK: CITY OF SANTA CLARA BENCHMARK #C-10 ELEVATION = 59.49 FEET (2009 ADJUSTMENT).
6. MULTIPLE FINAL MAPS: PURSUANT TO CHAPTER 3, ARTICLE 4, SECTION 66456.1 OF THE SUBDIVISION MAP ACT, THE DEVELOPER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS.
7. BOUNDARY: BOUNDARY INFORMATION IS BASED ON RECORD & FIELD DATA AND "ALTA/ACSM LAND TITLE SURVEY – 3515 MONROE STREET, SANTA CLARA, CA" PREPARED BY BKF ENGINEERS, DATED AUGUST 2012.
8. UTILITIES: UTILITY SIZING AND LOCATIONS ARE PRELIMINARY AND SUBJECT TO FINAL ENGINEERING DESIGN.
9. UTILITY DEDICATIONS: ON-SITE SANITARY SEWER, STORM DRAIN AND WATER SYSTEMS WILL BE PRIVATELY OWNED AND MAINTAINED. A PUBLIC UTILITY EASEMENT WILL BE CREATED FOR MAINTENANCE OF PUBLIC UTILITIES.
10. EASEMENTS: EMERGENCY VEHICLE ACCESS EASEMENT, PUBLIC UTILITY EASEMENT, PUBLIC ACCESS EASEMENT, PRIVATE ACCESS EASEMENT, AND STORM DRAIN EASEMENT WILL BE PROVIDED.
11. FEMA: THE SITE IS WITHIN FLOOD ZONE "X", WHICH DESIGNATES AREAS OF A 500-YEAR FLOODPLAIN, AREAS OF A 100-YEAR FLOODPLAIN WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM A 100-YEAR FLOODPLAIN.



LOCATION MAP
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

DRAWING INDEX

TM-00	TITLE SHEET
TM-01	EXISTING CONDITIONS PLAN
TM-02	SITE AND PARCELIZATION PLAN
TM-03	UTILITY PLAN
TM-04	GRADING AND DRAINAGE PLAN
TM-05	DETAILS AND SECTIONS

ENGINEER'S STATEMENT

THIS VESTING TENTATIVE MAP HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICE.

EASTON MCALLISTER
PROJECT MANAGER
BKF ENGINEERS

REGISTERED PROFESSIONAL ENGINEER
EASTON C. MCALLISTER
No. 61148
EXP. 12/31/14
CIVIL
STATE OF CALIFORNIA

DATE

SUBDIVIDER'S STATEMENT

OWNER:	3515-3585 MONROE STREET LLC 550 NEWPORT CENTER DRIVE NEWPORT BEACH, CA 92660
SUBDIVIDER:	3515-3585 MONROE STREET LLC 550 NEWPORT CENTER DRIVE NEWPORT BEACH, CA 92660
ENGINEER:	BKF ENGINEERS 225 SHORELINE DRIVE, SUITE 200 REDWOOD CITY, CA 94065
AREA:	16.11 ACRES
ASSESSOR'S PARCEL NO:	216-25-006
EXISTING ZONING:	PLANNED INDUSTRIAL (MP)
EXISTING USE:	OFFICE USE
PROPOSED ZONING:	PLANNED DEVELOPMENT (PD)
PROPOSED USE:	825 RESIDENTIAL APARTMENT UNITS 35,200 SF RETAIL SPACE 5,000 SF RESTAURANT SPACE
PROPOSED IMPROVEMENTS:	DEMOLISH EXISTING BUILDINGS AND PARKING LOT TO CONSTRUCT 825 APARTMENT UNITS, 35,200 SF OF RETAIL SPACE AND A SEPARATE 5,000 SF RESTAURANT. CONSTRUCT BELOW-GRADE PARKING GARAGE, STREET INFRASTRUCTURE AND PROVIDE UTILITY UTILITY SERVICES INCLUDING STORM, SANITARY SEWER, WATER AND JOINT TRENCH.
UTILITY PROVIDER:	
WATER SUPPLY:	CITY OF SANTA CLARA
FIRE PROTECTION:	SANTA CLARA FIRE DEPARTMENT
SEWAGE DISPOSAL:	CITY OF SANTA CLARA
STORM DRAIN:	CITY OF SANTA CLARA
GAS:	PG&E
ELECTRIC:	SILICON VALLEY POWER
TELEPHONE:	AT&T
CABLE TELEVISION:	COMCAST

LEGEND

	PROPOSED	EXISTING
LOT LINE		
EASEMENT LINE		
CENTERLINE LINE		
CONTOUR LINE		
STORM DRAIN MAIN	15" SD	
SANITARY SEWER MAIN	8" SS	
WATER MAIN	8" W	
JOINT TRENCH		
DROP INLET		
FIRE HYDRANT		
SANITARY SEWER MANHOLE		
STORM DRAIN MANHOLE		
SPOT ELEVATION	× 101	× 101
STREET LIGHT/LUMINAIRE		DR 12
WATER VALVE		

ABBREVIATIONS

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
AB	AGGREGATE BASE	L/S	LANDSCAPE
AC	ASPHALT CONCRETE	MIN	MINIMUM
BNDY	BOUNDARY	OFP	OVERFLOW PIPE
BLDG	BUILDING	OH	OVERHEAD
BW	BACK OF WALK	PL	PROPERTY LINE
B/W	BOTTOM OF WALL	PAE	PUBLIC ACCESS EASEMENT
C&G	CURB AND GUTTER	PCC	PORTLAND CEMENT CONCRETE
CB	CATCH BASIN	PUE	PUBLIC UTILITY EASEMENT
℄	CENTER LINE	PRAE	PRIVATE ACCESS EASEMENT
CO	CLEANOUT	PROP	PROPOSED
CONC	CONCRETE	SD	STORM DRAIN
DI	DROP INLET	SDE	STORM DRAIN EASEMENT
ESMT	EASEMENT	SDMH	STORM DRAIN MANHOLE
EX, EXIST	EXISTING	SS	SANITARY SEWER
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT	SSMH	SANITARY SEWER MANHOLE
FC	FACE OF CURB	SW	SIDEWALK
FF	FINISH FLOOR	TC	TOP OF CURB
FH	FIRE HYDRANT	TG	TOP OF GRATE
FL	FLOWLINE	TP	TOP OF PAVEMENT
G	GAS	TW	TOP OF WALL
HP	HIGH POINT	TYP	TYPICAL
INV	INVERT	W	WATER
IRR	IRRIGATION	WM	WATER METER
JT	JOINT TRENCH		
LP	LOW POINT		

SYMBOL LEGEND

SYMBOL	DESCRIPTION
A / TM-07	DETAIL SECTION A ON SHEET TM-07
1 / TM-07	DETAIL NO 1 ON SHEET TM-07

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225 SHORELINE DR, STE. 200
REDWOOD CITY, CA 94065
650/482-6300
650/482-6399 (FAX)
ENGINEERS / SURVEYORS / PLANNERS

MONTICELLO VILLAGE
VESTING TENTATIVE PARCEL MAP
TITLE SHEET
CITY OF SANTA CLARA SANTA CLARA COUNTY CALIFORNIA

Revisions

Date	03/18/2014	No.
Scale	AS SHOWN	
Design	JNC	
Drawn	JNC	
Approved	EM	
Job No	20100139-13	

Sheet Number:
TM-00

DRAWING NAME: J:\Eng10\100139\DWG\-12 Extreme Networks_Irvine Company\TM\Plotted Sheets\00-MVTMTS.dwg
PLOT DATE: 03-12-14 PLOTTED BY: Heij

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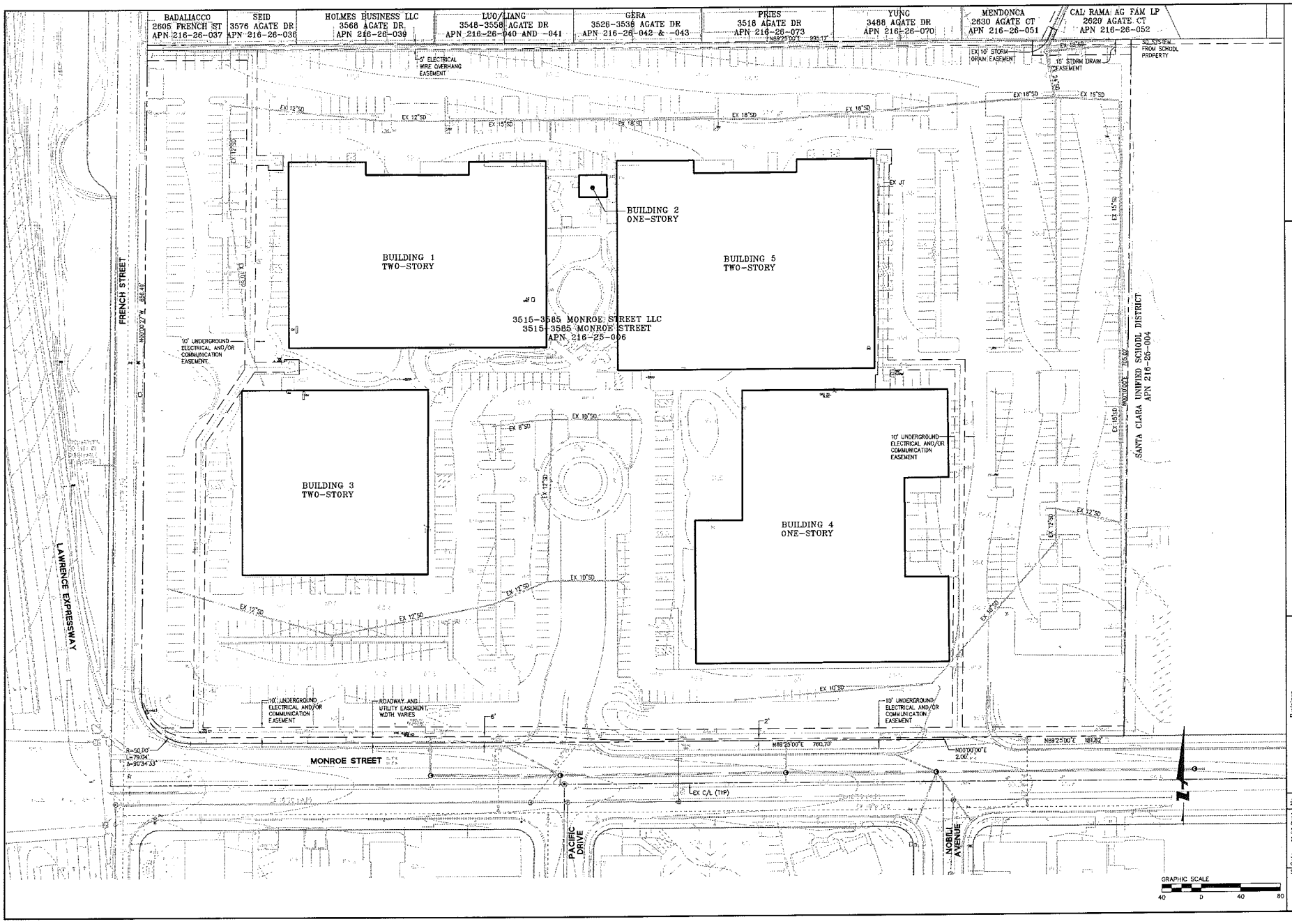

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ENGINEERS / SURVEYORS / PLANNERS
255 SHORELINE DR, STE. 200
REDWOOD CITY, CA 94065
650/482-6300
650/482-6399 (FAX)

MONTICELLO VILLAGE
VESTING TENTATIVE PARCEL MAP
EXISTING CONDITIONS PLAN

CITY OF SANTA CLARA — SANTA CLARA COUNTY — CALIFORNIA

Revisions

No.	

Date	03/18/2014
Scale	1"=40'
Design	JKC
Drawn	JKC
Approved	EM
Job No	2013139-13

Sheet Number: TM-01

DRAWING NAME: J:\Eng1D\10139\DWG\-12 Extreme Networks_Irvine Company\TM\Plotted Sheets\01-MVTMEC.dwg
PLOT DATE: 03-12-14 PLOTTED BY: Hal J

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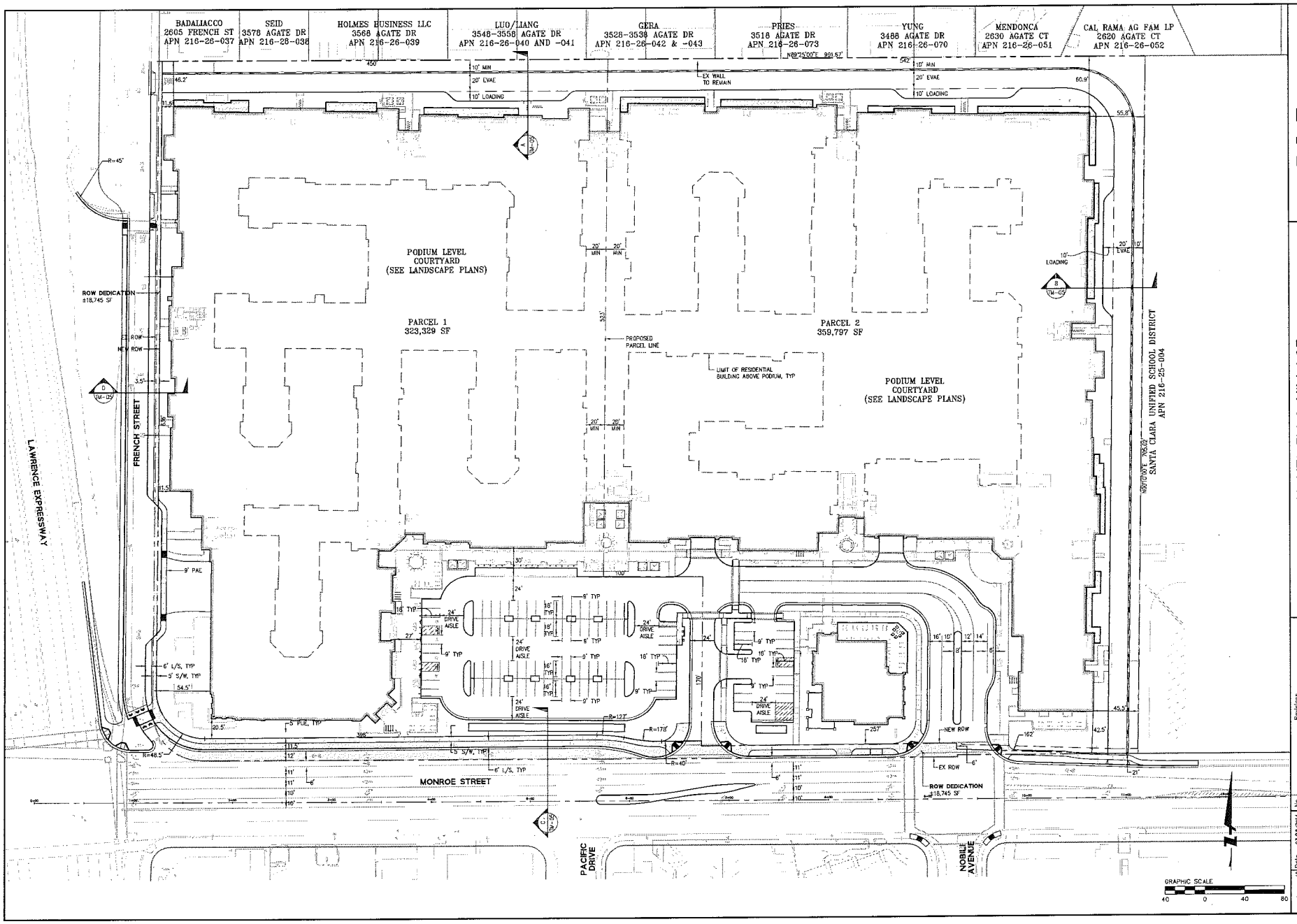

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REDWOOD CITY, CA 94065
650/482-6300
650/482-6399 (FAX)
ENGINEERS / SURVEYORS / PLANNERS

MONTICELLO VILLAGE
VESTING TENTATIVE PARCEL MAP
SITE AND PARCELIZATION PLAN

CITY OF SANTA CLARA — SANTA CLARA COUNTY — CALIFORNIA

Revisions: No.

Date	03/18/2014
Scale	1"=40'
Design	JKC
Drawn	JKC
Approved	EM
Job No.	2010139-13

Sheet Number: TM-02

DRAWING NAME: J:\Eng10\I0139\DWG\-12 Extreme Networks_Irvine Company\TM\Plotted Sheets\02-MVTMPP.dwg
PLOT DATE: 03-12-14 PLOTTED BY: Hel

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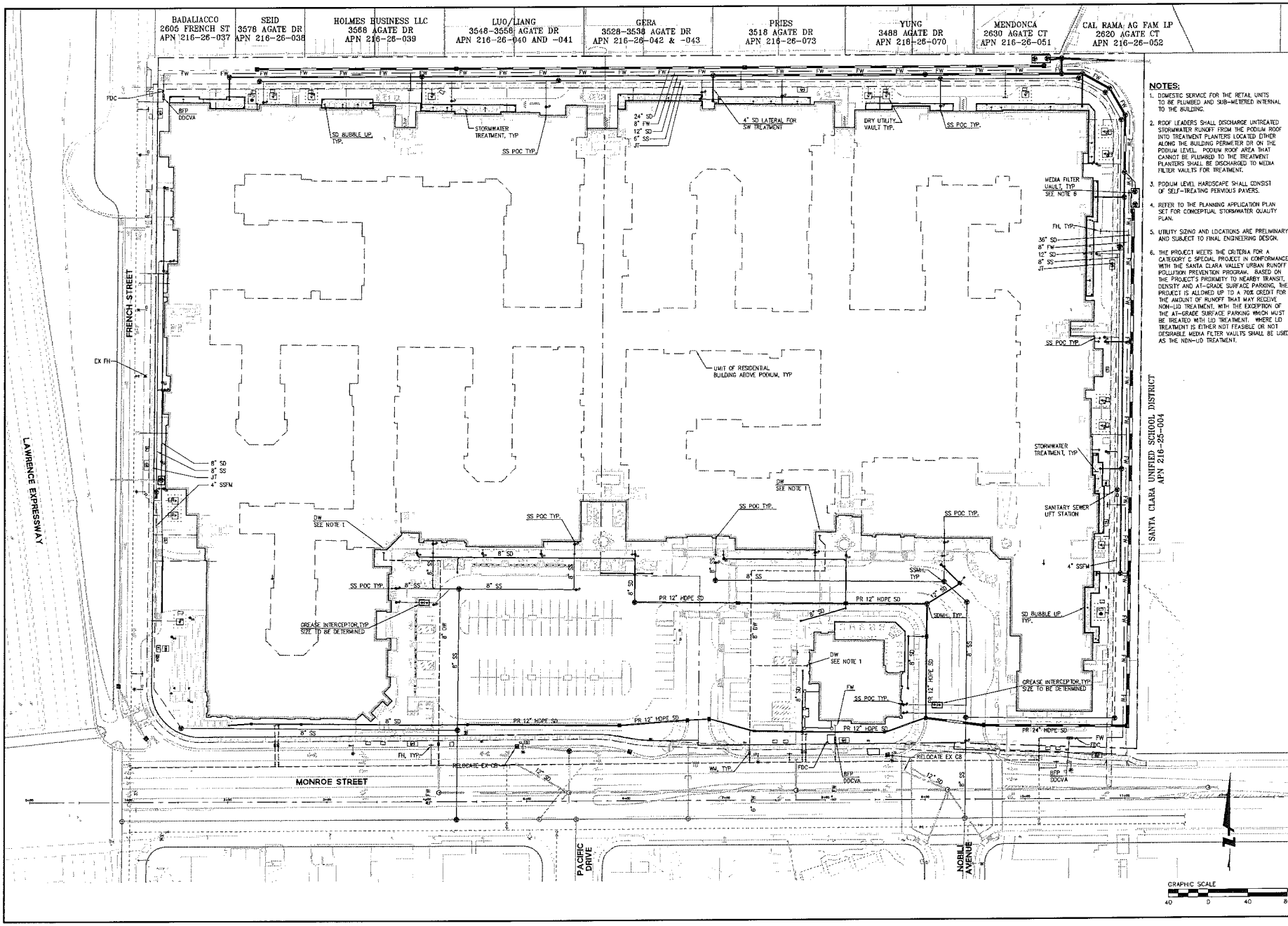

NOTES:

1. DOMESTIC SERVICE FOR THE RETAIL UNITS TO BE PLUMBED AND SUB-METERED INTERNAL TO THE BUILDING.
2. ROOF LEADERS SHALL DISCHARGE UNTREATED STORMWATER RUNOFF FROM THE PODIUM ROOF INTO TREATMENT PLANTERS LOCATED EITHER ALONG THE BUILDING PERIMETER OR ON THE PODIUM LEVEL. PODIUM ROOF AREA THAT CANNOT BE PLUMBED TO THE TREATMENT PLANTERS SHALL BE DISCHARGED TO MEDIA FILTER VAULTS FOR TREATMENT.
3. PODIUM LEVEL HARDSCAPE SHALL CONSIST OF SELF-TREATING PERVIOUS PAVERS.
4. REFER TO THE PLANNING APPLICATION PLAN SET FOR CONCEPTUAL STORMWATER QUALITY PLAN.
5. UTILITY SIZING AND LOCATIONS ARE PRELIMINARY AND SUBJECT TO FINAL ENGINEERING DESIGN.
6. THE PROJECT MEETS THE CRITERIA FOR A CATEGORY C SPECIAL PROJECT IN CONFORMANCE WITH THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM. BASED ON THE PROJECT'S PROXIMITY TO NEARBY TRANSIT, DENSITY AND AT-GRADE SURFACE PARKING, THE PROJECT IS ALLOWED UP TO A 70% CREDIT FOR THE AMOUNT OF RUNOFF THAT MAY RECEIVE NON-LID TREATMENT, WITH THE EXCEPTION OF THE AT-GRADE SURFACE PARKING WHICH MUST BE TREATED WITH LID TREATMENT. WHERE LID TREATMENT IS EITHER NOT FEASIBLE OR NOT DESIRABLE MEDIA FILTER VAULTS SHALL BE USED AS THE NON-LID TREATMENT.

BKF
255 SHORELINE DR, STE. 200
REDWOOD CITY, CA 94065
650/482-6300
650/482-6399 (FAX)
ENGINEERS / SURVEYORS / PLANNERS

MONTICELLO VILLAGE
VESTING TENTATIVE PARCEL MAP
UTILITY PLAN

CITY OF SANTA CLARA — SANTA CLARA COUNTY — CALIFORNIA

Revisions | No.

Date	03/19/2014
Scale	1"=40'
Design	JNC
Drawn	JNC
Approved	EM
Job No	2010139-13

Sheet Number: TM-03

DRAWING NAME: J:\Eng1\10139\DWG\-12 Extreme Networks_Irvine Company\TMAP\Folded Sheets\03-MONTMUT.dwg
PLOT DATE: 03-12-14 PLOTTED BY: Hoj

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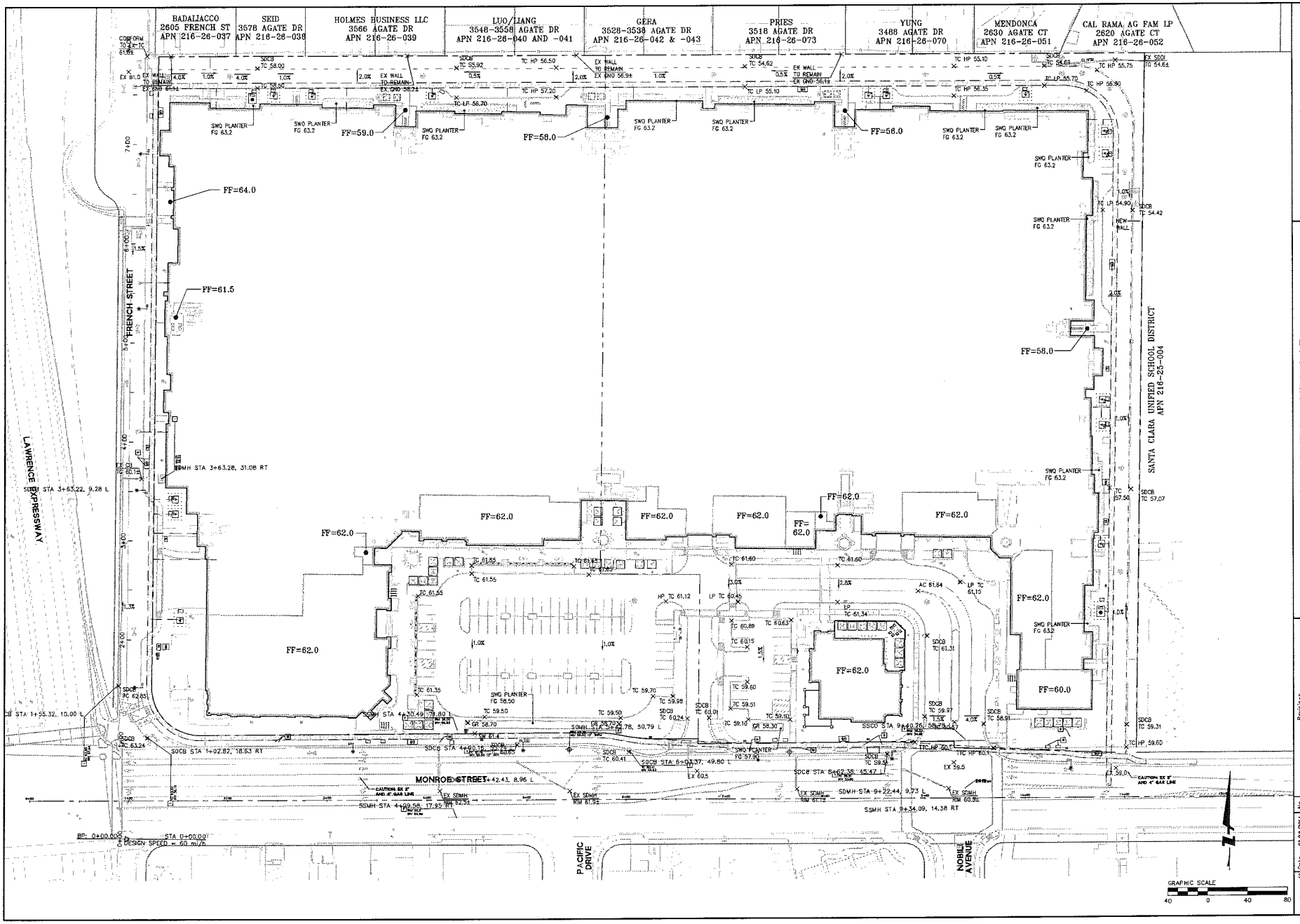

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MONTICELLO VILLAGE
VESTING TENTATIVE PARCEL MAP
GRADING AND DRAINAGE PLAN

CITY OF SANTA CLARA — SANTA CLARA COUNTY — CALIFORNIA

Revisions	No.

Date	03/18/2014
Scale	1"=40'
Design	JKC
Drawn	JKC
Approved	EM
Job No	20100139-13

Sheet Number: TM-04

DRAWING NAME: J:\Eng1\01\00139\DWG\-12 Extreme Networks_Irvine Company\TMAP\Plotted Sheets\04-WVTM00.dwg
PLOT DATE: 03-12-14
PLOTTED BY: Hal]

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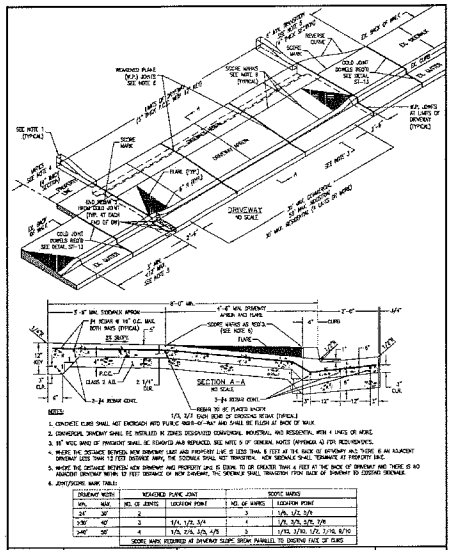
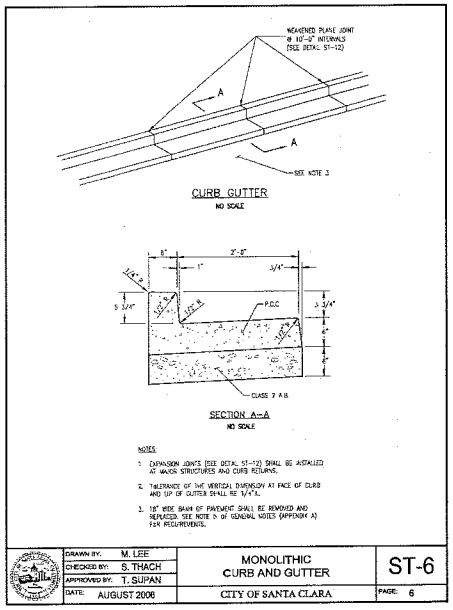
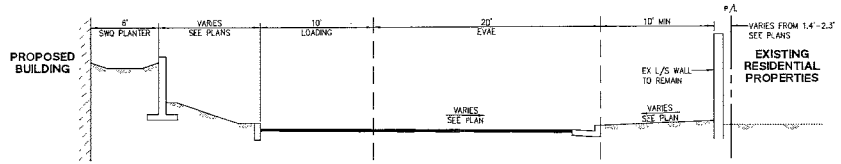


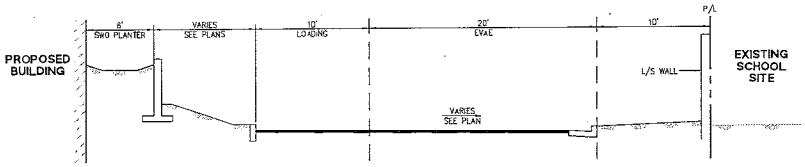
1 — CITY STANDARD DETAIL ST-5
DEPRESSED DRIVEWAY FOR EX. 5' ATTACHED SIDEWALK
NTS



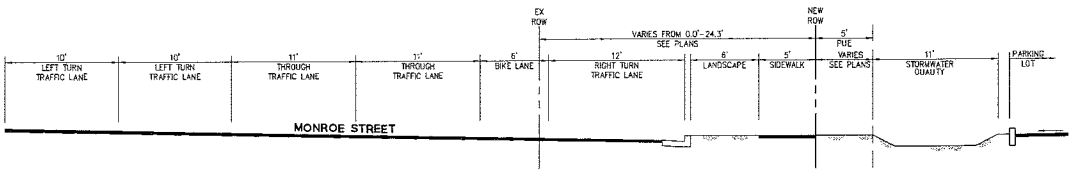
2 — CITY STANDARD DETAIL ST-6
MONOLITHIC CURB AND GUTTER
NTS



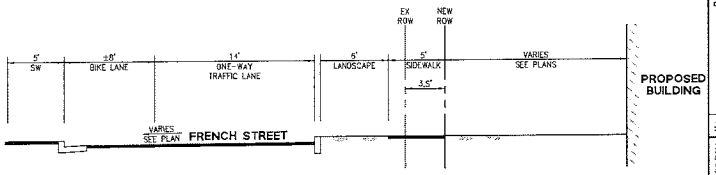
A — TYPICAL SECTION
NORTHERN PROPERTY
NTS



B — TYPICAL SECTION
EASTERN PROPERTY
NTS



C — TYPICAL SECTION
MONROE STREET
NTS



D — TYPICAL SECTION
FRENCH STREET
NTS

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255 SHORELINE DR. STE. 200
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ENGINEERS / SURVEYORS / PLANNERS

MONTICELLO VILLAGE
VESTING TENTATIVE PARCEL MAP
DETAILS AND SECTIONS
CITY OF SANTA CLARA — SANTA CLARA COUNTY — CALIFORNIA

Revisions

No.	Date	Scale NOT TO SCALE
		Design: JNC
		Drawn: JNC
		Approved: EM
		Job No 20100139-13

Sheet Number:
TM-05

DRAWING NAME: J:\Eng10\10013900\-12 Extreme Networks_Irvine Company\TM\Plotted Sheets\05-MVTM07.dwg
PLOT DATE: 03-12-14 PLOTTED BY: Holj

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF CITY COUNCIL PUBLIC HEARING TUESDAY, MAY 6, 2014 MONTICELLO VILLAGE PROJECT

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 4/23/2014

Dated at Santa Clara, California

This 23RD day of APRIL, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

5/6/14

15B

CLOSED SESSION REQUEST

City of Santa Clara, California

Santa Clara All-America City 2001

It is requested the **CITY COUNCIL OF THE CITY OF SANTA CLARA** meet in closed session on **Tuesday, May 13, 2014,** at **6:00 p.m.**, or as soon thereafter as the matter can be discussed, in the Council Conference Room located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to it/them:

☒ **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Gov. Code § 54957.6
City designated representative: Julio J. Fuentes, City Manager (or designee)
Employee Organization(s):
Unit #1 – Santa Clara Firefighters Association, IAFF, Local 1171
Unit #2 - Santa Clara Police Officer's Association
Unit #3 – IBEW Local 1245 (International Brotherhood of Electrical Workers)
Unit #4 - City of Santa Clara Professional Engineers
Units #5, 7 & 8 - City of Santa Clara Employees Association
Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees)
Unit #9 – Miscellaneous Unclassified Management Employees
Unit #9A - Unclassified Police Management Employees
Unit #9B - Unclassified Fire Management Employees
Unit #10 – PSNSEA (Public Safety Non-Sworn Employees Association)

☒ **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
Pursuant to Gov. Code § 54956.9(a)
Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al., Sacramento County Superior Court Case No. 34-2013-80001396

☒ **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
Pursuant to Gov. Code § 54956.9(a)
Potential initiation of litigation: 1 potential case

Date: May 2, 2014

RICHARD E. NOSKY, JR.
City Attorney

I:\COUNCIL\CLOSED SESSION AND SPECIAL MEETINGS\2014\05-06-14 Request City Labor & Exist Lit & Init Lit.doc