

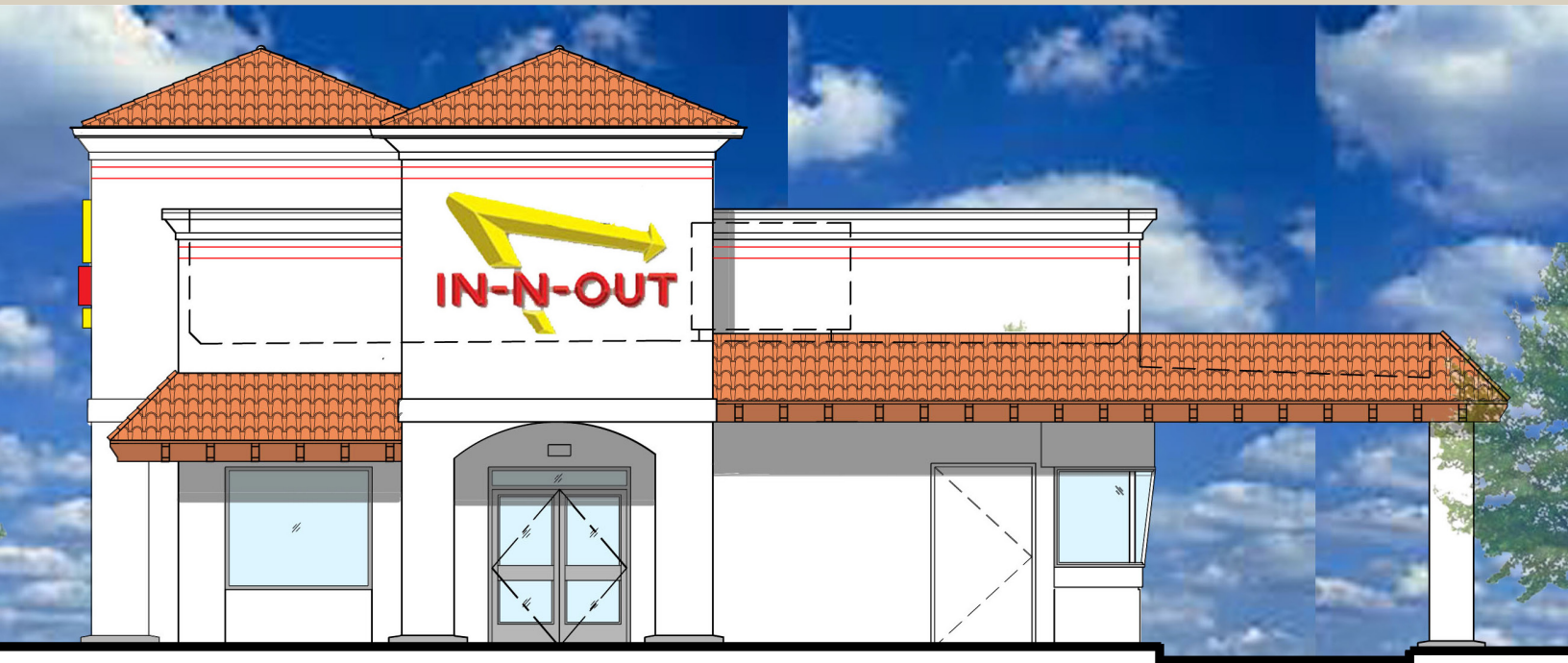


# CITY OF CAMPBELL

## In-N-Out Burger Project Draft EIR

SCH#: 2018072028

February 13, 2019 | Volume 1: Draft EIR







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# CITY OF CAMPBELL

## In-N-Out Burger Project Draft EIR

SCH#: 2018072028

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In Association With:

**W-Trans**





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# 1. Executive Summary

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This chapter presents an overview of the proposed Campbell In-N-Out Burger project (project or proposed project). This executive summary also provides a summary of the alternatives to the proposed project, identifies issues to be resolved, areas of concern, and conclusions of the analysis contained in Chapters 4, Environmental Evaluation, and each subchapter (Chapters 4.1 through 4.14) of this Draft Environmental Impact Report (Draft EIR). For a complete description of the proposed project, see Chapter 3, Project Description, of this Draft EIR. For a discussion of alternatives to the proposed project, see Chapter 5, Alternatives to the Proposed Project, of this Draft EIR.

This Draft EIR addresses the environmental effects associated with approval and implementation of the proposed project. The California Environmental Quality Act (CEQA) requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An EIR is a public document designed to provide the public, local, and State governmental agency decision-makers with an analysis of potential environmental consequences to support informed decision-making.

This Draft EIR has been prepared pursuant to the requirements of CEQA<sup>1</sup> and the State CEQA Guidelines<sup>2</sup> to determine if approval of the identified discretionary actions and related subsequent development could have a significant effect on the environment. The City of Campbell, as the Lead Agency, has reviewed and revised as necessary all submitted drafts, technical studies, and reports to reflect its own independent judgment, including reliance on applicable City technical personnel and review of all technical reports. Information for this Draft EIR was obtained from on-site field observations; discussions with public service agencies; analysis of adopted plans and policies; review of available studies, reports, data, and similar literature in the public domain; and specialized environmental assessments (e.g., air quality, greenhouse gas emissions, hazards and hazardous materials, noise, and transportation and traffic).

## 1.1 ENVIRONMENTAL PROCEDURES

This Draft EIR has been prepared to assess the environmental effects associated with approval and implementation of the proposed project. The main purposes of this document as established by CEQA are:

- To disclose to decision-makers and the public the significant environmental effects of proposed activities.

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<sup>1</sup> The CEQA Statute is found at California Public Resources Code, Division 13, Sections 21000 to 21177.

<sup>2</sup> The CEQA Guidelines are found at California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 to 15387.

## EXECUTIVE SUMMARY

- To identify ways to avoid or reduce environmental damage.
- To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
- To disclose to the public reasons for agency decision of projects with significant environmental effects.
- To foster interagency coordination in the review of projects.
- To enhance public participation in the planning process.

An EIR is the most comprehensive form of environmental documentation identified in the statute and in the CEQA Guidelines. It provides the information needed to assess the environmental consequences of a proposed project, to the extent feasible. An EIR is intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts. An EIR is also one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Prior to approving a proposed project, the lead agency must consider the information contained in the EIR, determine whether the EIR was properly prepared in accordance with CEQA and the CEQA Guidelines, determine that it reflects the independent judgment of the lead agency, adopt findings concerning the project's significant environmental impacts and alternatives, and adopt a Statement of Overriding Considerations if the proposed project would result in significant impacts that cannot be avoided.

### 1.1.1 REPORT ORGANIZATION

This Draft EIR is organized into the following chapters:

- **Chapter 1: Executive Summary.** This chapter summarizes the environmental consequences that would result from implementation of the proposed project, the alternatives to the proposed project, the recommended mitigation measures, and indicates the level of significance of environmental impacts with and without mitigation.
- **Chapter 2: Introduction.** This chapter provides an overview describing the Draft EIR document.
- **Chapter 3: Project Description.** This chapter describes the proposed project in detail, including the characteristics, objectives, and the structural and technical elements of the proposed action.
- **Chapter 4: Environmental Evaluation.** This chapter is divided into 14 sub-chapters corresponding to the environmental resource categories identified in CEQA Guidelines Appendix F, Energy Conservation, and Appendix G, Environmental Checklist, as amended per Assembly Bill 52 (Tribal Cultural Resources) and the California Supreme Court in a December 2015 opinion [*California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD)*, 62 Cal. 4th 369 (No. S 213478)]. This chapter provides a description of the physical environmental conditions in the City of Campbell, as they existed at the time the Notice of Preparation was published, from both a local and regional perspective, as well as an analysis of the potential environmental impacts of the proposed project, and recommended mitigation measures, if required, to reduce their significance. The environmental setting included in each subchapter provides baseline physical conditions from which the City of Campbell acting as the lead agency determines the significance of environmental impacts



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**EXECUTIVE SUMMARY**

resulting from the proposed project. Each subchapter also includes a description of the thresholds used to determine if a significant impact would occur; the methodology to identify and evaluate the potential impacts of the proposed project; and the potential cumulative impacts associated with the proposed project.

- **Chapter 5: Alternatives to the Proposed Project** This chapter includes an evaluation of three alternatives to the proposed project, which are the CEQA-required “No Project” Alternative, the No Drive-Thru Alternative, and the Reduced Footprint Alternative.
- **Chapter 6: CEQA-Mandated Sections.** This chapter includes a discussion of growth inducement, cumulative impacts, significant unavoidable effects, and significant irreversible changes as a result of approval and implementation of the proposed project.
- **Chapter 7: Organizations and Persons Consulted.** A list of people and organizations that were contacted during the preparation of this Draft EIR for the proposed project is included in this chapter.
- **Appendices:** The appendices for this Draft EIR (presented in portable document file [PDF] format attached to the back cover) contain the following supporting documents:
  - Appendix A: Notice of Preparation and Scoping Comments
  - Appendix B: Project Plans
  - Appendix C: Air Quality and Greenhouse Gas Emissions Data
  - Appendix D: Geotechnical Engineering Investigation
  - Appendix E: Phase I Environmental Site Assessment
  - Appendix F: Hydrology and Water Quality Information
  - Appendix G: Technical Noise Report
  - Appendix H: Traffic Impact Study

## **1.1.2 TYPE AND PURPOSE OF THIS DRAFT EIR**

According to Section 15121(a) of the CEQA Guidelines, the purpose of an EIR is to:

*Inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.*

This Draft EIR has been prepared as a project EIR, pursuant to Section 15161 of the CEQA Guidelines. As a project EIR, the environmental analysis will discuss the changes in the environment that would result from the development of Campbell In-N-Out project. This project EIR will examine the specific short-term impacts (project construction) and long-term impacts (project operation) that would occur as a result of project approval by the City of Campbell Planning Department, as well as cumulative impacts.

## **EXECUTIVE SUMMARY**

### **1.2 SUMMARY OF PROPOSED PROJECT**

The proposed Campbell In-N-Out Burger project would develop a 3,812-square-foot drive-thru fast-food restaurant with outdoor seating on a 1.2-acre site located at 499 Hamilton Avenue in Campbell, California. The proposed project would also construct two 8-foot free-standing perimeter walls along the northern and western boundaries of the project site to serve as a buffer between the proposed project and surrounding land uses. The project also proposes to relocate a traffic signal controller cabinet and the associated PG&E utility service pedestal at East Hamilton Avenue and Almarida Drive to facilitate the widening of the sidewalk on Almarida Drive.

### **1.3 SUMMARY OF PROJECT ALTERNATIVES**

This Draft EIR analyzes alternatives to the proposed project that are designed to reduce the significant environmental impacts of the proposed project and feasibly attain some of the proposed project objectives. There is no set methodology for comparing the alternatives or determining the environmentally superior alternative under CEQA. Identification of the environmentally superior alternative involves weighing and balancing all of the environmental resource areas by the City. The following alternatives to the proposed project were considered and analyzed in detail:

- No Project Alternative
- No Drive-Thru Alternative
- Reduced Footprint Alternative

Chapter 5, Alternatives to the Proposed Project, of this Draft EIR, includes a complete discussion of these alternatives and of alternatives that were considered, but not carried forward for detailed analysis.

### **1.4 ISSUES TO BE RESOLVED**

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR identify issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the proposed project, the major issues to be resolved include decisions by the City of Campbell, as Lead Agency, related to:

- whether this Draft EIR adequately describes the environmental impacts of the proposed project;
- whether the benefits of the proposed project override those environmental impacts that cannot be feasibly avoided or mitigated to a level of insignificance;
- whether the identified mitigation measures should be adopted or modified; and
- whether there are any alternatives to the proposed project that would substantially lessen any of the significant impacts of the proposed project and achieve most of the basic objectives.

**EXECUTIVE SUMMARY**

## 1.5 AREAS OF CONCERN

The City issued a Notice of Preparation on July 11, 2018 and held a scoping meeting on July 24, 2018 to receive scoping comments. During the 30-day scoping period for this EIR, which concluded on August 10, 2018, responsible agencies and interested members of the public were invited to submit comments as to the scope and content of the EIR. While every environmental concern applicable to the CEQA process is addressed in this Draft EIR, this list is not necessarily exhaustive; rather, it attempts to capture those concerns that are likely to generate the greatest interest based on the input received during the scoping process. The comments received focused primarily on the following issues; the chapters in which these issues are addressed are indicated in parentheses:

- Potential light spillage at night onto adjacent properties. (Chapter 4.1, Aesthetics)
- Aesthetics concerns due to building and sign placement, colors, architecture, speaker box, menu board, and service/loading area. (Chapter 4.1, Aesthetics)
- Potential air quality impacts associated with idling cars. (Chapter 4.2, Air Quality)
- Air quality impacts to nearby sensitive receptors. (Chapter 4.2, Air Quality)
- Odors created by the proposed use. (Chapter 4.2, Air Quality)
- General Plan policy conflicts. (Chapter 4.9, Land Use and Planning)
- Potential noise impacts to neighboring sensitive receptors. (Chapter 4.10, Noise)
- Potential traffic impacts to emergency service vehicles. (Chapter 4.12, Public Services and Recreation and Chapter 4.13, Transportation and Traffic)
- Interior site circulation and safety. (Chapter 4.13, Transportation and Traffic)
- Potential parking lot and drive-thru spillover. (Chapter 4.13, Transportation and Traffic)
- Potential traffic impacts associated with intersection queuing. (Chapter 4.13, Transportation and Traffic)
- Requests for updated traffic data. (Chapter 4.13, Transportation and Traffic)
- Use of vehicle miles traveled as a metric for analyzing traffic impacts. (Chapter 4.13, Transportation and Traffic)
- Potential traffic safety impacts associated with cut-through traffic, weaving and lane maneuvering, conflicts with other driveways, and line of sight concerns. (Chapter 4.13, Transportation and Traffic)
- Pedestrian safety, access, and improvements. (Chapter 4.13, Transportation and Traffic)
- Potential traffic impacts with nearby cumulative projects. (Chapter 4.13, Transportation and Traffic)
- Construction traffic. (Chapter 4.13, Transportation and Traffic)
- Solid waste generation. (Chapter 4.14, Utilities and Service Systems)
- Requests for project alternatives to be considered. (Chapter 5, Alternatives to the Proposed Project)

## EXECUTIVE SUMMARY

### 1.6 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Under CEQA, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance.

The proposed project has the potential to generate significant environmental impacts in a number of areas. As shown in Table 1-1, all significant impacts would be reduced to a less-than-significant level if the mitigation measures identified in this Draft EIR are adopted and implemented. Pursuant to Section 15126.2(b) of the CEQA Guidelines, an EIR must describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As shown in Table 1-1, no significant unavoidable impacts were identified for the proposed project. As described in detail in Chapter 6, CEQA-Mandated Sections, the proposed project would have no significant impact on agricultural, forestry, or mineral resources, due to existing conditions in the project area. Accordingly, these topics have not been analyzed further in this Draft EIR.

Table 1-1 summarizes the conclusions of the environmental analysis contained in this Draft EIR and presents a summary of impacts and mitigation measures identified. It is organized to correspond with the environmental issues discussed in Chapters 4.1 through 4.14. Table 1-1 is arranged in four columns: 1) environmental impact; 2) significance without mitigation; 3) mitigation measures; and 4) significance with mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapters 4.1 through 4.14.

**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
<b>AESTHETICS</b>			
AES-1: The proposed project would not have a substantial adverse effect on a scenic vista.	LTS	N/A	N/A
AES-2: The proposed project would not substantially degrade the view from a scenic highway, including, but not limited to, trees, rock outcroppings, and historic buildings.	LTS	N/A	N/A
AES-3: The proposed project would alter but not degrade the existing visual character or quality of the site and its surroundings.	LTS	N/A	N/A
AES-4: The proposed project would not expose people on- or off-site to substantial light or glare which would adversely affect day or nighttime views in the area.	LTS	N/A	N/A
AES-5: The proposed project, in combination with past, present, and reasonable foreseeable projects, would result in less-than-significant cumulative impacts with respect to aesthetics.	LTS	N/A	N/A
<b>AIR QUALITY</b>			
AQ-1: Implementation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan.	LTS	N/A	N/A
AQ-2: Uncontrolled fugitive dust (PM <sub>10</sub> and PM <sub>2.5</sub> ) could expose the areas that are downwind of construction sites to air pollution from construction activities without the implementation of the Air District's best management practices.	S	<p>AQ-2: During any construction period that causes ground disturbance, the project contractor shall implement measures to control dust and exhaust. The contractor shall implement the following Bay Area Air Quality Management District best management practices:</p> <ul style="list-style-type: none"> <li>▪ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>▪ All haul trucks transporting soil, sand, or other loose material off site shall be covered.</li> <li>▪ All visible mud or dirt track-out onto adjacent public roads shall</li> </ul>	LTS

LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable

## EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		<p>be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <ul style="list-style-type: none"> <li>All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</li> <li>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.</li> <li>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). Clear signage shall be provided for construction workers at all access points.</li> <li>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.</li> <li>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.</li> <li>The City of Campbell Department shall verify compliance that these measures have been implemented during normal construction site inspections.</li> </ul>	
AQ-3: Implementation of the project would cumulatively contribute to air quality impacts in the San Francisco Bay Area Air Basin.	S	AQ-3: Implement Mitigation Measure AQ-2.	LTS
AQ-4: The proposed project would not expose sensitive receptors to substantial pollutant concentrations.	LTS	N/A	N/A
AQ-5: Food odors from the project could pose a nuisance to a substantial number of people in the project vicinity.	S	AQ-5: To minimize odors from food preparation, the project applicant or project contractor shall install a CaptiveAire Pollution Control Unit (PCU). The installed PCU shall be optioned to include the odor control module and, at minimum, shall be rated to have an initial removal efficiency of over 70 percent. The project applicant	LTS

LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable

**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		and/or business owner shall replace filters per manufacturer recommendations. Prior to issuance of the Certificate of Occupancy, the City of Campbell shall verify, to its satisfaction, the proper installation of the PCU.	
<b>BIOLOGICAL RESOURCES</b>			
BIO-1: The proposed project would not 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 by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.	LTS	N/A	N/A
BIO-2: The proposed project would not 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 United States Fish and Wildlife Service.	LTS	N/A	N/A
BIO-3: The proposed project would not 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.	LTS	N/A	N/A
BIO-4: Site clearance could destroy active nests, and/or otherwise interfere with nesting, of birds protected under State laws.	S	BIO-4. Prior to site clearance, the project applicant shall retain a qualified biologist to conduct preconstruction nesting bird surveys as follows: If tree removal would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds of protected bird species shall be documented and protective measures implemented under the direction of the	LTS

LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable

## EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with CDFW. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.	
		No surveys are required before vegetation disturbance between September 1 and January 31, that is, outside of the nesting season.	
BIO-5: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	LTS	N/A	N/A
BIO-6: The proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.	LTS	N/A	N/A
BIO-7: The proposed project would not result in significant cumulative impacts with respect to biological resources.	LTS	N/A	N/A

LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable



**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
<b>CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES</b>			
CULT-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.	No Impact	N/A	N/A
CULT-2: Implementation of the proposed project would have the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.	S	CULT-2: If archaeological resources are encountered during excavation or construction, construction personnel shall be instructed to immediately suspend all activity in the immediate vicinity of the suspected resources and the City and a licensed archeologist shall be contacted to evaluate the situation. A licensed archeologist shall be retained to inspect the discovery and make any necessary recommendations to evaluate the find under current CEQA guidelines prior to the submittal of a resource mitigation plan and monitoring program to the City for review and approval prior to the continuation of any on-site construction activity.	LTS
CULT-3: Implementation of the proposed project would have the potential to directly or indirectly affect a unique paleontological resources or site, or unique geological feature.	S	CULT-3: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The project plan shall be submitted to the City for review and approval prior to implementation.	N/A

LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable

## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
CULT-4: Implementation of the proposed project would have the potential to disturb human remains, including those interred outside of formal cemeteries.	S	CULT-4: In the event a human burial or skeletal element is identified during excavation or construction, work in that location shall stop immediately until the find can be properly treated. The City and the Santa Clara County Coroner's office shall be notified. If deemed prehistoric, the Coroner's office would notify the Native American Heritage Commission who would identify a "Most Likely Descendant (MLD)." The archeological consultant and MLD, in conjunction with the project sponsor, shall formulate an appropriate treatment plan for the find, which might include, but not be limited to, respectful scientific recording and removal, being left in place, removal and reburial on site, or elsewhere. Associated grave goods are to be treated in the same manner.	LTS
CULT-5: Implementation of the proposed project would have the potential to disturb tribal cultural resources.	S	CULT-5: Implement Mitigation Measures CULT-2 and CULT-4.	LTS
CULT-6: The proposed project would result in less-than-significant cumulative impacts with respect to cultural resources.	LTS	N/A	N/A
<b>GEOLOGY, SOILS, AND SEISMICITY</b>			
GEO-1: The project would not exacerbate hazards from surface rupture of a known active fault, strong seismic ground shaking, seismic-related ground failure, or landslides.	LTS	N/A	N/A
GEO-2: The project would not result in substantial soil erosion or the loss of topsoil.	LTS	N/A	N/A
GEO-3: The project would not result in a significant impact related to development on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.	LTS	N/A	N/A

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**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Environmental Impact</b>	<b>Significance without Mitigation</b>	<b>Mitigation Measure</b>	<b>Significance with Mitigation</b>
GEO-4: The project would not create substantial risks to life or property as a result of its location on expansive soil, as defined Section 1803.5.3 of the California Building Code.	LTS	N/A	N/A
GEO-5: Project development would involve installation of new sewer laterals and would not use alternative wastewater disposal systems.	No Impact	N/A	N/A
GEO-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to geology and soils.	LTS	N/A	N/A
<b>GREENHOUSE GAS EMISSIONS</b>			
GHG-1: The proposed project would not directly and indirectly generate greenhouse gas emissions that would result in an increase in community emissions from baseline conditions that would have a significant impact on the environment.	LTS	N/A	N/A
GHG-2: Implementation of the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	LTS	N/A	N/A
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
HAZ-1: Demolition of the existing structure on-site may create a significant hazard by exposing construction workers to asbestos containing materials.	S	HAZ-1: Prior to issuance of a demolition permit, a licensed asbestos abatement contractor shall conduct a comprehensive building survey to determine the presence or absence of any suspect asbestos-containing materials and/or lead-based paint. If such materials are identified, a licensed abatement contractor shall prepare an abatement plan that describes the demolition process, including material containment, disposal, and worker safety.	LTS
HAZ-2: Demolition of the existing structure on site may create a significant hazard by exposing construction workers to asbestos containing materials.	S	HAZ-2: Implement Mitigation Measure HAZ-1.	LTS

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## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	LTS	N/A	N/A
HAZ-4: Implementation of the proposed project would not create a significant hazard to the public or the environment by being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	LTS	N/A	N/A
HAZ-5: The project would not be 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, resulting in a safety hazard for people residing or working in the project area.	LTS	N/A	N/A
HAZ-6: The project would not be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, resulting in a safety hazard for people residing or working in the project area.	LTS	N/A	N/A
HAZ-7: Implementation of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.	LTS	N/A	N/A
HAZ-8: The project would not 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.	LTS	N/A	N/A
HAZ-9: The proposed project would result in less-than-significant cumulative impacts with respect to hazards and hazardous materials.	LTS	N/A	N/A

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**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation		Mitigation Measure	Significance with Mitigation
HYDROLOGY AND WATER QUALITY				
HYDRO-1: The project would not violate any water quality standards or waste discharge requirements.	LTS	N/A		N/A
HYDRO-2: The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would 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 would drop to a level which would not support existing land uses or planned uses for which permits have been granted).	LTS	N/A		N/A
HYDRO-3: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.	LTS	N/A		N/A
HYDRO-4: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.	LTS	N/A		N/A
HYDRO-5: The project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	LTS	N/A		N/A
HYDRO-6: The proposed project would not otherwise substantially degrade water quality.	LTS	N/A		N/A
HYDRO-7: The project would not 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.	No Impact	N/A		N/A

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## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
HYDRO-8: The project would not place within a 100-year flood hazard area structures which would impede or redirect flood flows.	No Impact	N/A	N/A
HYDRO-9: The project would not 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.	LTS	N/A	N/A
HYDRO-10: The project would not expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow.	No Impact	N/A	N/A
HYDRO-11: The proposed project would have less-than-significant cumulative impact with respect to hydrology and water quality.	LTS	N/A	N/A
<b>LAND USE AND PLANNING</b>			
LU-1: The proposed project would not physically divide an established community.	LTS	N/A	N/A
LU-2: The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.	LTS	N/A	N/A
LU-3: The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.	No Impact	N/A	N/A
LU-4: The proposed project would not result in significant cumulative impacts with respect to land use and planning.	LTS	N/A	N/A
<b>NOISE</b>			
NOISE-1: Without best management practices, the proposed project would expose people to, or generate, noise levels in excess of standards established in the General Plan, Municipal Code, and/or the applicable standards of other agencies.	S	NOISE-1: For all construction-related activities, noise-attenuation techniques shall be employed as needed to ensure that noise remains as low as possible during construction. The following noise-attenuation techniques shall be incorporated into contract specifications to reduce the impact of construction noise:	LTS

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**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		<ul style="list-style-type: none"> <li>Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.</li> <li>Place noise-generating construction equipment and locate construction-staging areas away from sensitive uses, where feasible.</li> <li>Use electric air compressors and similar power tools rather than diesel equipment, where feasible.</li> <li>Operate all stationary construction equipment (e.g., air compressors, generators, impact wrenches, etc.) as far away from residential uses as possible and shield such equipment with temporary sound barriers, sound aprons, or sound skins.</li> <li>Turn off construction-related equipment—including heavy-duty equipment, motor vehicles, and portable equipment—when not in use for more than 5 minutes.</li> <li>Clearly post construction hours, allowable workdays, and the phone number of the job superintendent at all construction entrances to allow for nearby residents and other noise-sensitive land uses to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.</li> </ul>	
NOISE-2: The proposed project would not expose people to, or generate, excessive groundborne vibration or groundborne noise levels.	LTS	N/A	N/A
NOISE-3: The proposed project would not cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed project.	LTS	N/A	N/A
NOISE-4: The project would cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity.	S	NOISE-4: Implement Mitigation Measure NOISE-1.	LTS

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## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
NOISE-5: The proposed project would not expose people residing or working in the vicinity of the study area to excessive aircraft noise levels, for a project located within an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport.	No Impact	N/A	N/A
NOISE-6: The proposed project would not expose people residing or working in the project site to excessive noise levels, for a project within the vicinity of a private airstrip.	No Impact	N/A	N/A
NOISE-7: The proposed project would result in a significant cumulative impact with respect to noise.	S	NOISE-7: Implement Mitigation Measure NOISE-1.	LTS
<b>POPULATION AND HOUSING</b>			
POP-1: The proposed project would not 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).	LTS	N/A	N/A
POP-2: The proposed project would not displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.	No Impact	N/A	N/A
POP-3: The proposed project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.	No Impact	N/A	N/A
POP-4: The proposed project would not result in significant cumulative impact with respect to population and housing.	LTS	N/A	N/A

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**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
<b>PUBLIC SERVICES AND RECREATION</b>			
PS-1: The proposed project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.	LTS	N/A	N/A
PS-2: The proposed project would result in less-than-significant cumulative impacts with respect to fire protection services.	LTS	N/A	N/A
PS-3: The proposed project would not result in the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.	LTS	N/A	N/A
PS-4: The proposed project would result in less-than-significant cumulative impacts with respect to police services.	LTS	N/A	N/A
PS-5: The proposed project would not result in the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.	No Impact	N/A	N/A
PS-6: The proposed project would result in less-than-significant cumulative impacts with respect to school services.	No Impact	N/A	N/A
PS-7: The proposed project would not result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.	LTS	N/A	N/A

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## EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
PS-8: The proposed project would result in less-than-significant cumulative impacts with respect to the construction of other public facilities.	LTS	N/A	N/A
PS-9: The proposed project would not result in the need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.	LTS	N/A	N/A
PS-10: The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur, or be accelerated.	LTS	N/A	N/A
PS-12: The proposed project would result in less-than-significant cumulative impacts with respect to parks.	LTS	N/A	N/A
<b>TRANSPORTATION AND TRAFFIC</b>			
TRANS-1: During the weekday PM peak hour under Cumulative plus Project conditions, the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp would operate at an unacceptable LOS F with the addition of project-generated vehicle trips. The addition of project-generated trips would increase the volume-to-capacity ratios by more than 0.01 and increase the average control delay for critical movements by more than four seconds.	S	TRANS-1: The project applicant shall provide a financial contribution toward the widening of the southbound approach at the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp to include three left-turn lanes, one through lane and one right-turn lane. The contribution shall be established by using the method for calculating equitable mitigation measures as outlined in the <i>Guide for the Preparation of Traffic Impact Studies</i> published by Caltrans (December 2002). The project to widen the southbound approach has been previously identified as a local capital improvement project (CIP), regardless of the proposed project, and is also currently listed on Santa Clara County's Measure B list of potential projects. Since it is estimated that the proposed project would contribute 1.65 percent to the cost to implement this improvement based on the method for calculating equitable mitigation measures (as outlined in the <i>Guide for the Preparation of Traffic Impact Studies</i> published by Caltrans in December 2002), the project applicant shall provide a financial contribution equal to 1.65 percent of the final construction	LTS

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**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		cost of the aforementioned ramp widening project. The most recent estimate anticipates a project cost of \$1,800,000.00, resulting in a financial contribution from the proposed project of approximately \$29,700. Payment will be due at the time of local and regional project approvals for the ramp widening project, under the terms of a mitigation measure agreement between the property owner and the City, which shall be secured with a cash deposit in amount of the current financial contribution estimate (\$29,700). The mitigation measure agreement shall be prepared at the applicant's cost and executed prior to issuance of building, grading, or demolition permits.	
TRANS-2: Implementation of the project would impact the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp under Cumulative plus Project conditions in the PM peak hour on weekdays.	S	TRANS-2: Implement Mitigation Measure TRANS-1.	LTS
TRANS-3: The proposed project would not 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.	No Impact	N/A	N/A
TRANS-4a: Vehicle queues for the eastbound left-turn lane on Hamilton Avenue would exceed available storage with the addition of project-generated traffic during the weekend peak hour. Queue spillback in the eastbound left-turn lane would extend into the eastbound through traffic lanes.	S	TRANS-4a: Prior to obtaining occupancy permits, the project applicant shall construct or provide funds for the City to extend the eastbound left-turn lane at Almarida Drive/Hamilton Avenue by an additional 50 linear feet plus a standard 90-foot bay taper transition, to accommodate the increase in queue length.	LTS
TRANS-4b: Vehicle queues for the southbound left-turn lane on Almarida Drive would increase and extend beyond the proposed project driveway location during both the PM and weekend peak hours. The resulting queue along the southbound approach would continue to block the driveway accesses for both the proposed In-N-Out Burger and the Franciscan Apartments.	S	TRANS-4b: Prior to obtaining occupancy permits, the project applicant shall install or provide funds for the City to install "Keep Clear" pavement markings on southbound Almarida Drive at the northern project driveway to maintain access to the project site and to encourage drivers to leave the access area clear. Since the existing southern driveway on Almarida Drive at the project site would be removed with the proposed project, the existing "Keep Clear" pavement markings shall be removed from this location.	LTS
TRANS-4c: Project-generated trips would lengthen	S	TRANS-4c: Implement Mitigation Measure TRANS-1.	LTS

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## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Environmental Impact	Significance without Mitigation		Mitigation Measure	Significance with Mitigation
queuing on the SR 17 southbound off-ramp. With or without the project, the queue length for the southbound approach would continue to extend from Hamilton Avenue back to the SR 17 southbound mainline auxiliary lane.				
TRANS-5: Implementation of the proposed project would not result in inadequate emergency access.	LTS	N/A		N/A
TRANS-6: Implementation of the proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	LTS	N/A		N/A
<b>UTILITIES AND SERVICE SYSTEMS</b>				
UTIL-1: The proposed project would have sufficient water supplies available from existing entitlements, conservation plans and resources, and would not require new or expanded entitlements.	LTS	N/A		N/A
UTIL-2: The proposed project would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.	LTS	N/A		N/A
UTIL-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to water service.	LTS	N/A		N/A
UTIL-4: The proposed project would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board.	LTS	N/A		N/A
UTIL-5: The proposed project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.	LTS	N/A		N/A

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**EXECUTIVE SUMMARY****TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Environmental Impact</b>	<b>Significance without Mitigation</b>	<b>Mitigation Measure</b>	<b>Significance with Mitigation</b>
UTIL-6: The proposed project would not result in the determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	LTS	N/A	N/A
UTIL-7: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to wastewater service.	LTS	N/A	N/A
UTIL-8: The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the proposed project's solid waste disposal needs.	LTS	N/A	N/A
UTIL-9: The proposed project would comply with federal, State, and local statutes and regulations related to solid waste.	LTS	N/A	N/A
UTIL-10: The proposed project, in combination with past, present, and reasonably foreseeable development, would result in less-than-significant impacts with respect to solid waste.	LTS	N/A	N/A
UTIL-11: The proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.	LTS	N/A	N/A
UTIL-12: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to stormwater infrastructure.	LTS	N/A	N/A
UTIL-13: The proposed project would not result in a substantial increase in natural gas and electrical service demands, and would not require new energy supply facilities and transmission infrastructure or capacity enhancing alterations to existing facilities.	LTS	N/A	N/A

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## EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation		Mitigation Measure	Significance with Mitigation
UTIL-14: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to energy conservation.	LTS	N/A		N/A

## **2. Introduction**

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Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Chapter 14 California Code of Regulations, Section 15378[a], the Campbell In-N-Out Burger Project is considered a “project” subject to environmental review as its implementation is “an action [undertaken by a public agency] which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.” This Draft Environmental Impact Report (Draft EIR) provides an assessment of the potential environmental consequences of implementation of the project, herein referred to as “proposed project.” Additionally, this Draft EIR identifies mitigation measures and alternatives to the proposed project that would avoid or reduce significant impacts. This Draft EIR compares the development of the proposed project with the existing baseline condition, described in detail in Chapter 4, Environmental Evaluation, and each subchapter (Chapters 4.1 through 4.14). The City of Campbell (City) is the lead agency for the proposed project. This assessment is intended to inform the City’s decision-makers, other responsible agencies, and the public-at-large of the nature of the proposed project and its effect on the environment.

### **2.1 PROPOSED PROJECT**

The proposed project would involve the demolition of an 8,355-square-foot restaurant/bar formerly occupied by the Elephant Bar in order to develop a 3,812-square-foot drive-thru fast-food restaurant with outdoor seating on a 1.2-acre site located at 499 Hamilton Avenue in Campbell, California. The proposed project would also construct two 8-foot free-standing perimeter walls along the northern and western boundaries of the project site to serve as a buffer between the proposed project and surrounding land uses. The project also proposes to relocate a traffic signal controller cabinet and the associated PG&E utility service pedestal at East Hamilton Avenue and Almarida Drive to facilitate the widening of the sidewalk on Almarida Drive. The project would not require a change in General Plan land use designation or zoning. The proposed project is described in more detail in Chapter 3, Project Description, of this Draft EIR.

### **2.2 EIR SCOPE**

This Draft EIR is a project-level EIR that identifies and analyzes site specific potential impacts of the project. This is in contrast to programmatic EIRs, which are used to assess the impact of land use plans where specific uses and plans for construction have not yet been determined. As a project-level EIR or project EIR, the environmental analysis primarily focuses on the changes in the environment that would result from the development of the proposed project. This project EIR examines the specific short-term impacts (construction) and long-term impacts (operation) that would occur as a result of project approval

## INTRODUCTION

and implementation. For a complete listing of environmental topics covered in this Draft EIR, see Chapter 4, Environmental Evaluation.

## 2.3 ENVIRONMENTAL REVIEW PROCESS

### 2.3.1 DRAFT EIR

Pursuant to CEQA Section 21080(d)<sup>1</sup> and CEQA Guidelines Section 15063,<sup>2</sup> the City determined that the proposed project could result in potentially significant environmental impacts and that an EIR would be required. In compliance with CEQA Section 21080.4, the City circulated the Notice of Preparation (NOP) of an EIR for the proposed project to the Office of Planning and Research State Clearinghouse and interested agencies and persons on July 11, 2018 for a 30-day review period. A public Scoping Meeting was held on July 24, 2017 at 7:30 p.m. in the City Hall Council Chambers located at 70 North First Street in the City of Campbell. The NOP and scoping process solicited comments from responsible and trustee agencies, as well as interested parties regarding the scope of the Draft EIR. Appendix A of this Draft EIR contains the NOP, as well as the comments received by the City in response to the NOP.

The scope of this EIR was established by the City of Campbell through the EIR scoping process and includes an analysis of both the proposed project's impacts and cumulative impacts in the following issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation and Traffic
- Utilities and Service Systems
- CEQA-Mandated Assessment Conclusions:
  - Impacts Found Not To Be Significant
  - Significant Unavoidable Impacts
  - Growth-Inducing Impacts
  - Significant Irreversible Changes

This Draft EIR will be available for review by the public and interested parties, agencies, and organizations for a 45-day comment period starting on February 13, 2019 and ending on April 1, 2019. During the comment period, the public is invited to submit written comments via mail or e-mail to the Draft EIR to the City of Campbell Community Development Department. Written comments (electronic communication preferred) should be submitted to:

Daniel Fama, Senior Planner  
City of Campbell, Community Development Department  
70 North 1<sup>st</sup> Street Campbell, CA 95008

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<sup>1</sup> The CEQA Statute is found at California Public Resources Code, Division 13, Sections 21000 to 21177.

<sup>2</sup> The CEQA Guidelines are found at California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 to 15387.



## INTRODUCTION

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Email: [danielf@cityofcampbell.com](mailto:danielf@cityofcampbell.com)

Written and/or verbal comments on the Draft EIR will also be accepted at a Planning Commission hearing, during the public comment period, which will be legally noticed and is tentatively scheduled for Tuesday, February 26, 2019 at 7:30 p.m. in the City Council Chambers.

### 2.3.2 FINAL EIR

Upon completion of the 45-day review period for the Draft EIR, the City of Campbell will review all comments received and prepare written responses for each comment on the adequacy of the Draft EIR. A Final EIR will then be prepared, which contains all of the comments received, responses to comments raising environmental issues, and any changes to the Draft EIR. A Planning Commission public hearing will then be scheduled to concurrently consider a decision on the project and certification of the Final EIR. All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the Planning Commission public hearing. All responses to comments submitted on the Draft EIR by agencies will be provided to those agencies at least 10 days prior to the Planning Commission public hearing.

If the Planning Commission determines that the project may be approved, the Planning Commission will certify the Final EIR and adopt and incorporate into the project all feasible mitigation measures identified in the EIR and may also require other feasible mitigation measures as conditions of approval.

However, the Planning Commission may also find that the project does not satisfy the required findings for approval and decide to reject the project on that basis. In that case, the Planning Commission is not required to certify the Draft EIR. However, both the Draft EIR and project entitlements would be appealable to the City Council, an elected body, who could then decide on both the EIR and project.

### 2.3.3 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that the lead agency adopt a monitoring or reporting program for any project for which it has made mitigation findings pursuant to Public Resources Code 21081. Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR. The Mitigation Monitoring and Reporting Program for the proposed project will be completed and available to the public prior to certification of this EIR.

## **INTRODUCTION**

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## **3. Project Description**

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In-N-Out Burgers, the project applicant, is proposing the Campbell In-N-Out Burger project (proposed project or project), to redevelop the 1.2-acre project site with a 3,812-square-foot drive-thru fast-food restaurant at 499 East Hamilton Avenue in Campbell, California. The project site is identified by the Santa Clara County Assessor's Office as Assessor's Parcel Number (APN) 279-30-051.

This chapter provides a detailed description of the project, including the site location, setting, and characteristics; objectives of the project; principal features of the project; approximate construction phasing; and required permits and approvals. These activities and approvals collectively constitute the "project" for the purposes of this EIR.

### **3.1 PROJECT SITE LOCATION AND CHARACTERISTICS**

#### **3.1.1 PROJECT SITE LOCATION AND SETTING**

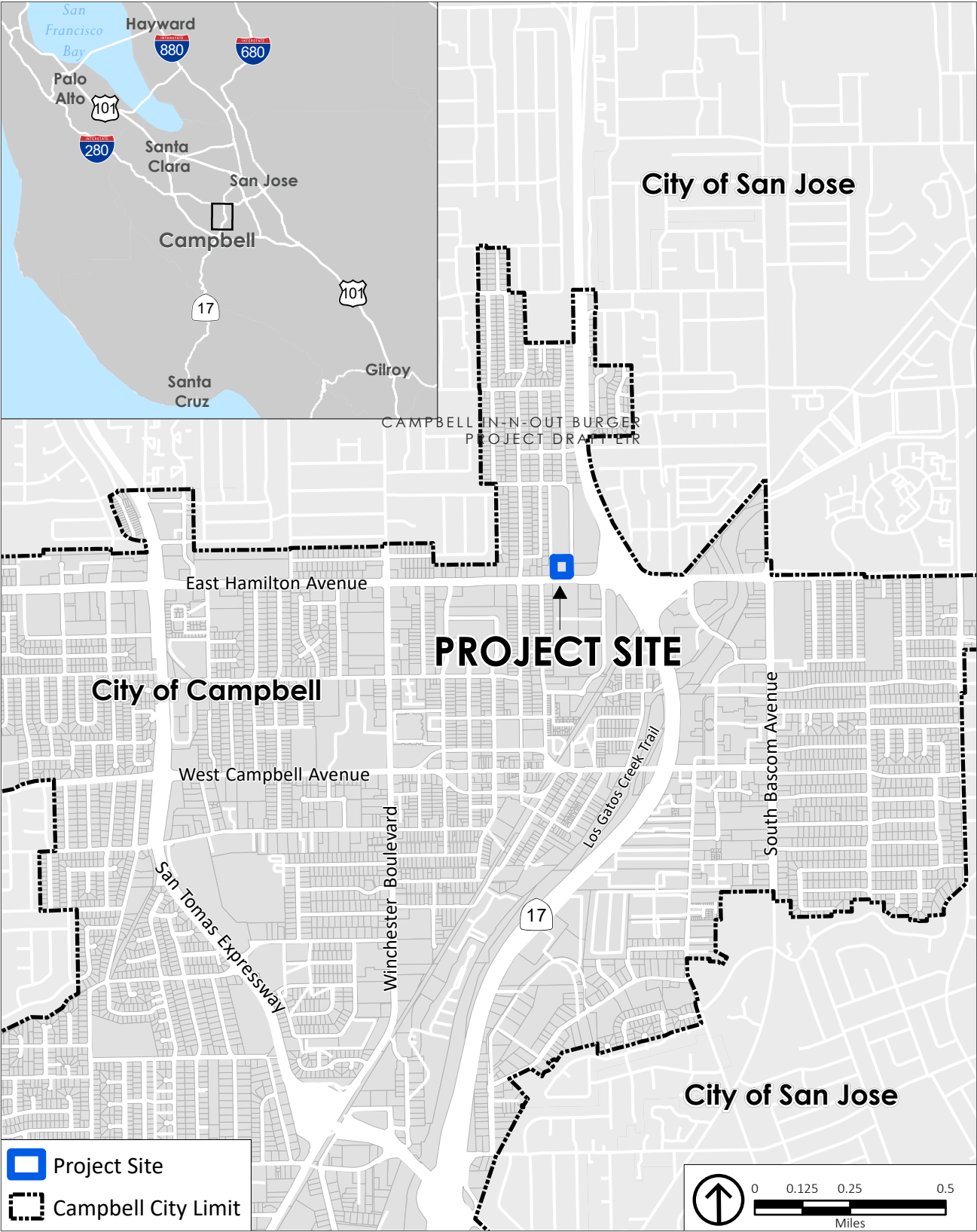
As shown on Figure 3-1, Regional Location, the project is located in the northeastern portion of Campbell. The City of Campbell (City) is located approximately 50 miles south of San Francisco in Santa Clara County and is bounded on the north, west, and east by the cities of San José and Saratoga, and on the south by the Town of Los Gatos. Regional access to the city is provided via the San Tomas Expressway, State Route 17 (Highway 17), Interstate 280 (I-280), and State Route 85.

As shown on Figure 3-2, Local Context, the project site is located at the northwest corner of East Hamilton Avenue and Almarida Drive, within a developed area of the city. Local access to the project site is provided via Highway 17, East Hamilton Avenue, Almarida Drive, and North Central Avenue. The project site is bounded by residential development to the north and commercial development to east, south, and west.

#### **3.1.2 EXISTING SITE CONDITIONS**

The 1.2-acre project site is currently developed with a vacant 8,355-square-foot one-story restaurant building and a surface parking lot with a total of 85 parking spaces. Access to the property is gained via three driveway approaches; one on Hamilton Avenue and two on Almarida Drive. The previous tenant, Elephant Bar, operated a commercial restaurant business with full alcohol service on the project site until 2016. The project site was developed with the existing building in 1971 and has operated as a restaurant since its initial construction. The building is located (approximately) within the middle of the lot with parking on the north, south, and west sides of the property. The project site is generally flat, with trees

PROJECT DESCRIPTION



Source: ESRI, 2017; PlaceWorks, 2018.

Figure 3-1  
Regional Location



PROJECT DESCRIPTION



Source: Google Earth Professional, 2018. PlaceWorks, 2018.



Figure 3-2  
Local Context



## PROJECT DESCRIPTION

and shrubs located along the perimeter of the building and along the edges of the project site. Existing landscaping includes 30 trees and a variety of shrubs comprised of non-native ornamental species.<sup>1</sup>

### 3.1.3 GENERAL PLAN LAND USE AND ZONING DESIGNATION

Figure 3-3 and Figure 3-4 show the General Plan and Zoning designations, respectively, for the project site and surrounding vicinity. The City of Campbell General Plan designates the project site as General Commercial (GC). This designation is intended for commercial uses that need exposure to high volumes of automobile traffic or access to transit corridors. Most of the land in Campbell that is designated for GC is located along both sides of Bascom and Hamilton Avenues and parts of Winchester Boulevard. Commercial development in these areas is highly visible, hence the placement and scale of buildings is especially important to the community image.

The project site is zoned General Commercial (C-2). The purpose of the C-2 zoning district is intended to provide a wide range of retail sales, business, and personal services primarily oriented to the automobile customer and accessible to transit corridors. The zone is intended to provide for general commercial needs of the city, and to promote a stable and attractive commercial development that affords a pleasant shopping environment. Permitted uses within the C-2 zoning district include ambulance service, artisan products, banks and financial services, dry cleaning, garden centers/plant nurseries, hardware stores, hotels, restaurants and cafes, and shopping centers. Fast food restaurants with drive-thru service are allowed within the C-2 zoning district with a conditional use permit.

## 3.2 PROJECT OBJECTIVES

The project applicant has developed the following project objectives contained within their application submittal which have been incorporated into this section in order to fully capture their development intentions:

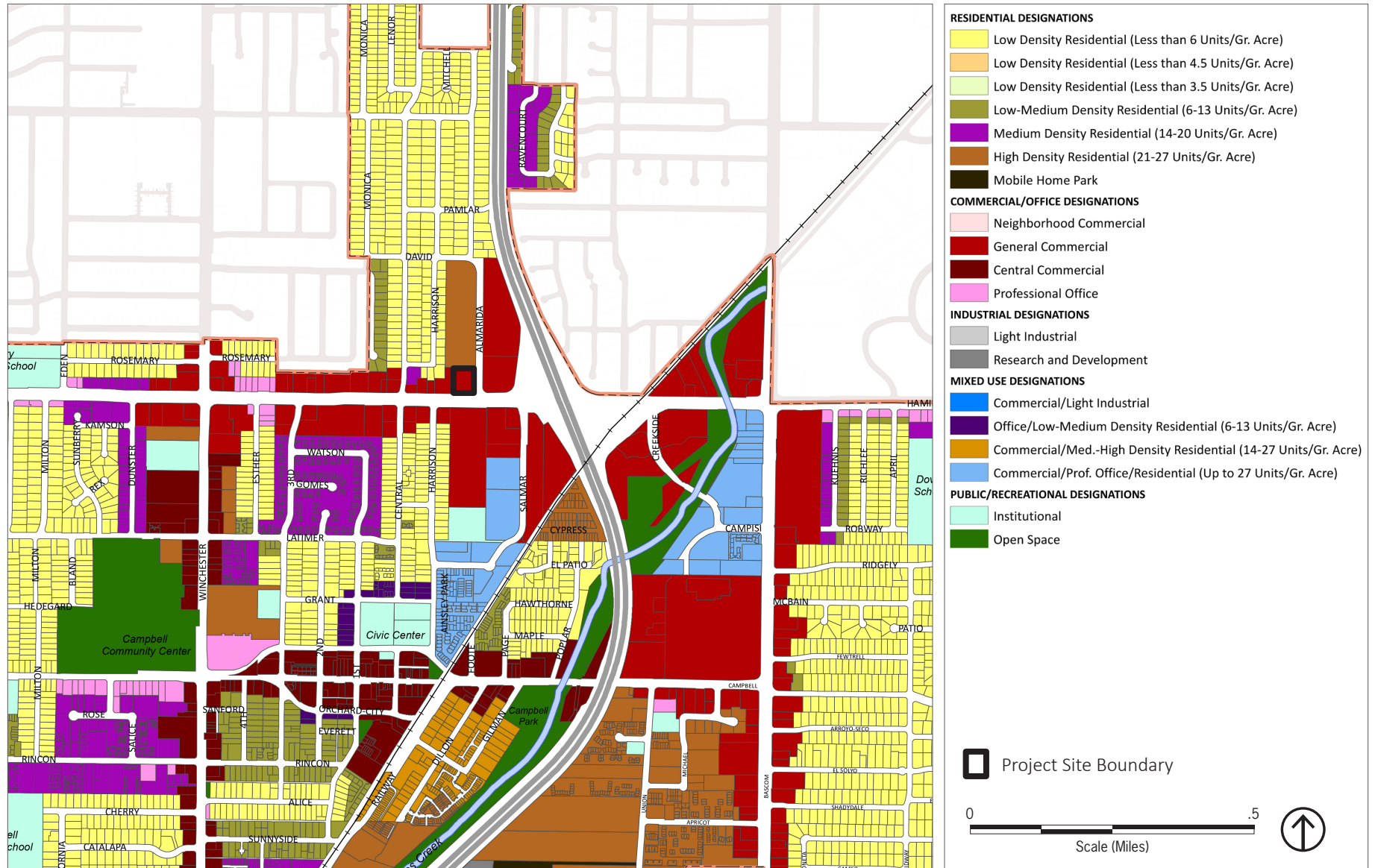
- To develop an infill site near major transportation corridors (and in close proximity to a large office/commercial/residential population base) with a restaurant use that may be found consistent with the existing General Plan land use designation and zoning.
- To incorporate a site plan layout that is reflective of applicable General Plan considerations pertaining to the placement and orientation of the buildings, parking lots, and other site development features, while taking into consideration restaurant guest and operational needs as well as economic feasibility.
- To enhance the value of the project site by replacing a vacant structure with a new functional building.
- To provide an In-N-Out Burger restaurant in a locale that is not currently served by the company.

To utilize the project site's location via Highway 17 and other major transportation and transit corridors to facilitate local and regional access to the project site.

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<sup>1</sup> MSL Engineering, Inc., 2017, In-N-Out Burger Landscape Tree Removal Plan, Sheet LTR.1.

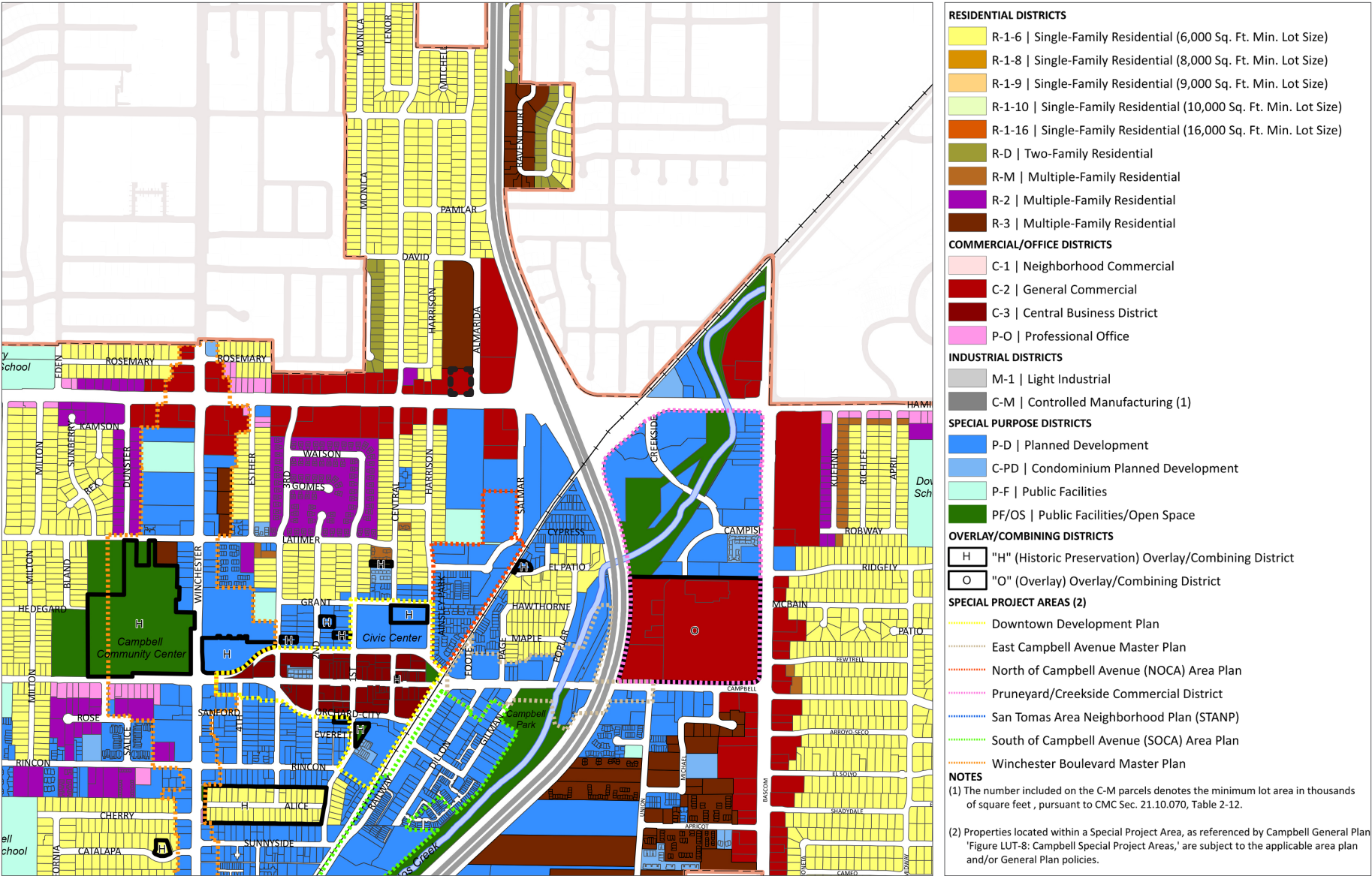
## PROJECT DESCRIPTION



Source: City of Campbell GIS, Santa Clara County GIS.

Figure 3-3  
General Plan Land Use Designations in the Project Vicinity

PROJECT DESCRIPTION



Source: City of Campbell GIS, Santa Clara County GIS.

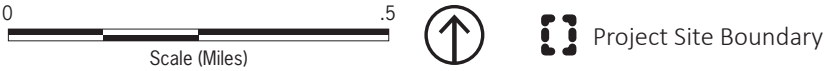


Figure 3-4  
Zoning in the Project Vicinity



**PROJECT DESCRIPTION**

### **3.3 PROPOSED PROJECT**

As previously stated, the proposed project would redevelop the project site with a 3,812-square-foot drive-thru fast-food restaurant at 499 East Hamilton Avenue. The following sections provide a detailed description of the key project components.

#### **3.3.1 SITE PREPARATION AND CONSTRUCTION**

Demolition of the existing restaurant building and surface parking lot, and construction of the proposed project, is expected to begin in 2019 and occur for approximately six months. Grading and excavation on the project site would involve the excavation of 5,800 cubic yards of soil, 4,300 cubic yards of which would be utilized as fill on-site and 1,500 cubic yards of which would be exported off the project site.<sup>2</sup> Site preparation and construction activities would be done in compliance with the City of Campbell Municipal Code and erosion control measures would be implemented as required under the City's Stormwater Pollution Prevention regulations pursuant to Chapter 14.02, Stormwater Pollution Control.

Project construction activity would comply with the requirements of the Municipal Code (Section 18.04.52), which would include limiting construction to the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, and 9:00 a.m. through 4:00 p.m. on Saturdays, to minimize disruption on sensitive uses. No development activity is permitted on Sundays or City-observed national holidays.

#### **3.3.2 PROPOSED DEVELOPMENT**

As shown on Figure 3-5, the proposed single-story building would have a maximum height of 26.5 feet and feature a Spanish-style façade with a gabled roof and Spanish tiling. As shown on Figure 3-6, the proposed 28-car double stacking drive-thru would be located in the parking lot directly north of the proposed building. The covered portion of the drive-thru lane would be attached to the building's northern boundary, where the pay-window and pickup-window would be located. The proposed project would also construct two 8-foot free-standing perimeter walls along the northern and western boundaries of the project site to serve as a buffer between the proposed project and surrounding land uses. The project also proposed to relocate a traffic signal controller cabinet and the associated PG&E utility service pedestal at East Hamilton Avenue and Almarida Drive to facilitate the widening of the sidewalk on Almarida Drive.

The proposed fast-food restaurant would operate seven days a week, from 10:00 a.m. to 1:00 a.m. Sunday through Thursday and from 10:00 a.m. to 1:30 a.m. Friday and Saturday. These hours of operation would replace the existing Conditional Use Permit hours for the former Elephant Bar (which remain active) that allowed the business to operate between 11:00 a.m. to 12:00 a.m., daily. The proposed building would include an indoor seating capacity for approximately 97 guests and an outdoor seating capacity for approximately 48 guests, for a combined dine-in capacity of 145 guests. The proposed fast-food restaurant would employ approximately 40 people at any given time. On-site deliveries would be conducted with vehicles owned by In-N-Out and would occur between 6:00 a.m. and 8:00 a.m. when the

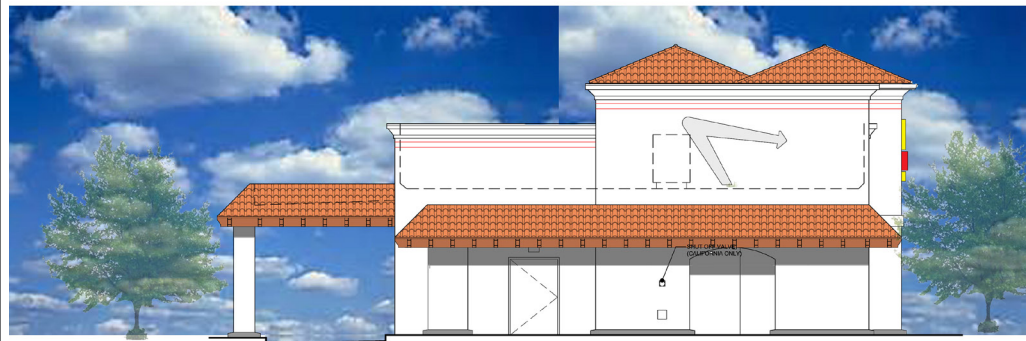
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<sup>2</sup> MSL Engineering, Inc., 2017, In-N-Out Burger, City Entitlement Grading and Drainage Plan, Sheet C32.

**PROJECT DESCRIPTION**



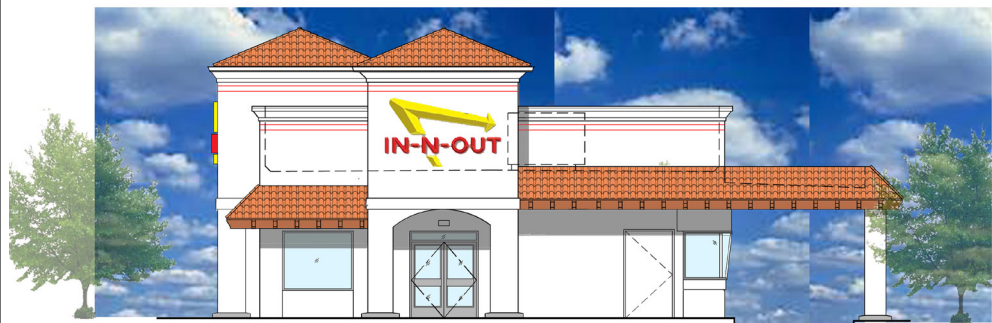
**South Elevation**



**West Elevation**



**North Elevation**



**East Elevation**

Source: GHA Architecture/Development, 2018.

Figure 3-5  
Proposed Building Façade

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**PROJECT DESCRIPTION**

fast-food restaurant is closed to the public. All deliveries would occur on the north side of the building. The solid waste enclosure for the proposed fast-food restaurant would be located on the northwest corner of the project site and screened from public view via a wall enclosure.

### **3.3.3 SITE ACCESS, PARKING, AND CIRCULATION**

Vehicular access to the project site is provided by Hamilton Avenue and Almarida Drive, as shown on Figure 3-6. Pedestrian access to the project site would also be provided via the existing sidewalks along Hamilton Avenue and Almarida Drive. The proposed project would include a total of 61 vehicle parking stalls including standard, disabled-accessible, and clean air/vanpool/electric vehicle spaces. The project would also include a bike rack with four short-term bike parking spaces.

The project would remove one of the two existing driveways on Almarida Drive. The driveway located along Hamilton Avenue would serve as the primary access point for the 28-car stacking drive-thru. Signage would be installed along Almarida Drive to discourage guests from accessing the drive-thru lane via that entrance. As drive-thru guests enter the project site via Hamilton Avenue, they would be guided into the proposed double drive-thru lane via signage and cones. As the drive-thru guests approach the pay-window, the double drive-thru lane would narrow into one lane. As shown on Figure 3-6, drive-thru guests would have the option to exit the project site via the driveways along Hamilton Avenue or Almarida Drive.

### **3.3.4 LANDSCAPING**

As described above, the project site includes 30 trees and a variety of shrubs comprised of non-native ornamental species.<sup>3</sup> As shown on Figure 3-7, 27 on-site trees are proposed for removal.<sup>4</sup> Tree removal would be conducted pursuant to standards identified in City of Campbell Municipal Code Section 21.32.070, Tree Removal Permit/Application Requirements. As shown on Figure 3-8, the proposed project would plant 32 trees throughout the project site and along the perimeter. Proposed trees include Raywood ash (*Froxinus oxycarpa*), golden rain tree (*Koelreuteria paniculata*), crape myrtle (*Lagerstroemia indica*), Chinese pistachio (*Pistacia chinensis*), and Washingtonia filibusta (*Washingtonia filibusta*). The proposed landscaping would also include plantings of grasses, shrubs, and other ground cover.

### **3.3.5 LIGHTING AND SIGNAGE**

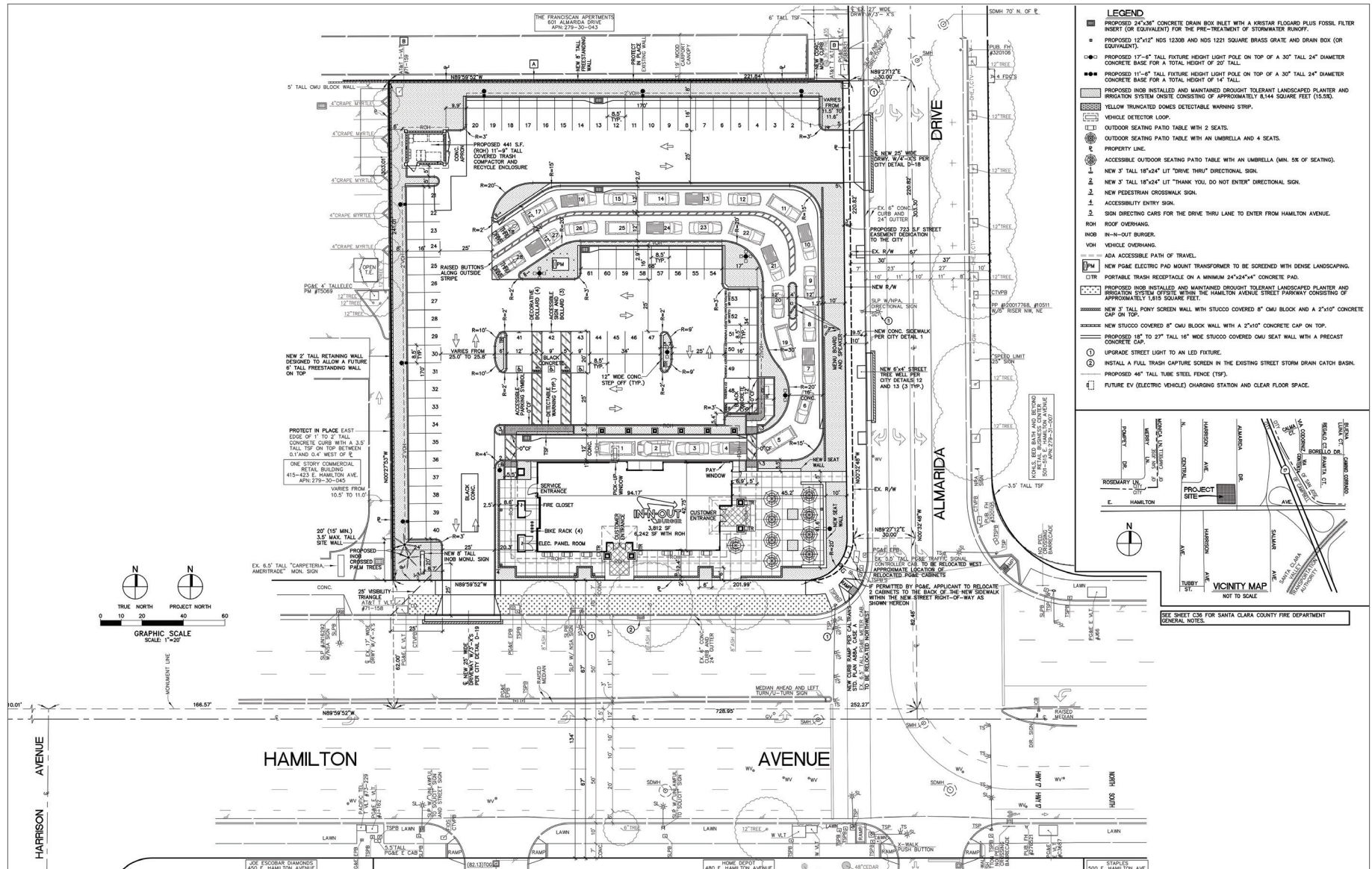
The source, intensity, and type of exterior lighting for the project site would be typical for orientation and safety needs. All on-site lighting would be low-level illumination and shielded to reduce light spill and glare. All exterior surface and above-ground mounted fixtures would be complementary to the architectural theme. The proposed project would install recessed lighting within the covered portion of the drive-thru lane and within the trash enclosure area. The proposed project also would install 20-foot tall light fixtures with single- or double-mounted luminaries along the perimeter of the project site. The

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<sup>3</sup> MSL Engineering, Inc., 2017, In-N-Out Burger Landscape Tree Removal Plan, Sheet LTR.1.

<sup>4</sup> MSL Engineering, Inc., 2017, In-N-Out Burger Landscape Tree Removal Plan, Sheet LTR.1.

# PROJECT DESCRIPTION



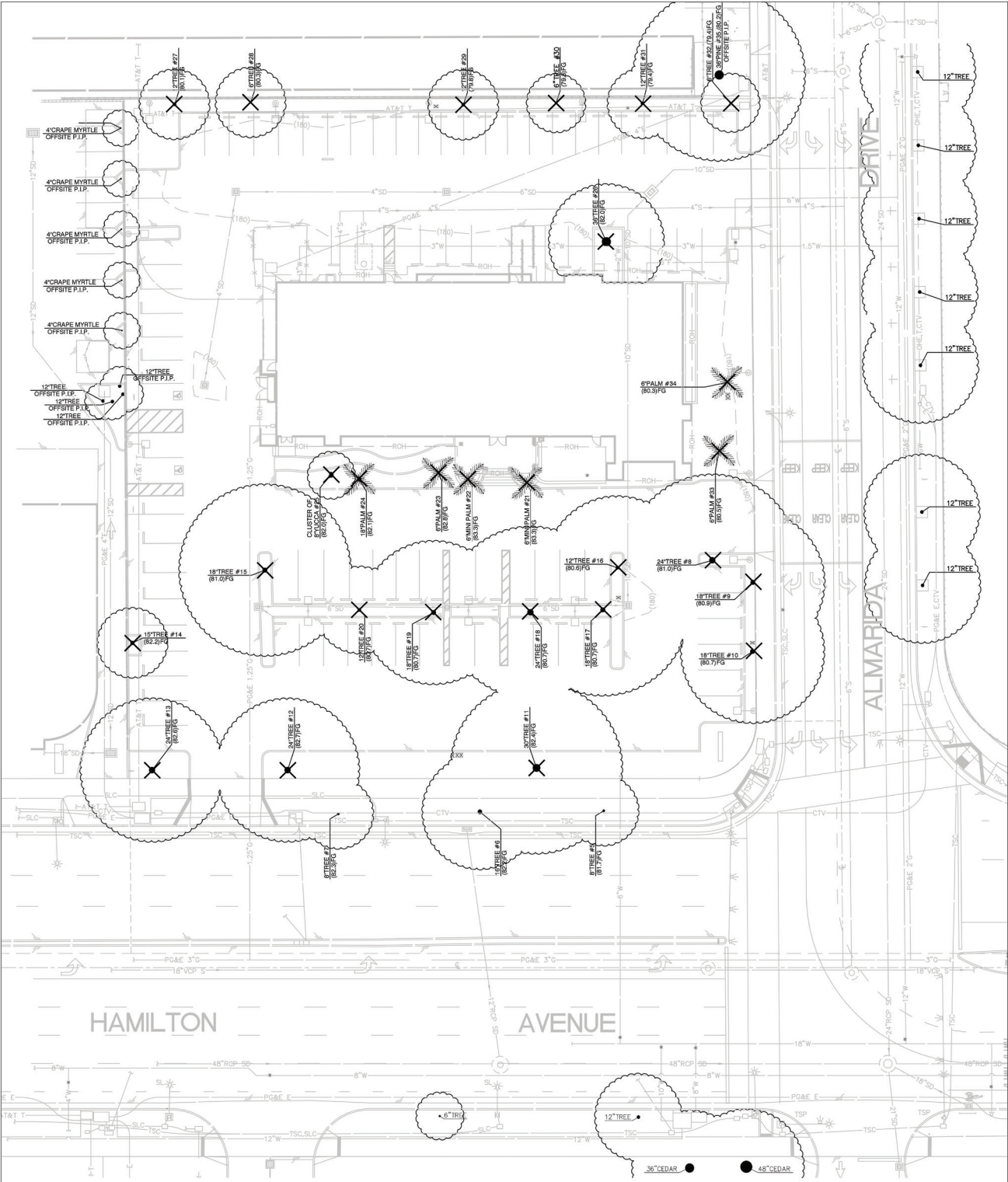
Source: GHA Architecture/Development, 2018.



Figure 3-6  
Proposed Site Plan



PROJECT DESCRIPTION



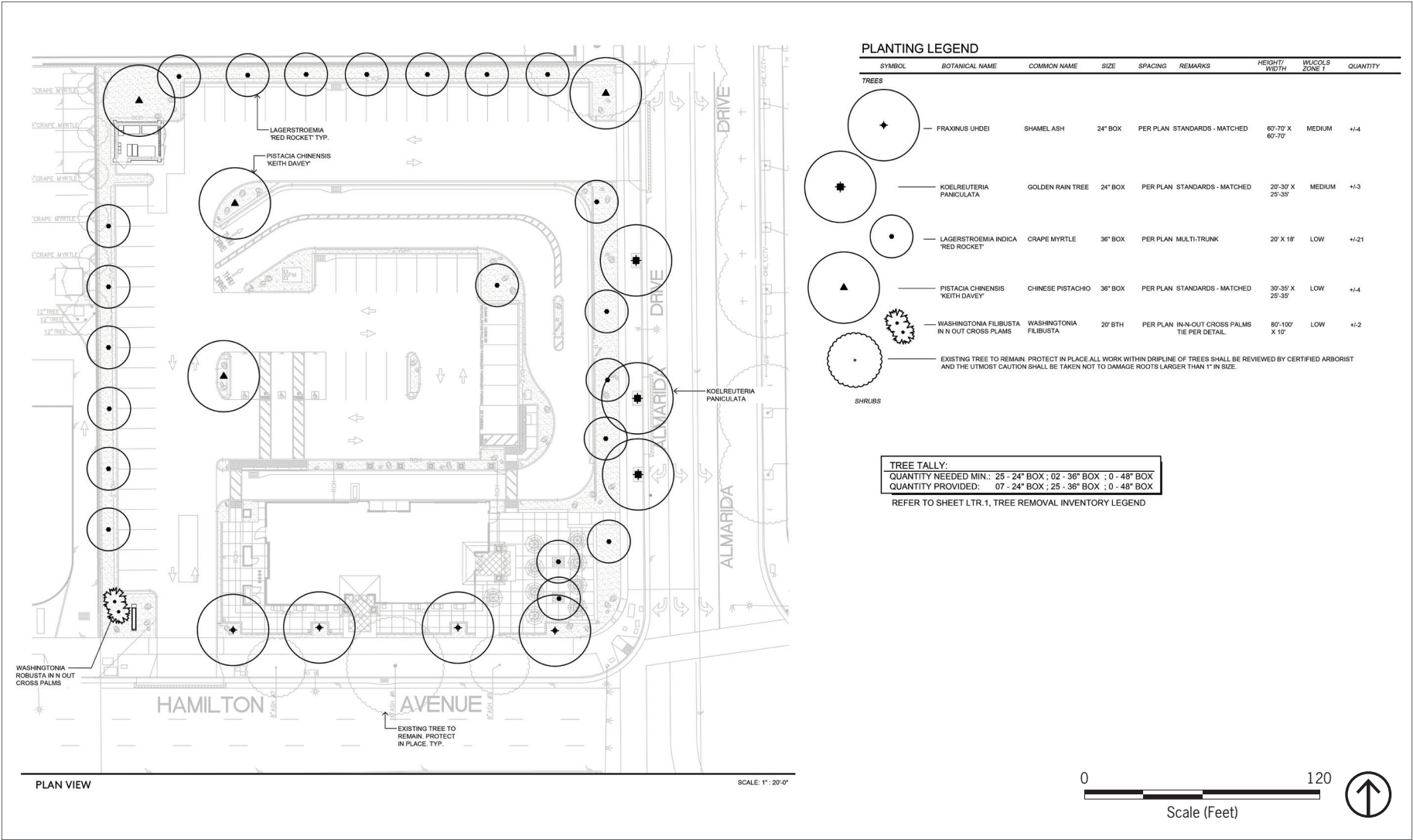
Source: GHA Architecture/Development, 2018.

- ✕ Tree to be removed
- Tree to remain



Figure 3-7  
Proposed Tree Removal

PROJECT DESCRIPTION



Source: GHA Architecture/Development, 2018.

Figure 3-8  
Proposed Landscape Tree Replacement Plan

## PROJECT DESCRIPTION

proposed light fixtures would have “nighttime friendly” full cutoff features to reduce off-site glare and ensure no light spillover occurs across property lines.

The proposed project would install two illuminated “In-N-Out Burger” logo signs on the building exterior along Hamilton Avenue and Almarida Drive. The building exterior would also include light-emitting diode (L.E.D.) double band lighting along the perimeter of the building directly below the roof line. All proposed on-site identification signage is subject to applicable regulations pursuant to City of Campbell Municipal Code Chapter 21.30, Signs.

### 3.3.6 UTILITIES AND SERVICE CONNECTIONS

The project would be serviced by the following utility connections:

- **Potable Water Supply.** The San José Water Company would supply potable water service to the project via an existing on-site 1.5-inch water line.
- **Stormwater.** The City of Campbell would provide stormwater drainage and collection services to the project site. Stormwater would be collected via a series of catch basins in various locations on the project site, and then conveyed off-site by a 10-inch storm drain pipe that connects to a 24-inch storm drain main located on Almarida Drive.
- **Sanitary Sewer Service.** Wastewater generated on the project site would be treated by the San José-Santa Clara Regional Wastewater Facility located north of the City of San José.
- **Dry Utilities.** Gas and electricity would be supplied to the project site by Pacific Gas & Electric. Telephone, cable, and fiber optic lines would be provided by a number of providers (e.g., AT&T, Comcast, etc.).

## 3.4 REQUIRED PERMITS AND APPROVALS

The City of Campbell is the Lead Agency for the preparation and certification of the EIR. Where appropriate, responsible, trustee, and other agencies will be consulted during the EIR process. Subsequent development entitlements for the project may require approval of State, federal, and regional responsible and trustee agencies that may rely on the EIR for decisions in their areas of expertise.

Approval of the project would require the following permits and approvals from the City of Campbell:

- Conditional use permit (for a "fast-food" restaurant with "outdoor active activities" [i.e., drive-through lane], "outdoor seating with more than twelve seats," and "late night activities").
- Site and architectural review (for the building and site design).
- Tree removal permits (to remove on-site protected trees).
- Sign permit (to install new signage, including an increase to the allowable sign area and number of allowable signs).

## **PROJECT DESCRIPTION**

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## 4. Environmental Evaluation

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### CHAPTER ORGANIZATION

This chapter of the Draft EIR is made up of 14 subchapters, which evaluate the direct, indirect, and cumulative environmental impacts from approval and implementation of the proposed project. The following sections describe the format of the environmental analysis, the format of the thresholds of significance and the methodology of the cumulative impact analysis.

### FORMAT OF ENVIRONMENTAL EVALUATION

The California Environmental Quality Act (CEQA) Guidelines Section 15128 allows for no analysis of environmental issues for which there is no likelihood of significant impact. Due to the location of the proposed project in an urbanized area in the City of Campbell, no impacts would occur to agricultural, forestry, or mineral resources. A brief discussion of each topic is provided as follows:

- **Agricultural Resources:** Maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency categorizes lands within Campbell as Urban and Built-Up Land.<sup>1</sup> There are no agricultural lands classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the City of Campbell. The California Land Conservation Act (Williamson Act) 2014 State Report identifies land in Santa Clara County that is under Williamson Act contract; however, none are located within the City of Campbell.<sup>2</sup> Therefore, approval and implementation of the proposed project would not conflict with lands under Williamson Act contract. For these reasons, there would be no impacts to agricultural resources under CEQA.
- **Forestry Resources:** According to 2006 mapping data from the California Department of Forestry and Fire Protection, the City of Campbell does not contain any woodland or forestland cover;<sup>3</sup> therefore, the city does not contain land zoned for Timberland Production nor does the Campbell Zoning Map identify areas zoned for Timberland Production.<sup>4</sup> Consequently, there would be no impacts to forestry resources under CEQA.
- **Mineral Resources:** The California Department of Conservation, Geological Survey classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State

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<sup>1</sup> California Department of Conservation, California Important Farmland Finder, <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed July 31, 2018.

<sup>2</sup> California Department of Conservation, 2015, California Land Conservation (Williamson) Act 2014 Status Report, page 34.

<sup>3</sup> California Department of Forestry and Fire Protection Fire and Resource Assessment Program, Land Cover Map, [http://frap.fire.ca.gov/data/frapgismaps/pdfs/fvegwhr13b\\_map.pdf](http://frap.fire.ca.gov/data/frapgismaps/pdfs/fvegwhr13b_map.pdf), accessed July 23, 2018.

<sup>4</sup> City of Campbell, Zoning Map, <https://www.ci.campbell.ca.us/DocumentCenter/View/1430/Zoning-Map?bidId=>, accessed July 23, 2018.

## ENVIRONMENTAL EVALUATION

Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether known or inferred significant mineral resources are present in areas. Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General Plans.<sup>5</sup> The City of Campbell has no General Plan Land Use designation for mineral resources.<sup>6</sup> Therefore, no impacts to mineral sources under CEQA would occur.

Accordingly, this chapter of the Draft EIR is made up of 14 subchapters, which evaluate the direct, indirect, and cumulative environmental impacts of the proposed project. In accordance with Appendix F, Energy Conservation, and Appendix G, Environmental Checklist, of the CEQA Guidelines as amended per Assembly Bill 52 (Tribal Cultural Resources) and the California Supreme Court in a December 2015 opinion [*California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD)*, 62 Cal. 4th 369 (No. S 213478)], the potential environmental effects of the proposed project are analyzed for potential significant impacts in the following 14 environmental issue areas, which are organized with the listed abbreviations:

- |   |  |
|---|--|
| ▪ Aesthetics (AES)  | ▪ Hydrology and Water Quality (HYDRO)  |
| ▪ Air Quality (AQ)  | ▪ Land Use and Planning (LU)           |
| ▪ Biological Resources (BIO)                              | ▪ Noise (NOISE)                        |
| ▪ Cultural Resources and Tribal Cultural Resources (CULT) | ▪ Population and Housing (POP)         |
| ▪ Geology, Soils, and Seismicity (GEO)                    | ▪ Public Services and Recreation (PS)  |
| ▪ Greenhouse Gas Emissions (GHG)                          | ▪ Transportation and Traffic (TRANS)   |
| ▪ Hazards and Hazardous Materials (HAZ)                   | ▪ Utilities and Service Systems (UTIL) |

Each subchapter is organized into the following sections:

- **Environmental Setting** offers a description of the existing environmental conditions, providing a baseline against which the impacts of the proposed project can be compared, and an overview of federal, State, regional, and local laws and regulations relevant to each environmental issue.
- **Thresholds of Significance** refer to the quantitative or qualitative standards, performance levels, or criteria used to evaluate the existing setting with and without the proposed project to determine whether the impact is significant. These thresholds are based primarily on the CEQA Guidelines, and also may reflect established health standards, ecological tolerance standards, public service capacity standards, or guidelines established by agencies or experts. Apart from its adopted policies and levels of service that may be used as thresholds, the City has not adopted its own set of thresholds of significance for use in CEQA documents.
- **Impact Discussion** gives an overview of the potential impacts of the proposed project and explains why impacts are found to be significant or less than significant prior to mitigation. This subsection also includes a discussion of cumulative impacts related to the proposed project. Impacts and mitigation

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<sup>5</sup> Public Resources Code, Division 2, Geology, Mines and Mining, Chapter 9, Surface Mining and Reclamation Act of 1975, Article 4, State Policy for the Reclamation of Mined Lands, Section 2762(a)(1).

<sup>6</sup> City of Campbell General Plan Map, <https://www.ci.campbell.ca.us/DocumentCenter/View/1429/General-Plan-Map?bidId=>, accessed July 23, 2018.

## ENVIRONMENTAL EVALUATION

measures are numbered consecutively within each topical analysis and begin with an acronym or abbreviated reference to the impact section.

### THRESHOLDS OF SIGNIFICANCE

As noted above, significance criteria are identified before the impact discussion subsection, under the subsection, “Thresholds of Significance.” For each impact identified, a level of significance is determined using the following classifications:

- *Significant (S)* impacts include a description of the circumstances where an established or defined threshold would be exceeded.
- *Less-than-significant (LTS)* impacts include effects that are noticeable, but do not exceed established or defined thresholds, or can be mitigated below such thresholds.
- *No impact* describes circumstances where there is no adverse effect on the environment.

For each impact identified as being significant, the EIR identifies mitigation measures to reduce, eliminate, or avoid the adverse effect. If one or more mitigation measure(s) would reduce the impact to a less-than-significant level successfully, this is stated in the EIR. *Significant and unavoidable (SU)* impacts occur where mitigation measures would not diminish these effects to less-than-significant levels.

### CUMULATIVE IMPACT ANALYSIS

A cumulative impact consists of an impact created as a result of the combination of the project evaluated in the EIR, together with other reasonably foreseeable impacts not caused by the proposed project. CEQA Guidelines Section 15130 requires an EIR to discuss cumulative impacts of a project when the project’s incremental effect is “cumulatively considerable.” Used in this context, cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effect of probable future projects.

Where the incremental effect of a project is not “cumulatively considerable,” a lead agency need not consider that effect significant, but must briefly describe its basis for concluding that the incremental effect is not cumulatively considerable. Where the cumulative impact caused by the project’s incremental effect and the effects of other reasonably foreseeable projects is not significant, the EIR must briefly indicate why the cumulative impact is not significant.

The cumulative impact discussions in subchapters 4.1 through 4.14 explain the geographic scope of the area affected by each cumulative effect (e.g., immediate project vicinity, city, county, watershed, or air basin). The geographic area considered for each cumulative impact depends upon the impact that is being analyzed. For example, in assessing aesthetic impacts, the pertinent geographic study area is the vicinity of the proposed project from which the new development can be publicly viewed and may contribute to a significant cumulative visual effect. In assessing macro-scale air quality impacts, on the other hand, all development within the air basin contributes to regional emissions of criteria pollutants, and basin-wide projections of emissions is the best tool for determining the cumulative effect.

## ENVIRONMENTAL EVALUATION

CEQA Guidelines Section 15130 of the CEQA Guidelines permits two different methodologies for completion of the cumulative impact analysis:

- The 'list' approach permits the use of a list of past, present, and probable future projects producing related or cumulative impacts, including projects both within and outside the city; and
- The 'projections' approach allows the use of a summary of projections contained in an adopted plan or related planning document, such as a regional transportation plan, or in an EIR prepared for such a plan. The projections may be supplemented with additional information such as regional modeling.

This cumulative impact in this Draft EIR relies on the list approach of past, present, and probable future projects in the vicinity of the project site that, when considered with the effects of the project, may result in cumulative effects. In some instances, the cumulative analysis discussions contained in subchapters 4.1 through 4.14 include a discussion of the growth projections and references to specific projects as relevant to the impact analysis. As shown in Table 4-1, the City of Campbell has identified nine pending projects within the vicinity of the proposed project.

The following provides a summary of the cumulative impact setting for each impact area:

- **Aesthetics:** The cumulative setting for visual impacts includes the effects of the proposed project together with other cumulative development projects in the vicinity of the project site.
- **Air Quality:** The project's potential contribution to cumulative impacts is assessed utilizing the same significance criteria as those for project-specific impacts. Individual development projects that generate construction or operational emissions that exceed the Air District screening thresholds for project-specific impacts would also cause a cumulatively considerable increase in emissions for those pollutants for which the San Francisco Bay Area Basin is in nonattainment.
- **Biological Resources:** The geographic scope of the cumulative analysis for biological resources is the City of Campbell, which is approximately 5.9 square miles on the floor of the Santa Clara Valley.
- **Cultural Resources and Tribal Cultural Resources:** Cumulative impacts to cultural resources occur when a series of actions leads to the loss of a substantial type of site, building, or resource.
- **Geology, Soils, and Seismicity:** The cumulative setting for impacts related to geology and soils is site specific and addressed in each project's geotechnical investigation.
- **Greenhouse Gas Emissions:** Because GHG emissions are not confined to a particular air basin but are dispersed worldwide, the cumulative analysis focuses on the global impacts.
- **Hazards and Hazardous Materials:** The cumulative setting for impacts related to hazards and hazardous materials includes Santa Clara County, which is the service area for the Santa Clara County Department of Environmental Health.
- **Hydrology and Water Quality:** The geographic context used for the cumulative assessment of hydrology and water quality impacts includes the areas within the City of Campbell that discharge stormwater to the same storm drain system as the project site, with ultimate discharge into the lower San Francisco Bay.

## ENVIRONMENTAL EVALUATION

TABLE 4-1 CUMULATIVE PROJECTS WITHIN THE VICINITY OF THE PROPOSED PROJECT

Project Name/Location	Approximate Distance from Project	Project Type	Project Size	Status
Franciscan Apartments 601 Almarida Drive, Campbell	Directly adjacent to the project site	High-Density Residential	60 multi-family housing units	Pending
Chick-fil-A 2060 South Bascom Avenue, Campbell	0.85 miles	Drive-thru Fast-food Restaurant	5,000 square feet	Pending
Del Grande Mixed-Use Development 540-566 East Campbell Avenue, Campbell	0.56 miles	Ground Level Commercial/3 Stories of Residential	6,512 square feet commercial, 59 condominium units	Pending
Office Building 95 E. Hamilton Avenue, Campbell	0.35 miles	Office Building	5,808 square feet	Pending
Campbell Creekside Center 675 Creekside Way, Campbell	0.30 miles	Office, Hotel, and Parking Structure	172,000 square feet office, 210-room hotel and parking garage	Approved
Carden Day School/Rossinca-Carden International STEAM Academy 1980 Hamilton Avenue, Campbell	0.75 miles	School	New classroom to expand school capacity to 150 students	Approved but later revoked due to lack of project funding
Pruneyard Shopping Center Expansion 1875 and 1901 South Bascom Avenue, Campbell	0.20 miles	Retail, Fitness Facility, and Office	18,600 square feet of retail, 30,000 square feet of fitness facility, 106,000 square feet of office building	Phases 3 and 4
St. Anton Communities 226 Railway Avenue, Campbell	0.75 miles	High-Density Residential	157 multi-family units	Approved
Opa Expansion 276 East Campbell Avenue, Campbell	0.60 miles	Retail and Office	795 square feet tenant space, 10,819 square feet retail and office space	Approved

Source: City of Campbell.

- **Land Use and Planning:** The cumulative setting for land use and planning considers the effects of the proposed project and several concurrent developments in the same area of Campbell.
- **Noise:** The traffic noise levels are based on cumulative projects and traffic conditions used for the traffic impact analysis, which takes into account cumulative effects of the proposed project.
- **Population and Housing:** Impacts of cumulative growth are considered in the context of potential impacts to population and housing that could occur from a combination of the proposed project and other projects that are pending in Campbell.
- **Public Services and Recreation:** Cumulative impacts are considered in the context of the growth from the proposed project combined with the estimated growth in the service areas of each service provider.
- **Transportation and Traffic:** The cumulative setting for traffic and circulation applies the regional transportation demand model and incorporates regional growth projections to the transportation network in Campbell and the proposed project.

## ENVIRONMENTAL EVALUATION

- **Utilities and Service Systems:** Cumulative impacts are considered in the context of the growth from the proposed project combined with the estimated growth in the service areas of each utility's service area.

## **4.1 AESTHETICS**

This chapter describes the regulatory framework and existing conditions on the project site related to aesthetics, and the potential impacts of the project on aesthetics and visual resources.

### **4.1.1 ENVIRONMENTAL SETTING**

#### **4.1.1.1 REGULATORY FRAMEWORK**

This section summarizes key State and local regulations related to aesthetics concerning the proposed project. There are no federal regulations pertaining to aesthetics that directly apply to the proposed project.

#### **State Regulations**

##### *California Building Code*

The California Building Code has been codified in the California Code of Regulations (CCR) as Title 24, Part 2. Title 24 is administered by the California Building Standards Commission and updated every three years. The most current version went into effect in January 2017. The purpose of the California Building Code is to establish minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, and general stability by regulating and controlling the design, construction, quality of materials, outdoor lighting standards, use and occupancy, location, and maintenance of all building and structures within its jurisdiction. The City of Campbell has adopted sections of the California Building Code Title 24, Part 10, according to Chapter 18, California Building Code, of the Campbell Municipal Code.

##### *California State Scenic Highway Program*

California Streets and Highways Code Sections 260 through 263 authorize the California State Scenic Highways Program and set forth criteria and procedures for the designation of scenic highways. State Route 17 runs near the project site; however the portion of State Route 17 near the project site is not designated a State Scenic Corridor.<sup>1</sup>

#### **Local Regulations**

##### *City of Campbell General Plan*

##### Policies

The City of Campbell General Plan, adopted on November 6, 2001, includes several goals and policies that relate to aesthetics. Specifically, the Land Use and Transportation Element includes goals and policies

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<sup>1</sup> California Scenic Highway Mapping Program, [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/), accessed September 5, 2018.

## AESTHETICS

aimed at protecting and enhancing the City's physical and visual character. Table 4.1-1 lists goals and policies pertaining to urban form and visual character.

### Gateways

The Community Design Element identifies primary locations for gateways and encourages creating a "sense of arrival" to the city or a district, including Downtown. The project site sits between two designated gateways, one at the intersection of Hamilton Avenue and Winchester Boulevard and another at the intersection of Hamilton Avenue and State Route 17.<sup>2</sup>

### Streetscape Standards

The City's General Plan contains Streetscape Standards that regulate the landscaped boulevard treatment on arterial streets to provide a consistent streetscape on major streets that utilize street trees as a strong component of design. On Hamilton Avenue, street trees must be Evergreen Ash with one tree planted per 40 linear feet of frontage in both landscaped strips.<sup>3</sup> The parkway shall be planted with an approved drought resistant variety of turf, and the buffer shall be planted with a mixture of turf, groundcover, and shrubs with the back portion of the buffer planted with shrubs or hedges to screen parked cars.<sup>4</sup>

### *City of Campbell Municipal Code*

Besides the General Plan, the City of Campbell Municipal Code is the primary tool that shapes the form and character of physical development within the city. The following provisions from the Municipal Code help minimize visual impacts associated with new development projects:

- **Lighting Design Standards:** Chapter 21.15.090 of the Zoning Code contains regulations for exterior lighting, shielding requirements, and design criteria. Exterior lighting must be turned off or significantly dimmed at the close of business hours when the exterior lighting is not essential for security and safety. Shield requirements necessitate that outdoor lighting fixtures must be designed and installed so that light rays are not emitted across property lines, to the extent possible. Lighting design should be compatible with and complimentary to the style of surrounding development and lighting intensity should be the minimum required to serve the tasks for which the fixtures are intended.
- **General Performance Standards:** Chapter 21.16 of the Municipal Code provides performance standards to ensure that construction and operation of new or existing development does not cause negative impacts related to air quality, noise, vibration, light, glare, odor, water pollution, and site maintenance to the extent that they endanger the public health, safety, comfort, or welfare. Section 21.16.030 of the Municipal Code requires non-residential projects that need discretionary approval to submit plans and studies to the Community Development Director to help determine potential impacts. The following standards are required to reduce adverse aesthetic impacts of lighting in new development and redevelopment projects:

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<sup>2</sup> City of Campbell, 2001, City of Campbell General Plan, page LUT-28.

<sup>3</sup> City of Campbell, 1993, City of Campbell Streetscape Standards, pages 5 to page 6.

<sup>4</sup> City of Campbell, 1993, City of Campbell Streetscape Standards, pages 5 to page 6.



## AESTHETICS

**TABLE 4.1-1 CITY OF CAMPBELL GENERAL PLAN GOALS, POLICIES, AND STRATEGIES PERTAINING TO AESTHETICS**

<b>Goal/Policy/ Strategy Number</b>	<b>Goal/Policy/Strategy Text</b>
<i>Goal LUT-5</i>	<i>Preservation and enhancement of the quality character and land use patterns that support the neighborhood concept.</i>
Policy LUT-5.1	Neighborhood Integrity: Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values, while protecting the integrity of the city's neighborhoods.
Strategy LUT-5.3b	Minimal Setbacks: Design commercial and office buildings city-wide to have minimal setbacks from the sidewalk except to allow for pedestrian oriented features such as plazas, recessed entryways, and wider sidewalks for outdoor cafes. Discourage parking areas between the public right-of-way and the front façade of the building.
<i>Goal LUT-7</i>	<i>Attractive, well-maintained and safe streets, public improvements and utilities.</i>
Strategy LUT-7.2g	Landscaped and Tree Lined Streets: Provide attractive, user friendly, tree-lined streets and install creative landscaping in street improvement projects, where feasible.
Policy LUT-9.3	Design and Planning Compatibility: Promote high quality, creative design and site planning that is compatible with surrounding development, public spaces and natural resources.
<i>Goal LUT-9</i>	<i>A compatible land use pattern citywide.</i>
Policy LUT-9.3	Design and Planning Compatibility: Promote high quality, creative design and site planning that is compatible with surrounding development, public spaces and natural resources.
Strategy LUT-9.3d	Building Design: Design buildings to revitalize streets and public spaces by orienting the building to the street, including human scale details and massing that engages the pedestrian.
Strategy LUT-9.3e	Building Materials: Encourage the use of long-lasting, high quality building materials on all buildings to ensure the long-term quality of the built environment.
Strategy LUT-9.3f	Development Orientation: Orient new development toward public and private amenities or open space, in particular: <ul style="list-style-type: none"> <li>▪ Orient front entrances, living/office area, and windows toward the amenity or open space.</li> <li>▪ Orient high activity areas such as outdoor dining areas and plazas, and major pedestrian routes toward the amenity or open space.</li> </ul>
Strategy LUT-9.3g	Pedestrian Amenities: Incorporate pedestrian amenities such as plazas, landscaped areas with seating, pedestrian walkways into new developments.
Strategy LUT-9.3m	Location of Service Areas: Locate parking areas, truck loading areas, drive-thru lanes and drive-thru windows away from streets, out of immediate public view, while minimizing land use conflicts and traffic impacts.
<i>Goal LUT-10</i>	<i>Landscaping, natural resources and amenities that are visible and accessible to the public.</i>
Policy LUT-10.1	Landscaping: Encourage the retention and planting of landscaping to enhance the natural and built environment.
Strategy LUT-10.1c	Outdoor Common Areas: Encourage well-designed and landscaped outdoor common areas for eating, relaxing, or recreation for new projects, and if feasible when building are remodeled or expanded. When possible, the common outdoor areas should adjoin natural features.
Strategy LUT-10.1e	Parking Lot Screening: Plant landscaping or build decorative walls at the interior and perimeter of parking areas as a visual screen.
Policy LUT-10.2	Roadway Landscaping: Landscape public roadways to define the character of districts and neighborhoods.
Strategy LUT-10.2d	Landscaping as a Theme: Use similar types of trees and landscaping to create a theme within districts or neighborhoods. Medians should also be used to create a theme to distinguish major thoroughfares and prominent streets.

Source: City of Campbell, 2001, City of Campbell General Plan.

## AESTHETICS

- Light or glare on-site shall be shielded or modified to prevent emission of light or glare beyond the property line.
- The placement of outdoor lights shall eliminate spillover illumination or glare onto adjoining properties and shall not interfere with operation or enjoyment of adjoining properties.
- **Site Development Standards:** Chapter 21.18 of the Municipal Code establishes development standards related to aesthetics, including bicycle and pedestrian safety, lighting, refuse storage, and screening. The following site development standards are required as outlined in Chapter 21.18 of the Municipal Code:
  - **Bicycle and Pedestrian Safety.** New and redevelopment projects shall provide safe and efficient bicycle and pedestrian connections on-site, between parking areas, buildings, street sidewalks, and to existing or planned public right-of-way facilities, and shall provide pedestrian passage between street-front sidewalks and rear-lot parking areas.
  - **Lighting.** Exterior lighting shall be architecturally integrated with the character of the structure, be energy-efficient and fully shielded or recessed, and must completely turn off or be significantly dimmed at the close of business hours when the exterior lighting is not essential for security and safety in nonresidential zoning districts. Any permanent lighting shall not blink, flash, or be of unusually high intensity or brightness. Lighting fixtures shall be appropriate in height, intensity, and scale to the use they are serving. All outdoor lighting fixtures shall be designed and installed so that light rays are not emitted across property lines, to the extent possible.
  - **Refuse and Recycling Storage Areas.** Refuse and recycling containers shall be located in an enclosure constructed with a concrete floor, metal roof, and floor drain; surrounded by a maximum 6-foot-high masonry wall with a solid gate; and protected with a fire suppression system.
  - **Screening.** Screening is required between residential and non-residential land uses. Screening shall be built using solid masonry walls, wooden fences not less than 6 feet in height, and landscaping, or a combination of a solid structure and landscaping. All screening shall be architecturally compatible with other on-site development in terms of color, material and architectural style.
- **Landscaping Requirements:** Chapter 21.26 of the Municipal Code includes landscaping requirements that are intended to enhance aesthetics of proposed development and reduce impacts to overall community character. Each zoning district within the City of Campbell is subject to specific landscaping requirements in effort to preserve cohesion of landscaping. The following landscaping requirements are in place for the General Commercial zoning district:
  - Applicant shall be required to provide landscaping for a minimum extent of 10 percent of the net site area.
  - Public street frontages of all developments shall have continuous landscaped areas a minimum of 10 feet wide, excluding driveways.
  - A minimum 5-foot-wide planter strip shall be provided along abutting property lines.

- Where the frontage and perimeter landscaping requirement does not provide the minimum coverage of 10 percent of the site area, additional landscaped areas in an amount which makes up the difference shall be provided.
- **Sign Guidelines:** Chapter 21.30, Signs, of the Zoning Code contains regulations for the height, size, duration, and design of signs with the goal of preserving and improving the visual quality of the city. According to Chapter 21.30, Signs, of the Zoning Code, one freestanding sign is allowed as part of commercial development, which shall be surfaced in a manner to appear of the same materials, colors, and texture as the buildings located on the site. The size of the sign cannot exceed one square foot of sign area for each linear foot of business frontage, with an allowable minimum size of 20 square feet and maximum size of 50 square feet. Freestanding signs cannot exceed a maximum height of 14 feet. However, the Planning Commission may grant an increase to the allowable size and/or number of allowable signs pursuant to Section 21.30.030.C of the Municipal Code.
- **Tree Protection Regulations:** Chapter 21.32 of the Municipal Code contains standards to protect and manage trees on private property and to enhance Campbell's small town quality and character.
- **Site and Architectural Review:** Chapter 21.42 of the Municipal Code sets forth review procedures and standards for new development to ensure compliance with the General Plan and to minimize potential adverse effects that new development may have on existing neighborhoods. This section of the Municipal Code sets forth the goal of ensuring that proposed development complements the design characteristics of surrounding neighborhoods. This section aims to support an environment of stable and desirable character and to minimize potential visual impacts on neighboring properties.

#### 4.1.1.2 EXISTING CONDITIONS

##### Visual Character

The project site is located west of the intersection of Hamilton Avenue and State Route 17 on the southern border of the North of Campbell Avenue neighborhood, as designated in the General Plan. Prominent visual features of the local landscape are described below along with the visual and aesthetic character of the project site.

##### *Visual Features of the Project Neighborhood*

The City's General Plan describes the visual character of the North of Campbell Avenue neighborhood as a mix of land uses including residential and commercial uses that serve as an attractive gateway to the city and as a complement to the western downtown nearby. Development around the project site is primarily single story, except for two big-box retail structures to the east of the project site, which are between two- and three- stories in height. Directly to the north of the project site is a two-story apartment complex constructed of white stucco with a flat roof. This corridor of Hamilton Avenue is lined by mature trees with occasional landscaped medians. Buildings along this stretch are of similar design and materials, primarily stucco and natural white or beige coloring. Each store has surface parking and minimal landscaping.

## **AESTHETICS**

### *Visual Features of the Project Site*

The project site is located along Hamilton Avenue, a major arterial in the City of Campbell. The site is currently vacant with a former restaurant sitting in the middle of the lot with surface parking surrounding it. The site is bounded by a chain-link fence with landscaping on-site along all site boundaries. Large street trees provide shade along the Hamilton Avenue boundary of the site and landscaped buffers are between the sidewalk and the parking lot. The existing site refuse and recycling enclosure is made of dark red plastic and metal fencing and is located on the rear exterior of the building. Light posts are situated along the exterior of the project site as well as in the parking lot.

The existing one-story building is constructed from tan stucco with a terracotta roof. Some landscaping along the building screens the front interface. Other colors accenting the building are dark red and a mustard yellow color, all naturally blended with the landscaping and overall character of the structure. The project site is fully developed and does not contain any unique visual resources other than mature trees in the parking lot.

### **Scenic Vistas**

The General Plan does not identify any scenic views or vistas in the North of Campbell Avenue neighborhood or City of Campbell. Scenic vistas are considered panoramic views, such as of mountain ranges, urban skylines, open bodies of water, valley floors, or seacoasts. Limited views of the Santa Cruz Mountains are visible from the project site.

### **Light and Glare**

No substantial light or glare sources exist on-site. The existing restaurant building on the project is currently vacant and does not produce any light apart from lighting necessary for security purposes, including parking lot lighting.

Hamilton Avenue along the project site's southern boundary is lined by street lighting to illuminate the roadway and sidewalks. Surrounding retail and residential light sources include building lights, parking lot security lights, vehicle lights, and street lights. There are no electrical signs, billboards, or flashing or oscillating lighting sources present on-site or in the immediate site vicinity.

## **4.1.2 STANDARDS OF SIGNIFICANCE**

The proposed project would result in a significant aesthetic impact if it would:

1. Have a substantial adverse effect on a scenic vista.
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
3. Substantially degrade the existing visual character or quality of the site and its surroundings.

4. Expose people on- or off-site to substantial light or glare, which would adversely affect day or nighttime views in the area.

### 4.1.3 IMPACT DISCUSSION

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<b>AES-1</b>	<b>The proposed project would not have a substantial adverse effect on a scenic vista.</b>
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The General Plan does not identify scenic views or vistas within the City of Campbell. A scenic vista is defined in this analysis as a viewpoint designated by a local, State, or federal entity that provides a rare, unique, or in other ways special viewpoint for the benefit of the general public. The closest scenic vista is the Santa Cruz Mountains, which are located approximately 6 miles south of the project site. The majority of the mountain range is block by on-site or nearby buildings and trees, with limited views from the project site. Furthermore, views of the Diablo Range to the east of Santa Clara Valley are blocked by building and trees on or nearby the project site. Therefore development of the proposed project would not substantially detract from a scenic vista, and impacts would be *less-than-significant*.

**Significance without Mitigation:** Less than significant.

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<b>AES-2</b>	<b>The proposed project would not substantially degrade the view from a scenic highway, including, but not limited to, trees, rock outcroppings, and historic buildings.</b>
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There are no designated scenic highways or corridors within the City of Campbell. State Route 9, approximately 4.75 miles to the southwest of the project site, is partially designated a Scenic Highway corridor, from the Santa Cruz County line to the Los Gatos city limit. Within Santa Clara County, there are three roadways that may be eligible for designation as a State Scenic Highway. Neither State Route 9 nor the three eligible roadways have views of the project site.<sup>5</sup> Due to the distance and intervening topography, trees, and development, between the project site and State Route 9, the project site would not be visible from this State-designated scenic highway. Therefore, the impact would be *less-than-significant*.

**Significance without Mitigation:** Less than significant.

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<b>AES-3</b>	<b>The proposed project would alter but not degrade the existing visual character or quality of the site and its surroundings.</b>
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The proposed project would demolish an existing vacant structure on the project site and develop a single story In-N-Out restaurant. The existing structure is a one-story 8,355-square-foot building that is located in the northern portion of the site and is 28 feet tall at its highest point. The proposed restaurant would

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<sup>5</sup> City of Campbell, 2001, City of Campbell General Plan.

## AESTHETICS

be a single-story In-N-Out structure, similar to other drive-thru In-N-Out restaurants. The proposed structure would be located in the southern portion of the project site adjacent to Hamilton Avenue, surrounded by the drive-thru queue and parking lot to the north, east, and west. Figures 4.1-1 and 4.1-2 show elevations for the In-N-Out restaurant from the north, south, east, and west. As shown, the proposed building would be 19.5 feet in height to the top of the parapet and 26.5 feet to the top of two decorative towers. The project site is within the C-2 zoning district which has a maximum height of 75 feet (Municipal Code Section 21.10.050). The proposed project would not exceed the maximum building height allowed in the C-2 zoning district.

Other C-2 zone requirements include minimum 10-foot front, street side, and rear setbacks, and a minimum 5-foot side setback. The proposed project would provide a 49-foot setback in the rear of the site to the north, a 10-foot setback on the eastern street side, a 14-foot 4-inch setback on the southern street side, and a 49-foot setback in the rear of the site to the west. The proposed project would comply with the minimum setback requirements in the C-2 zoning district.

Chapter 21.30, Signs, of the Zoning Code allows commercial development to include one freestanding sign that is surfaced in a manner to appear of the same materials, colors, and texture as the buildings located on the site. The size of the sign cannot exceed 1 square foot of sign area for each linear foot of business frontage with an allowable minimum size of 20 square feet and maximum size of 50 square feet. Freestanding signs cannot exceed a maximum height of 14 feet. The proposed project would include one monument freestanding sign on the southwest corner of the project site with similar materials, colors, and texture as the proposed building. The sign would resemble the In-N-Out logo, have a height of 8 feet, and be approximately 40.7 square feet in size. The proposed monument sign size would not exceed the sign requirements of Chapter 21.30, Signs, of the Zoning Code. However, the project includes a request for a sign permit to increase the allowable number and/or size of project signs. In addition to the monument sign, the project would include directional signs for the drive-thru and two menu boards. Under Section 21.30.030.C of the Municipal Code, the Planning Commission may grant an increase to the allowable size and/or number of allowable signs.

Chapter 21.42, Site and Architectural Review, and Chapter 21.18, Site Development Standards, of the Zoning Code aim to minimize potential adverse effects that new development may have on existing neighborhoods. Chapter 21.42 ensures that new development will complement the design characteristics of surrounding neighborhoods to minimize potential visual impacts on neighboring properties. The neighborhood surrounding the project site consists of residential, school, and commercial retail buildings that range from one to two stories in height. The exterior of the surrounding buildings includes primarily white and naturally blended colors similar to those of the proposed project. Surrounding buildings also consist of tower structures. The proposed project would include a one-story building and the exterior of the structure would be white with terra cotta roofing similar to that of the existing structure on-site. Chapter 21.18 requires screening, lighting, and refuse and recycling storage areas that minimize visual impacts on surrounding properties. Screening is required between residential and non-residential land uses with fencing and landscaping that is architecturally compatible with the on-site development.

AESTHETICS



Source: CNP Signs & Graphics, 2018.

Figure 4.1-1  
West and South Elevations



**AESTHETICS**



Source: CNP Signs & Graphics, 2018.

Figure 4.1-2  
East and North Elevations



**AESTHETICS**

Exterior lighting shall be integrated into the character of the structure. It shall be energy efficient, fully shielded, and turned off when not essential to safety or security. Refuse and recycling containers are required to be located in an enclosed structure constructed with a concrete floor, metal roof, and floor drain, must be surrounded by a maximum 6-foot high masonry wall with a solid gate, and must be protected with a fire suppression system. The proposed project would have fencing surrounding the north and west sides of the project site with 8 feet of landscape screening to the parking lot. Exterior lighting would be located on the outside of the building, consisting of six lamp posts in the drive-thru area and adjacent to the proposed building and six lights on the north and west edges of the parking lot. The refuse and recycling storage area would be located on the northwest corner of the project site and include a 441-square-foot area with an 11-foot 9-inch-tall wall enclosing the area. The proposed project design would meet the requirements of Chapter 21.18.

Chapter 21.26, Landscaping and the Campbell Streetscape Standards, provides regulations on the visual quality of landscaping on the project site. Chapter 21.26 requires the project site to provide landscaping for at least 10 percent of the net site area and have continuous landscaping along the border of the project site. Chapter 21.32 requires the proposed project to replace any trees that are removed from the site. The Campbell Streetscape Standards have specific requirements for the Hamilton Avenue streetscape that include evenly space Evergreen Ash trees, similar to the existing streetscape. The proposed project includes 7,840 square feet of on-site landscaping which is approximately 15 percent of the total area. The landscape plan is proposed to remove 27 on-site non-native trees and replace them with 32 trees with various grass, shrubs and ground cover, as shown in Figure 3-8 in the Project Description. The proposed project would keep the existing street trees and surrounding landscaping along the Hamilton Avenue frontage. The tree removal and landscape plan would comply with the streetscape and municipal code requirements, minimizing changes to the existing visual character of the site.

Implementation of the proposed project would alter the existing visual character of the project site. However, the proposed project meets the applicable zoning requirements and would be subject to City review to ensure high-quality design and construction. Therefore, impacts to the existing visual character or quality of the site and its surroundings would be considered *less than significant*.

**Mitigated Condition**

Mitigation Measure TRANS-4a would require the eastbound left-turn lane at the Almarida Drive/Hamilton Avenue intersection to be extended by an additional 50 linear feet, plus a 90-foot bay taper transition. The extension of the eastbound left-turn lane at this location would require the removal of all the existing trees and landscaping in the median at this location. The median that would be affected by Mitigation Measure TRANS-4a is located to the west of the project site on Hamilton Avenue. The median currently contains six (6) trees and several shrubs, as well as mulch as a groundcover. The median also contains a utility box that would need to be relocated.

As stated under impact discussion AES-2, there are no designated scenic highways or corridors within the City of Campbell. While the existing landscaping in this median provides aesthetic value, Hamilton Avenue is not designated as a scenic corridor where natural and scenic resources are required to be preserved to maintain high-quality scenic views. From Hamilton Avenue in this location, the Santa Cruz Mountains are visible to the west and the Diablo Range is visible to the east. However, the majority of the views of these

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mountain ranges from the vicinity of the median are blocked by existing buildings and trees along Hamilton Avenue.

Within Campbell, Hamilton Avenue stretches for approximately 2.1 miles in an east-west direction. Landscaped medians are provided along much, but not all, of Hamilton Avenue within Campbell. Landscaped medians are consistently present within Hamilton Avenue to the west of Winchester Boulevard. East of Winchester Boulevard, including the area that would be affected by the proposed mitigation measure, landscaped medians are intermittently present, and no medians exist to the east of Highway 17 within Campbell.

While the existing trees and landscaping within the median help to soften the visual environment in the immediate vicinity, the majority of the visual field at this location is dominated by the roadway itself, as well as buildings, cars in the roadway, and street trees. Many of the street trees in this portion of Hamilton Avenue are taller than the trees within the median and contribute more to the overall visual character. While removal of the trees and landscaping in the median would represent a change in the existing visual environment, the removal would not substantially degrade the visual character or quality of the Hamilton Avenue streetscape. Therefore, Mitigation Measure TRANS-4a would not create a significant secondary impact.

**Significance without Mitigation:** Less than significant.

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<b>AES-4</b>	<b>The proposed project would not expose people on- or off-site to substantial light or glare which would adversely affect day or nighttime views in the area.</b>
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The area surrounding the project site is developed with commercial and residential development, and the lighting associated with these uses includes street lighting, building lights, and vehicle lights. The Campbell Municipal Code Section 21.18.090, Lighting Design Standards, regulates exterior lighting to reduce negative impacts due to light pollution. This section states that outdoor lighting fixtures shall be designed to eliminate light ray from spilling over property lines. Development under the proposed project will be required to abide by the City of Campbell Municipal Code Section 21.18.090 to ensure the neighboring residential units are not adversely affected by the presence of light on-site.

In addition to lighting regulations set forth in the City of Campbell Municipal Code, the proposed project must comply with regulations set forth in the CBC to reduce light impacts on neighboring businesses and residential uses. The CBC regulates lighting standards for both residential and non-residential development in the State of California. Regulations include the use of high-efficiency lighting, shielded or hooded in a way that reduces light or glare pollution from spilling onto adjacent properties.

The project site does not contain any substantial light or glare sources, as the nighttime lighting sources include the parking lot lighting, building interior lighting, and walkway lighting. However, the project site is situated along a major arterial roadway, and is surrounded by urban uses to the west, east, and south, which are more susceptible to impacts of spill lighting. The proposed project would likely increase the number of and intensity of lighting in the project site, but it also would install lighting to meet current

standards to reduce light spillage. Provided that the proposed project is consistent with the Municipal Code lighting standards, and the CBC, impacts from lighting would be considered *less-than-significant*.

**Significance without Mitigation:** Less than significant.

#### **4.1.4 CUMULATIVE IMPACTS**

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**AES-5                      The proposed project, in combination with past, present, and reasonable foreseeable projects, would result in less-than-significant cumulative impacts with respect to aesthetics.**

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This cumulative analysis considers the effects of the proposed project together with other cumulative development projects in the vicinity of the project site.

The project site is located in an urban area and is not visible from a State-designated scenic highway and is not visibly recognizable from scenic viewpoints within Campbell. Therefore the project would not contribute to any cumulative impacts associated with scenic highways or scenic vistas.

The proposed project would redevelop a previous restaurant space that is currently vacant and modify the visual characteristics of the project area. Although the project would increase the level of activity on the site, the development intensity would be similar to that of the existing site, which is a one-story restaurant building. The project would comply with applicable policies and regulations intended to ensure that redevelopment of the site does not degrade the existing visual environments including landscaping, streetscape, site development, lighting, and screening standards. Therefore, the proposed development would achieve an orderly visual appearance consistent with the surrounding development.

As described in Chapter 4, Environmental Evaluation, the cumulative development projects included within the vicinity of the proposed project include the Franciscan Apartments expansion, Chick-fil-A, Del Grande Mixed-Use Development, an office development at 95 East Hamilton Avenue, the Campbell Creekside Center, the Pruneyard Shopping Center Expansion, the St. Anton Communities residential project, and the Opa expansion. The Franciscan Apartments site is adjacent to the project site and would include the addition of 60 additional units to the existing 180-unit complex. The expansion would consist of a three-story building with two below-grade parking levels located in between the existing two-story buildings. This addition would change the visual appearance of the site due to increased building height, increased intensity, and changes to the façade. Together, the proposed In-N-Out project and the Franciscan Apartments expansion would represent a change in the visual environment on the western side of Almarida Drive north of Hamilton Avenue. The proposed In-N-Out project would involve the redevelopment of the site with a 3,812-square-foot building which is smaller than the existing 8,355-square-foot building. Therefore, while the Franciscan Apartments expansion would increase intensity of the site, the proposed In-N-Out project would not. In addition, both projects are infill projects in an existing urban environment and would be required to be reviewed by and comply with the City's policies, such as those in Table 4.1-1. Therefore, while these two projects would together change the visual appearance of the immediate vicinity, they would not represent degradation in the visual character of the neighborhood.

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The other cumulative development projects are not visible from the project site, and therefore the project would not, in combination with cumulative development projects, change the visual character of the site vicinity.

The nine cumulative development projects are infill projects that are generally compatible with existing levels of development intensity on the respective project sites. While the City does not prescribe a specific design theme for development projects, all cumulative projects would be subject to discretionary review procedures by the City and would be required to use high-quality building materials, reduce lighting and glare, and provide landscaping and screening that enhance the visual character of the site. Therefore, cumulative development projects would not create citywide cumulative impacts.

The proposed project would intensify the nighttime lighting in the project area. However, the project site is in an urbanized setting within Campbell where controlled sources of lighting are generally acceptable for safety, security, and/or convenience reasons. The proposed lighting would be typical of urban uses and all lighting sources would be installed in compliance with State and local development standards to ensure that individual projects do not result in a significant lighting pollution impact. Therefore, light level on the project site and its vicinity is not expected to dramatically increase to cause substantial cumulative adverse impact. The cumulative impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

## 4.2 AIR QUALITY

This chapter includes an evaluation of the potential environmental consequences associated with the construction and operation of the proposed project that are related to air quality. Additionally, this chapter describes the environmental setting, including regulatory framework and the existing air quality setting and baseline conditions and identifies mitigation measures, if required, that would avoid or reduce significant impacts.

This chapter describes the regulatory framework and existing conditions on the project site related to air quality and the potential impacts of the project on air quality. This analysis is based on the methodology recommended by the Bay Area Air Quality Management District (Air District) for project-level review, using information available. It focuses on air pollution from regional emissions and localized pollutant concentrations from buildout of the project. The analysis is based in part on the *499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study* prepared by Meridian Consultants, which is included in Appendix C of this Draft EIR.

### 4.2.1 ENVIRONMENTAL SETTING

#### 4.2.1.1 AIR POLLUTANTS OF CONCERN

##### Criteria Air Pollutants

Pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and State law under the federal Clean Air Act (“National”) and California Clean Air Act, respectively. The pollutants emitted into the ambient air by stationary and mobile sources are categorized as primary and/or secondary pollutants. Primary air pollutants are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), coarse inhalable particulate matter (PM<sub>10</sub>), fine inhalable particulate matter (PM<sub>2.5</sub>), and lead (Pb) are primary air pollutants. Of these, CO, SO<sub>2</sub>, NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> are “criteria air pollutants,” which means that ambient air quality standards (AAQS) have been established for them. ROG and NO<sub>x</sub> are criteria pollutant precursors that form secondary criteria air pollutants through chemical and photochemical reactions in the atmosphere. Ozone (O<sub>3</sub>) and nitrogen dioxide (NO<sub>2</sub>) are the principal secondary pollutants. Each of the primary and secondary criteria air pollutants and its known health effects is described here.

- **Carbon Monoxide (CO)** is a colorless, odorless gas produced by incomplete combustion of carbon substances, such as gasoline or diesel fuel. CO is a primary criteria air pollutant. CO concentrations tend to be the highest during winter mornings with little to no wind, when surface-based inversions trap the pollutant at ground levels. The highest ambient CO concentrations are generally found near traffic-congested corridors and intersections. When inhaled at high concentrations, CO combines with hemoglobin in the blood and reduces its oxygen-carrying capacity. This results in reduced oxygen reaching the brain, heart, and other body tissues. This condition is especially critical for people with cardiovascular diseases, chronic lung disease, or anemia, as well as for fetuses. Even healthy people

## AIR QUALITY

exposed to high CO concentrations can experience headaches, dizziness, fatigue, unconsciousness, and even death.<sup>1</sup>

- **Reactive Organic Gases (ROGs)/Volatile Organic Compounds (VOCs)** are compounds composed primarily of hydrogen and carbon atoms. Internal combustion associated with motor vehicle usage is the major source of ROGs. Other sources of ROGs include evaporative emissions from paints and solvents, the application of asphalt paving, and the use of household consumer products such as aerosols. Adverse effects on human health are not caused directly by ROGs, but rather by reactions of ROGs to form secondary pollutants such as O<sub>3</sub>. There are no AAQS established for ROGs. However, because they contribute to the formation of O<sub>3</sub>, the Air District has established a significance threshold for this pollutant.
- **Nitrogen Oxides (NO<sub>x</sub>)** are a by-product of fuel combustion and contribute to the formation of O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The two major components of NO<sub>x</sub> are nitric oxide (NO) and NO<sub>2</sub>. The principal component of NO<sub>x</sub> produced by combustion is NO, but NO reacts with oxygen to form NO<sub>2</sub>, creating the mixture of NO and NO<sub>2</sub> commonly called NO<sub>x</sub>. NO<sub>2</sub> absorbs blue light; the result is a brownish-red cast to the atmosphere and reduced visibility. NO is a colorless, odorless gas formed from atmospheric nitrogen and oxygen when combustion takes place under high temperature and/or high pressure.<sup>5</sup> NO<sub>2</sub> acts as an acute irritant and in equal concentrations is more injurious than NO. At atmospheric concentrations, however, NO<sub>2</sub> is only potentially irritating. There is some indication of a relationship between NO<sub>2</sub> and chronic pulmonary fibrosis. Some increase in bronchitis in children (2 and 3 years old) has also been observed at concentrations below 0.3 parts per million (ppm).
- **Sulfur Dioxide (SO<sub>2</sub>)** is a colorless, pungent, irritating gas formed by the combustion of sulfurous fossil fuels. It enters the atmosphere as a result of burning high-sulfur-content fuel oils and coal and from chemical processes at chemical plants and refineries. Gasoline and natural gas have very low sulfur content and do not release significant quantities of SO<sub>2</sub>. When SO<sub>2</sub> forms sulfates (SO<sub>4</sub>) in the atmosphere, together these pollutants are referred to as sulfur oxides (SO<sub>x</sub>). Thus, SO<sub>2</sub> is both a primary and secondary criteria air pollutant. At sufficiently high concentrations, SO<sub>2</sub> may irritate the upper respiratory tract. At lower concentrations and when combined with particulates, SO<sub>2</sub> may do greater harm by injuring lung tissue.<sup>2</sup>
- **Suspended Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>)** consists of finely divided solids or liquids such as soot, dust, aerosols, fumes, and mists. In the San Francisco Bay Area Air Basin (SFBAAB), most particulate matter is caused by combustion, factories, construction, grading, demolition, agricultural activities, and motor vehicles. Two forms of fine particulates are now recognized and regulated. Inhalable coarse particles, or PM<sub>10</sub>, include the particulate matter with an aerodynamic diameter of 10 microns (i.e., 10 millionths of a meter or 0.0004 inch) or less. Inhalable fine particles, or PM<sub>2.5</sub>, have an aerodynamic diameter of 2.5 microns or less (i.e., 2.5 millionths of a meter or 0.0001 inch). Diesel particulate matter (DPM) is also classified a carcinogen by the Air Resources Board.

Extended exposure to particulate matter can increase the risk of chronic respiratory disease. PM<sub>10</sub> bypasses the body's natural filtration system more easily than larger particles and can lodge deep in

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<sup>1</sup> Bay Area Air Quality Management District. 2017, Revised California Environmental Quality Act Air Quality Guidelines.

<sup>2</sup> Bay Area Air Quality Management District, 2017, Revised California Environmental Quality Act Air Quality Guidelines.

the lungs. The United States Environmental Protection Agency (EPA) scientific review concluded that PM<sub>2.5</sub> penetrates even more deeply into the lungs, and this is more likely to contribute to health effects—at concentrations well below current PM<sub>10</sub> standards. These health effects include premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms (e.g., irritation of the airways, coughing, or difficulty breathing). Motor vehicles are currently responsible for about half of particulates in the SFBAAB. Wood burning in fireplaces and stoves is another large source of fine particulates.

- **Ozone (O<sub>3</sub>)** is commonly referred to as “smog” and is a gas that is formed when ROG<sub>s</sub> and NO<sub>x</sub>, both by-products of internal combustion engine exhaust, undergo photochemical reactions in the presence of sunlight. O<sub>3</sub> is a secondary criteria air pollutant. O<sub>3</sub> concentrations are generally highest during the summer months when direct sunlight, light winds, and warm temperatures create favorable conditions to the formation of this pollutant. O<sub>3</sub> poses a health threat to those who already suffer from respiratory diseases as well as to healthy people. O<sub>3</sub> levels usually build up during the day and peak in the afternoon hours. Short-term exposure can irritate the eyes and cause constriction of the airways. Besides causing shortness of breath, it can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema. Chronic exposure to high ozone levels can permanently damage lung tissue. O<sub>3</sub> can also damage plants and trees and materials such as rubber and fabrics.<sup>3</sup>
- **Lead (Pb)** is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been mobile and industrial sources. As a result of the phasing out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers. The health impacts associated with lead exposure included neurodevelopmental impairment disorders in children and increase blood pressure in adults and cancer.<sup>4</sup> Because emissions of lead are found only in projects that are permitted by the Air District, lead is not an air quality of concern for the proposed project.

## Toxic Air Contaminants

At the time of the last update to the toxic air contaminant (TAC) list in December 1999, the California Air Resources Board (CARB) had designated 244 compounds as TACs.<sup>5</sup> Additionally, CARB has implemented control measures for a number of compounds that pose high risks and show potential for effective control measures. The majority of the estimated health risks from TACs can be attributed to relatively few compounds; the most important compounds being particulate matter from diesel-fueled engines.

In 1998, CARB identified DPM as a TAC. Previously, the individual chemical compounds in diesel exhaust were considered TACs. Almost all diesel exhaust particles are 10 microns or less in diameter. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and

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<sup>3</sup> Bay Area Air Quality Management District, 2017, California Environmental Quality Act Air Quality Guidelines. [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf), accessed July 16, 2018.

<sup>4</sup> California Air Resources Board, 2001, Risk Management Guidelines for New, Modified, and Existing Sources of Lead. <https://www.arb.ca.gov/toxics/lead/mainandappend.pdf>, accessed January 30, 2019.

<sup>5</sup> California Air Resources Board, 1999, Final Staff Report: Update to the Toxic Air Contaminant List.

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alveolar regions of the lungs. According to the Air District, PM emitted from diesel engines contributes to more than 85 percent of the cancer risk within the SFBAAB and cancer risk from TACs is highest near major diesel PM sources.<sup>6</sup>

### 4.2.1.2 REGULATORY FRAMEWORK

Federal, State, and local air districts have passed laws and regulations intended to control and enhance air quality. Land use in the city is subject to the rules and regulations imposed by the EPA, CARB, the California Environmental Protection Agency and the Air District. The regulatory framework that is potentially applicable to the proposed project is also summarized below.

### Federal and State Regulations

Ambient air quality standards have been adopted at federal and state levels for criteria air pollutants. In addition, both the federal and State governments regulate the release of TACs. The City of Campbell is in the SFBAAB and is subject to the rules and regulations imposed by the Air District, the national AAQS adopted by the United States Environmental Protection Agency, and the California AAQS adopted by CARB. Federal, State, regional, and local laws, regulations, plans, or guidelines that are potentially applicable to the proposed project are summarized below.

#### *Ambient Air Quality Standards*

The Clean Air Act was passed in 1963 by the United States Congress and has been amended several times. The 1990 amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The Clean Air Act allows states to adopt more stringent standards or to include other pollutants. The California Clean Air Act, signed into law in 1988, requires all areas of the state to achieve and maintain the California AAQS by the earliest practical date. The California AAQS tend to be more restrictive than the National AAQS.

The National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect “sensitive receptors” most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed. Both California and the federal government have established health-based AAQS for seven air pollutants, which are shown in Table 4.2-1. These pollutants are ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), coarse inhalable particulate matter (PM<sub>10</sub>), fine inhalable particulate matter (PM<sub>2.5</sub>), and lead (Pb). In addition, the State has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles.

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<sup>6</sup> Bay Area Air Quality Management District, 2014, Improving Air Quality & Health in Bay Area Communities, Community Air Risk Evaluation Program Retrospective & Path Forward (2004-2013).



**AIR QUALITY****TABLE 4.2-1 AMBIENT AIR QUALITY STANDARDS FOR CRITERIA POLLUTANTS**

Pollutant	Averaging Time	California Standard <sup>a</sup>	Federal Primary Standard <sup>b</sup>	Major Pollutant Sources
Ozone (O <sub>3</sub> ) <sup>c</sup>	1 hour	0.09 ppm	*	Motor vehicles, paints, coatings, and solvents.
	8 hours	0.070 ppm	0.070 ppm	
Carbon Monoxide (CO)	1 hour	20 ppm	35 ppm	Internal combustion engines, primarily gasoline-powered motor vehicles.
	8 hours	9.0 ppm	9 ppm	
Nitrogen Dioxide (NO <sub>2</sub> )	Annual Arithmetic Mean	0.030 ppm	0.053 ppm	Motor vehicles, petroleum-refining operations, industrial sources, aircraft, ships, and railroads.
	1 hour	0.18 ppm	0.100 ppm	
Sulfur Dioxide (SO <sub>2</sub> )	Annual Arithmetic Mean	*	0.030 ppm	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.
	1 hour	0.25 ppm	0.075 ppm	
	24 hours	0.04 ppm	0.14 ppm	
Respirable Coarse Particulate Matter (PM <sub>10</sub> )	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	*	Dust and fume-producing construction, industrial, and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	24 hours	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	
Respirable Fine Particulate Matter (PM <sub>2.5</sub> ) <sup>d</sup>	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	12 µg/m <sup>3</sup>	Dust and fume-producing construction, industrial, and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	24 hours	*	35 µg/m <sup>3</sup>	
Lead (Pb)	30-Day Average	1.5 µg/m <sup>3</sup>	*	Present source: lead smelters, battery manufacturing & recycling facilities. Past source: combustion of leaded gasoline.
	Calendar Quarter	*	1.5 µg/m <sup>3</sup>	
	Rolling 3-Month Average	*	0.15 µg/m <sup>3</sup>	
Sulfates (SO <sub>4</sub> ) <sup>e</sup>	24 hours	25 µg/m <sup>3</sup>	*	Industrial processes.
Visibility Reducing Particles	8 hours	ExCo =0.23/km visibility of 10≥ miles	No Federal Standard	Visibility-reducing particles consist of suspended particulate matter, which is a complex mixture of tiny particles that consists of dry solid fragments, solid cores with liquid coatings, and small droplets of liquid. These particles vary greatly in shape, size and chemical composition, and can be made up of many different materials such as metals, soot, soil, dust, and salt.
Hydrogen Sulfide	1 hour	0.03 ppm	No Federal Standard	Hydrogen sulfide (H <sub>2</sub> S) is a colorless gas with the odor of rotten eggs. It is formed during bacterial decomposition of sulfur-containing organic substances. Also, it can

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TABLE 4.2-1 AMBIENT AIR QUALITY STANDARDS FOR CRITERIA POLLUTANTS

Pollutant	Averaging Time	California Standard <sup>a</sup>	Federal Primary Standard <sup>b</sup>	Major Pollutant Sources
				be present in sewer gas and some natural gas, and can be emitted as the result of geothermal energy exploitation.
Vinyl Chloride	24 hour	0.01 ppm	No Federal Standard	Vinyl chloride (chloroethene), a chlorinated hydrocarbon, is a colorless gas with a mild, sweet odor. Most vinyl chloride is used to make polyvinyl chloride (PVC) plastic and vinyl products. Vinyl chloride has been detected near landfills, sewage plants, and hazardous waste sites, due to microbial breakdown of chlorinated solvents.

Notes: ppm: parts per million;  $\mu\text{g}/\text{m}^3$ : micrograms per cubic meter; \*Standard has not been established for this pollutant/duration by this entity.

a. California standards for  $\text{O}_3$ , CO (except 8-hour Lake Tahoe),  $\text{SO}_2$  (1 and 24 hour),  $\text{NO}_2$ , and particulate matter ( $\text{PM}_{10}$ ,  $\text{PM}_{2.5}$ , and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

b. National standards (other than  $\text{O}_3$ , PM, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The  $\text{O}_3$  standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For  $\text{PM}_{10}$ , the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above  $150 \mu\text{g}/\text{m}^3$  is equal to or less than one. For  $\text{PM}_{2.5}$ , the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard.

c. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.

d. On December 14, 2012, the national annual  $\text{PM}_{2.5}$  primary standard was lowered from  $15 \mu\text{g}/\text{m}^3$  to  $12.0 \mu\text{g}/\text{m}^3$ . The existing national 24-hour  $\text{PM}_{2.5}$  standards (primary and secondary) were retained at  $35 \mu\text{g}/\text{m}^3$ , as was the annual secondary standard of  $15 \mu\text{g}/\text{m}^3$ . The existing 24-hour  $\text{PM}_{10}$  standards (primary and secondary) of  $150 \mu\text{g}/\text{m}^3$  also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.

e. On June 2, 2010, a new 1-hour  $\text{SO}_2$  standard was established and the existing 24-hour and annual primary standards were revoked. The 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.

Source: California Air Resources Board, 2017, March, Short-Lived Climate Pollutant Reduction Strategy, [https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final\\_slcp\\_report.pdf](https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf), accessed October 24, 2018.

California has also adopted a host of other regulations that reduce criteria pollutant emissions, including:

- Assembly Bill (AB) 1493: Pavley Fuel Efficiency Standards
- Title 20 California Code of Regulations (CCR): Appliance Energy Efficiency Standards
- Title 24, Part 6, CCR: Building Energy Efficiency Standards
- Title 24, Part 11, CCR: Green Building Standards Code

### *Tanner Air Toxics Act and Air Toxics "Hot Spot" Information and Assessment Act*

Public exposure to TACs is a significant environmental health issue in California. In 1983, the California Legislature enacted a program to identify the health effects of TACs and to reduce exposure to these contaminants to protect the public health. The California Health and Safety Code defines a TAC as "an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health." A substance that is listed as a hazardous air pollutant pursuant to Section 112(b) of the federal Clean Air Act (42 US Code Section 7412[b]) is a TAC. Under State law, the California Environmental Protection Agency (CalEPA), acting through CARB, is

authorized to identify a substance as a TAC if it is an air pollutant that may cause or contribute to an increase in mortality or serious illness, or may pose a present or potential hazard to human health.

California regulates TACs primarily through Assembly Bill (AB) 1807 (Tanner Air Toxics Act) and AB 2588 (Air Toxics “Hot Spot” Information and Assessment Act of 1987). The Tanner Air Toxics Act sets up a formal procedure for CARB to designate substances as TACs. Once a TAC is identified, CARB adopts an “airborne toxics control measure” for sources that emit designated TACs. If there is a safe threshold for a substance (i.e., a point below which there is no toxic effect), the control measure must reduce exposure to below that threshold. If there is no safe threshold, the measure must incorporate toxics best available control technology to minimize emissions. To date, CARB has established formal control measures for 11 TACs that are identified as having no safe threshold.

Under AB 2588, TAC emissions from individual facilities are quantified and prioritized by the air quality management district or air pollution control district. High priority facilities are required to perform a health risk assessment, and if specific thresholds are exceeded, are required to communicate the results to the public through notices and public meetings.

CARB has promulgated the following specific rules to limit TAC emissions:

- 13 CCR Chapter 10, Section 2485, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling
- 13 CCR Chapter 10, Section 2480, Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools
- 13 CCR Section 2477 and Article 8, Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets and Facilities Where TRUs Operate

## Regional Regulations

The Air District is responsible for establishing and managing air quality standards in the SFBAAB as well as maintaining compliance with federal and state air quality standards. For air basins not in compliance with the federal Clean Air Act and the California Clean Air Act, management districts are required to develop plans to improve air quality and comply with federal and state standards. The Air District’s 2017 Bay Area Clean Air Plan was adopted in April 2017 and provides a regional strategy to improve air quality and reduce GHG emissions, consistent with state policy, to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.<sup>7</sup>

### *Air District 2017 Clean Air Plan*

The *2017 Clean Air Plan* updates the Bay Area’s ozone plan to meet the requirements of the California Clean Air Act. The *2017 Clean Air Plan* provides the framework for the SFBAAB to achieve attainment of

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<sup>7</sup> Bay Area Air Quality Management District, 2017, Final 2017 Clean Air Plan, Spare the Air, Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area, <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>, accessed July 18, 2018.

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the California and National AAQS and laying the ground work for reducing GHG emissions in the Bay Area to meet the state's 2030 GHG reduction target and 2050 GHG reduction goal.

The comprehensive multipollutant control strategy includes 85 control measures to reduce emissions of ozone, particulate matter, TACs, and GHG from a full range of emission sources, designed to improve air quality, protect public health and protect the climate by reducing emissions of criteria air pollutants, TACs, and GHGs. These control measures cover the following sectors: (1) stationary (industrial sources; (2) transportation; (3) energy; (4) agriculture; (5) natural and working lands; (6) waste management; (7) water; and (8) super-GHG pollutants.

### *Rules and Regulations*

#### Regulation 7, Odorous Substances

The Air District's Regulation 7, Odorous Substances, places general limitations on odorous substances and specific emission limitations on certain odorous compounds. The limitations of this Regulation shall not be applicable until the Air Pollution Control Officer (APCO) receives odor complains from ten or more complainants within a 90-day period, alleging that a person has caused odors perceived at or beyond the property line of such person and deemed to be objectionable by the complainants in the normal course of their work, travel or residences.

Odors are also regulated under Air District Regulation 1, Rule 1-301, Public Nuisance, which states that "no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury or damage to business or property."

Under the Air District's Regulation 1, Rule 1-301, a facility that receives three or more violation notices within a 30-day period can be declared a public nuisance.

#### Other Air District Regulations

In addition to the plans and programs described above, the Air District administers a number of specific regulations on various sources of pollutant emissions that would apply to the proposed project:

- Regulation 2, Rule 2, New Source Review
- Regulation 2, Rule 5, New Source Review of Toxic Air Contaminants
- Regulation 6, Rule 1, General Requirements
- Regulation 6, Rule 2, Commercial Cooking Equipment
- Regulation 8, Rule 3, Architectural Coatings
- Regulation 8, Rule 4, General Solvent and Surface Coatings Operations
- Regulation 8, Rule 7, Gasoline Dispensing Facilities
- Regulation 11, Rule 2, Asbestos, Demolition, Renovation and Manufacturing)

### *Santa Clara Valley Transportation Authority*

The Santa Clara Valley Transportation Authority (VTA) is the congestion management agency for Santa Clara County. VTA is tasked with developing a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision making and air quality. VTA's latest congestion management program (CMP) is the *2017 Congestion Management Program*. VTA's countywide transportation model must be consistent with the regional transportation model developed by the Metropolitan Transportation Commission (MTC) with Association of Bay Area Governments (ABAG) data. The countywide transportation model is used to help evaluate cumulative transportation impacts of local land use decisions on the CMP system. In addition, VTA's updated CMP includes multi-modal performance standards and trip reduction and transportation demand management strategies consistent with the goal of reducing regional vehicle miles traveled in accordance with Senate Bill 375 (SB 375). Strategies identified in the 2017 CMP for Santa Clara County, where local jurisdictions are responsible agencies, include:<sup>8</sup>

- Transportation Analysis Standards Element:
  - Monitor and submit report on the level of service (LOS) on CMP roadway network intersections using CMP software and procedures.
  - Monitor performance of CMP rural highways and freeways.
- Multimodal Performance Measures Element: Collect available transportation measurement data for use in land use analysis, deficiency plans, and the Capital Improvement Program.
- Transportation Model and Database:
  - Certify that the CMP model is consistent with the regional model.
  - Certify that member agency models are consistent with the CMP model.
- Land Use Impact Analysis Element:
  - Prepare a Transportation Impact Analysis (TIA) for projects that generate 100 or more peak hour trips and submit to the CMP according to TIA Guidelines schedule.
  - Submit relevant conditions of approval to VTA for projects generating TIAs.
  - Prepare quarterly report on VTA comments and local agency adopted conditions for VTA Board, Congestion Management Program and Planning Committee, Policy Advisory Committee, Technical Advisory Committee, Citizens Advisory Committee, and Bicycle and Pedestrian Advisory Committee.
  - Prepare and submit land use monitoring data to the CMP on all land use projects approved from July 1 to June 30 of the previous year.
- Capital Improvement Program: Develop a list of projects intended to maintain or improve the LOS on the designated system and to maintain transit performance standards.

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<sup>8</sup> Santa Clara Valley Transportation Authority (VTA), 2017, December. 2017 Congestion Management Program, [http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site\\_Content/2017\\_CMP\\_Document.pdf](http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/2017_CMP_Document.pdf).

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- Monitoring and Conformance: Outline the requirements and procedures established for conducting annual traffic LOS and land use monitoring efforts. Support the Traffic Level of Service and Community Form and Impact Analysis Elements.
- Multimodal Improvement Plan Element:
  - Prepare deficiency plans for facilities that violate CMP traffic LOS standards or that are projected to violate LOS standards using the adopted deficiency plan requirements.
  - Submit a deficiency plan implementation status report as part of annual monitoring.

### *Plan Bay Area 2040*

*Plan Bay Area 2040* (Plan Bay Area) is a State-mandated, integrated long-range transportation and land use plan. It is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS). In the Bay Area, MTC and ABAG are jointly responsible for developing and adopting a SCS that integrates transportation, land use and housing to meet greenhouse gas reduction targets set by the California Air Resources Board (CARB). Plan Bay Area meets a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.

### 4.2.1.3 EXISTING CONDITIONS

#### San Francisco Bay Area Air Basin Conditions

The SFBAAB comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties; the southern portion of Sonoma County; and the southwestern portion of Solano County. Air quality in the SFBAAB is determined by such natural factors as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions.<sup>9</sup> The discussion below identifies the natural factors in the SFBAAB that affect air pollution.

#### *Meteorology*

The SFBAAB is characterized by complex terrain, consisting of coastal mountain ranges, inland valleys, and bays, which distort normal wind flow patterns. The Coast Range<sup>10</sup> splits in the Bay Area, creating a western coast gap, the Golden Gate, and an eastern coast gap, the Carquinez Strait, which allows air to flow in and out of the Bay Area and the Central Valley. The climate is dominated by the strength and location of a semi-permanent, subtropical high-pressure cell. During the summer, the Pacific high-pressure cell is centered over the northeastern Pacific Ocean, resulting in stable meteorological conditions and a steady northwesterly wind flow. Upwelling of cold ocean water from below the surface because of the northwesterly flow produces a band of cold water off the California coast. The cool and moisture-laden air approaching the coast from the Pacific Ocean is further cooled by the presence of the cold water band, resulting in condensation and the presence of fog and stratus clouds along the Northern California coast. In the winter, the Pacific high-pressure cell weakens and shifts southward, resulting in wind flow offshore,

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<sup>9</sup> Bay Area Air Quality Management District, 2017, Revised, California Environmental Quality Act Air Quality Guidelines.

<sup>10</sup> The Coast Ranges traverses California's west coast from Humboldt County to Santa Barbara County.

the absence of upwelling, and the occurrence of storms. Weak inversions coupled with moderate winds result in a low air pollution potential.

### *Wind Patterns*

During the summer, winds flowing from the northwest are drawn inland through the Golden Gate and over the lower portions of the San Francisco Peninsula. Immediately south of Mount Tamalpais in Marin County, the northwesterly winds accelerate considerably and come more directly from the west as they stream through the Golden Gate. This channeling of wind through the Golden Gate produces a jet that sweeps eastward and splits off to the northwest toward Richmond and to the southwest toward San José when it meets the East Bay hills. Wind speeds may be strong locally in areas where air is channeled through a narrow opening, such as the Carquinez Strait, the Golden Gate, or the San Bruno gap.

The air flowing in from the coast to the Central Valley, called the sea breeze, begins developing at or near ground level along the coast in late morning or early afternoon and the sea breeze deepens and increases in velocity while spreading inland. Under normal atmospheric conditions, the air in the lower atmosphere is warmer than the air above it. In the winter, the SFBAAB frequently experiences stormy conditions with moderate to strong winds, as well as periods of stagnation with very light winds. Winter stagnation episodes (i.e., conditions where there is little mixing, which occurs when there is a lack of or little wind) are characterized by nighttime drainage flows in coastal valleys. Drainage is a reversal of the usual daytime air-flow patterns; air moves from the Central Valley toward the coast and back down toward the Bay from the smaller valleys within the SFBAAB.

### *Temperature*

Summertime temperatures in the SFBAAB are determined in large part by the effect of differential heating between land and water surfaces. On summer afternoons, the temperatures at the coast can be 35 degrees Fahrenheit cooler than temperatures 15 to 20 miles inland; at night, this contrast usually decreases to less than 10 degrees Fahrenheit. In the winter, the relationship of minimum and maximum temperatures is reversed. During the daytime, the temperature contrast between the coast and inland areas is small, whereas at night the variation in temperature is large.

### *Precipitation*

The SFBAAB is characterized by moderately wet winters and dry summers. Winter rains (November through March) account for about 75 percent of the average annual rainfall. The amount of annual precipitation can vary greatly from one part of the SFBAAB to another, even within short distances. In general, total annual rainfall can reach 40 inches in the mountains, but it is often less than 16 inches in sheltered valleys. During rainy periods, ventilation (rapid horizontal movement of air and injection of cleaner air) and vertical mixing (an upward and downward movement of air) are usually high, and thus pollution levels tend to be low (i.e., air pollutants are dispersed more readily into the atmosphere rather than accumulate under stagnant conditions). However, during the winter, frequent dry periods do occur, where mixing and ventilation are low and pollutant levels build up.

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### *Wind Circulation*

Low wind speed contributes to the buildup of air pollution because it allows more pollutants to be emitted into the air mass per unit of time. Light winds occur most frequently during periods of low sun (fall and winter, and early morning) and at night. These are also periods when air pollutant emissions from some sources are at their peak, namely, commuter traffic (early morning) and wood-burning appliances (nighttime). The problem can be compounded in valleys, when weak flows carry the pollutants up-valley during the day, and cold air drainage flows move the air mass down-valley at night. Such restricted movement of trapped air provides little opportunity for ventilation and leads to buildup of pollutants to potentially unhealthful levels.

### *Inversions*

An inversion is a layer of warmer air over a layer of cooler air. Inversions affect air quality conditions significantly because they influence the mixing depth (i.e., the vertical depth in the atmosphere available for diluting air contaminants near the ground). There are two types of inversions that occur regularly in the SFBAAB. Elevation inversions<sup>11</sup> are more common in the summer and fall, and radiation inversions<sup>12</sup> are more common during the winter. The highest air pollutant concentrations in the SFBAAB generally occur during inversions.

## Attainment Status of the SFBAAB

The AQMP provides the framework for air quality basins to achieve attainment of the State and federal AAQS through the State Implementation Plan. Areas that meet AAQS are classified attainment areas, and areas that do not meet these standards are classified nonattainment areas. Severity classifications for O<sub>3</sub> range from marginal, moderate, and serious to severe and extreme.

- **Unclassified:** A pollutant is designated unclassified if the data are incomplete and do not support a designation of attainment or nonattainment.
- **Attainment:** A pollutant is in attainment if the AAQS for that pollutant was not violated at any site in the area during a three-year period.
- **Nonattainment:** A pollutant is in nonattainment if there was at least one violation of an AAQS for that pollutant in the area.
- **Nonattainment/Transitional:** A subcategory of the nonattainment designation. An area is designated nonattainment/transitional to signify that the area is close to attaining the AAQS for that pollutant.

The attainment status for the SFBAAB is shown in Table 4.2-2. The SFBAAB is currently designated a nonattainment area for California and National O<sub>3</sub>, California and National PM<sub>2.5</sub>, and California PM<sub>10</sub> AAQS.

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<sup>11</sup> When the air blows over elevated areas, it is heated as it is compressed into the side of the hill/mountain. When that warm air comes over the top, it is warmer than the cooler air of the valley.

<sup>12</sup> During the night, the ground cools off, radiating the heat to the sky.



**AIR QUALITY****TABLE 4.2-2 ATTAINMENT STATUS OF CRITERIA POLLUTANTS IN THE SAN FRANCISCO BAY AREA AIR BASIN**

<b>Pollutant</b>	<b>State</b>	<b>Federal</b>
Ozone – 1-hour	Nonattainment	Classification revoked (2005)
Ozone – 8-hour	Nonattainment (serious)	Nonattainment (marginal) <sup>a</sup>
PM <sub>10</sub> – 24-hour	Nonattainment	Unclassified/Attainment <sup>b</sup>
PM <sub>2.5</sub> – 24-hour	Nonattainment	Nonattainment
CO – 8-hour and 1-hour	Attainment	Attainment
NO <sub>2</sub> – 1-hour	Attainment	Unclassified
SO <sub>2</sub> – 24-hour and 1-hour	Attainment	Attainment
Lead	Attainment	Attainment
Sulfates	Attainment	Unclassified/Attainment
All others	Unclassified/Attainment	Unclassified/Attainment

a. Severity classification current as of February 13, 2017 (EPA 2018b)

b. In December 2014, US EPA issued final area designations for the 2012 primary annual PM<sub>2.5</sub> National AAQS. Areas designated “unclassifiable/attainment” must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.

Source: California Air Resources Board, 2017, October 18. Area Designations Maps: State and National, <http://www.arb.ca.gov/desig/adm/adm.htm>, accessed on October 24, 2018; Bay Area Air Quality Management District. 2017. Air Quality Standards and Attainment Status. <http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status#thirteen>, accessed on October 22, 2018.

## Existing Ambient Air Quality

The Air District maintains a network of monitoring stations within the SFBAAB that monitor air quality and compliance with applicable ambient standards. The monitoring station closest to the project site is in San Jose (158 East Jackson Street), approximately 4.25 miles northeast of the project site; where levels of ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, and NO<sub>2</sub> are recorded. Table 4.2-3, summarizes the most recent three years of data (2015 through 2017) from the San Jose air monitoring station. The data show regular violations of the State and federal O<sub>3</sub> standards, State PM<sub>10</sub> standard, and federal PM<sub>2.5</sub> standard.

## Existing Emissions

The project site currently is developed with a vacant restaurant building and surface parking lot and is assumed to not generate any emissions.

## Sensitive Receptors

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. Sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases. Residential areas are also considered

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TABLE 4.2-3 AMBIENT AIR QUALITY MONITORING SUMMARY

Pollutant/Standard	Number of Days Threshold Were Exceeded and Maximum Levels During Such Violations				
	2013	2014	2015	2016	2017
<b>Ozone (O<sub>3</sub>)<sup>a</sup></b>					
State 1-Hour $\geq$ 0.09 ppm	0	0	0	0	3
State 8-hour $\geq$ 0.07 ppm	1	0	2	0	4
Federal 8-Hour $>$ 0.075 ppm <sup>c</sup>	1	0	2	0	3
Maximum 1-Hour Conc. (ppm)	0.093	0.089	0.094	0.087	0.121
Maximum 8-Hour Conc. (ppm)	0.079	0.066	0.081	0.066	0.098
<b>Carbon Monoxide (CO)</b>					
State 8-Hour $>$ 9.0 ppm	*	*	*	*	*
Federal 8-Hour $\geq$ 9.0 ppm	*	*	*	*	*
Maximum 8-Hour Conc. (ppm)	*	*	*	*	*
<b>Nitrogen Dioxide (NO<sub>2</sub>)<sup>a</sup></b>					
State 1-Hour $\geq$ 0.18 (ppm)	0	0	0	0	0
Maximum 1-Hour Conc. (ppb)	0.0587	0.0584	0.0493	0.0511	0.0675
<b>Sulfur Dioxide (SO<sub>2</sub>)</b>					
State 1-Hour $\geq$ 0.04 ppm	*	*	*	*	*
Max. 1-Hour Conc. (ppm)	*	*	*	*	*
<b>Coarse Particulates (PM<sub>10</sub>)</b>					
State 24-Hour $>$ 50 $\mu\text{g}/\text{m}^3$	5	1	1	0	6
Federal 24-Hour $>$ 150 $\mu\text{g}/\text{m}^3$	0	0	0	0	0
Maximum 24-Hour Conc. ( $\mu\text{g}/\text{m}^3$ )	55.8	56.4	58.8	40.0	69.4
<b>Fine Particulates (PM<sub>2.5</sub>)<sup>a</sup></b>					
Federal 24-Hour $>$ 35 $\mu\text{g}/\text{m}^3$	6	2	2	0	6
Maximum 24-Hour Conc. ( $\mu\text{g}/\text{m}^3$ )	57.7	60.4	49.4	22.6	49.7

Notes: ppm = parts per million; ppb = parts per billion;  $\mu\text{g}/\text{m}^3$  = micrograms per cubic meter; \* = insufficient data; NA = Not Available

a. Data from the San Jose – Jackson Street Monitoring Station.

Source: California Air Resources Board, 2018, Air Pollution Data Monitoring Cards (2013, 2014, 2015, 2016, and 2017), <http://www.arb.ca.gov/adam/index.html>, accessed November 16, 2018.

sensitive receptors to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present. Other sensitive receptors include retirement facilities, hospitals, and schools. Recreational land uses are considered moderately sensitive to air pollution. Although exposure periods are generally short, exercise places a high demand on respiratory functions, which can be impaired by air pollution. In addition, noticeable air pollution can detract from the enjoyment of recreation. Industrial, commercial, retail, and office areas are considered the least sensitive to air pollution. Exposure periods are relatively short and intermittent, since the majority of the workers tend to stay indoors most of the time. In addition, the working population is generally the healthiest segment of the population. Sensitive receptors near the project site include the adjacent residences to the north and west, and the residences to the south across East Hamilton Avenue. Other sensitive receptors include students at Noah's Ark Children's Learning and Campbell Parents' Participation Preschool west of the project site along Harrison Avenue.

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### 4.2.2 STANDARDS OF SIGNIFICANCE

The proposed project could result in a potentially significant air quality impact if it would:

1. Conflict with or obstruct implementation of the applicable air quality plan.
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).
4. Expose sensitive receptors to substantial pollutant concentrations.
5. Create objectionable odors affecting a substantial number of people.

The Air District's 2017 CEQA Air Quality Guidelines<sup>13</sup> provide guidance to lead agencies in reviewing projects for construction and operational activity emissions that may have an adverse impact on air quality in the region.

### Criteria Air Pollutant Emissions and Precursors

#### Construction Emissions Thresholds

The construction emissions of the proposed project will have a significant impact if they exceed the construction thresholds listed in Table 4.2-4. For construction-related fugitive dust emissions of PM<sub>10</sub> and PM<sub>2.5</sub>, implementation of the Air District construction best management practices is considered to result in construction-related fugitive dust emissions that are acceptable.

#### Operation Emissions Thresholds

The operational emissions of the proposed project will have a significant impact if it they exceed the operational thresholds listed in Table 4.2-5.

**TABLE 4.2-4 CONSTRUCTION EMISSIONS THRESHOLDS**

Pollutant	Construction Phase
	Average Daily Emissions (lbs/day)
ROG	54
NO <sub>x</sub>	54
PM <sub>10</sub>	82 (Exhaust)
PM <sub>2.5</sub>	54 (Exhaust)
PM <sub>10</sub> and PM <sub>2.5</sub> Fugitive Dust	Implement BMPs <sup>a</sup>

Note: BMPs = best management practices

a. Implementation of the Air District construction best management practices is considered to result in construction-related fugitive dust emissions that are acceptable.

Source: Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

**TABLE 4.2-5 OPERATION EMISSIONS THRESHOLDS**

Pollutant	Operational Phase	
	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tons/year)
ROG	54	10
NO <sub>x</sub>	54	10
PM <sub>10</sub>	82	15
PM <sub>2.5</sub>	54	10
PM <sub>10</sub> and PM <sub>2.5</sub> Fugitive Dust	None	None

Source: Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

<sup>13</sup> Bay Area Air Quality Management District, 2017, California Environmental Quality Act Air Quality Guidelines.

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### Risks and Hazards – New Source (All Areas)

The Office of Environmental Health Hazards Assessment Air Toxics Hot Spots Program Risk Assessment Guidelines recommends that a cancer risk assessment be prepared for projects lasting longer than two (2) months. Therefore, the proposed project will have a significant impact if it exceeds the risk hazards thresholds listed in Table 4.2-6.

**TABLE 4.2-6 RISK AND HAZARDS – NEW SOURCE (ALL AREAS)**

Pollutant	Construction Phase   Operational Phase
<b>Health Risk and Hazards for New Sources and Receptors (Project Level)</b>	
Excess Cancer Risk	>10 per million
Chronic or Acute Hazard Index	>1.0
Incremental Annual Average PM <sub>2.5</sub>	>0.3 µg/m <sup>3</sup>
<b>Health Risk and Hazards for New Sources and Receptors (Cumulative)</b>	
Excess Cancer Risk	>100 per million
Chronic or Acute Hazard Index	>10.0
Incremental Annual Average PM <sub>2.5</sub>	>0.8 µg/m <sup>3</sup>

Source: Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

### Carbon Monoxide Hotspot

A carbon monoxide (CO) hotspot is an area of localized CO pollution that is caused by severe vehicle congestion on major roadways, typically near intersections.

CO hotspots have the potential to expose receptors to emissions that violate State and/or federal CO standards even if the broader air basin is in attainment for federal and State levels. The potential for violation of State and federal CO standards at area intersections and exposure to sensitive receptors at those intersections is addressed using the methodology outlined in the Air District's 2017 CEQA Guidelines and shown in Table 4.2-7.

<b>TABLE 4.2-7 CO HOTSPOT THRESHOLD</b>		
Pollutant	8-Hour Average	1-Hour Average
CO	9.0 ppm	20.0 ppm

Notes: ppm = parts per million

Source: Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

### Odors

The Air District's thresholds for odors are qualitative based on the Air District's Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds. In addition, odors are also regulated under Air District Regulation 1, Rule 1-301, Public Nuisance, which states that no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or

safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury or damage to business or property. Under the Air District's Rule 1-301, a facility that receives three or more violation notices within a 30-day period can be declared a public nuisance. The Air District has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants.<sup>14</sup>

### 4.2.3 IMPACT DISCUSSION

The following describes the methodology used for the analysis of construction, operation, CO hotspot, and construction TAC impacts.

#### Construction

Construction of the proposed project has the potential to generate temporary criteria pollutant emissions through the use of heavy-duty construction equipment, such as excavators and forklifts, and through vehicle trips generated from workers and haul trucks traveling to and from the project site. In addition, fugitive dust emissions would result from demolition and various soil-handling activities. Mobile-source emissions, primarily NO<sub>x</sub>, would result from the use of construction equipment, such as dozers and loaders. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of construction activity, and prevailing weather conditions. The assessment of construction air quality impacts considers each of these potential sources.

Daily regional emissions during construction are forecasted by assuming a conservative estimate of construction activities (i.e., assuming all construction occurs at the earliest feasible date) and applying the mobile source and fugitive dust emissions factors. The emissions are estimated using the CalEEMod (Version 2016.3.2) software, an emissions inventory software program recommended by the Air District. CalEEMod is based on outputs from the CARB off-road emissions model (OFFROAD) and the CARB on-road vehicle emissions model (EMFAC), which are emissions estimation models developed by CARB and used to calculate emissions from construction activities, including on- and off-road vehicles. The input values used in this analysis are based on conservative assumptions in CalEEMod, with appropriate, project-specific adjustments based on equipment types and expected construction activities. These values were then applied to the construction phasing assumptions used in the criteria pollutant analysis to generate criteria pollutant emissions values for each construction activity. Detailed construction equipment lists, construction scheduling, and emissions calculations are provided in Appendix C.

Information needed to parameterize the Project in CalEEMod was obtained from the Applicant. Construction is anticipated to begin in January 2020 and is expected to be completed by July 2020, when the proposed project would become operational. Table 4.2-8 provides the dates and durations of each of the activities that will take place during construction as well as a brief description of the scope of work. These dates represent approximations based on the general project timeline and are subject to change pending unpredictable circumstances that may arise.

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<sup>14</sup> Bay Area Air Quality Management District. 2017, California Environmental Quality Act Air Quality Guidelines.

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TABLE 4.2-8 PROJECT CONSTRUCTION SCHEDULE

Construction Activity	Start Date	End Date	Duration (Days)	Description
Demolition	1/6/2020	1/31/2020	20	Removal of existing uses
Site Preparation	2/1/2020	2/4/2020	2	Clearing and preparation for grading.
Grading	2/5/2020	3/3/2020	20	Export of 1,500 cubic yards of soil
Building Construction	3/4/2020	7/24/2020	103	Construction of foundations and structures In-N-Out building structure
Paving	7/11/2020	7/24/2020	10	Paving of asphalt surfaces.
Architectural Coating	7/11/2020	7/24/2020	10	Application of architectural coatings to building materials

Source: Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

## Operation

Operation of the proposed project has the potential to generate criteria pollutant emissions through vehicle trips traveling to and from the project site. In addition, emissions would result from area sources on site, such as natural gas combustion, landscaping equipment, and use of consumer products.

Operational emissions were estimated using the CalEEMod software which was used to forecast the daily regional emissions from area sources that would occur during long-term project operations. In calculating mobile-source emissions, the trip length values were based on the distances provided in CalEEMod.

Area-source emissions are based on natural gas (building heating and water heaters), landscaping equipment, and consumer product usage (including paints) rates provided in CalEEMod. Natural gas usage factors in CalEEMod are based on the California Energy Commission California Commercial End Use Survey (CEUS) data set, which provides energy demand by building type and climate zone.

Operational air quality impacts are assessed based on the incremental increase in emissions compared to baseline conditions.

## CO Hotspot

Operation of the proposed project has the potential to generate criteria pollutant emissions through vehicle trips traveling to and from the project site. In addition, emissions would result from area sources on site, such as natural gas combustion, landscaping equipment, and use of consumer products.

Operational emissions were estimated using the CalEEMod software, which was used to forecast the daily regional emissions from area sources that would occur during long-term project operations. In calculating mobile-source emissions, the trip length values were based on the distances provided in CalEEMod.

Area-source emissions are based on natural gas (building heating and water heaters), landscaping equipment, and consumer product usage (including paints) rates provided in CalEEMod. Natural gas usage

factors in CalEEMod are based on the California Energy Commission California Commercial End Use Survey (CEUS) data set, which provides energy demand by building type and climate zone.

Operational air quality impacts are assessed based on the incremental increase in emissions compared to baseline conditions.

## Construction TAC Analysis

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to fine particulate matter (PM<sub>2.5</sub>). Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A health risk assessment of the proposed project construction activities was conducted that evaluated potential health effects of sensitive receptors at these nearby residences from construction emissions of DPM and PM<sub>2.5</sub>.<sup>15</sup> Noah's Ark Children's Learning is located approximately 60 feet to the northwest, the Franciscan Apartments are located approximately 70 feet to the north, and the Campbell Parents' Participation Preschool is located approximately 150 feet to the west from the site project site boundary. The proposed project is not residential and, therefore, would not add new sensitive receptors to the immediate area. Emissions and dispersion modeling was conducted to predict the off-site concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

The AERMOD dispersion model was used to predict concentrations of DPM and PM<sub>2.5</sub> concentrations at existing sensitive receptors (residences) in the vicinity of the project construction area. The AERMOD dispersion model is an Air District-recommended model for use in modeling analysis of these types of emission activities. Construction emissions were modeled as occurring daily between 8:00 a.m. to 5:00 p.m., when the majority of construction activity would occur.

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### **AQ-1                      Implementation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan.**

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Large projects that exceed regional employment, population, and housing planning projections have the potential to be inconsistent with the regional inventory compiled as part of the *2017 Clean Air Plan*. The proposed project would develop a 3,812-square-foot In-N-Out restaurant that would generate up to 40 employees. The proposed project would not meet the 500,000 building square feet and 1,000 employee criteria used pursuant to CEQA Guidelines Section 15206(b)(2)(B) to determine whether a project is of statewide, regional, or areawide importance. In addition, as discussed in Impact POP-1 of this Draft EIR, the proposed project would not have the potential to substantially affect housing, employment, or population projections within the region, which are the basis of the *2017 Clean Air Plan* projections. Therefore, under CEQA Guidelines Section 15206, the proposed project is not considered a regionally

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<sup>15</sup> DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

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significant project that would affect regional vehicle miles traveled and warrant intergovernmental review by ABAG and MTC.<sup>16, 17</sup> Furthermore, the net increase in regional operation-phase emissions generated by the proposed project would not exceed the Air District's emissions thresholds (see operation emissions analysis under impact discussion AQ-2). These thresholds are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed project would not exceed these thresholds, the proposed project would not be considered by the Air District to be a substantial emitter of criteria air pollutants. Therefore, the proposed project would not conflict with or obstruct implementation of the *2017 Clean Air Plan*, and impacts would be considered *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>AQ-2</b>	<b>The proposed project would generate short- and long-term criteria air pollutant emissions that could violate air quality standards or contribute substantially to an existing or projected air quality violation.</b>
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## Construction

### *Construction Exhaust Emissions*

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which in turn generates air pollutant emissions. Site preparation activities produce fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) from demolition and soil-disturbing activities, such as grading. Air pollutant emissions from construction activities on-site would vary daily as construction activity levels change. The project site would be developed in a single construction phase over an approximately six-month period. To determine potential construction-related air quality impacts, criteria air pollutants generated by project-related construction activities were compared to the Air District significance thresholds, as shown in Table 4.2-9. As shown in the table, criteria air pollutant unmitigated emissions from construction equipment would not exceed the Air District average daily thresholds. Accordingly, construction-related criteria pollutant emissions would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### *Construction Fugitive Dust*

The proposed project would require asphalt and building demolition of the existing building. The Air District does not provide a quantitative threshold for construction-related fugitive dust emissions, and a project's fugitive dust emissions are considered to be acceptable with the implementation of the Air

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<sup>16</sup> Association of Bay Area Governments (ABAG), Regional Clearinghouse <http://abag.ca.gov/planning/clearinghouse.html>, accessed March 30, 2017.

<sup>17</sup> Metropolitan Transportation Commission (MTC), Air Quality Conformity, [http://www.mtc.ca.gov/planning/air\\_quality/](http://www.mtc.ca.gov/planning/air_quality/), accessed March 30, 2017.



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TABLE 4.2-9 CONSTRUCTION EMISSIONS

Category	Criteria Air Pollutants (Average Pounds/Day)			
	ROG	NO <sub>x</sub>	Exhaust PM <sub>10</sub>	Exhaust PM <sub>2.5</sub>
Daily Construction Emissions – All Phases	12	23	1	1
Air District Daily Project-Level Threshold	54	54	82	54
<b>Exceeds Average Daily Threshold</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Note: Emissions may not total to 100 percent due to rounding.

Source: Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

District’s best management practices. In other words, there could be a *significant* impact if the best management practices are not enforced. As described in Section 4.2.1.1, extended exposure to particulate matter can increase the risk of chronic respiratory disease. PM<sub>10</sub> bypasses the body’s natural filtration system more easily than larger particles and can lodge deep in the lungs. PM<sub>2.5</sub> penetrates even more deeply into the lungs, and this is more likely to contribute to health effects—at concentrations well below current PM<sub>10</sub> standards. Health effects include premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms (e.g., irritation of the airways, coughing, or difficulty breathing).

**Significance without Mitigation:** Significant.

**Impact AQ-2:** Uncontrolled fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) could expose the areas that are downwind of construction sites to air pollution from construction activities without the implementation of the Air District’s best management practices.

**Mitigation Measure AQ-2:** During any construction period that causes ground disturbance, the project contractor shall implement measures to control dust and exhaust. The contractor shall implement the following Bay Area Air Quality Management District best management practices:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- 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

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Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
- 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.
- The City of Campbell Department shall verify compliance that these measures have been implemented during normal construction site inspections.

**Significance with Mitigation:** Less than significant. Per Air District methodology, incorporation of fugitive dust best management practices would reduce Impact AQ-2 to a less-than-significant level.

## Operation

Long-term criteria air pollutant emissions would result from the operation of the project. Emissions generated during operation of this proposed project would involve the use of on-road mobile vehicles, electricity, natural gas, water, landscape equipment, and generation of solid waste and wastewater. The primary source of long-term criteria air pollutant emissions would be from project-generated vehicle trips. Table 4.2-10, identifies the increase in criteria air pollutant emissions associated with the project. As indicated in the table, emissions would fall below the Air District regional operational thresholds. Accordingly, regional operational emission impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

**TABLE 4.2-10 OPERATIONAL EMISSIONS**

	Criteria Air Pollutants (Average Pounds/Day)			
	VOC	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Daily (pounds/day)	4	12	<1	<1
Air District Daily Project-Level Threshold	54	54	82	54
<b>Exceeds Average Daily Threshold</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
	Tons Per Year			
Annual (tons/year)	1	2	<1	<1
Air District Annual Project-Level Threshold	10	10	15	10
<b>Exceeds Annual Threshold</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

**AIR QUALITY**

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**AQ-3                      Construction of the proposed project could result in significant regional short-term air quality impacts.**

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Cumulative air quality impacts from construction, based on Air District guidelines, are not analyzed in a manner similar to project-specific air quality impacts. Instead, the Air District recommends that a project's potential contribution to cumulative impacts be assessed utilizing the same significance criteria as those for project-specific impacts. Individual development projects that generate construction or operational emissions that exceed the Air District screening thresholds for project-specific impacts would also cause a cumulatively considerable increase in emissions for those pollutants for which the SFBAAB is in nonattainment.

As described under impact discussion AQ-2, the proposed project would not have a significant long-term operational phase impact. However, as identified in Impact AQ-2, without incorporation of fugitive dust control measures, construction activities associated with the proposed project could potentially result in significant regional short-term air quality impacts. Therefore, the project's contribution to cumulative air quality impacts is considered *significant*.

**Significance without Mitigation:** Significant.

**Impact AQ-3:** Implementation of the project would cumulatively contribute to air quality impacts in the San Francisco Bay Area Air Basin.

**Mitigation Measure AQ-3:** Implement Mitigation Measure AQ-2.

**Significance with Mitigation:** Less than significant. Mitigation Measure AQ-3 would reduce impacts from fugitive dust generated during construction activities. Therefore, the project would not cumulatively contribute to the nonattainment designations of the SFBAAB and Impact AQ-3 would be reduced to a less-than-significant level.

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**AQ-4                      The proposed project would not expose sensitive receptors to substantial pollutant concentrations.**

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If the project would cause or contribute significantly to elevated pollutant concentration levels, it could expose sensitive receptors to elevated pollutant concentrations. Unlike regional emissions, localized emissions are typically evaluated in terms of air concentration rather than mass so they can be more readily correlated to potential health effects.

## AIR QUALITY

### Construction Community Health Risk and Hazards

The CalEEMod model provides total annual exhaust  $PM_{10}$  (assumed to DPM), total annual fugitive  $PM_{2.5}$ , and total annual exhaust  $PM_{2.5}$ . The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) was  $0.07 \mu\text{g}/\text{m}^3$ , which is lower than the reference exposure level (REL) of  $5.0 \mu\text{g}/\text{m}^3$ .<sup>18</sup> The maximum-modeled annual  $PM_{2.5}$  concentration, which is based on combined exhaust and fugitive dust emissions, was  $0.16 \mu\text{g}/\text{m}^3$ , which is below the  $0.3 \mu\text{g}/\text{m}^3$  threshold for new sources and below the cumulative annual average threshold.<sup>19</sup> Project construction activities would result in carcinogenic risk of 8.6 in 1 million, below the 10 in 1 million cancer risk threshold. Increased non-cancer risks would result in 0.013, below the non-cancer risk threshold of 1.<sup>20</sup> Therefore, the project would not expose off-site sensitive receptors to substantial concentrations of air pollutant emissions during construction and impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### Operational Phase On-Site Community Risk and Hazards

Exposure to elevated concentrations of vehicle-generated  $PM_{2.5}$  and TACs at sensitive land uses have been identified by the CARB, California Air Pollution Control Officer's Association (CAPCOA), and Air District as a potential air quality hazard. Long-term health effects from TACs exposure include cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage. Short term health effects from TACs exposure include eye watering, respiratory irritation, running nose, throat pain, and headaches. TACs are classified as either carcinogenic or non-carcinogenic based on physiologic health effects from exposure. While carcinogens do not have a health risk threshold, noncarcinogens do, which is based according to the specific pollutant. Long-term and short-term exposure can cause increased health risk such as aggravating asthma and bronchitis and cardio-vascular disease. Health risk thresholds of  $PM_{2.5}$  are comparable to the Air District Thresholds of Significance.<sup>21</sup> The project would not create new major sources of TACs, which are more commonly associated with industrial manufacturing or warehousing. Non-residential (e.g., research and development and commercial and retail) land uses may generate small quantities of TACs (e.g., emergency generators, dry cleaners, and gasoline dispensing facilities). However, these small-quantity generators would require review by the Air District for permitted sources of air toxics, which would ensure health risks are below Air District thresholds. Therefore, operation-related health risk impacts associated with the project are considered *less than significant*.

**Significance without Mitigation:** Less than significant.

### CO Hotspot

The main air quality concern associated with drive-thru facilities is the potential to create carbon monoxide (CO) hotspots where a large number of vehicles idle. According to the Traffic Impact Study (TIS)

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<sup>18</sup> Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

<sup>19</sup> Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

<sup>20</sup> Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

<sup>21</sup> Bay Area Air Quality Management District. 2017, California Environmental Quality Act Air Quality Guidelines.

## AIR QUALITY

prepared for the project (see Appendix H), the proposed project would result in 238 weekday trips during the afternoon (PM) peak hour (5:30 p.m. – 6:30 p.m.) and 296 weekend trips during the afternoon (PM) peak hour (12:00 p.m. – 1:45 p.m.).<sup>22</sup> Background CO concentrations in the project vicinity were estimated based on data available from the Air District.<sup>23</sup> The CALINE-4 model predicts an average concentration at specified receptor locations on each side of the modeled roadway. As shown in Table 4.2-11, CO concentrations at the identified sensitive receptors and within the project site would be below the 1-hour and 8-hour average threshold of 20.0 ppm and 9.0 ppm, respectively. Therefore, impacts associated with CO hotspots would be *less than significant*.

**Significance without Mitigation:** Less than significant.

**TABLE 4.2-11 CO HOTSPOT**

	1-Hour PPM		8-Hour PPM	
	Weekday	Weekend	Weekday	Weekend
Noah's Ark Children's Learning	2.4	2.4	2.0	2.0
Franciscan Apartments	2.4	2.5	2.0	2.1
Campbell Parent's Participation Preschool	2.4	2.4	2.0	2.0
CO Hotspot Threshold	20.0	20.0	20.0	20.
<b>Exceeds Threshold</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Note: Results take into account ambient concentrations; ppm = parts per million.

Source: Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

### **AQ-5 The proposed project would have the potential to create or expose a substantial number of people to objectionable odors.**

The Air District does not consider odors generated from use of construction equipment and activities to be objectionable. For operational-phase odor impacts, a project that would result in the siting of a new source of odor or exposure of a new receptor to existing or planned odor sources should consider odor impacts. The Air District's Regulation 7, Odorous Substances, considers potential odor impacts to be significant if there are ten or more complainants within a 90-day period. In addition, Regulation 7 establishes maximum allowable emission concentrations for compounds or a family of compounds that have the potential to generate substantial odors, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants. The proposed project does not include any of the above-noted uses or processes.

The proposed restaurant building would be situated in the southeastern quadrant of the project site, away from the nearest residences to the north and northwest. Based on data from the nearest meteorological site, the general wind direction for the area blows from northwest to southeast and away from the

<sup>22</sup> Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

<sup>23</sup> Meridian Consultants, 2018, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

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surrounding residential land uses.<sup>24,25</sup> However, odors generated during food preparation could still pose a nuisance to a substantial number of people in the vicinity. Therefore, project-related odor impacts would be *significant*.

**Significance without Mitigation:** Significant.

**Impact AQ-5:** Food odors from the project could pose a nuisance to a substantial number of people in the project vicinity.

**Mitigation Measure AQ-5:** To minimize odors from food preparation, the project applicant or project contractor shall install a CaptiveAire Pollution Control Unit (PCU). The installed PCU shall be optioned to include the odor control module and, at minimum, shall be rated to have an initial removal efficiency of over 70 percent. The project applicant and/or business owner shall replace filters per manufacturer recommendations. Prior to issuance of the Certificate of Occupancy, the City of Campbell shall verify, to its satisfaction, the proper installation of the PCU.

**Significance with Mitigation:** Less than significant. Mitigation Measure AQ-5 would contribute in minimizing odor impacts from food preparation during restaurant operation and reduce odor impacts to a less-than-significant level.

### 4.2.4 CUMULATIVE IMPACTS

Impact AQ-3 analyzes potential cumulative impacts related to air quality that could occur from the buildout associated with the proposed project in combination with the regional growth in the air basin. As identified under Impact AQ-3, Mitigation Measure AQ-3 would reduce impacts from fugitive dust generated during construction activities. With this mitigation measure, regional construction emissions would not exceed the Air District's significance thresholds. Consequently, the proposed project would not cumulatively contribute to the nonattainment designations.

It is speculative to determine how exceeding the regional thresholds would affect the number of days the region is in nonattainment – since mass emissions are not correlated with concentrations of emissions – or how many additional individuals in the air basin would be affected by the health impacts mentioned. The Air District is the primary agency responsible for ensuring the health and welfare of sensitive individuals to elevated concentrations of air quality in the SFBAAB at the present time and it has not provided methodology to assess the specific correlation between mass emissions generated and the effect on health. Because of the complexities of predicting emission concentrations in relation to the National AAQS and California AAQS, it is not possible to link health risks to the magnitude of emissions generated from a project exceeding the Air District thresholds.

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<sup>24</sup> Based on data monitored by the Norman Y. Mineta San Jose Airport meteorological station. See the wind rose in Appendix C.

<sup>25</sup> California Air Resources Board, Meteorological Files, <https://www.arb.ca.gov/toxics/harp/metfiles2.htm>, accessed December 5, 2018.

## BIOLOGICAL RESOURCES

### 4.3 BIOLOGICAL RESOURCES

This chapter describes the regulatory framework, existing conditions on the project site, and potential impacts of the project related to biological resources.

#### 4.3.1 ENVIRONMENTAL SETTING

##### 4.3.1.1 REGULATORY FRAMEWORK

Laws and regulations protecting waters, wetlands, and riparian habitats (that is, habitats along the banks of rivers and streams), are omitted here, as no such resources are present on or next to the project site. Federal and State laws and regulations protecting water quality are described in Chapter 4.8, Hydrology and Water Quality, of this Draft EIR.

#### Federal Regulations

##### *Federal Endangered Species Act*

The United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) is responsible for implementation of the Federal Endangered Species Act (FESA) (16 United States Code Section 1531 *et seq.*). The Act protects fish and wildlife species that are listed as threatened or endangered and their habitats. “Endangered” species, subspecies, or distinct population segments are those that are in danger of extinction through all or a significant portion of their range, and “threatened” species, subspecies, or distinct population segments are likely to become endangered in the near future.

If a listed species or its habitat is found to be affected by a project, then according to Section 7 of the FESA, all federal agencies are required to consult with USFWS and NOAA Fisheries. The purpose of consultation with USFWS and NOAA Fisheries is to ensure that the federal agencies’ actions do not jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat for listed species.

Section 9 of the FESA prohibits the take of any fish or wildlife species listed as endangered, including the destruction of habitat that prevents the species’ recovery. “Take” is defined as an action or attempt to hunt, harm, harass, pursue, shoot, wound, capture, kill, trap, or collect a species. Section 9 prohibitions also apply to threatened species unless a special rule has been defined with regard to taking at the time of listing.

Under Section 9 of the FESA, the take prohibition applies only to wildlife and fish species. However, Section 9 does prohibit the unlawful removal and reduction to possession, or malicious damage or destruction, of any endangered plant from federal land. Section 9 prohibits acts to remove, cut, dig up, damage, or destroy an endangered plant species in non-federal areas in knowing violation of any State law or in the course of criminal trespass. Section 9 does not provide any protection for candidate species and species that are proposed or under petition for listing.

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### *Migratory Bird Treaty Act*

The Migratory Bird Treaty Act (MBTA) (16 US Code 703 *et seq.*) governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. Moreover, the MBTA prohibits the take, possession, import, exports, transport, selling, purchase, barter—or offering for sale, purchase, or barter—any migratory bird, their eggs, parts, or nests, except as authorized under a valid permit.<sup>1</sup> The MBTA's prohibitions on take apply only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs, and do not apply to take that is incidental to, and not the purpose of, a lawful activity.<sup>2</sup>

## State Regulations

### *California Endangered Species Act*

The California Endangered Species Act (CESA)<sup>3</sup> establishes State policy to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The CESA mandates that State agencies should not approve projects that jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that would affect a species that is on the federal and State lists, compliance with the FESA satisfies the CESA if the California Department of Fish and Wildlife (CDFW) determines that the federal incidental take authorization is consistent with the CESA under California Fish and Game Code Section 2080.1. For projects that would result in the taking of a species that is only State listed, the project proponent must apply for a take permit under Section 2081(b).

### *California Fish and Game Code*

Under the California Fish and Game Code, the CDFW provides protection from take for a variety of species. California Fish and Game Code Section 3503.5 prohibits take, possession, or destruction of any raptor (bird of prey species in the orders Falconiformes and Strigiformes), including their nests or eggs. Violations of this law include destruction of active raptor nests as a result of tree removal and disturbance to nesting pairs by nearby human activity that causes nest abandonment and reproductive failure.

## Regional Regulations

The Santa Clara Valley Habitat Plan (Habitat Plan) is a habitat conservation plan (HCP) and natural community conservation plan (NCCP) encompassing about two thirds of Santa Clara County consisting mainly of the southern and central portions of the county and including much of the central, southern, and eastern parts of the metropolitan San José area. The Habitat Plan Permit Area includes Los Gatos Creek, which passes about 0.4 miles east of the project site, and Los Gatos Creek County Park, which is

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<sup>1</sup> Code of Federal Regulations Title 50 Section 21.11.

<sup>2</sup> United States Department of the Interior, 2017, Memorandum, Subject: The Migratory Bird Treaty Act Does Not Prohibit Incidental Take, dated December 22, 2017, <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>, accessed on January 28, 2019.

<sup>3</sup> California Fish and Game Code Section 2050 *et seq.*



**BIOLOGICAL RESOURCES**

about 1.6 miles south of the project site, but excludes the remainder of the City of Campbell, including the project site.<sup>4</sup> The Habitat Plan covers 18 species: nine federal- and/or State-listed animal species, four federal- and/or State-listed plant species, and five plant species that are not listed but are included in the California Native Plant Society's Rare Plant Inventory.<sup>5</sup> The Habitat Plan includes creation of a Reserve System totaling about 46,900 acres; no reserves are near Campbell.<sup>6</sup>

**Local Regulations**

Campbell Municipal Code Chapter 21.32 protects trees on private properties, including trees on commercial, industrial, multi-family residential, mixed-use, and undeveloped single-family residential properties that have at least one trunk measuring 12 inches or more in diameter (38 inches circumference) 4 feet above the adjacent grade. The chapter provides other protections for trees on developed single-family residential properties and for heritage trees designated by the City's Historic Preservation Board.

**4.3.1.2 EXISTING CONDITIONS****Vegetation**

Vegetation on-site is ornamental landscape vegetation consisting of trees, shrubs, and some forbs (flowering plants lacking woody stems, other than grasses). There is no native habitat on-site. Nearly the entire site is developed with the existing restaurant building and parking lot. Landscaping on-site is limited to small planters abutting portions of the building exterior; landscaped strips along the south and north site boundaries; and parking lot planters, which are mostly south of the building.

**Sensitive Resources**

There is no suitable habitat for sensitive plant or animal species on-site; periodic landscape maintenance activities also render the site unsuitable for sensitive species.

A search of the California Natural Diversity Database (CNDDB) for the San Jose West quadrangle, within which the project site is centrally located, yielded documented occurrences of 22 sensitive species in the quadrangle consisting of five plant species and 17 animal species comprised of three insect species, one fish, two amphibians, two reptiles, five birds, and four mammals.<sup>7</sup>

Trees and other ornamental landscape vegetation on-site could be used for incidental foraging by birds and hoary bat; however, incidental foraging use does not constitute "habitation" per the CDFW definition

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<sup>4</sup> Santa Clara Valley Habitat Agency, Santa Clara Valley Habitat Plan, <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>, accessed September 25, 2018.

<sup>5</sup> Four of the state-listed animal species mentioned above are listed as California Species of Special Concern by the California Department of Fish and Wildlife but are not listed under the California Endangered Species Act.

<sup>6</sup> Santa Clara Valley Habitat Agency, Santa Clara Valley Habitat Plan, <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>, accessed September 25, 2018.

<sup>7</sup> California Department of Fish and Wildlife, California Natural Diversity Database, <https://map.dfg.ca.gov/rarefind/Login.aspx?ReturnUrl=%2frarefind%2fview%2fRareFind.aspx>, accessed September 25, 2018.

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of habitat, that is, where a given plant or animal species meets its requirements for food, cover, and water in both space and time.<sup>8</sup>

No sensitive plant communities are documented as occurring in the San Jose West quadrangle on the CNDDDB.<sup>9</sup>

### Wetlands and Riparian Habitats

Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include playas, ponds, and wet meadows; lakes and reservoirs; rivers, streams, and canals; estuaries; and beaches and rocky shores.<sup>10</sup> The project site is built out with a building, a parking lot, and small landscaped areas. There are no wetlands on or next to the site. The nearest wetland to the project site mapped on the National Wetlands Mapper maintained by the US Fish and Wildlife Service is the Los Gatos Creek, which has earthen bed and banks about 0.4 mile to the east.<sup>11</sup>

Riparian habitats are those occurring along the banks of rivers and streams. There is no riparian habitat on-site and none nearby mapped on the National Wetlands Mapper.<sup>12</sup>

### Wildlife Movement

The site is built-out, fenced, and in a built-out urban environment. Thus, the site is not available for overland wildlife movement. Trees and shrubs on-site could be used for nesting by birds protected under State laws.

## 4.3.2 STANDARDS OF SIGNIFICANCE

The proposed project would result in a significant biological resource impact if it would:

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 Game or U.S. Fish and Wildlife Service.

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<sup>8</sup> California Department of Fish and Wildlife, 2015, *State Wildlife Action Plan*: Chapter 11: Glossary, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=100054>, accessed September 25, 2018.

<sup>9</sup> California Department of Fish and Wildlife, California Natural Diversity Database, <https://map.dfg.ca.gov/rarefind/Login.aspx?ReturnUrl=%2frarefind%2fview%2fRareFind.aspx>, accessed September 25, 2018.

<sup>10</sup> Southern California Wetlands Recovery Project, General Wetlands Information, <https://scwrp.org/general-wetlands-information/>, accessed September 25, 2018.

<sup>11</sup> US Fish and Wildlife Service, 2012, National Wetlands Mapper, <https://www.fws.gov/wetlands/data/mapper.html>, accessed November 8, 2018.

<sup>12</sup> US Fish and Wildlife Service, 2012, National Wetlands Mapper, <https://www.fws.gov/wetlands/data/mapper.html>, accessed November 8, 2018.

## BIOLOGICAL RESOURCES

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 Game or U.S. Fish and Wildlife Service.
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.
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, or impede the use of native wildlife nursery sites.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
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.
7. In combination with past, present, and reasonably foreseeable projects, result in significant cumulative impacts with respect to biological resources.

### 4.3.3 IMPACT DISCUSSION

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<b>BIO-1</b>	<b>The proposed project would not 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 by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.</b>
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Project development would involve clearing all vegetation and demolishing the building on-site.

A search of the CNDDDB for the quadrangle within which the project site is located yielded documented occurrences of 22 sensitive species. There is no suitable habitat for sensitive plant or animal species on-site aside from trees on-site that may allow for protected bird species to nest. Impacts to protected bird species and their potential to nest in existing trees on-site is discussed under impact discussion BIO-4 below. Additionally, periodic landscape maintenance activities also render the site unsuitable for sensitive species.

Trees and other ornamental landscape vegetation in developed urban land uses could be used for incidental foraging by sensitive bird and bat species; however, incidental foraging use does not constitute habitation per the CDFW definition of habitat, that is, where a given plant or animal species meets its requirements for food, cover, and water in both space and time.<sup>13</sup> Impacts to vegetation on-site would be

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<sup>13</sup> California Department of Fish and Wildlife, 2015, *State Wildlife Action Plan*: Chapter 11: Glossary, accessed September 25, 2018.

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temporary during demolition and construction, and project development would involve planting a net increase of trees on-site.<sup>14</sup> Therefore, the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>BIO-2</b>	<b>The proposed project would not 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 United States Fish and Wildlife Service.</b>
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The project site is built out with a vacant restaurant building and surface parking. There is no riparian habitat or sensitive natural community on or adjacent to the project site. Therefore, *no impact* would occur.

**Significance without Mitigation:** No impact.

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<b>BIO-3</b>	<b>The proposed project would not 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.</b>
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The project site is built out with a vacant restaurant use and surface parking. No wetlands are present on-site. Therefore, *no impact* would occur.

**Significance without Mitigation:** No impact.

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<b>BIO-4</b>	<b>The proposed project could interfere with the movement of a native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</b>
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The project site is fully developed with a vacant restaurant building, is fenced, and is in a built-out urban setting. Therefore, the site is not available for overland wildlife movement.

Although there is no suitable habitat for sensitive plant or animal species on the project site, trees and shrubs on-site could be used by nesting birds protected under California Fish and Game Code Sections 3503 *et seq.* Project development would involve removal of all vegetation on-site during construction, and thus could interfere with nesting, including destruction of active nests. This impact would be *significant*.

**Significance without Mitigation:** Significant.

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<sup>14</sup> 27 trees would be removed during site clearance; the project landscape plan includes planting 32 replacement trees.

## BIOLOGICAL RESOURCES

**Impact BIO-4:** Site clearance could destroy active nests, and/or otherwise interfere with nesting, of birds protected under State laws.

**Mitigation Measure BIO-4:** Prior to site clearance, the project applicant shall retain a qualified biologist to conduct preconstruction nesting bird surveys as follows: If tree removal would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds of protected bird species shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance, and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with CDFW. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.

No surveys are required before vegetation disturbance between September 1 and January 31, that is, outside of the nesting season.

**Significance with Mitigation:** Less than significant.

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<b>BIO-5</b>	<b>The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</b>
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Project site clearance would involve the removal of all trees on-site. Trees on commercial, industrial, multi-family residential, mixed-use, and undeveloped single-family residential properties that have at least one trunk measuring 12 inches or more in diameter (38 inches circumference) 4 feet above the adjacent grade are protected under City of Campbell Municipal Code Chapter 21.32. The proposed project includes an application for a Tree Removal Permit to allow removal of the protected trees. With approval of a Tree Removal Permit, the proposed development would not conflict with local ordinances protecting biological resources and the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

## BIOLOGICAL RESOURCES

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<b>BIO-6</b>	<b>The proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.</b>
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The project site is not within any HCPs or NCCPs. Therefore, project development would not conflict with such a plan and there would be *no impact*.

**Significance without Mitigation:** No impact.

### 4.3.4 CUMULATIVE IMPACTS

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<b>BIO-7</b>	<b>The proposed project would not result in significant cumulative impacts with respect to biological resources.</b>
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The area considered for cumulative impacts is the City of Campbell, which encompasses about 5.9 square miles entirely on the floor of the Santa Clara Valley. The city is built out with urban uses: there are a few small vacant areas in the city, mostly near Los Gatos Creek and/or Highway 17, and there is no agricultural land in the city. Riparian habitat is present along Los Gatos and San Tomas Aquino Creeks. Los Gatos Creek in Campbell, and a segment of San Tomas Aquino Creek in the City of San José immediately upstream (west) from Campbell, are mapped as Willow Riparian Forest and Shrub by the Santa Clara Valley Habitat Agency.<sup>15,16</sup> Thus, nearly all other development projects in the City of Campbell, including those listed in Chapter 4, Environmental Evaluation, of this Draft EIR, would be redevelopment or reuse projects and not development of vacant land. Many other projects would remove trees on private properties protected under Campbell Municipal Code Chapter 21.32.

Trees and other ornamental landscape vegetation in developed urban land uses could be used for incidental foraging by birds and hoary bat; however, incidental foraging use does not constitute habitation per the CDFW definition of habitat, that is, where a given plant or animal species meets its requirements for food, cover, and water in both space and time.<sup>17</sup> Trees and shrubs in the city, both in riparian habitat and in urban land uses, could be used by nesting birds protected under State law. Other projects in Campbell would be required to either schedule vegetation clearance outside of the bird nesting season or have preconstruction nesting bird surveys conducted before vegetation clearance and prohibit disturbances within buffer zones surrounding active nests.

Ongoing implementation of the Habitat Plan protects the Habitat Plan's 18 covered species across much of Santa Clara County outside Campbell. A small portion of the City of Campbell, consisting of Los Gatos

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<sup>15</sup> Santa Clara Valley Habitat Agency, Santa Clara Valley Habitat Plan, <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>, accessed September 25, 2018.

<sup>16</sup> Federal and state laws and regulations protecting biological resources in waters, wetlands, and riparian habitats are described in Section 4.8, *Hydrology and Water Quality*, of this DEIR but are not discussed in this Section.

<sup>17</sup> California Department of Fish and Wildlife, 2015, *State Wildlife Action Plan*: Chapter 11: Glossary, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=100054>, accessed September 25, 2018.

## BIOLOGICAL RESOURCES

Creek and Los Gatos Creek County Park, is within the Habitat Plan. Most of the area is mapped as pond and Willow Riparian Forest and Shrub by the Santa Clara Valley Habitat Agency, and the area is designated as Open Space by the City of Campbell.<sup>18</sup> That area is protected under the City's General Plan; much of that area is protected under State Fish and Game Code Sections 1600 *et seq.*, and parts of that area are protected under the federal Clean Water Act. Thus, minimal or no development is anticipated in the part of the Habitat Plan within the city. Therefore, a *less-than-significant* cumulative impact would occur.

**Significance without Mitigation:** Less than significant.

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<sup>18</sup> Santa Clara Valley Habitat Agency, Santa Clara Valley Habitat Plan, <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>, accessed September 25, 2018.

## **BIOLOGICAL RESOURCES**

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## CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

### 4.4 CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

This chapter describes existing cultural resources on the project site and evaluates the potential environmental consequences on cultural resources from development of the proposed project. A summary of the relevant regulatory setting and existing conditions is followed by a discussion of the proposed project and cumulative impacts.

#### 4.4.1 ENVIRONMENTAL SETTING

##### 4.4.1.1 REGULATORY FRAMEWORK

###### Federal Regulations

###### *American Indian Religious Freedom Act and Native American Graves and Repatriation Act*

The American Indian Religious Freedom Act recognizes that Native American religious practices, sacred sites, and sacred objects have not been properly protected under other statutes. It establishes as national policy that traditional practices and beliefs, sites (including right of access), and the use of sacred objects shall be protected and preserved. Additionally, Native American remains are protected by the Native American Graves and Repatriation Act of 1990.

###### *Paleontological Resources Preservation Act*

The federal Paleontological Resources Preservation Act of 2002 limits the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers who have obtained a permit from the appropriate state or federal agency. Additionally, it specifies these researchers must agree to donate any materials recovered to recognized public institutions, where they will remain accessible to the public and other researchers. This Act incorporates key findings of a report, *Fossils on Federal Land and Indian Lands*, issued by the Secretary of Interior in 2000, which establishes that most vertebrate fossils and some invertebrate and plant fossils are considered rare resources.<sup>1</sup>

###### State Regulations

###### *California Environmental Quality Act*

California State law provides for the protection of cultural resources by requiring evaluations of the significance of prehistoric and historic resources identified in documents prepared consistent with CEQA. The CEQA Statute is contained in Public Resources Code (PRC) 21000 to 21177 and the CEQA Guidelines are contained in CCR, Title 14, Division 6, Chapter 3, Sections 15000 to 15387.

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<sup>1</sup> U.S. Department of the Interior, *Fossils on Federal & Indian Lands, Report of the Secretary of the Interior*, 2000, [https://www.blm.gov/sites/blm.gov/files/programs\\_paleontology\\_quick%20links\\_Assessment%20of%20Fossil%20Management%20on%20Federal%20&%20Indian%20Lands,%20May%202000.pdf](https://www.blm.gov/sites/blm.gov/files/programs_paleontology_quick%20links_Assessment%20of%20Fossil%20Management%20on%20Federal%20&%20Indian%20Lands,%20May%202000.pdf), accessed July 31, 2018.

## **CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES**

Under CEQA, a cultural resource is considered a “historical resource” if it meets any of the criteria found in Section 15064.5(a) of the CEQA Guidelines. Under CEQA, the lead agency determines whether projects may have a significant effect on archaeological and historical resources. CEQA Guidelines Section 15064.5 defines what constitutes a historical resource, including: (1) a resource determined by the State Historical Resources Commission to be eligible for the California Register of Historical Resources (including all properties on the National Register); (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k); (3) a resource identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) any object, building, structure, site, area, place, record, or manuscript that the City determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the City's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered to be historically significant if it meets the criteria for listing on the California Register.

If the lead agency determines that a project may have a significant effect on a historical resource, the project is determined to have a significant effect on the environment, and these effects must be addressed. However, no further environmental review needs to be completed if, under the qualifying criteria, a cultural resource is not found to be a historical resource or unique archaeological resource.

In addition, PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines specify lead agency responsibilities to determine whether a project may have a significant effect on archaeological resources. If it can be demonstrated that a project would damage a unique archaeological resource, the lead agency may require reasonable efforts for the resources to be preserved in place or left in an undisturbed state. Preservation in place is the preferred approach to mitigation. The PRC also details required mitigation if unique archaeological resources are not preserved in place.

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to identify the most likely descendant and mediate any disputes regarding disposition of such remains.

### *California Health and Safety Code*

California Health and Safety Code Section 7052 states that it is a felony to disturb Native American cemeteries. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the County Coroner can determine whether the remains are those of a Native American. Section 7050.5(b) outlines the procedures to follow should human remains be inadvertently discovered in any location other than a dedicated cemetery. The section also states that the County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant.

## CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

### *Public Resources Code*

PRC Section 5097.5 prohibits “knowing and willful” excavation or removal of any “vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands.” Public lands are defined to include lands owned by or under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof.

### *State Laws Pertaining to Human Remains*

Any human remains encountered during ground-disturbing activities are required to be treated in accordance with California Code of Regulations Section 15064.5(e) (CEQA), PRC Section 5097.98, and the California Health and Safety Code Section 7050.5. California law protects Native American burials, skeletal remains, and associated grave goods regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Specifically, Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner’s authority. If the human remains are determined to be of Native American origin, the county coroner must contact the California NAHC within 24 hours of this identification. An NAHC representative will then identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. In addition, CEQA Guidelines Section 15064.5 specifies the procedures to be followed in case of the discovery of human remains on non-federal land. The disposition of Native American burials falls within the jurisdiction of the NAHC.

### *Assembly Bill 52*

Assembly Bill (AB) 52, the Native American Historic Resource Protection Act, sets forth a proactive approach intended to reduce the potential for delay and conflicts between Native American and development interests. Projects subject to AB 52 are those that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2016. AB 52 adds tribal cultural resources (TCR) to the specific cultural resources protected under CEQA. Under AB 52, a TCR is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, or object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register, or included in a local register of historical resources. A Native American Tribe or the lead agency, supported by substantial evidence, may choose at its discretion to treat a resource as a TCR. AB 52 also mandates lead agencies to consult with tribes, if requested by the tribe, and sets the principles for conducting and concluding consultation.

## **Local Regulations**

The City of Campbell’s General Plan, adopted in November 2001, contains goals, policies, and strategies related to the protection of cultural resources in its Cultural and Natural Resources Element, as shown in Table 4.4-1.

## CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

**TABLE 4.4-1 GENERAL PLAN GOALS, POLICIES, AND STRATEGIES PERTAINING TO CULTURAL RESOURCES**

Cultural and Natural Resource Element	
Goal CNR-1	<i>A high level of community participation in historic preservation efforts to build a strong sense of community identity.</i>
Policy CNR-1.1	Ensure that the City and its citizens preserve historic resources as much as possible.
Strategy CNR-1.1b	In accordance with CEQA and State Public Resources Code, require the discontinuation of all work in the immediate vicinity and the preparation of a resource mitigation plan and monitoring program by a licensed archaeologist if archaeological resources are found on any sites within the City.

Source: City of Campbell General Plan, 2001.

### 4.4.1.2 EXISTING CONDITIONS

This section provides an overview of the history of Campbell and resources of cultural significance that may be affected by the proposed project. Archeological evidence indicates that humans began to settle in the Campbell area at least 12,000 years ago. Prehistoric occupation of California is broken into three broad periods: the Paleoindian period (10,000 – 6,000 B.C.), the Archaic period (6,000 B.C. – A.D. 500), and the Emergent period (A.D. 500 – 1800). Early occupants depended mainly on big game and minimally processed plant foods for survival. Later, as trade networks became increasingly complex, and an economy based on clam disk bead money became more prevalent, inhabitants' social status became recognizably linked to wealth.

Linguistic evidence shows that descendants of the native groups who inhabited the area between the Carquinez Straight and the Monterey area were known as the Ohlone, and were often referred to by the name of their linguistic group, Costanoan. The Ohlone occupied a large territory in the South Bay, which includes the project site. This ethnographic group settled in large permanent groupings of households, forming large villages and tribal territories known as "tribelets." The Ohlone lived in domed structures built of woven tule, ferns, and grass, and were often constructed near bayshores and valleys providing access to waterways, increasing their ability to distribute trade goods, as well as access plant and animal life. The Ohlone people's customary way of living disappeared by about 1810 due to introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area in 1777.<sup>2</sup>

The project site lies within the Santa Clara Valley, which is comprised of recent alluvial deposits dating back 5,000 to 7,000 years ago, and consists of unconsolidated silts, sands, and gravels, which are known to contain archeological materials.<sup>3</sup>

### Outreach to Native American Tribes

In regards to AB 52, the City has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified and consulted about projects in the City of Campbell. Nonetheless, the evaluation of potential impacts to TCRs is addressed below in Section 4.4.3, Impact Discussion, of this chapter.

<sup>2</sup> City of San Jose, 2011, *Envision San Jose 2040 General Plan Draft Program EIR*, page 673.

<sup>3</sup> Helley, E.J., K.R. La Joie, W.E. Spangle, and M.L. Blair, 1979, Flatland Deposits of the San Francisco Bay Region.

## CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

### Paleontological Resources

Paleontological resources (fossils) are the remains and/or traces of prehistoric plant and animal life exclusive of human remains or artifacts. Fossil remains such as bones, teeth, shells, and wood are found in the geologic deposits (rock formations) in which they were originally buried. Paleontological resources represent a limited, non-renewable, sensitive scientific and educational resource.

The potential for fossil remains at a location can be predicted through previous correlations that have been established between the fossil occurrence and the geologic formations within which they are buried. For this reason, knowledge of the geology of a particular area and the paleontological resource sensitivity of particular rock formations make it possible to predict where fossils will or will not be encountered.

Late Pleistocene sediments expected to be found in the region have the potential to contain Ranch La Brean fossils, including the remains of gastropods and pelecypods, giant ground sloth, mastodon, bison, and saber-tooth cats.<sup>4</sup>

The two nearest known fossil localities to Campbell identified in the Paleontological Background Report for the City of San José 2011 General Plan are UCMP (University of California Museum of Paleontology) V99497 in the City of Saratoga west of Campbell, which yielded fossil horse (*Equus* sp.); and UCMP V99597 in the City of San José north of Campbell, which yielded parts of a fossil mammoth (*Mammuthus*).<sup>5,6</sup>

Although no known paleontological resources exist within the project site, it is possible that undiscovered paleontological resources could be buried on the project site.

### Archaeological Resources

Archaeological resources may be considered either “unique archeological resources” or “historical resources” as defined by CEQA and described previously. CEQA Section 21083.2 defines a “unique archeological resource” as an archeological artifact, object, or site for which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it:

- Contains information needed to answer important scientific research questions, and there is a demonstrable public interest in that information;
- Has a special and particular quality, such as being the oldest of its type or the best available example of its type; and/or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

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<sup>4</sup> Helley, E.J., K.R. La Joie, W.E. Spangle, and M.L. Blair, 1979, Flatland Deposits of the San Francisco Bay Region.

<sup>5</sup> Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California, <https://www.sanjoseca.gov/DocumentCenter/View/2208>, accessed November 7, 2018.

<sup>6</sup> Maguire, Kaitlin, and Holroyd, Patricia, 2016, Pleistocene vertebrates of Silicon Valley (Santa Clara County, California). In *PaleoBios: Volume 33* 1-14. University of California Museum of Paleontology, <https://escholarship.org/uc/item/3k43832x>, accessed November 7, 2018. .

## CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

According to the Campbell General Plan EIR published in July 2001, a records search indicated that only one prehistoric archeological site has been recorded in the City of Campbell. However, few archeological studies have been conducted within the city limit. Although there have been few archaeological sites recorded in the City of Campbell, this is likely because there have been few archaeological studies completed within the city, and not because there is a lack of prehistoric resources.<sup>7</sup>

Modern development and urbanization may have resulted in the burial of cultural or prehistoric resources.<sup>8</sup> Therefore, it is possible that undiscovered archaeological resources could be found on the project site.

### Historical Resources

The National Register includes buildings at least 50 years old, unless deemed to be of exceptional importance. The California State Office of Historic Preservation includes buildings, structures and objects 45 years or older on the California Register. There are no local, State, or federally recognized historic properties within or near the project site.<sup>9,10</sup> According to the City's Historic Resources Inventory and the Historic Inventory Map, there are no architecturally distinctive buildings on the project site. Though the existing building was constructed in the 1971, and meets the age requirement for inclusion on the California Register, the building lacks the potential to meet the criteria set forth by the Campbell Municipal Code as stated above.

### 4.4.2 STANDARDS OF SIGNIFICANCE

The proposed project would result in a significant cultural resources impact if it would:

1. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.
2. Cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 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.
5. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.
6. In combination with past, present, and reasonably foreseeable projects, result in significant cumulative impacts with respect to cultural resources and tribal cultural resources.

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<sup>7</sup> City of Campbell, 2001, City of Campbell General Plan EIR, page 146.

<sup>8</sup> City of Campbell, 2001, City of Campbell General Plan EIR, page 146.

<sup>9</sup> California State Office of Historic Preservation, California Historic Resources, <http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43> accessed July 27, 2018.

<sup>10</sup> National Parks Service US Department of the Interior, National Register of Historic Places, <http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome>, accessed August 3, 2018.

## CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

### 4.4.3 IMPACT DISCUSSION

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<b>CULT-1</b>	<b>The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.</b>
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The types of cultural resources that meet the definition of historical resources under PRC Section 21084.146<sup>11</sup> generally consist of districts, sites, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations. Under CEQA, both prehistoric and historic-period archaeological sites may qualify based on historical associations.<sup>12</sup> As such, the two main historical resources that are subject to impact, and that may be impacted by development allowed under the proposed project, are historical archaeological deposits and historical architectural resources. Impacts to historical archaeological resources are discussed under impact discussion CULT-2 below.

The federal, State, and City historic registers do not indicate any historically or architecturally significant buildings designated on the project site. The existing structure on the project site is not of historical significance, and is not listed on any federal, State, or City historic registers. Additionally, the project site is not located within a historic preservation district, nor is it identified as a historic landmark.<sup>13</sup> Therefore, with no historical resource on the project site, there would be *no impact* as a result of project implementation.

**Significance without Mitigation:** No impact.

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<b>CULT-2</b>	<b>The proposed project would have the potential to cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5.</b>
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Archaeological deposits that meet the definition of unique archaeological resources under PRC Section 21083.2(g) could be damaged or destroyed by ground-disturbing construction activities (e.g., site preparation, grading, excavation, and trenching for utilities) associated with development allowed under the proposed project. Should this occur, the ability of the deposits to convey their significance, either as containing information in prehistory or history, or as possessing traditional or cultural significance to Native American or other descendant communities, would be materially impaired. In addition to the potential presence of unrecorded Native American archaeological sites, it is possible that some significant archaeological deposits may exist on the project site.

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<sup>11</sup> The California Environmental Quality Act Statute is contained in Sections 21000 et seq. of the Public Resource Code.

<sup>12</sup> California Code of Regulations, Title 14, Chapter 3, Section 15064.5(c), Determining the Significance of Impacts on Historical and Unique Archaeological Resources.

<sup>13</sup> City of Campbell, <https://www.ci.campbell.ca.us/DocumentCenter/View/5868/Historic-Resource-Inventory-?bidId=>, accessed July 27, 2018.

## CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

As discussed above, the project site is not located within any area identified by the City of Campbell as being of important historical significance. Prior grading and development on the project site suggests a low possibility of unearthing archaeological artifacts. Additionally, the proposed project does not include any major excavation component, such as underground parking, and therefore, would not involve substantially more ground-disturbing activities than previous uses.

The City of Campbell General Plan protects the unearthing of archaeological artifacts with Goal CNR-1, specifically with General Plan Strategy CNR-1.1b, which sets forth guidelines in the event an archaeological resource is discovered during project construction. Without mitigation, potentially unearthing archaeological artifacts on the project site would result in a *significant* impact.

**Significance without Mitigation:** Significant.

**Impact CULT-2:** Implementation of the proposed project would have the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

**Mitigation Measure CULT-2:** If archaeological resources are encountered during excavation or construction, construction personnel shall be instructed to immediately suspend all activity in the immediate vicinity of the suspected resources and the City and a licensed archeologist shall be contacted to evaluate the situation. A licensed archeologist shall be retained to inspect the discovery and make any necessary recommendations to evaluate the find under current CEQA guidelines prior to the submittal of a resource mitigation plan and monitoring program to the City for review and approval prior to the continuation of any on-site construction activity.

**Significance with Mitigation:** Less than significant.

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<b>CULT-3</b>	<b>The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature.</b>
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Although no known paleontological resources have been recorded near or on the project site, there could be fossils of potential scientific significance and other unique geologic features that are not recorded. It is possible that ground-disturbing construction associated with development under the proposed project could reach significant depths below the ground surface. Should this occur, damage to, or destruction of, paleontological resources or unique geologic features could result.

General Plan Strategy CNR-1.1b discusses the actions to be taken if archaeological resources are discovered; however, it does not clarify any policies related to paleontological resources that would serve to protect unknown resources. As such, ground-disturbing activities associated with development under the proposed project would have the potential to uncover and adversely affect unknown resources. This is a *significant* impact.

**Significance without Mitigation:** Significant.



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## CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

**Impact CULT-3:** Implementation of the proposed project would have the potential to directly or indirectly affect a unique paleontological resources or site, or unique geological feature.

**Mitigation Measure CULT-3:** In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The project plan shall be submitted to the City for review and approval prior to implementation.

**Significance with Mitigation:** Less than significant.

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### **CULT-4                      The proposed project would have the potential to disturb human remains, including those interred outside of formal cemeteries.**

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Human remains associated with pre-contact archaeological deposits may exist on the project site, as sometimes previously unrecorded human remains are encountered during development projects. The proposed project would allow new construction, and the associated ground-disturbing activities would have the potential to uncover and adversely affect human remains. Descendant communities may ascribe religious or cultural significance to such remains, and may view their disturbance as an immitigable impact.

Any human remains encountered during ground-disturbing activities associated with the proposed project would be subject to federal and State regulations, such as the California Health and Safety Code Section 7050.5, PRC Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken.

Without mitigation, potentially unearthing human remains on the project site would result in a *significant* impact.

**Significance without Mitigation:** Significant.

**Impact CULT-4:** Implementation of the proposed project would have the potential to disturb human remains, including those interred outside of formal cemeteries.

**Mitigation Measure CULT-4:** In the event a human burial or skeletal element is identified during excavation or construction, work in that location shall stop immediately until the find can be properly treated. The City and the Santa Clara County Coroner's office shall be notified. If deemed prehistoric,

## CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

the Coroner's office would notify the Native American Heritage Commission who would identify a "Most Likely Descendant (MLD)." The archeological consultant and MLD, in conjunction with the project sponsor, shall formulate an appropriate treatment plan for the find, which might include, but not be limited to, respectful scientific recording and removal, being left in place, removal and reburial on site, or elsewhere. Associated grave goods are to be treated in the same manner.

**Significance with Mitigation:** Less than significant.

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<b>CULT-5</b>	<b>The proposed project would have the potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.</b>
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A TCR is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, or object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register, or included in a local register of historical resources, or if the City of Campbell, acting as the lead agency, supported by substantial evidence, chooses at its discretion to treat the resources as a TCR. The City has not received any request from any Native American tribes in the geographic area with which it is traditionally and culturally affiliated to be notified about projects in Campbell.

No known archeological resources, ethnographic sites, or Native American remains are located on the project site. As discussed under impact discussions CULT-2 and CULT-4, without mitigation, potentially unearthing archaeological artifacts and human remains could be significant. These same mitigation measures would be required to address TCRs. Therefore, impacts to TCRs would be *significant*.

**Significance without Mitigation:** Significant.

**Impact CULT-5:** Implementation of the proposed project would have the potential to disturb tribal cultural resources.

**Mitigation Measure CULT-5:** Implement Mitigation Measures CULT-2 and CULT-4.

**Significance with Mitigation:** Less than significant.

### 4.4.4 CUMULATIVE IMPACTS

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<b>CULT-6</b>	<b>The proposed project would result in less-than-significant cumulative impacts with respect to cultural resources.</b>
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Cumulative cultural resource impacts would occur when a series of actions leads to the loss of a substantial type of site, building, or resource. For example, while the loss of a single historic building may not be significant to the character of a neighborhood or streetscape, continued loss of such resources on a project-by-project basis could constitute a significant cumulative effect. This is most obvious in historic districts, where destruction or alteration of a percentage of the contributing elements may lead to a loss

## CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

of integrity for the district overall. For example, changes to the setting or atmosphere of an area by adding modern structures on all sides of a historically significant building, thus altering the aesthetics of the streetscape, would create a significant impact. Destruction or relocation of historic buildings would also significantly impact the setting.

The project site does not contain any designated historic resources. As there are no significant historic structures and no known archaeological resources, paleontological resources, or human remains on the project site, development of the proposed project would not create or contribute to a cumulative impact to cultural resources. Mitigation Measures CULT-2 and CULT-3 would ensure that any buried archaeological or paleontological resources, including tribal cultural resources, if encountered, would be properly handled. Additionally, Mitigation Measure CULT-4 would ensure that any potential human remains, including tribal cultural resources, encountered during site excavation would be properly handled. Additionally, the existing federal, State, and local regulations and policies described throughout this chapter serve to protect any as-yet-undiscovered cultural resources in Campbell. Continued compliance with these regulations and implementation of existing City policies and requirements would preclude impacts to the maximum extent practicable.

Therefore, in combination with past, present, and reasonably foreseeable projects, the proposed project would result in a *less-than-significant* cumulative impact with respect to all cultural resources.

**Significance without Mitigation:** Less than significant.

## **CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES**

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## GEOLOGY, SOILS, AND SEISMICITY

### 4.5 GEOLOGY, SOILS, AND SEISMICITY

This chapter describes the regulatory framework and existing conditions on the project site related to geology and soils, and contains an evaluation of the potential environmental consequences associated with the construction and operation of the proposed project that are related to geology and soils.

The information in this section is based on the following technical study: Geotechnical Engineering Investigation Proposed In-N-Out Burger Restaurant, completed by Krazan and Associates on March 8, 2018. A complete copy of this report is included in Appendix D to this Draft EIR.

#### 4.5.1 ENVIRONMENTAL SETTING

##### 4.5.1.1 REGULATORY FRAMEWORK

###### **Federal**

###### *Clean Water Act*

Under the Clean Water Act (CWA) of 1977, the United States Environmental Protection Agency (EPA) seeks to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The statute employs a variety of regulatory and nonregulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The CWA authorizes the EPA to implement water quality regulations. Please see Chapter 4.8, Hydrology and Water Quality, of this Draft EIR for more detail.

###### *National Pollution Discharge Elimination System*

The National Pollution Discharge Elimination System (NPDES) permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems.

###### **State**

###### *Alquist-Priolo Earthquake Fault Zoning Act*

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures used for human occupancy.<sup>1</sup> The chief purpose of the Act is to prevent the construction of buildings used for human occupancy on top of active faults. The Act addresses the hazard of surface fault rupture. It does not address other earthquake-related hazards, such as ground shaking or seismically-induced landslides or liquefaction.<sup>2</sup>

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<sup>1</sup> Originally known as the Alquist-Priolo Special Studies Zones Act until renamed in 1993.

<sup>2</sup> California Geological Survey, 2017, Alquist-Priolo Earthquake Fault Zones, <https://www.conservation.ca.gov/cgs/alquist-priolo>, accessed November 15, 2018.

## **GEOLOGY, SOILS, AND SEISMICITY**

The law requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones or Alquist-Priolo Zones) around the surface traces of active faults, and to issue appropriate maps.<sup>3</sup> The maps are then distributed to the affected cities, counties, and State agencies for their use in planning and controlling new or renewed construction. In general, construction within 50 feet of an active fault zone is prohibited.

### *Seismic Hazards Mapping Act*

The Seismic Hazards Mapping Act was passed in 1990 to address earthquake hazards such as seismically induced liquefaction and landsliding. Under the Act, seismic hazard zones are mapped through the California Geological Survey's Seismic Hazards Zonation Program to identify areas prone to earthquake-induced liquefaction, landslides, and amplified ground shaking. The purpose of the Act is to reduce the threat to public health and safety and to minimize the loss of life and property that may result from earthquake-triggered ground failure. More specifically, Section 2691(c) of the Act states: "It is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety."<sup>4</sup> Section 2697(a) of the Act states: "Cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard."<sup>5</sup>

### *California Building Code*

The California Building Code (CBC) is included in Title 24, known as the California Building Standards Code, of the California Code of Regulations. The CBC incorporates the International Building Code, a model building code adopted across the United States. The CBC is updated every three years, and the current 2016 version took effect January 1, 2017.

### *Statewide General Construction Permit*

Construction projects of one acre or more are regulated under the General Construction Permit, Order No. 2012-0006-DWQ, issued by the State Water Resources Control Board in 2012. Projects obtain coverage by developing and implementing a Stormwater Pollution Prevention Plan estimating sediment risk from construction activities to receiving waters, and specifying Best Management Practices (BMPs) that would be used by the project to minimize pollution of stormwater.

## **Local**

The City's Municipal Code contains Chapter 14.02, Stormwater Pollution Control, relevant to potential geological impacts of the proposed project. The purpose of Chapter 14.02 is to provide minimum requirements designed to control the discharge of pollutants into the city municipal storm drain system

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<sup>3</sup> Earthquake Fault Zones are regulatory zones around active faults. The zones vary in width, but average about 0.25 miles wide.

<sup>4</sup> California Public Resource Code, Division 2, Chapter 7.8, Section 2691(c).

<sup>5</sup> California Public Resource Code, Division 2, Chapter 7.8, Section 2697(a).

## **GEOLOGY, SOILS, AND SEISMICITY**

and to assure that discharges from the city municipal storm drain system comply with applicable provisions of the CWA and the current NPDES Permit No. CA0029718 including amendments and California Regional Water Quality Control Board approvals.

### **4.5.1.2 EXISTING CONDITIONS**

#### **Regional Geology**

The project area is located south of the San Francisco Bay and east of the Santa Cruz Mountains within the northern portion of the Coast Ranges Geomorphic Province of California. The Coast Ranges are characterized by northwest-trending mountains (mostly 2,000 to 4,000 feet high) and valleys and extends from Ventura County to the Oregon Border. The Santa Cruz Mountains are about 5 miles south of the project site. The San Francisco Bay is one of the valleys (mostly flooded) in the Coast Ranges Province.

#### **Project Site**

Presently, the site is occupied by an existing unoccupied restaurant building and related improvements. Concrete curb, gutter, sidewalk, and landscaping consisting of small to medium size trees and shrubs are located along the edges of the site and throughout portions of the site. The remainder of the site is covered with concrete and asphaltic concrete pavements. Buried utility lines are located along the edges of the site and may extend into portions of the site. The site is relatively level with no major changes in grade.

Within areas not covered by pavement, the upper soils consisted of approximately 6 to 12 inches of very loose/soft clayey sand or sandy clay. These soils are disturbed, have low strength characteristics, and are highly compressible when saturated. Below the pavement section and loose surface soils, a site investigation encountered approximately 1 to 2 feet of fill material within a majority of the site (the fill extends to 7 ½ feet in one location of the site). Below the fill material, the investigation encountered approximately 2 to 3 feet of loose/firm to medium dense/stiff clayey sand, sandy clay, or clayey sand/sandy clay. Field and laboratory tests suggest that these soils are moderately strong, slightly compressible, and have a moderate expansion potential. Below 4 to 7½ feet, the investigation encountered layers of predominately loose/stiff to medium dense silty sand, clayey sand, or sandy silt, with trace clay and gravel. Field and laboratory tests suggest that these soils are moderately strong and slightly compressible.

A subsurface investigation did not encounter free groundwater within a depth of 42½ feet below existing site grade. Information obtained from the State of California Department of Water Resources indicates that groundwater has historically been encountered at depths greater than 50 feet within the project site vicinity.

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### Seismic Hazards

#### *Faults*

There are five major faults within about 15 miles of the project site (see Figure 4.5-1):

- Monte Vista-Shannon: 3.5 miles west of the project site.
- San Andreas: 8 miles west of the project site.
- Hayward: 12 miles north of the project site.
- Calaveras: 12 miles east of the project site.
- Zaynte-Vergeles: 14 miles north of the project site.

Although the site is in close proximity to several faults, the site is not within a State of California Earthquake Fault Zone or Special Study Zone for faulting.

#### *Ground Shaking*

The San Francisco Bay region is a seismically active region. Impacts from ground shaking could occur many miles from an earthquake epicenter. The potential severity of ground shaking depends on many factors, including the distance from the originating fault, the earthquake magnitude, and the nature of the earth materials beneath a given site. There are several known faults in the San Francisco Bay region. As with other areas in northern California, it is anticipated that the project site will likely be subject to strong ground shaking due to earthquakes on nearby faults.

The geotechnical investigation report prepared for the proposed project (see Appendix D) indicates that the estimated total seismic induced settlement is less than 0.5 inches. The differential seismic settlement is estimated to be less than 0.5 inches.

#### *Liquefaction*

Liquefaction refers to loose, saturated sand or silt deposits that behave as a liquid and lose their load-supporting capability when strongly shaken. Loose granular soils and silts that are saturated by relatively shallow groundwater are susceptible to liquefaction.

The project site is located within an area identified as a moderate susceptibility to liquefaction.<sup>6</sup>

#### *Landslides*

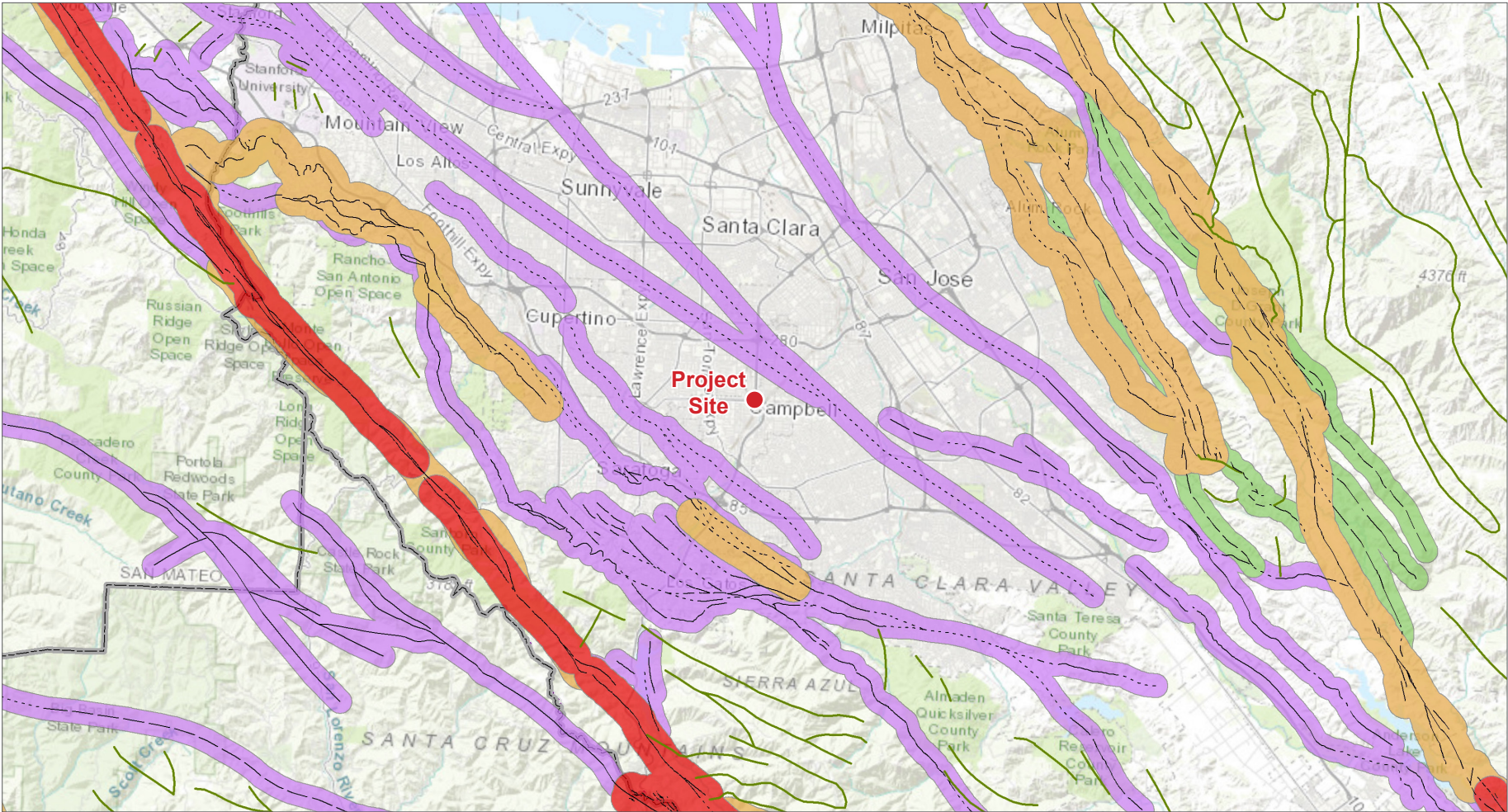
Landslides are the downslope movement of geologic materials. Slope failures in the form of landslides are common during strong seismic shaking in areas of steep hills. The project site is relatively level, and there is no landslide hazard on-site.

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<sup>6</sup> U.S. Geological Survey, 2006, U.S. Geological Survey Open-File Report 2006-1037, "Liquefaction Susceptibility, Central San Francisco Bay Region, California."



GEOLOGY, SOILS, AND SEISMICITY



Source: California Department of Conservation, 2018.

-  Fault along which historic (last 200 years) displacement has occurred
-  Holocene fault displacement (during past 11,700 years) without historic record
-  Late Quaternary fault displacement (during past 700,000 years)
-  Quaternary fault (age undifferentiated; Quaternary Period extends from the present to 1.6 million years before present)
-  Pre-Quaternary fault (older than 1.6 million years) or fault without recognized Quaternary displacement



NOTE: Fault traces on land are indicated by solid lines where well located, by dashed lines where approximately located or inferred, and by dotted lines where concealed by younger rocks or by lakes or bays.

Figure 4.5-1  
Fault Map

## GEOLOGY, SOILS, AND SEISMICITY

### Other Geologic Hazards

#### *Collapsible Soils*

Collapsible soils shrink upon being wetted and/or being subject to a load. A site investigation encountered sandy and gravelly cohesionless soil conditions of low to moderate strength up to a depth of 4 to 7.5 feet. Cohesionless soils are susceptible to collapse.

#### *Subsidence*

Land subsidence refers to the lowering of the ground surface due to extraction or lowering of water levels or other stored fluids within the subsurface soil pores, or due to seismic activity that can cause alluvial sediments to compact. The major cause of ground subsidence is withdrawal of groundwater. A subsurface investigation did not encounter free groundwater within a depth of 42½ feet below existing site grade. Therefore the site is considered at a low risk of subsidence.

#### *Expansive Soils*

Expansive soils contain substantial amounts of clay that swells when wetted and shrinks when dried; the swelling or shrinking can shift, crack, or break structures built on such soils. Below the fill material on-site lies a 2- to 3-foot soil layer with moderate expansion potential.

#### *Erosion*

Erosion is the movement of soil from place to place and is a natural process. The main natural agents of erosion in the region are wind and flowing water. Erosion can be accelerated dramatically by ground-disturbing activities if effective erosion control measures are not used. Soil can be carried off construction sites or bare land by wind and water and tracked off construction sites by vehicles.

The project site is fully developed with very little exposed soils and no water courses on site. Therefore, the potential for soil erosion on the site is negligible.

### 4.5.2 STANDARDS OF SIGNIFICANCE

The proposed project would result in a significant impact to geology and soils if it would:

1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42.
  - Strong seismic ground shaking.
  - Seismic-related ground failure, including liquefaction.
  - Landslides.

## GEOLOGY, SOILS, AND SEISMICITY

2. Result in substantial soil erosion or the loss of topsoil.
3. Result in a significant impact related to development on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
4. Create substantial risks to life or property as a result of its location on expansive soil, as defined Section 1803.5.3 of the California Building Code, creating substantial risks to life or property.
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater.
6. In combination with past, present, and reasonably foreseeable projects, result in significant cumulative impacts with respect to geology and soils.

Pursuant to a 2015 California Supreme Court decision (*California Building Industry Association vs. Bay Area Air Quality Management District*, 62 Cal.4th 369), impacts of the environment on a project are now excluded from CEQA with certain exceptions. One exception is where development of a project would exacerbate an existing hazard. Two examples of this are: 1) where ground disturbance by a project could expose people and/or the environment to existing soil contamination and 2) a project contributing to the potential for soil collapse by wetting soil (such as by irrigation) and/or placing a load (such as a building) on soil. However, a project attracting increased numbers of people to a place affected by an existing hazard, for instance by building structures on an active fault, is no longer an impact within the purview of CEQA. Therefore, the analysis for most of the following thresholds focuses on whether the project development would exacerbate an existing hazard.

### 4.5.3 IMPACT DISCUSSION

<b>GEO-1</b>	<b>The project would not exacerbate hazards from surface rupture of a known active fault, strong seismic ground shaking, seismic-related ground failure, or landslides.</b>
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No known faults cross the project site, and the nearest known active fault to the site is the Monte Vista Shannon Fault about 3.5 miles to the west. Surface rupture of a known active fault is not a hazard on-site.

Ground shaking on-site is expected to occur in the design lifetimes of the proposed buildings. The geotechnical investigation indicates that the estimated total seismic induced settlement is less than 0.5 inches. The differential seismic settlement is estimated to be less than 0.5 inches.

Project development would not exacerbate hazards from ground shaking. Project design and construction would conform to the design criteria in the geotechnical investigation and with 2016 CBC standards for earthquake resistance and the seismic design criteria provided in the geotechnical investigation report. The CBC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock on-site, and the strength of ground motion with a specified probability at the site.

## GEOLOGY, SOILS, AND SEISMICITY

The project site is located within an area identified as a moderate susceptibility to liquefaction. However, the historic groundwater depth within the project site and vicinity has been determined to be greater than 50 feet. The geotechnical investigation conducted for the proposed project indicated that soils above a depth of 50 feet are non-liquefiable due to the absence of groundwater. Therefore, the impact of liquefaction would not be significant.

The project site is relatively level; thus, there is no landslide hazard on-site that would be exacerbated by project development.

Compliance with existing building regulations and adherence to the project geotechnical investigation would ensure that existing geological and seismic hazards would not be exacerbated; therefore, impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>GEO-2</b>	<b>The project would not result in substantial soil erosion or the loss of topsoil.</b>
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Clearing, grading, excavation, demolition, and construction activities associated with the proposed project could cause soil erosion and increase the amount of silt and debris carried in runoff.

To minimize these potential impacts, the proposed project would be required to comply with the Statewide General Construction Permit as well as prepare a stormwater pollution prevention plan that requires the incorporation of BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. Because the project would disturb 1 or more acres, coverage under the Statewide General Construction Permit would apply. The General Construction Permit also requires that, prior to the start of construction activities, the project applicant must file Permit Registration Documents with the State Water Resources Control Board, which includes a Notice of Intent, risk assessment, site map, annual fee, signed certification statement, stormwater pollution prevention plan, and post-construction water balance calculations.

In addition, the project must comply with the City Campbell's existing regulatory requirements, including: Chapter 14.02, Stormwater Pollution Control, which is designed to reduce pollutants in stormwater discharges to the maximum extent practicable.

Adherence to applicable water quality regulations, preparation of a stormwater pollution prevention plan, and compliance with the City of Campbell's Municipal Code would ensure that soil erosion is minimized during construction. Consequently, soil erosion impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

## GEOLOGY, SOILS, AND SEISMICITY

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<b>GEO-3</b>	<b>The project would not result in a significant impact related to development on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.</b>
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### Liquefaction and Lateral Spreading

Lateral spreading is the downslope movement of surface sediment due to liquefaction in a subsurface layer. As described under impact discussion GEO-1, project development would not exacerbate liquefaction hazards. Therefore, the project would not create impacts associated with liquefaction or lateral spreading.

### Landslide

As described under impact discussion GEO-1, the project site and surroundings are nearly level and are not subject to landslides. Therefore, the project would not create impacts associated with landslides.

### Subsidence

The major cause of ground subsidence is the excessive withdrawal of groundwater. Project construction would not involve dewatering, since the groundwater level is below 50 feet and the project does not involve subterranean parking or basement development. Therefore, project development would not exacerbate subsidence hazards.

### Collapsible Soils

The site investigation for the project encountered sandy and gravelly cohesionless soil conditions of low to moderate strength up to a depth of 4 to 7.5 feet. These cohesionless soils have a tendency to cave in utility trench wall excavation.

The geotechnical investigation report prepared for the project includes recommendations for utility trench excavations. Utility trenches should be excavated according to accepted engineering practice following Occupational Safety and Health Administration standards by a Contractor experienced in such work. Traffic and vibration adjacent to trench walls should be reduced; cyclic wetting and drying of excavation side slopes should be avoided. Utility trench backfill placed in or adjacent to buildings and exterior slabs should be compacted to at least 90 percent of maximum density. The utility trench backfill placed in pavement areas should be compacted to at least 90 percent of maximum density. Pipe bedding should be in accordance with pipe manufacturer's recommendations. The Contractor is responsible for removing all water-sensitive soils from the trench regardless of the backfill location and compaction requirements.

Furthermore, shoring or sloping back trench sidewalls may be required within these sandy and gravelly soils.

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With the implementation of the geotechnical report recommendations, impacts related to collapsible soils would be less than significant.

### Summary

No significant impact arising from any of the types of unstable soils addressed in this section would occur. Therefore, the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>GEO-4</b>	<b>The project would not create substantial risks to life or property as a result of its location on expansive soil, as defined Section 1803.5.3 of the California Building Code.</b>
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On-site clayey soils appear to have a moderate shrink/swell potential. To reduce the potential for soil movement related to shrink/swell potential of the clayey soils, the geotechnical investigation report recommends that slab-on-grade and exterior flatwork areas be supported by at least 24 inches of non-expansive engineered fill. The fill material should be a well-graded silty sand or sandy silt soil. A clean sand or very sandy soil is not acceptable for this purpose. It is also recommended that fill materials that have not been properly compacted and certified be excavated and stockpiled so that the native soils can be properly prepared. The geotechnical investigation report includes detailed recommendations for potential soil movement related to shrink/swell potential (see Appendix D of this Draft EIR).

Project design and construction would comply with recommendations of the geotechnical investigation report. Because these recommendations are incorporated into the project, the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>GEO-5</b>	<b>Project development would involve installation of new sewer laterals and would not use alternative wastewater disposal systems.</b>
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Project development would include installation of new sewer laterals connecting to existing sewer mains in surrounding roadways. Project development would not use septic tanks or other alternative wastewater disposal systems. Therefore, *no impact* would occur.

**Significance without Mitigation:** No impact.

## 4.5.4 CUMULATIVE IMPACTS

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<b>GEO-6</b>	<b>The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to geology and soils.</b>
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## **GEOLOGY, SOILS, AND SEISMICITY**

Geology and soils impacts are site specific and generally do not combine to result in cumulative impacts. Additionally, CEQA is concerned with whether project implementation exacerbates existing hazards on site. Similar to the proposed project, future development projects would be required to comply with applicable State and local building regulations including the CBC and the City of Campbell's Municipal Code Chapter 18.04. Site-specific geologic hazards would be addressed in each project's geotechnical investigation. Therefore, no significant cumulative impact would occur. The impact is *less than significant*.

**Significance Without Mitigation:** Less than significant.

## **GEOLOGY, SOILS, AND SEISMICITY**

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**GREENHOUSE GAS EMISSIONS**

## 4.6 GREENHOUSE GAS EMISSIONS

This chapter evaluates the potential environmental impacts associated with development of the proposed project. This chapter provides a summary of the relevant regulatory setting necessary to evaluate potential environmental impacts resulting from the proposed project and describes potential impacts based in part on the *499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study* prepared by Meridian Consultants, which is included in Appendix C of this Draft EIR.

The following are definitions for terms used throughout this section.

- **Greenhouse gases (GHG).** Gases in the atmosphere that absorb infrared light, thereby retaining heat in the atmosphere and contributing to a greenhouse effect.
- **Global warming potential (GWP).** Metric used to describe how much heat a molecule of a greenhouse gas absorbs relative to a molecule of carbon dioxide (CO<sub>2</sub>) over a given period of time (20, 100, and 500 years). CO<sub>2</sub> has a GWP of 1.
- **Carbon dioxide-equivalent (CO<sub>2</sub>e).** The standard unit to measure the amount of greenhouse gases in terms of the amount of CO<sub>2</sub> that would cause the same amount of warming. CO<sub>2</sub>e is based on the GWP ratios between the various GHGs relative to CO<sub>2</sub>.
- **MTCO<sub>2</sub>e.** Metric ton of CO<sub>2</sub>e.
- **MMTCO<sub>2</sub>e.** Million metric tons of CO<sub>2</sub>e.

### 4.6.1 ENVIRONMENTAL SETTING

#### 4.6.1.1 GREENHOUSE GASES AND CLIMATE CHANGE

Scientists have concluded that human activities contribute to global climate change by adding large amounts of heat-trapping gases, known as GHG, to the atmosphere. The primary source of GHGs is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs—water vapor, CO<sub>2</sub>, methane (CH<sub>4</sub>), and ozone (O<sub>3</sub>)—that may cause an increase in global average temperatures observed within the 20<sup>th</sup> and 21<sup>st</sup> centuries. Other GHGs identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.<sup>1,2,3</sup> The major GHGs are briefly described as follows:

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<sup>1</sup> Intergovernmental Panel on Climate Change, 2001, Third Assessment Report: Climate Change 2001, New York: Cambridge University Press.

<sup>2</sup> Water vapor (H<sub>2</sub>O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant because it is considered part of the feedback loop of changing radiative forcing rather than a primary cause of change.

<sup>3</sup> Black carbon contributes to climate change both directly, by absorbing sunlight, and indirectly, by depositing on snow (making it melt faster) and by interacting with clouds and affecting cloud formation. Black carbon is the most strongly light-absorbing component of particulate matter (PM) emitted from burning fuels such as coal, diesel, and biomass. Reducing black carbon emissions globally can have immediate economic, climate, and public health benefits. California has been an international leader in reducing emissions of black carbon, with close to 95 percent control expected by 2020 due to existing programs that target reducing PM from diesel engines and burning activities (California Air Resources Board, 2017, March 14. Short-Lived

## GREENHOUSE GAS EMISSIONS

- **Carbon dioxide (CO<sub>2</sub>)** enters the atmosphere through the burning of fossil fuels (oil, natural gas, and coal), solid waste, trees and wood products, and respiration, and also as a result of other chemical reactions (e.g., manufacture of cement). Carbon dioxide is removed from the atmosphere (sequestered) when it is absorbed by plants as part of the biological carbon cycle.
- **Methane (CH<sub>4</sub>)** is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and from the decay of organic waste in municipal landfills and water treatment facilities.
- **Nitrous oxide (N<sub>2</sub>O)** is emitted during agricultural and industrial activities as well as during combustion of fossil fuels and solid waste.

GHGs are dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. Some GHGs have a stronger greenhouse effect than others. These are referred to as high GWP gases. The GWP of applicable GHG emissions are shown in Table 4.6-1. The GWP is used to convert GHGs to CO<sub>2</sub>e to show the relative potential that different GHGs have to contribute to the greenhouse effect. For example, under IPCC's Fourth Assessment Report (AR4) GWP values for methane (CH<sub>4</sub>), a project that generates 10 metric tons (MT) of CH<sub>4</sub> would be equivalent to 250 MT of CO<sub>2</sub>.<sup>4</sup>

**TABLE 4.6-1 GREENHOUSE GAS EMISSIONS AND THEIR RELATIVE GLOBAL WARMING POTENTIAL COMPARED TO CO<sub>2</sub>**

GHGs	Second Assessment Report Atmospheric Lifetime (Years)	Fourth Assessment Report Atmospheric Lifetime (Years)	Second Assessment Report Global Warming Potential Relative to CO <sub>2</sub> <sup>a</sup>	Fourth Assessment Report Global Warming Potential Relative to CO <sub>2</sub> <sup>a</sup>
Carbon Dioxide (CO <sub>2</sub> )	50 to 200	50 to 200	1	1
Methane <sup>b</sup> (CH <sub>4</sub> )	12 (±3)	12	21	25
Nitrous Oxide (N <sub>2</sub> O)	120	114	310	298

Note: The IPCC has published updated global warming potential (GWP) values in its Fifth Assessment Report<sup>5</sup> that reflect new information on atmospheric lifetimes of GHGs and an improved calculation of the radiative forcing of CO<sub>2</sub> (radiative forcing is the difference of energy from sunlight received by the earth and radiated back into space).

a. Based on 100-year time horizon of the GWP of the air pollutant relative to CO<sub>2</sub>.

b. The methane GWP includes direct effects and indirect effects due to the production of tropospheric ozone and stratospheric water vapor. The indirect effect due to the production of CO<sub>2</sub> is not included.

Source: Intergovernmental Panel on Climate Change, 1995, Second Assessment Report: Climate Change 1995; Intergovernmental Panel on Climate Change, 2007, Fourth Assessment Report: Climate Change 2007, New York: Cambridge University Press.

Climate Pollutant Reduction Strategy, <https://www.arb.ca.gov/cc/shortlived/shortlived.htm>). However, State and national GHG inventories do not include black carbon due to ongoing work resolving the precise global warming potential of black carbon. Guidance for CEQA documents does not yet include black carbon.

<sup>4</sup> CO<sub>2</sub>-equivalence is used to show the relative potential that different GHGs have to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. The global warming potential of a GHG is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere.

<sup>5</sup> Intergovernmental Panel on Climate Change, 2013, Fifth Assessment Report: Climate Change 2013, New York: Cambridge University Press.

**GREENHOUSE GAS EMISSIONS****California's Greenhouse Gas Sources and Relative Contribution**

In 2018, the statewide GHG emissions inventory was updated for 2000 to 2016 emissions using the GWPs in IPCC's AR4.<sup>6</sup> Based on these GWPs, California produced 429.4 MMTCO<sub>2</sub>e GHG emissions in 2016. California's transportation sector was the single largest generator of GHG emissions, producing 40.5 percent of the state's total emissions, while the industrial sector emissions made up 23.4 percent, and electric power generation made up 16.1 percent of the State's emissions inventory. Other major sectors of GHG emissions include commercial and residential (12.0 percent), agriculture and forestry (7.9 percent) and other (solvents and chemicals) at 0.2 percent.<sup>7</sup>

California's GHG emissions have followed a declining trend since 2007. In 2016, emissions from routine GHG emitting activities statewide were 429 MMTCO<sub>2</sub>e, 12 MMTCO<sub>2</sub>e lower than 2015 levels or 12 MMTCO<sub>2</sub>e lower than 2015 levels. This represents an overall decrease of 13 percent since peak levels in 2004 and 2 MMTCO<sub>2</sub>e below the 1990 level and the State's 2020 GHG target. During the 2000 to 2016 period, per capita GHG emissions in California have continued to drop from a peak in 2001 of 14.0 MTCO<sub>2</sub>e per capita to 10.8 MTCO<sub>2</sub>e per capita in 2016, a 23 percent decrease. Overall trends in the inventory also demonstrate that the carbon intensity of California's economy (the amount of carbon pollution per million dollars of gross domestic product (GDP)) is declining, representing a 38 percent decline since the 2001 peak, while the state's GDP has grown 41 percent during this period.<sup>8</sup>

**Human Influence on Climate Change**

For approximately 1,000 years before the Industrial Revolution, the amount of GHGs in the atmosphere remained relatively constant. During the 20th century, however, scientists observed a rapid change in the climate and the quantity of climate change pollutants in the Earth's atmosphere that is attributable to human activities. The amount of CO<sub>2</sub> in the atmosphere has increased by more than 35 percent since preindustrial times and has increased at an average rate of 1.4 parts per million per year since 1960, mainly due to combustion of fossil fuels and deforestation.<sup>9</sup> These recent changes in the quantity and concentration of climate change pollutants far exceed the extremes of the ice ages, and the global mean temperature is warming at a rate that cannot be explained by natural causes alone. Human activities are directly altering the chemical composition of the atmosphere through the buildup of climate change pollutants.<sup>10</sup> In the past, gradual changes in the earth's temperature changed the distribution of species, availability of water, and other environmental changes. However, human activities are accelerating this

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<sup>6</sup> Methodology for determining the statewide GHG inventory is not the same as the methodology used to determine statewide GHG emissions under Assembly Bill 32 (2006).

<sup>7</sup> California Air Resources Board, 2018, 2018 Edition California Greenhouse Gas Inventory for 2000-2016: By Category as Defined in the 2008 Scoping Plan, <https://www.arb.ca.gov/cc/inventory/data/data.htm>, accessed November 20, 2018.

<sup>8</sup> California Air Resources Board, 2018, California Greenhouse Emissions for 2000 to 2016 – Trends of Emissions and Other Indicators, <https://www.arb.ca.gov/cc/inventory/data/data.htm>, accessed November 20, 2018.

<sup>9</sup> Intergovernmental Panel on Climate Change, 2007, Fourth Assessment Report: Climate Change 2007, New York: Cambridge University Press.

<sup>10</sup> California Climate Action Team, 2006, Climate Action Team Report to Governor Schwarzenegger and the Legislature.

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process so that environmental impacts associated with climate change no longer occur in a geologic time frame but within a human lifetime.<sup>11</sup>

Like the variability in the projections of the expected increase in global surface temperatures, the environmental consequences of gradual changes in the Earth's temperature are hard to predict. Projections of climate change depend heavily upon future human activity. Therefore, climate models are based on different emission scenarios that account for historical trends in emissions and on observations of the climate record that assess the human influence of the trend and projections for extreme weather events. Climate-change scenarios are affected by varying degrees of uncertainty. For example, there are varying degrees of certainty on the magnitude of the trends for:

- Warmer and fewer cold days and nights over most land areas.
- Warmer and more frequent hot days and nights over most land areas.
- An increase in frequency of warm spells/heat waves over most land areas.
- An increase in frequency of heavy precipitation events (or proportion of total rainfall from heavy falls) over most areas.
- Larger areas affected by drought.
- Intense tropical cyclone activity increases.
- Increased incidence of extreme high sea level (excluding tsunamis).

### Potential Climate Change Impacts for California

Observed changes over the last several decades across the western United States reveal clear signs of climate change. Statewide average temperatures increased by about 1.7 degrees Fahrenheit (°F) from 1895 to 2011, and warming has been greatest in the Sierra Nevada.<sup>12</sup> The years from 2014 through 2016 have shown unprecedented temperatures with 2014 being the warmest.<sup>13</sup> By 2050, California is projected to warm by approximately 2.7°F above 2000 averages, a threefold increase in the rate of warming over the last century. By 2100, average temperatures could increase by 4.1 to 8.6°F, depending on emissions levels.<sup>14</sup>

In California and western North America, observations of the climate have shown: 1) a trend toward warmer winter and spring temperatures; 2) a smaller fraction of precipitation falling as snow; 3) a decrease in the amount of spring snow accumulation in the lower and middle elevation mountain zones; 4) advanced shift in the timing of snowmelt of 5 to 30 days earlier in the spring; and 5) a similar shift (5 to 30 days earlier) in the timing of spring flower blooms.<sup>15</sup> Overall, California has become drier over time with 5 of the 5 years of severe to extreme drought occurring between 2007 and 2016, with

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<sup>11</sup> Intergovernmental Panel on Climate Change, 2007, Fourth Assessment Report: Climate Change 2007, New York: Cambridge University Press.

<sup>12</sup> California Climate Change Center, 2012, Our Changing Climate 2012: Vulnerability and Adaptation to the Increasing Risks from Climate Change in California.

<sup>13</sup> Office of Environmental Health Hazards Assessment, 2018, Indicators of Climate Change in California, <https://oehha.ca.gov/media/downloads/climate-change/report/2018caindicatorsreportmay2018.pdf>, accessed July 16, 2018.

<sup>14</sup> California Climate Change Center, 2012, Our Changing Climate 2012: Vulnerability and Adaptation to the Increasing Risks from Climate Change in California.

<sup>15</sup> California Climate Action Team, 2006, Climate Action Team Report to Governor Schwarzenegger and the Legislature.

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unprecedented dry years occurring in 2015 and 2015.<sup>16</sup> Statewide precipitation has become increasingly variable from year to year with the driest consecutive 4 years occurring from 2012 to 2015.<sup>17</sup> According to the California Climate Action Team—a committee of state agency secretaries and the heads of agencies, boards, and departments, led by the Secretary of the California Environmental Protection Agency—even if actions could be taken to immediately curtail climate change emissions, the potency of emissions that have already built up, their long atmospheric lifetimes (see Table 4.6-1), and the inertia of the Earth's climate system could produce as much as 0.6 degrees Celsius (°C) (1.1°F) of additional warming. Consequently, some impacts from climate change are now considered unavoidable. Global climate change risks to California are shown in Table 4.6-2 and include impacts to public health, water resources, agriculture, coastal sea level, forest and biological resources, and energy.

**TABLE 4.6-2 SUMMARY OF GHG EMISSIONS RISK TO CALIFORNIA**

<b>Impact Category</b>	<b>Potential Risks</b>
Public Health Impacts	Heat waves will be more frequent, hotter, and longer Poor air quality made worse Higher temperatures increase ground-level ozone (i.e., smog) levels
Water Resource Impacts	Decreasing Sierra Nevada snow pack Challenges in securing adequate water supply Potential reduction in hydropower Loss of winter recreation
Agricultural Impacts	Increasing temperature Increasing threats from pests and pathogens Expanded ranges of agricultural weeds Declining productivity Irregular blooms and harvests
Coastal Sea Level Impacts	Accelerated sea level rise Increasing coastal floods Shrinking beaches Worsened impacts on infrastructure
Forest and Biological Resource Impacts	Increased risk and severity of wildfires Lengthening of the wildfire season Movement of forest areas Conversion of forest to grassland Declining forest productivity Increasing threats from pest and pathogens Shifting vegetation and species distribution Altered timing of migration and mating habits Loss of sensitive or slow-moving species

Sources: California Climate Change Center, 2012, Our Changing Climate 2012: Vulnerability and Adaptation to the Increasing Risks from Climate Change in California; California Energy Commission, 2006, Our Changing Climate: Assessing the Risks to California, 2006 Biennial Report, CEC-500-2006-077; California Energy Commission, 2009, The Future Is Now: An Update on Climate Change Science, Impacts, and Response Options for California. CEC-500-2008-0077; California Natural Resources Agency, 2014, Safeguarding California: Reducing Climate Risk, An Update to the 2009 California Climate Adaptation Strategy.

<sup>16</sup> Office of Environmental Health Hazards Assessment, 2018, Indicators of Climate Change in California, <https://oehha.ca.gov/media/downloads/climate-change/report/2018caindicatorsreportmay2018.pdf>, accessed July 16, 2018.

<sup>17</sup> Office of Environmental Health Hazards Assessment, 2018, Indicators of Climate Change in California, <https://oehha.ca.gov/media/downloads/climate-change/report/2018caindicatorsreportmay2018.pdf>, accessed July 16, 2018.

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- **Water Resources Impacts.** By late this century, all projections show drying, and half of the projections suggest that the 30-year average precipitation will decline by more than 10 percent below the historical average. This drying trend is caused by an apparent decline in the frequency of rain and snowfall. Even in projections with relatively little or no decline in precipitation, central and southern parts of the state are expected to be drier from the warming effects alone because the spring snowpack will melt sooner, and the moisture in soils will evaporate during long dry summer months.<sup>18</sup>
- **Wildfire Risks.** Earlier snowmelt, higher temperatures, and longer dry periods over a longer fire season will directly increase wildfire risk. Indirectly, wildfire risk will also be influenced by potential climate-related changes in vegetation and ignition potential from lightning. Human activities will continue to be the biggest factor in ignition risk. The number of large fires statewide is estimated to increase by 58 percent to 128 percent above historical levels by 2085. Under the same emissions scenario, estimated burned area will increase by 57 percent to 169 percent, depending on location.<sup>19</sup>
- **Health Impacts.** Many of the gravest threats to public health in California stem from the increase of extreme conditions, principally more frequent, more intense, and longer heat waves. Particular concern centers on the increasing tendency for multiple hot days in succession, and simultaneous heat waves in several regions throughout the state. Public health could also be affected by climate change impacts on air quality, food production, the amount and quality of water supplies, energy pricing and availability, and the spread of infectious diseases. Higher temperatures also increase ground-level ozone levels. Furthermore, wildfires can increase particulate air pollution in the major air basins of California.<sup>20</sup>
- **Increase Energy Demand.** Increases in average temperature and higher frequency of extreme heat events combined with new residential development across the state will drive up the demand for cooling in the increasingly hot and longer summer season and decrease demand for heating in the cooler season. Warmer, drier summers also increase system losses at natural gas plants (reduced efficiency in the electricity generation process at higher temperatures) and hydropower plants (lower reservoir levels). Transmission of electricity will also be affected by climate change. Transmission lines lose 7 percent to 8 percent of transmitting capacity in high temperatures while needing to transport greater loads. This means that more electricity needs to be produced to make up for the loss in capacity and the growing demand.<sup>21</sup>

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<sup>18</sup> California Council on Science and Technology, 2012, California's Energy Future: Portraits of Energy Systems for Meeting Greenhouse Gas Reduction Targets, <https://ccst.us/wp-content/uploads/2012ghg.pdf>, accessed November 21, 2018.

<sup>19</sup> California Council on Science and Technology, 2012, California's Energy Future: Portraits of Energy Systems for Meeting Greenhouse Gas Reduction Targets, <https://ccst.us/wp-content/uploads/2012ghg.pdf>, accessed November 21, 2018.

<sup>20</sup> California Council on Science and Technology, 2012, California's Energy Future: Portraits of Energy Systems for Meeting Greenhouse Gas Reduction Targets, <https://ccst.us/wp-content/uploads/2012ghg.pdf>, accessed November 21, 2018.

<sup>21</sup> California Council on Science and Technology, 2012, California's Energy Future: Portraits of Energy Systems for Meeting Greenhouse Gas Reduction Targets, <https://ccst.us/wp-content/uploads/2012ghg.pdf>, accessed November 21, 2018.

**GREENHOUSE GAS EMISSIONS****4.6.1.2 REGULATORY FRAMEWORK**

This section summarizes key federal, State, regional, and City regulations and programs related to GHG emissions resulting from the proposed project.

**Federal Regulations**

The United States Environmental Protection Agency (EPA) announced on December 7, 2009 that GHG emissions threaten the public health and welfare of the American people and that GHG emissions from on-road vehicles contribute to that threat. The EPA's final findings respond to the 2007 U.S. Supreme Court decision that GHG emissions fit within the Clean Air Act definition of air pollutants. The findings did not themselves impose any emission reduction requirements, but allowed the EPA to finalize the GHG standards proposed in 2009 for new light-duty vehicles as part of the joint rulemaking with the Department of Transportation.<sup>22</sup>

To regulate GHGs from passenger vehicles, the EPA was required to issue an endangerment finding.<sup>23</sup> The finding identifies emissions of six key GHGs: CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HCFCs, PFCs, and SF<sub>6</sub>. The first three are applicable to the project's GHG emissions inventory because they constitute the majority of GHG emissions and, per Bay Area Air Quality Management District (Air District) guidance, are the GHG emissions that should be evaluated as part of a project's GHG emissions inventory.

*US Mandatory Report Rule for Greenhouse Gases (2009)*

In response to the endangerment finding, the EPA issued the Mandatory Reporting of GHG Rule that requires substantial emitters of GHG emissions (large stationary sources, etc.) to report GHG emissions data. Facilities that emit 25,000 metric tons (MT) or more of CO<sub>2</sub>e per year are required to submit an annual report.

*Update to Corporate Average Fuel Economy Standards (2010 to 2012)*

The current Corporate Average Fuel Economy (CAFE) standards (for model years 2011 to 2016) incorporate stricter fuel economy requirements promulgated by the federal government and California into one uniform standard. Additionally, automakers are required to cut GHG emissions in new vehicles by roughly 25 percent by 2016 (resulting in a fleet average of 35.5 miles per gallon [mpg] by 2016). Rulemaking to adopt these new standards was completed in 2010. California agreed to allow automakers who show compliance with the national program to also be considered to be in compliance with State requirements. The federal government issued new standards in 2012 for model years 2017 to 2025, which will require a fleet average of 54.5 mpg in 2025. However, the EPA is reexamining the 2017–2025 emissions standards.

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<sup>22</sup> US Environmental Protection Agency, 2009, EPA: Greenhouse Gases Threaten Public Health and the Environment, <https://yosemite.epa.gov/opa/admpress.nsf/0/08d11a451131bca585257685005bf252>, accessed May 10, 2018.

<sup>23</sup> US Environmental Protection Agency, 2009, EPA: Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, <https://www.epa.gov/ghgemissions/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a-clean>, accessed November 21, 2018.

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### *EPA Regulation of Stationary Sources under the Clean Air Act (Ongoing)*

Pursuant to its authority under the Clean Air Act (CAA), the EPA has been developing regulations for new stationary sources such as power plants, refineries, and other large sources of emissions. Pursuant to President Obama's 2013 Climate Action Plan, the EPA was directed to also develop regulations for existing stationary sources. However, the EPA is reviewing the Clean Power Plan under President Trump's Energy Independence Executive Order.

### **State Regulations**

Current State of California guidance and goals for reductions in GHG emissions are generally embodied in Executive Order S-03-05, Assembly Bill (AB) 32, Senate Bill (SB) 32, Executive Order B-30-15, and SB 375.

#### *Executive Order S-03-05*

Executive Order S-03-05, signed June 1, 2005, set the following GHG reduction targets for the state:

- 2000 levels by 2010.
- 1990 levels by 2020.
- 80 percent below 1990 levels by 2050.

#### *Assembly Bill 32*

Also known as the Global Warming Solutions Act (2006), AB 32 was signed August 31, 2006, in order to reduce California's contribution of GHG emissions. AB 32 follows the 2020 tier of emissions reduction targets established in Executive Order S-03-05. Under AB 32, California Air Resources Board (CARB) prepared the *2008 Climate Change Scoping Plan*, the *2014 Climate Change Scoping Plan*, and the *2017 Climate Change Scoping Plan*, which are discussed below.

#### California Air Resources Board 2008 Scoping Plan

The final Scoping Plan was adopted by CARB on December 11, 2008. The 2008 Scoping Plan identified that GHG emissions in California are anticipated to be approximately 596 MMTCO<sub>2</sub>e in 2020. In December 2007, CARB approved a 2020 emissions limit of 427 MMTCO<sub>2</sub>e (471 million tons) for the state. In order to effectively implement the emissions cap, AB 32 directed CARB to establish a mandatory reporting system to track and monitor GHG emissions levels for large stationary sources that generate more than 25,000 MTCO<sub>2</sub>e per year, prepare a plan demonstrating how the 2020 deadline can be met, and develop appropriate regulations and programs to implement the plan by 2012.

#### First Update to the Scoping Plan

CARB completed a five-year update to the 2008 Scoping Plan, as required by AB 32. The First Update to the Scoping Plan, adopted at the May 22, 2014, board hearing, highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals defined in the 2008 Scoping Plan. As part of the update, CARB recalculated the 1990 GHG emission levels with the updated AR4 GWPs, and the



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427 MMTCO<sub>2</sub>e 1990 emissions level and 2020 GHG emissions limit, established in response to AB 32, are slightly higher at 431 MMTCO<sub>2</sub>e.<sup>24</sup>

As identified in the Update to the Scoping Plan, California is on track to meeting the goals of AB 32. However, the update also addresses the State's longer-term GHG goals in a post-2020 element. The post-2020 element provides a high-level view of a long-term strategy for meeting the 2050 GHG goals, including a recommendation for the State to adopt a midterm target. According to the Update to the Scoping Plan, local government reduction targets should chart a reduction trajectory that is consistent with or exceeds the trajectory created by statewide goals.<sup>25</sup> CARB identified that reducing emissions to 80 percent below 1990 levels will require a fundamental shift to efficient, clean energy in every sector of the economy. Progressing toward California's 2050 climate targets will require significant acceleration of GHG reduction rates. Emissions from 2020 to 2050 will have to decline several times faster than the rate needed to reach the 2020 emissions limit.<sup>26</sup>

### *Executive Order B-30-15*

Executive Order B-30-15, signed April 29, 2015, sets a goal of reducing GHG emissions within the state to 40 percent of 1990 levels by year 2030. Executive Order B-30-15 also directs CARB to update the Scoping Plan to quantify the 2030 GHG reduction goal for the state and requires state agencies to implement measures to meet the interim 2030 goal as well as the long-term goal for 2050 in Executive Order S-03-05. It also requires the Natural Resources Agency to conduct triennial updates of the California adaption strategy, Safeguarding California, in order to ensure climate change is accounted for in state planning and investment decisions.

### *Senate Bill 32 and Assembly Bill 197*

In September 2016, Governor Brown signed SB 32 and AB 197 into law, making the Executive Order goal for year 2030 into a statewide mandated legislative target. AB 197 established a joint legislative committee on climate change policies and requires the CARB to prioritize direct emissions reductions rather than the market-based cap-and-trade program for large stationary, mobile, and other sources.

Executive Order B-30-15 and SB 32 required CARB to prepare another update to the Scoping Plan to address the 2030 target for the state. On December 14, 2017, CARB adopted the 2017 Climate Change Scoping Plan Update to address the 2030 target for the state. The 2017 Scoping Plan establishes a new

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<sup>24</sup> California Air Resources Board, 2014, First Update to the Climate Change Scoping Plan: Building on the Framework, Pursuant to AB 32, The California Global Warming Solutions Act of 2006, <http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>, accessed November 20, 2018.

<sup>25</sup> California Air Resources Board, 2014, First Update to the Climate Change Scoping Plan: Building on the Framework, Pursuant to AB 32, The California Global Warming Solutions Act of 2006, <http://www.arb.ca.gov/cc/scopingplan/scopingplan/scopingplan.htm>, accessed November 20, 2018.

<sup>26</sup> California Air Resources Board, 2014, First Update to the Climate Change Scoping Plan: Building on the Framework, Pursuant to AB 32, The California Global Warming Solutions Act of 2006, <http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>, accessed November 20, 2018.

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emissions limit of 260 MMTCO<sub>2</sub>e for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030.<sup>27</sup>

California's climate strategy will require contributions from all sectors of the economy, including enhanced focus on zero- and near-zero emission (ZE/NZE) vehicle technologies; continued investment in renewables, such as solar roofs, wind, and other types of distributed generation; greater use of low carbon fuels; integrated land conservation and development strategies; coordinated efforts to reduce emissions of short-lived climate pollutants (i.e., methane, black carbon, and fluorinated gases); and an increased focus on integrated land use planning to support livable, transit-connected communities and conservation of agricultural and other lands. Requirements for GHG reductions at stationary sources complement local air pollution control efforts by the local air districts to tighten criteria air pollutants and toxic air contaminants (TACs) emissions limits on a broad spectrum of industrial sources. Major elements of the 2017 Scoping Plan framework include:

- Implementing and/or increasing the standards of the Mobile Source Strategy, which include increasing zero emission vehicle buses and trucks.
- Low Carbon Fuel Standard, with an increased stringency (18 percent by 2030).
- Implementation of SB 350, which expands the Renewables Portfolio Standard (RPS) to 50 percent RPS and doubles energy efficiency savings by 2030.
- California Sustainable Freight Action Plan, which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of zero emission vehicle trucks.
- Implementing the proposed Short-Lived Climate Pollutant Strategy, which focuses on reducing methane and hydrofluorocarbon emissions by 40 percent and anthropogenic black carbon emissions by 50 percent by year 2030.
- Continued implementation of SB 375.
- Post-2020 Cap-and-Trade Program that includes declining caps.
- Development of a Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

In addition to the statewide strategies listed above, the 2017 Scoping Plan also identified local governments as essential partners in achieving the State's long-term GHG reduction goals and identified local actions to reduce GHG emissions. As part of the recommended actions, CARB recommends statewide targets of no more than 6 MTCO<sub>2</sub>e or less per capita by 2030 and 2 MTCO<sub>2</sub>e or less per capita by 2050. CARB recommends that local governments evaluate and adopt robust and quantitative locally-appropriate goals that align with the statewide per capita targets and the State's sustainable development objectives and develop plans to achieve the local goals. The statewide per capita goals were developed by applying the percent reductions necessary to reach the 2030 and 2050 climate goals (i.e., 40 percent and 80 percent, respectively) to the State's 1990 emissions limit established under AB 32. For CEQA projects,

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<sup>27</sup> California Air Resources Board, 2017, California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target, [https://www.arb.ca.gov/cc/scopingplan/2030sp\\_pp\\_final.pdf](https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf), accessed May 10, 2018.

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CARB states that lead agencies have the discretion to develop evidenced-based numeric thresholds (mass emissions, per capita, or per service population) — consistent with the Scoping Plan and the State’s long-term GHG goals. To the degree a project relies on GHG mitigation measures, CARB recommends that lead agencies prioritize on-site design features that reduce emissions, especially from vehicle miles travelled (VMT), and direct investments in GHG reductions within the project’s region that contribute potential air quality, health, and economic co-benefits. Where further project design or regional investments are infeasible or not proven to be effective, CARB recommends mitigating potential GHG impacts through purchasing and retiring carbon credits.

The Scoping Plan scenario is set against what is called the business-as-usual (BAU) yardstick—that is, what the GHG emissions would look like if the State did nothing at all beyond the existing policies that are required and already in place to achieve the 2020 limit, as shown in Table 4.6-3. It includes the existing renewables requirements, advanced clean cars, the “10 percent” Low Carbon Fuel Standard, and the SB 375 program for more vibrant communities, among others. However, it does not include a range of new policies or measures that have been developed or put into statute over the past 2 years. Also shown in the table, the known commitments are expected to result in emissions that are 60 MMTCO<sub>2</sub>e above the target in 2030. If the estimated GHG reductions from the known commitments are not realized due to delays in implementation or technology deployment, the post-2020 Cap-and-Trade Program would deliver the additional GHG reductions in the sectors it covers to ensure the 2030 target is achieved.

**TABLE 4.6-3 2017 CLIMATE CHANGE SCOPING PLAN  
EMISSIONS REDUCTIONS GAP TO ACHIEVE THE  
2030 GREENHOUSE GAS TARGET**

Modeling Scenario	2030 GHG Emissions MMTCO <sub>2</sub> e
Reference Scenario (Business-as-Usual)	389
With Known Commitments	320
2030 GHG Target	<b>260</b>
Gap to 2030 Target with Known Commitments	<b>60</b>

Source: California Air Resources Board, 2017. California’s 2017 Climate Change Scoping Plan: The Strategy for Achieving California’s 2030 Greenhouse Gas Target, [https://www.arb.ca.gov/cc/scopingplan/2030sp\\_pp\\_final.pdf](https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf), accessed on August 28, 2018.

Table 4.6-4 provides estimated GHG emissions by sector, compared to 1990 levels, and the range of GHG emissions for each sector estimated for 2030.

### *Senate Bill 375*

In 2008, SB 375, the Sustainable Communities and Climate Protection Act, was adopted to connect the GHG emissions reductions targets established in the 2008 Scoping Plan for the transportation sector to local land use decisions that affect travel behavior. Its intent is to reduce GHG emissions from light-duty trucks and automobiles (excludes emissions associated with goods movement) by aligning regional long-range transportation plans, investments, and housing allocations to local land use planning to reduce VMT and vehicle trips. Specifically, SB 375 required CARB to establish GHG emissions reduction targets for each of the 18 metropolitan planning organizations (MPOs). The Metropolitan Transportation Commission (MTC) is the MPO for the nine-county San Francisco Bay Area region. Pursuant to the recommendations of the Regional Transportation Advisory Committee (RTAC), CARB adopted per capita reduction targets for each of the MPOs rather than a total magnitude reduction target.

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**TABLE 4.6-4 2017 CLIMATE CHANGE SCOPING PLAN EMISSIONS BY SECTOR TO ACHIEVE THE 2030 GREENHOUSE GAS TARGET**

Scoping Plan Sector	1990 MMTCO <sub>2</sub> e	2030 Proposed Plan Ranges MMTCO <sub>2</sub> e	% Change from 1990
Agricultural	26	24-25	-8% to -4%
Residential and Commercial	44	38-40	-14% to -9%
Electric Power	108	30-53	-72% to -51%
High GWP	3	8-11	267% to 367%
Industrial	98	83-90	-15% to -8%
Recycling and Waste	7	8-9	14% to 29%
Transportation (including TCU)	152	103-111	-32% to -27%
Net Sink <sup>a</sup>	-7	TBD	TBD
Sub Total	431	294-339	-32% to -21%
Cap-and-Trade Program	NA	24-79	NA
Total	431	260	-40%

Notes: TCU = Transportation, Communications, and Utilities; TBD = To Be Determined.

a. Work is underway through 2017 to estimate the range of potential sequestration benefits from the natural and working lands sector.

Source: California Air Resources Board. 2017, California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target. [https://www.arb.ca.gov/cc/scopingplan/2030sp\\_pp\\_final.pdf](https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf), accessed August 28, 2018.

CARB is required to update the targets for the MPOs every eight years. CARB adopted revised SB 375 targets for the MPOs in March 2018.<sup>28</sup> The updated targets become effective on October 1, 2018. The targets consider the need to further reduce VMT, as identified in the 2017 Scoping Plan Update (for SB 32), while balancing the need for additional and more flexible revenue sources to incentivize positive planning and action toward sustainable communities. Like the 2010 targets, the updated SB 375 targets are in units of percent per capita reduction in GHG emissions from automobiles and light trucks relative to 2005; this excludes reductions anticipated from implementation of state technology and fuels strategies, and any potential future state strategies, such as statewide road user pricing.

The proposed targets call for greater per-capita GHG emission reductions from SB 375 than are currently in place, which for 2035 translate into proposed targets that either match or exceed the emission reduction levels in the MPOs' currently adopted SCS to achieve the SB 375 targets. For next SCS update, CARB's updated targets for the MTC/ABAG region are a 10 percent per capita GHG reduction in 2020 from 2005 levels (compared to 7 percent under the 2010 target) and a 19 percent per capita GHG reduction in 2035 from 2005 levels (compared to the 2010 target of 15 percent). CARB foresees that the additional

<sup>28</sup>California Air Resources Board, 2018, Updated Final Staff Report: Proposed Update to the SB 375 Greenhouse Gas Emissions Reduction Targets, <https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plan-targets>, accessed November 20, 2018.

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GHG emissions reductions in 2035 may be achieved from land use changes, transportation investment, and technology strategies.<sup>29</sup>

*Other Regulations*Senate Bill 1383

On September 19, 2016, the Governor signed SB 1383 to supplement the GHG reduction strategies in the Scoping Plan to consider short-lived climate pollutants, including black carbon and CH<sub>4</sub>. Black carbon is the light-absorbing component of fine particulate matter produced during incomplete combustion of fuels. SB 1383 requires the State board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030. The bill also establishes targets for reducing organic waste in landfills. On March 14, 2017, CARB adopted the “Short-Lived Climate Pollutant Strategy,” which identifies the State’s approach to reducing anthropogenic and biogenic sources of short-lived climate pollutants. Anthropogenic sources of black carbon include on- and off-road transportation, residential wood burning, fuel combustion (charbroiling), and industrial processes. According to CARB, ambient levels of black carbon in California are 90 percent lower than in the early 1960s, despite the tripling of diesel fuel use.<sup>30</sup> In-use on-road rules are expected to reduce black carbon emissions from on-road sources by 80 percent between 2000 and 2020.

Assembly Bill 1493

Also known as Pavley I, AB 1493 is a clean-car standard that reduces GHG emissions from new passenger vehicles (light-duty auto to medium-duty vehicles) from 2009 through 2016 and is anticipated to reduce GHG emissions from new passenger vehicles by 30 percent in 2016. California implements the Pavley I standards through a waiver granted to California by the EPA. In 2012, the EPA issued a Final Rulemaking that sets even more stringent fuel economy and GHG emissions standards for model year 2017 through 2025 light-duty vehicles (see also the discussion on the update to the CAFE standards under the heading for Federal Regulations, above). In January 2012, CARB approved the Advanced Clean Cars program (formerly known as Pavley II) for model years 2017 through 2025. The program combines the control of smog, soot, and global warming gases and requirements for greater numbers of zero-emission vehicles into a single package of standards. Under California’s Advanced Clean Car program, by 2025, new automobiles will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions.<sup>31</sup>

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<sup>29</sup> California Air Resources Board, 2018, Updated Final Staff Report: Proposed Update to the SB 375 Greenhouse Gas Emissions Reduction Targets, <https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plan-targets>, accessed November 20, 2018.

<sup>30</sup> California Air Resources Board, 2017, Short-Lived Climate Pollutant Reduction Strategy, [https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final\\_slcp\\_report.pdf](https://www.arb.ca.gov/cc/shortlived/meetings/03142017/final_slcp_report.pdf), accessed May 10, 2018.

<sup>31</sup> See also the discussion on the update to the CAFE standards under Federal Laws, above. In January 2012, CARB approved the Advanced Clean Cars program (formerly known as Pavley II) for model years 2017 through 2025. The program combines the control of smog, soot and global warming gases and requirements for greater numbers of zero-emission vehicles into a single

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### Executive Order S-01-07

On January 18, 2007, the State set a new Low Carbon Fuel Standard for transportation fuels sold in California. Executive Order S-01-07 sets a declining standard for GHG emissions measured in carbon dioxide equivalent gram per unit of fuel energy sold in California. The Low Carbon Fuel Standard requires a reduction of 2.5 percent in the carbon intensity of California's transportation fuels by 2015 and a reduction of at least 10 percent by 2020. The Low Carbon Fuel Standard applies to refiners, blenders, producers, and importers of transportation fuels and would use market-based mechanisms to allow these providers to choose how they reduce emissions during the "fuel cycle," using the most economically feasible methods.

### Executive Order B-16-2012

Signed on March 23, 2012, the State directed that CARB, the California Energy Commission, the Public Utilities Commission, and other relevant agencies to work with the Plug-in Electric Vehicle Collaborative and the California Fuel Cell Partnership to establish benchmarks to accommodate zero-emissions vehicles in major metropolitan areas, including infrastructure to support them (e.g., electric vehicle charging stations). The executive order also directs the number of zero-emission vehicles in California's State vehicle fleet to increase through the normal course of fleet replacement so that at least 10 percent of fleet purchases of light-duty vehicles are zero-emission by 2015 and at least 25 percent by 2020. Finally, the executive order sets a target of reducing GHG emissions from the transportation sector 80 percent below 1990 levels.

### Senate Bills 1078, 107, and X1-2, and Executive Order S-14-08

A major component of California's Renewable Energy Program is the renewable portfolio standard established under Senate Bill 1078 and 107. Executive Order S-14-08 was signed in November 2008, which expanded the State's Renewable Energy Standard to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). The increase in renewable sources for electricity production will decrease indirect GHG emissions from development projects because electricity production from renewable sources is generally considered carbon neutral.

### Senate Bill 350

Signed in September 2015, SB 350 establishes tiered increases to the renewable portfolio standard of 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. SB 350 seeks to double the energy efficiency savings in electricity and natural gas through energy efficiency and conservation measures.

### Executive Order B-55-18 and SB 100

SB 100 and Executive Order B-55-18 were signed by Governor Brown on September 10, 2018. Under the existing RPS, 25 percent of retail sales are required to be from renewable sources by December 31, 2016,

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package of standards. Under California's Advanced Clean Car program, by 2025, new automobiles will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions.

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33 percent by December 31, 2020, 40 percent by December 31, 2024, 45 percent by December 31, 2027, and 50 percent by December 31, 2030. SB 100 raises California's RPS requirement to 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030.

In addition to targets under AB 32 and SB 32, Executive Order B-55-18 establishes a carbon neutrality goal for the state of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency, CalEPA, the Department of Food and Agriculture, and CARB to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal.

### California Building Code: Building Energy Efficiency Standards

Energy conservation standards for new residential and non-residential buildings were adopted in June 1977 and most recently revised in 2016 (Title 24, Part 6, of the California Code of Regulations). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. On June 10, 2015, the California Energy Commission adopted the 2016 Building Energy Efficiency Standards, which went into effect on January 1, 2017. The 2016 Building Energy Efficiency Standards continues to improve upon the previous 2013 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. Under the 2016 Standards, residential and nonresidential buildings are 28 and 5 percent more energy efficient than the 2013 Standards, respectively.<sup>32</sup> While the 2016 standards do not achieve zero net energy, they do get very close to the State's goal and make important steps toward changing residential building practices in California. The 2019 Building Energy Efficiency Standards, which were adopted on May 9, 2018, go into effect starting January 1, 2020.<sup>33</sup>

The 2019 standards move toward cutting energy use in new homes by more than 50 percent and will require installation of solar photovoltaic systems for single-family homes and multifamily buildings of three stories and less. Four key areas the 2019 standards will focus on are 1) smart residential photovoltaic systems; 2) updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa); 3) residential and nonresidential ventilation requirements; and 4) nonresidential lighting requirements.<sup>34</sup> Under the 2019 standards, nonresidential buildings will be 30

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<sup>32</sup> California Energy Commission, 2015, 2016 Building Energy Efficiency Standards, Adoption Hearing Presentation, [http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2015-06-10\\_hearing/2015-06-10\\_Adoption\\_Hearing\\_Presentation.pdf/](http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2015-06-10_hearing/2015-06-10_Adoption_Hearing_Presentation.pdf/), accessed May 10, 2018.

<sup>33</sup> California Energy Commission, 2015, 2016 Building Energy and Efficiency Standards Frequently Asked Questions, [http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2016\\_Building\\_Energy\\_Efficiency\\_Standards\\_FAQ.pdf](http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2016_Building_Energy_Efficiency_Standards_FAQ.pdf), accessed May 10, 2018.

<sup>34</sup> California Energy Commission, 2018, Energy Commission Adopts Standards Requiring Solar Systems for New Homes, First in Nation, News Release, [http://www.energy.ca.gov/releases/2018\\_releases/2018-05-09\\_building\\_standards\\_adopted\\_nr.html](http://www.energy.ca.gov/releases/2018_releases/2018-05-09_building_standards_adopted_nr.html).

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percent more energy efficient compared to the 2016 standards, and single-family homes will be 7 percent more energy efficient. When accounting for the electricity generated by the solar photovoltaic system, single-family homes would use 53 percent less energy than homes built to the 2016 standards.<sup>35</sup>

### California Building Code: CALGreen

On July 17, 2008, California Green Building Standards Code (24 California Code of Regulations, Part 11, known as “CALGreen”) were adopted as part of the California Building Standards Code. CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.<sup>36</sup> The mandatory provisions of the 2016 CALGreen building standards became effective on January 1, 2017. The CEC adopted the 2019 CALGreen on May 9, 2018, and it becomes effective January 1, 2020.

### 2006 Appliance Efficiency Regulations

Adopted by the California Energy Commission on October 11, 2006, the 2006 Appliance Efficiency Regulations (Title 20, California Code of Regulations, Sections 1601 through 1608) were approved by the California Office of Administrative Law on December 14, 2006. The regulations include standards for both federally regulated appliances and non-federally regulated appliances. Though these regulations are now often viewed as “business-as-usual,” they exceed the standards imposed by all other states and they reduce GHG emissions by reducing energy demand.

### Solid Waste Regulations

California’s Integrated Waste Management Act of 1989 (AB 939, Public Resources Code 40050 *et seq.*) set a requirement for cities and counties throughout the state to divert 50 percent of all solid waste from landfills by January 1, 2000, through source reduction, recycling, and composting. In 2008, the requirements were modified to reflect a per capita requirement rather than tonnage. To help achieve this, the Act requires that each city and county prepare and submit a source reduction and recycling element. AB 939 also established the goal for all California counties to provide at least 15 years of ongoing landfill capacity. AB 341 (Chapter 476, Statutes of 2011) increased the statewide goal for waste diversion to 75 percent by 2020 and requires recycling of waste from commercial and multifamily residential land uses.

The California Solid Waste Reuse and Recycling Access Act (AB 1327, California Public Resources Code Sections 42900 *et seq.*) requires areas to be set aside for collecting and loading recyclable materials in development projects. The Act required the California Integrated Waste Management Board to develop a model ordinance for adoption by any local agency requiring adequate areas for collection and loading of recyclable materials as part of development projects. Local agencies are required to adopt the model or an ordinance of their own. Section 5.408 of CALGreen also requires that at least 50 percent of the

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<sup>35</sup> California Energy Commission, 2018, 2019 Building Energy and Efficiency Standards Frequently Asked Questions. [http://www.energy.ca.gov/title24/2019standards/documents/2018\\_Title\\_24\\_2019\\_Building\\_Standards\\_FAQ.pdf](http://www.energy.ca.gov/title24/2019standards/documents/2018_Title_24_2019_Building_Standards_FAQ.pdf).

<sup>36</sup> The green building standards became mandatory in the 2010 edition of the code.



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nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse.

AB 1826, signed on October of 2014, requires businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units. Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

### Water Efficiency Regulations

The 20x2020 Water Conservation Plan was issued by the Department of Water Resources (DWR) in 2010 pursuant to Senate Bill 7, which was adopted during the 7<sup>th</sup> Extraordinary Session of 2009 to 2010 and therefore dubbed “SBX7-7.” SBX7-7 mandated urban water conservation and authorized the DWR to prepare a plan implementing urban water conservation requirements (20x2020 Water Conservation Plan). In addition, it required agricultural water providers to prepare agricultural water management plans, measure water deliveries to customers, and implement other efficiency measures. SBX7-7 requires urban water providers to adopt a water conservation target of 20 percent reduction in urban per capita water use by 2020 compared to 2005 baseline use.

The Water Conservation in Landscaping Act of 2006 (AB 1881) requires local agencies to adopt the updated DWR model ordinance or equivalent. AB 1881 also requires the Energy Commission, in consultation with the department, to adopt, by regulation, performance standards and labeling requirements for landscape irrigation equipment, including irrigation controllers, moisture sensors, emission devices, and valves to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water.

## Regional Plans and Regulations

### *Plan Bay Area 2040*

Plan Bay Area 2040 is the Bay Area’s RTP/SCS and was adopted jointly by ABAG and MTC on July 26, 2017. It lays out a development scenario for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. *Plan Bay Area 2040* is a limited and focused update to the *2013 Plan Bay Area*, with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last several years. As part of the implementing framework for *Plan Bay Area*, local governments have identified Priority Development Areas (PDAs) to focus growth. PDAs are transit-oriented, infill development opportunity areas within existing communities. Overall, well over two-thirds of all regional growth in the Bay Area by 2040 is allocated in PDAs. Per the Plan Bay Area 2040, while the projected number of new housing units and new jobs within PDAs would increase to 629,000 units and 707,000 jobs compared to the Plan Bay Area 2013,

## GREENHOUSE GAS EMISSIONS

its overall share would be reduced to 77 percent and 55 percent.<sup>37</sup> However, Plan Bay Area 2040 remains on track to meet a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.<sup>38</sup> The project is not within an identified PDA.<sup>39</sup> However, the site is within a transit priority area (TPA). A TPA is an area within one-half mile of an existing or planned major transit stop such as a rail transit station, a ferry terminal served by transit, or the intersection of two or more major bus routes.

### *Bay Area Clean Air Plan*

The Air District adopted the 2017 *Clean Air Plan, Spare the Air, Cool the Climate* on April 19, 2017. The 2017 Clean Air Plan also lays the groundwork for reducing GHG emissions in the Bay Area to meet the State's 2030 GHG reduction target and 2050 GHG reduction goal. It also includes a vision for the Bay Area in a post-carbon year 2050 that encompasses the following:

- Construct buildings that are energy efficient and powered by renewable energy.
- Walk, bicycle, and use public transit for the majority of trips and use electric-powered autonomous public transit fleets.
- Incubate and produce clean energy technologies.
- Live a low-carbon lifestyle by purchasing low-carbon foods and goods in addition to recycling and putting organic waste to productive use.<sup>40</sup>

A comprehensive multipollutant control strategy has been developed to be implemented in the next 3 to 5 years to address public health and climate change and to set a pathway to achieve the 2050 vision. The control strategy includes 85 control measures to reduce emissions of ozone, particulate matter, toxic air contaminants, and GHG from a full range of emission sources. These control measures cover the following sectors: 1) stationary (industrial) sources; 2) transportation; 3) energy; 4) agriculture; 5) natural and working lands; 6) waste management; 7) water; and 8) super-GHG pollutants. Overall, the proposed control strategy is based on the following key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Increase efficiency of the energy and transportation systems.
- Reduce demand for vehicle travel, and high-carbon goods and services.
- Decarbonize the energy system.
- Make the electricity supply carbon-free.
- Electrify the transportation and building sectors.

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<sup>37</sup> Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, Plan Bay Area 2040 Plan.

<sup>38</sup> Metropolitan Transportation Commission and Association of Bay Area Governments, 2017, Plan Bay Area 2040 Plan.

<sup>39</sup> Association of Bay Area Governments, Priority Development Area (PDA) and Transit Priority Area (TPA) Map for CEQA Streamlining, <https://www.planbayarea.org/pda-tpa-map/>, accessed November 21, 2018.

<sup>40</sup> Bay Area Air Quality Management District, 2017, Final 2017 Clean Air Plan, Spare the Air, Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area, <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>, accessed July 18, 2018.

**GREENHOUSE GAS EMISSIONS***Bay Area Commuter Benefits Program*

Under Air District Regulation 14, Model Source Emissions Reduction Measures, Rule 1, Bay Area Commuter Benefits Program, employers with 50 or more full-time employees within the Air District are required to register and offer commuter benefits to employees. In partnership with the Air District and the Metropolitan Transportation Commission (MTC), the rule's purpose is to improve air quality, reduce greenhouse gas emissions, and decrease the Bay Area's traffic congestion by encouraging employees to use alternative commute modes, such as transit, vanpool, carpool, bicycling, and walking. The benefits program allows employees to choose from one of four commuter benefit options including a pre-tax benefit, employer-provided subsidy, employer-provided transit, and alternative commute benefit.

**Local Plans and Regulations**

Table 4.6-5 shows the relevant Campbell General Plan policies related to GHG emissions.

**4.6.1.3 EXISTING CONDITIONS**

The project site currently is developed with a vacant restaurant building, constructed in the 1970s, and a surface parking lot. The project site is currently lighted for security purposes and some site maintenance activities (vegetation trimming) may occur on the site. However, existing emissions generated on the project site are nominal and therefore for the purposes of the analysis in this chapter it is assumed that the project site does not generate any emissions.

**4.6.2 STANDARDS OF SIGNIFICANCE**

The proposed project would result in a significant impact if it would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may a significant effect on the environment.
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The Air District has adopted CEQA Guidelines to evaluate GHG emissions impacts from development projects.<sup>41</sup> Land use development projects include residential, commercial, industrial, and public land use facilities. Direct sources of emissions may include on-site combustion of energy, such as natural gas used for heating and cooking, emissions from industrial processes (not applicable for most land use development projects), and fuel combustion from mobile sources. Indirect emissions are emissions produced off-site from energy production, water conveyance due to a project's energy use and water consumption, and nonbiogenic emissions from waste disposal. Biogenic CO<sub>2</sub> emissions are not included in

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<sup>41</sup> Bay Area Air Quality Management Agency, 2017, California Environmental Quality Act Air Quality Guidelines, [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en), accessed November 21, 2018.

## GREENHOUSE GAS EMISSIONS

**TABLE 4.6-5 CITY OF CAMPBELL GENERAL PLAN POLICIES PERTAINING TO GREENHOUSE GASES**

Policy Number	Policy Text
<b>Conservation and Natural Resource Element</b>	
Policy CNR-11.1	Air Quality Impacts: Reduce adverse air quality impacts of City operations.
Policy CNR-11.2	Effects of Development on Air Quality: Use the City's development review process and the California Environmental Quality Act to evaluate and mitigate the local and cumulative effects of new development on air quality.
Policy CNR-11.3	Air Quality Improvement Programs: Support regional, State and federal programs to improve air quality.
Policy CNR-12.1	Energy Consumption: Reduce City government energy consumption.
Policy CNR-12.2	Advanced Energy Technology and Building Materials: Facilitate the use of advanced energy technology and building materials to create energy-efficient residences and buildings.
Policy CNR-12.3	Landscaping Requirements: Continue to enforce landscaping requirements that facilitate energy efficient use or conservation.
Policy CNR-4.1	Tree Planting: Plant additional trees to maintain and enhance the City's suburban forest.
Policy CNR-6.1	Water Conservation: Encourage residents and businesses to conserve water.
Policy CNR-7.1	Water Recycling: Take part in and promote water recycling efforts.
Policy CNR-9.1	Source Reduction and Recycling Efforts: Participate in source reduction and recycling efforts.
<b>Land Use and Transportation Element</b>	
Policy LUT-1.2	Regional Land Use and Transportation Planning: Promote integrated and coordinated regional land use and transportation planning.
Policy LUT-1.5	Land Use Planning and the Regional Transportation System: Support land use planning that complements the regional transportation system.
Policy LUT-2.1	Alternative Transportation: Encourage the use of alternative transportation such as ridesharing, public transit, walking, and bicycling to reduce reliance on automobile use.
Policy LUT-2.4	Jobs and Housing Balance: Maintain Campbell's balance of jobs and housing units to encourage residents to work in Campbell, and to limit the impact on the regional transportation system.
Policy LUT-9.1	Land Use Pattern: Establish a compatible land use pattern citywide.
Policy LUT-9.3	Design and Planning Compatibility: Promote high quality, creative design and site planning that is compatible with surrounding development, public spaces and natural resources.
Policy LUT-11.1	Physically Connected Transportation Infrastructure: Strive to achieve physically connected transportation infrastructure.
Policy LUT-11.2	Services Within Walking Distance: Encourage neighborhood services within walking distance of residential uses.

Source: City of Campbell, 2011, General Plan.

the quantification of a project's GHG emissions, because biogenic CO<sub>2</sub> is derived from living biomass (e.g., organic matter present in wood, paper, vegetable oils, animal fat, food, animal, and yard waste) as opposed to fossil fuels.

The Air District has a tiered approach for assessing GHG emissions impacts of a project:

1. Consistency with a Qualified GHG Reduction Strategy. If a project is within the jurisdiction of an agency that has a "qualified" GHG reduction strategy, the project can assess consistency of its GHG emissions impacts with the reduction strategy.

## GREENHOUSE GAS EMISSIONS

2. Air District Screening Level Sizes. The Air District has adopted screening criteria for development projects that would be applicable for the proposed project based on the square footage, units, acreage, students, and/or employees generated by a project. Typical projects that meet the screening criteria do not generate emissions greater than 1,100 MTCO<sub>2</sub>e and would not generate significant GHG emissions.
3. Brightline Screening Threshold. The Air District has adopted screening criteria for development projects of 1,100 MTCO<sub>2</sub>e per year that would be applicable for the proposed project. If a project exceeds the Air District Guidelines' GHG screening-level sizes or screening criteria of 1,100 MTCO<sub>2</sub>e, the project would be required to conduct a full GHG analysis using based on GHG reduction goals of AB 32 and SB 32.
4. Efficiency Threshold:
  - AB 32 Goal: 2020. AB 32 requires the statewide GHG emission to be reduced to 1990 levels by 2020. On a per-capita basis, that means reducing the annual emissions of 14 tons of carbon dioxide for every man, woman, and child in California down to about 10 tons per person by 2020.<sup>42</sup> Hence, the Air District's per capita significance threshold is calculated based on the state's land use sector emissions inventory prepared by CARB and the demographic forecasts for the 2008 Scoping Plan. The land use sector GHG emissions for 1990 were estimated by the Air District, as identified in Appendix D of the Air District CEQA Guidelines, to be 295.53 MMTCO<sub>2</sub>e and the 2020 California service population (SP) to be 64.3 million. Therefore, the significance threshold that would ensure consistency with the GHG reduction goals of AB 32 is estimated at 4.6 MTCO<sub>2</sub>e/SP for year 2020.<sup>43</sup>
  - SB 32 Goal: 2030. Executive Order B-30-15, signed April 29, 2015, sets a goal of reducing GHG emissions within the state to 40 percent of 1990 levels by year 2030. Executive Order B-30-15 also directs CARB to update the Scoping Plan to quantify the 2030 GHG reduction goal for the state and requires state agencies to implement measures to meet the interim 2030 goal. In September 2016, Governor Brown signed SB 32 into law, making the Executive Order goal for year 2030 into a statewide mandated legislative target.

Using a similar methodology as developed by the Air District, the efficiency targets have been adjusted based on the GHG reduction targets of SB 32, which set a goal of 40 percent below 1990 levels by 2030. Table 4.6-6 shows the 2030 efficiency target using the latest land use emissions inventory developed for the 2017 Scoping Plan. Executive Order B-30-15 and SB 32 required CARB to prepare another update to the Scoping Plan to address the 2030 target for the state. On December 14, 2017, CARB adopted the 2017 Climate Change Scoping Plan Update. The 2017 Climate Change Scoping Plan Update includes the regulations and programs to achieve the 2030 target. The 2017 Scoping Plan establishes a new emissions "project level" limit of 190.7 MMTCO<sub>2</sub>e for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030 for the

<sup>42</sup> California Air Resources Board, 2008, Climate Change Proposed Scoping Plan, a Framework for Change.

<sup>43</sup> Bay Area Air Quality Management Agency, 2017, California Environmental Quality Act Air Quality Guidelines, [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en), accessed November 20, 2018.

## GREENHOUSE GAS EMISSIONS

land-use based sectors.<sup>44</sup> Therefore, the significance threshold that would ensure consistency with the GHG reduction goals of SB 32 is estimated at 3.2 MTCO<sub>2</sub>e/SP for year 2030, as shown in Table 4.6-6.

**TABLE 4.6-6 2030 GREENHOUSE GAS REDUCTION TARGETS**

GHG Sector <sup>a</sup>	Scoping Plan Scenario GHG Emissions MMTCO <sub>2</sub> e
<b>2017 Scoping Plan End Use Sector 2030 – Land Use Sector Only</b>	
Residential – residential energy consumption	41.4
Commercial – commercial energy consumption	30.1
Transportation – transportation energy consumption	105.1
Transportation Communications and Utilities – energy that supports public infrastructure like street lighting and waste treatment facilities	5
Solid Waste Non-Energy GHGs	9.1
Total 2017 Scoping Plan Land Use Sector Target	190.7
<b>2030 Project-Level Efficiency Target</b>	
2030 Population <sup>b</sup>	43,939,250
2030 Employment <sup>c</sup>	16,454,761
2030 Service Population (SP)	60,394,011
2030 Efficiency Target	3.2 MTCO <sub>2</sub> e/SP/yr

Sources:

a. California Air Resources Board, 2017, Draft – The 2017 Climate Change Scoping Plan Update: The Proposed Strategy for Achieving California’s 2030 Greenhouse Gas Target, <https://www.arb.ca.gov/cc/scopingplan/revised2017spu.pdf>, accessed October 22, 2018.

b. California Department of Finance, 2018, March 8. Report P-1 (County): State and County Total Population Projections, 2010-2060 (1 -year increments), <http://www.dof.ca.gov/Forecasting/Demographics/Projections/>, accessed October 22, 2018.

c. California Department of Transportation, 2017, Long-Term Socio-Economic Forecasts by County, [http://www.dot.ca.gov/hq/tpp/offices/eab/socio\\_economic.html](http://www.dot.ca.gov/hq/tpp/offices/eab/socio_economic.html), accessed October 22, 2018.

<sup>44</sup> California Air Resources Board, 2017b, California’s 2017 Climate Change Scoping Plan: The Strategy for Achieving California’s 2030 Greenhouse Gas Target, [https://www.arb.ca.gov/cc/scopingplan/2030sp\\_pp\\_final.pdf](https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf), accessed November 20, 2018.

**GREENHOUSE GAS EMISSIONS****4.6.3 IMPACT DISCUSSION**

<b>GHG-1</b>	<b>The proposed project would not directly and indirectly generate greenhouse gas emissions that would result in an increase in community emissions from baseline conditions that would have a significant impact on the environment.</b>
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Development under the proposed project would contribute to global climate change through direct and indirect GHG emissions from transportation sources, energy (natural gas and purchased energy), water use and wastewater generation, waste generation, and other, off-road equipment (e.g., landscape equipment, construction activities). The following is a discussion of the project's contribution to GHG emissions during both the construction and operation phases.

The primary source of GHG emissions from the proposed project during construction would be from mobile sources, including off-road equipment, construction equipment and trucks, and worker vehicles. The GHG results of project construction are presented in Table 4.6-7. As shown in the table, the total GHG emissions from construction activities would be approximately 147 metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>e). One-time, short-term emissions are converted to average annual emissions by amortizing them over the service life of a building. For buildings in general, it is reasonable to look at a 30-year time frame because this is a typical interval before a new building requires its first major renovation.<sup>45</sup> As shown in Table 4.6-7, when amortized over an average 30-year project lifetime, average annual construction emissions from the proposed project would represent a nominal source of GHG emissions of 5 MTCO<sub>2</sub>e per year.

The GHG emissions resulting from operation of the proposed project—which involves the usage of on-road mobile vehicles, electricity, natural gas, water, landscape equipment, and generation of solid waste and wastewater—are shown in Table 4.6-8. As shown, the total increase in GHG emissions generated by the proposed project, which includes the amortized

**TABLE 4.6-7 GREENHOUSE GAS EMISSIONS—CONSTRUCTION PHASE**

Year	GHG Emissions (MTCO <sub>2</sub> e/Year)
2020	147
<b>30-Year Project Life Construction<sup>a</sup></b>	<b>5</b>

Source: Meridian Consultants, 2018, October, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

**TABLE 4.6-8 PROJECT OPERATIONAL GREENHOUSE GAS EMISSIONS**

Year	GHG Emissions (MTCO <sub>2</sub> e/Year)
Construction (amortized)	5
Area	<1
Energy	133
Mobile	758
Waste	36
Water	6
<b>TOTAL</b>	<b>938</b>
Air District Bright-Line Threshold	1,100
<b>Exceeds Bright-Line Threshold?</b>	<b>No</b>

Source: Meridian Consultants, 2018, October, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

<sup>45</sup> Meridian Consultants, 2018, October, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

## GREENHOUSE GAS EMISSIONS

construction emissions, would be approximately 938 MTCO<sub>2</sub>e per year. As shown in the table, operation of the proposed project would not exceed the Air District's screening threshold of 1,100 MTCO<sub>2</sub>e per year. In addition, the new proposed building would be designed and built to the current Building Energy Efficiency Standards and CALGreen. Thus, it would be an environmentally more sustainable building compared to the existing building it would replace, which was constructed in the 1970s. Therefore, project-related GHG emissions impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>GHG-2</b>	<b>Implementation of the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.</b>
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The following discusses project consistency with applicable plans adopted for the purpose of reducing GHG emissions, which include CARB's Scoping Plan and MTC/ABAG's *Plan Bay Area 2040*.

### CARB Scoping Plan

In accordance with AB 32, CARB developed the 2008 Scoping Plan to outline the State's strategy established by AB 32, which is to return the State's GHG emissions inventory to 1990 levels by year 2020. In September 2016, SB 32 was signed into law, requiring the State's GHG emissions to return to 40 percent below 1990 levels by 2030. Executive Order B-30-15 and SB 32 required CARB to prepare another update to the Scoping Plan to address the 2030 target for the State. In December 2017, CARB adopted the 2017 Scoping Plan Update to address the new interim GHG emissions target under SB 32. The Scoping Plan is applicable to State agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Statewide strategies to reduce GHG emissions in the 2017 Climate Change Scoping Plan include implementing SB 350, which expands the RPS to 50 percent by 2030 and doubles energy efficiency savings; expanding the Low Carbon Fuel Standard to 18 percent by 2030; implementing the Mobile Source Strategy to deploy zero-electric vehicle buses and trucks; implementing the Sustainable Freight Action Plan; implementing the Short-Lived Climate Pollutant Reduction Strategy, which reduces methane and hydrofluorocarbons to 40 percent below 2013 levels by 2030 and black carbon emissions to 50 percent below 2013 levels by 2030; continuing to implement SB 375; creating a post-2020 Cap-and-Trade Program; and developing an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

The project's GHG emissions shown in Table 4.6-8 in impact discussion GHG-1 include reductions associated with statewide strategies that have been adopted since AB 32. Statewide strategies to reduce GHG emissions include the low carbon fuel standards, California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the CAFE standards, and other early action measures as necessary to ensure the State is on target to achieve the GHG emissions reduction goals of AB 32 and SB 32. In addition, new buildings are required to comply with the current Building Energy



**GREENHOUSE GAS EMISSIONS**

Efficiency Standards and CALGreen. The proposed project would comply with these GHG emissions reduction measures since they are statewide strategies. Therefore, the project's GHG emissions would be reduced from compliance with statewide measures that have been adopted since AB 32 and SB 32 were adopted. Therefore, impacts would be *less than significant*.

**Plan Bay Area**

As discussed, as part of the implementing framework for *Plan Bay Area 2040*, local governments have identified PDAs to focus growth. While the project site is not within a PDA, it is within a TPA. Thus the proposed project would encourage the efficient use of land through sustainable development patterns, a mixture of uses, and development intensities that support transit and walking.<sup>46,47</sup> Furthermore, the proposed project would be consistent with the overall goals of *Plan Bay Area 2040* in concentrating new development in locations where there is existing infrastructure as the proposed project would redevelop an existing developed property within the City. In addition, development of a vehicle-trip generating land use such as the proposed In-N-Out restaurant within a TPA would be consistent with the goal of the *Plan Bay Area 2040* in that the available alternative transportation options would provide an alternative to single-passenger vehicle trips. Therefore, the proposed project would not conflict with the land use concept plan in *Plan Bay Area 2040* and impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

**4.6.4 CUMULATIVE IMPACTS**

Project-related GHG emissions are not confined to a particular air basin, but are dispersed worldwide. Therefore, impacts under Impact GHG-1 are not project-specific impacts to global warming, but the project's contribution to this cumulative impact. As discussed under Impact GHG-1, development and operation of the proposed project would not exceed the Air District's screening threshold of 1,100 MTCO<sub>2</sub>e. Thus, project-related GHG emissions and their contribution to global climate change are not cumulatively considerable.

<sup>46</sup> Meridian Consultants, 2018, October, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

<sup>47</sup> Association of Bay Area Governments, Priority Development Area (PDA) and Transit Priority Area (TPA) Map for CEQA Streamlining, <https://www.planbayarea.org/pda-tpa-map/>, accessed November 21, 2018.

## **GREENHOUSE GAS EMISSIONS**

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## HAZARDS AND HAZARDOUS MATERIALS

### 4.7 HAZARDS AND HAZARDOUS MATERIALS

This chapter describes the regulatory framework and existing conditions on the project site related to hazards and hazardous materials, and an evaluation of the potential environmental consequences associated with the construction and operation of the proposed project that are related to the release of hazardous materials into the environment. The analysis in this section is based, in part, upon the following document:

Partner Engineering and Science, Inc., 2017, Phase I Environmental Site Assessment (ESA) Report, 499 East Hamilton Avenue, Campbell, California.

A complete copy of this document is included in Appendix E to this Draft EIR.

#### 4.7.1 ENVIRONMENTAL SETTING

##### 4.7.1.1 REGULATORY FRAMEWORK

###### **Federal**

*Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984*

Federal hazardous waste laws are generally promulgated under the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984. These laws provide for the “cradle to grave” regulation of hazardous wastes. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed. The Department of Toxic Substances Control is responsible for implementing the Resource Conservation and Recovery Act program as well as California’s own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law. Under the Certified Unified Program Agency (CUPA) program, the California Environmental Protection Agency (CalEPA) has in turn delegated enforcement authority to the County of Santa Clara for State law regulating hazardous waste producers or generators in Campbell. A CUPA is a local agency that has been certified by CalEPA to implement the local Unified Program. The CUPA can be a county, city, or joint powers authority. A participating agency is a local agency that has been designated by the local CUPA to administer one or more Unified Programs within their jurisdiction on behalf of the CUPA. A designated agency is a local agency that has not been certified by CalEPA to become a CUPA, but is the responsible local agency that would implement the six Unified Programs until they are certified. Currently, there are 83 CUPAs in California.

*Emergency Planning Community Right-to-Know Act*

The Emergency Planning Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act, was enacted in October 1986. This law requires any infrastructure at the State and local levels to plan for chemical emergencies. Reported information is then made publicly available so that interested parties may become informed about potentially dangerous chemicals in their

## HAZARDS AND HAZARDOUS MATERIALS

community. EPCRA Sections 301 through 312 are administered by United States Environmental Protection Agency's (EPA) Office of Emergency Management. The EPA's Office of Information Analysis and Access implements the EPCRA Section 313 program. In California, Superfund Amendments and Reauthorization Act Title III is implemented through California Accidental Release Prevention program. The State of California has delegated local oversight authority of the California Accidental Release Prevention program to the County of Santa Clara.

### *Hazardous Materials Transportation Act*

The United States Department of Transportation regulates hazardous materials transportation under Title 49 of the Code of Federal Regulations. State agencies that have primary responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol and the California Department of Transportation. The California State Fire Marshal's Office has oversight authority for hazardous materials liquid pipelines. The California Public Utilities Commission has oversight authority for natural gas pipelines in California. These agencies also govern permitting for hazardous materials transportation.

### *Federal Response Plan*

The Federal Response Plan of 1999 is a signed agreement among 27 federal departments and agencies and other resource providers, including the American Red Cross, that: 1) provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of State and local governments overwhelmed by a major disaster or emergency; 2) supports implementation of the Robert T. Stafford Disaster Relief and Emergency Act, as well as individual agency statutory authorities; and 3) supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a Presidential declaration of a major disaster or emergency. The Federal Response Plan is part of the National Response Framework, which was most recently updated on June 2016.

### *Robert T. Stafford Disaster Relief and Emergency Assistance Act*

The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 authorizes the federal government to provide assistance in emergencies and disasters when State and local capabilities are exceeded. The Robert T. Stafford Disaster Relief and Emergency Assistance Act constitutes statutory authority for most federal disaster response activities, especially as they pertain to the federal Emergency Management Agency and its programs.

### *National Response Framework*

The 2016 National Response Framework, published by the Department of Homeland Security, is a guide to how the nation responds to all types of disasters and emergencies. The Framework describes specific authorities and best practices for managing incidents that range from serious local to large-scale terrorist attacks or catastrophic natural disasters. In addition, the Framework describes the principles, roles, and responsibilities, and coordinating structures for responding to an incident, and further describes how response efforts integrate with those of the other mission areas.

## HAZARDS AND HAZARDOUS MATERIALS

### *Occupational Safety and Health Administration*

The federal Occupational Safety and Health Act of 1970 authorizes each state (including California) to establish their own safety and health programs with the US Department of Labor, Occupational Safety and Health Administration's (OSHA) approval. The California Department of Industrial Relations regulates implementation of worker health and safety in California. California OSHA enforcement units conduct on-site evaluations and issue notices of violation to enforce necessary improvements to health and safety practices. California standards for workers dealing with hazardous materials are contained in Title 8 of the California Code of Regulations and include practices for all industries (General Industrial Safety Orders), and specific practices for construction and other industries. Workers at hazardous waste sites (or working with hazardous wastes as might be encountered during excavation of contaminated soil) must receive specialized training and medical supervision according to the Hazardous Waste Operations and Emergency Response regulations.

OSHA Regulation 29 Code of Federal Regulations Standard 1926.62 regulates the demolition, renovation, or construction of buildings involving lead materials. Federal, State, and local requirements also govern the removal of asbestos or suspected asbestos-containing materials (ACMs), including the demolition of structures where asbestos is present. All friable (crushable by hand) ACMs, or non-friable ACMs subject to damage, must be abated prior to demolition following all applicable regulations.

## **State**

### *California Building Code*

The State of California provided a minimum standard for building design through the California Building Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations. The CBC is based on the 2015 International Building Code, but has been modified for California conditions. The CBC is updated every three years, and the current CBC went into effect in January 2017. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the typical fire safety requirements of the CBC, including the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

### *California Fire Code*

The California Fire Code (CFC) incorporates, by adoption, the International Fire Code of the International Code Council, with California amendments. This is the official Fire Code for the State and all political subdivisions. It is located in Part 9 of Title 24 of the California Code of Regulations. The CFC is revised and published approximately every three years by the California Building Standards Commission.

### *California Governor's Office of Emergency Services*

The California Governor's Office of Emergency Services (Cal OES) began as the State War Council in 1943. With an increasing emphasis on emergency management, it officially became Cal OES in 1970. The

## HAZARDS AND HAZARDOUS MATERIALS

California Emergency Management Agency (CalEMA) was established as part of the Governor's Office on January 1, 2009—created by Assembly Bill 38 (Nava), which merged the duties, powers, purposes, and responsibilities of the former Governor's Office of Emergency Services with those of the Governor's Office of Homeland Security. The CalEMA was responsible for the coordination of overall State agency response to major disasters in support of local government. The agency was also responsible for assuring the State's readiness to respond to and recover from all hazards—natural, manmade, emergencies, and disasters—and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts. On July 1, 2013, Governor Edmund G. Brown Jr.'s eliminated CalEMA and restored it to the Governor's Office as Cal OES.

### *California Department of Forestry and Fire Protection*

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California.<sup>1</sup> The CAL FIRE ranks fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threat. Additionally, the CAL FIRE produced the *2010 Strategic Fire Plan for California*, which contains goals, objectives, and policies to prepare for and mitigate for the effects of fire on California's natural and built environments.<sup>2</sup>

### *California Environmental Protection Agency*

CalEPA was created in 1991, unifying California's environmental authority in a single cabinet-level agency and bringing the California Air Resources Board (Air Resources Board), State Water Resources Control Board, Regional Water Quality Control Boards (RWQCBs), California Department of Resources Recycling and Recovery (formerly the Integrated Waste Management Board), Department of Toxic Substances Control (DTSC), Office of Environmental Health Hazard Assessment, and Department of Pesticide Regulation under one agency. These agencies were placed within the CalEPA is the "umbrella" for the protection of human health and the environment and to ensure the coordinated deployment of state resources. Its mission is to restore, protect, and enhance the environment, to ensure public health, environmental quality, and economic vitality.

### *Department of Toxic Substance Control*

The DTSC is a department of CalEPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. The DTSC regulates hazardous waste in California primarily under the authority of the federal Resource Conservation and Recovery Act and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

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<sup>1</sup> California Department of Forestry and Fire Protection, [http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_zones\\_development.php](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_development.php), accessed August 10, 2018.

<sup>2</sup> California Department of Forestry and Fire Protection, 2010, *2010 Strategic Fire Plan for California*, <http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf668.pdf>, accessed August 10, 2018.

## HAZARDS AND HAZARDOUS MATERIALS

Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services (DHS) lists of contaminated drinking water wells, sites listed by the State Water Resources Control Board as having underground storage tank (UST) leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

### *Regional Water Quality Control Board*

The Regional Water Quality Control Board (RWQCB) is a department of CalEPA that oversees investigation and cleanup of sites including underground storage tanks where wastes have been discharged in order to protect the water quality of the state. The RWQCB regulates wastewater discharges to surface waters and to groundwater. They also regulate storm water discharges from construction, industrial, and municipal activities.

### *California Health and Safety Code and Code of Regulations*

California Health and Safety Code Chapter 6.95 and California Code of Regulations, Title 19, Section 2729 set out the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on-site. A business which uses hazardous materials or a mixture containing hazardous materials, must establish and implement a business plan if the hazardous material is handled in certain quantities.

### *Asbestos-Containing Materials Regulations*

State-level agencies, in conjunction with the federal EPA and OSHA, regulate removal, abatement, and transport procedures for asbestos-containing materials (ACMs). Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure. Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

## Regional

### *San Francisco Bay Regional Water Quality Control Board*

The Porter-Cologne Water Quality Act<sup>3</sup> established the State Water Resources Control Board and divided the state into nine regional basins, each under the jurisdiction of a RWQCB. The San Francisco Bay Region (Region 2) RWQCB (San Francisco Bay RWQCB) regulates water quality in the project area. The San Francisco Bay RWQCB has the authority to require groundwater investigations when the quality of groundwater or surface waters of the state is threatened, and to require remediation actions, if necessary.

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<sup>3</sup> California Water Code Sections 13000 *et seq.*

## HAZARDS AND HAZARDOUS MATERIALS

### *Bay Area Air Quality Management District*

The Bay Area Air Quality Management District has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products (which are the responsibility of CalEPA and the California Air Resources Board). The Bay Area Air Quality Management District is responsible for preparation of attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, and issuance of permits for activities, including demolition and renovation activities affecting asbestos containing materials (District Regulation 11, Rule 2) and lead (District Regulation 11, Rule 1).

### *Santa Clara County Department of Environmental Health*

The Santa Clara County Department of Environmental Health's Hazardous Materials Compliance Division is the certified CUPA for the City of Campbell and consolidates, coordinates, and makes consistent the following existing programs:

- Aboveground Storage Tank Spill Prevention, Control Countermeasure Plan (California Health and Safety Code, Chapter 6.6.7)
- Underground Storage Tank Program (UST)
- California Accidental Release Prevention Program
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs (California Health and Safety Code, Chapter 6.5)
- Hazardous Materials Business Plan (HMBP)

### *Santa Clara County Fire Department*

The Santa Clara County Fire Department (SCCFD) administers the following programs within the City of Campbell through its Fire Prevention Bureau:

- California Fire Code (with local amendments)
- Hazardous Materials Storage Ordinance (Municipal Code)
- Toxic Gas Ordinance (Municipal Code)
- Storm Water Pollution Prevention (Municipal Code)

As a Participating Agency in the CUPA, the Department also administers the following Hazardous Materials related state programs:

- Hazardous Materials Business Plan (California Health and Safety Code, Chapter 6.95)
- Underground Storage Tank (California Health and Safety Code, Chapter 6.7)

### *Santa Clara County Office of Emergency Services*

The Santa Clara County Office of Emergency Services has adopted an Emergency Operations Plan (EOP),<sup>4</sup> which identifies emergency response programs related to hazardous waste incidents. The EOP establishes

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<sup>4</sup> Santa Clara County, 2017, Emergency Operations Plan, <https://www.sccgov.org/sites/oes/partners/Documents/emergency-operations-plan-jan-2017.pdf>, accessed August 10, 2018.



**HAZARDS AND HAZARDOUS MATERIALS**

policy direction for emergency planning, mitigation, response, and recovery activities within the city. The Campbell EOP addresses interagency coordination, procedures to maintain communications during emergencies, and methods to assess the extent of damage and management of volunteers. The Campbell EOP uses the Standardized Emergency Management System, as required by California Government Code Section 8607(a), for managing responses to multi-agency and multi-jurisdiction emergencies in California, including those related to hazardous materials.

**Local***City of Campbell General Plan*

The City of Campbell's General Plan was adopted by the Campbell City Council in November 2001. The General Plan was updated in 2015 with adoption of the Housing Element Update. The Health and Safety Element identifies methods and resources for minimizing death, injury, property and environmental damage, and social disturbance resulting from natural and human-induced hazards. The Health and Safety Element also establishes strategies, which are listed in Table 4.7-1, related to hazardous materials, hazardous wastes, and hazardous materials emergency response.

**TABLE 4.7-1 CITY OF CAMPBELL GENERAL PLAN STRATEGIES PERTAINING TO HAZARDS AND HAZARDOUS MATERIALS**

Strategy Number	Strategy Text
Strategy HS-1.1b	Emergency Operations. Coordinate among City departments to ensure that emergency operations will comply with the Standardized Emergency Management System.
Strategy HS-1.1f	Adequate Access. Require adequate access for emergency vehicles, including minimum street width and vertical clearance. The Uniform Fire Code currently sets the minimum street width at 20 feet. Larger buildings may require a minimum width of 30 feet.
Strategy HS-1.3a	Inter-Agency Coordination. Coordinate emergency preparedness, response, recovery and mitigation activities with Santa Clara County, surrounding cities, service agencies, voluntary organizations and State and federal agencies.
Strategy HS-1.3d	Information Sharing. Work with Santa Clara County and other government, academic and private organizations to obtain new data that can be used for emergency preparedness and response and share information with other nearby jurisdictions and private and public organizations.
Strategy HS-7.1d	Hazardous Materials Emergency Response Plan. Require any business that handles hazardous material to prepare an appropriate emergency response plan, including a transportation plan for using City streets to transport hazardous materials.
Strategy HS-7.1f	Hazardous Materials Emergency Response. Work with other agencies to help ensure adequate response capability for hazardous materials emergencies.

Source: City of Campbell, 2001, City of Campbell General Plan.

*City of Campbell Municipal Code*

Besides the General Plan, the City of Campbell Municipal Code is the primary tool that guides development in the city. The City's Municipal Code identifies land use categories, site development regulations, and other general provisions that ensure consistency between the General Plan and proposed development projects. The following chapters regulate emergency response and hazardous materials in Campbell:

## HAZARDS AND HAZARDOUS MATERIALS

- Chapter 2.28 – Emergency Services/Citizen Corps Council. The purpose of this chapter is to outline emergency response planning procedures and responsibilities in Campbell.
- Chapter 17.06 – Aboveground Hazardous Materials Storage. The purpose of this chapter is the protection of health, life, resources, and property through prevention and control of unauthorized discharge of hazardous materials from aboveground structures (e.g., tanks, pipelines, etc.).
- Chapter 17.07 – Requirements for Facilities Where Materials Which Are or Which May Become Toxic Gases are Found. This chapter applies to all new and existing facilities where regulated materials subject to this chapter are present in concentrations that exceed the level of concern as determined in accordance with this chapter.
- Chapter 17.09 – Underground Hazardous Materials Storage. The purpose of this chapter is the protection of health, life, resources, and property through prevention and control of unauthorized discharges of hazardous materials from underground structures (e.g., tanks, sumps, pipelines, etc.).

### *City of Campbell Police Department*

The City of Campbell Police Department is responsible for coordinating agency response to disasters or other large-scale emergencies in the City of Campbell with assistance from the Santa Clara County Office of Emergency Services and the SCCFD. The Campbell Police Department manages the City's emergency services program and provides planning, training, and coordination of city personnel for an effective response to natural, technological, and human-caused disasters. The manager of the emergency services program reviews and updates the city's emergency plan and maintains the city's Emergency Operations Center (EOC).<sup>5</sup>

### 4.7.1.2 EXISTING CONDITIONS

This section describes existing conditions related to hazardous materials, airport hazards, and wildland fires associated with the proposed project.

### **Hazardous Materials Sites**

The subject property is currently an unoccupied commercial property. The last tenant, Elephant Bar Restaurant, operated at the subject property prior to their eviction in November 10, 2016. On-site operations consisted of a commercial kitchen, restaurant, and bar. The subject property contains a double-height, one-story building located on the central-northern portion of the property. In addition to the current structure, the subject property also contains a dumpster bin and storage enclosure located adjacent to the northwest of the on-site building, as well as asphalt-paved parking areas and associated landscaping.

The property was developed with residential and agricultural uses between 1939 and circa 1968, and developed with the current structure in 1971.

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<sup>5</sup> City of Campbell, Emergency Preparedness, <https://www.ci.campbell.ca.us/265/Emergency-Preparedness>, accessed November 16, 2018.

## HAZARDS AND HAZARDOUS MATERIALS

The properties immediately surrounding the project site consist of apartments to the north, commercial properties to the south across East Hamilton Avenue, commercial property to the east across Almarida Drive, and commercial properties to the west.

Properties listed on DTSC's EnviroStor,<sup>6</sup> RWQCB's Geotracker,<sup>7</sup> EPA's EJScreen,<sup>8</sup> and EPA's EnviroMapper<sup>9</sup> databases located within a 0.25-mile radius from the proposed project include:

- Hamilton Chevron located at 337 East Hamilton Avenue is a permitted underground storage tank facility.
- Rotten Robbie #3 located at 337 East Hamilton Avenue is a permitted underground storage tank facility. The site is also listed as a leaking underground storage tank cleanup site. The case was closed with the San Francisco Bay RWQCB on the June 2, 2006.
- Summerhill Homes, located on Harrison Avenue, is listed as a cleanup program site. The pollutants of concern are lead and total petroleum hydrocarbons. The contaminated medium is soil. The case was closed with the San Francisco Bay RWQCB on the December 17, 2015.
- Hamilton Shell located at 570 East Hamilton Avenue is a permitted underground storage tank facility. The site is also listed as a leaking underground storage tank cleanup site. The case was closed with the San Francisco Bay RWQCB on the April 21, 2000.
- Apple Computer Inc., located at 600 East Hamilton Ave, is listed as a Toxic Release Inventory Facility by the EPA. The facility is listed due to a one time release of Freon 113 in 1987.
- The Home Depot, located at 480 East Hamilton Ave, is listed as a Small Quantity Generator of hazardous waste by the EPA.

A recognized environmental condition (REC) refers to the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: due to release to the environment; under conditions indicative of a release to the environment; or under conditions that pose a material threat of a future release to the environment. The Phase I ESA did not identify any RECs.

A controlled recognized environmental condition (CREC) refers to a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. The Phase I ESA did not identify any CRECs.

A historical recognized environmental condition (HREC) refers to a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria

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<sup>6</sup> Department of Toxic Substances Control, 2018, EnviroStor, <https://www.envirostor.dtsc.ca.gov/public/>, accessed August 28, 2018.

<sup>7</sup> State Water Resources Control Board, 2015, GeoTracker, <http://geotracker.waterboards.ca.gov/>, accessed August 28, 2018.

<sup>8</sup> Environmental Protection Agency, 2018, EJScreen, <https://ejscreen.epa.gov/mapper/>, accessed August 28, 2018.

<sup>9</sup> Environmental Protection Agency, EnviroMapper, <https://www.epa.gov/emefdata/em4ef.home>, accessed August 28, 2018.

## HAZARDS AND HAZARDOUS MATERIALS

established by a regulatory authority, without subjecting the property to any required controls. The Phase I ESA did not identify any HRECs.

An environmental issue refers to environmental concerns which do not qualify as RECs however warrant further discussion. The Phase I ESA identified that there is a potential that ACMs are present.

### Existing or Proposed Schools

There are two preschools within 0.25 miles of the proposed project. Campbell Parents' Participation Preschool is located 360 feet to the west of the site and Noah's Ark is 290 feet southeast of the site. The Casa Di Mir Montessori School is roughly 0.5 miles to the southwest.

### Airport Hazards

The City of Campbell is not located within an airport land use plan area. The nearest public use airport or private airstrip is the Norman Mineta San José International Airport, located roughly 4 miles north from the project site. There are no other public use airports within 2 miles of the project site.<sup>10</sup> Likewise, there are no private airstrips within or near the project site.<sup>11</sup> The Santa Clara Valley Medical Center, located 1.3 miles northeast of the site, operates a helipad.

### Wildland Fire Hazard

CAL FIRE evaluates fire hazard severity risks according to areas of responsibility (i.e., federal, State, and local). According to CAL FIRE, there are no very high fire hazard severity zones within the Local Responsibility Area for the City of Campbell, including the project site. The nearest very high fire hazard severity zones within the Local Responsibility Area are shown on Figure 4.7-1. Also, there are no moderate, high, and very high fire hazard severity zones in the State Responsibility Area in the vicinity of the City of Campbell, including the project site. The nearest fire hazard severity zones within the State Responsibility Area are shown on Figure 4.7-2.

## 4.7.2 STANDARDS OF SIGNIFICANCE

The proposed project would have a significant impact regarding hazards and hazardous materials if it would:

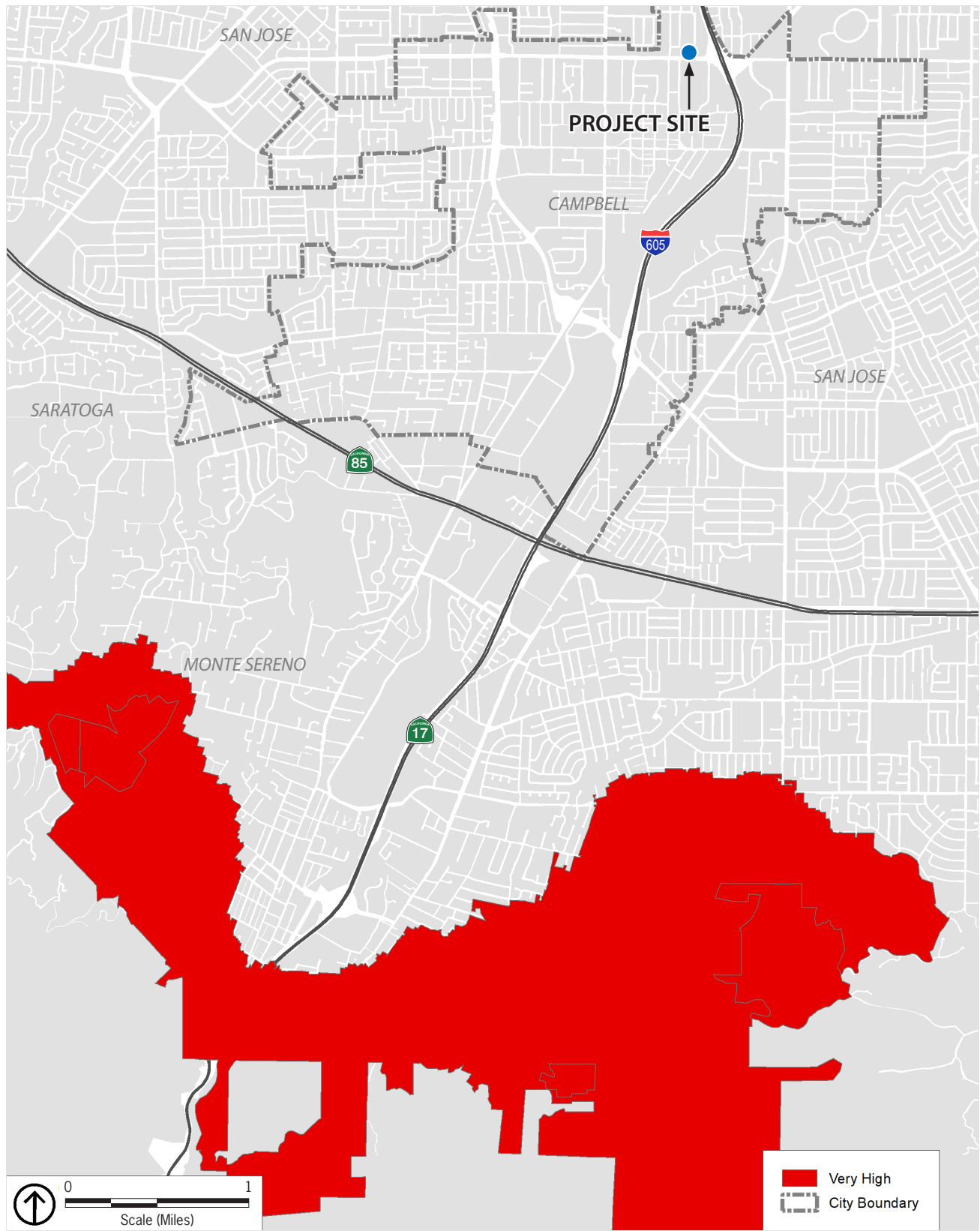
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

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<sup>10</sup> California Department of Transportation, 2016, Caltrans Aviation GIS Data, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=32c3cbe24491427d872e2fec173a4b22>, accessed August 10, 2018.

<sup>11</sup> AirNav, 2016, Browse Airport, United States of America, California, <http://www.airnav.com/airports/us/CA>, accessed August 10, 2018.

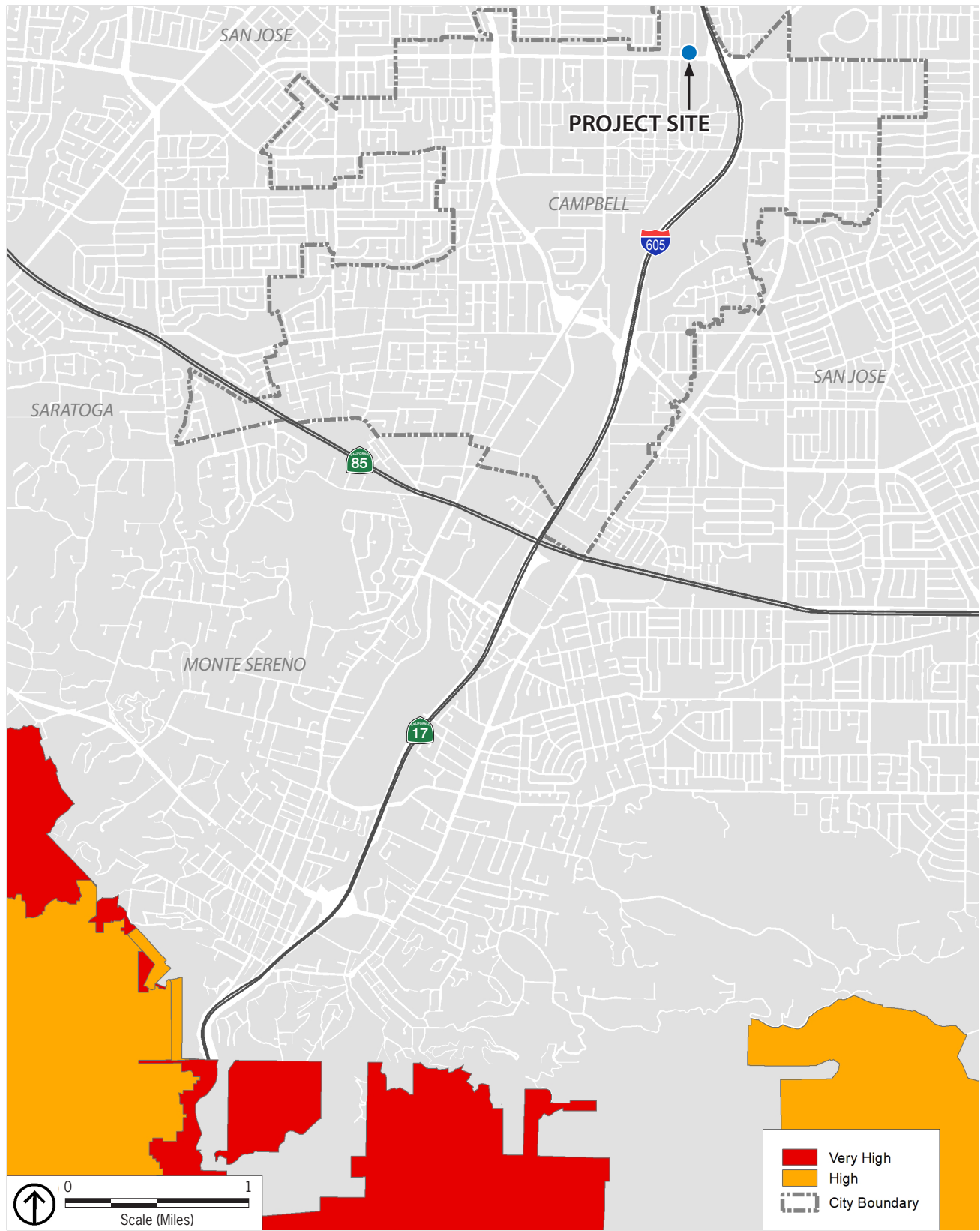
HAZARDS AND HAZARDOUS MATERIALS



Source: ESRI, 2018; CAL FIRE, 2007

Figure 4.7-1  
Very High Fire Hazard Severity Zones in Local Responsibility Area

HAZARDS AND HAZARDOUS MATERIALS



Source: ESRI, 2018; CAL FIRE, 2007

Figure 4.7-2  
Fire Hazard Severity Zones in State Responsibility Area

## HAZARDS AND HAZARDOUS MATERIALS

3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school.
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, create a significant hazard to the public or the environment.
5. Be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport that results in a safety hazard for people residing or working in the project area.
6. Be within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area.
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
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.

### 4.7.3 IMPACT DISCUSSION

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<b>HAZ-1</b>	<b>Implementation of the proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.</b>
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#### Project Operation

Operation of the proposed restaurant would involve the use of small amounts of hazardous materials, such as cleansers, paints, fertilizers, and pesticides for cleaning and maintenance purposes. However, the proposed land use is not associated with uses that use, generate, store, or transport large quantities of hazardous materials; such uses generally include manufacturing, industrial, medical (e.g., hospital), and other similar uses.

Additionally, the use, storage, transport, and disposal of hazardous materials would be governed by existing regulations of several agencies, including the EPA, DOT, California Division of Occupational Safety and Health, and the Santa Clara County Department of Environmental Health. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts.

Furthermore, the City of Campbell, Santa Clara County Department of Environmental Health's Hazardous Materials Compliance Division, and SCCFD coordinate the review of building permits to ensure that emergency response plan requirements and hazardous materials requirements are met prior to construction.

## HAZARDS AND HAZARDOUS MATERIALS

Therefore, substantial hazards to the public or the environment arising from the routine use, storage, transport, and disposal of hazardous materials during long-term operation of the proposed project would not occur. Impacts would be *less than significant* and no mitigation measures are necessary.

### Project Construction

Project-related construction activities would involve the use of larger amounts of hazardous materials than would project operation. Construction activities would include the use of materials such as fuels, lubricants, and greases in construction equipment and coatings used in construction. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would also be short term or one time in nature, and would cease upon completion of the proposed project's construction phase. Project construction workers would also be trained in safe handling and hazardous materials use.

Additionally, as with project operation, the use, storage, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Furthermore, strict adherence to all emergency response plan requirements set forth by Santa Clara County Department of Environmental Health would be required through the duration of the project construction phase.

The demolition phase of the project would include the demolition of the existing on-site restaurant structure. The Phase I ESA for the project identified a potential that ACMs might be present. Overall, all suspect ACMs were observed in good condition and do not pose a health and safety concern to the occupants of the subject property at this time. The handling of demolition debris containing ACM would be subject to the ACM regulations; however without further mitigation this impact would be *significant*.

**Significance without Mitigation:** Significant.

**Impact HAZ-1:** Demolition of the existing structure on-site may create a significant hazard by exposing construction workers to asbestos containing materials. This is a *significant* impact.

**Mitigation Measure HAZ -1:** Prior to issuance of a demolition permit, a licensed asbestos abatement contractor shall conduct a comprehensive building survey to determine the presence or absence of any suspect asbestos-containing materials and/or lead-based paint. If such materials are identified, a licensed abatement contractor shall prepare an abatement plan that describes the demolition process, including material containment, disposal, and worker safety.

**Significance with Mitigation:** Less than significant.

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<b>HAZ-2</b>	<b>The 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.</b>
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## HAZARDS AND HAZARDOUS MATERIALS

Demolition of the existing on-site restaurant structure could potentially result in the release of hazardous building materials (i.e., ACMs) into the environment. Use of hazardous materials during construction could potentially include fuels, lubricants, greases, and coatings. Use of hazardous materials after construction could potentially include cleaning solvents, fertilizers, pesticides, and other materials used in the regular maintenance and operation of the proposed uses. An accidental release of any of these materials could pose a health hazard to the public.

Existing laws, regulations, policies, and procedures that would serve to prevent a release of hazardous materials include applicable federal, State, and local laws and regulations described in Section 4.7.1.1, Regulatory Framework, of this chapter, and the Stormwater Pollution Prevention Plan and Best Management Practices required for the proposed project (see Chapter 4.8, Hydrology and Water Quality, for additional detail). Compliance with these existing laws, regulations, policies, and procedures would help to ensure that future development activities would not create a significant hazard to the public. However, demolition of the existing restaurant structure could potentially result in the release of hazardous materials such as ACMs into the environment. As indicated under Impact HAZ-1, without further mitigation, the impact of ACMs during demolition may be significant. This would be a *potentially significant* impact.

**Significance without Mitigation:** Significant.

**Impact HAZ-2:** Demolition of the existing structure on site may create a significant hazard by exposing construction workers to asbestos containing materials. This is a *significant* impact.

**Mitigation Measure HAZ -2:** Implement Mitigation Measure HAZ-1.

**Significance with Mitigation:** Less than significant.

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<b>HAZ-3</b>	<b>The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school.</b>
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There are two preschools within 0.25 miles of the proposed project. Campbell Parents' Participation Preschool is located 360 feet to the west of the site and Noah's Ark is 290 feet southeast of the site.

Operation of the proposed restaurant would involve the use of small amounts of hazardous materials, such as cleansers, paints, fertilizers, and pesticides for cleaning and maintenance purposes. The proposed land use is not associated with the use, generation, storage, or transport of large quantities of hazardous or acutely hazardous materials; such uses generally include manufacturing, industrial, medical (e.g., hospital), and other similar uses. Therefore the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school and the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

## HAZARDS AND HAZARDOUS MATERIALS

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<b>HAZ-4</b>	<b>Implementation of the proposed project would not create a significant hazard to the public or the environment by being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.</b>
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As discussed previously in Section 4.7.1.2, Existing Conditions, the Phase I ESA did not identify any RECs, CRECs, or HRECs on the project site.

The Phase I ESA also included a search of standard federal, State, County, and City environmental records. The database records search found no properties surrounding the site that could represent a significant environmental concern. This includes sites with the potential to create a vapor intrusion<sup>12</sup> concern to the subject property. Please refer to the Phase I ESA in Appendix E of this Draft EIR for further details regarding the regulatory records review.

The proposed site, including surrounding sites, are not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>HAZ-5</b>	<b>The project would not be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, resulting in a safety hazard for people residing or working in the project area.</b>
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The City of Campbell is not located within an airport land use plan area. The nearest public use airport or private airstrip is the Norman Mineta San José International Airport, located roughly 4 miles north from the project site. There are no public use airports within 2 miles of the project site.<sup>13</sup> Therefore, there would be *no impact*.

**Significance without Mitigation:** No impact.

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<b>HAZ-6</b>	<b>The project would not be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area.</b>
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There are no private airstrips within or near the project site.<sup>14</sup> The Santa Clara Valley Medical Center, located 1.3 miles northeast of the site, operates a helipad.

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<sup>12</sup> Vapor intrusion is a process by which chemicals in soil or groundwater - especially Volatile Organic Compounds (VOCs) - migrate to indoor air above a contaminated site.

<sup>13</sup> California Department of Transportation, 2016, Caltrans Aviation GIS Data, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=32c3cbe24491427d872e2fec173a4b22>, accessed August 10, 2018.

<sup>14</sup> AirNav, 2016, Browse Airport, United States of America, California, <http://www.airnav.com/airports/us/CA>, accessed August 10, 2018.

## HAZARDS AND HAZARDOUS MATERIALS

Hazards to helipads include structures located within navigable airspace. The proposed project would have a maximum height of 26.5 feet, which would not interfere with navigable airspace for helicopters using the Santa Clara Medical Center helipad. Therefore, the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>HAZ-7</b>	<b>Implementation of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.</b>
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The proposed project would result in a significant impact if it would involve physical improvements that would impede emergency response to the project site or the immediate vicinity, or if it would otherwise interfere with emergency evacuation plans.

The proposed project would be required to comply with the provisions of the 2016 CFC and the 2016 CBC, which would ensure that building and life safety measures are incorporated into the proposed project and would facilitate implementation of emergency response plans. Future development plans would include fire and emergency access through all phases of construction and operation. The SCCFD has reviewed the proposed project site plans and has approved the plans. During construction, the project would be required to comply with all applicable provisions of the CFC to ensure fire safety during the construction phase. The project plans have been developed to be consistent with requirements for the provision of fire sprinklers, fire department access, fire hydrants, and water supply for fire protection.

As discussed in Section 4.7.1.1, the City of Campbell has prepared an EOP that identifies and allocates resources in response to emergencies, from preparation through recovery. The EOP identifies the City's emergency planning, organizational, and response policies and procedures and how they would be coordinated with emergency responses from other levels of government. The proposed project would redevelop an existing restaurant site and would not involve physical components that would interfere with the ability of the City, County, and emergency response service providers to implement emergency response activities within the project site or vicinity. The SCCFD has indicated that the project may result in an increase in response times for the project site and the area immediately north of the project site due to increased vehicular traffic caused by the project.<sup>15</sup> This issue is discussed in detail in Chapter 4.12, Public Service and Recreation. Impact discussion PS-1 describes that the traffic analysis conducted for the project determined that project-generated trips are anticipated to have minimal change to the average travel times and speeds along Hamilton Avenue for all users, including emergency vehicles. The project would result in a significant impact along the southbound approach to the Hamilton Avenue/Almarida Drive intersection, where the queue in the left-turn lanes is expected to extend beyond the project driveway, with or without the project, during both the p.m. and weekend peak hours. This impact would be mitigated to a less-than-significant level by installing "Keep Clear" pavement markings at the project driveway. Therefore, the project-related traffic is not expected to significantly impact response vehicle travel times.

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<sup>15</sup> Glass, Brian, Acting Deputy Chief of Operations, Santa Clara County Fire Department, Personal communication with Torina Wilson, PlaceWorks, July 24, 2018.

## HAZARDS AND HAZARDOUS MATERIALS

The Campbell General Plan identifies the following roadways as evacuation routes in the event of an emergency: Hamilton Avenue, Bascom Avenue, Winchester Boulevard, Campbell Avenue, Highway 17, and the San Tomas Expressway.<sup>16</sup>

In addition, the General Plan contains strategies that would further ensure that new development would not conflict with emergency operations in the project area (refer to Table 4.7-1).

Compliance with applicable laws and regulations regarding emergency preparedness, and the General Plan policies, would ensure that the proposed project would not interfere with an adopted emergency response plan or emergency evacuation plan and impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>HAZ-8</b>	<b>The project would not 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.</b>
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The project site is located within an urbanized area of Campbell, surrounded by developed lands. The proposed project is not located within a fire hazard severity zone and therefore would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires (refer to Figure 4.7-1 and 4.7-2).

The proposed project would be required to comply with the 2016 CFC and 2016 CBC, including installation of sprinklers, proper protection systems such as fire extinguishing systems and alarms, fire hydrants, water fire flow requirements, and access points to accommodate fire equipment. Compliance with existing codes, and the project site location outside of fire hazard areas, would ensure that impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### 4.7.4 CUMULATIVE IMPACTS

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<b>HAZ-9</b>	<b>The proposed project would result in less-than-significant cumulative impacts with respect to hazards and hazardous materials.</b>
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The area considered for cumulative impacts is Santa Clara County, which is the service area for the Santa Clara County Department of Environmental Health, the affected CUPA. The population of Santa Clara County is forecast to increase from about 1.88 million in 2015 to 2.42 million in 2040.<sup>17</sup> Other development projects throughout the county would use, store, transport, and dispose of increased

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<sup>16</sup> City of Campbell, 2001, *General Plan*, page HS-2.

<sup>17</sup> Association of Bay Area Governments, 2013, *Projections 2013*.

## HAZARDS AND HAZARDOUS MATERIALS

amounts of hazardous materials, and thus could pose substantial risks to the public and the environment. However, the use, storage, transport, and disposal of hazardous materials by other projects would conform with regulations of multiple agencies as described in Section 4.7.1.1 above.

The proposed project is located within 0.25 miles of two preschools but would not handle large quantities of hazardous or acutely hazardous waste; therefore, the proposed project would not contribute to a cumulative impact associated with schools.

Furthermore, the proposed project area is not located within 2 miles of a public airport or a private airstrip and would not have a significant impact on the Santa Clara Valley Medical Center helipad; therefore, the proposed project would not contribute to a cumulative impact associated with a public or private airport.

Cumulative projects have the potential to interfere with an adopted emergency response plan or emergency evacuation plan; however, all development would be required to comply with the provisions of the local, State, and federal regulations for emergency response plans and emergency evacuation plans. Compliance with these regulations would reduce potential cumulative impacts to less than significant.

Cumulative projects have the potential to increase development in areas of high fire susceptibility; however, all development would be required to comply with the provisions of the local and State regulations for wildland fires. Compliance with these regulations would reduce potential cumulative impacts to less than significant.

Cumulative impacts would be less than significant after compliance with regulations, and project impacts would not be cumulatively considerable.

**Significance Before Mitigation:** Less than significant.

## **HAZARDS AND HAZARDOUS MATERIALS**

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## HYDROLOGY AND WATER QUALITY

### 4.8 HYDROLOGY AND WATER QUALITY

This chapter describes the regulatory framework and existing conditions on the project site related to hydrology and water quality, and the potential impacts of the project on hydrology and water quality.

The information in this chapter is based in part on the following documents:

- MSL Engineering, June, 5, 2018, Hydrology Study, In-N-Out Burger Campbell.
- Santa Clara Valley, Urban Runoff, Pollution Prevention Program, November, 2011. Provision C.3 Data Form.
- Santa Clara Valley, Urban Runoff, Pollution Prevention Program, November, 2011. Infiltration Feasibility Worksheet.

Complete copies of these documents are included in Appendix F to this Draft EIR.

#### 4.8.1 ENVIRONMENTAL SETTING

##### 4.8.1.1 REGULATORY FRAMEWORK

###### Federal Regulations

###### *Clean Water Act*

Under the Clean Water Act (CWA) of 1977, the United States Environmental Protection Agency (EPA) seeks to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The statute employs a variety of regulatory and nonregulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The CWA authorizes the EPA to implement water-quality regulations. The National Pollutant Discharge Elimination System (NPDES) permit program under Section 402(p) of the CWA controls water pollution by regulating stormwater discharges into the waters of the United States. California has an approved State NPDES program. The EPA has delegated authority for water permitting to the State Water Resources Control Board (SWRCB), which has nine regional boards. The San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB) regulates water quality in Region 2, which includes the City of Campbell.

Section 303(d) of the CWA requires that each state identify water bodies or segments of water bodies that are "impaired" (i.e., not meeting one or more of the water-quality standards established by the state). These waters are identified in the Section 303(d) list as waters that are polluted and need further attention to support their beneficial uses. Once the water body or segment is listed, the state is required to establish Total Maximum Daily Load (TMDL) for the pollutant causing the conditions of impairment. TMDL is the maximum amount of a pollutant that a water body can receive and still meet water quality standards. Typically, TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non- point sources. The intent of the 303(d) list is to identify water bodies that require future development of a TMDL to maintain water quality. In accordance with Section 303(d), the RWQCB has

## HYDROLOGY AND WATER QUALITY

identified impaired water bodies within its jurisdiction, and the pollutants or stressors responsible for impairing the water quality.

The receiving water for the project site is Lower San Francisco Bay, which is listed on the Section 303(d) List of Water Quality Limited Segments for chlordane, dichloro diphenyl trichloroethane (DDT), dieldrin, dioxin compounds, furan compounds, invasive species, mercury, polychlorinated biphenyls (PCBs), and trash.<sup>1</sup> Chlordane, DDT, and dieldrin are organochlorine insecticides; PCBs were commonly used as coolants in electrical equipment.

### *National Pollutant Discharge Elimination System*

The NPDES permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems (MS4). Under the NPDES program, all facilities that discharge pollutants into waters of the United States are required to obtain a NPDES permit. Requirements for stormwater discharges are also regulated under this program. In California, the NPDES permit program is administered by the SWRCB through the nine RWQCBs. Discharge of stormwater runoff from construction sites of one or more acres is covered under the Statewide General Construction Permit.

## State Regulations

### *Porter-Cologne Water Quality Act*

The Porter-Cologne Water Quality Act (Water Code Section 13000 *et seq.*) is the basic water quality control law for California. Under this Act, the SWRCB has ultimate control over state water rights and water quality policy. In California, the EPA has delegated authority to issue NPDES permits to the SWRCB. The SWRCB, through its nine RWQCBs, carries out the regulation, protection, and administration of water quality in each region. Each regional board is required to adopt a Water Quality Control Plan, or Basin Plan, that recognizes and reflects the regional differences in existing water quality, the beneficial uses of the region's ground and surface water, and local water quality conditions and problems.

The project site is within the Guadalupe Watershed, which is under the jurisdiction of the San Francisco Bay RWQCB. The Water Quality Control Plan for the San Francisco Bay Watershed was last updated in 2017. This Basin Plan gives direction on the beneficial uses of the State waters within Region 2; describes the water quality that must be maintained to support such uses; and provides programs, projects, and other actions necessary to achieve the standards established in the Basin Plan.

### *Statewide General Construction Permit*

Construction projects of 1 acre or more are regulated under the General Construction Permit (GCP), Order No. 2012-0006-DWQ, issued by the SWRCB in 2012. Projects obtain coverage by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) estimating sediment risk from

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<sup>1</sup> State Water Resources Control Board, 2014, Impaired Water Bodies, [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml), accessed August 8, 2018.



## HYDROLOGY AND WATER QUALITY

construction activities to receiving waters, and specifying best management practices (BMPs) that would be used by the project to minimize pollution of stormwater.

### *Emergency Services Act*

The Emergency Services Act, under California Government Code Section 8589.5(b), calls for public safety agencies whose jurisdiction contains populated areas below dams to adopt emergency procedures for the evacuation and control of these areas in the event of a partial or total failure of the dam. The Governor's Office of Emergency Services (Cal OES), formerly the California Emergency Management Agency, is responsible for the coordination of overall State agency response to major disasters and assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts. In addition, the Cal OES Dam Safety Program provides assistance and guidance to local jurisdictions on emergency planning for dam failure events and is also the designated repository of dam failure inundation maps.

### *Division of Safety of Dams*

Since 1929, the State of California has supervised all non-federal dams in California through the Dam Safety Program under the jurisdiction of the Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD came into existence as a direct result of the failure of St. Francis Dam in southern California in 1928, which resulted in the death of more than 450 people.

The DSOD engineers and engineering geologists review and approve plans and specifications for the design of dams and oversee their construction to ensure compliance with the approved plans and specifications. Reviews include site geology, seismic setting, site investigations, construction material evaluation, dam stability, hydrology, hydraulics, and structural review of appurtenant structures. In addition, the DSOD engineers inspect over 1,200 dams on a yearly schedule to ensure they are performing and being maintained in a safe manner.

## **Regional Regulations**

### *Municipal Regional Stormwater NPDES Permit*

Municipal stormwater discharge in the City of Campbell is subject to the Waste Discharge Requirements of the MS4 Permit (Order Number R2-2015-0049, NPDES Permit Number CAS612008). Provision C.3 of the MS4 Permit requirements apply to all new development or redevelopment projects that create or replace 10,000 square feet of impervious surfaces and specific land use projects that create or replace 5,000 square feet of impervious surfaces (i.e., auto service facilities, retail gasoline outlets, restaurants, and/or uncovered surface parking). Provision C.3 of the MS4 Permit also mandates that new development projects that meet certain criteria: 1) incorporate site design, source control, and stormwater treatment measures into the project design; 2) minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge; and 3) prevent increases in runoff flows as compared to pre-development conditions. Low-impact development (LID) methods are the primary mechanisms for implementing such controls. New development projects must treat 100 percent of the calculated runoff (based on the sizing

## HYDROLOGY AND WATER QUALITY

criteria described in the C.3 provisions of the MS4 Permit) with LID treatment measures that include harvesting and reuse, infiltration, evapotranspiration, or biotreatment/bioretenion.

### *Santa Clara Valley Urban Runoff Pollution Prevention Program*

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) is an association of fifteen agencies in Santa Clara Valley that share a common permit to discharge stormwater to South San Francisco Bay.

Post-construction stormwater quality requirements pursuant to the SCVURPPP are explained in the SCVURPPP C.3 Stormwater Handbook issued in June 2016. The C.3 Stormwater Handbook includes instructions for implementing site design measures, source controls, stormwater treatment measures, construction site controls, and low-impact development measures.

The C.3 Handbook sets forth thresholds for when various categories of water quality protection measures are required, and offers step-by-step instructions on how to incorporate stormwater control and LID designs into project applications.<sup>2</sup>

## Local Regulations

Chapter 14.02 of the Campbell City Municipal code relates to stormwater pollution control. The purpose of this chapter is to provide minimum requirements designed to control the discharge of pollutants into the city municipal storm drain system and to assure that discharges from the City municipal storm drain system comply with applicable provisions of the CWA and the current NPDES Permit No. CA0029718 including amendments and California RWQCB approvals.

### 4.8.1.2 EXISTING CONDITIONS

#### Surface Waters

The Guadalupe River Watershed drains approximately 171 square miles. Though headwaters drain from the eastern Santa Cruz Mountains near the summit of Loma Prieta in heavily forested unincorporated county land that contains pockets of low-density residential developments, the Guadalupe River actually begins on the Valley floor at the confluence of Alamitos Creek and Guadalupe Creek, just downstream of Coleman Road in San José. From there it flows north approximately 14 miles until it discharges to the Lower South San Francisco Bay via Alviso Slough. On its journey, it traverses through the town of Los Gatos, and the cities of San Jose, Campbell, and Santa Clara, and is joined by three other tributaries: Ross, Canoas, and Los Gatos Creek. The largest of these, Los Gatos Creek joins the main stream about 3.5 miles

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<sup>2</sup> Santa Clara Valley Urban Runoff Pollution Prevention Program, 2016, C3. Stormwater Handbook, [http://scvurppp-w2k.com/pdfs/1516/c3\\_handbook\\_2016/SCVURPPP\\_C.3\\_Technical\\_Guidance\\_Handbook\\_2016\\_Chapters.pdf](http://scvurppp-w2k.com/pdfs/1516/c3_handbook_2016/SCVURPPP_C.3_Technical_Guidance_Handbook_2016_Chapters.pdf), accessed August 8, 2018.

## HYDROLOGY AND WATER QUALITY

downstream of its origin, passing from unincorporated county land through the towns of Monte Sereno and Los Gatos and the cities of Campbell and San José.<sup>3</sup>

### Surface Water Quality

The Los Gatos Creek and San Tomas Aquinas Creek run through the City of Campbell. Both creeks are listed on the CWA Section 303(d) List of Water Quality Limited Segments. Runoff from the project site ultimately drains to the Los Gatos Creek, which then discharges to Lower San Francisco Bay. Los Gatos Creek is listed for diazinon.<sup>4</sup> Lower San Francisco Bay is listed for chlordane, DDT, dieldrin, dioxin compounds, furan compounds, invasive species, mercury, polychlorinated biphenyls (PCBs), and trash.<sup>5,6</sup>

### Groundwater

The project site overlies the Santa Clara subbasin of the Santa Clara Valley Groundwater Basin.<sup>7</sup> The Santa Clara subbasin has a surface area of 153,600 acres. The Diablo Range bounds it on the west and the Santa Cruz Mountains form the basin boundary on the east. It extends from the northern border of Santa Clara County to the groundwater divide near the town of Morgan Hill.<sup>8</sup>

### Groundwater Quality

The groundwater in the Santa Clara subbasin is generally of a bicarbonate type, with sodium and calcium the principal cations. Although hard, it is of good to excellent mineral composition and suitable for most uses. Drinking water standards are met at public supply wells without the use of treatment methods.<sup>9</sup>

### Water Supply Sources

The City's current water supplies are provided by San Jose Water. San Jose Water has three sources of potable supply: groundwater, imported treated surface water and local surface water. Groundwater comprises just over one third of San Jose Water's water supply. San Jose Water has over 100 wells that pump water from the major water-bearing aquifers of the Santa Clara subbasin. These aquifers are recharged naturally by rainfall and artificially by a system of local reservoirs, percolation ponds, and an injection well operated by the Santa Clara Valley Water District (SCVWD).

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<sup>3</sup> Santa Clara Valley Urban Runoff Pollution Prevention Program, Guadalupe Watershed, [http://www.scvrppp-w2k.com/ws\\_guadalupe.shtml](http://www.scvrppp-w2k.com/ws_guadalupe.shtml), accessed August 9, 2018.

<sup>4</sup> Diazinon is an organophosphorus insecticide.

<sup>5</sup> Chlordane, DDT, and dieldrin are organochlorine insecticides; dioxin compounds are hydrocarbons and chlorinated hydrocarbons that are byproducts of various industrial processes; furan compounds are hydrocarbons occurring in heated food products; polychlorinated biphenyls are chlorinated hydrocarbons that were formerly used as coolants in electrical equipment.

<sup>6</sup> State Water Resources Control Board, 2014, Impaired Water Bodies, [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml), accessed August 9, 2018.

<sup>7</sup> California Department of Water Resources, 2016, Groundwater Basin Boundary Assessment Tool, <https://gis.water.ca.gov/app/bbat/>, accessed August 9, 2018.

<sup>8</sup> California's Groundwater Bulletin 118, 2004, Santa Clara Valley Groundwater Basin, Santa Clara Subbasin, [https://water.ca.gov/LegacyFiles/pubs/groundwater/bulletin\\_118/basindescriptions/2-9.02.pdf](https://water.ca.gov/LegacyFiles/pubs/groundwater/bulletin_118/basindescriptions/2-9.02.pdf), accessed August 9, 2018.

<sup>9</sup> California's Groundwater Bulletin 118, 2004, Santa Clara Valley Groundwater Basin, Santa Clara Subbasin, [https://water.ca.gov/LegacyFiles/pubs/groundwater/bulletin\\_118/basindescriptions/2-9.02.pdf](https://water.ca.gov/LegacyFiles/pubs/groundwater/bulletin_118/basindescriptions/2-9.02.pdf), accessed August 9, 2018.

## HYDROLOGY AND WATER QUALITY

Additionally, San Jose Water is under contract with the SCVWD to purchase about 50 percent of the needed water supply in the form of treated water. This water originates from several sources including local reservoirs, the State Water Project, and the federally funded Central Valley Project San Felipe Division.

San Jose Water's final source of potable water is from surface water in the local watersheds of the Santa Cruz Mountains. A series of dams and automated intakes collect water released from San Jose Water's lakes. The water is then sent to San Jose Water's Montevina Filter Plant for treatment prior to entering the distribution system. San Jose Water's Saratoga Treatment Plant draws water from a local stream which collects water from the nearby Santa Cruz Mountains.<sup>10</sup>

### Site Drainage<sup>11</sup>

The project site is fully developed with an 8,335-square-foot building and associated parking and driving aisles. The total existing impervious surface area is 46,022 square feet and the existing pervious surface area is 7,395 square feet. Runoff from the existing site is collected on-site within drain box inlets and conveyed underground through existing site storm drain to the northeast corner of the site. Runoff is discharged from the site through a 10-inch diameter storm drain connection to an existing 24-inch storm drain located on Almarida Drive.

### Flood Hazards

#### *100-Year Flood Zone*

The Federal Emergency Management Agency (FEMA) determines floodplain zones in an effort to assist cities in mitigating flooding hazards through land use planning. FEMA also outlines specific regulations for any construction within a 100-year floodplain. The 100-year floodplain is defined as an area that has a 1 percent chance of being inundated during a 12-month period. FEMA also prepares maps for 500-year floods, where the risk of flooding in any given year in the designated area is 0.2 percent. According to FEMA FIRM No 06085C0237H dated May 18, 2009, the project site is not in a 100-year flood zone.<sup>12</sup>

#### *Dam Inundation Area*

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.<sup>13</sup> Dam failure can occur with little warning. Intense storms may produce floods in a few hours or even minutes for upstream locations. Flash floods occur within six hours of the beginning of heavy rainfall, and dam failure may occur within hours of the first signs of breaching.

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<sup>10</sup> San Jose Water Company, 2011, 2010 Urban Water Management Plan, <https://water.ca.gov/LegacyFiles/urbanwatermanagement/2010uwmps/San%20Jose%20Water%20Company/SJWC'S%202010%20UWMP%20with%20Appendices.pdf>, accessed August 9, 2018.

<sup>11</sup> MSL Engineering, June, 5, 2018, Hydrology Study, In-N-Out Burger Campbell, page 1.

<sup>12</sup> Federal Emergency Management Agency, FEMA Flood Map Service Center, <https://msc.fema.gov/portal/home>, accessed August 9, 2018.

<sup>13</sup> California Emergency Management Agency, 2013, State of California Multi-Hazard Mitigation Plan.

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## HYDROLOGY AND WATER QUALITY

Other failures and breaches can take much longer to occur, from days to weeks. However, dam failure is a very rare occurrence. There is no historic record of dam failure in Santa Clara County or the City of Campbell.<sup>14</sup>

Cal OES is required by State law to work with State and federal agencies, dam owners and operators, municipalities, floodplain managers, planners, and the public to make available dam inundation maps.<sup>15</sup> Dam inundation maps are used in the preparation of Local Hazard Mitigation Plans (LHMPs) and General Plan Safety Element updates. In addition, Cal OES requires all dam owners to develop Emergency Action Plans for warning, evacuation, and post-flood actions in the event of a dam failure.

According to the latest Cal OES dam inundation map, the inundation zone for Lexington Reservoir reaches the project site.<sup>16</sup> The Lexington Reservoir and the James J. Lenihan Dam are located on Los Gatos Creek about three miles south of Los Gatos. The dam was constructed in 1952 and is owned and operated by the SCVWD. It is a 195-foot-high, 1,000-foot-thick earthen dam that impounds 19,044 acre-feet of water and has a surface area of 412 acres.<sup>17</sup> The project site is approximately 11 miles northeast of the Lexington Reservoir and is within the dam inundation zone.

DSOD has designated the dam as a “High Hazard” dam due to its location in a highly seismic environment. In 2007, the SCVWD replaced an old 48-inch outlet pipe that ran through the base of the dam and discharges into Los Gatos Creek with a 54-inch pipe, new valves, outlet structures, and a control building. The repairs were made to allow the reservoir to drain quickly during emergencies, such as after a major earthquake that could cause cracks in the dam, or during a series of heavy weather storms that could pose flooding risks to Los Gatos and Campbell.

In December 2012, a seismic evaluation of the Lenihan Dam was performed by Terra/GeoPentech (TGP) for the SCVWD as a requirement of the DSODs 2008 Phase III screening process of State dams located in highly seismic environments. The 2012 seismic evaluation indicated that the dam is seismically sound and would perform in a satisfactory manner in the event of a maximum credible earthquake and no seismic remediation was necessary. However, it was recommended that piezometric levels, vertical and lateral movement, and seepage flows continue to be monitored and evaluated, and that the condition of the dam be inspected immediately following future earthquakes to check that movements and cracking are consistent with those expected based on the engineering analyses and DSODs independent analyses.<sup>18</sup>

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<sup>14</sup> Santa Clara County, September, 2017, Santa Clara Operational Area Hazard Mitigation Plan, <http://www.morgan-hill.ca.gov/DocumentCenter/View/22135/Santa-Clara-Operational-Area-Hazard-Mitigation-Plan---Volume-1>, accessed August 9, 2018.

<sup>15</sup> California Emergency Management Agency, 2013, State of California Multi-Hazard Mitigation Plan.

<sup>16</sup> California Emergency Management Agency, 2007, Dam Inundation Maps DVD.

<sup>17</sup> Santa Clara Valley Water District, 2018, Local Dams and Reservoirs, Lexington Reservoir and Lenihan Dam, <https://www.valleywater.org/your-water/local-dams-and-reservoirs>, accessed August 25, 2014.

<sup>18</sup> Terra/GeoPentech, prepared for Santa Clara Valley Water District, 2012, Seismic Stability Evaluations of Chesbro, Lenihan, Stevens Creek, and Uvas Dams (SSE2). Lenihan Dam. Compilation Report.

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### *Tsunami Inundation Area*

A tsunami is a sea wave caused by a sudden displacement of the ocean floor, most often due to earthquakes. The project site is not in a tsunami inundation area.<sup>19</sup>

### *Seiche*

A seiche is an oscillation wave generated in a closed or partially closed body of water, which can be compared to the back-and-forth sloshing in a bathtub. Seiches can be caused by winds, changes in atmospheric pressure, underwater earthquakes, tsunamis, or landslides into the water body. Bodies of water such as bays, harbors, reservoirs, ponds, and swimming ponds can experience seiche waves up to several feet in height during a strong earthquake.

There are no large bodies of water within the project site. However, the proposed project is located 11 miles northeast of the Lexington Reservoir, 19 miles north of Lake Elsman, and 5 miles northeast of Vasona Reservoir. A seiche could theoretically occur in these reservoirs as the result of an earthquake or other disturbance, but the flooding impact would be less than that for the dam inundation zones. The Bay Area has not been adversely affected by seiches during its history within this seismically active region of California.<sup>20</sup>

### *Mudflow*

A mudflow is a landslide composed of saturated rock debris and soil with a consistency of wet cement. The project site is relatively flat and the map provided by the Association of Bay Area Governments indicates that there are no debris flow areas in the vicinity of the project site.<sup>21</sup>

## 4.8.2 STANDARDS OF SIGNIFICANCE

The proposed project would result in a significant hydrology and water quality impact if it would:

1. Violate any water quality standards or waste discharge requirements.
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would 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 would drop to a level which would not support existing land uses or planned uses for which permits have been granted).
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 would result in substantial erosion or siltation on- or off-site.

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<sup>19</sup> California Department of Conservation, 2015, CGS Information Warehouse: Tsunami, <http://www.quake.ca.gov/gmaps/WH/tsunamimaps.htm>, accessed August 9, 2018.

<sup>20</sup> US Army Corps of Engineers, San Francisco District, Port of Oakland, 2000, Oakland Harbor Navigation Improvement (-50 foot) Project SCH No. 97072051 Final Environmental Impact Statement/Report.

<sup>21</sup> Association of Bay Area Governments, 2014, Interactive Map of Debris Flow Source Area, <http://gis.abag.ca.gov/website/Hazards/?hlyr=debrisFlowSource>, accessed August 9, 2018.

## HYDROLOGY AND WATER QUALITY

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 would result in flooding on- or off-site.
5. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
6. Otherwise substantially degrade water quality.
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.
8. Place within a 100-year flood hazard area structures which would impede or redirect flood flows.
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.
10. Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow.
11. In combination with past, present, and reasonably foreseeable projects, result in significant cumulative impacts with respect to hydrology and water quality.

### 4.8.3 IMPACT DISCUSSION

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<b>HYDRO-1</b>	<b>The project would not violate any water quality standards or waste discharge requirements.</b>
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Urban runoff can carry a variety of pollutants, such as oil and grease, metals, sediment and pesticide residues from roadways, parking lots, rooftops, and landscaped areas, and deposit them into adjacent waterways via the storm drain system. Construction activities could result in the degradation of water quality, releasing sediment, oil and grease, and other chemicals into storm drains and/or nearby water bodies.

#### Construction Impacts

Clearing, grading, excavation, demolition, and construction activities associated with the proposed project have the potential to impact water quality through soil erosion and an increase in the amount of silt and debris carried in runoff. Additionally, the use of construction materials such as fuels, solvents, and paints may present a risk to surface water quality. Finally, the refueling and parking of construction vehicles and other equipment on-site during construction may result in oil, grease, or related pollutant leaks and spills that may discharge into the storm drain system.

To minimize these potential impacts, the proposed project would be required to comply with the GCP as well as prepare a SWPPP that requires the incorporation of BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. Because the project would disturb one or more acres, coverage under the Statewide GCP applies. The GCP also requires that, prior to the start of construction activities, the project applicant must file Permit Registration Documents with the SWRCB,

## HYDROLOGY AND WATER QUALITY

which includes a Notice of Intent, risk assessment, site map, annual fee, signed certification statement, SWPPP, and post-construction water balance calculations.

In addition, the project must comply with the City of Campbell's regulatory requirements, including Chapter 14.02, Stormwater Pollution Control, which is designed to reduce pollutants in stormwater discharges to the maximum extent practicable.

Adherence to applicable water quality regulations, preparation of an SWPPP, and compliance with the City of Campbell's Municipal Code would ensure that water quality standards are not violated during construction. Consequently, potential impacts associated with water quality during construction would be *less than significant*.

### Operational Impacts

Runoff from drive-thru restaurants typically contain oils, grease, fuel, antifreeze, and byproducts of combustion (such as lead, cadmium, nickel, and other metals), as well as fertilizers, herbicides, pesticides, and other pollutants. Precipitation at the beginning of the rainy season may result in an initial stormwater runoff (first flush) with high pollutant concentrations.

Water quality in stormwater runoff is regulated locally by the SCVURPPP, which include the C.3 provisions set by the San Francisco Bay RWQCB. The Santa Clara Countywide NPDES permit was amended in 2015 and now includes stricter requirements for incorporating post-construction stormwater control/LID measures into new development and redevelopment projects. All new and redevelopment projects must incorporate site design, source control, and treatment measures to the maximum extent practicable and use stormwater control measures that are technically feasible and not cost prohibitive. Also, each project regulated under the C.3 provisions must treat 100 percent of the amount of runoff for the project's drainage area with on-site LID treatment measures. Stormwater treatment requirements must be met through evapotranspiration, infiltration, rainwater harvesting, and reuse strategies, except where this is infeasible, in which case landscape-based biotreatment is allowed.

The hydrology study for the project describes the drainage pattern associated with the proposed project.<sup>22</sup> Runoff from the proposed site is similar to the existing condition, with stormwater collected on-site in new drain box inlets within the parking lot and drive-thru lane and conveyed underground through a new site storm drain system to a proposed subsurface infiltration system. Overflow runoff from the infiltration system is discharged from the site through a new 10-inch storm drain that will be connected to the existing 10-inch storm drain connection to the existing 24-inch storm drain located on Almarida Drive (see Figure 4.8-1).

The project would incorporate site design measures, source control measures, and stormwater treatment control measures to minimize potential water quality impacts. A summary of the measures to minimize water quality impacts is as follows:

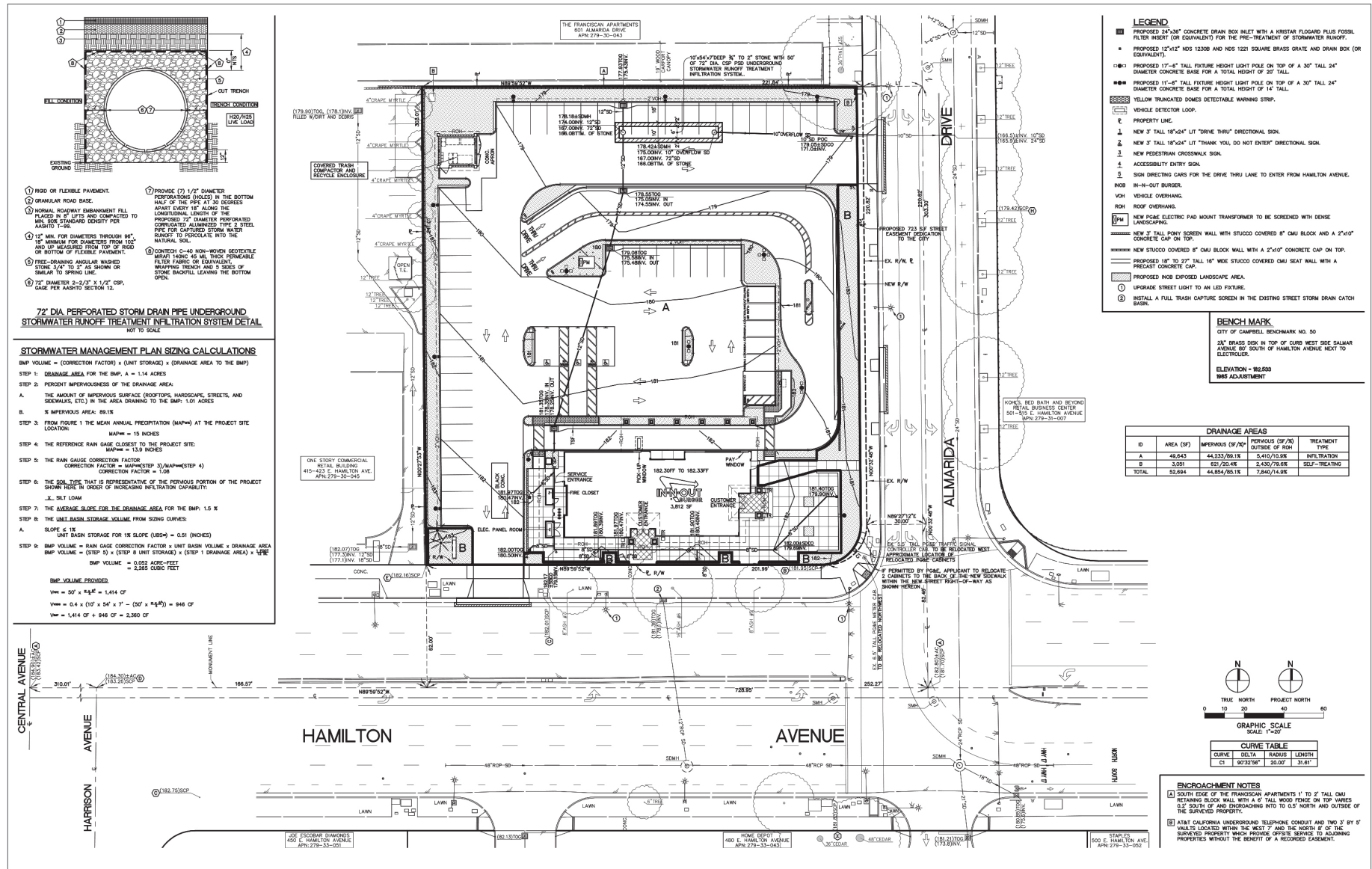
- Site Design BMPs: The proposed project would include the following site design BMPs:
- Minimize impervious surfaces

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<sup>22</sup> MSL Engineering, June, 5, 2018, Hydrology Study, In-N-Out Burger Campbell.



# HYDROLOGY AND WATER QUALITY



Source: GHA, 2018.



Figure 4.8-1  
Stormwater Control Plan

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Source Control BMPs: The proposed project would include the following source control BMPs:

- Covered dumpster area drain to sanitary sewer.
- Beneficial landscaping (minimize irrigation, runoff, pesticides and fertilizers).
- Maintenance (pavement sweeping, catch basin cleaning, good housekeeping).
- Storm drain labeling.

Low-Impact Development:

- Underground detention and infiltration system.

With the implementation of these site design, source control, treatment control, and LID features, the potential operational impacts to water quality would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>HYDRO-2</b>	<b>The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would 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 would drop to a level which would not support existing land uses or planned uses for which permits have been granted).</b>
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The project site is currently developed with approximately 86 percent impervious surfaces. Development of the proposed project would result in a slight decrease in impervious surfaces, to approximately 85.1 percent, and thus would be beneficial to groundwater recharge. Additionally, the underground infiltration system will promote groundwater recharge.

Free groundwater was not encountered within a depth of 42½ feet below existing site grade during the subsurface investigation. Information obtained from the State of California Department of Water Resources indicates that groundwater has historically been encountered at depths greater than 50 feet within the project site vicinity.<sup>23</sup> Therefore, no construction dewatering is necessary.

Groundwater is used for municipal supply in the City of Campbell. San Jose Water supplies potable water for the proposed project, of which 40 percent comes from groundwater supplies. The Santa Clara Valley Water Conservation District was formed in 1929 in response to groundwater overdraft and significant land subsidence. The District utilizes conjunctive<sup>24</sup> use to supplement groundwater and to sustain reliability in dry years by maintaining a comprehensive managed recharge program. The program helps to maintain adequate groundwater storage, keep groundwater levels above subsidence thresholds, and maintain flow

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<sup>23</sup> Geotechnical Engineering investigation Proposed In-N-Out Burger Restaurant, completed by Krazan and Associates on March 8, 2018.

<sup>24</sup> Conjunctive use means the coordinated use of surface water and groundwater.

## HYDROLOGY AND WATER QUALITY

gradients.<sup>25</sup> These measures would ensure that the use of groundwater for the project site would not deplete groundwater supplies.

Therefore, project development would not decrease groundwater recharge, require dewatering, or overdraw groundwater reserves and the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>HYDRO-3</b>	<b>The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.</b>
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Stormwater runoff from the project site would not be discharged to a surface water feature susceptible to bed and bank erosion due to increases in peak flows or volumes. However, the proposed project would involve grading and soil exposure during construction that could result in erosion and/or siltation if not controlled. To minimize this potential impact, the project would be required to comply with all of the requirements of the State GCP, including preparation of an SWPPP prior to the start of construction activities. The SWPPP includes BMPs for runoff, erosion, and sediment transport. In addition, the project would be required to comply with the City of Campbell's Municipal Code pertaining to grading and erosion control.

Given the nature of the proposed project, there is limited potential for erosion or siltation to occur once the project has been constructed. The C.3 requirements of the MS4 Permit include source control measures and site design measures that address stormwater runoff and would reduce the potential for erosion or siltation. Furthermore, Provision C.3 would require the project to implement stormwater treatment measures to contain site runoff, using specific numeric sizing criteria based on volume and flow rate.

Pursuant to the State GCP and MS4 Permit, the project would be required to implement construction phase BMPs, post-construction design measures that encourage infiltration in pervious areas, and post-construction source control measures to help keep pollutants out of stormwater. With implementation of these erosion and sediment control measures and regulatory provisions to limit runoff, the proposed project would not result in significant increases in erosion and sedimentation.

Project development would not decrease groundwater recharge or overdraw groundwater reserves, and the project would be required to implement NPDES requirements and comply with local City grading and excavation regulations as specified in the Municipal Code. Therefore, impacts during construction and operation would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<sup>25</sup> Santa Clara Valley Water District, 2016, Groundwater Management Plan, [http://savepaloaltogroundwater.org/files/2016\\_Groundwater-Management-Plan.pdf](http://savepaloaltogroundwater.org/files/2016_Groundwater-Management-Plan.pdf), accessed August 9, 2018.

## HYDROLOGY AND WATER QUALITY

**HYDRO-4      The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.**

The proposed project would take place within the boundaries of a fully developed site that is currently connected to the City's storm drain system. The proposed redevelopment does not involve the alteration of any natural drainage channels or any watercourse. The proposed project would include the installation of a 72-inch perforated storm drain pipe underground stormwater treatment infiltration system, as shown in Figure 4.8-1. This would collect runoff from roof tops and paved parking areas for treatment and flow control prior to discharge into the City's storm drain system.

The proposed condition is a new 3,812-square-foot In-N-Out Burger restaurant building, with outdoor dining area, trash enclosure, drive-thru lane, on-site parking, and landscaping. The total proposed impervious surface area is 44,854 square feet and the proposed pervious surface area is 7,840 square feet. The proposed project drainage would result in a decrease of impervious surfaces as compared to existing conditions and thus would result in a decrease in runoff from the project site. The site currently is almost entirely covered in impervious surfaces (86 percent) but the proposed project would result in a reduction of impervious surfaces, to 85.1 percent. A summary of the amount of impervious surfaces for existing and proposed conditions is summarized in Table 4.8-1.

**TABLE 4.8-1      SUMMARY OF EXISTING AND PROPOSED IMPERVIOUS SURFACE AREAS**

Area	Impervious Surfaces			
	Existing Conditions		Post-Project Conditions	
	Surface Area (Square Feet)	Percent of Total	Surface Area (Square Feet)	Percent of Total
Roof Area	8,335		6,310	
Parking	36,937		34,919	
Sidewalks and Streets	750		3,625	
<b>Total, Impervious Areas</b>	<b>46,022</b>	<b>86%</b>	<b>44,854</b>	<b>85.1%</b>
Total, Pervious Areas	7,395	14%	7,840	14.9%
<b>Total Area</b>	<b>53,417</b>		<b>52,694</b>	

Source: MSL Engineering, 2018, Hydrology Study, In-N-Out Burger Campbell.

Stormwater runoff from the impervious area would be directed to the underground stormwater treatment infiltration system. Overflow runoff from the infiltration system is discharged from the site through a new 10-inch storm drain that will be connected to the existing 10-inch storm drain connection to the existing 24-inch storm drain located on Almarida Drive.

Because of a decrease in impervious surfaces with the development of the project and stormwater infiltration on-site, the peak flow from the site for all storm events, including the 10-year event, would be reduced. As a result, the proposed project would not result in on-site and/or off-site flooding.

## HYDROLOGY AND WATER QUALITY

Change in the timing and volume of runoff from a site is called “hydromodification.” Projects will be required to comply with the hydromodification (HM) requirements if they meet the following applicability criteria:

- Create and/or replace 1 acre or more of impervious surface, AND
- Increase impervious surface over pre-project conditions, AND
- Are located in a susceptible area, as shown on the HM applicability map (subwatersheds that are less than 65 percent impervious).

The project site is not located in a susceptible area, as shown on the SCVURPPP Hydromodification Management Applicability Maps,<sup>26</sup> and does not increase impervious surface over pre-project conditions. Therefore, HM measures are not required.

With implementation of site BMPs, and a reduction in the amount of impervious surfaces, the proposed project would not increase the rate or amount of surface runoff in a manner that would cause flooding. Therefore, development of the project would have a *less-than-significant* impact with respect to flooding.

**Significance without Mitigation:** Less than significant.

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<b>HYDRO-5</b>	<b>The project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</b>
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There are two potential impacts to stormwater runoff hydrology with urban development. Impervious surfaces, such as roads, sidewalks, and buildings prevent the natural infiltration of stormwater into the soil and thus create higher runoff volumes. In addition, more rapid transport of runoff over impermeable surfaces combined with higher runoff volumes result in elevated peak flows. This increase in flows could adversely impact stormwater drainage systems.

The proposed project involves construction of a drive-thru restaurant on an existing developed property that is currently connected to the City’s storm drain system. The proposed project would result in a reduction in the amount of impervious surfaces and will infiltrate stormwater on-site, resulting in a reduction in the amount of runoff from the property. Since less stormwater runoff would be discharged to the City’s storm drain system as compared to existing conditions, development of the project would not result in an exceedance of the capacity of the City’s storm drain system. Also, the proposed project must comply with the SCVURPPP C.3 provisions. One of the BMPs for this proposed project involves the construction of a 72-inch perforated storm drain pipe underground stormwater treatment infiltration system. This would provide both treatment of site runoff and flow control prior to discharge to the City’s storm drain system. The treatment of stormwater runoff from the site via the underground infiltration system would minimize the potential for substantial additional sources of polluted runoff. Therefore, the

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<sup>26</sup> Santa Clara Valley Urban Runoff Pollution Prevention Program, 2016, Hydromodification Management Applicability Maps, City of Campbell, [http://www.scvurppp-w2k.com/HMP\\_app\\_maps/Campbell\\_HMP\\_Map.pdf](http://www.scvurppp-w2k.com/HMP_app_maps/Campbell_HMP_Map.pdf), accessed August 9, 2018.

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existing storm drain system would be able to handle the stormwater flow from the site and the impact to stormwater drainage systems or stormwater pollutant loads would be *less than significant*.

**Significance without Mitigation:** Less than significant

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<b>HYDRO-6</b>	<b>The proposed project would not otherwise substantially degrade water quality.</b>
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As discussed under impact discussion HYDRO-1, BMPs and LID measures would be implemented across the project site during both construction and operation of the proposed project. These measures would control and prevent the release of sediment, debris, and other pollutants into the storm drain system. Implementation of BMPs during construction would be in accordance with the provisions of the SWPPP, which would minimize the release of sediment, soil, and other pollutants. Operational BMPs would be required to meet the C.3 provisions of the MS4 Permit and these requirements include the incorporation of site design, source control, and treatment control measures to treat and control runoff before it enters the storm drain system. With implementation of these BMPs and LID measures in accordance with City and MS4 Permit requirements, the potential impact on water quality would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>HYDRO-7</b>	<b>The project would not 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.</b>
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As stated above under Section 4.8.1.2, no buildings or housing would be placed within the 100-year floodplain and, therefore, there would be *no impact*.

**Significance without Mitigation:** No impact.

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<b>HYDRO-8</b>	<b>The project would not place within a 100-year flood hazard area structures which would impede or redirect flood flows.</b>
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As stated above under Section 4.8.1.2, no structures would be placed within the 100-year floodplain and, therefore, there would be *no impact*.

**Significance without Mitigation:** No impact.

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<b>HYDRO-9</b>	<b>The project would not 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.</b>
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## HYDROLOGY AND WATER QUALITY

According to mapping compiled by Cal OES,<sup>27</sup> the entire project site is within the Lexington Reservoir dam inundation zone. The dam inundation zone for Lexington Reservoir encompasses a large area, including most of the City of Campbell.

Dam inundation zones are based on the highly unlikely scenario of a total catastrophic dam failure occurring in a very short period of time. Existing State and local regulations address the potential for flood hazards as a result of dam failure. The Lexington Reservoir is under the jurisdiction of the DSOD. The dam has been assessed for seismic stability and has been deemed capable to withstand the maximum credible earthquake.

The probability of dam failure is extremely low and the City of Campbell and Santa Clara County have never been impacted by a major dam failure. Dams in California are continually monitored by various governmental agencies, including the DSOD, which conducts inspections twice a year and reviews all aspects of dam safety. Dam owners are also required to maintain Emergency Action Plans that include procedures for damage assessment and emergency warnings. In addition, the City of Campbell, in conjunction with Santa Clara County, addresses the possibility of dam failure in the Local Hazard Mitigation Plan, which also provides emergency response actions. With these safety procedures and planning efforts in place, implementation of the project would not be expected to expose people or structures to a significant risk of loss, injury, or death in the case of dam failure and impacts are considered to be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>HYDRO-10</b>	<b>The project would not expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow.</b>
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As stated above under Section 4.8.1.2, the project site is not in a tsunami inundation area, there are no inland water bodies close to the project site that could result in a flood hazard due to a seiche, and there are no debris flow areas in the vicinity of the project site. Therefore, there would be *no impact*.

**Significance without Mitigation:** No impact.

### 4.8.4 CUMULATIVE IMPACTS

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<b>HYDRO-11</b>	<b>The proposed project would have less-than-significant cumulative impact with respect to hydrology and water quality.</b>
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The geographic area for the analysis of cumulative hydrology and water quality impacts includes the areas within the City of Campbell that discharge stormwater to the same storm drain system as the project site, with ultimate discharge into the Lower San Francisco Bay. Additional projects include cumulative growth associated with City-approved projects and other foreseeable future projects. Development of approved

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<sup>27</sup> California Emergency Management Agency, 2007, Dam Inundation Maps DVD.

## HYDROLOGY AND WATER QUALITY

and future projects within the City of Campbell could increase stormwater runoff and contribute to decreased water quality in receiving waters.

The project site is located in an area that is almost completely developed with impervious surfaces and would generate stormwater runoff that is less than existing conditions with the implementation of BMPs. All new development or redevelopment projects in the City of Campbell would also be required to comply with Santa Clara County's C.3 provisions that require BMPs to be implemented. These BMPs include site design, source control, and treatment control measures that provide both flow control and treatment to runoff before it enters the storm drain system. Similarly, all projects would be required to comply with the GCP, prepare an SWPPP, and implement BMPs to minimize erosion and siltation impacts during construction.

Development within the City of Campbell would require conformance with State and local policies and regulations that would reduce hydrology and water quality impacts to less-than-significant levels. When applicable, any new development within the City would be subject, on a project-by-project basis, to the applicable level of independent CEQA review as well as design guidelines, Municipal Code requirements, and other applicable City policies and procedures that reduce impacts related to hydrology and water quality. New projects would also be subject to review by the City's Public Works Department to ensure that stormwater discharge from the sites would not exceed the capacity of the City's storm drain system. For these reasons, impacts of the proposed project and approved and/or future projects on hydrology and water quality are not cumulatively considerable and the cumulative impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.



## LAND USE AND PLANNING

### 4.9 LAND USE AND PLANNING

This chapter describes the land use character of the project site and its vicinity and evaluates the potential environmental impacts that could occur by implementing the proposed project. This chapter begins with a summary of the relevant regulatory setting and existing conditions, followed by a discussion of the proposed project and cumulative impacts.

#### 4.9.1 ENVIRONMENTAL SETTING

##### 4.9.1.1 REGULATORY FRAMEWORK

This section summarizes existing regional and local agencies, regulations, and plans that pertain to land use. There are no federal or State regulations applicable to land use in the project site vicinity.

#### Regional Regulations

##### *Plan Bay Area 2040*

The Association of Bay Area Governments (ABAG) is the regional planning agency and council of governments for the nine-county San Francisco Bay Area, which includes Santa Clara County and the City of Campbell. The Metropolitan Transportation Commission (MTC) and ABAG's *Plan Bay Area 2040* is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS). *Plan Bay Area 2040* was prepared by MTC in partnership with ABAG, the Bay Area Air Quality Management District, and San Francisco Bay Conservation and Development Commission and adopted on July 26, 2017.<sup>1</sup> An overarching goal of *Plan Bay Area* is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth to outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle miles traveled and associated greenhouse gas emissions reductions. The project site is located within a Transit Priority Area (TPA) by *Plan Bay Area*.<sup>2</sup> Senate Bill 375 defines a TPA as a lot or area within a half mile of a major transit stop or within one-quarter of a mile of high-quality transit corridors.<sup>3</sup> *Plan Bay Area* identifies TPA zones with the goal of locating land uses that would not substantially increase automobile traffic, and will instead decrease automobile transit and allow for promotion of public and active transportation.

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<sup>1</sup> Association of Bay Area Governments, 2017, *Plan Bay Area 2040*, <http://2040.planbayarea.org/>, accessed November, 15, 2018.

<sup>2</sup> Metropolitan Transportation Commission, Association of Bay Area Governments, <https://www.planbayarea.org/pda-tpa-map>, accessed July 30, 2018.

<sup>3</sup> Metropolitan Transportation Commission, Association of Bay Area Governments, July 2017, *Plan Bay Area: Final Land Use Modeling Report*.

## LAND USE AND PLANNING

### *Habitat Conservation Plans*

The project site is not in a habitat conservation plan or natural communities conservation plan designated by the United States Fish and Wildlife Service or California Department of Fish and Wildlife.<sup>4,5</sup>

## Local Regulations

As in all California cities, the distribution and arrangement of land uses in The City of Campbell are regulated by the City's General Plan and Zoning Code. These regulations affect the precise types and amount of development allowed on the project site.

### *City of Campbell General Plan*

#### General Plan Policies

The City of Campbell's General Plan, adopted on November 6, 2001, serves as an effective guide for orderly growth and development, provision of public services and facilities, and conservation of natural resources. The Land Use and Transportation Element was updated in August of 2014. The General Plan establishes policies to guide development and conservation in Campbell through 2020. The seven State-mandated General Plan elements (Land Use, Circulation, Conservation, Housing, Open Space, Noise, and Safety) were combined into five elements under the City's General Plan as follows:

- Land Use and Transportation
- Open Space, Parks and Public Facilities
- Health and Safety
- Conservation and Natural Resources
- Housing

Key policies and strategies of the General Plan relevant to the proposed project are included in Table 4.9-1.

#### General Plan Land Use Designations

The Land Use and Transportation Element describes the general distribution of land uses and the density and intensity of development within Campbell. The project site has a General Plan land use designation of General Commercial, as shown on Figure 3-3 in Chapter 3, Project Description, of this Draft EIR.

The General Commercial designation is one of the two land use designations in the City's General Plan that anticipate drive-thru restaurant activities, along with the Neighborhood Commercial designation. The General Commercial designation permits commercial uses that need exposure to high volumes of automobile traffic or access to transit corridors. The building forms should typically frame the street, with

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<sup>4</sup> US Fish and Wildlife Service, 2016, Habitat Conservation Plans in Pacific Southwest Region of US Fish and Wildlife Service, data layer on Data Basin maintained by Conservation Biology Institute, <https://databasin.org/maps/bcd7a710c93743a48b4b29231dfdc158/active>, accessed August 8, 2018.

<sup>5</sup> California Department of Fish and Wildlife, 2017, Natural Community Conservation Planning: Plan Summaries, <https://wildlife.ca.gov/Conservation/Planning/NCCP/Plans>, accessed June 5, 2018.

## LAND USE AND PLANNING

**TABLE 4.9-1 GENERAL PLAN GOALS, POLICIES, AND STRATEGIES PERTAINING TO LAND USE AND PLANNING**

Goal/Policy/ Strategy Number	Goal/Policy/Strategy Text
Goal LUT-5	<i>Preservation and enhancement of the quality character and land use patterns that support the neighborhood concept.</i>
Policy LUT-5.3	Maintain a variety of attractive and convenient commercial and office uses that provide needed goods, services and entertainment.
Policy LUT-5.3b	Design commercial and office buildings city-wide to have minimal setbacks from the sidewalk except to allow for pedestrian oriented features such as plazas, recessed entryways, and wider sidewalks for outdoor cafes. Discourage parking areas between the public right-of-way and the front façade of the building.
Goal LUT-9	<i>A compatible land use pattern citywide.</i>
Policy LUT-9.1	Establish a compatible land use pattern citywide.
Strategy LUT-9.1c	Permit only those uses that are compatible with land use objectives and redevelopment plans.
Policy LUT-9.3	Promote high quality, creative design and site planning that is compatible with surrounding development, public spaces and natural resources.
Strategy LUT-9.3e	Encourage the use of long-lasting, high quality building materials on all buildings to ensure long-term quality of the built environment.
Strategy LUT-9.3m	Locate parking areas, truck loading areas, drive-through lanes and drive-through windows away from streets, out of immediate public view, while minimizing land use conflicts and traffic impacts.

Source: City of Campbell, 2001, City of Campbell General Plan.

parking lots either behind or under the building. Auto-related uses, such as auto repair, are not allowed in the General Commercial areas.<sup>6</sup>

### *City of Campbell Municipal Code*

In addition to the General Plan, the City of Campbell Municipal Code is the primary tool that regulates physical development in Campbell. The Municipal Code contains all ordinances for the City, and identifies land use categories, site development regulations, and other general provisions that ensure consistency between the General Plan and proposed development projects. The Municipal Code is organized by Title, Article, and Chapter. The following provisions of the Municipal Code implement the goals and policies of the General Plan.

### Zoning Code

Title 21 of the Municipal Code sets forth the Campbell Zoning Code. The Zoning Code regulates land use and development in the city. It describes zoning districts and contains the Zoning Map and development standards for the zoning districts. The Zoning Ordinance is the mechanism used to implement the goals, policies, and strategies of the existing General Plan, and to regulate all land use within the city. The Zoning Ordinance establishes allowable land use intensities, including density and floor area ratio (FAR). The project site is zoned General Commercial (C-2) as shown in Figure 3-4 in Chapter 3, Project Description, of this Draft EIR.

<sup>6</sup> City of Campbell, 2011, City of Campbell General Plan, page LUT-7.

## LAND USE AND PLANNING

The C-2 zoning district is intended to provide a wide range of retail sales and business and personal services, primarily oriented to the automobile customer and accessible to transit corridors; provide for the general commercial needs of the city; and promote stable and attractive commercial development that affords a pleasant shopping environment. Building forms should typically frame the street with parking lots located either behind or under the structures they are designed to serve. Auto-related uses (e.g., auto repair) are generally prohibited from locating in this zoning district. The C-2 zoning district is consistent with the General Commercial land use designation of the General Plan.

### Site and Architectural Review

Chapter 21.42 of the Municipal Code requires the Community Development Director, the Site and Architectural Review Committee, and the Planning Commission to review and approve architectural and site designs of buildings within the city to promote and ensure the goals and objectives identified in the General Plan. A project may be approved only when the project is consistent with the General Plan and applicable design guidelines, and promotes harmonious development with the surrounding area.

#### **4.9.1.2 EXISTING CONDITIONS**

The project site is an approximately 1.2-acre lot in the northeastern portion of Campbell, on the north side of East Hamilton Avenue near Highway 17. Existing on-site is a vacant restaurant with various landscaping and surface parking.

Figure 3-2 in Chapter 3, Project Description, of this Draft EIR shows the immediate vicinity of the project site. The surrounding area is characterized by a mix of commercial uses along East Hamilton Avenue and single- and multi-family residential properties to the north of the project site. The Franciscan Apartments lie directly to the north of the project site. Surrounding commercial includes Panera Bread, Bed Bath & Beyond, and T-Mobile to the west, while a salon and barbershop, flooring store, and investment firm are located to the east. To the northwest of the site is a preschool and children's learning center, as well as additional single- and multi-family housing. To the northeast lies a Kohl's department store with surface parking. To the south, across East Hamilton Avenue, lie big-box retail stores including Staples, Home Depot, a Shell Gas Station, and a jewelry shop, all with surface parking.

#### **4.9.2 STANDARDS OF SIGNIFICANCE**

The proposed project would result in a significant land use and planning impact if it would:

1. Physically divide an established community.
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.
3. Conflict with any applicable habitat conservation plan or natural community conservation plan.
4. In combination with past, present, and reasonably foreseeable projects, result in significant cumulative impacts with respect to land use and planning.

## LAND USE AND PLANNING

### 4.9.3 IMPACT DISCUSSION

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<b>LU-1</b>	<b>The proposed project would not physically divide an established community.</b>
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The introduction of new development or infrastructure projects can adversely affect the physical cohesion of an established community. Examples of projects that can divide neighborhoods include freeway projects, rail alignments, road closures, and new development that is drastically out of scale with surrounding land uses. Community division can impede mobility, wayfinding, and community identity.

The proposed project would redevelop the project site, which consists of fully developed land with a vacant restaurant. The proposed development would not change the overall arrangement of the vicinity's street network or substantially alter the configuration of the site. Project development may potentially affect movement through the area, due to a higher volume of automobile traffic accessing the site. However, the division of an existing unified neighborhood or land uses would not occur as a result of increased traffic. Therefore, the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>LU-2</b>	<b>The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.</b>
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The project site consists of one block in an urbanized portion of Campbell. The project site is not within a plan area of a specific plan adopted by the City. This analysis focuses on the consistency between the proposed project and the City's General Plan and ABAG/MTC *Plan Bay Area*.

#### General Plan

The proposed project is consistent with applicable land use and planning policies of the Campbell General Plan, listed in Table 4.9-1. Goal LUT-5 and Policy LUT-5.3 focus on preserving the quality character and land use pattern of neighborhoods, in addition to maintaining a variety of attractive and convenient commercial uses that provide needed goods, services, and entertainment. Additionally, the General Commercial land use designation is applied along arterial roadways with high volumes of automobile traffic and access to transit corridors in order to encourage the location of commercial along highly active and visible corridors, including Bascom and Hamilton Avenues. Additionally, placing General Commercial land uses along arterials ensures that commercial development occurs in designated commercial corridors, protecting the character of residential neighborhoods.

The proposed project would be a restaurant use with a drive-thru that is consistent with the General Commercial land use designation of the site. The proposed building would be designed with a similar architectural style to the surrounding commercial and residential buildings, and therefore be consistent

## LAND USE AND PLANNING

with Goal LUT-5 and Policy LUT-5.3 and LUT-5.3b. The proposed project is also consistent with Goal LUT-9, Policy LUT-9.1, and Strategy LUT-9.1c because the proposed restaurant is compatible with the General Commercial designation and the adjoining neighborhood. Policy LUT-9.3, Strategy LU-9.3e, and Strategy LUT-9.3m focus on site planning and design to ensure compatibility with surrounding development, long-term quality of the built environment, and minimal land use and traffic conflicts. The proposed project design includes two driveways (Hamilton Avenue and Almarida Drive), and a drive-thru and parking in the interior of the project site to reduce traffic conflicts, which would meet the requirements of Strategy LUT-9.3m. The façade of the building will also be constructed with a white stucco exterior and terra cotta roofing materials that would meet the requirements of Strategy 9.3e. Based on this consistency analysis, the proposed project would not conflict with land use and planning General Plan policies.

### Plan Bay Area 2040

The proposed project is consistent with the overall regional policy framework of *Plan Bay Area 2040* because it will redevelop a vacant site within an urban footprint (instead of developing on the region's undeveloped periphery), and locate jobs near housing and transit, and would not displace existing housing or residents. The proposed project would generate additional automobile traffic to the site instead of decreasing vehicular traffic; however, the development does respect regional policies by locating a higher vehicle generating land use near transit corridors. The project is consistent with all local plans and the Zoning Code of the City of Campbell. Additionally, the project is compatible with the commercial businesses located in the vicinity, and will serve those riding or using public and active transportation, consistent with the goals of the Plan Bay Area designated Transportation Priority Areas. The project site's proximity to public transportation routes and stops accommodates the travel needs of potential employees and customers who must access the site via public transportation.

### Conclusion

As demonstrated above, implementation of the proposed project would not be inconsistent with applicable land use plans, policies, and regulations. Impacts would be *less than significant* and no mitigation is necessary.

**Significance without Mitigation:** Less than significant.

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<b>LU-3</b>	<b>The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.</b>
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The project site is not in the plan area of an applicable habitat conservation plan or natural community conservation plan.<sup>7,8</sup> As no habitat conservation plans apply to the proposed project, there would be *no impact*.

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<sup>7</sup> US Fish and Wildlife Service, 2016, Habitat Conservation Plans in Pacific Southwest Region of US Fish and Wildlife Service, data layer on Data Basin maintained by Conservation Biology Institute, <https://databasin.org/maps/bcd7a710c93743a48b4b29231dfdc158/active>, accessed August 8, 2018.

## LAND USE AND PLANNING

**Significance without Mitigation:** No impact.

### 4.9.4 CUMULATIVE IMPACTS

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<b>LU-4</b>	<b>The proposed project would not result in significant cumulative impacts with respect to land use and planning.</b>
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While development of a single project may not be significant in impacting the land use of an area, several concurrent developments in the same area of a city could constitute a significant cumulative effect. Significant development may result in community division which can impede mobility, wayfinding, and community identity.

As discussed above, the proposed project would not conflict with any applicable land use plans, policies, or regulations. In addition, the proposed project would not physically divide an existing community, nor would the proposed project conflict with an adopted conservation plan. Potential development of the Campbell In-N-Out Burger project may affect neighboring properties, such as the Franciscan Apartments at 601 Almarida Drive, which are immediately north and adjacent to the proposed project. A project application has been submitted to the City of Campbell to construct an additional 120,000 square feet of residential units. Additionally, an application for construction of a Chick-fil-A drive-thru fast-food restaurant has also been submitted to the City. Neither of these projects conflict with existing land use designations within the city. Five additional projects within 0.75 miles of the project site have been approved by the City and are either under construction or are fully operational. These projects, in combination with the proposed project, would also not create any barriers that would divide the project neighborhood, and would not conflict with any habitat plans. As such, impacts from the proposed project, in combination with other proposed development in the City of Campbell would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<sup>8</sup> California Department of Fish and Wildlife, 2017, Natural Community Conservation Planning: Plan Summaries, <https://wildlife.ca.gov/Conservation/Planning/NCCP/Plans>, accessed June 5, 2018.

## **LAND USE AND PLANNING**

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## 4.10 NOISE

This section describes the regulatory framework and existing conditions related to noise sources and the overall noise environment in the vicinity of the proposed project, evaluates the potential impacts that could occur as a result of implementation of the proposed project, and details mitigation measures needed to reduce significant impacts. The technical data and modeling used to for the analysis in this section are located in Appendix G of this Draft Environmental Impact Report (EIR), in the Technical Noise Report prepared by Meridian Consultants.

### 4.10.1 GLOSSARY

The following are brief definitions of terminology used in this section:

- **Sound:** A disturbance created by a vibrating object, which when transmitted by pressure waves through a medium such as air, is capable of being detected by the human ear or a microphone.
- **Noise:** Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
- **Decibel (dB).** A unit-less measure of sound on a logarithmic scale.
- **A-Weighted Decibel (dBA).** An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- **Equivalent Continuous Noise Level ( $L_{eq}$ ).** The mean of the noise level, energy averaged over the measurement period.
- **$L_{max}$ .** The maximum root-mean-square noise level during a measurement period.
- **Statistical Sound Level ( $L_n$ ).** The sound level that is exceeded “n” percent of time during a given sample period. For example, the  $L_{50}$  level is the statistical indicator of the time-varying noise signal that is exceeded 50 percent of the time (during each sampling period), which is half of the sampling time, the changing noise levels are above this value and half of the time they are below it. This is called the “median sound level.” The  $L_{10}$  level, likewise, is the value that is exceeded 10 percent of the time (i.e., near the maximum) and this is often known as the “intrusive sound level.” The  $L_{90}$  is the sound level exceeded 90 percent of the time and is often considered the “effective background level” or “residual noise level.”
- **Day-Night Sound Level ( $L_{dn}$  or DNL).** The energy-average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the sound levels occurring during the period from 10:00 p.m. to 7:00 a.m.
- **Community Noise Equivalent Level (CNEL).** The energy-average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the levels occurring during the period from 7:00 p.m. to 10:00 p.m. and 10 dB added to the sound levels occurring during the period from 10:00 p.m. to 7:00 a.m. Note: For general community/environmental noise, CNEL and  $L_{dn}$  values rarely differ by more than 1 dB. As a matter of practice,  $L_{dn}$  and CNEL values are considered to be equivalent/interchangeable and are treated therefore in this assessment.

## NOISE

- **Peak Particle Velocity (PPV).** The peak rate of speed at which soil particles move (e.g., inches per second) due to ground vibration.
- **RCNM.** Federal Highway Administration Roadway Construction Noise Model.

### 4.10.2 ENVIRONMENTAL SETTING

#### 4.10.2.1 REGULATORY FRAMEWORK

To limit population exposure to physically and/or psychologically damaging as well as intrusive noise levels, the State of California, various county governments, and most municipalities in the state have established standards and ordinances to control noise. Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, State law and the City require that, for planning purposes, an artificial dB increment be added to quiet time noise levels in a 24-hour noise descriptor called the Community Noise Equivalent Level (CNEL) or Day-Night Noise Level ( $L_{dn}$ ). The CNEL descriptor requires that an artificial increment be added to the actual noise level of 5 dBA for the hours from 7:00 p.m. to 10:00 p.m. and 10 dBA for the hours from 10:00 p.m. to 7:00 a.m. The  $L_{dn}$  descriptor uses the same methodology except that there is no artificial increment added to the hours between 7:00 p.m. and 10:00 p.m. Both descriptors give roughly the same 24-hour level with the CNEL being only slightly more restrictive (i.e., higher). There are no federal noise or vibration standards applicable to activities or uses in the project area; therefore, this analysis addresses only State and local standards.

#### State Regulations

The California Office of Noise Control has prepared a land use compatibility chart for community noise to provide urban planners with a tool to gauge the compatibility of land uses relative to existing and future ambient noise levels. This land use compatibility chart identifies “normally acceptable,” “conditionally acceptable,” and “clearly unacceptable” noise levels for various land uses. A conditionally acceptable designation implies that new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements for each land use is made and needed noise insulation features are incorporated in the design. By comparison, a normally acceptable designation indicates that standard construction can occur with no special noise reduction requirements. Campbell has adopted its own compatibility standards; however, Campbell’s standards do not cover the full range of land uses considered by the State Guidelines. Since the City of Campbell has adopted less comprehensive standards, the State Guidelines are included as Table 4.10-1 for reference.

#### Local Regulations

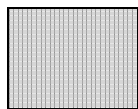
##### *City of Campbell General Plan*

The Conservation and Natural Resources Element of the 2001 Campbell General Plan sets forth land use compatibility guidelines for noise-sensitive residential land uses and outdoor activity areas. The land use noise compatibility standards adopted by the City are different from those in the State of California General Plan Guidelines, in that they are not presented as a table or chart, and apply only to residential development. These standards are reflected in the text of the General Plan’s noise policies, and are also

# NOISE

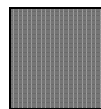
**TABLE 4.10-1 STATE OF CALIFORNIA LAND USE COMPATIBILITY GUIDELINES FOR COMMUNITY NOISE ENVIRONMENTS**

Land Uses	CNEL (dBA)					
	55	60	65	70	75	80
Residential – Low Density Single-Family, Duplex, Mobile Homes						
Residential – Multiple-Family						
Transient Lodging, Motels, Hotels						
Schools, Libraries, Churches, Hospitals, Nursing Homes						
Auditoriums, Concert Halls, Amphitheaters						
Sports Arena, Outdoor Spectator Sports						
Playgrounds, Neighborhood Parks						
Golf Courses, Riding Stables, Water Recreation, Cemeteries						
Office Buildings, Businesses, Commercial and Professional						
Industrial, Manufacturing, Utilities, Agricultural						



**Normally Acceptable:**

Specified land use is satisfactory based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.



**Normally Unacceptable:**

New construction or development should generally be discouraged. If new construction does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.



**Conditionally Acceptable:**

New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and the needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.



**Clearly Unacceptable:**

New construction or development generally should not be undertaken.

Source: Governor's Office of Planning and Research, 2003, General Plan Guidelines 2003.

included in the City's Municipal Code. Relevant noise goals, policies, and strategies applicable to the proposed project from the General Plan Conservation and Natural Resources Element are included in Table 4.10-2.

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TABLE 4.10-2 CITY OF CAMPBELL GENERAL PLAN NOISE GOALS, POLICIES, AND STRATEGIES PERTAINING TO NOISE

Goal/Policy/ Strategy Number	Goal/Policy/Strategy Text
Goal CNR-10	<i>Protect the community, especially sensitive noise receptors such as schools, hospitals, and senior facilities, from excessive noise.</i>
Policy CNR-10.1	Noise Reduction: Reduce noise levels at the source.
Strategy CNR-10.1a	Noise Ordinance: Adopt and strictly enforce a Noise Ordinance that establishes noise standards for various noise-sensitive land uses and for all Zoning Districts.
Strategy CNR-10.1b	Minimization of Noise Exposure and Generation: Encourage practices and technologies that minimize noise exposure and noise generation in new development and redevelopment.
Strategy CNR-10.1c	Noise and New Development: Evaluate the potential for noise pollution and ways to reduce noise impacts when reviewing development proposals.
Strategy CNR-10.1d	Noise Mitigation Measures: Review and require noise mitigation measures for development projects, including setbacks between uses, earth berms, sound walls, landscaping and site design that shields noise-sensitive uses with non-sensitive structures such as parking lots, utility areas and garages, or orients buildings to shield outdoor spaces from noise sources.
Strategy CNR-10.1e	Construction Noise Mitigation: Require mitigation measures during construction, including limits on operating times of noise-producing activities (including vehicles).

Source: City of Campbell, 2001, City of Campbell General Plan.

### City of Campbell Municipal Code

The provisions of the Campbell Municipal Code relevant to the proposed project are listed below.

- **Section 21.16.070(E)(1) Noise from stationary sources.** New residential development shall conform to a stationary source noise exposure standard of sixty-five (65) dBA for exterior noise levels and forty-five (45) dBA for interior noise levels.
- **Section 21.16.070(G) Exemptions.** Sound or noise emanating from the following sources and activities are exempt from the provisions of this chapter:
  - 1. Municipal Code provisions. The provisions of this chapter shall not apply where noise standards are specified elsewhere in the Municipal Code.
  - 6. Private construction. Private construction (e.g., construction, alteration, or repair activities) between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. Saturday, in compliance with Section 18.04.052 of the Municipal Code. The community development director may impose further limitations on the hours and day of construction or other measures to mitigate significant noise impacts on sensitive uses.
- **Section 21.16.090 Vibration.** Uses, activities, and processes shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) shall be exempt.

- **Section 18.04.052 Hours of construction—Time and noise limitations.** Construction activity shall be limited to the hours of 8:00 a.m. and 5:00 p.m. daily, Monday through Friday. Saturday hours of construction shall be 9:00 a.m. and 4:00 p.m. There shall be no construction activity on Sundays or national holidays.

No loud environmentally disruptive noise over fifty dbs [sic], such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments or radios will be allowed during the authorized hours of construction, Monday through Saturday, where such noise may be a nuisance to adjacent residential neighbors. Such nuisances shall be discontinued.<sup>1</sup>

#### 4.10.2.2 EXISTING CONDITIONS

Noise-sensitive receptors in the vicinity of the project include residences immediately to the north and west, as well as the Campbell Parent's Participation Preschool approximately 150 feet to the west and the Noah's Ark Children's Learning daycare center approximately 75 feet to the northwest. To characterize the existing ambient noise environment, long-term (72-hour) noise monitoring was conducted at the northwest corner of the project site near the adjacent residential uses. Measurements were conducted from Friday, October 5 through Sunday, October 7, 2018. As shown in Table 4.10-3, ambient noise levels ranged from 60 dBA CNEL to 62 dBA CNEL.

**TABLE 4.10-3 AMBIENT NOISE MEASUREMENT (DBA)**

Time	$L_{eq}$ Morning	$L_{eq}$ Evening	$L_{eq}$ Nighttime	24-Hour CNEL
Friday, October 5, 2018	58	58	52	60
Saturday, October 6, 2018	56	58	54	62
Sunday, October 7, 2018	56	60	54	62

Source: Meridian Consultants, 2019, Technical Noise Report for the 499 E. Hamilton Avenue Project.

To characterize the ambient roadway noise environment near the project site, noise prediction modeling using the Federal Highway Administration Highway Prediction Noise Model (FHWA-RD-77-108) was conducted based on vehicular traffic volumes along affected roadway segments. Existing weekday traffic noise levels along roadway segments near the project site range from a low of 50.2 dBA CNEL along Almarida Avenue south of Hamilton Avenue to a high of 72.0 dBA CNEL along Salmar Avenue north of Hamilton Avenue (as measured at a distance of 75 feet from the center of the roadway). Existing roadway noise levels along modeled roadway segments and the modeling calculations are provided in Appendix G of this Draft EIR.

<sup>1</sup> McCormick, Cindy, Senior Planner, City of Campbell. Personal communication with Joshua Carman, Senior Associate, PlaceWorks, November 14, 2018. Per discussions with City staff, the intention of this portion of the code is intended to prevent—to the greatest extent possible—the use of non-standard construction equipment, loud stereos, unnecessary idling, or equipment that is not appropriately muffled, and not to overall construction noise, in general, during allowable hours.

## NOISE

### 4.10.3 STANDARDS OF SIGNIFICANCE

The proposed project would result in a significant noise or vibration impact if it would cause:

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.
2. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels.
6. For a project within the vicinity of a private airstrip, exposure of people residing or working in the project area to excessive noise levels.

### 4.10.4 IMPACT DISCUSSION

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<b>NOISE-1</b>	<b>The proposed project would cause exposure of people to, or generation of, noise levels in excess of standards established in the General Plan or the Municipal Code, and/or the applicable standards of other agencies.</b>
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A significant stationary source would occur if the activities or equipment at the proposed project site produce noise levels at nearby sensitive receptors in excess of local regulations.

#### Operational Noise

Project operational noise levels were predicted using the SoundPLAN modeling software, and full modeling methodology and results are included in Appendix G of this Draft EIR. Typical heating, ventilation, and air conditioning units generate noise levels ranging up to 75 dBA at a distance of 10 feet. The proposed site plan shows the restaurant building as being located approximately 130 feet from the nearest receptors (residences) to the north. At this distance, the noise level associated with project mechanical equipment noise would attenuate to approximately 53 dBA, which would not exceed the exterior noise limit of 65 dBA set by the City of Campbell.

Truck deliveries are anticipated to take place no more than once daily between the hours of 6:00 a.m. to 8:00 a.m., lasting less than an hour. Site access for these delivery trucks would be along E. Hamilton Avenue and trucks would unload at the service entrance located adjacent to the 16-foot high commercial building west of the site. The rear of the truck would stop adjacent to parking stall #36, with the lift gate facing E. Hamilton Avenue and facing away from nearby sensitive receptors. The nearest sensitive receptor would be located approximately 225 feet (Campbell Parent's Participation Preschool) to the west

## NOISE

from the service entrance. Delivery truck noise would be shielded to the Campbell Parent's Participation Preschool.

Predicted noise levels from operational sources are shown in Table 4.10-4. The modeling of operational noise sources assumed operating hours would take place between 10:00 a.m. and 1:30 a.m. The operational sources reflected in Table 4.10-4 include drive-thru queuing, parking, amplified speech from the speaker system, and use of the trash compactor. Operational noise was calculated using the SoundPLAN model and reference noise levels for these types of sources are contained in the SoundPLAN reference library. The analysis assumed the average of numerous readings for a parking process (approximately 30 seconds), cars accelerating between 6 to 12 miles per hour, speaker box noise (between 58 to 65 dBA), and trash compactor noise (measured at a distance of 32 feet). It is important to note the trash compactor would be positioned behind a wall enclosure. Because of its placement, noise generated by the trash compactor would be attenuated by the wall, which was accounted for in the modeling. Additional details regarding SoundPLAN modeling of these sources are contained in Appendix G. Predicted operational noise levels would not cause any significant increases to the ambient noise environment at the nearest sensitive receptors (compared with existing ambient conditions of 60 to 62 dBA CNEL in the project area) and would not exceed the exterior noise limit of 65 dBA set by the City of Campbell. Therefore, operational noise impacts would be *less than significant*.

**TABLE 4.10-4 MODELED NOISE LEVELS FROM OPERATIONAL SOURCES**

Receptor	Trash Compactor (Leq)	Drive-Thru Queuing (Leq)	Parking Lot Activity (Leq)	Speaker-box 1 (Leq)	Speaker-box 2 (Leq)	Proposed Project Modeled Noise Levels (CNEL)
Noah's Ark Children's Learning/Residence	30.1	38.5	34.6	21.5	21.8	45
Franciscan Apartments	22.2	40.0	35.4	21.5	21.8	45
Campbell Parent's Participation Preschool	31.0	38.4	33.4	18.3	16.1	45

Source: Meridian Consultants, 2019, Technical Noise Report for the 499 E. Hamilton Avenue Project.

It is possible that noise from future patrons' car stereos could intermittently exceed the 65 dBA exterior noise limit at the nearby receptor property lines. Periodic noise limit exceedances from car stereo noise is not typically evaluated in noise studies due to the intermittent nature of the source and the inability to predict the intensity and frequency of potential occurrences. Nonetheless, there is a potential for future patrons to play their stereos at loud volumes in the parking lot or drive-thru lane, which could pose a nuisance for nearby residents, particularly during nighttime hours. Therefore, as a condition of approval, the City will require installation of signage at the northern and western perimeters at a spacing of at least every 5 parking spaces and at every 50 feet along the edge of the drive-thru advising patrons to turn down car stereos.

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### Construction Noise

Construction noise modeling for the project is based on construction equipment noise levels published by the FHWA Roadway Construction Noise Model (RCNM). The construction noise levels were then calculated for sensitive receptor locations based on the standard point source distance attenuation factor of 6 dBA for each doubling distance. Project construction is estimated to last approximately six months.

Construction activities occurring during the construction phases (demolition, site preparation, grading, building construction, architectural coating, and paving) would generate both steady-state and episodic noise that would use of different types of construction equipment and, therefore, has its own distinct noise characteristics. Noise levels from project-related construction activities were calculated from the simultaneous use of the loudest pieces of construction equipment during a given phase at spatially averaged distances (i.e., from the acoustical center of the general construction site) to the property line of the nearest receptors using the RCNM. Although construction may occur across the entire phase area, the area around the center of construction activities best represents the potential average construction-related noise levels at the various sensitive receptors. Maximum noise levels were estimated assuming that the loudest piece of equipment during that phase would operate at or close to the project boundary. Construction equipment noise would not be constant because of the variations of power, cycles, and equipment locations.

The associated, aggregate sound levels—grouped by construction activity—are summarized in Table 4.10-5. Additional details regarding construction modeling and RCNM outputs are contained in Appendix G.

**TABLE 4.10-5 PROJECT-RELATED CONSTRUCTION NOISE LEVELS**

Construction Activity	Sound Level at Various Receptor Distances from Construction Activities, dBA					
	Noah's Ark Children's Learning/Residence		Franciscan Apartments		Campbell Parent's Participation Preschool	
	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>
Site Preparation	83	83	82	82	76	75
Demolition	88	86	87	84	80	78
Grading	83	83	82	82	76	75
Building Construction	82	82	81	81	75	74
Paving	88	84	87	83	80	77
Architectural Coating	76	72	75	71	68	64

Note: Calculations performed with the FHWA's RCNM software are included in Appendix G of this Draft EIR.  
Source: Meridian Consultants, 2019, Technical Noise Report for the 499 E. Hamilton Avenue Project.

Average noise levels for each construction phase would exceed current ambient conditions. The loudest anticipated phase is the demolition phase, where receptors could be exposed to noise levels of up to 86 L<sub>eq</sub> dBA and at times 88 L<sub>max</sub> dBA, which would exceed the City construction noise standard of 50 dBA for air compressors without mufflers and continuously running motors or generators. As discussed under Section 4.10.2, Local Regulations, above, this noise standard is intended to prevent, to the greatest extent



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possible, the use of non-standard construction equipment, loud stereos, unnecessary idling, or equipment that is not appropriately muffled, and not to overall construction noise, in general, during allowable hours. As discussed in Chapter 3, Project Description, project construction activity would comply with the requirements of the Municipal Code, which would include limiting construction to the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, and 9:00 a.m. through 4:00 p.m. on Saturdays, to minimize disruption on sensitive uses. Though construction would be temporary and is anticipated to occur for a relatively short duration of six months, without best management practices such as ensuring that all equipment is adequately muffled and that unnecessary idling is prohibited, this impact would be considered *significant*.

**Significance without Mitigation:** Significant.

**Impact NOISE-1:** Without best management practices, the proposed project would expose people to, or generate, noise levels in excess of standards established in the General Plan, Municipal Code, and/or the applicable standards of other agencies.

**Mitigation Measure NOISE-1:** For all construction-related activities, noise-attenuation techniques shall be employed as needed to ensure that noise remains as low as possible during construction. The following noise-attenuation techniques shall be incorporated into contract specifications to reduce the impact of construction noise:

- Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.
- Place noise-generating construction equipment and locate construction-staging areas away from sensitive uses, where feasible.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Operate all stationary construction equipment (e.g., air compressors, generators, impact wrenches, etc.) as far away from residential uses as possible and shield such equipment with temporary sound barriers, sound aprons, or sound skins.
- Turn off construction-related equipment—including heavy-duty equipment, motor vehicles, and portable equipment—when not in use for more than 5 minutes.
- Clearly post construction hours, allowable workdays, and the phone number of the job superintendent at all construction entrances to allow for nearby residents and other noise-sensitive land uses to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

**Significance with Mitigation:** Less than significant.

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<b>NOISE-2</b>	<b>The proposed project would not expose people to, or generate, excessive groundborne vibration or groundborne noise levels.</b>
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## NOISE

The City of Campbell Municipal Code has set forth vibration standards under Section 21.16.090 stating that uses, activities, and processes shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt.

The California Department of Transportation estimates that frequent generation of vibration at levels exceeding 0.3 inches per second (in/sec) damages older residential structures and causes annoyance to humans. Project construction and operation that produces vibration levels exceeding 0.3 in/sec would be considered significant.

Project construction would include the use of vibratory rollers during paving. Vibratory rollers have the potential to generate the highest vibration levels during project construction, with vibration levels of up to 0.21 in/sec peak particle velocity (PPV) at 25 feet, which is less than the level at which an older structure or humans may be affected at 0.3 in/sec. Consequently, heavy construction equipment would not generate substantial levels of vibration at the off-site, vibration-sensitive residences. Furthermore, as noted above, temporary construction activities are exempt from the standards set forth in the Municipal Code Section 21.16.090 standards. Construction vibration impacts would therefore be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>NOISE-3</b>	<b>The proposed project would not cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed project.</b>
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As discussed under impact discussion NOISE-1, project-generated operational noise from stationary noise sources (i.e. mechanical systems, truck deliveries, drive-through queuing, parking, amplified speech from the speaker system, and trash compactor) would not result in a substantial permanent increase in ambient noise levels.

With respect to project-related increases, noise impacts can be divided into three categories. The first is “audible” impacts, which refer to increases in noise level that are perceptible to humans. Audible increases in general community noise levels generally refer to a change of 3 dBA or more since this level has been found to be the threshold of perceptibility in exterior environments. The second category, “potentially audible” impacts, refers to a change in noise level between 1 and 3 dBA. The last category includes changes in noise level of less than 1 dBA that are typically “inaudible” to the human ear except under quiet conditions in controlled environments. Only “audible” changes in noise levels at sensitive receptor locations (i.e., 3 dBA or more) are considered potentially significant. Note that a doubling of traffic flows (i.e., 10,000 vehicles per day to 20,000 per day) would be needed to create a 3 dBA increase in traffic-generated noise levels. An increase of 3 dBA is used as a threshold for a substantial increase.

Roadway noise levels were modeled using the Federal Highway Administration Prediction Model (FHWA-RD-88-108) to determine if operation of the project would increase levels greater than 3 dBA along local

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roadways. This model included roadway noise levels from local roadway segments that would be affected by vehicle traffic as a result of implementation of the project.

The difference in traffic noise between Existing conditions and Existing plus Project conditions represents the increase in noise attributable to project-related traffic. Weekday and weekend maximum roadway noise level increase along existing roadways would be up to 1.1 dBA CNEL and 1.0 dBA CNEL, respectively, along Almarida Avenue north of Hamilton Avenue, which would be less than the significance threshold of 3 dBA. Therefore, the impact would be *less than significant*. All roadway segment noise increases and calculations are contained in Appendix G of this Draft EIR.

**Significance without Mitigation:** Less than significant.

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<b>NOISE-4</b>	<b>The proposed project would cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.</b>
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As presented under impact discussion NOISE-1, project-related construction noise would temporarily increase ambient noise levels in the project vicinity. Though construction would be temporary and is anticipated to occur for a relatively short duration of six months, this impact would be considered *significant*.

**Significance without Mitigation:** Significant.

**Impact NOISE-4:** The project would cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity.

**Mitigation Measure NOISE-4:** Implement Mitigation Measure NOISE-1.

**Significance with Mitigation:** Less than significant.

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<b>NOISE-5</b>	<b>The proposed project would not expose people residing or working in the vicinity of the study area to excessive aircraft noise levels, for a project located within an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport.</b>
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The project area is not located within an airport land use plan and is not located within 2 miles of an airport. Therefore, project development would not expose people on-site to excessive airport-related noise levels and there would be *no impact*.

**Significance without Mitigation:** No impact.

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<b>NOISE-6</b>	<b>The proposed project would not expose people residing or working in the project site to excessive noise levels, for a project within the vicinity of a private airstrip.</b>
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The project area is not located within the vicinity of a private airstrip. As such, development of the project would not expose people on-site to excessive noise levels from aircraft at private airstrips and *no impact* would occur.

**Significance without Mitigation:** No impact.

### 4.10.5 CUMULATIVE IMPACTS

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<b>NOISE-7</b>	<b>The proposed project would result in a significant cumulative impact with respect to noise.</b>
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The proposed project may contribute to cumulative construction noise levels resulting from the development of pending projects, and projects that are approved, but have not started construction. Because project construction is anticipated to take six months, it is unlikely that construction would occur at the same time as other nearby construction projects. However, the Franciscan Apartments expansion, a planned and approved project to the north of the site, proposes to add 60 multi-family housing units. The Franciscan Apartments project would be required to coordinate a plan to instate noise mitigation.<sup>2</sup> The additional housing units are proposed in the middle of the existing apartment complex, approximately 450 feet from the closest shared receptor to the proposed In-N-Out project (Noah's Ark Children's Learning/Residence). At this distance, demolition and construction of the Franciscan Apartments is anticipated to generate noise levels of up to 68 L<sub>eq</sub> dBA, which would not noticeably increase construction noise levels of up to 79 L<sub>eq</sub> dBA from the proposed In-N-Out project (that is, the combination would remain at 79 L<sub>eq</sub> dBA due to the principles of acoustics and logarithmic decibel addition). As discussed above, though construction would be temporary and is anticipated to occur for a relatively short duration of six months, without best management practices such as ensuring that all equipment is adequately muffled and that unnecessary idling is prohibited, this impact would be considered *significant*.

A significant cumulative traffic noise increase would be identified if project traffic were calculated to contribute 1 dBA or more under Cumulative plus Project conditions to a significant traffic noise increase over existing conditions. That is, if a cumulative traffic noise increase of greater than the 3 dBA significance threshold of perceptibility is calculated, and the relative contribution from project traffic is calculated to contribute 1 dBA or more to this cumulative impact, it would be considered cumulatively considerable.

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<sup>2</sup> City of Campbell Community Development Department Planning Division, 2017. Study Session – Pre-Application (PRE2017-003) "The Franciscan" Memorandum, November 28.

## NOISE

The weekday and weekend cumulative traffic noise level increases would be up to 2 dBA CNEL and 1.9 dBA CNEL, respectively, along Almarida Avenue north of Hamilton Avenue, as shown in Tables 4.10-6 and Table 4.10-7. This would be a *significant* impact.

**Significance without Mitigation:** Significant.

**Impact NOISE-7:** Without best management practices, the proposed project would expose people to, or generate, construction noise levels in excess of standards established in the General Plan, Municipal Code, and/or the applicable standards of other agencies.

**Mitigation Measure NOISE-7:** Implement Mitigation Measure NOISE-1.

**Significance with Mitigation:** Less than significant.

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TABLE 4.10-6 CUMULATIVE TRAFFIC NOISE INCREASE – WEEKDAY

Intersection	Roadway Segment	Cumulative Plus Project (dBA CNEL)	Existing (dBA CNEL)	Increase
Winchester Blvd	North of Hamilton Ave	65.2	63.7	1.5
	South of Hamilton Ave	64.5	63.0	1.5
Central Ave	North of Hamilton Ave	54.1	52.6	1.5
	South of Hamilton Ave	54.3	52.7	1.6
Almarida Ave	North of Hamilton Ave	57.6	55.6	2.0
	South of Hamilton Ave	51.7	50.2	1.5
Salmar Ave	North of Hamilton Ave	73.4	72.0	1.4
	South of Hamilton Ave	60.7	59.2	1.5
Creekside Way	North of Hamilton Ave	–	–	–
	South of Hamilton Ave	63.6	62.1	1.5
	North of 17 NB Ramp	63.5	62.0	1.5
	South of 17 NB Ramp	61.9	60.4	1.5
Bascom Ave	North of Hamilton Ave	67.4	66.0	1.4
	South of Hamilton Ave	67.0	65.6	1.4
Hamilton Ave	East of Winchester Blvd	67.8	66.3	1.5
	West of Winchester Blvd	66.3	64.8	1.5
	East of Central Ave	68.7	67.2	1.5
	West of Central Ave	68.6	67.1	1.5
	East of Almarida Drive	69.0	67.5	1.5
	West of Almarida Drive	68.6	67.1	1.5
	East of Salmar Ave	70.0	68.5	1.5
	West of Salmar Ave	69.0	67.4	1.6
	East of Creekside Way	69.0	67.5	1.5
	West of Creekside Way	69.7	68.1	1.6
	East of Bascom Ave	68.2	66.7	1.5
	West of Bascom Ave	68.9	67.4	1.5
17 NB Ramp	East of Creekside Way	–	–	–
	West of Creekside Way	68.5	67.0	1.5

Source: Meridian Consultants, 2018, Technical Noise Report for the 499 E. Hamilton Avenue Project.

**NOISE****TABLE 4.10-7 CUMULATIVE TRAFFIC NOISE INCREASE – WEEKEND**

Intersection	Roadway Segment	Cumulative Plus Project (dBA CNEL)	Existing (dBA CNEL)	Increase
Winchester Blvd	North of Hamilton Ave	64.7	62.9	1.8
	South of Hamilton Ave	63.5	61.9	1.6
Central Ave	North of Hamilton Ave	52.9	51.4	1.5
	South of Hamilton Ave	53.8	52.2	1.6
Almarida Ave	North of Hamilton Ave	58.7	56.8	1.9
	South of Hamilton Ave	53.9	52.5	1.4
Salmar Ave	North of Hamilton Ave	72	70.5	1.5
	South of Hamilton Ave	60.8	59.3	1.5
Creekside Way	North of Hamilton Ave	–	–	–
	South of Hamilton Ave	62.2	60.7	1.5
	North of 17 NB Ramp	62.1	60.6	1.5
	South of 17 NB Ramp	59.8	58.3	1.5
Bascom Ave	North of Hamilton Ave	66.6	65.1	1.5
	South of Hamilton Ave	66.9	65.4	1.5
Hamilton Ave	East of Winchester Blvd	67.6	66.2	1.4
	West of Winchester Blvd	66	64.5	1.5
	East of Central Ave	68.1	66.6	1.5
	West of Central Ave	67.9	66.4	1.5
	East of Almarida Drive	68.5	67	1.5
	West of Almarida Drive	68.1	66.5	1.6
	East of Salmar Ave	68.7	67.2	1.5
	West of Salmar Ave	68.2	66.6	1.6
	East of Creekside Way	68.1	66.6	1.5
	West of Creekside Way	68.6	67.1	1.5
	East of Bascom Ave	66.2	64.6	1.6
	West of Bascom Ave	68	66.4	1.6
17 NB Ramp	East of Creekside Way	–	–	–
	West of Creekside Way	67.9	66.4	1.5

Source: Meridian Consultants, 2018, Technical Noise Report for the 499 E. Hamilton Avenue Project.

## **NOISE**

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## POPULATION AND HOUSING

### 4.11 POPULATION AND HOUSING

This chapter describes the regulatory framework and existing conditions on the project site related to population and housing, and the potential impacts of the project on population and housing.

#### 4.11.1 ENVIRONMENTAL SETTING

##### 4.11.1.1 REGULATORY FRAMEWORK

This section summarizes key State, regional, and local regulations and policies pertaining to population and housing that are applicable to the proposed project. There are no federal regulations regarding population and housing that are applicable to the proposed project.

#### State Regulations

California Housing Element Law<sup>1</sup> includes provisions related to the requirements for housing elements of local government General Plans. These requirements include an assessment of housing needs and an inventory of resources and constraints relevant to meet these requirements. Additionally, in order to assure that counties and cities recognize their responsibilities in contributing to the attainment of the State housing goals, local jurisdictions must plan for, and allow the construction of, a share of the region's projected housing needs.

#### Regional Regulations

##### *Association of Bay Area Governments Projections 2013*

The Association of Bay Area Governments (ABAG) is the official comprehensive planning agency for the San Francisco Bay region, which is composed of the nine counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, and contains 101 cities. ABAG produces growth forecasts which are used by other regional agencies to make project funding and regulatory decisions.

ABAG projections are the basis for the Regional Transportation Plan (RTP) and the regional Ozone Attainment Plan. In this way, ABAG projections have practical consequences that shape growth and environmental quality. The General Plans, zoning regulations and growth management programs of local jurisdictions inform ABAG projections. The projections are also developed to reflect the impact of "smart growth" policies and incentives that could be used to shift development patterns from historical trends toward a better jobs-housing balance, increased preservation of open space, and greater development and redevelopment in urban cores and transit-accessible areas throughout their region.

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<sup>1</sup> Government Code Sections 65580 through 65589.8.

## POPULATION AND HOUSING

### *Regional Housing Needs Allocation*

Housing Element law requires local jurisdictions to plan for, and allow the construction of, a share of the region's projected housing needs. This share is called the Regional Housing Needs Allocation. State law mandates that each jurisdiction provide sufficient land to accommodate a variety of housing opportunities for all economic segments of the community to meet or exceed the RHNA. As the regional planning agency, ABAG is responsible for taking the overall regional housing needs allocation (RHNA) provided by the State and preparing a formula for allocating housing needs by income level across its jurisdiction. ABAG calculates the RHNA for individual jurisdictions within Santa Clara County, including Campbell.

## Local Regulations

### *City of Campbell General Plan*

The City of Campbell's 2001 General Plan contains one policy relevant to population and housing, Policy LUT-2.4, which is located in the General Plan's Land Use and Transportation Element. Policy LUT-2.4 is concerned with having an adequate jobs and housing balance within Campbell. The policy calls for maintaining Campbell's balance of jobs and housing units to encourage residents to work in Campbell, and to limit the overall impact on the regional transportation system that may be caused by population increase.<sup>2</sup>

### *City of Campbell 2015-2023 Housing Element*

The City's Housing Element, adopted in February 2015, is part of the City's General Plan but is updated on a different cycle, consistent with State law. The City's 2015-2023 Housing Element describes how the City of Campbell plans to meet the projected housing needs of all economic segments of the community and the City's fair share allocation of regional housing needs. The Housing Element addresses the provision of housing for city residents, including affordable, mixed-use, and infill housing, and includes an analysis of whether Campbell has provided adequate sites to meet its RHNA obligations. The Housing Element analyses housing opportunity sites through six housing opportunity site areas located throughout the city in areas that have potential to construct housing for very-low-, low- and/or moderate-income households. The project site is not within any designated Plan Area; however the North of Campbell Avenue Area Plan is located adjacent to the project site. The North of Campbell Avenue Area Plan spans from southern East Hamilton Boulevard along Salman Avenue, and ends north of Harrison Avenue. The North of Campbell Avenue Area Plan regulates development to replace a previous industrial zone within the city with small lot single- family homes.<sup>3</sup>

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<sup>2</sup> City of Campbell, 2001, City of Campbell General Plan, Policy LUT-2.4, page LUT-46.

<sup>3</sup> City of Campbell, 2015, Campbell Housing Element Update 2015-2035: Appendix B Housing Constraints, page B5.

**POPULATION AND HOUSING****4.11.1.2 EXISTING CONDITIONS**

This section describes the existing population, housing, and employment conditions in Campbell.

**Population**

According to the California Department of Finance (DOF), Campbell's population as of January 2018 is 42,696, which is a 0.75 percent increase over the 2017 population of 42,373.<sup>4</sup> Campbell has an average household size of 2.5 persons, compared to 3.0 persons per household for Santa Clara County as a whole.<sup>5</sup>

As shown in Table 4.11-1, ABAG predicts that the population in Campbell is projected to grow to a total of 47,800 by 2040. Because ABAG 2013 projections are used in regional planning efforts, ABAG numbers are used for the purpose of evaluating environmental impacts in this Draft EIR.

**TABLE 4.11-1 ABAG PROJECTIONS 2013 POPULATION, HOUSEHOLDS, AND EMPLOYMENT FORECASTS FOR CAMPBELL**

	2015	2020	2025	2030	2035	2040	Change 2015-2040	
							Number	Percent
Total Population	40,600	41,900	43,100	44,800	46,400	48,100	7,500	18.47%
Households	16,700	17,250	17,780	18,340	18,880	19,440	2,740	16.4%
Total Jobs	29,410	31,690	32,400	33,120	34,110	35,170	5,760	19.6%
Employed Residents	21,770	23,410	23,790	24,180	24,850	25,540	3,770	17.3%
Jobs/Employed Residents Ratio <sup>a</sup>	1.35	1.35	1.36	1.37	1.37	1.38	0.03	2.2%

a. Calculated by dividing total jobs by employed residents.

Source: Association of Bay Area Governments, 2013, Projections 2013.

**Housing**

In 2018, Campbell had 17,868 housing units, with a 5.0 percent vacancy rate.<sup>6</sup> Of those units, approximately 58 percent are single-family homes, approximately 39 percent are multi-family units, and approximately 2 percent are mobile homes.

According to the American Communities Survey, the median initial construction year for Campbell's occupied housing units was between 1980 and 1989, making the average home approximately 25 years old in 2010.<sup>7</sup>

<sup>4</sup> State of California, Department of Finance, Report E-5, Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark.

<sup>5</sup> State of California, Department of Finance, Report E-5, Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark.

<sup>6</sup> State of California, Department of Finance, Report E-5, Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark.

<sup>7</sup> US Census, 2007 to 2011 American Community Survey 5-Year Estimates, Table DP04.

## POPULATION AND HOUSING

### Employment

As shown above in Table 4.11-1, there were 21,770 employed residents in Campbell in 2015, and ABAG expects this number to grow by 17.3 percent by 2040 to 25,540 employed residents. Campbell is relatively “jobs rich,” with a high number of jobs compared to employed residents. The city had a ratio of 1.35 jobs to employed residents in 2010. This ratio is expected to increase slightly by 2040 to 1.38 jobs per employed resident.

### 4.11.2 STANDARDS OF SIGNIFICANCE

The proposed project would result in a significant population and housing impact if it would:

1. Induce substantial unexpected population growth, or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
2. Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.
4. Contribute to cumulative population and housing impacts in the area.

### 4.11.3 IMPACT DISCUSSION

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<b>POP-1</b>	<b>The proposed project would not 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).</b>
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The proposed project would result in a significant impact related to population growth if it would lead to substantial unplanned growth either directly or indirectly. The proposed project is a redevelopment of a vacant commercial restaurant with an In-N-Out Burger drive-thru restaurant. Development of the proposed project is expected to generate 3,812 square feet of restaurant space, and 40 full-time equivalent (FTE) jobs. The land use designation and zoning for the site is General Commercial and no residential units exist or are proposed on the project site. Therefore, the proposed project would not directly induce population growth.

As described above, ABAG and MTC have responsibility for regional planning in the nine-county Bay Area, which includes the project site. ABAG and MTC have developed regional growth forecasts for the Bay Area as a whole and for constituent jurisdictions. Table 4.11-1 shows population, housing, and employment projections for the study area that are included in the regional forecasts. The proposed project would be considered to induce substantial growth if the estimated buildout resulting from future development permitted under the proposed project, would exceed these regional growth projections for the city. Implementation of the proposed project would result in the potential future development of up to 40 FTE

## POPULATION AND HOUSING

jobs. This is well within the 5,760 net job increase in Campbell projected by ABAG for the 2015 to 2040 period. Moreover, it is expected that these jobs can be potentially filled by existing residents of Campbell and surrounding communities in the region. These 40 jobs would not be likely to induce a substantial number of new residents to move to Campbell. Therefore, the project would not exceed regional growth projections.

The project site is served by utility and transportation infrastructure and, therefore, implementation of the proposed project would not extend utilities to a new area of the city or require significant off-site infrastructure improvements that may generate indirect population growth. Therefore, the proposed project would not indirectly induce substantial growth through the extension of roads or other new infrastructure that would lead to additional growth within the city. Accordingly, indirect impacts related to substantial population growth would not be significant.

As described above, the project would not directly or indirectly induce population growth. Therefore, the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>POP-2</b>	<b>The proposed project would not displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.</b>
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The project site does not contain any housing and therefore no housing would be displaced as part of the proposed project. In addition, the project site is designated and zoned for commercial use and is not included as a housing site in the City's Housing Element. Therefore, there would be *no impact* related to displacement of on-site housing.

**Significance without Mitigation:** No impact.

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<b>POP-3</b>	<b>The proposed project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.</b>
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As described under impact discussion POP-2, the project site does not contain any on-site housing or residents who would be displaced as part of the proposed project. In addition, because the existing restaurant building is vacant, the project site does not contain any employees who would be displaced by the new restaurant use. The project would redevelop an existing restaurant within a new restaurant space and would therefore roughly replace the number of jobs previously existing on the project site under the former restaurant use. Therefore, there would be *no impact* related to the displacement of people.

**Significance without Mitigation:** No impact.

## POPULATION AND HOUSING

### 4.11.4 CUMULATIVE IMPACTS

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<b>POP-4</b>	<b>The proposed project would not result in significant cumulative impact with respect to population and housing.</b>
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As discussed in Chapter 4, Environmental Evaluation, the Franciscan Apartments complex directly to the north of the project site has submitted an application to construct an additional 60 housing units on its property. In addition, as described in Section 4.11.1.2 and shown in Table 4.11-1, population and housing in Campbell is projected to increase over the next 15 to 20 years. However, as described in impact discussion POP-1, the proposed project does not include any residential development that would directly induce population growth, nor would it indirectly induce population growth. The project site contains a commercial building that is currently vacant and therefore the project would not have the potential to displace any existing housing units or people. Therefore, the project would not result in or contribute to a significant cumulative impact to population and housing, and cumulative impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

## PUBLIC SERVICES AND RECREATION

### 4.12 PUBLIC SERVICES AND RECREATION

This chapter describes public services provided in the project vicinity and evaluates the potential impacts to public services that could result from development of the project. In each section, a summary of the relevant regulatory setting and existing conditions are followed by a discussion of project-specific and cumulative impacts.

This chapter covers the following public services:

- Fire Protection
- Police
- Schools
- Libraries
- Parks and Recreation Facilities

#### 4.12.1 FIRE PROTECTION SERVICES

This section describes the current fire protection regulations, resources, and response times for fire protection services in the City of Campbell.

##### 4.12.1.1 ENVIRONMENTAL SETTING

###### Regulatory Framework

This section summarizes key State and local regulations related to fire protection services. There are no federal regulations pertaining to fire protection that apply to the proposed project.

###### *State Regulations*

###### California Building Code

The California Building Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations, establishes the minimum State building standards. The CBC is based on the 2015 International Building Code, but has been amended to account for California conditions. The CBC is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by City building officials for compliance with the CBC. Typical fire safety requirements of the CBC include installation of sprinklers in all high-rise buildings; establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

###### California Fire Code

The California Fire Code (CFC) incorporates, by adoption, the 2015 International Fire Code of the International Code Council, with California amendments. This is the official Fire Code for the State and all political subdivisions. It is located in Part 9 of California Code of Regulations Title 24. The CFC is revised

## PUBLIC SERVICES AND RECREATION

and published approximately every three years by the California Building Standards Commission. The proposed project is categorized in the CFC under Assembly Group A-2, which includes such uses as banquet halls, casinos, taverns and bars, night clubs, and restaurants. The A-2 occupancy group requires having an active sprinkler system on the interior of any establishment, with specific requirements based on square footage, internal occupancy load, and fire size.

### *Local Regulations*

#### City of Campbell General Plan

The City of Campbell General Plan, adopted on November 6, 2001, contains policies in the Health and Safety Element related to fire protection and emergency services. Policies and strategies relevant to fire protection services are listed in Table 4.12-1.

**TABLE 4.12-1 CITY OF CAMPBELL GENERAL PLAN POLICIES PERTAINING TO FIRE SERVICES**

Policy Number	Policy Text
<b>Health and Safety Element</b>	
Policy HS-2.3	Fire and Emergency Medical Service. Ensure that fire and emergency medical services meet existing and future demand.
Policy HS-2.4	Fire Safety. Promote fire safety through education and building design.
Policy HS-4.1	Reduction of Fire Hazards. Regulate land use and development to diminish fire hazards.

Source: City of Campbell, 2001, City of Campbell General Plan.

#### City of Campbell Municipal Code

The Campbell Municipal Code, organized by Title, Article, and Chapter, contains all ordinances for the city. The City's Fire Code, which is in Title 17 (Fire Protection), Chapters 17.04 through 17.80 (Fire Code) of the Municipal Code, regulates permit processes, emergency access, hazardous material handling, and fire protection systems, including automatic sprinkler systems, fire extinguishers, and fire alarms. Title 18 (Building Codes and Regulations) of the Municipal Code sets forth the standards for building and construction in the city. The City has adopted by reference the most recent CBC, subject to additions and amendments as outlined in Chapter 18.04 (Building Code).

### **Existing Conditions**

The Santa Clara County Fire Department (SCCFD) provides fire protection and emergency medical services (EMS) to the City of Campbell. The SCCFD is responsible for providing services to a population of 213,000 within Santa Clara County, including the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga. The SCCFD currently operates 15 stations in the seven communities it serves. The SCCFD consists of the following four divisions:

- **Fire Prevention Division:** The Fire Prevention Division provides fire, life, safety, and hazardous material inspection services for building construction, annual building inspection, and hazardous materials regulation.



## PUBLIC SERVICES AND RECREATION

- **Operations Division:** The Operations Division provides services including fire suppression, fire investigation, emergency medical response, hazard material response and enforcement, and technical rescues.
- **Training Division:** The Training Division is responsible for providing training, including EMS.
- **Support Services Division:** The Support Services Division is responsible for all vehicle, facility, and communication services.

### *Staffing and Facilities*

There are 300 SCCFD employees, with daily staffing of 66 firefighters and officers operating out of its 15 fire stations.<sup>1</sup> SCCFD equipment includes 21 staffed pieces of equipment per day, such as fire trucks and command vehicles.<sup>2</sup> The fire suppression staff includes approximately 25 trained volunteer firefighters.<sup>3</sup> The two stations located within the City of Campbell are the Sunnyoaks Fire Station and the Campbell Fire Station, described below:

- **Station 10–Sunnyoaks Fire Station:** Located at 485 W. Sunnyoaks Avenue, this facility is owned by the City of Campbell and leased by the SCCFD. The station equipment consists of Engine 80 and Reserve Engine 180.<sup>4</sup> The Sunnyoaks Fire Station is located approximately 1.8 miles southwest of the project site.
- **Station 11–Campbell Fire Station:** Located at 123 Union Avenue, this facility is owned by the City of Campbell and leased by the SCCFD. The station equipment consists of Engine 81 and Reserve Truck 181.<sup>5</sup> The Campbell Fire Station is located approximately 0.7 miles southeast of the project site. The Campbell Fire Station would be the station to service the proposed project.<sup>6</sup>

These two stations are responsible for fire services for a population of approximately 42,000 people in the City of Campbell. If one of the fire engines is dispatched to an emergency, the next closest available unit responds. Additionally, if any engine from either station is dispatched to a fire, the SCCFD will “cover” the Sunnyoaks or Campbell Fire Station to ensure there is coverage in Campbell at all times.<sup>7</sup>

The SCCFD is one of the participants in the California State Fire and Rescue Mutual Aid Plan, and has response agreements with other fire agencies, as well as mutual aid agreements with every department within Santa Clara County. Each agency has specified how many pieces of apparatus and what kind can be

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<sup>1</sup> Santa Clara County Fire Department, 2015, Business Plan, January 2015-December 2019, page 20.

<sup>2</sup> Glass, Brian. Acting Deputy Chief of Operations, Santa Clara County Fire Department. Personal communication with Torina Wilson, PlaceWorks, July 24, 2018.

<sup>3</sup> Santa Clara County Fire Department, 2015, Business Plan, January 2015-December 2019, page i.

<sup>4</sup> Santa Clara County Fire Department, 2015, Business Plan, January 2015-December 2019, page 32.

<sup>5</sup> Santa Clara County Fire Department, 2015, Business Plan, January 2015-December 2019, page 32.

<sup>6</sup> Glass, Brian. Acting Deputy Chief of Operations, Santa Clara County Fire Department. Personal communication with Torina Wilson, PlaceWorks, July 24, 2018.

<sup>7</sup> Stocksick, Debbie. Operations Captain, Santa Clara County Fire Department. Personal communication with Travis Bradley, PlaceWorks, July 29, 2014.

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offered so that no one agency will unreasonably deplete its own resources in furnishing mutual aid during extraordinary events. The project site does not receive mutual aid.<sup>8</sup>

### *Average Response Times*

The performance goal for structure fires is to have an effective firefighting force on scene in less than 8 minutes from dispatch, at least 85 percent of the time. The average response time to structure fires in metropolitan and urban areas within Campbell in 2017 was 7 minutes and 52 seconds. The performance goal for medical calls is for the first unit to arrive on scene with a paramedic in less than 7 minutes, at least 90 percent of the time.<sup>9</sup> The average response time for rescue and EMS calls in Campbell is just under 5 minutes.<sup>10</sup>

### *Facilities Planning*

The 2015-2019 SCCFD Business Plan addresses planning for adequate equipment and facilities, evaluation of the condition of facilities and equipment, and identifying service demand growth patterns in order to plan for and accommodate future growth. The 2014-2019 SCCFD Strategic Plan serves as a comprehensive vision that provides strategies for accommodating future growth through the identification of goals and objectives aimed at improving existing fire protection and EMS.

Because there are currently no development impact fees, the primary source of the SCCFD's funding is property taxes and fire service contracting. The SCCFD receives two percent of all taxable property taxes annually.<sup>11</sup> In addition to property taxes, the SCCFD receives revenues from licenses and permits fees, intergovernmental revenues, use of money and property, charges for services, sale of capital assets, and other revenues.<sup>12</sup> The SCCFD's fixed fees for fire code permitting, review, and inspection are current as of August 20, 2012.<sup>13</sup> In Fiscal Year 2017, the SCCFD had a total of \$113 million, and spent \$101 million,<sup>14</sup> which provided a budget surplus for the following fiscal year. According to Campbell Fire Staff, there are currently no plans to expand or construct new facilities.<sup>15</sup>

### **4.12.1.2 STANDARDS OF SIGNIFICANCE**

The proposed project would have a significant impact to fire protection and emergency services if it would result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities or a need for new or physically altered fire protection facilities, the construction of

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<sup>8</sup> Glass, Brian. Acting Deputy Chief of Operations, Santa Clara County Fire Department. Personal communication with Torina Wilson, PlaceWorks, November 19, 2018.

<sup>9</sup> Santa Clara County Fire Department, 2018, 2017 Annual Report.

<sup>10</sup> Glass, Brian. Deputy Chief of Operations, Santa Clara County Fire Department. Personal communication with Torina Wilson, PlaceWorks, November 19, 2018

<sup>11</sup> Santa Clara County Fire Department, 2010, Business Plan, January 2010-December 2014, pages 7-8.

<sup>12</sup> Santa Clara County Fire Department, 2013, 2012 Annual Report.

<sup>13</sup> Santa Clara County Fire Marshal Office, Fixed Fees For Fire Code Permits, Review and Inspection, <http://www.sccgov.org/sites/fmo/Fees/permitfees/Pages/default.aspx>, accessed November 22, 2013.

<sup>14</sup> Santa Clara County Fire Department, 2018, 2017 Annual Report.

<sup>15</sup> Glass, Brian. Acting Deputy Chief of Operations, Santa Clara County Fire Department. Personal communication with Torina Wilson, PlaceWorks, July 24, 2018.

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which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services.

### 4.12.1.3 IMPACT DISCUSSION

This section analyzes the proposed project's potential impacts to fire protection services.

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<b>PS-1</b>	<b>The proposed project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.</b>
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A significant environmental impact could result if implementation of the proposed project would increase demand for fire protection services to the extent that the construction of new or physically altered fire protection facilities would be needed.

The proposed project would increase demand for fire protection services that would be accommodated by the SCCFD. The Campbell General Plan includes policies and strategies that would ensure adequate fire protection services, all of which would be available to the residents of Campbell. Under Policy HS-2.3, Fire and Emergency Medical Services, the City would ensure that fire protection and EMS meet existing and future demand. Policy HS-2.4, Fire Safety, would require the City to promote fire safety through education and building design. Also, Policy HS-4.1, Reduction of Fire Hazards, would require the City to regulate land use and development to diminish fire hazards.

The proposed development would also be required to comply with the City's Fire Code per Municipal Code Title 17 (Fire Protection), including compliance with permit processes and requirements for emergency access, hazardous material handling, and fire protection systems (including automatic sprinkler systems, fire extinguishers, and fire alarms).

The SCCFD has confirmed that the existing facilities, equipment, and staffing levels would be adequate to accommodate the proposed project, and no additional facilities are proposed at this time. The SCCFD has indicated that the project may result in an increase in response times for the project site and the area immediately north of the project site due to increased vehicular traffic caused by the project.<sup>16</sup> This issue is discussed in detail in Chapter 4.13, Transportation and Traffic. The traffic analysis conducted for the project determined that project-generated trips are anticipated to have minimal change to the average travel times and speeds along Hamilton Avenue for all users, including emergency vehicles. The project would result in a significant impact along the southbound approach to the Hamilton Avenue/Almarida Drive intersection, where the queue in the left-turn lanes is expected to extend beyond the project driveway, with or without the project, during both the p.m. and weekend peak hours. This impact would be mitigated to a less-than-significant level by installing "Keep Clear" pavement markings at the project

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<sup>16</sup> Glass, Brian. Acting Deputy Chief of Operations, Santa Clara County Fire Department. Personal communication with Torina Wilson, PlaceWorks, July 24, 2018.

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driveway. Therefore, the project-related traffic is not expected to significantly impact response vehicle travel times.

Compliance with the CFC and local regulations, and continuation of SCCFD's planning processes, would ensure that the proposed project would have a *less-than-significant* impact on the need for additional future fire facilities.

**Significance without Mitigation:** Less than significant.

### 4.12.1.4 CUMULATIVE IMPACTS

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<b>PS-2</b>	<b>The proposed project would result in less-than-significant cumulative impacts with respect to fire protection services.</b>
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The methodology used for the cumulative impact analysis is described in Chapter 4.0, Environmental Evaluation, of this Draft EIR. The cumulative setting for fire protection services takes into account growth resulting from the proposed project, in combination with growth projected by the Association of Bay Area Governments (ABAG) in the service area of the SCCFD, which includes the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga. A significant cumulative environmental impact would result if this cumulative growth would exceed the ability of SCCFD to adequately serve its service area, thereby requiring construction of new facilities or modification of existing facilities.

As described above, the proposed project would not create a need for new or physically altered facilities in order for the SCCFD to provide fire protection services to its service area. The SCCFD assesses its ability to service Campbell and neighboring cities through its 2015-2019 SCCFD Business Plan and 2014-2019 SCCFD Strategic Plan, which address planning for adequate equipment and facilities and identifying service demand growth patterns. All development in the SCCFD would be required also to comply with the CBC and CFC.

As stated under impact discussion PS-1, the SCCFD has indicated that the project may result in an increase in response times for the project site and the area immediately north of the project site due to increased vehicular traffic caused by the project. This issue is analyzed in Chapter 4.13, Transportation and Traffic, and takes into consideration traffic generated by the project along with traffic generated by cumulative development projects, including the proposed 60-unit expansion of the Franciscan Apartments complex directly north of the project site. As described under impact discussion PS-2, the project would not create a significant traffic impact that would affect emergency response vehicles. Therefore, the cumulative impact on the provision of fire services would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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## 4.12.2 POLICE SERVICES

This section describes the current police protection regulations, resources, and response times in Campbell, as well as the proposed project's potential impacts to police protection services.

### 4.12.2.1 ENVIRONMENTAL SETTING

#### Regulatory Framework

This section summarizes local policies related to police services in Campbell. There are no federal or State regulations pertaining to law enforcement that apply to the city.

Policies and strategies in the Health and Safety Element of the Campbell General Plan relevant to police protection services are listed in Table 4.12-2.

**TABLE 4.12-2 CITY OF CAMPBELL GENERAL PLAN POLICIES PERTAINING TO POLICE SERVICES**

Policy Number	Policy Text
<b>Health and Safety</b>	
Policy HS-2.1	Police Facilities and Personnel. Provide police facilities and personnel that meet citizens' needs and ensure a safe and secure environment for people and property.
Policy HS-2.2	Elimination of Crime. Work cooperatively to eliminate causes of crime.

Source: City of Campbell, 2001, City of Campbell General Plan.

#### Existing Conditions

The Campbell Police Department (CPD) is responsible for all public safety and emergency preparedness services in the City of Campbell. The CPD is also responsible for management of the City's contract with the SCCFD for fire and medical emergency services. All emergency and public safety issues (police, fire, and EMS) are handled through the CPD communication center as it is the Primary Public Answering Point (PPAP). Dispatch for fire and EMS services are handled through the SCCFD. The CPD is primarily comprised of three major divisions:<sup>17</sup>

- **Field Services (Patrol)** is responsible for responding to emergency and non-emergency calls for service, and consists of patrol teams, community service officers, and reserve officers.
- **Special Enforcement** includes the Investigative Services Unit (Detectives) and Traffic Unit.
- **Support Services** is comprised of the Communications Unit (Dispatch), the Records Unit, and the Property Evidence Unit.

<sup>17</sup> City of Campbell, <http://www.ci.campbell.ca.us/253/Police-Department>, accessed August 1, 2018.

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### *Staffing and Facilities*

The CPD headquarters is located at 70 North First Street in Campbell, approximately 0.5 miles south of the project site. The Department has 70 full-time employees. The Field Services Division is staffed by 20 police officers, 4 police agents, and 4 police sergeants.<sup>18</sup> The Investigative Services Unit of the Special Enforcement Division is comprised of one sergeant and five investigators and is managed by the Special Enforcement Division Captain.<sup>19</sup> Additionally, an investigator from the Investigative Service Unit is assigned to the Santa Clara County Specialized Enforcement Team regional task force to combat crime in Santa Clara County. The Traffic Unit of the Special Enforcement Division is staffed by one sergeant, one agent, two officers, and two community officers and is managed by the Special Enforcement Division Captain.<sup>20</sup> Additional staff makes up the Communications Unit, Records Unit, and Property/Evidence Unit of the Support Services Division.<sup>21</sup> A total of 46 officers are employed by the CPD, which equates to a staffing ratio of slightly more than one sworn police officer to every 1,000 residents.<sup>22</sup>

### *Average Response Times*

In 2017, CPD handled approximately 35,000 calls for service, wrote 5,474 police reports, and made approximately 2,093 arrests.<sup>23</sup> The target response time for the City of Campbell, as it relates to response times on calls for service, is to respond to emergency calls within 5 minutes. In 2017, the CPD was able to meet this target 97 percent of the time for emergency calls. For non-emergency calls, the CPD strives to respond to calls in 20 minutes or less and averaged a 95 percent success rate for non-emergency calls in 2017.<sup>24</sup>

### *Facilities Planning*

The City of Campbell currently has a need to improve police facilities given the deteriorated state of the existing facilities. The existing police facility at 70 North 1<sup>st</sup> Street lacks specific amenities for current policing practices and the facilities are not seismically safe. Campbell voters approved Measure O in November 2018, which provides funding for construction of a seismically safe Police Department. The City of Campbell Police Department has adequate staffing to serve current City demand, and demand anticipated to increase in the coming few years.

## 4.12.2.2 STANDARDS OF SIGNIFICANCE

The proposed project would have a significant impact to police protection services if it would result in substantial adverse physical impacts associated with the provision of new or physically altered police

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<sup>18</sup> City of Campbell, <https://www.ci.campbell.ca.us/245/Field-Services>, accessed August 1, 2018.

<sup>19</sup> City of Campbell, <https://www.ci.campbell.ca.us/281/Investigative-Services>, accessed August 1, 2018.

<sup>20</sup> City of Campbell, <https://www.ci.campbell.ca.us/282/Traffic>, accessed August 1, 2018.

<sup>21</sup> City of Campbell, <http://www.ci.campbell.ca.us/253/Police-Department>, accessed July 30, 2014

<sup>22</sup> Cefalu, Joe. Captain, City of Campbell Police Department. Personal communication with Torina Wilson, PlaceWorks. August 1, 2018.

<sup>23</sup> Campbell Police Department, 2017, 2017 Year in Review.

<sup>24</sup> Cefalu, Joe. Captain, City of Campbell Police Department. Personal communication with Torina Wilson, PlaceWorks. August 1, 2018.

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protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services.

### 4.12.2.3 IMPACT DISCUSSION

This section analyzes the proposed project's potential impacts to police protection services.

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<b>PS-3</b>	<b>The proposed project would not result in the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.</b>
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A significant environmental impact would result if implementation of the proposed project would increase demands for police protection services to the extent that the construction of new or physically altered police facilities would be needed. As described in Chapter 3, Project Description, of this Draft EIR, the proposed project is a redevelopment of a vacant restaurant on a General Commercial-zoned/designated site with a fast-food drive-thru restaurant.

The proposed project would increase demand for police protection services. However, the CPD has confirmed that future development allowed by the proposed project would not, by itself, contribute to the need for expansion or addition of facilities.<sup>25</sup> The CPD has already identified a need for improved and expanded headquarters and is pursuing funding for a new facility. The need for this facility would exist with or without the proposed project.

Based on the assessment of the CPD, the proposed project would have a *less-than-significant* impact with respect to the need for new or physically altered police protection facilities.

**Significance without Mitigation:** Less than significant.

### 4.12.2.4 CUMULATIVE IMPACTS

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<b>PS-4</b>	<b>The proposed project would result in less-than-significant cumulative impacts with respect to police services.</b>
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The methodology used for the cumulative impact analysis is described in Chapter 4.0, Environmental Evaluation, of this Draft EIR. The cumulative setting for police protection services takes into account growth caused by the proposed project, in combination with cumulative projects in Campbell (see Table 4-1). A significant cumulative environmental impact would result if this cumulative growth would

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<sup>25</sup> Cefalu, Joe. Captain, City of Campbell Police Department. Personal communication with Torina Wilson, PlaceWorks. August 1, 2018.

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exceed the ability of the CPD to adequately serve its service area, thereby requiring construction of new facilities or modification of existing facilities.

CPD has indicated that, taken as a whole, existing and future development would have a cumulative impact on police services and would require new facilities to adequately serve new development. However, future construction or expansion of police facilities would be subject to separate project-level CEQA review in order to identify potential environmental impacts and mitigation measures as needed. Moreover, a new police station is already being planned to accommodate current and future needs of the city, which would ensure that adequate police services are provided without causing substantial environmental impacts.

As stated above, CPD has confirmed that new or physically altered facilities would not be needed to serve development allowed by the proposed project.<sup>26</sup> Therefore, growth caused by the proposed project would not make a considerable contribution to any cumulative impact to police services in or beyond Campbell, and the proposed project would have a *less-than-significant* cumulative effect in respect to police protection services.

**Significance without Mitigation:** Less than significant.

### 4.12.3 SCHOOLS

This section describes the existing regulations and conditions with regard to schools serving Campbell, as well as the proposed project's potential impacts to schools.

#### 4.12.3.1 ENVIRONMENTAL SETTING

##### Regulatory Framework

This section summarizes key State and local regulations related to schools. There are no federal regulations pertaining to schools that apply to the proposed project.

##### *State Regulations*

##### Senate Bill 50

Senate Bill (SB) 50 (funded by Proposition 1A, approved in 1998) limits the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development and provides instead for a standardized developer fee. SB 50 generally provides for a 50/50 State and local school facilities funding match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether State funding is available, whether the school district is eligible for State funding and whether the school district meets certain additional criteria involving bonding capacity, year round school and the percentage of moveable classrooms in use.

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<sup>26</sup> Cefalu, Joe. Captain, City of Campbell Police Department. Personal communication with Torina Wilson, PlaceWorks. August 1, 2018.



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### California Government Code, Section 65995(b), and Education Code Section 17620

SB 50 amended California Government Code Section 65995, which contains limitations on Education Code Section 17620, the statute that authorizes school districts to assess development fees within school district boundaries. Government Code Section 65995(b)(3) requires the maximum square footage assessment for development to be increased every two years, according to inflation adjustments. Per California Government Code Section 65995, the payment of fees is deemed to fully mitigate the impacts of new development on school facilities.

### Mitigation Fee Act (California Government Code 66000-66008)

Enacted as Assembly Bill (AB) 1600, the Mitigation Fee Act requires a local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put.<sup>27</sup> The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development plan on which it is to be levied. The Act came into force on January 1, 1989.

### *Local Regulations*

The City of Campbell's General Plan, adopted on November 6, 2001 contains the Open Space, Parks, and Public Facilities Element. The Open Space, Parks, and Public Facilities Element contains policies and strategies to encourage school districts to maintain and enhance existing educational opportunities. Policy OSP-8.1 states: "Education. Support efforts by the Campbell Union and Moreland School Districts to maintain and enhance existing educational opportunities."

## Existing Conditions

The City of Campbell is served by three school districts: Campbell Union School District (CUSD), Campbell Union High School District (CUHSD), and Moreland School District (MSD). The CUSD and CUHSD are the two school districts currently serving the project site.

### *Campbell Union School District*

The CUSD serves the entire City of Campbell, as well as surrounding areas, and operates 12 schools, including 9 elementary schools and 3 middle schools. Among the 12 schools, 6 elementary schools are located within the Campbell city boundary. The CUSD collects development impact fees, which fund improvements and new facilities to mitigate impacts from new development. The CUSD collects \$0.36 per square foot for commercial and industrial development.<sup>28</sup>

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<sup>27</sup> California Government Code, Sections 66000-66008, [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=66000](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=66000), accessed August 1, 2018.

<sup>28</sup> Campbell Union High School District, [https://www.cuhsd.org/apps/pages/developer\\_fees](https://www.cuhsd.org/apps/pages/developer_fees), accessed August 1, 2018.

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### *Campbell Union High School District*

The CUHSD serves Campbell, San Jose, Santa Clara, Saratoga, Los Gatos, and several unincorporated parts of Santa Clara County. The District currently operates six schools within the county and has been growing in the past decade. The CUHSD collects development impact fees, which fund improvements and new facilities to mitigate impacts from new developments. Development fees are \$1.14 per square foot for residential development and \$0.183 per square foot for commercial development.<sup>29</sup>

#### 4.12.3.2 STANDARDS OF SIGNIFICANCE

The proposed project would have a significant impact related to schools if, in order to maintain acceptable service ratios or other performance objectives, the proposed project would result in the provision of, or need for, new or physically altered school facilities, the construction or operation of which could cause significant environmental impacts.

#### 4.12.3.3 IMPACT DISCUSSION

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<b>PS-5</b>	<b>The proposed project would not result in the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.</b>
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Development of the proposed project would not include any housing that would generate new students or increase the need for local school facilities. Development of the proposed project would require payment of commercial developer impact fees to the school districts that serve the project site. The payment of school fees is deemed to fully mitigate the impacts of new development on school facilities, per SB 50. Therefore, there would be *no impact* on the need for school facilities.

**Significance without Mitigation:** No impact.

#### 4.12.3.4 CUMULATIVE IMPACTS

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<b>PS-6</b>	<b>The proposed project would result in less-than-significant cumulative impacts with respect to school services.</b>
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The proposed project would not generate any new students and would pay commercial developed impact fees. As identified in Table 4-1, Cumulative Projects within the Vicinity of the Proposed Project, the Carden Day School (now operating as the Rossinca-Carden International STEAM Academy), located 0.30 miles to the east of the project site, received approval to add 30 additional students (thereby increasing the school capacity from 120 to 150 students). This project approval was later revoked as the school could not secure funding for the new classroom needed to increase capacity. The school is currently operating with

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<sup>29</sup> Campbell Union High School District, [https://www.cuhsd.org/apps/pages/developer\\_fees](https://www.cuhsd.org/apps/pages/developer_fees), accessed August 1, 2018.

## PUBLIC SERVICES AND RECREATION

approval to accommodate 126 students within existing classrooms. Therefore, the project would not contribute to cumulative impacts with respect to school services and there would be *no impact*.

**Significance without Mitigation:** No impact.

### 4.12.4 LIBRARIES

This section describes the existing regulations and conditions regarding library services in Campbell, as well as the proposed project's potential impacts to libraries.

#### 4.12.4.1 ENVIRONMENTAL SETTING

##### Regulatory Framework

This section summarizes key State and local regulations related to libraries. There are no federal regulations pertaining to libraries that apply to the proposed project.

##### *State Regulations*

The Mello-Roos Community Facilities Act, Government Code Section 53311 *et seq.*, provides an alternative method of financing certain public capital facilities and services through special taxes. This State law empowers local agencies to establish Community Facilities Districts (CFDs) to levy special taxes for facilities such as libraries. Such districts exist within the City of Campbell.

##### *Local Regulations*

##### Santa Clara County Library Strategic Plan, 2008

The SCCLD adopted the Santa Clara County Library Strategic Plan on October 23, 2008. The Strategic Plan sets forth goals and objectives over a 3- to 5-year horizon to achieve its vision to serve the community. The Strategic Plan also establishes the SCCLD's assumptions about the future over a 5- to 10-year horizon. The goals and objectives are intended to improve the libraries existing services and do not apply to future development in Campbell.<sup>30</sup>

##### City of Campbell General Plan

The City of Campbell's General Plan, adopted on November 6, 2001, contains the Open Space, Parks, and Public Facilities Element. The Open Space, Parks, and Public Facilities Element contains policies and strategies to encourage adequate library facilities that serve the residents within the city. Applicable policies are listed in Table 4.12-3

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<sup>30</sup> Santa Clara County Library District, 2008, Santa Clara County Library District Strategic Plan.

## PUBLIC SERVICES AND RECREATION

TABLE 4.12-3 CITY OF CAMPBELL GENERAL PLAN POLICIES AND STRATEGIES PERTAINING TO LIBRARIES

Policy/Strategy Number	Policy/Strategy Text
Policy OSP-7.1	Library facilities: Ensure that library facilities offer residents adequate opportunities to obtain knowledge and information.
Strategy OSP-7.1a	Provision of Library Services: Coordinate with the Santa Clara County Library System to provide adequate library facilities.
Strategy OSP- 7.1b	Library Outreach Services: Encourage the Santa Clara County Library System and/or other appropriate agencies to provide library outreach services for seniors and the disabled who cannot visit library facilities.
Strategy OSP-7.1c	Funding Sources: Coordinate with Santa Clara County Library System to provide funding for library facilities and activities, examining other potential funding sources, including County, State, federal, corporate, and private contributions.

Source: City of Campbell, 2001, City of Campbell General Plan.

### Existing Conditions

The SCCLD governs and administers seven community libraries, one branch library, two bookmobiles, the Home Service Library, and the 24-7 online library for all library users. The SCCLD serves all unincorporated communities of Santa Clara County, as well as nine Santa Clara County cities, including Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill, and Saratoga. As one of the SCCLD's member cities, Campbell has a community library located on 77 Harrison Avenue, located approximately 0.4 miles south of the project site.

#### *Library Facility and Services*

The Campbell Community Library lends books, media, and digital content to all age groups, and provides educational and entertainment programs and events for children, teens, adults, and families. It also offers free internet-enabled public computers, offers access to database and reference and research service, and provides self-service copy machines for residents. The library provides different learning opportunities and classes, which include, but are not limited to, English language learning conversation classes, baby sign language classes, sewing classes, computer programming classes, and Zumba classes.<sup>31</sup>

The Campbell Community Library has enough capacity to serve the existing population of Campbell, and has room to accommodate growth in the coming years. Although the size of the facility is adequate for the current and near-future population of Campbell, the existing library facility does not meet earthquake, safety, and ADA standards, and the infrastructure within the building is not sufficient for the needs of a library. Campbell Community Library will start constructing a new facility at 1344 Dell Avenue, with construction beginning in the fall of 2018. A ballot measure, in conjunction with the Campbell Police

<sup>31</sup> Santa Clara County Library District, <http://sccl.evanced.info/signup/list?ag=729%2c727%2c728%2c731%2c725%2c730&kw=storytime&df=list&private=0&do=1&nd=60&ln=2>, accessed August 1, 2018.

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Department, was approved by the ballot measure in November 2018, the approval of which provides funding for a new library facility that is seismically safe.<sup>32</sup>

### *Library Funding*

Library services are primarily funded by County property taxes. Individuals living in the unincorporated areas and in the nine cities served by the SCCLD have a portion of their property taxes designated for the SCCLD. People living outside the district do not pay SCCLD taxes. In addition to the property tax, property within the SCCLD is also assessed for enhanced service through a Community Facilities District. In addition, the SCCLD receives many gifts of money, equipment, books, and time from friends of the library as well as from residents of the county.<sup>33</sup>

### 4.12.4.2 STANDARDS OF SIGNIFICANCE

The proposed project would result in a significant impact if, in order to maintain acceptable service ratios or other performance objectives, the proposed project would result in the provision of or need for new or physically altered library facilities, the construction or operation of which could cause significant environmental impacts.

### 4.12.4.3 IMPACT DISCUSSION

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**PS-7                      The proposed project would not result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.**

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Development allowed by the proposed project would not increase the number of residents or housing in the SCCLD's service area. It is possible that the 40 new employees at the proposed project site would use the library and would therefore represent a slight increase in demand on library services provided at the Campbell Community Library. However, because it is expected that at least some of the future employees of the project will be existing residents of Campbell and surrounding communities, it is not anticipated that all new employees will represent new residents or users of Campbell and its services. Based on confirmation by the SCCLD, the proposed project is not expected to add any additional strain on the existing Campbell Community Library capacity.<sup>34</sup>

A development plan to construct a new library facility is already proposed.

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<sup>32</sup> Griffen, Chuck. Financial and Administrative Services Director, Santa Clara County Library District. Personal communication with Torina Wilson, PlaceWorks, July 27, 2018.

<sup>33</sup> Griffen, Chuck. Financial and Administrative Services Director, Santa Clara County Library District. Personal communication with Travis Bradley, PlaceWorks, July 23, 2014.

<sup>34</sup> Griffen, Chuck. Financial and Administrative Services Director, Santa Clara County Library District. Personal communication with Torina Wilson, PlaceWorks, July 27, 2018.

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The City of Campbell has one policy and three strategies pertaining to libraries, as listed in Table 4.12-3. Policy OSP-7.1 focuses on library facilities and ensuring that those facilities offer adequate services for the residents of Campbell to have opportunities to obtain knowledge and information. This policy is implemented through three strategies that focus on provisions of library services, library outreach services, and funding sources. Strategy OSP-7.1a ensures coordination within the Santa Clara County Library System, Strategy OSP-7.1b encourages library outreach services within the system for seniors and disabled who cannot visit library facilities, and Strategy OSP-7.1c promotes coordination with the system to provide funding for library facilities and activities include County, State, federal, corporate, and private contributions. The proposed project would be consistent with these policies and strategies as it would not increase the number of residents or housing in the SCCLD's service area. Therefore, a *less-than-significant* impact would occur with respect to the need for new or physically altered library facilities.

**Significance without Mitigation:** Less than significant.

### 4.12.4.4 CUMULATIVE IMPACTS

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<b>PS-8</b>	<b>The proposed project would result in less-than-significant cumulative impacts with respect to the construction of other public facilities.</b>
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The methodology used for the cumulative impact analysis is described in Chapter 4.0, Environmental Evaluation, of this Draft EIR. This section analyzes potential impacts to library services that could occur from development allowed by the proposed project in combination with reasonably foreseeable growth in the SCCLD service area. The proposed project, in conjunction with these related projects, would increase demands on library services. However, SCCLD is already planning for a new library to accommodate current and future needs in Campbell, which would ensure that adequate library services are provided without causing substantial environmental impacts. Moreover, future construction or expansion of library facilities would be subject to separate project-level CEQA review in order to identify potential environmental impacts and mitigation measures as needed. Finally, the slight potential increase in demand generated by 40 new employees at the proposed project site would not be a considerable contribution to any cumulative impact on library services.

As a result, a *less-than-significant* cumulative impact associated with libraries would occur.

**Significance without Mitigation:** Less than significant.

## PUBLIC SERVICES AND RECREATION

### 4.12.5 PARKS AND RECREATION FACILITIES

This section describes the regulatory framework and existing conditions related to parks and recreation in Campbell, as well as the proposed project's potential impacts to parks and recreation facilities.

#### 4.12.5.1 ENVIRONMENTAL SETTING

##### **Regulatory Framework**

This section summarizes key State and local regulations related to park and recreation services. There are no federal regulations pertaining to park and recreation services that apply to the proposed project.

##### *State Regulations*

The 1975 Quimby Act (California Government Code Section 66477) authorizes cities and counties to adopt ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated through the Quimby Act cannot be used for operation and maintenance of park facilities.<sup>35</sup> A 1982 amendment (AB 1600) requires agencies to clearly show a reasonable relationship between the public need for the recreation facility or parkland and the type of development project upon which the fee is imposed. Cities with a high ratio of park space to inhabitants can set a standard of up to 5 acres per 1,000 persons for new development. Cities with a lower ratio can only require the provision of up to 3 acres of park space per 1,000 persons. The calculation of a city's park space to population ratio is based on a comparison of the population count of the last federal census to the amount of City-owned parkland.

##### *Local Regulations*

##### Santa Clara County Parks and Recreation Department

The Santa Clara County Parks Department operates on a voter-approved measure, in which a fixed portion of the property taxes collected are set aside from the General Fund to acquire and develop a regional park system.

##### Santa Clara County Open Space Authority

In 1993, the City of Campbell incorporated into the Santa Clara County Open Space Authority (SCCOSA), which encompasses all areas within Santa Clara County except those within the jurisdiction of the Mid-Peninsula Open Space District. The SCCOSA has the ability to acquire land and create assessment districts, which in return can fund the acquisition of open space lands. The City of Campbell may apply for a portion of these funds to help finance City open space projects.<sup>36</sup>

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<sup>35</sup> Westrup, Laura, 2002, Quimby Act 101: An Abbreviated Overview, Sacramento: California Department of Parks and Recreation, <http://www.parks.ca.gov/pages/795/files/quimby101.pdf>, accessed August 31, 2018.

<sup>36</sup> City of Campbell, 2001, City of Campbell General Plan EIR, page 214.

## PUBLIC SERVICES AND RECREATION

### City of Campbell General Plan

The City of Campbell's General Plan, adopted on November 6, 2001, contains the Open Space, Parks, and Public Facilities Element. The Open Space, Parks, and Public Facilities Element contains policies to encourage a full range of park and recreational resources, for linking the community, outdoor recreation, preservation of natural resources, and public health and safety. General Plan policies and strategies relevant to parks and recreation concentrate on how the City of Campbell will provide open space, parks, and public facilities to meet the diverse needs of its residents. Policies that address parks and recreation are listed in Table 4.12-4.

**TABLE 4.12-4 CITY OF CAMPBELL GENERAL PLAN POLICIES PERTAINING TO PARKS AND RECREATION**

Policy Number	Policy Text
<b>Section 6, Health and Safety</b>	
Policy OSP-1.1	Regional Open Space, Parks and Recreational Facilities. Support efforts to enhance, enlarge, and provide public access to regional open space, parks and recreation facilities to meet the needs of Campbell residents.
Policy OSP-1.2	Regional Public Agency Lands. Utilize appropriately located surplus public agency lands for open space, parks and recreation facilities as they become available.
Policy OSP-1.3	Facilities Improvement, Maintenance and Use Agreements with Regional Agencies. Utilize a variety of techniques to increase, preserve or maintain regional open space facilities such as facilities improvement, joint maintenance or use agreements.
Policy OSP-2.1	Park Standard. Strive to provide 3 acres of open space, park land and recreational facilities and 1 acre of school open space and recreational facilities for every 1,000 residents.
Policy OSP-2.2	Maintain and Renovate Existing Open Space, Park, and Recreation Facilities. Maintain and renovate existing open space, park and recreation facilities to improve their usefulness, safety, and appearance.
Policy OSP-2.3	Efficient Utilization. Ensure efficient utilization of open space and recreational facilities.
Policy OSP-2.4	Park Design. Design safe and accessible open space, parks, and recreation facilities.
Policy OSP-3.2	Park Impact Fees. Continue to require new residential development to pay park impact fees to use for the acquisition and development of park land and recreational facilities.
Policy OSP-3.3	Update Fees. Ensure that park development fees are periodically updated to accurately reflect the cost of park and recreation facility acquisition and development.
Policy OSP-3.5	Non-residential Open Space. Require open and/or recreational facilities in major non-residential projects.
Policy OSP-5.2	Access Standard. Strive to provide open space, parks or recreation facilities within ½-mile radii of all City residents.

Source: City of Campbell, 2001, City of Campbell General Plan.

### City of Campbell Municipal Code

The Campbell Municipal Code, organized by Title, Article, and Chapter contains all ordinances for the city. Title 13 of Campbell Municipal Code sets regulations and standards for parks and recreation facilities and buildings in the city. Chapter 13.08 (Park Impact Fees and Parkland Dedication Developments) of the Campbell Municipal Code requires development impact fees to acquire and maintain parks and recreational facilities to mitigate impacts from new development. The collected fee is for acquisition, improvement, maintenance, rehabilitation, expansion, or implementation of parks and recreational facilities. The fee is calculated by multiplying the park acreage standard, average number of persons per residential dwelling unit, and value per acre.



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### Existing Conditions

The Campbell Municipal Code defines a park as any land owned by a public entity that is open to the public for recreational uses. The City of Campbell and other public agencies own and operate several facilities which include parks, community swimming pools, recreational fields, gymnasiums, open spaces, and picnic areas, all of which are open and accessible to the public.

#### *Parks*

The City of Campbell categorizes each park into four separate categories: community parks, neighborhood parks, passive parks, and special open space facilities. Each type of park is characterized by scale, varying amenities, and the neighborhoods they serve. Campbell has five community parks, two neighborhood parks, four passive parks, and two special open space facilities. Based on a 1999 agreement, the City of Campbell and the Campbell Union School District jointly use open space areas within certain school sites as a result, some school sites are included in the recreation acreage.

The city is also home to several regionally-owned and maintained facilities, which includes the Santa Clara County Parklands, Santa Clara Valley Water District groundwater recharge facilities, and lands owned by the Santa Clara County Open Space Authority.<sup>37</sup> The Los Gatos Creek County Trail and Los Gatos Creek County Park together comprise more than 53 acres and are maintained by Santa Clara County. The Hacienda Percolation Ponds is one of six facilities owned and operated by the Santa Clara Valley Water District (SCVWD). Based on a 1999 agreement, the City of Campbell and the Campbell Union School District jointly use open space areas within certain school sites and as a result, some school sites are included in the recreation acreage.

#### *Recreational Facilities*

Public recreational facilities within the city include a fitness center, all-weather track, football field, tennis courts, an adult center, and a skate park, all of which are located at the Campbell Community Center. The City Parks and Recreation Department sponsors seasonal recreational activities and programs for all ages. The Community Center has a wide variety of facilities for wedding receptions and parties, business and meetings, seminars, athletic activities, fundraisers, and special events.

#### *Los Gatos Creek Trail*

The Los Gatos Creek Trail runs from San José south through Campbell and Los Gatos and is managed by several different agencies including the Cities of Campbell and San Jose, Santa Clara County, and the Town of Los Gatos. The Campbell section of the trail includes a paved walkway approximately 3 miles in length, which also includes a 2-mile par course loop. The City of Campbell is responsible for maintenance and trail use from the Bascom Avenue under crossing to Los Gatos Creek County Park.<sup>38</sup>

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<sup>37</sup> City of Campbell, 2001, City of Campbell General Plan EIR, page 214.

<sup>38</sup> City of Campbell, Facilities, <http://www.ci.campbell.ca.us/Facilities/Facility/Details/Los-Gatos-Creek-Trail-29>, accessed August 1, 2018.

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### 4.12.5.2 STANDARDS OF SIGNIFICANCE

The proposed project would have a significant impact with regard to parks and recreation if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered parks and recreational facilities, or need for new or physically altered parks and recreation facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.
- Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur, or be accelerated.
- Include or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

### 4.12.5.3 IMPACT DISCUSSION

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<b>PS-9</b>	<b>The proposed project would not result in the need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.</b>
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Development of the proposed project would not include new permanent residents that could increase the demand for the parks and recreational facilities in the city. It is possible that some or all of the 40 new employees at the proposed project site could utilize parks and recreational facilities in Campbell, but this number of new users represents a small increase in comparison to the approximately 43,000 residents and approximately 30,000 workers that are currently served by local facilities. Therefore, the increase in potential park users from the proposed project would not result in the need for new or physically altered park facilities, and impacts would be *less than significant*. No mitigation measures are required.

**Significance without Mitigation:** Less than significant.

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<b>PS-10</b>	<b>The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur, or be accelerated.</b>
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Development of the proposed project would not include new permanent residents that could increase the demand for the parks and recreational facilities in the city. It is possible that some or all of the 40 new employees at the proposed project site could utilize parks and recreational facilities in Campbell, but this number of new users represents a small increase in comparison to the approximately 43,000 residents and approximately 30,000 workers that are currently served by local facilities. Therefore, the increase in potential park users from the proposed project would not result in the need for new or physically altered park facilities, and impacts would be *less than significant*. No mitigation measures are required.

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**Significance without Mitigation:** Less than significant.

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<b>PS-11</b>	<b>The proposed project would not include recreational facilities and would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</b>
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As described under impact discussion PS-10, development of the proposed project would not include new permanent residents that could increase the demand for the parks and recreational facilities in the city. The project does not propose construction of any recreational facilities. While some or all of the 40 new employees at the project site could utilize recreational facilities, this number of new users is small in comparison to the number of current users of local facilities. Therefore, the increase in potential recreational facility users from the proposed project would not result in the need for new or physically altered recreational facilities, and impacts would be *less than significant*. No mitigation measures are required.

**Significance without Mitigation:** Less than significant.

### 4.12.5.4 CUMULATIVE IMPACTS

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<b>PS-12</b>	<b>The proposed project would result in less-than-significant cumulative impacts with respect to parks.</b>
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The methodology used for the cumulative impact analysis is described in Chapter 4.0, Environmental Evaluation, of this Draft EIR. The cumulative setting for parks and recreation facilities takes into account growth resulting from the proposed project, in combination with growth projected by the Association of Bay Area Governments (ABAG) in the City of Campbell and in nearby communities that may use park or recreational facilities within Campbell City limits. A significant cumulative environmental impact would result if this cumulative growth would exceed the ability of the Campbell Parks Department to adequately serve its service area, thereby requiring construction of new facilities or modification of existing facilities.

As described above, the proposed project would not create a need for new or physically altered park or recreational facilities. The proposed project does not include a residential component, and will not significantly impact the number of people accessing and using parks or recreational facilities. Therefore, growth caused by the proposed project would not make a considerable contribution to any cumulative impact to parks and recreational facilities in or beyond Campbell, and the proposed project would have a *less-than-significant* cumulative effect.

**Significance without Mitigation:** Less than significant.

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**TRANSPORTATION AND TRAFFIC**

## **4.13 TRANSPORTATION AND TRAFFIC**

This chapter provides an overview of the existing transportation and traffic conditions of the In-N-Out project and discusses the associated regulatory framework. It also evaluates the potential for implementation of the proposed project to result in significant environmental impacts, direct and indirect, related to transportation and traffic. The analysis focuses on potential impacts to intersections and roadway segments, pedestrian and bicycle facilities, and transit service. Significant impacts are quantified and mitigation measures are identified to address these impacts, as necessary. This section is based on the analyses provided in the *Traffic Impact Study for 499 East Hamilton Avenue*, by W-Trans on November 13, 2018.<sup>1</sup> The technical study, referred in this section as TIA (Traffic Impact Analysis), is included in Appendix H.

### **4.13.1 ENVIRONMENTAL SETTING**

#### **4.13.1.1 REGULATORY FRAMEWORK**

This section describes federal, State, regional, and local environmental laws and policies that are relevant to the California Environmental Quality Act (CEQA) review process for transportation and circulation. These policies provide a context for the impact discussion related to the proposed project's consistency with the applicable regulatory conditions.

#### **Federal Regulations**

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive rights and protections to individuals with disabilities. The goal of the ADA is to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. To implement this goal, the US Access Board, an independent Federal agency created in 1973 to ensure accessibility for people with disabilities, has created accessibility guidelines for public rights-of-way. While these guidelines have not been formally adopted, they have been widely followed by jurisdictions and agencies nationwide in the last decade. These guidelines, last revised in July 2011, address various issues, including roadway design practices, slope and terrain issues, and pedestrian access to streets, sidewalks, curb ramps, street furnishings, pedestrian signals, parking, public transit, and other components of public rights-of-way. These guidelines would apply to parking and modifications to roadways and crosswalks/sidewalks in the study area.

#### **State Regulations**

##### *Senate Bill 743*

On September 27, 2013, Senate Bill 743 was signed into law. The Legislature found that with adoption of the Sustainable Communities and Climate Protection Act of 2008 (Senate Bill 375), the state had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce

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<sup>1</sup> W-Trans, 2018, 499 East Hamilton Avenue Traffic Impact Analysis.

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Vehicle Miles Traveled (VMT) and thereby contribute to the reduction of greenhouse gas emissions (GHG), as required by the California Global Warming Solutions Act of 2006 (AB 32). Additionally, AB 1358, described above, requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users.

Senate Bill 743 started a process that could fundamentally change transportation impact analysis as part of CEQA compliance. These changes will include the elimination of auto delay, level of service (LOS), and similar measures of vehicular capacity or traffic congestion as the basis for determining significant impacts in many parts of California (if not statewide). As part of the new CEQA Guidelines, the new criteria shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. The Office of Planning and Research developed alternative metrics and thresholds based on VMT. The final draft of changes to CEQA Guidelines were published in November 2017 and require certification and adoption before they go into effect. They have been submitted to the Secretary of the Natural Resources Agency and are currently under the rulemaking review process. After the Secretary of the Natural Resources Agency certifies the guidelines, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment. Implementation is expected in early 2019. There will be an opt-in period until July 1, 2020, for agencies to adopt the guidelines and new VMT-based criteria. Currently, automobile delay can still be considered a significant impact, and the City of Campbell continues to use established LOS criteria.

### *California Department of Transportation*

The California Department of Transportation (Caltrans) is the primary State agency responsible for transportation issues. One of its duties is the construction and maintenance of the State highway system. Caltrans approves the planning, design, and construction of improvements for all State-controlled facilities including State Route (SR) 17 and the associated interchanges for these facilities in the study area. Caltrans has established standards for roadway traffic flow and developed procedures to determine if State-controlled facilities require improvements, but often times relies on CMP and local standards to evaluate traffic impacts for facilities in urban areas. For projects that may physically affect facilities under its administration, Caltrans requires encroachment permits before any construction work may be undertaken. For projects that would not physically affect facilities but may influence traffic flow and levels of service at such facilities, Caltrans may recommend measures to mitigate the traffic impacts of such projects.

## Regional Regulations

### *Metropolitan Transportation Commission*

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county Bay Area, including Santa Clara County. It also functions as the federally-mandated metropolitan planning organization (MPO) for the region. It is responsible for regularly updating the Regional Transportation Plan (RTP), a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities.

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### *Santa Clara Valley Transportation Authority*

Santa Clara Valley Transportation Authority (VTA) is the Congestion Management Agency (CMA) for Santa Clara County, tasked with preparing the Congestion Management Plan (CMP) that describes the strategies to address congestion problems and monitoring compliance. MTC requires the local transportation authority, such as the VTA, to establish transportation plans that can feed into the larger RTP. VTA works cooperatively with MTC, transit agencies, local governments, Caltrans, and the Bay Area Air Quality Management District. The CMP contains level-of-service standards for highways and arterials, multimodal performance standards, a capital improvement program, a program for analyzing land use decisions, and a travel demand management (TDM) program.

The minimum level-of-service standard for CMP designated facilities in Santa Clara County is LOS E, except for facilities grandfathered in at LOS F, which states that intersections operating at LOS F at the baseline year for implementation of an LOS standard can be grandfathered in. The LOS standards for Santa Clara County were established in October of 1991; thus, any intersection operating at LOS F prior to the established 1991 LOS standards are not held to the minimum standard of LOS E. Member Agencies, which include the cities and County of Santa Clara, must ensure that CMP roadways operate at or better than the minimum level-of-service standard or they face losing gas tax subventions. VTA monitors the performance of the CMP facilities at a minimum of every two years. If the minimum level-of-service standards are not met, Member Agencies must develop multimodal improvement plans to address the congestion.

### *Valley Transportation Plan 2040*

The Valley Transportation Plan 2040 (VTP 2040) is the countywide long-range transportation plan for Santa Clara County. As the CMA for the county, VTA periodically updates this 25-year plan. VTP 2040, the most recent plan, was adopted by the VTA Board in October 2014 and builds upon the previous plan VTP 2035.

VTP 2040 provides a planning and policy framework for developing and delivering future transportation projects. Location-specific improvements for all modes of travel are covered in three major program areas: Highways, Local System, and Transit. The Highways Program includes major freeway improvements, local freeway interchanges, and express lanes. The Local System includes local roadway improvements, expressway improvements, pedestrian and bicycle projects, and technology-related projects. The Transit Program includes projects related to transit efficiency and new transit system improvements. The VTP 2040 also identifies transportation needs through a systematic approach based on input from local jurisdictions, elected officials and the community.

### *Countywide Bicycle Plan*

The Santa Clara Countywide Bicycle Plan (VTA, 2008) identifies planned bicycle network improvements within the study area. The plan establishes a network of Cross County Bikeway Corridors that will provide continuous, complete bike connections across the county. The plan also identifies locations where new and improved bicycle connections are needed across freeways, rail lines, and creeks. Lastly, the plan identifies ways to make it easier for people to use their bicycle with transit, including bicycle access to

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major transit stops, bicycle parking at stops, and bicycle accommodations on board. An update to the Countywide Bicycle Plan is currently being drafted with an anticipated adoption in the fall of 2018.

### Local Regulations

#### *City of Campbell General Plan*

The City of Campbell's General Plan (adopted on November 6, 2001) provides a framework for development within the City. Policies and strategies that are pertinent to the transportation analysis for the proposed project are listed below in Table 4.13-1. In 2016, the City began an effort to update the General Plan called Envision Campbell. The Envision Campbell General Plan Update is currently being developed with anticipated adoption to occur in 2019/2020.

### 4.13.1.2 EXISTING CONDITIONS

This section presents a discussion of the existing transportation and traffic conditions in the Study Area, including roadways, pedestrian, bicycle and transit systems as well as traffic operations and safety analysis.

### Study Intersections and Periods

The study area includes the following intersections, with locations that are included in the Santa Clara County Congestion Management Program (CMP) network indicated:

1. Hamilton Avenue/Winchester Boulevard (CMP)
2. Hamilton Avenue/Central Avenue
3. Hamilton Avenue/Almarida Drive
4. Hamilton Avenue/Salmar Avenue/SR 17 South Off-Ramp (CMP)
5. Hamilton Avenue/Creekside Way (CMP)
6. Creekside Way/SR (SR) 17 North Off-Ramp
7. Hamilton Avenue/Bascom Avenue (CMP).

The locations of the study intersections and the existing lane configurations and controls are shown in Figure 4.13-1.

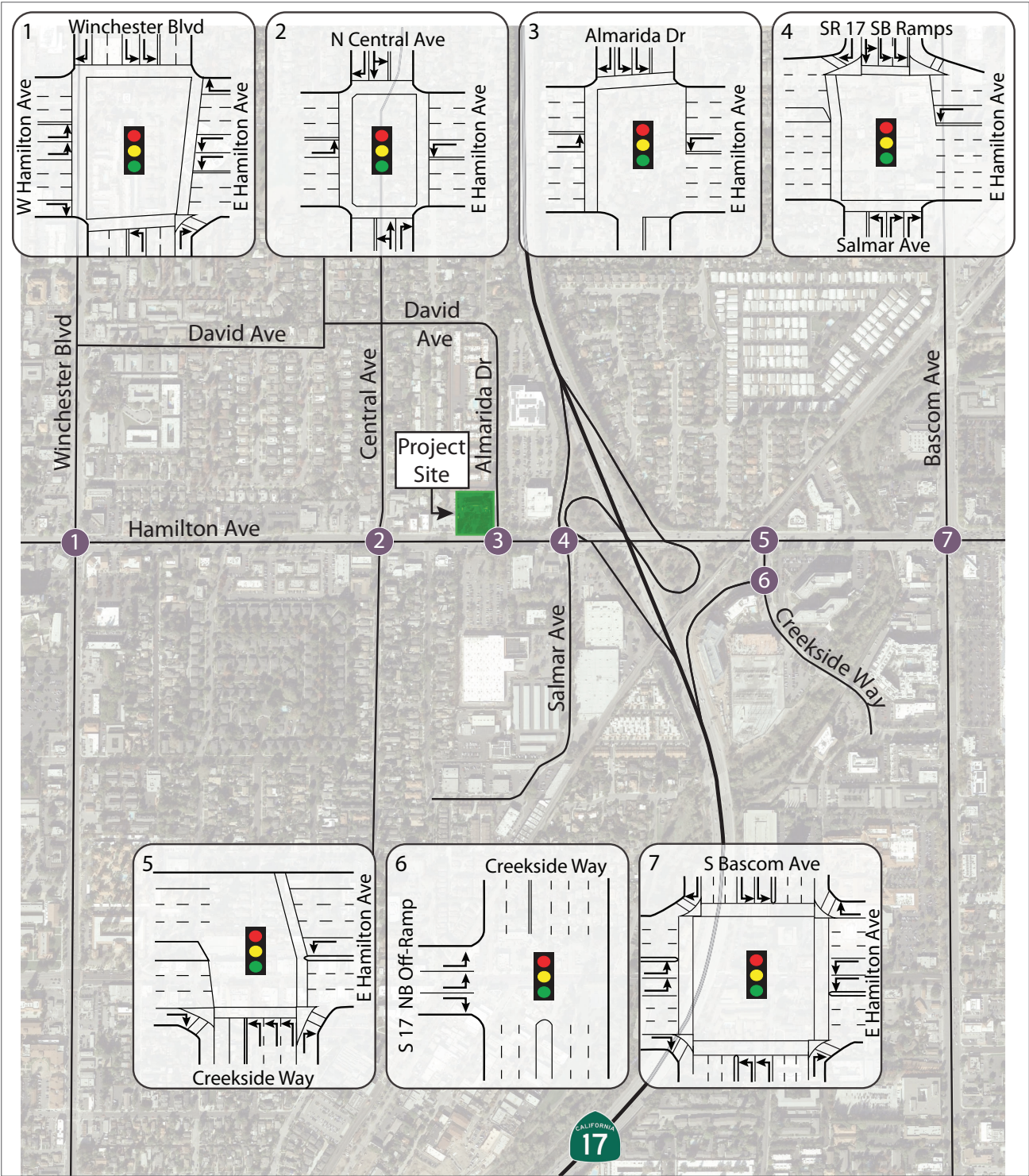
#### *Local Roadway Network*

The Study Area is served by a network of arterials, collectors, and local streets. Through traffic is generally served by arterial streets, while collector streets connect arterials to local streets and land uses. Local streets provide direct access to land uses. These roadways are summarized below:

- Almarida Drive is a two-lane north-south local street that provides access between Hamilton Avenue and the Hamann Park neighborhood. The posted speed limit of this street is 25 miles per hour (mph). One of the project driveway access points for the site is located on Almarida Drive.
- Bascom Avenue is a six-lane north-south principal arterial within the study area. It provides access between the Cities of Santa Clara and Los Gatos. The posted speed limit of Bascom Avenue is 35 mph.



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Source: W-Trans, 2018.



LEGEND

● Study Intersection

Figure 4.13-1  
Study Area

## TRANSPORTATION AND TRAFFIC

**TABLE 4.13-1 GENERAL PLAN POLICIES AND STRATEGIES PERTAINING TO TRANSPORTATION AND TRAFFIC**

<b>Policy/ Strategy Number</b>	<b>Policy/Strategy Text</b>
Policy LUT-1.5	Land Use Planning and the Regional Transportation System: Support land use planning that complements the regional transportation system.
Strategy LUT-1.5a	Transit-Oriented Developments: Encourage transit-oriented developments including employment centers such as office and research and development facilities and the city's highest density residential projects by coordinating the location, intensity, and mix of land uses with transportation resources, such as Light Rail.
Strategy LUT-1.5e	Shuttle Services: Encourage major employers to develop shuttle services connecting employment areas with multi-modal or regional transit facilities and business districts.
Strategy LUT-1.5f	Transportation Impact Mitigation: Require appropriate mitigation measures for new development that impacts the transportation system and consider collecting impact/mitigation fees as an in-lieu fee that could be used toward approved capital improvement projects.
Policy LUT-2.1	Alternative Transportation: Encourage the use of alternative transportation such as ridesharing, public transit, walking, and bicycling to reduce reliance on automobile use.
Strategy LUT-2.1a	Public Transit Services: Work with transit providers to provide improved public transit services, conveniently located passenger waiting areas, attractive shelters and amenities between neighborhood centers and major transit corridors.
Strategy LUT-2.1b	Transportation for the Disadvantaged: Encourage the provision of efficient transportation services for the transportation disadvantaged, such as demand responsive paratransit services.
Strategy LUT-2.1c	Transportation Management Programs: Consider alternative parking requirements and programs such as Transportation Demand Management (TDM) programs for new development, for single occupant vehicles in projects in Downtown, near transit lines, near Light Rail Stations and where shared parking is feasible.
Strategy LUT-2.1d	Alternative Fueled Vehicles: Encourage the use of alternative fueled vehicles (e.g., Electric cars) and encourage the installation of recharge facilities at commercial and employment centers.
Strategy LUT-2.1e	High Occupancy Vehicles: Encourage preferential parking treatment for high-occupancy vehicles and alternative fueled vehicles at employment and activity centers.
Strategy LUT-2.1f	School Commuting: Support the integration of public-school commuting into the local transit system. For example, support the coordination and scheduling of bus routes with school functions and after school extra-curricular activities of high school students.
Strategy LUT-2.1g	Amenities: Improve amenities such as seating, lighting, signage, secure bicycle parking, street trees, and interpretive stations along bicycle and pedestrian paths, in City parks, on transit vehicles and at multi-modal transit stations to encourage walking and cycling and enhance the feeling of safety.
Strategy LUT-2.1h	Bicycle Facilities: Encourage adequate and secure bicycle facilities at employment centers, activity centers, and residential projects.
Strategy LUT-2.1i	Pedestrian Facilities Plan: Develop a Community Pedestrian Facilities Plan for the City.
Strategy LUT-2.1j	Bicycle Plan: Regularly update the citywide bicycle plan to ensure that it provides safe and convenient commuter and recreation routes throughout the City for bicyclists of all abilities.
Strategy LUT-2.1k	Transit Schedule Integration: Support the integration of light-rail, bus, and shuttle schedules and multi-modal transit stations to reduce the loss of time associated with using public transportation.
Strategy LUT-2.1l	Taxi Service: Encourage a responsive private sector taxi service.
Strategy LUT-2.1m	Reduced Fare or Voucher Systems: Support transit agencies in implementing or continuing reduced fare or no fare voucher systems for populations in need.
Policy LUT-2.2	Hierarchy of Streets: Maintain a hierarchy of streets that includes freeways, expressways, arterials, collectors, and local access streets.
Strategy LUT-2.2a	Roadways for a Variety of Users: Design roadway space for a variety of users, including motor vehicles, transit vehicles, bicycles, and pedestrians when constructing or modifying roadways.
Strategy LUT-2.2b	Street Capacity: Avoid major increases in street capacity unless necessary to remedy severe traffic congestion or critical neighborhood traffic problems.

## TRANSPORTATION AND TRAFFIC

**TABLE 4.13-1 GENERAL PLAN POLICIES AND STRATEGIES PERTAINING TO TRANSPORTATION AND TRAFFIC**

Policy/ Strategy Number	Policy/Strategy Text
Strategy LUT-2.2c	Truck Movements: Regulate truck movements in a manner that balances the efficient movement of goods with the small-town character of Campbell's street system.
Strategy LUT-2.2d	Slow Traffic in Downtown: Evaluate slowing traffic in the Downtown area by reducing through traffic lanes and trading the area for improved turning lanes, landscaping and bicycle lanes, and consider conversion of one-way streets to two-way travel.
Strategy LUT-2.2e	Variety of Alternate Routes: Design and maintain the City street network to provide a variety of alternate routes, so that traffic loads on any one street are minimized.
Strategy LUT-2.2f	Cut-Through Traffic: Discourage cut-through traffic in residential neighborhoods by improving the operation of arterials and collectors.
Policy LUT-2.3	Roadway and Intersection Disruption Minimization: Minimize traffic disruptions along arterial roadways and major intersections.
Strategy LUT-2.3a	Intersection Level of Service: To the extent possible, maintain level of service (LOS) on designated intersections consistent with the Santa Clara County Congestion Management Plan.
Strategy LUT-2.3b	Operation and Performance of Streets: Monitor the operation and performance of street systems. Strategy LUT-2.3c: Roadway and Intersection Capacities: Assess improvements to increase roadway and intersection capacities for all types of transportation.
Strategy LUT-2.3d	Winchester Boulevard: Evaluate alternative methods to reduce speed on Winchester Boulevard, including boulevard treatments such as bulb-outs or on-street parking and encourage north-south transit on the 17 Freeway and San Tomas Expressway.
Strategy HS-1.1f	Adequate Access: Require adequate access for emergency vehicles, including minimum street width and vertical clearance. The Uniform Fire Code currently sets the minimum street width at 20 feet. Larger buildings may require a minimum width of 30 feet.

Source: City of Campbell, 2001, City of Campbell General Plan.

- Creekside Way is a two-lane north-south local street that provides access between Hamilton Avenue and Campisi Way. The terminus off-ramp intersection from northbound SR-17 is located on Creekside Way. This street has a posted speed limit of 30 mph.
- Hamilton Avenue is a six-lane east-west principal arterial roadway that provides access between Saratoga Avenue and San José where it transitions to become Pine Avenue east of Hicks Avenue. Hamilton Avenue has a posted speed limit of 35 mph.
- Winchester Boulevard is a north-south arterial roadway extending from Santa Clara southward to Los Gatos. The segment of Winchester Boulevard within the study area consists of four-lanes (two-lanes in each direction) plus a two-way left-turn lane (TWLTL). The posted speed limit for Winchester Boulevard is 35 mph for the segment north of Hamilton Avenue and is 30 mph for the segment south of Hamilton Avenue within the vicinity of the project.

## Alternative Modes of Transportation

### *Pedestrian Facilities*

Pedestrian facilities include sidewalks, crosswalks, pedestrian signal phases, curb ramps, and various streetscape amenities such as lighting, benches, etc. In general, a network of sidewalks, crosswalks, pedestrian signals, and curb ramps provide access for pedestrians in the vicinity of the proposed project

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site. There are no existing gaps or obstacles along the connecting roadways that impact convenient and continuous access for pedestrians.

- Hamilton Avenue – Continuous sidewalk coverage is provided on Hamilton Avenue on both sides of the street within the study area. Curb ramps and crosswalks are provided at side street approaches near the project site.
- Almarida Drive – Continuous sidewalks are provided on both sides of Almarida Drive. Lighting is provided by overhead street lights on both sides of the road. Curb ramps and crosswalks at side street approaches are intermittent.

### *Bicycle Facilities*

The *Highway Design Manual*, California Department of Transportation (Caltrans), 2012, classifies bikeways into three categories:

- Class I Multi-Use Path – a completely separated right-of-way for the exclusive use of bicycles and pedestrians with cross flows of motorized traffic minimized.
- Class II Bike Lane – a striped and signed lane for one-way bike travel on a street or highway.
- Class III Bike Route – signing only for shared use with motor vehicles within the same travel lane on a street or highway.

In the project area, Class II bike lanes exist on Hamilton Avenue between SR 17 and Winchester Boulevard. Bicyclists ride in the roadway and/or on sidewalks along all other streets within the project study area.

Further from the project site, Los Gatos Creek Trail is a Class I path; Central Avenue is a Class III bike route; Winchester Boulevard south of Hamilton Avenue is a Class III bike route; Bascom Avenue north of Hamilton has a Class II bike lane in San José (northbound direction only); and Bascom Avenue south of Hamilton Avenue is a Class III bike route. In Spring 2019, Dell Avenue is scheduled to be striped with Class II bike lanes between East Sunnyside Avenue and Division Street.

### *Transit Facilities*

The VTA provides fixed route bus service and light rail train service in Santa Clara County. Two bicycles can be carried on VTA light rail trains and most VTA buses. Bike rack space is on a first come, first served basis. Additional bicycles are allowed on VTA buses at the discretion of the driver.

- VTA Route 82 provides east-west service between the Westgate Shopping Center and downtown San José. The route serves stops along Hamilton Avenue, and operates between 6:00 a.m. and 9:30 p.m. on weekdays, between 8:00 a.m. and 8:00 p.m. on Saturdays, and between 8:00 a.m. and 7:00 p.m. on Sundays. The nearest bus stop is the westbound stop located on Hamilton Avenue just west of Central Avenue a distance approximately 600 feet from the project site.
- VTA Line 902 is a light rail route that provides service between Downtown Mountain View and Downtown Campbell. Line 902 operates on weekdays between 5:00 a.m. and 12:00 a.m. with 10- to 20-minute headways and from 6:00 a.m. to 12:00 a.m. with 30-minute headways. The nearest light

## TRANSPORTATION AND TRAFFIC

rail station is located approximately 1,600 feet from the project site along Hamilton Avenue just west of the intersection with Creekside Way.

Dial-a-ride, also known as paratransit, or door-to-door service, is available for those who are unable to independently use the transit system due to a physical or mental disability. VTA Paratransit is designed to serve the needs of individuals with disabilities within the City of Campbell and greater Santa Clara County.

### Intersection Level of Service Methodologies

#### *Intersection Levels of Service*

Level of service (LOS) is used to rank traffic operation on various types of facilities based on traffic volumes and roadway capacity using a series of letter designations ranging from A to F. Generally, LOS A represents free flow conditions and LOS F represents forced flow or breakdown conditions. A unit of measure that indicates a level of delay generally accompanies the LOS designation.

All of the study intersections were evaluated using the signalized intersection methodology published in the Traffic Level of Service Analysis Guidelines, Santa Clara County Transportation Authority, Congestion Management Program, 2003. This methodology is based on the signalized methodology published in the Highway Capacity Manual (HCM), Transportation Research Board, 2000, which has been modified for use in Santa Clara County using the TRAFFIX analysis software. This methodology is based on factors including traffic volumes, green time for each movement, phasing, whether or not the signals are coordinated, truck traffic, and pedestrian activity. Average stopped delay per vehicle in seconds is used as the basis for evaluation in this LOS methodology. Since the Traffic Level of Service Analysis Guidelines do not include a procedure for including “U-turns” as part of the intersection level of service methodology, this study treated all U-turn movements at intersections as being similar to left-turns and thus were analyzed as a combined value.

VTA has adopted modified default values for HCM analysis as well as modified LOS thresholds. These modified default values were applied to all study intersections. The City of Campbell employs the CMP default values for the analysis parameters. The VTA approved LOS thresholds are indicated in Table 4.13-2.

### Traffic Operation Standards

The City of Campbell has established criteria to determine the level of significance of traffic impacts based on standards set by the Santa Clara County Congestion Management Program (CMP) in the Transportation Impact Analysis Guidelines, adopted in October 2014. For intersections in the CMP network, a traffic impact is considered significant if:

- The addition of project-generated traffic causes operation of an intersection to deteriorate from an acceptable level of service (LOS E or better) to LOS F, or
- For intersections operating at LOS F under background or cumulative conditions, the project condition increases the average control delay for critical movements by four seconds or more and project traffic increases the critical volume-to-capacity (v/c) ratio by 0.01 or more.

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TABLE 4.13-2 SANTA CLARA VTA LEVEL OF SERVICE CRITERIA

LOS	Average Control Delay (Seconds per Vehicle)	Description
A	Delay $\leq$ 10.0	Free Flow; minimal to no delay.
B+	10.0 < Delay $\leq$ 12.0	Stable flow, but speeds are beginning to be restricted by traffic conditions; slight delays.
B	12.0 < Delay $\leq$ 18.0	
B-	18.0 < Delay $\leq$ 20.0	
C+	20.0 < Delay $\leq$ 23.0	Stable flow, but most drivers cannot select their own speeds and feel somewhat restricted; acceptable delays.
C	23.0 < Delay $\leq$ 32.0	
C-	32.0 < Delay $\leq$ 35.0	
D+	35.0 < Delay $\leq$ 39.0	Approaching unstable flow, and drivers have difficulty maneuvering; tolerable delays.
D	39.0 < Delay $\leq$ 51.0	
D-	51.0 < Delay $\leq$ 55.0	
E+	55.0 < Delay $\leq$ 60.0	Unstable flow with stop and go; delays.
E	60.0 < Delay $\leq$ 75.0	
E-	75.0 < Delay $\leq$ 80.0	
F	Delay > 80.0	Total breakdown; congested conditions with excessive delays.

Source: W-Trans, 2018.

For local intersections not on the CMP network, a traffic impact is considered significant if:

- The addition of project-generated traffic causes operation of an intersection to deteriorate from an acceptable level of service (LOS D or better) to LOS E or LOS F, or
- For intersections where LOS E operation has been established as acceptable, the project condition causes operation to deteriorate from LOS E to LOS F.

### Existing Conditions Traffic Operations

#### *Traffic Volumes*

The Existing Conditions scenario provides an evaluation of current operation based on existing traffic volumes during the PM peak period (4:00 to 6:00 p.m.) and weekend peak period (12:00 to 2:00 p.m.). This condition does not include project-generated traffic volumes. Where available, traffic counts from the Santa Clara County Congestion Management Program was used for the PM peak hour analysis. At all remaining locations, traffic data was collected in October 2017 while local schools were in session.

Under existing conditions, all study intersections are operating at acceptable levels of service during the PM and weekend peak hours. The existing peak hour traffic volumes are shown in Figure 3 of the TIA (see Appendix H).

**TRANSPORTATION AND TRAFFIC***Intersection Levels of Service*

Under existing conditions, all study intersections are operating at acceptable levels of service during the PM and weekend peak hours. A summary of existing intersection level of service calculations is contained in Table 4.13-3.

**TABLE 4.13-3 EXISTING PEAK HOUR INTERSECTION LEVELS OF SERVICE**

Study Intersection	PM Peak		Weekend Peak	
	Average Delay	LOS	Average Delay	LOS
Hamilton Ave/Winchester Blvd (CMP)	47.8	D	45.0	D
Hamilton Ave/Central Ave	14.5	B	15.0	B
Hamilton Ave/Almarida Dr	16.7	B	24.4	C
Hamilton Ave/Salmar Ave-SR 17 SB Off-Ramp (CMP)	52.2	D-	40.3	D
Hamilton Ave/Creekside Way (CMP)	25.1	C	23.0	C+
Creekside Way/SR 17 NB Off-Ramp	15.8	B-	13.8	B
Hamilton Ave/Bascom Ave (CMP)	51.4	D-	49.1	D

Notes: Delay is measured in average seconds per vehicle; LOS = level of service; CMP = CMP network intersection; SB = southbound.

Source: W-Trans, 2018.

**4.13.2 STANDARDS OF SIGNIFICANCE**

According to Appendix G, Environmental Checklist, of the CEQA Guidelines, the proposed project would have a significant impact with regard to transportation and traffic, if it would:

- 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.
- Conflict with an applicable congestion management program, including, but not limited to, LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.
- 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.

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The City of Campbell has established criteria to determine the level of significance of traffic impacts based on standards set by the CMP in the Transportation Impact Analysis Guidelines, adopted in October 2014. For intersections in the CMP network, a traffic impact is considered significant if:

- The addition of project-generated traffic causes operation of an intersection to deteriorate from an acceptable level of service (LOS E or better) to LOS F, or
- For intersections operating at LOS F under background or cumulative conditions, the project condition increases the average control delay for critical movements by four seconds or more and project traffic increases the critical volume-to-capacity (v/c) ratio by 0.01 or more.

For local intersections not on the CMP network, a traffic impact is considered significant if:

- The addition of project-generated traffic causes operation of an intersection to deteriorate from an acceptable level of service (LOS D or better) to LOS E or LOS F, or
- For intersections where LOS E operation has been established as acceptable, the project condition causes operation to deteriorate from LOS E to LOS F.

### 4.13.3 IMPACT DISCUSSION

Since the proposed business hours do not encompass the AM peak hour, only the net-new weekday daily, weekday PM and weekend peak hour trips were estimated for use in the traffic impact analysis. In-N-Out Burger has an unusually high popularity and using standard rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation Manual*, 9th Edition, 2012 for “Fast-Food Restaurant with Drive-Through Window” (ITE LU #934) may not accurately predict the potential project trips. To identify appropriate trip generation rates, three In-N-Out Burger locations in or near Santa Clara County were surveyed. Since the observed rates are higher, and more conservative than those published in the ITE *Trip Generation Manual*, these were used to calculate the expected trip potential for the project.

The expected trip generation potential for the proposed project during the weekday and weekend are indicated in Table 4.13-4 and Table 4.13-5 respectively. The detailed methodologies used to calculate trip generation are included in pages 23 to 26 of the TIA. The proposed is expected to generate 2,672 new trips on a daily basis, including 238 during the PM peak hour and 296 during the weekend peak hour; these new trips represent the increase in traffic associated with the project compared to existing volumes. For comparative purposes only, the comparable ITE rate and resulting trips is also provided in Table 4.13-4 and Table 4.13-5.

The Santa Clara County Travel Demand Model outputs were used to estimate trip distribution patterns within the study area by comparing relative traffic on major roadways and then applying manual adjustments based on knowledge of the area. The applied distribution assumptions and resulting trips are shown in Table 4.13-6.



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**TABLE 4.13-4 IN-N-OUT BURGER SITE TRAFFIC SURVEY AND TRIP RATE CALCULATION (WEEKDAY)**

In-N-Out Location	Size (ksf)	Weekday Daily		PM Peak Hour (5:30-6:30 p.m.)					
		Rate (Calc'd)	Trips	Rate (Calc'd)	Trips	In	Out	% In	% Out
Survey Location									
1. 1159 Rengstorff Ave	3.10	817.74	2,535	71.94	223	110	113	49.3%	50.7%
2. 53 El Camino Real	2.97	997.31	2,962	93.94	279	141	138	50.5%	49.5%
3. 32060 Union Landing Blvd	3.16	997.78	3,153	85.44	270	137	133	50.7%	49.3%
Average Trip Generation	3.08	937.61	2,884	83.77	257.3	129.3	128.0	50.2%	49.8%
Project Trip Generation									
499 East Hamilton (Proposed)	3.80	937.61	3,563	83.77	318	160	158	50.2%	49.8%
Pass-by (-25%)			-891		-80	-40	-40		
Net Total Trip Generation			2,672		238	120	118		
Comparison Trip Generation									
Fast-Food Restaurant w/Drive-Through Window (ITE LU #934)	3.80	496.12	1,885	32.65	124	65	59	52%	48%
Note: ksf = 1,000 square feet; Calc'd = calculated. Source: W-Trans, 2018.									

**TABLE 4.13-5 IN-N-OUT BURGER SITE TRAFFIC SURVEY AND TRIP RATE CALCULATION (WEEKEND)**

In-N-Out Location	Size (ksf)	Peak Hour	Weekend Peak Hour					
			Rate (Calc'd)	Trips	In	Out	% In	% Out
Survey Location								
1. 1159 Rengstorff Ave	3.10	12:45 – 1:45 p.m.	100.00	310	157	153	50.6%	49.4%
2. 53 El Camino Real	2.97	12:00 – 1:00 p.m.	114.48	340	171	169	50.3%	49.7%
3. 32060 Union Landing Blvd	3.16	12:45 – 1:45 p.m.	97.15	307	158	149	51.5%	48.5%
Average Trip Generation	3.08		103.88	319.0	162.0	157.0	50.8%	49.2%
Project Trip Generation								
499 East Hamilton (Proposed)	3.80		103.88	395	201	194	50.8%	49.2%
Pass-by (-25%)				-99	-50	-49		
Net Total Trip Generation				296	151	145		
Comparison Trip Generation								
Fast-Food Restaurant w/Drive-Through Window (ITE LU #934)	3.80		59.00	224	114	110	51%	49%
Note: ksf = 1,000 square feet; Calc'd = calculated. Source: W-Trans, 2018.								

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**TABLE 4.13-6 PROJECT TRIP DISTRIBUTION**

Route	Percent	Daily Trips	PM Trips	Weekend Trips
To/From the north via Winchester Blvd	8 %	214	19	24
To/From the north via Almarida Dr	2 %	53	5	6
To/From the west via Hamilton Ave	10 %	267	24	30
To/From the south via Winchester Blvd	5 %	134	12	15
To/From the east via Hamilton Ave	20 %	534	48	59
To/From the north via Bascom Ave	15 %	401	36	44
To/From the south via Bascom Ave	15 %	401	36	44
To/From the south via Central Ave	3 %	80	7	9
To/From the south via Salmar Ave	2 %	54	4	6
To/From the north via SR 17	14 %	374	33	41
To/From the south via SR 17	6 %	160	14	18
<b>TOTAL</b>	<b>100 %</b>	<b>2,672</b>	<b>238</b>	<b>296</b>

Source: W-Trans, 2018.

**TRANS-1**      **Implementation of the proposed project would 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.**

Traffic conditions were evaluated under Existing plus Project, Background plus Project, and Cumulative plus Project conditions. The following discussion describes the potential impacts with the project under each scenario.

### Existing plus Project Conditions

Upon the addition of project-related traffic to the Existing volumes, all of the study intersections are expected to continue operating at the same levels of service as without the project-generated trips, except at the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp which operates at LOS E+ during the PM peak hour. These results are summarized in Table 4.13-7.

All of the study intersections are expected to continue operating at acceptable levels of service upon the addition of project-generated traffic to Existing volumes.

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**TABLE 4.13-7 EXISTING AND EXISTING PLUS PROJECT PEAK HOUR INTERSECTION LEVELS OF SERVICE**

Study Intersection	Existing Conditions				Existing + Project			
	PM Peak		Weekend Peak		PM Peak		Weekend Peak	
	Average Delay	LOS	Average Delay	LOS	Average Delay	LOS	Average Delay	LOS
Hamilton Ave/Winchester Blvd (CMP)	47.8	D	45.0	D	48.4	D	46.6	D
Hamilton Ave/Central Ave	14.5	B	15.0	B	17.9	B	17.3	B
Hamilton Ave/Almarida Dr	16.7	B	24.4	C	26.1	C	32.1	C-
Hamilton Ave/Salmar Ave-SR 17 SB Off-Ramp (CMP)	52.2	D-	40.3	D	56.8	E+	40.8	D
Hamilton Ave/Creekside Way (CMP)	25.1	C	23.0	C+	27.6	C	24.9	C
Creekside Way/SR 17 NB Off-Ramp	15.8	B-	13.8	B	16.0	B	13.9	B
Hamilton Ave/Bascom Ave (CMP)	51.4	D-	49.1	D	52.8	D-	50.8	D

Notes: Delay is measured in average seconds per vehicle; LOS = level of service.

Source: W-Trans, 2018.

### Background plus Project Conditions

Background operating conditions include existing vehicle turning movements plus trips from approved developments in the area plus trips associated with the prior use on the site (a High-Turnover Restaurant). Therefore, to present a more accurate Background Conditions analysis, an occupied restaurant similar to the prior Elephant Bar was assumed in this scenario especially since a similar restaurant/bar use remains permitted on the subject property. This is also consistent with the analysis methodology of Section 7.2 of the VTA TIA Guidelines. Nearby constructed but not occupied, approved, and pending projects identified by the Cities of Campbell and San José include:

- Campbell Creekside Center (675 Creekside Way, Campbell)
- Carden Day School (1980 Hamilton Avenue, Campbell)
- Pruneyard Shopping Center Expansion (1875 and 1901 South Bascom Avenue, Campbell) – Phases 3 & 4
- St. Anton's (226 Railway Avenue, Campbell)
- Opa Expansion (276 East Campbell Avenue, Campbell)
- Franciscan Apartment Expansion (601 Almarida Drive, Campbell)
- Chick-fil-A Restaurant (2060 South Bascom Avenue, Campbell)
- Office Building (95 East Hamilton Avenue, Campbell)
- Cresleigh Homes Mixed-Use Development (under review) (540, 558, and 566 East Campbell Avenue and 24 and 34 Dillon Avenue, Campbell)

With project-generated traffic added to Background volumes, and subtracting trips associated with the prior site development rights (per Section 7.2 of the VTA TIA Guidelines), the study intersections would be expected to continue operating acceptably. These results are summarized in Table 4.13-8.

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TABLE 4.13-8 BACKGROUND AND BACKGROUND PLUS PROJECT PEAK HOUR INTERSECTION LEVELS OF SERVICE

Study Intersection	Background Conditions				Background + Project			
	PM Peak		Weekend Peak		PM Peak		Weekend Peak	
	Average Delay	LOS	Average Delay	LOS	Average Delay	LOS	Average Delay	LOS
Hamilton Ave/Winchester Blvd (CMP)	48.0	D	45.2	D	48.0	D	45.3	D
Hamilton Ave/Central Ave	14.5	B	14.8	B	14.6	B	15.0	B
Hamilton Ave/Almarida Dr	18.2	B-	25.1	C	21.0	C+	26.6	C
Hamilton Ave/Salmar Ave-SR 17 SB Off-Ramp (CMP)	54.2	D-	40.4	D	54.6	D-	40.3	D
Hamilton Ave/Creekside Way (CMP)	26.9	C	22.8	C+	26.9	C	22.6	C+
Creekside Way/SR 17 NB Off-Ramp	16.4	B	14.4	B	16.4	B	14.4	B
Hamilton Ave/Bascom Ave (CMP)	52.5	D-	49.6	D	52.6	D-	49.8	D

Notes: Delay is measured in average seconds per vehicle; LOS = level of service.

Source: W-Trans, 2018.

The study intersections are expected to continue operating at acceptable levels of service upon the addition of project-generated traffic to Background volumes.

### Cumulative plus Project Conditions

Upon the addition of project-generated traffic to the anticipated Cumulative volumes, all of the study intersections would be expected to operate at acceptable levels of service, with the exception of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp, which is expected to operate at LOS F during the PM peak hour. The Cumulative plus Project operating conditions are summarized in Table 4.13-9.

The addition of project-generated trips would increase the volume-to-capacity ratios by more than 0.01 and increase the average control delay for critical movements by more than four seconds. Therefore, the project's contribution would result in a *significant* impact at this intersection in the PM peak hour on weekdays.

**Significance without Mitigation:** Significant.

**Impact TRANS-1:** During the weekday PM peak hour under Cumulative plus Project conditions, the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp would operate at an unacceptable LOS F with the addition of project-generated vehicle trips. The addition of project-generated trips would increase the volume-to-capacity ratios by more than 0.01 and increase the average control delay for critical movements by more than four seconds.

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TABLE 4.13-9 CUMULATIVE AND CUMULATIVE PLUS PROJECT PEAK HOUR INTERSECTION LEVELS OF SERVICE

Study Intersection	Cumulative Conditions				Cumulative + Project			
	PM Peak		Weekend Peak		PM Peak		Weekend Peak	
	Average Delay	LOS	Average Delay	LOS	Average Delay	LOS	Average Delay	LOS
Hamilton Ave/Winchester Blvd (CMP)	54.8	D-	50.0	D	55.0	E+	50.2	D
Hamilton Ave/Central Ave	18.0	B-	16.7	B	18.2	B-	16.9	B
Hamilton Ave/Almarida Dr	20.3	C+	28.6	C	23.2	C	30.2	C
<b>Hamilton Ave/Salmar Ave-SR 17 SB Off-Ramp (CMP)</b>	<b>145.9</b>	<b>F</b>	50.8	D	<b>150.2</b>	<b>F</b>	51.9	D-
With Southbound Approach Widening	-	-	-	-	<b>102.4</b>	<b>F</b>	46.2	D
Hamilton Ave/Creekside Way (CMP)	34.3	C-	26.8	C	34.7	C-	26.8	C
Creekside Way/SR 17 NB Off-Ramp	17.4	B	14.6	B	17.4	B	14.6	B
Hamilton Ave/Bascom Ave (CMP)	72.7	E	59.8	E+	73.7	E	61.0	E

Notes: Delay is measured in average seconds per vehicle; LOS = level of service; unacceptable LOS in **BOLD**.

Source: W-Trans, 2018.

**Mitigation Measure TRANS-1:** The project applicant shall provide a financial contribution toward the widening of the southbound approach at the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp to include three left-turn lanes, one through lane and one right-turn lane. The contribution shall be established by using the method for calculating equitable mitigation measures as outlined in the *Guide for the Preparation of Traffic Impact Studies* published by Caltrans (December 2002). The project to widen the southbound approach has been previously identified as a local capital improvement project (CIP), regardless of the proposed project, and is also currently listed on Santa Clara County's Measure B list of potential projects. Since it is estimated that the proposed project would contribute 1.65 percent to the cost to implement this improvement based on the method for calculating equitable mitigation measures (as outlined in the *Guide for the Preparation of Traffic Impact Studies* published by Caltrans in December 2002), the project applicant shall provide a financial contribution equal to 1.65 percent of the final construction cost of the aforementioned ramp widening project. The most recent estimate anticipates a project cost of \$1,800,000.00, resulting in a financial contribution from the proposed project of approximately \$29,700. Payment will be due at the time of local and regional project approvals for the ramp widening project, under the terms of a mitigation measure agreement between the property owner and the City, which shall be secured with a cash deposit in amount of the current financial contribution estimate (\$29,700). The mitigation measure agreement shall be prepared at the applicant's cost and executed prior to issuance of building, grading, or demolition permits.

**Significance with Mitigation:** Less than significant. With the widened southbound approach, the delay would be reduced to a level below the delay without project traffic conditions and would mitigate impacts to a less-than-significant level.

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<b>TRANS-2</b>	<b>Implementation of the proposed project could 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.</b>
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### Freeway Segments

The nearest freeway facility to the project site is SR 17, which is part of the CMP network. This facility has three lanes in each direction with a capacity of 2,300 vehicle per hour per lane (vphpl) or 6,900 vehicles per hour (vph) in each direction. According to the Trip Distribution estimates, 14-percent of all project trips are expected to use SR 17 north of Hamilton Avenue, and six-percent would use SR 17 south of Hamilton Avenue. This represents a maximum of 41 peak hour trips to SR 17 (North of Hamilton Avenue) during the weekend peak hour. Since 41 peak hour trips is less than one percent of the freeway segment's capacity of 6,900 vph, the analysis of freeway segments is not required per *VTA TIA Guidelines*.

### Freeway Ramps

The following freeway on- and off-ramps were evaluated to determine whether there is adequate stacking storage to accommodate the anticipated vehicle queues during the PM peak hour under the background and background plus project condition volumes:

- Northbound SR 17 Diagonal on-ramp from westbound Hamilton Avenue
- Northbound SR 17 loop on-ramp from eastbound Hamilton Avenue
- Northbound SR 17 Diagonal off-ramp to Creekside Way

Two different methodologies were used to estimate the 95th percentile queue lengths. At on-ramp locations with ramp meter operations, standard queuing theory formulas were used to estimate the length of vehicle queuing at the ramp meter limit line. At off-ramp locations with a terminus at a signalized intersection, SimTraffic was used to estimate the queue lengths. Since Caltrans is not expected to employ metering along southbound SR 17 in the near future, these on-ramps were not evaluated for queue lengths.

An evaluation of the freeway ramp queues is not a requirement contained in the VTA TIA Guidelines but is provided for informational purposes only. A summary of performance measures is provided in Table 4.13-10 and queue estimating worksheets or SimTraffic Output reports are included in the Traffic Study, Appendix H.

Vehicle storage at the selected ramp facilities is anticipated to be sufficient to accommodate the 95th percentile queues, except at the SR 17 northbound off-ramp to Creekside Way, which would have inadequate storage with or without the addition of project-related trips. With the addition of project-related traffic volumes, the average 95th percentile queue lengths for SR 17 Northbound Off-Ramp to Creekside Way would be expected to decrease during the PM peak hour. While this is counter-intuitive, these results occur when microsimulation models are comparing two or more conditions that are so similar that the methodology cannot differentiate any measurable differences between the conditions and

**TRANSPORTATION AND TRAFFIC****TABLE 4.13-10 COMPARISON OF QUEUE LENGTHS AT FREEWAY RAMPS**

Location Scenarios	Available Storage	95 <sup>th</sup> Percentile Queue Length	
		PM Peak	
		B	B+P
SR 17 Northbound Diagonal On-Ramp from Westbound Hamilton Avenue	1,140	225	225
SR 17 Northbound Loop On-Ramp from Eastbound Hamilton Avenue Diagonal Off-Ramp to Winchester Boulevard	720	125	125
SR 17 Northbound Diagonal Off-Ramp to Creekside Way	980	1,181	1,149

Notes: All values are in feet. B = Background Condition, B+P = Background plus Project Condition  
Source: W-Trans, 2018.

random variations within the simulations contribute to the counter-intuitive results. The conclusion could incorrectly be drawn that the project actually improves operation based on this data alone; however, it is more appropriate to conclude that the addition of project trips would not result in any measurable change from the without project conditions. Because the VTA's TIA Guidelines do not require an evaluation of the freeway ramp queues, no impact finding is made.

## CMP Intersections

As discussed in Impact TRANS-1, under the future cumulative condition, the CMP network intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp is forecasted to operate at an unacceptable LOS F during the PM peak hour, and the operation is expected to deteriorate further with the project trips added (see Table 4.13-9). Under the City policy, this is considered a *significant* impact.

**Significance without Mitigation:** Significant.

**Impact TRANS-2:** Implementation of the project would impact the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp under Cumulative plus Project conditions in the PM peak hour on weekdays.

**Mitigation Measure TRANS-2:** Implement Mitigation Measure TRANS-1.

**Significance with Mitigation:** Less than significant. With the widened southbound approach, the delay would be reduced to levels below without project traffic conditions and would mitigate impacts to a less-than-significant level.

<b>TRANS-3</b>	<b>The proposed project would not 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.</b>
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The project would not alter any air traffic patterns and therefore would have *no impact* on local air traffic patterns.

**Significance without Mitigation:** No impact.

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<b>TRANS-4</b>	<b>The proposed project does not include design features or incompatible uses that would substantially increase hazards, but intersection queues could create hazardous conditions.</b>
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The following addresses potential safety issues with the project such as site access, crash history in the area, queues, residential traffic infusion, and off-street parking.

### Site Access

The proposed project would alter the site access by consolidating the driveways on Almarida Drive into a single access point. The access on Almarida Drive would be a full access driveway and the access on Hamilton Avenue would be right-in/right-out only.

At driveways, a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Adequate time must be provided for the waiting vehicle to either cross, turn left, or turn right, without requiring the through traffic to radically alter their speed. Sight distance along Almarida Drive and Hamilton Avenue at the project driveways was evaluated based on sight distance criteria contained in the Highway Design Manual published by Caltrans.

Sight distances at the proposed driveways were field measured. The available sight distance at the project driveway at Hamilton Avenue is in excess of 300 feet in the westbound direction. The eastbound direction was not evaluated since the driveway on Hamilton Avenue is limited to right turns only. There is 90-degree on-street parking along the western side of Almarida Drive which limits the sight distance from the project driveway. The available sight distance at the project driveway at Almarida Drive is 200 feet in the northbound direction and 235 feet in the southbound direction. Sight distances along Hamilton Avenue and Almarida Drive at the project driveways are adequate for the approach speeds.

As a standard condition of approval, design plans for intersection or roadway improvements would be reviewed and approved by the City of Campbell public works, and planning departments. Because any future roadway modifications would be required to conform with City's design standards and requirements, implementation of the project would avoid hazards due to design features, and resulting impacts would be *less than significant*.

### Intersection Queuing

Queue lengths were evaluated for key movements at the intersection of Hamilton Avenue/Almarida Drive. In the eastbound left turn lane, the addition of project-generated trips would extend the queue length by 50 feet (two car lengths) during the weekend peak hour which exceeds the storage length in this lane.



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These queues would extend into eastbound through traffic flow, which can potentially result in a safety issue as cars in queue may block thru traffic approaching at cruising speeds. Without mitigation, queue spillback is considered a significant impact.

The queue length for the southbound left-turn lanes is expected to be inadequate with or without the project during both the p.m. and weekend peak hours. Queues are estimated to extend beyond the 190-foot storage threshold. Any vehicle spillover would restrict access to entering and exiting vehicles at the project site. Northbound Almarida Drive may also be blocked by queued vehicles attempting to enter from this direction since there is only a single lane serving northbound Almarida Drive. Without mitigation, this would be a *significant* impact.

**Significance without Mitigation:** Significant.

**Impact TRANS-4a:** Vehicle queues for the eastbound left-turn lane on Hamilton Avenue would exceed available storage with the addition of project-generated traffic during the weekend peak hour. Queue spillback in the eastbound left-turn lane would extend into the eastbound through traffic lanes.

**Mitigation Measure TRANS-4a:** Prior to obtaining occupancy permits, the project applicant shall construct or provide funds for the City to extend the eastbound left-turn lane at Almarida Drive/Hamilton Avenue by an additional 50 linear feet plus a standard 90-foot bay taper transition, to accommodate the increase in queue length.

**Significance with Mitigation:** Less than significant. The extension of the eastbound left-turn lane at Almarida Drive/Hamilton Avenue would require removal of all the existing trees and landscaping in the median at this location. The potential secondary aesthetics impact of the tree removal that would be required to implement Mitigation Measure TRANS-4a is evaluated in Chapter 4.1, Aesthetics, of this Draft EIR. As discussed in Chapter 4.1, the tree removal would not create a significant adverse aesthetic effect. Please see impact discussion AES-3 in Chapter 4.1 for a more detailed discussion of potential secondary aesthetic impacts.

**Impact TRANS-4b:** Vehicle queues for the southbound left-turn lane on Almarida Drive would increase and extend beyond the proposed project driveway location during both the PM and weekend peak hours. The resulting queue along the southbound approach would continue to block the driveway accesses for both the proposed In-N-Out Burger and the Franciscan Apartments.

**Mitigation Measure TRANS-4b:** Prior to obtaining occupancy permits, the project applicant shall install or provide funds for the City to install “Keep Clear” pavement markings on southbound Almarida Drive at the northern project driveway to maintain access to the project site and to encourage drivers to leave the access area clear. Since the existing southern driveway on Almarida Drive at the project site would be removed with the proposed project, the existing “Keep Clear” pavement markings shall be removed from this location.

**Significance with Mitigation:** Less than significant.

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### Weaving

During the EIR scoping period, members of the public requested an analysis of potential weaving traffic on Westbound Hamilton Avenue between the SR 17 southbound off-ramp and project site driveway. The project could result in a significant impact if a hazardous traffic condition exists, such as increased collisions due to traffic weaving, that the project would exacerbate.

Available crash records for the five-year period from 2013 to 2017 was reviewed along the segment of Hamilton Avenue from the SR 17 Off-ramp to Harrison Avenue. During this period, there were 93 total crashes documented. Of those crashes, only three occurred between the SR 17 Off-ramp and Almarida Drive involving two (or more) westbound vehicles. Two of those crashes involved a rear-end collision with a stopped vehicle and the remaining crash involved a car and a bicycle where the bicycle was traveling in the wrong direction on Hamilton Avenue. A high number of sideswipe crashes may suggest an existence of a lane changing or weaving safety issue. Since there are zero sideswipe crashes reported during this five-year period, a safety concern involving vehicle lane changing or weaving in the westbound direction is not demonstrated. The calculated average speeds, and crash history do not suggest that a lane changing or weaving deficiency exists for westbound Hamilton Avenue. Therefore, the project would not have the potential to exacerbate an existing hazardous traffic condition and the impact would be *less than significant*.

### Neighborhood Traffic Analysis

The potential effect of adding project-related traffic on residential streets near the project site was evaluated based on the Traffic Infusion on Residential Environment (TIRE) index. The TIRE index is a tool that measures the residents' perception of the effect of increased Average Daily Traffic (ADT) on residential streets. TIRE index values range from 0.0 to 5.0 depending on daily traffic volume. An index of 0.0 represents the least infusion of traffic and 5.0 the greatest, and, thereby the poorest residential environment. A TIRE index of 3.0 represents the threshold at which the character of a residential street changes. Residential streets with a TIRE index above this mid-range point of 3.0 typically exhibit higher traffic volumes, while streets with a TIRE index below 3.0 are usually more suitable for residential activities. According to this methodology, an impact occurs on the residential street when the difference in index between no project and project conditions is 0.10 or more, see Table 4.13-11. Based on likely travel routes and the surrounding roadway network, it is unlikely that the project-related traffic would contribute the volume of traffic at levels that would be noticeable to residents of those streets. Table 4.13-12 summarizes the ADT of the neighborhood streets, the TIRE index for the street segments under Existing Conditions, and the project-added trips. It should be noted that the use of popular mobile navigation applications by drivers may alter these trip estimates slightly as conditions change from day-to-day or even hour-to-hour. Since these mobile navigation applications are constantly updating road

**TABLE 4.13-11 TIRE INDEX TABLE**

Existing Volume Range (Daily Volume)	TIRE Index	Minimum Daily Volume Increase to Produce +0.1 Change in the TIRE Index
561-710	2.8	140
711-890	2.9	170
891-1,100	3.0	220
1,101-1,400	3.1	290
1,401-1800	3.2	380
1,801-2,200	3.3	500
2,201-2800	3.4	650

Source: W-Trans, 2018.

**TRANSPORTATION AND TRAFFIC****TABLE 4.13-12 TIRE INDEX SUMMARY**

Study Segment	Weekday or Weekend	Existing Conditions		Volume Needed to Cause +0.1 Increase in TIRE Index	Daily Project Trips	Significant Impact
		ADT	TIRE Index			
Central Ave – Between Hamilton Ave and David Ave	Weekday	2,342	3.4	650	53	No
David Ave – Between Central Ave and Almarida Dr	Weekday	1,002	3.0	220	53	No
Almarida Dr – Between David Ave and Hamilton Ave	Weekday	3,075	3.5	825	53	No
Central Ave – Between Hamilton Ave and David Ave	Weekend	2,204	3.4	650	67	No
David Ave – Between Central Ave and Almarida Dr	Weekend	932	3.0	220	67	No
Almarida Dr – Between David Ave and Hamilton Ave	Weekend	2,785	3.4	650	67	No

Note: ADT = average daily traffic.

Source: W-Trans, 2018.

conditions and adapting travel routes based on new information, it is speculative to anticipate their potential recommended routes in the future and how many drivers would use them.

The addition of project-related trips would not result in an increase to the TIRE index for Central Avenue, David Avenue or Almarida Drive. The recorded number of daily vehicle trips for the typical weekday is comparable to those recorded on a typical weekend day. This suggests that the increase in daily traffic along these roads attributable to daily commuters is a relatively small amount. Therefore, the impact would be *less than significant*.

### **Hamilton Avenue/Salmar Avenue-SR 17 Off-Ramp Queues**

The addition of project-related trips would slightly alter the intersection operation at the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp such that the 95<sup>th</sup> percentile queue on the SR 17 southbound off-ramp would decrease during the weekday PM peak hour. A summary of queue lengths is provided in Table 4.13-13. A comprehensive summary of queue lengths for every intersection approach along Hamilton Avenue is provided in the Traffic Study, Appendix H.

The queue length on the SR 17 southbound off-ramp would remain relatively unchanged with the addition of project-generated trips. The right-turn lane queue length would increase from 1,439 to 1,443 feet (less than a single vehicle length), the left-turn/ through lane queue would increase from 8,538 to 8,835 feet and the left-turn lane queue would increase from 8,682 to 8,958 feet. With or without the project, the queue length for the southbound approach would continue to extend from Hamilton Avenue back to the SR 17 southbound mainline auxiliary lane, for a distance of approximately 7,600 feet on the freeway (or 8,600 feet from Hamilton Avenue, including about 1,000 feet of the southbound off-ramp). Without mitigation, queuing on the SR 17 southbound off-ramp is expected to lengthen with the addition of project-generated trips. These queues would extend into the Freeway mainline through traffic flow, which can potentially result in a safety issue as cars in queue may block traffic on the freeway mainline approaching at highway speeds. Without mitigation, queue spillback is considered a *significant* impact.

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**TABLE 4.13-13 BACKGROUND AND BACKGROUND PLUS PROJECT PEAK HOUR 95TH PERCENTILE QUEUE**

Description	95 <sup>th</sup> Percentile Queue Length PM Peak	
	Background Conditions	Background + Project
SR 17 Southbound Off-ramp		
Left-Turn Lane(s)	8,682	8,958
Left-Through Lane	8,538	8,835
Right-Turn Lane	1,439	1,443

Notes: Queue length in feet.

The 95th percentile queue is defined to be the queue length that has only a five-percent probability of being exceeded during the analysis time period.

Source: W-Trans, 2018.

**Impact TRANS-4c:** Project-generated trips would lengthen queuing on the SR 17 southbound off-ramp. With or without the project, the queue length for the southbound approach would continue to extend from Hamilton Avenue back to the SR 17 southbound mainline auxiliary lane.

**Mitigation Measure TRANS-4c:** Implement Mitigation Measure TRANS-1.

**Significance with Mitigation:** Less than significant. Under Mitigation Measure TRANS-1, the project would provide a financial contribution toward the widening of the southbound approach at the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp. Based on modeling of the post-mitigation condition, with this improvement, the queue at this intersection would still extend into the freeway mainline but would be the same or shorter than pre-project conditions.<sup>2</sup> Therefore, the project's contribution to this hazard would be mitigated to a less-than-significant level.

### Hamilton Avenue Travel Times

The addition of project-generated trips is anticipated to slightly increase the average travel times along Hamilton Avenue. During the weekday PM peak hour, vehicles traveling the segment of Hamilton Avenue between Winchester Boulevard and Bascom Avenue (a distance spanning 1 mile), including emergency vehicles, would experience a longer average travel time by 36.8 seconds in the eastbound direction and 13.4 seconds in the westbound direction, without a noticeable change in average speed. As the increase in travel time would be small and there would be no noticeable change in average speed in the segment, this is considered a *less-than-significant* impact.

### Off-Street Parking

CEQA does not require an analysis of parking supply. However, inadequate off-street parking could create indirect impacts if the parking lot is full and users of the site need to maneuver to off-site locations to find parking, or if the proposed parking layout would result in internal safety issues.

<sup>2</sup> Jeong, Kenny. W-Trans. Personal communication with Alexis Mena, PlaceWorks. January 18, 2019.

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According to the surveys conducted at three nearby In-N-Out Burger locations, the maximum average parking rate for the weekday PM peak and weekend peak is 10.97 and 16.80 spaces per thousand square feet of floor area, respectively. Applying the higher average peak rate to determine the peak parking demand for the proposed project would result in an expected peak parking demand of 64 parking spaces. A summary of findings is provided in Table 4.13-14.

**TABLE 4.13-14 IN-N-OUT BURGER SITE PARKING OCCUPANCY SURVEY AND RATE CALCULATION**

Survey Location	Size (ksf)	No. of Spaces	Weekday			Weekend		
			Rate (Calc'd)	Max. Occupied	%	Rate (Calc'd)	Max. Occupied	%
1. 1159 Rengstorff Ave	3.10	67	9.35	29	43.3%	21.29	66	98.5%
2. 53 El Camino Real	2.97	52	12.79	38	73.1%	15.82	47	90.4%
3. 32060 Union Landing Blvd	3.16	42	10.76	34	81.0%	13.29	42	100.0%
<i>Survey Average</i>	<i>3.08</i>	<i>54</i>	<i>10.97</i>	<i>33.7</i>	<i>65.8%</i>	<i>16.80</i>	<i>51.7</i>	<i>96.3%</i>
499 E. Hamilton (Proposed)	3.80	64	16.80	64		16.80	64	

Note: ksf = 1,000 square feet; Calc'd = calculated.

Source: W-Trans, 2018.

For comparison purposes only, parking demand for the proposed project was also estimated using standard rates published by ITE in Parking Generation, 4th Edition, 2010 and compared to the requirements per the City of Campbell Municipal Code, Chapter 21.28.040: Number of parking spaces required. The parking demand of the project was estimated using the published standard rates for Fast-Food Restaurant with Drive-Through (ITE LU 934) as well as for Eating Establishment (with Drive-Through). The proposed parking supply, expected demand using ITE parking rates, and City Municipal Code requirements are shown in Table 4.13-15.

**TABLE 4.13-15 PARKING ANALYSIS SUMMARY WITH ITE AND CITY CODE (INFORMATIONAL PURPOSES ONLY)**

Land Use	Units	Supply (Spaces)	Parking Generation	
			Rate	Estimated Parking Demand (Spaces)
Fast-Food Restaurant with Drive-Through Window -- <i>Weekday</i>	3.80 ksf	61	15.13 <sup>a</sup>	58
Fast-Food Restaurant with Drive-Through Window -- <i>Weekend</i>	3.80 ksf	61	12.90 <sup>a</sup>	49
Eating Establishment (with Drive-Through)	97 indoor seats 48 outdoor seats 2.193 ksf non-dining area	61	1 space for each 3 seats plus 1 space for each 200 sf of non-dining floor area <sup>b</sup>	60

Note: ksf = 1,000 square feet; sf = square feet

a. *Parking Generation 4<sup>th</sup> Edition*, Institute of Transportation Engineers, 2004 (85<sup>th</sup> Percentile Rate)

b. City of Campbell Municipal Code, Chapter 21.28.040, Table 3-1.

Source: W-Trans, 2018.

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According to recent surveys conducted at nearby In-N-Out Burger locations, the estimated parking demand for this project is 64 parking spaces. This is higher (and more conservative) than both the estimated demand (58 spaces) calculated by using 85th percentile rates in the ITE Parking Generation Manual and City Municipal Code requirements (60 spaces). The site plan shows that an inadequate number of spaces would be provided based on the projected demand since the anticipated demand is 64 spaces and the project is proposing 61 spaces. This represents three fewer spaces than the estimated demand. However, the project would provide three more spaces than the ITE estimated parking demand for the weekend and one more space than the City requirement for this type of land use.

Since an inadequate number of parking spaces would be provided within the project site, some sharing of parking capacity with nearby parking facilities may occasionally occur during the highest peak periods. A review of the surveys conducted at nearby In-N-Out Burger locations shows that the parking demand exceeded 61 spaces for only a single half-hour period out of a total of thirty periods observed. This suggests that the parking demand may exceed 61 spaces on an infrequent basis. Thus, the level of parking intrusion into neighboring parking spaces (including the parking lots serving the shopping centers located east of Almarida Drive, as well as on-street parking on Almarida Drive) is expected to also be an infrequent occurrence.

The City of Campbell Municipal Code, Chapter 21.28.060; Parking and Loading, requires that parking spaces for the disabled must be provided in compliance with the Uniform Building Code and the Federal Accessibility Guidelines. The site plan shows that out of the 61 spaces available at the proposed project, there are three stalls designated for disabled persons' use. Based on requirements stipulated by the ADA, three accessible stalls are required. Thus, the project complies with these ADA requirements.

Parking stall size requirements are based on the City of Campbell Municipal Code, Chapter 21.28.080; Development standards for off-street parking and Chapter 21.28.080(G)(7): Bumper Overhang Areas. Parking stalls are required to be 8.5 feet wide by 18 feet long for non-residential uses and aisles with 90-degree parking must be at least 25 feet wide. According to the site plan, the existing parking stalls are approximately 8.5 feet by 18 feet (including a 2-foot vehicle overhang above the adjacent landscaped area) and aisles are 25 feet wide, which satisfies the City's requirement.

Although the proposed parking supply would satisfy the City's Code requirements, the project would not provide an adequate number of parking spaces to accommodate the anticipated demand during peak times. Thus, parking intrusion to adjacent facilities may occur, albeit infrequently, with a nominal (approximately three) number of vehicles involved. Because this is anticipated to be an infrequent occurrence and would involve only three vehicles, no secondary circulation or hazardous effects are anticipated and the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

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<b>TRANS-5</b>	<b>Implementation of the proposed project would not result in inadequate emergency access.</b>
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### Emergency Vehicle Site Access

Ingress and egress would be provided via one limited access (i.e. westbound access only) driveway on Hamilton Avenue and one full access driveway on Almarida Drive. Although the project driveways would be closely spaced with other driveways on Almarida Drive and Hamilton Avenue, vehicle conflicts are anticipated to be an infrequent occurrence.

The General Plan includes a strategy (Strategy HS-1.1f) that “requires adequate access for emergency vehicles, including minimum street width and vertical clearances,” which would help facilitate emergency response. The site plan included an exhibit showing access for a standard fire truck. The exhibit demonstrates that a fire truck has sufficient space to enter from Almarida Drive, maneuver within the parking lot and exit onto Hamilton Avenue without striking permanent fixtures on the project site.

Therefore, impacts associated with the implementation of the proposed project would be *less than significant*.

### Off-Site Emergency Vehicle Travel

An evaluation of the East Hamilton Avenue corridor was conducted using SimTraffic to determine the potential change in auto queuing and travel time along the corridor, as an indicator of potential impacts to emergency response vehicles. Because of the possibility of random “outlier” results, traffic simulation models (such as SimTraffic) may have difficulty distinguishing between alternatives which are very similar, and thus the forecasted results between two similar conditions may have counter-intuitive results.

An evaluation of the corridor is not a requirement contained in the VTA TIA Guidelines but is provided for informational purposes only. This evaluation compares the Background and Background plus Project Conditions to identify potential travel time and vehicle speed changes along Hamilton Avenue. Copies of the SimTraffic outputs are provided in Appendix H. A summary of performance measures is provided in Table 4.13-16.

**TABLE 4.13-16 BACKGROUND AND BACKGROUND PLUS PROJECT PEAK HOUR CORRIDOR PERFORMANCE MEASURES**

East Hamilton Avenue – Segment/Direction	Background Conditions		Background + Project	
	PM Peak		PM Peak	
	Average Travel Time	Average Speed	Average Travel Time	Average Speed
Eastbound – Winchester Blvd to Bascom Ave	771.8	7	808.6	7
Westbound – Bascom Ave to Winchester Blvd	283.3	16	296.7	15

Notes: Travel time is measured in seconds; speeds are measured in miles per hour.

Source: W-Trans, 2018.

The addition of project-generated trips is anticipated to increase the average PM peak hour travel times and lower the speeds along Hamilton Avenue. Under the Background condition, the eastbound average travel time from Winchester Boulevard to Bascom Avenue is estimated to be 771.8 seconds with an average speed of 7 mph. The addition of project-generated trips would increase the travel time for all

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motorists, including emergency vehicles, by 36.8 seconds with no change to the average speeds. The addition of project-generated trips would result in a change in westbound average travel time from Bascom Avenue to Winchester Boulevard (an increase from 283.3 seconds to 296.7 seconds during the PM peak hour), and a decrease in average speed from 16 to 15 mph. The addition of project-generated trips is anticipated to have minimal change to the average travel times and speeds along Hamilton Avenue for all users, including emergency vehicles. Because there would be no noticeable change in travel speeds, the impact is *less than significant*.

Even though an impact related to vehicle travel times was not identified, it is recommended that the project provide either optical or global positioning system (GPS) based emergency vehicle pre-emption equipment at the following intersections:

- Hamilton Avenue/Winchester Boulevard
- Hamilton Avenue/Central Avenue
- Hamilton Avenue/Almarida Drive
- Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp
- Hamilton Avenue/Creekside Way
- Creekside Way/SR 17 northbound off-ramp

Emergency vehicle pre-emption equipment at these intersections would improve emergency vehicle travel times by enabling equipped emergency vehicles to pre-empt red lights and travel more quickly along Hamilton Avenue when responding to an event.

**Significance without Mitigation:** Less than significant.

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<b>TRANS-6</b>	<b>Implementation of the proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.</b>
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### Pedestrian Facilities

Continuous sidewalk coverage is provided on Hamilton Avenue on both sides of the street within the study area. Curb ramps and crosswalks are provided at side street approaches near the project site. Continuous sidewalks are provided on both sides of Almarida Drive. Lighting is provided by overhead street lights on both sides of the road. Curb ramps and crosswalks at side street approaches are intermittent. There are no existing gaps or obstacles along the connecting roadways that impact convenient and continuous access for pedestrians. The pedestrian network of sidewalks, crosswalks, pedestrian signals, and curb ramps provide adequate access for pedestrians in the vicinity of the proposed project site.

### Bicycle Facilities

Existing bicycle facilities, including the Los Gatos Creek Trail and bike facilities on Hamilton Avenue, together with shared use of minor streets, provide adequate access for bicyclists. A bike rack with capacity



## TRANSPORTATION AND TRAFFIC

for four bikes would be provided on-site adjacent to the building. Bicycle facilities serving the project site would be adequate with the bike parking, as proposed.

### Transit Facilities

Existing transit routes are adequate to accommodate potential project-generated transit trips based on the number of routes and frequency of service. Existing stops located on Hamilton Avenue are within acceptable walking distance of the site. An analysis of the proposed project's potential impacts to transit vehicle delay. The methodology is described in pages 41 and 42 of the TIA. The change in transit vehicle delay at the study intersections was summed for all of the applicable bus routes during the PM and weekend peak hours. The transit vehicle delay is expected to increase at the study intersections during both the PM and weekend peak hours, as summarized in Tables 19 and 20 of the TIA. The increases in delay per bus pre trip per hour would range from 4 to 73 seconds, which is not considered to be significant. The project-generated traffic is not expected to increase the maximum queue length on the intersection movements utilized by VTA bus routes by more than one vehicle.

### Summary

In summary, there would be adequate availability of alternative modes of travel including pedestrian, bicycle, and transit. The project would not displace, modify, or interfere with any transit stop, sidewalk, or bicycle lanes. In addition, the project would not generate a demand for transit that would exceed the capacity of the system. Therefore, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities and associated impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

## 4.13.4 CUMULATIVE IMPACTS

The traffic study considered both project-specific impacts and the project's cumulative contribution to traffic in project vicinity. The traffic forecasts are based on a regional transportation demand model and incorporate regional growth projections. Cumulative traffic impacts are addressed above under impact discussion TRANS-1 and TRANS-2 under the Cumulative plus Project conditions, which accounts for traffic generation both by regional (ambient) growth and by related projects. Significant cumulative traffic impacts were identified at the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp; however, with implementation of Mitigation Measure TRANS-1, impacts would be *less than significant*.

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## UTILITIES AND SERVICE SYSTEMS

### 4.14 UTILITIES AND SERVICE SYSTEMS

This chapter describes the regulatory framework and existing conditions on the project site related to utilities and service systems, and the potential impacts of the project on water, sanitary, solid waste, and energy services.

#### 4.14.1 WATER

##### 4.14.1.1 ENVIRONMENTAL SETTING

This section describes the existing regulatory setting and conditions as well as potential impacts of the proposed project with regard to water supply. Water service in the City of Campbell is provided by San Jose Water Company (SJWC).

#### Regulatory Setting

##### *Federal Regulations*

The Safe Drinking Water Act, the principal federal law intended to ensure safe drinking water to the public, was enacted in 1974 and has been amended several times since it came into law. The Safe Drinking Water Act authorizes the United States Environmental Protection Agency (EPA) to set national standards for drinking water, called the National Primary Drinking Water Regulations, to protect against both naturally occurring and man-made contaminants. These standards set enforceable maximum contaminant levels in drinking water and require all water providers in the United States to treat water to remove contaminants, except for private wells serving fewer than 25 people. In California, the State Department of Health Services conducts most enforcement activities. If a water system does not meet standards, it is the water supplier's responsibility to notify its customers.

##### *State Regulations*

##### California Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, which was passed in California in 1969 and last amended in January 2018, the State Water Resources Control Board (State Water Board) has authority over State water rights and water quality policy. This Act divided the State into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB) to oversee water quality on a day-to-day basis at the local and regional level. RWQCBs engage in a number of water quality functions in their respective regions. RWQCBs regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. The City of Campbell is under the jurisdiction of the San Francisco Bay Region (Region 2) RWQCB.

##### California Urban Water Management Planning Act

Through the Urban Water Management Planning Act of 1983, the California Water Code requires all urban water suppliers within California to prepare and adopt an Urban Water Management Plan (UWMP)

## UTILITIES AND SERVICE SYSTEMS

and update it every five years. This requirement applies to all suppliers providing water to more than 3,000 customers or supplying more than 3,000 acre feet per year (AFY)<sup>1</sup> of water. One of the purposes of the UWMPs is to identify measures to meet Senate Bill (SB) X7-7 requirements that mandate a 20 percent reduction of per capita water use and agricultural water use throughout the state by 2020. These UWMPs evaluate the water supply capacity and the projected water demands of the service area over a 20- or 25-year planning horizon.

The Urban Water Management Planning Act is intended to support conservation and efficient use of urban water supplies. The Act requires that total project water use be compared to water supply sources over the next 20 years in five-year increments, that planning occur for single and multiple dry water years, and that plans include a water recycling analysis that incorporates a description of the wastewater collection and treatment system within the agency's service area along with current and potential recycled water uses. In September 2014, the Act was amended by SB 1420 to require urban water suppliers to provide descriptions of their water demand management measures and similar information.

### The Water Conservation Act of 2009

The Water Conservation Act of 2009,<sup>2</sup> SB X7-7, requires all water suppliers to increase water use efficiency. The legislation sets an overall goal of reducing per capita water by 20 percent by 2020, with an interim goal of a 10 percent reduction in per capita water use by 2015. Effective in 2016, urban retail water suppliers who do not meet the water conservation requirements established by this bill are not eligible for State water grants or loans. SB X7-7 requires that urban water retail suppliers determine baseline water use and set reduction targets according to specified standards.

### State Model Landscape Ordinance

The California Water Conservation in Landscaping Act, also known as the State Landscape Model Ordinance, was amended pursuant to Assembly Bill (AB) 2717 and AB 1881. AB 1881 required cities and counties to adopt landscape water conservation ordinances by January 31, 2010, or to adopt a different ordinance that was at least as effective in conserving water as the California Updated Model Water Efficient Landscape Ordinance that went into effect in October 2009.

The updated Model Landscape Ordinance requires cities and counties to adopt landscape water conservation ordinances by February 1, 2016 or to adopt a different ordinance that is at least as effective in conserving water as the updated Model Ordinance.

### California Green Building Standards Code

On July 17, 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part 11, Title 24, known as "CALGreen") was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations) to

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<sup>1</sup> 1 acre-foot is the amount of water required to cover 1 acre of ground (43,560 square feet) to a depth of 1 foot.

<sup>2</sup> California Department of Water Resources, Senate Bill SBX7-7 2009 Information, [http://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=200920107SB7](http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=200920107SB7), accessed August 8, 2018.

## UTILITIES AND SERVICE SYSTEMS

apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure, unless otherwise indicated in the code, throughout the State of California. CALGreen established planning and design standards for sustainable site development, including water conservation measures and requirements that new buildings reduce water consumption by 20 percent. The building efficiency standards are enforced through the local building permit process.

### California Senate Bill 610

SB 610 amended State law to ensure better coordination between local water supply and land use decisions and ensure adequate water supply for new development. The statute requires that detailed information regarding water availability be provided to city and county decision-makers prior to approval of large development projects. SB 610 requires water supply assessments (WSAs) for certain types of projects, as defined by Water Code Section 10912, which are subject to the California Environmental Quality Act (CEQA).

SB 610 requires the WSA to describe the proposed project's water demand over a 20-year period, identify the sources of water available to meet the demand, and include an assessment of whether those water supplies are, or will be, sufficient to meet the demand for water associated with the proposed project in addition to the demand of existing customers and other planned future development. The available water supply must be based on three water supply scenarios: normal year, single dry year, and multiple dry years. If the WSA concludes that water supplies are or will be insufficient, then the WSA must describe plans (if any) for acquiring additional water supplies and the measures that are being undertaken to acquire and develop those supplies.

### *Local Regulations*

#### Santa Clara Valley Water District 2015 Urban Water Management Plan<sup>3</sup>

The 2015 UWMP was adopted by the Santa Clara Valley Water District (SCVWD) in June 2016 in accordance with the SB X7-7 and the Urban Water Management Planning Act. A range of water supply scenarios were modeled, including 1) normal, 2) single dry, and 3) multiple dry water year conditions. The 2015 UWMP describes the SCVWD's:

- Water service area.
- Existing and planned sources of water.
- Water supply reliability.
- Current and projected water use.
- Water demand management measures (e.g., conservation programs) in place or scheduled for implementation.
- Anticipated effectiveness of each water demand management measure.

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<sup>3</sup> Santa Clara Water District, 2015 Urban Water Management Plan, <https://www.valleywater.org/sites/default/files/SCVWD%202015%20UWMP-Report%20Only.pdf>, accessed August 6, 2018.

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The SJWC is one of thirteen water retailers under the jurisdiction of SCVWD.

### City of Campbell Municipal Code<sup>4</sup>

Chapter 8.34 of the City of Campbell's Municipal Code relates to potable water use restrictions. The purpose of this chapter is to wisely manage water resources, practice voluntary efficient water use, avoid water waste, and to preserve the health and safety of the people of Campbell. The code details permanent water use restrictions in addition to provisions that apply when the City Council adopts a resolution declaring the existence of a drought.

Chapter 21.26 specifies landscaping requirements and includes provisions for the conservation of water resources through the efficient use of irrigation, appropriate plant materials, and regular maintenance of landscaped areas. Water Efficient Landscape Guidelines, consistent with Chapter 21.26, were adopted by the City on December 1<sup>st</sup>, 2015.<sup>5</sup>

## Existing Conditions

Water service for the project site is provided by the SJWC. The SJWC provides customer service to nearly one million residents of Santa Clara County. The SJWC operates approximately one hundred groundwater production wells and receives water supplies from the SCVWD, and local surface water from the Santa Cruz Mountains.

The SJWC's service area encompasses about 139 square miles, including most of San José; most of Cupertino; the entire cities of Campbell, Monte Sereno, and Saratoga; the Town of Los Gatos; and parts of unincorporated Santa Clara County.<sup>6</sup>

Recycled water is currently about five percent (or about 20,000 AFY) of the county's supply and is distributed for non-potable uses such as landscape and agricultural irrigation, industrial cooling, and dual-plumbed facilities. This recycled water is produced at the four wastewater plants in the county—Palo Alto, Sunnyvale, San José/Santa Clara, and South County Regional Wastewater Authority.<sup>7</sup> South Bay Water Recycling is a recycled water wholesaler to the SJWC.

The domestic water service for the proposed project is provided by an 18-inch water main along Hamilton Avenue and a 12-inch water main along Almarida Drive.

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<sup>4</sup> City of Campbell Municipal Code, 2018, [https://library.municode.com/ca/campbell/codes/code\\_of\\_ordinances?nodeId=CAMUCO1971](https://library.municode.com/ca/campbell/codes/code_of_ordinances?nodeId=CAMUCO1971), accessed August 6, 2018.

<sup>5</sup> City of Campbell Water Efficient Landscape Guidelines, 2015, <https://www.ci.campbell.ca.us/DocumentCenter/View/176/WELS-Guidelines?bidId=>, accessed August 6, 2018.

<sup>6</sup> San Jose Water Company, 2011, 2010 Urban Water Management Plan, <https://water.ca.gov/LegacyFiles/urbanwatermanagement/2010uwmps/San%20Jose%20Water%20Company/SJWC'S%202010%20UWMP%20with%20Appendices.pdf>, accessed August 6, 2018.

<sup>7</sup> Santa Clara Water District, 2015 Urban Water Management Plan, <https://www.valleywater.org/sites/default/files/SCVWD%202015%20UWMP-Report%20Only.pdf>, accessed August 6, 2018.

## UTILITIES AND SERVICE SYSTEMS

### 4.14.1.2 STANDARDS OF SIGNIFICANCE

The proposed project would have a significant impact on water service if:

- There were insufficient water supplies available to serve the project from existing entitlements and resources, or if new or expanded entitlements were needed.
- It would require or result in the construction of new water facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

### 4.14.1.3 IMPACT DISCUSSION

This section analyzes the proposed project's potential impacts to water supply and distribution facilities.

<b>UTIL-1</b>	<b>The proposed project would have sufficient water supplies available from existing entitlements, conservation plans and resources, and would not require new or expanded entitlements.</b>
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The proposed project would involve the construction of a 3,812-square-foot drive-thru fast-food restaurant. Using the California Emission Estimator Model (CalEEMod) water use rates for fast-food restaurants with a drive-thru,<sup>8</sup> operation of the proposed project is estimated to generate an indoor water demand rate of 0.83 gallons per square feet per day, and an outdoor water demand rate of 0.05 gallons per square feet per day. In total, the proposed development would require 3,355 gallons per day (GPD) or 3.76 AFY (see Table 4.14-1).

**TABLE 4.14-1 PROJECTED WATER DEMAND**

Proposed Land Use	Buildout (SF)	Indoor Water Demand Rate <sup>a</sup> (Gallons Per SF Per Day)	Indoor Water Demand (GPD)	Outdoor Water Demand Rate <sup>a</sup> (Gallons Per SF Per Day)	Outdoor Water Demand (GPD)
Fast-Food Restaurant with a Drive-Thru	3,812	0.83	3,164	0.05	191

Notes: GPD = gallons per day; SF = square foot

a. Source: California Air Pollution Control Officers Association, 2017, California Emissions Estimator Model Version 2016.3.2 User's Guide, Appendix D. Source: PlaceWorks, 2018.

The SCVWD's UWMP estimates future water demands accounting for implementation of passive and active water conservation measures and an increase in recycled water supply. Water supplies for the SJWC are planned to be supplemented by an increasing amount of recycled water from South Bay Water Recycling. In 2040, it is projected that 8,400 AFY of recycled water would be available to the SJWC.<sup>9</sup>

<sup>8</sup> California Emission Estimator Model, 2017, Appendix D, Default Data Tables, [http://www.aqmd.gov/docs/default-source/calceemod/upgrades/2016.3/05\\_appendix-d2016-3-1.pdf](http://www.aqmd.gov/docs/default-source/calceemod/upgrades/2016.3/05_appendix-d2016-3-1.pdf), accessed August 8, 2018.

<sup>9</sup> Santa Clara Water District, 2016, 2015 Urban Water Management Plan, <https://www.valleywater.org/sites/default/files/SCVWD%202015%20UWMP-Report%20Only.pdf>, accessed August 6, 2018.

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Water demands were estimated up to the year 2040 for normal, single dry, and multiple dry years. The proposed project's water demand is within the amount of growth projected under the City's General Plan. For normal years, the SCVWD would meet its water demands up until 2040. Supplies, with the use of reserves, appear to be sufficient to meet demands during a single dry year through 2035. Under 2040 demand conditions, reserves would be insufficient at the beginning of the year to meet demands without overdrawing the groundwater reserves. The SCVWD would likely call for a 5 to 10 percent reduction in water use in such a year, consistent with its Water Shortage Contingency Plan. For multiple dry years, demands would exceed supplies beginning in the second year of drought for the 2020 scenario and up to 2040. During multiple dry years, the City expects to meet its shortfall through the implementation of its Water Shortage Contingency Plan. The project would be required to comply with CALGreen and the City of Campbell's Municipal Code requirements to minimize water usage. In single or multiple dry years, the project would comply with the SCVWD's Water Shortage Contingency Plan.

Mandatory compliance with these regulations would ensure that project's water demand of 3.76 AFY would not exceed the available water supply or require new or expanded entitlements. Accordingly, implementation of the proposed project would result in a *less than significant* impact.

**Significance without Mitigation:** Less than significant.

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<b>UTIL-2</b>	<b>The proposed project would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.</b>
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The City of Campbell does not own or operate any water treatment facilities, because the water supplied from the SJWC has already been treated. As noted under impact discussion UTIL-1, the proposed project would have sufficient potable water supplies available from existing entitlements and through its water shortage contingency planning would not require the expansion or construction of additional SJWC water treatment facilities.

To ensure that both existing and future water system infrastructure needs are met, the SCVWD prepared a Water System Master Plan that includes recommendations to ensure the long-term viability of the system in light of any anticipated capacity changes. The plan is updated every five years to recognize improvements completed and plan for any needed new upgrades in the water system.<sup>10</sup>

The proposed project includes the construction of a 6-inch and a 1.5-inch water connection to the 12-inch water main in Almarida Drive, and a 6-inch water connection to the 18-inch water main along Hamilton Avenue. The construction-related impacts associated with these improvements are analyzed throughout this Draft Environmental Impact Report. This analysis focuses on whether the City would need to expand its water supply system in order to handle the demand generated by the project.

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<sup>10</sup> Santa Clara Valley Water District, 2017, Water Management Plan, <https://www.valleywater.org/sites/default/files/2017%20Water%20Management%20Plan%20SCVWD%20Final.pdf>, accessed August 6, 2018.



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The project would not result in the construction of new water treatment or distribution facilities by the City and the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### 4.14.1.4 CUMULATIVE IMPACTS

<b>UTIL-3</b>	<b>The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to water service.</b>
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The area considered for cumulative water supply impacts is the service area for the SCVWD. Other future projects in the service area would result in increases in water demand. The SCVWD forecasts that it will have sufficient water supplies in its service area through 2040 for a normal water year, and will need to implement its Water Shortage Contingency Plan for single dry and multiple dry years (see impact discussion UTIL-1). Larger projects that meet the SB 610 criteria would be required to prepare WSAs. The SCVWD would review all such proposed projects for the adequacy of water supply and would periodically update the UWMP to ensure that there are adequate water supplies and contingency plans for future residents and customers. Therefore, cumulative impacts would be *less than significant* with respect to water service.

**Significance without Mitigation:** Less than significant.

### 4.14.2 SANITARY WASTEWATER (SEWER)

This section describes the existing regulatory setting and conditions as well as potential impacts of the proposed project with regard to wastewater collection and treatment facilities. The sanitary sewer system in the City of Campbell is operated by the West Valley Sanitation District (WVSD). Wastewater is conveyed to the San José-Santa Clara Regional Wastewater Facility for treatment and final disposal.

#### 4.14.2.1 ENVIRONMENTAL SETTING

##### Regulatory Setting

##### *Federal Regulations*

##### Clean Water Act

The Federal Water Pollution Act of 1972, more commonly known as the Clean Water Act (CWA), regulates the discharge of pollutants into watersheds throughout the nation. It is the primary federal law governing water pollution. Under the CWA, the EPA implements pollution control programs and sets wastewater standards. The objective of the CWA is to restore and maintain the chemical, physical, and biological integrity of the nation's waters by preventing point and nonpoint pollution sources, providing assistance

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to publicly owned treatment works for the improvement of wastewater treatment, and maintaining the integrity of wetlands.

### National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established in the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable connections and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

Operation of the San José-Santa Clara Regional Wastewater Facility (RWF) and its wastewater collection system is regulated by Waste Discharge Requirements (WDRs; NPDES No. CA0037842) found in San Francisco Bay RWQCB Order No. R2-2014-0034 effective November 1, 2014, and expiring February 1, 2019. The effluent from the San José-Santa Clara RWF is also subject to two other NPDES permits: 1) the WDRs for mercury and polychlorinated biphenyls (PCBs) from municipal and industrial wastewater discharges to San Francisco Bay (NPDES Permit No. CA0038849); and 2) waste discharge requirements for nutrients from municipal wastewater discharges to San Francisco Bay (NPDES Permit No. CA0038873). The three NPDES permits enable the San José-Santa Clara RWF to discharge treated wastewater into San Francisco Bay.

### *State Regulations*

#### State Water Resources Control Board

On May 2, 2006 the State Water Board adopted a General WDR (Order No. 2006-0003) for all publicly owned sanitary sewer collection systems in California with more than 1 mile of sewer pipe. The order provides a consistent statewide approach to reducing sanitary sewer overflows (SSOs) by requiring public sewer system operators to take all feasible steps to control the volume of waste discharged into the system, to prevent sanitary sewer waste from entering the storm sewer system, and to develop a Sanitary Sewer Master Plan. The General WDR also requires that storm sewer overflows be reported to the State Water Board using an online reporting system.

The San Francisco Bay RWQCB issues and enforces NPDES permits applicable to the San José-Santa Clara RWF in the City of San José.

#### Sanitary District Act of 1923

The Sanitary District Act of 1923 (Health and Safety Code Section 6400 *et seq.*) authorizes the formation of sanitation districts and enforces the Districts to construct, operate, and maintain facilities for the

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collection, treatment, and disposal of wastewater. The Act was amended in 1949 to allow the districts to also provide solid waste management and disposal services, including refuse transfer and resource recovery.

### *Local Regulations*

#### City of Campbell Municipal Code

Chapter 14.04 of the City of Campbell's Municipal Code establishes standards, conditions, and requirements related to the use of the City's sanitary sewer facilities. The Chapter establishes prohibited discharges into the sanitary sewer facilities. The Chapter also establishes fees for use and for the development of capital facilities related to wastewater.

#### West Valley Sanitation District Ordinance Code

The purpose of Chapter 7 of the WVSD's Ordinance Code is to regulate the disposal of sanitary sewage into the WVSD's sanitary sewer system. The code prevents the introduction of pollutants into the sanitary sewer system which will pass through the treatment works of the San José-Santa Clara RWF. This includes fats, grease, and oil from food service establishments. Additionally, Chapter 9 details permit requirements related to the construction of any private sewer intended to be connected to the WVSD's sanitary sewer system. Chapter 10 details the fees associated with connecting to the WVSD's sanitary sewer system.

#### San Jose/Santa Clara Water Pollution Control Plant Master Plan<sup>11</sup>

The Plant Master Plan involved a three year planning process to evaluate the San José/ Santa Clara Water Pollution Control Plant, the largest advanced wastewater treatment plant on the west coast. The process utilized principles of sustainability to develop a central planning document to guide improvements at the plant for the next 30 years (through the year 2040). The Plant Master Plan provides both a roadmap to help determine the projects and funding needed to repair and replace the plant's aging facilities and processes as well as a land use plan that defines the future treatment needs along with zoning designations and guidelines for the future development, restoration, and use of the plant's 4.5-square-mile site.

## **Existing Conditions**

The WVSD maintains the wastewater collection system that services the project site. WVSD provides wastewater collection and disposal services for the communities of Campbell, Monte Sereno, and Los Gatos; much of Saratoga; and some unincorporated areas of the county within the WVSD boundary. The WVSD's service area is 18,112 acres (28.3 square miles). The pipeline collection system maintained and operated by the WVSD consists of 415 miles of main and trunk sewers and 210 miles of sewer laterals, for a total of 625 miles of sewer lines. Wastewater from the City of Campbell, including the project site, is conveyed to the San José-Santa Clara RWF.<sup>12</sup>

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<sup>11</sup> San Jose/Santa Clara Water Pollution Control Plant, 2013, The Plant Master Plan, <https://www.sanjoseca.gov/DocumentCenter/View/38425>, accessed August 6, 2018.

<sup>12</sup> West Valley Sanitation District, About Us, <http://www.westvalleysan.org/aboutus>, accessed August 7, 2018.

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The San José-Santa Clara RWF treats an average of 110 million gallons of wastewater per day (MGD), with a capacity of up to 167 MGD. The San José-Santa Clara RWF serves 1.4 million residents and over 17,000 businesses in eight towns/cities and four sanitation districts:

- Cities of San José, Santa Clara, and Milpitas.
- Cupertino Sanitary District (Cupertino) and WVSD (Campbell, Los Gatos, Monte Sereno, and Saratoga).
- County Sanitation Districts 2-3 and Burbank Sanitary District (both unincorporated).<sup>13</sup>

Sewage generated by the City of Campbell accounts for 3 percent of the total wastewater treated at the RWF.<sup>14</sup>

### 4.14.2.2 STANDARDS OF SIGNIFICANCE

The proposed project would have a significant impact on wastewater service if it would:

- Exceed wastewater treatment requirements of the applicable RWQCB.
- Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

### 4.14.2.3 IMPACT DISCUSSION

This section analyzes the proposed project's potential impacts to wastewater collection and treatment facilities.

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<b>UTIL-4</b>	<b>The proposed project would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board.</b>
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Wastewater generated by the proposed project would be collected by the WVSD sanitary sewer system. Any wastewater discharged into the sanitary sewer system would need to abide by the regulations of the WVSD Ordinance Code. This includes fats, oils, and grease that are expected from food preparation establishments. WVSD's Ordinance Code sets forth prohibitions on activities by food service establishments to minimize discharges of fats, oils, and grease to sewers; for instance, prohibiting discharge of waste cooking oil to drain pipes and requiring installation or use of grease control devices.

Project wastewater would be directed to the San José-Santa Clara RWF for treatment. The San José-Santa Clara RWF plant provides wastewater treatment services for the City of Campbell and other cities and

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<sup>13</sup> City of San Jose. San José-Santa Clara Regional Wastewater Facility, <http://www.sanjoseca.gov/index.aspx?NID=1663>, accessed August 7, 2018.

<sup>14</sup> San Jose/Santa Clara Water Pollution Control Plan, 2013, The Plant Master Plan, <http://www.sanjoseculture.org/DocumentCenter/View/38425>, accessed August 7, 2018.

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agencies in Santa Clara County. Discharged wastewater would be required to comply with existing wastewater treatment regulations of the San Francisco Bay RWQCB. In addition, water conservation policies adopted by the City would minimize the amount of wastewater generated. Compliance with these regulations would ensure that the proposed project would not exceed the RWQCB wastewater treatment requirements. Accordingly, implementation of the proposed project would result in a *less than significant* impact.

**Significance without Mitigation:** Less than significant.

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<b>UTIL-5</b>	<b>The proposed project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.</b>
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The San José-Santa Clara RWF treats an average of 110 MGD of wastewater, with a capacity of up to 167 MGD and a residual capacity of 57 MGD.<sup>15</sup> Flows are expected to increase in the future as new homes are built to house the 400,000 new residents projected in San José over the next 30 years. The projected extreme wet weather flow for the year 2040 is expected to be 450 MGD. While this scenario would not be a frequent occurrence, the RWF must be prepared to move this amount of wastewater to avoid untreated wastewater spills in neighborhood streets. The Plant Master Plan uses the 450 MGD maximum flow rate to establish the wet-weather hydraulic capacity for the RWF and to establish capital improvement projects over the next 30 years.<sup>16</sup>

For the purpose of this analysis, the project's wastewater generation is considered to be 100 percent of indoor water demand. Based on this assumption, the total wastewater generation for the project is 3,164 GPD (see Table 4.14-1 for indoor water use calculation).

The proposed project's wastewater generation is within the amount of growth projected under the Plant Master Plan. With the proposed capital improvements, as described in the Plant Master Plan Project Memo 6.1,<sup>17</sup> the RWF would be able to cater for projected growth even in extreme wet weather. Key CIP elements include:

- Infrastructure rehabilitation at all stages of the treatment process for greater efficiency and reliability.
- New, more efficient biosolids (sludge) dewatering and drying processes to better control odors and reduce the operational footprint.
- New methods of generating energy to sustainably power Facility operations.<sup>18</sup>

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<sup>15</sup> City of San Jose, 2016, San José-Santa Clara Regional Wastewater Facility, <https://www.sanjoseca.gov/DocumentCenter/View/34681>, accessed August 7, 2018.

<sup>16</sup> San Jose/Santa Clara Water Pollution Control Plan, 2013, The Plant Master Plan, <http://www.sanjoseculture.org/DocumentCenter/View/38425>, accessed August 7, 2018.

<sup>17</sup> City of San Jose, San José/Santa Clara Water Pollution Control Plant Master Plan, Task No. 6 Project Memorandum No. 1 CIP Implementation, 2011, <http://sanjoseca.gov/ArchiveCenter/ViewFile/Item/1564>, accessed September 10, 2018.

<sup>18</sup> City of San Jose, Capital Improvement Program, <http://www.sanjoseca.gov/index.aspx?nid=1665>, accessed September 10, 2018.

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Therefore, the RWF would have adequate capacity to accept wastewater produced by the proposed project. In addition, water conservation policies adopted by the City would minimize the amount of wastewater generated. Compliance with these regulations would ensure that the proposed project would not exceed the design or permitted capacity of the RWF that serves the project site.

The proposed project includes the construction of a 6-inch and 4-inch sewer connections to the 6-inch sewer main along Almarida Avenue. The construction-related impacts associated with these improvements are analyzed throughout this Draft Environmental Impact Report. This analysis focuses on whether the City would need to expand its wastewater facilities in order to handle the demand generated by the project.

Implementation of the proposed project would result in a *less-than-significant* impact.

**Significance without Mitigation:** Less than significant.

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<b>UTIL-6</b>	<b>The proposed project would not result in the determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.</b>
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As described under impact discussion UTIL-5, the San José-Santa Clara RWF has the available capacity to treat the 3,164 GPD of effluent anticipated to be produced by the proposed project. The project would also be required to comply with existing wastewater treatment requirements of the San Francisco RWQCB and State and local water conservation policies. Water conservation policies are mandated by the CalGreen building code, the SCVWD's UWMP, and the City of Campbell's Municipal Code Chapter 21.26 *Landscape Requirements*.

Compliance with these regulations would minimize the amount of wastewater generated and ensure that the proposed project would not exceed the design or permitted capacity of the San José-Santa Clara RWF and would not require new or expanded water treatment facilities. Accordingly, implementation of the proposed project would result in a *less-than-significant* impact.

**Significance without Mitigation:** Less than significant.

### 4.14.2.4 CUMULATIVE IMPACTS

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<b>UTIL-7</b>	<b>The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to wastewater service.</b>
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The area considered for cumulative impacts is the San José-Santa Clara RWF service area. Other projects in the service area would increase population and employment, thus increasing wastewater generation. Despite a steady increase in population served by the RWF as of 2013, influent wastewater flows to the plant had decreased over the previous 15 years due to the loss of industry and increased water

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conservation. This same trend is common throughout the Bay area. However, flows are expected to increase in the future as new homes are built to house the 400,000 new residents in San José over the next 30 years (since water conservation measures will have already been fully implemented). The projected extreme wet weather wastewater generation is forecast to increase to 450 MGD by 2040.<sup>19</sup> With the implementation of projected capital improvement projects, there is sufficient wastewater treatment capacity in the region for the cumulative increase in wastewater generation and the project will not cumulatively increase demands above those projected for the RWF. Therefore, cumulative impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### **4.14.3 SOLID WASTE**

#### **4.14.3.1 ENVIRONMENTAL SETTING**

This section describes the existing regulatory setting and conditions as well as potential impacts of the proposed project with regard to solid waste collection and treatment facilities. West Valley Collection and Recycling (WVC&R) provides residential (single family and multi-family) and commercial garbage, recycling, and green waste collection services for the project area.

#### **Regulatory Setting**

##### *State Regulations*

##### California Integrated Waste Management Act

California's Integrated Waste Management Act of 1989, AB 939, subsequently amended by SB 1016, set a requirement for cities and counties throughout the state to divert 50 percent of all solid waste from landfills by January 1, 2000 through source reduction, recycling, and composting. To help achieve this, the Act required that each city and county prepare and submit a Source Reduction and Recycling Element. AB 939 also established the goal for all California counties to provide at least 15 years of ongoing landfill capacity.

In 2007, SB 1016 amended AB 939 to establish a per capita disposal measurement system. The per capita disposal measurement system is based on a jurisdiction's reported total disposal of solid waste divided by a jurisdiction's population. The California Integrated Waste Management Board was replaced by the California Department of Resources Recycling and Recovery (CalRecycle) in 2010. CalRecycle sets a target per capita disposal rate for each jurisdiction. Each jurisdiction must submit an annual report to CalRecycle with an update of its progress in implementing diversion programs and its current per capita disposal rate.

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<sup>19</sup> San Jose/Santa Clara Water Pollution Control Plan. November, 2013. The Plant Master Plan, <http://www.sanjoseculture.org/DocumentCenter/View/38425>, accessed August 7, 2018.

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In 2011, AB 341 was passed that sets a State policy goal of not less than 75 percent of solid waste that is generated to be source reduced, recycled, or composted by the year 2020. In August 2015, CalRecycle submitted a report to the legislature outlining the strategy to achieve this policy goal.<sup>20</sup>

### California Solid Waste Reuse and Recycling Access Act of 1991

The California Solid Waste Reuse and Recycling Access Act requires areas in development projects to be set aside for collecting and loading recyclable materials. This Act required CalRecycle to develop a model ordinance for adoption by any local agency. Local agencies are required to adopt the model, or an ordinance of their own, providing for adequate areas in development projects for the collection and loading of recyclable materials.

### Mandatory Commercial Organics Recycling

In October 2014, Governor Brown signed AB 1826<sup>21</sup> requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, as well as multi-family residential dwellings that consist of 5 or more units. “Organic waste” means food waste; fats, oils, and grease; green waste; landscape and pruning waste; nonhazardous wood waste; and food-soiled paper waste that is mixed in with food waste. Greenhouse gas (GHG) emissions result from the decomposition of organic wastes in landfills. Mandatory recycling of organic waste is aimed at helping achieve California’s aggressive recycling and GHG emission goals. The implementation schedule is as follows:

- **January 1, 2016:** Local jurisdictions were required to have in place an organic waste recycling program in place. Jurisdictions shall conduct outreach and education to inform businesses how to recycle organic waste in the jurisdiction, and conduct monitoring to identify those not recycling and notify them of the law and how to comply.
- **April 1, 2016:** Businesses that generate 8 cubic yards of organic waste per week were required to arrange for organic waste recycling services.
- **January 1, 2017:** Businesses that generate 4 cubic yards of organic waste per week were required to arrange for organic waste recycling services.
- **August 1, 2017 and Ongoing:** Jurisdictions were required to provide information about their organic waste recycling program implementation in the annual report submitted to CalRecycle.
- **Fall 2018:** After receipt of the 2016 annual reports submitted on August 1, 2017, CalRecycle shall conduct its formal review of those jurisdictions that are on a two-year review cycle.
- **January 1, 2019:** Businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.

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<sup>20</sup> California Department of Resources Recovery and Recycling, AB 341 Report to the Legislature, <https://www2.calrecycle.ca.gov/Publications/Documents/1538/20151538.pdf>, accessed August 27, 2018.

<sup>21</sup> Mandatory Commercial Organics, 2016, Mandatory Commercial Organics Recycling, <http://www.calrecycle.ca.gov/recycle/commercial/organics/>, accessed August 8, 2018.



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- **Fall 2020:** After receipt of the 2019 annual reports submitted on August 1, 2020, CalRecycle shall conduct its formal review of all jurisdictions.
- **Summer/Fall 2021:** If CalRecycle determines that the statewide disposal of organic waste in 2020 has not been reduced by 50 percent of the level of disposal during 2014, the organic recycling requirements on businesses will expand to cover businesses that generate 2 cubic yards or more of commercial solid waste per week. Additionally certain exemptions, previously discussed, may no longer be available if this target is not met.

### Global Warming Solutions Act of 2006, Scoping Plan

The California Global Warming Solutions Act of 2006 (also known as AB 32) Scoping Plan, which was adopted by the California Air Resources Board, included a Mandatory Commercial Recycling Measure. The Mandatory Commercial Recycling Measure focuses on diverting commercial waste as a means to reduce GHG emissions, with the goal of reducing GHG emissions by 5 million metric tons of carbon dioxide equivalents, consistent with the 2020 targets set by AB 32. To achieve the Measure's objective, the commercial sector will need to recycle an additional 2 to 3 million tons of materials annually by 2020.

CalRecycle adopted this Measure at its January 17, 2012 monthly public meeting. The regulation was approved by the Office of Administrative Law on May 7, 2012 and became effective immediately. On June 27, 2012, the Governor signed SB 1018, which included an amendment requiring both businesses that generate 4 cubic yards or more of commercial solid waste per week and multi-family residences with 5 or more units to arrange for recycling services. This requirement became effective on July 1, 2012.

### CALGreen Building Code

CALGreen Section 4.408, Construction Waste Reduction Disposal and Recycling, mandates that, in the absence of a more stringent local ordinance, a minimum of 50 percent of non-hazardous construction and demolition debris must be recycled or salvaged. This Code requires that project applicants prepare a Waste Management Plan, for on-site sorting or construction debris, which is submitted to the City Campbell for approval.

The Waste Management Plan is required to include the following:

- Identify the materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale.
- Specify if materials will be sorted on-site or mixed for transportation to a diversion facility.
- Identify the diversion facility where the material collected can be taken.
- Identify construction methods employed to reduce the amount of waste generated.
- Specify that the amount of materials diverted shall be calculated by weight or volume, but not by both.

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### *Regional Regulations*

The California Integrated Waste Management Act of 1989 (AB 939) requires each County to prepare and adopt a Countywide Integrated Waste Management Plan (CIWMP). Santa Clara County government and all the cities in the county have prepared and adopted elements that comprise the CIWMP.

### *Local Regulations*

In compliance with CALGreen and the California Integrated Waste Management Act of 1989, and to encourage the conservation of natural resources and reduce waste in landfills generated by construction projects, Chapter 6.12, Recycling and Salvaging of Construction and Demolition Debris, of the City's Municipal Code requires construction debris to be recovered and salvaged. Section 6.12.030, Diversion Requirements, states that at least 50 percent of the construction and demolition debris tonnage from all covered projects shall be diverted from landfills by using recycling, reuse, salvage, and other diversion programs. Covered projects include:

- Demolition of 500 square feet or more.
- Renovation, remodel or addition to an existing structure.
- The construction of a new structure, greater than 2,000 square feet.
- Valuation of the work that exceeds \$250,000, as determined by the building official.

Chapter 6.04, Garbage and Rubbish Disposal, details the requirements related to the accumulation of solid waste, the types of receptacles to be used, rubbish transportation, refuse collection, collection of recyclable materials, enforcement, fees, and penalties. This chapter mandates that commercial businesses provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.

Chapter 6.10, Nuisance Abatement and Administrative Penalties, defines excessive littering as a public nuisance and establishes guidelines for the correction of property maintenance violations and nuisances that afford due process and procedural guarantees to affected property owners.

## Existing Conditions

WVC&R provides solid waste collection, transportation, and disposal services in the City of Campbell. The West Valley Solid Waste Management Authority was established in 1998 as a Joint Powers Authority by the Santa Clara County communities of Campbell, Saratoga, Monte Sereno, and Los Gatos to arrange for and manage the collection, disposal, recycling and landfill diversion of solid waste originating in the four member municipalities. The Authority has contracted with WVC&R to provide the collection, disposal, and recycling services in the Authority.<sup>22</sup>

There are 13 landfills that serve the City of Campbell. Approximately 90 percent of the solid waste from the city is sent to the Guadalupe Sanitary Landfill, located in San José.<sup>23</sup> The landfill is estimated to have a

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<sup>22</sup> West Valley Solid Waste Management Authority, <https://www.wvswma.org/>, accessed August 7, 2018.

<sup>23</sup> California Department of Resources Recovery and Recycling, 2018, Jurisdiction Disposal by Facility, <http://www.calrecycle.ca.gov/LGCentral/Reports/Viewer.aspx?P=ReportYear%3d2017%26ReportName%3dReportEDRSJurisDisposalByFacility%26OriginJurisdictionIDs%3d70>, accessed August 7, 2018.

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remaining capacity of 11,055,000 cubic yards, or 38 percent of its total capacity, as of January 2011. The closure date for this landfill is January 2048. The Guadalupe Sanitary Landfill has a permitted throughput of 1,300 tons per day.<sup>24</sup> In 2016, the daily throughput for Guadalupe Landfill was 545 tons per day.<sup>25</sup> Therefore, the landfill has a residual capacity for 755 tons per day. In 2016, the solid waste collected from the City of Campbell accounted for approximately 90 tons per day.<sup>26</sup> In 2016, the statewide residential per capita disposal rate was 4.9 pounds per resident per day, and the statewide employee per capita disposal rate was 11.4 pound per employee per day.<sup>27</sup>

The City of Campbell has been in compliance with AB 939 since 2007 (see Table 4.14-2), which is the year when the per capita disposal measurement system was adopted to identify whether goals established by the Integrated Waste Management Act of 1989 have been met.<sup>28</sup>

**TABLE 4.14-2 PER CAPITA DISPOSAL RATE TRENDS**

Report Year	Target Disposal Rate Population	Per Capita Population PPD	Target Disposal Rate Employment	Per Capita Employment PPD	Number of Diversion Programs
2007	5.2	4.7	8.3	7.6	40
2008	5.2	4.4	8.3	7.5	40
2009	5.2	3.8	8.3	7.0	40
2010	5.2	3.9	8.3	8.1	40
2011	5.2	3.8	8.3	7.3	39
2012	5.2	4.0	8.3	7.1	40
2013	5.2	4.1	8.3	7.0	41
2014	5.2	4.1	8.3	6.8	41
2015	5.2	4.2	8.3	6.6	41
2016	5.2	4.5	8.3	6.8	42

Notes: PPD = Pounds per person per day

Source: California Department of Resources Recovery and Recycling, 2018, Per Capital Disposal Rate Trends, <https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/ReviewReports>.

<sup>24</sup> California Department of Resources Recovery and Recycling, 2018, Facilities/Site Summary Details: Guadalupe Sanitary Landfill, <http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0015/Detail/>, accessed August 7, 2018.

<sup>25</sup> California Department of Resources Recovery and Recycling, 2018, 2016 Landfill Tonnage Report, <http://www.calrecycle.ca.gov/SWFacilities/Landfills/tonnages/>, accessed August 7, 2018.

<sup>26</sup> California Department of Resources Recovery and Recycling, 2018, Jurisdiction Disposal by Facility, <http://www.calrecycle.ca.gov/LGCentral/Reports/Viewer.aspx?P=ReportYear%3d2017%26ReportName%3dReportEDRSJurisDisposalByFacility%26OriginJurisdictionIDs%3d70>, accessed August 7, 2018.

<sup>27</sup> California Department of Resources Recovery and Recycling, California's Statewide Per Resident, Per Employee, and Total Disposal Since 1989, <http://www.calrecycle.ca.gov/lgcentral/GoalMeasure/DisposalRate/Graphs/Disposal.htm>, accessed August 8, 2018.

<sup>28</sup> California Department of Resources Recovery and Recycling, 2018, Per Capital Disposal Rate Trends, <https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/ReviewReports>, accessed August 7, 2018.

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### 4.14.3.2 STANDARDS OF SIGNIFICANCE

The proposed project would have a significant impact on solid waste service if would:

- Not be served by a landfill(s) with sufficient permitted capacity to accommodate the proposed project's solid waste disposal needs.
- Be out of compliance with federal, State, and local statutes and regulations related to solid waste.

### 4.14.3.3 IMPACT DISCUSSION

<b>UTIL-8</b>	<b>The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the proposed project's solid waste disposal needs.</b>
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Demolition activities during construction of the proposed project would generate approximately 192 tons of waste (see Table 4.14-3). As required in the City of Campbell Municipal Code, the construction contractor would divert a minimum of 50 percent of the total construction and demolition debris. The City would also require the project applicant to prepare a WMP prior to the issuance of building permits.

**TABLE 4.14-3 ESTIMATED PROJECT DEMOLITION DEBRIS**

Land Use	Existing Building (SF)	Conversion Rate (Tons/SF) <sup>a</sup>	Demolition Quantity (Tons)	Demolition Quantity After 50% Mandated Diversion (Tons)
Building Debris	8,355	0.046	384	192

Note: SF = square foot

a. California Air Pollution Control Officers Association, 2017, California Emissions Estimator Model Version 2016.3.2 User's Guide, Appendix A.

Source: PlaceWorks, 2018.

According to WVC&R the operational phase will require one 3-cubic-yard garbage bin, one 2-cubic-yard organics bin, and one 2-cubic-yard recycling bin. WVC&R anticipates the proposed project requiring three pickups per week.<sup>29</sup> The proposed project would generate approximately 387 pounds per day (0.19 tons/day) of solid waste (see Table 4.14-4), or 70 tons per year. Fast food restaurants generate a higher than average restaurant waste as indicated by WVC&R's estimate of operational waste generation for the proposed project. Of the 0.19 tons/day generated, 0.09 tons/day end up in the municipal landfill.

Both demolition and operational waste generation represent an insignificant amount compared to the 755 tons of remaining daily throughput capacity of Guadalupe Sanitary Landfill. Therefore, the proposed project would not cause the landfill to exceed permitted capacity and the impact is *less than significant*.

**Significance without Mitigation:** Less than significant.

<sup>29</sup> West Valley Collection and Recycling. Phone conversation with Mrs. Weslie McConkey, Special Projects Manager, to Dina El Chammas Gass, Project Engineer/Planner, PlaceWorks. Dated September 05, 2018.

**UTILITIES AND SERVICE SYSTEMS****TABLE 4.14-4 ESTIMATED PROJECT SOLID WASTE GENERATION**

<b>Bin Type</b>	<b>Bin Quantity (Cubic Yards)</b>	<b>Rate<sup>a</sup> (Pounds/Cubic Yard)<sup>a</sup></b>	<b>Total (Pounds Per Day)</b>
Municipal Solid Waste-Commercial (Uncompacted)	3	138	177
Organics-Commercial	2	135	115
Comingled Recyclable Material	2	111	95
<b>Total</b>			<b>387</b>

Notes: SF = square foot

a. Source: US EPA, April 2016, Volume-to-Weight Conversion Factors, [https://www.epa.gov/sites/production/files/201604/documents/volume\\_to\\_weight\\_conversion\\_factors\\_memoirandum\\_04192016\\_508fml.pdf](https://www.epa.gov/sites/production/files/201604/documents/volume_to_weight_conversion_factors_memoirandum_04192016_508fml.pdf), accessed September 10, 2018.

Source: PlaceWorks, 2018.

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**UTIL-9                      The proposed project would comply with federal, State, and local statutes and regulations related to solid waste.**


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In 2016, the solid waste disposed from Campbell residents and businesses totaled 36,137 tons.<sup>30</sup> As discussed under impact discussion UTILS-8, the proposed project would generate approximately 70 tons per year.

The City of Campbell has been in compliance with AB 939 since 2007, which is the year when the per capita disposal measurement system was adopted to identify whether goals established by the Integrated Waste Management Act of 1989 have been met.<sup>31</sup>

Food wastes, including fats, oils, and grease, would be required to be recycled in line with AB 1826. As of January 1, 2019, businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services. According to WVC&R estimates, the proposed project would generate 21 cubic yards of MSW per week. The project will be mandated to recycle its organic waste as of January 1, 2019.

In addition, the City of Campbell Municipal Code mandates that 50 percent of the construction and demolition debris tonnage be diverted from landfills. The project would divert 50 percent of demolition waste and will prepare a waste management plan in compliance with CalGreen regulations. Chapter 21.18 of the municipal code also mandates that commercial businesses provide adequate, accessible, and convenient areas for collecting and loading refuse and recyclable materials, which the proposed project would provide. Refuse and recycling containers are required to be located in an enclosed structure constructed with a concrete floor, metal roof, and floor drain, must be surrounded by a maximum 6-foot-high masonry wall with a solid gate, and must be protected with a fire suppression system. The project

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<sup>30</sup> California Department of Resources Recovery and Recycling, 2018, Jurisdiction Disposal by Facility, Santa Clara – Campbell, <https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility>, accessed August 7, 2018.

<sup>31</sup> California Department of Resources Recovery and Recycling, 2018, Per Capital Disposal Rate Trends, <https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/ReviewReports>, accessed August 7, 2018.

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would also abide by Chapter 6.10 of the City of Campbell's municipal code pertaining to excessive littering.

Compliance with applicable State and local regulations would ensure that the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### 4.14.3.4 CUMULATIVE IMPACTS

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**UTIL-10                      The proposed project, in combination with past, present, and reasonably foreseeable development, would result in less-than-significant impacts with respect to solid waste.**

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The geographic area considered for cumulative impacts is Santa Clara County. There are three primary landfills located in the county—the Guadalupe Sanitary Landfill, Kirby Canyon Recycling and Disposal Facility, and Newby Island Sanitary Landfill.<sup>32</sup> The Monterey Peninsula Landfill, Billy Wright Disposal Site, and John Smith Road Landfill are located outside the county and are the remaining three primary landfills that serve the county.

Other projects would result in increased population and employment in Santa Clara County. The total population is projected to increase from 1,877,700 in 2015 to 2,423,500 in 2040. The number of jobs is projected to increase from 1,003,780 in 2015 to 1,229,520 in 2040.<sup>33</sup> Using the statewide residential per capita disposal rate of 4.9 pounds per resident per day, and the statewide employee per capita disposal rate of 11.4 pound per employee per day,<sup>34</sup> Table 4.14-5 shows that the total increase in solid waste generation from 2015 to 2040 is 5,360,726 pounds/day or 2,680 tons/day. The existing remaining capacity of the landfills is approximately 112 million tons per day.<sup>35</sup> Thus there is sufficient landfill capacity in the region for the cumulative increase in solid waste disposal.

**TABLE 4.14-5    INCREASE IN SOLID WASTE GENERATION, 2015-2040**

Solid Waste Generation Source	Increase	Solid Waste Generation Rate <sup>a</sup> (PPD)	Solid Waste Generated (Pounds/Day)
Residents	545,800	4.9	2,674,420
Employees	225,740	11.9	2,686,306
<b>Total</b>			<b>5,360,726</b>

Note: PPD = pounds per person per day

<sup>a</sup> Source: California Department of Resources Recovery and Recycling, California's Statewide Per Resident, Per Employee, and Total Disposal Since 1989, <http://www.calrecycle.ca.gov/Igcentral/GoalMeasure/DisposalRate/Graphs/Disposal.htm>.

Source: PlaceWorks, 2018.

<sup>32</sup> California Department of Resources Recovery and Recycling, 2018, 2016 Landfill Summary Tonnage Report, <http://www.calrecycle.ca.gov/SWFacilities/Landfills/tonnages/>, accessed August 8, 2018.

<sup>33</sup> Association of Bay Area Governments, 2013, Projections 2013.

<sup>34</sup> California Department of Resources Recovery and Recycling, California's Statewide Per Resident, Per Employee, and Total Disposal Since 1989, <http://www.calrecycle.ca.gov/Igcentral/GoalMeasure/DisposalRate/Graphs/Disposal.htm>, accessed August 8, 2018.

<sup>35</sup> California Department of Resources Recovery and Recycling, 2018, SWIS Facility/Site Search, <https://www2.calrecycle.ca.gov/SWFacilities/Directory/Search.aspx>, accessed September 11, 2018.

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Furthermore, as of January 2019, businesses in California that generate 4 cubic yards or more of commercial solid waste per week will be required to arrange for organic waste recycling services. As required by the City of Campbell Municipal Code, all development projects within Campbell must divert a minimum of 50 percent of their total construction and demolition debris from landfills. In addition, all current and future projects, and the general public, shall abide by Chapters 6.04 and 6.10 of the City of Campbell's municipal code pertaining to the management of solid waste including the management of excessive littering. Compliance with these regulations would help to divert solid waste from cumulative development within Campbell and Santa Clara County.

Overall, because existing landfill capacity would be sufficient to accommodate projected growth in the county and cumulative projects would be required to comply with applicable solid waste generations, cumulative impacts would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### 4.14.4 STORMWATER INFRASTRUCTURE

This section outlines the regulatory setting, describes environmental setting, and discusses potential impacts of the proposed project with regard to stormwater infrastructure.

#### 4.14.4.1 ENVIRONMENTAL SETTING

##### Regulatory Framework

###### *Federal Regulations*

###### Clean Water Act

The CWA authorizes the EPA to implement water-quality regulations. The NPDES permit program under Section 402(p) of the CWA controls water pollution by regulating stormwater discharges into the waters of the United States. California has an approved State NPDES program. The EPA has delegated authority for water permitting to the State Water Board.

Section 303(d) of the CWA requires that each state identify water bodies or segments of water bodies that are "impaired" (i.e., not meeting one or more of the water-quality standards established by the State). These waters are identified in the Section 303(d) list as waters that are polluted and need further attention to support their beneficial uses. Once the water body or segment is listed, the State is required to establish the Total Maximum Daily Load (TMDL) for the pollutant causing the conditions of impairment. TMDL is the maximum amount of a pollutant that a water body can receive and still meet water quality standards. Typically, TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non-point sources. The intent of the 303(d) list is to identify water bodies that require future development of a TMDL to maintain water quality. In accordance with Section 303(d), the RWQCB has identified impaired water bodies within its jurisdiction, and the pollutants or stressors responsible for impairing the water quality.

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The receiving water for the project site is Lower San Francisco Bay, which is listed on the Section 303(d) List of Water Quality Limited Segments for chlordane, dichloro diphenyl trichloroethane (DDT), dieldrin, dioxin compounds, furan compounds, invasive species, mercury, PCBs, and trash.<sup>36</sup> Chlordane, DDT, and dieldrin are organochlorine insecticides; PCBs were commonly used as coolants in electrical equipment.

### National Pollutant Discharge Elimination System

The NPDES permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems (MS4). Under the NPDES program, all facilities that discharge pollutants into waters of the United States are required to obtain a NPDES permit. Requirements for stormwater discharges are also regulated under this program. In California, the NPDES permit program is administered by the State Water Board through the nine RWQCBs. Discharge of stormwater runoff from construction sites of 1 acre or more is covered under the Statewide General Construction Permit, as discussed below.

### *State Regulations*

#### Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Act (Water Code Section 13000 *et seq.*) is the basic water quality control law for California. Under this Act, the State Water Board has ultimate control over state water rights and water-quality policy. In California, the EPA has delegated authority to issue NPDES permits to the State Water Board. The nine RWQCBs carry out the regulation, protection, and administration of water quality in each region. Each regional board is required to adopt a Water Quality Control Plan, or Basin Plan, that recognizes and reflects the regional differences in existing water quality, the beneficial uses of the region's ground and surface water, and local water-quality conditions and problems.

The project site is within the Guadalupe River Watershed, which is under the jurisdiction of the San Francisco Bay RWQCB and within the San Francisco Bay Basin. The Basin Plan for the San Francisco Bay Basin was last updated in 2017. The 2017 Basin Plan gives direction on the beneficial uses of the state waters within Region 2 (i.e., the jurisdiction of the San Francisco Bay RWQCB); describes the water quality that must be maintained to support such uses; and provides programs, projects, and other actions necessary to achieve the standards established in the Basin Plan.

#### Statewide General Construction Permit

Construction projects of 1 acre or more are regulated under the General Construction Permit, Order No. 2012-0006-DWQ, issued by the State Water Board in 2012. Projects obtain coverage by developing and implementing a Stormwater Pollution Prevention Plan estimating sediment risk from construction activities to receiving waters, and specifying Best Management Practices (BMPs) that would be used by the project to minimize pollution of stormwater.

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<sup>36</sup> State Water Resources Control Board, 2014, Impaired Water Bodies, [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml), accessed on August 8, 2018.



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### *Regional Regulations*

#### Municipal Regional Stormwater NPDES Permit

Municipal stormwater discharge in the City of Campbell is subject to the WDRs of the MS4 Permit (Order Number R2-2015-0049, NPDES Permit No. CAS612008). Provision C.3 of the MS4 Permit requirements apply to all new development or redevelopment projects that create or replace 10,000 square feet of impervious surfaces and specific land use projects that create or replace 5,000 square feet of impervious surfaces (i.e., auto service facilities, retail gasoline outlets, restaurants, and/or uncovered surface parking). Provision C.3 of the MS4 Permit also mandates that new development projects that meet certain criteria: 1) incorporate site design, source control, and stormwater treatment measures into the project design; 2) minimize the discharge of pollutants in stormwater runoff and non-stormwater discharge; and 3) prevent increases in runoff flows as compared to pre-development conditions. Low-impact development (LID) methods are the primary mechanisms for implementing such controls. New development projects must treat 100 percent of the calculated runoff (based on the sizing criteria described in the C.3 provisions of the MS4 Permit) with LID treatment measures that include harvesting and reuse, infiltration, evapotranspiration, or biotreatment/bioretenention.

#### Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) is an association of fifteen agencies in Santa Clara Valley that share a common permit to discharge stormwater to South San Francisco Bay.

Post-construction stormwater quality requirements pursuant to the SCVURPPP are explained in the SCVURPPP C.3 Stormwater Handbook issued in June 2016. The C.3 Stormwater Handbook includes instructions for implementing site design measures, source controls, stormwater treatment measures, construction site controls, and LID measures.

The C.3 Handbook sets forth thresholds for when various categories of water quality protection measures are required and offer step-by-step instructions on how to incorporate stormwater control and LID designs into project applications.<sup>37</sup>

### *Local Regulations*

Chapter 14.02, Stormwater Pollution Control, of the City of Campbell Municipal Code relates to stormwater pollution control. The purpose of this chapter is to provide minimum requirements designed to control the discharge of pollutants into the City's municipal storm drain system and to assure that discharges from the municipal storm drain system comply with applicable provisions of the CWA and the current NPDES Permit No. CAS612008, including amendments and RWQCB approvals.

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<sup>37</sup> Santa Clara Valley Urban Runoff Pollution Prevention Program, 2016, C3. Stormwater Handbook, [http://scvurppp-w2k.com/pdfs/1516/c3\\_handbook\\_2016/SCVURPPP\\_C.3\\_Technical\\_Guidance\\_Handbook\\_2016\\_Chapters.pdf](http://scvurppp-w2k.com/pdfs/1516/c3_handbook_2016/SCVURPPP_C.3_Technical_Guidance_Handbook_2016_Chapters.pdf), accessed on August 8, 2018.

## UTILITIES AND SERVICE SYSTEMS

### Existing Conditions

The City of Campbell maintains a system of laterals and storm drain pipes that drain runoff into Los Gatos Creek and San Tomas Aquino Creek, which ultimately drain into San Francisco Bay. The storm drains in Campbell are designed to handle a five-year storm event.<sup>38</sup> The SCVWD provides regional storm drainage for Santa Clara Valley and maintains the creeks through which rainwater runoff is channeled into San Francisco Bay. The SCVWD also owns and maintains groundwater recharge facilities along Los Gatos Creek within the City of Campbell that recharge the regional groundwater basin.

The project site is fully developed as the former Elephant Bar restaurant, with an 8,335-square-foot building and associated parking and driving aisles. The total existing impervious surface area is 46,022 square feet and the existing pervious surface area is 7,395 square feet. Runoff from the existing site is collected on-site within drain box inlets and conveyed underground through existing site storm drains to the northeast corner of the site. Runoff is discharged from the site through a 10-inch diameter storm drain connection to an existing 24-inch storm drain located on Almarida Drive.

#### 4.14.4.2 STANDARDS OF SIGNIFICANCE

The proposed project would have a significant stormwater-related impact if it would require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

#### 4.14.4.3 IMPACT DISCUSSION

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<b>UTIL-11</b>	<b>The proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.</b>
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Runoff from the proposed site is similar to the existing condition, with stormwater planned for collection on-site within new drain box inlets within the parking lot and drive-thru lane and conveyed underground through a new on-site storm drain system to a proposed subsurface infiltration system. Overflow runoff from the infiltration system is discharged from the site through a new 10-inch storm drain that will be connected to the existing 10-inch storm drain connection to the existing 24-inch storm drain located on Almarida Drive (see Figure 4.8-1).

As discussed under impact discussion HYDRO-5 in Chapter 4.8, Hydrology and Water Quality, implementation of the proposed project would decrease the amount of impervious surfaces. The project would also implement stormwater infiltration measures in accordance with the SCVURPPP guidelines. With the decrease in impervious surfaces and implementation of infiltration measures, the project would result in post-project stormwater volumes that are less than pre-project development volumes. The installation of the proposed underground stormwater treatment infiltration system would also reduce peak stormwater runoff rates to below those of the existing site.

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<sup>38</sup> A five-year storm event is a storm event that has a 1 in 5 chance of occurring in any given year.

## UTILITIES AND SERVICE SYSTEMS

The project does include the construction of drainage facilities on-site, in addition to new connections to the existing public storm drains. The construction-related impacts associated with these improvements are analyzed throughout this Environmental Impact Report (EIR). The analysis under this impact focuses on whether the City would need to expand its storm system capacity in order to handle the runoff generated by the project.

The proposed project would result in a reduction in stormwater runoff as compared to existing conditions and would not require the expansion of existing stormwater facilities or the construction of new facilities by the City and the impact would be *less than significant*.

**Significance without Mitigation:** Less than significant.

### 4.14.4.4 CUMULATIVE IMPACTS

<b>UTIL-12</b>	<b>The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to stormwater infrastructure.</b>
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The area considered for cumulative impacts include the areas within the City of Campbell that discharge stormwater to the same storm drain system as the project site, with ultimate discharge into the Lower San Francisco Bay. Additional projects include cumulative growth associated with City-approved projects and other foreseeable future projects (see Table 4-1). Development of approved and future projects within the City of Campbell could increase stormwater runoff.

All new development or redevelopment projects in the City of Campbell would be required to comply with SCVWD's C.3 provisions that require BMPs to be implemented. These BMPs include site design, source control, and treatment control measures that provide both flow control and treatment to runoff before it enters the storm drain system. Similarly, all projects would be required to comply with the General Construction Permit, prepare a Stormwater Pollution Prevention Plan, and implement BMPs to minimize erosion and siltation impacts during construction. With implementation of site-specific BMPs and compliance with the SCVWD guidelines, impacts of the proposed project and cumulative projects would have a *less-than-significant* cumulative impact on stormwater infrastructure.

**Significance without Mitigation:** Less than significant.

### 4.14.5 ENERGY CONSERVATION

#### 4.14.5.1 ENVIRONMENTAL SETTING

This section provides a general description of the regulatory setting addressing existing electric and natural gas services and infrastructure, and supply and demand in the City of Campbell.

## UTILITIES AND SERVICE SYSTEMS

### Regulatory Setting

#### *Federal Regulations*

##### Energy Independence and Security Act of 2007

Signed into law in December 2007, the Energy Independence and Security Act contains provisions designed to increase energy efficiency and the availability of renewable energy. The Act contains provisions for increasing fuel economy standards for cars and light trucks, while establishing new minimum efficiency standards for lighting as well as residential and commercial appliance equipment.

##### Energy Policy Act of 2005

Passed by Congress in July 2005, the Energy Policy Act includes a comprehensive set of provisions to address energy issues. This Act includes tax incentives for energy conservation improvements in commercial and residential buildings, fossil fuel production and clean coal facilities, and construction and operation of nuclear power plants, among other things. Subsidies are also included for geothermal, wind energy, and other alternative energy producers.

##### Natural Gas Pipeline Safety Act of 1968

The Natural Gas Pipeline Safety Act of 1968 authorizes the United States Department of Transportation to regulate pipeline transportation of flammable, toxic, or corrosive natural gas and other gases as well as the transportation and storage of liquefied natural gas. The Pipeline and Hazardous Materials Safety Administration (PHMSA) within the Department of Transportation develops and enforces regulations for the safe, reliable, and environmentally sound operation of the nation's 2.6-million-mile pipeline transportation system.

##### National Energy Policy

Established in 2001 by the National Energy Policy Development Group, the National Energy Policy is designed to help the private sector and state and local governments promote dependable, affordable, and environmentally sound production and distribution of energy for the future. Key issues addressed by the energy policy are energy conservation, repair and expansion of energy infrastructure, and ways of increasing energy supplies while protecting the environment.

#### *State Regulations*

##### California Public Utilities Commission Long Term Energy Efficiency Strategic Plan

Adopted in September 2008 and updated in January 2011, the California Public Utilities Commission (CPUC) Long Term Energy Efficiency Strategic Plan provides a framework for energy efficiency in California through the year 2020 and beyond. It articulates a long-term vision, as well as goals for each economic sector, identifying specific near-, mid-, and long-term strategies to assist in achieving these goals. The Plan sets forth the following four goals, known as “Big Bold Energy Efficiency Strategies,” to achieve significant reductions in energy demand:

## UTILITIES AND SERVICE SYSTEMS

- All new residential construction in California will be zero net energy by 2020.
- All new commercial construction in California will be zero net energy by 2030.
- Heating, ventilation and air conditioning will be transformed to ensure that its energy performance is optimal for California's climate.
- All eligible low-income customers will be given the opportunity to participate in the low-income energy efficiency program by 2020.

The CPUC and the California Energy Commission have adopted the following goals to achieve zero net energy levels by 2030 in the commercial sector:

- Goal 1: New construction will increasingly embrace zero net energy performance (including clean, distributed generation), reaching 100 percent penetration of new starts in 2030.
- Goal 2: 50 percent of existing buildings will be retrofit to zero net energy by 2030 through achievement of deep levels of energy efficiency and with the addition of clean distributed generation.
- Goal 3: Transform the commercial lighting market through technological advancement and innovative utility initiatives.

### California Energy Code

The State of California provides a minimum standard for energy conservation through Title 24, Part 6 California Code of Regulations, commonly referred to as the California Energy Code. The California Energy Code was first adopted by the California Energy Resources Conservation and Development Commission in June 1977. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. In June 2015, the California Energy Code adopted the 2016 Building and Energy Efficiency Standards, which went into effect on January 1, 2017.

### CALGreen Building Code

CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The building efficiency standards are enforced through the local building permit process.

The purpose of CALGreen is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories:

- Planning and design.
- Energy efficiency.
- Water efficiency and conservation.
- Material conservation and resource efficiency.
- Environmental quality.

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Compliance with CALGreen is not a substitution for meeting the certification requirements of any green building program. CALGreen requires new buildings to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials.

### 2016 Appliance Efficiency Regulations

The 2016 Appliance Efficiency Regulations (Title 20, California Code of Regulations Sections 1601 through 1608) include standards for both federally regulated appliances and nonfederally regulated appliances. Twenty-three categories of appliances are included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the state, and those designed and sold exclusively for use in recreational vehicles or other mobile equipment. Though these regulations are now often viewed as “business as usual,” they exceed the standards imposed by all other states and they reduce GHG emissions by reducing energy demand.

### State Greenhouse Gas Regulations

The Governor’s GHG Reduction Executive Order S-3-05 was signed on June 1, 2005, and set GHG reduction targets for the State. Soon after, AB 32, the Global Warming Solutions Act (2006) was passed by the California State legislature on August 31, 2006, to place the State on a course toward reducing its contribution of GHG emissions. In response to AB 32, the California Air Resources Board developed a Scoping Plan, to be updated every five years, outlining California’s approach to reducing GHG emissions. The latest Update to the Climate Change Scoping Plan sets a 2030 target of 40 percent GHG emissions reductions below 1990 levels.<sup>39</sup> The California Air Resources Board approved the Update to the Climate Change Scoping Plan on December 14, 2017, as required by AB 32. For a detailed discussion on these regulations, see Chapter 4.6, Greenhouse Gas Emissions, of this Draft EIR.

### California Energy Benchmarking and Disclosure

AB 1103 (2007) required that electric and gas utilities maintain records of the energy consumption data of all non-residential buildings to which they provide service and, upon authorization of a non-residential building owner or operator, upload all of the energy consumption data to the EPA Energy Star Portfolio Manager. This statute further required that a non-residential building owner or operator disclose Energy Star Portfolio Manager benchmarking data and ratings, for the most recent 12-month period, to a prospective buyer, lessee, or lender.

On October 8, 2015, the Governor signed AB 802 which revised and recast the above provisions. The new law directed the California Energy Commission to establish a statewide energy benchmarking and disclosure program, and enhanced the Commission’s existing authority to collect data from utilities and other entities for the purposes of energy forecasting, planning, and program design. Among the specific provisions, AB 802 required utilities to maintain records of the energy usage data of all buildings to which they provide service for at least the most recent 12 complete months. The bill required each utility, upon

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<sup>39</sup> California Air resources Board., 2017, California’s 2017 Climate Change Scoping Plan, [https://www.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf).

## UTILITIES AND SERVICE SYSTEMS

the request and authorization of the owner, owner's agent, or operator of a covered building, to deliver or provide aggregated energy usage data for a covered building to the owner, owner's agent, operator, or to the owner's account in the Energy Star Portfolio Manager. The bill also authorized the Commission to specify additional information to be delivered by utilities for certain purposes.

### *Local Regulations*

Chapter 18.26, Green Building Standards Code, of the City of Campbell's Municipal Code adopts the 2013 edition of CALGreen by reference.

## Existing Conditions

### *Electricity*

Grid electricity and natural gas service in the City of Campbell is provided by Pacific Gas and Electric Company (PG&E). PG&E is a publicly traded utility company which generates, purchases, and transmits energy under contract with the CPUC. PG&E's service territory is 70,000 square miles in area, roughly extending north to south from Eureka to Bakersfield, and east to west from the Sierra Nevada mountain range to the Pacific Ocean.<sup>40</sup>

PG&E's electricity distribution system consists of 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines. The electricity is generated by a combination of sources such as coal-fired power plants, nuclear power plants, and hydro-electric dams, as well as newer sources of energy such as wind turbines and photovoltaic plants or "solar farms." "The Grid," or bulk electric grid, is a network of high-voltage transmission lines that link power plants with the PG&E system. The distribution system, comprised of lower voltage secondary lines, is at the street and neighborhood level, and consists of overhead or underground distribution lines, transformers, and individual service "drops" that connect to the individual customer.

PG&E produces or buys its energy from a number of conventional and renewable generating sources, which travel through PG&E's electric transmission and distribution systems. The power mix PG&E provided to customers in 2016 consisted of non-emitting nuclear generation (24 percent), large hydroelectric facilities (12 percent), and eligible renewable resources (33 percent), such as wind, geothermal, biomass, solar and small hydro.<sup>41</sup> The remaining portion came from natural gas (17 percent) and unspecified power (14 percent). Unspecified power refers to electricity that is not traceable to specific generation sources by any auditable contract trail. In addition, PG&E has plans to increase the use of renewable power. For instance, PG&E purchases power from customers that install small-scale renewable generators (e.g., wind turbines or photovoltaic cells) up to 1.5 megawatts in size. In 2016,

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<sup>40</sup> PG&E, 2018, Company Info, <http://www.pge.com/about/company/profile/>, accessed August 7, 2018.

<sup>41</sup> PG&E, 2016, PG&E's 2016 Power Mix, [https://www.pge.com/pge\\_global/local/assets/data/en-us/your-account/your-bill/understand-your-bill/bill-inserts/2017/november/power-content.pdf](https://www.pge.com/pge_global/local/assets/data/en-us/your-account/your-bill/understand-your-bill/bill-inserts/2017/november/power-content.pdf), accessed August 7, 2018.

## UTILITIES AND SERVICE SYSTEMS

PG&E served 28 percent of their retail electricity sales with renewable power. PG&E's percentage of renewable power currently under contract for 2020 is 33 percent.<sup>42</sup>

In 2017 PG&E's preliminary projected average annual electricity demand growth (mid-demand forecast) between 2018 and 2028 is 0.99 percent. Total mid-electricity consumption in PG&E's service area was 281,666 gigawatt-hours per year in 2015 and is forecast to increase to 319,484 G gigawatt-hours in 2027.<sup>43</sup>

The existing electrical system in the project vicinity consists of overhead and underground facilities.

### *Natural Gas*

PG&E's natural gas (methane) pipe delivery system includes 42,000 miles of distribution pipelines, and 6,700 miles of transportation pipelines. Gas delivered by PG&E originates in gas fields in California, the US Southwest, US Rocky Mountains, and from Canada. Transportation pipelines send natural gas from fields and storage facilities in large pipes under high pressure. The smaller distribution pipelines deliver gas to individual businesses or residences.

PG&E gas transmission pipeline systems serve approximately 15 million gas customers in northern and central California.<sup>44</sup> PG&E has numerous pipeline safety programs, policies, and procedures in place to ensure the safety of customers, employees and the public. These programs include:

- Valve automation to improve the ability to quickly shut off the flow of gas in the event of a significant change in pressure.
- Regular leak detection surveys across a 70,000-square mile service area for gas leaks resulting in a 99 percent reduction of minor leaks.
- Regular monitoring and inspection of nearly 7,000 miles of gas transmission pipelines and 42,000 miles of distribution pipelines to identify and address concerns before they become a hazard.
- Replacement of steel distribution main, which can be prone to leaks, with modern, new materials.
- Community Pipeline Safety Initiative which ensures first responders and emergency response crews have critical access to pipelines in the event of an emergency or natural disaster.<sup>45</sup>

In 2017 PG&E's preliminary projected average annual demand growth (mid-demand forecast) between 2018 and 2028 is 0.75 percent. Total mid-natural gas consumption in PG&E's service area was 4,587 million therms per year in 2017 and is forecast to increase to 5,019 million therms in 2028.<sup>46</sup>

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<sup>42</sup> PG&E, 2018, Exploring Clean Energy Solutions, [https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page), accessed August 7, 2018.

<sup>43</sup> California Energy Commission, 2017, California Energy Demand 2018-2028 Preliminary Forecast, <https://efiling.energy.ca.gov/getdocument.aspx?tn=220615>, accessed August 7, 2018.

<sup>44</sup> PG&E, 2018, Learn about the PG&E natural gas system, [https://www.pge.com/en\\_US/safety/how-the-system-works/natural-gas-system-overview/natural-gas-system-overview.page](https://www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/natural-gas-system-overview.page), accessed August 7, 2018

<sup>45</sup> PG&E, 2018, PG&E's Gas safety Programs, [https://www.pge.com/en\\_US/safety/gas-safety/safety-initiatives.page](https://www.pge.com/en_US/safety/gas-safety/safety-initiatives.page), accesses September 13, 2018.



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The PG&E gas transmission pipeline nearest the project site runs along Saratoga Avenue until Doyle Road where it continues along Doyle Road to Lawrence Expressway.<sup>47</sup>

**4.14.5.2 STANDARDS OF SIGNIFICANCE**

In order to ensure that energy implications are considered in project decisions, Appendix F, Energy Conservation, of the CEQA Guidelines requires a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. However, no specific thresholds of significance for potential energy impacts are suggested in the State CEQA Guidelines. As previously discussed, Appendix F, Energy Conservation, of the CEQA Guidelines, requires a discussion of the potential energy impacts of proposed projects; however, no specific thresholds of significance for potential energy impacts are suggested in the State CEQA Guidelines or for the City of Campbell. Therefore, this EIR analysis determined that impacts would be significant if the proposed project would result in a substantial increase in natural gas and electrical service demands that would require the new construction of energy supply facilities and transmission infrastructure or capacity enhancing alterations to existing facilities paralleling the threshold determinations for other utility and service systems under Appendix G, Environmental Checklist of the CEQA Guidelines. To further the intent of Appendix F, Energy Conservation, relevant, potential impacts listed in that appendix are also incorporated in the evaluation.

Appendix F lists the following possible impacts to energy conservation that should be considered to the extent they are applicable and relevant to a particular project:

- The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials maybe discussed.
- The effects of the project on local and regional energy supplies and on requirements for additional capacity.
- The effects of the project on peak and base period demands for electricity and other forms of energy.
- The degree to which the project complies with existing energy standards.
- The effects of the project on energy resources.
- The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

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<sup>46</sup> California Energy Commission, 2017, California Energy Demand 2018-2028 Preliminary Forecast, <https://efiling.energy.ca.gov/getdocument.aspx?tn=220615>, accessed on August 7, 2018.

<sup>47</sup> PG&E, 2014, Gas Transmission System Map web page, <http://www.pge.com/en/safety/systemworks/gas/transmissionpipelines/index.page>, accessed on August 7, 2018.

## UTILITIES AND SERVICE SYSTEMS

### 4.14.5.3 IMPACT DISCUSSION

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<b>UTIL-13</b>	<b>The proposed project would not result in a substantial increase in natural gas and electrical service demands, and would not require new energy supply facilities and transmission infrastructure or capacity enhancing alterations to existing facilities.</b>
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The proposed project includes the installation of a 4-inch electric line connection on-site. A 1.25-inch gas line would also be installed and would connect to a 3-inch PG&E gas line in Hamilton Avenue. The construction-related impacts associated with these improvements are analyzed throughout this Draft EIR.

During the operational phase, the proposed project would be served by existing PG&E distribution systems that would provide natural gas and electricity. The proposed project would require electrical services totaling an estimated 149,485 kilowatt-hours per year (KWhr/yr) and natural gas service up to 793,562 kilo British thermal units per year (KBTU/yr).<sup>48</sup> These energy and natural gas consumption rates are typical for projects of this size and are modest increases in energy and gas use when considered in the context of PG&E's service territory. In addition, the proposed project would be required to comply with energy efficiency standards set forth by Title 24 of the California Administrative Code and the Appliance Efficiency Regulations. The project would also comply with CalGreen requirements related to energy and water conservation. These measures will decrease electricity and gas consumption. Therefore, the proposed project would not result in a substantial increase in natural gas and electrical service demands. PG&E would not need to expand its supply and transmission facilities in order to handle the demand generated by the project and the impact would be *less than significant*.

Significance without Mitigation: Less than significant.

### 4.14.5.4 CUMULATIVE IMPACTS

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<b>UTIL-14</b>	<b>The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to energy conservation.</b>
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The area considered for cumulative impacts to electricity and natural gas supplies and facilities is PG&E's service area. The total mid-electricity consumption is projected to be 319,484 G gigawatt-hours in 2027. Total mid-natural gas consumption in 2028 is projected to be 5,019 million therms. Other projects throughout PG&E's service area would increase electricity and natural gas demands.

The forecasts provided by California Energy Commission are used in several applications, including CPUC resource planning. The CPUC has identified the Integrated Energy Policy Report process as "the appropriate venue for considering issues of load forecasting, resource assessment, and scenario analyses, to determine the appropriate level and ranges of resource needs for load serving entities in California."

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<sup>48</sup> Meridian Consultants, 2017, 499 E. Hamilton Avenue Air Quality and Greenhouse Gas Study.

## UTILITIES AND SERVICE SYSTEMS

The final forecasts will also be an input to the California Independent System Operator Transmission Planning Process as well as controlled grid studies and in electricity supply-demand (resource adequacy) assessments.<sup>49</sup>

All projects within PG&E's service area would be required to comply with energy efficiency standards set forth by Title 24 of the California Administrative Code and the Appliance Efficiency Regulations. Projects would also comply with CalGreen requirements related to energy and water conservation. Water conservation policies mandated by the SCVWD's UWMP, and the City of Campbell's Municipal Code Chapter 21.26 *Landscape Requirements* and Chapter 8.34 *Potable Water Use Restrictions* will also be implemented. These measures would reduce the overall consumption of electricity and natural gas.

It is anticipated that electricity and natural gas demands by most other projects would be accounted for in the above-referenced demand forecasts. Other projects would be subject to independent CEQA review, including analysis of impacts to electricity and natural gas supplies. Cumulative impacts would be *less than significant*, and project impacts would not be cumulatively considerable.

**Significance without Mitigation:** Less than significant.

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<sup>49</sup> California Energy Commission, 2017, California Energy Demand 2018-2028 Preliminary Forecast, <https://efiling.energy.ca.gov/getdocument.aspx?tn=220615>, accessed August 7, 2018.

## **UTILITIES AND SERVICE SYSTEMS**

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## 5. *Alternatives to the Proposed Project*

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### 5.1 INTRODUCTION

The following evaluation was prepared to evaluate whether there may be feasible alternatives to the project that could avoid or substantially lessen any of the significant effects of the project. Section 15126.6, Consideration and Discussion of Alternatives to the Project, of the California Environmental Quality Act (CEQA) Guidelines states that:

An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

A “No Project” Alternative is required as part of a “reasonable range of alternatives.”

### 5.2 SIGNIFICANT IMPACTS

As described above, apart from the No Project Alternative, other alternatives chosen as part of the reasonable range of alternatives should be chosen based upon their ability to feasibly attain most of the basic objectives of the project and avoid or lessen the project’s significant impacts. The project would result in 12 significant impacts:

#### **Air Quality**

- **Impact AQ-2:** Uncontrolled fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) could expose the areas that are downwind of construction sites to air pollution from construction activities without the implementation of the Air District’s best management practices.
- **Impact AQ-3:** Implementation of the project would cumulatively contribute to air quality impacts in the San Francisco Bay Area Air Basin.

#### **Biological Resources**

- **Impact BIO-4:** Site clearance could destroy active nests, and/or otherwise interfere with nesting, of birds protected under State laws.

## ALTERNATIVES TO THE PROPOSED PROJECT

### Cultural Resources and Tribal Cultural Resources

- **Impact CULT-2:** The proposed project would have the potential to cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5.
- **Impact CULT-3:** Implementation of the proposed project would have the potential to directly or indirectly affect a unique paleontological resources or site, or unique geological feature.
- **Impact CULT-4:** The proposed project would have the potential to disturb human remains, including those interred outside of formal cemeteries.
- **Impact CULT-5:** The proposed project would have the potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.

### Hazards and Hazardous Materials

- **Impact HAZ-1:** Demolition of the existing structure on site may create a significant hazard by exposing construction workers to asbestos containing materials.
- **Impact HAZ-2:** Demolition of the existing structure on site may create a significant hazard by exposing construction workers to asbestos containing materials.

### Noise

- **Impact NOISE-1:** Without best management practices, the proposed project would expose people to, or generate, noise levels in excess of standards established in the General Plan, Municipal Code, and/or the applicable standards of other agencies.
- **Impact NOISE-4:** The project would cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity.

### Transportation and Traffic

- **Impact TRANS-1:** Implementation of the project would impact the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp with or without the addition of project-generated vehicle trips under the Cumulative and Cumulative plus Project in the PM peak hour on weekdays.
- **Impact TRANS-2:** Implementation of the project would impact the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp with or without the addition of project-generated vehicle trips under the Cumulative and Cumulative plus Project.
- **Impact TRANS-6:** The proposed 61 parking spaces would satisfy the City's parking code requirement of 58 spaces, however recent surveys conducted at nearby In-N-Out Burger locations suggest that the estimated parking demand for this project would be 64 parking spaces. This suggests that while parking intrusion into neighboring parking facilities may occur, it would likely be on an infrequent basis.
- **Impact TRANS-8:** Implementation of the project would impact the intersection of Hamilton Avenue/Salmar Avenue-SR 17 southbound off-ramp with or without the addition of project-generated vehicle trips under the Cumulative and Cumulative plus Project.

## ALTERNATIVES TO THE PROPOSED PROJECT

TABLE 5-1 PROPOSED PROJECT AND PROJECT ALTERNATIVES: SUMMARY CHARACTERISTICS

Alternative	Commercial Square Feet	Workers	Daily Vehicle Trips <sup>b</sup>	Maximum Building Heights, Stories	Drive-Thru?
Proposed Project	3,812	40	2,672	1	Yes
No Project Alternative	8,355 (occupied)	21 <sup>a</sup>	1,049	1	No
No Drive-Thru Alternative	3,812	40	2,317	1	No
Reduced Footprint Alternative	3,050	40	2,138	1	Yes

Notes:

a. This number was based on 1 job per 400 square feet of retail, which was stated in the Campbell General Plan EIR.

b. Trip generation for all scenarios provided by W-Trans, 2018.

Source: PlaceWorks, 2018.

### 5.3 OVERVIEW OF PROJECT ALTERNATIVES

This chapter evaluates two alternatives in addition to the No Project Alternative. Table 5-1 provides a summary of development program for each alternative.

- **No Project Alternative.** Under the No Project Alternative, the project would not be developed and the project site would remain developed with an 8,355 square-foot sit-down restaurant and surface parking.
- **No Drive-Thru Alternative.** Under the No Drive-Thru Alternative, the proposed 3,812-square-foot building would be developed but the In-N-Out restaurant would not include a drive-thru. Without the drive-thru lane, the site plan could be reconfigured to add parking space in addition to the 61 spaces in the proposed project.
- **Reduced Footprint Alternative.** Under the Reduced Footprint Alternative, the proposed the In-N-Out building would be 3,050 square feet, which is 20 percent smaller than it would be under the proposed project. Because the building would have a smaller footprint, the site plan would be revised to include more vehicular parking spaces than are included in the proposed project and increase the storage capacity of the drive-thru.

Table 5-2 compares the impact of each alternative to impacts of the project.

## ALTERNATIVES TO THE PROPOSED PROJECT

TABLE 5-2 COMPARISON OF PROJECT ALTERNATIVES

Topic	No Project Alternative	No Drive-Thru Alternative	Reduced Footprint Alternative
Aesthetics	0	0	0
Air Quality	–	–	–
Biological Resources	–	0	0
Cultural Resources	–	0	0
Geology, Soils, and Seismicity	0	0	0
Greenhouse Gas Emissions	0	–	–
Hazards and Hazardous Materials	–	0	0
Hydrology and Water Quality	0	0	0
Land Use and Planning	0	0	0
Noise	–	–	0
Population and Housing	0	0	0
Public Services and Recreation	0	0	0
Transportation and Traffic	–	–	–
Utilities and Service Systems	++	0	0

Note: ++ Indicates that the alternative's impacts are substantially greater when compared to the project  
+ Indicates that the alternative's impacts are slightly greater when compared to the project  
0 Indicates that the alternative's impacts are similar to the project  
– Indicates that the alternative's impacts are slightly lessened when compared to the project.  
– – Indicates that the alternative's impacts are substantially lessened compared to the project and would avoid a significant and unavoidable impact of the project.

Source: PlaceWorks, 2018.

## 5.4 ALTERNATIVES CONSIDERED BUT REJECTED

Section 15126.6(c) of the CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process, and briefly explain the reasons underlying the lead agency's determination. Section 15126.6(c) provides that among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

### 5.4.1 ALTERNATIVE LOCATION

The project objectives are specific to both existing conditions on-site (a vacant infill site) and the project location (near major transportation corridors including State Route 17 and the Vasona Corridor Light Rail line). The City of Campbell is built out and there is minimal vacant land in the city. In addition, there are



## ALTERNATIVES TO THE PROPOSED PROJECT

few areas in the city where a drive-thru restaurant is permitted. Thus, an alternative location was considered and rejected.

### 5.4.2 RESIDENTIAL USE

The General Plan land use designation for the site is general commercial (GC), as is the zoning district (C-2). Residential uses are prohibited in the C-2 zone. Thus, a residential use alternative was rejected.

## 5.5 IMPACT ASSESSMENT

### 5.5.1 NO PROJECT ALTERNATIVE

Under the No Project Alternative the project would not be developed and the existing building on the project site would remain. Under this alternative, the project site would remain developed with an 8,355-square-foot restaurant building with surface parking. A new restaurant tenant would occupy the building and the building would be operated as a sit-down restaurant.

#### 5.5.1.1 AESTHETICS

The proposed project would not result in any significant aesthetics impacts. There are no scenic vistas visible from the site and the site is several miles from State Route 9, the nearest designated State scenic highway. Implementation of the proposed project would not substantially degrade the existing visual character of the project site. Project development would add lighting to the project site, but such lights would comply with State and City lighting regulations, and development would not substantially detract from daytime or nighttime views in the area.

Under the No Project Alternative, the project site would remain developed with a restaurant building and surface parking, with a new tenant that would occupy the building as a sit-down restaurant. Like the proposed project, the No Project Alternative would have no impact on scenic resources or scenic highways. The No Project Alternative would not add new lighting to the site and thus would not affect daytime or nighttime views in the area. The No Project Alternative would not change the built features on the project site or affect the physical environment of the surrounding area in any way that could degrade visual character or quality.

Overall, neither the No Project Alternative nor the proposed project would result in any aesthetics impacts. Therefore, the No Project Alternative would be *similar* when compared to the proposed project.

#### 5.5.1.2 AIR QUALITY

The proposed project would result in significant-but-mitigable air quality impacts. The proposed project would not conflict with or obstruct implementation of the Air District *2017 Clean Air Plan*. Construction of the proposed project would cause short-term air pollutant emissions that could violate air quality standards, which would be less than significant with mitigation measures. Operation of the proposed project would cause less-than-significant long-term emissions. Construction would also not cause a

## ALTERNATIVES TO THE PROPOSED PROJECT

violation of air quality standards with the implementation of mitigation measures. Sensitive receptors would not be exposed to substantial pollutant concentrations or odors generated by the proposed project.

Like the proposed project, the No Project Alternative would not exceed the Air District's emissions thresholds and would therefore not conflict with the *2017 Clean Air Plan*.

Unlike the proposed project, the No Project Alternative would not involve additional construction on-site and would therefore not have the potential to expose any sensitive receptors to construction-related air pollutants. The No Project Alternative would avoid the project's significant-but-mitigable impact associated with construction-related dust.

Like the proposed project, the No Project Alternative would generate long-term criteria pollutants associated with operation. However, because the No Project Alternative would generate fewer vehicle trips than the proposed project, it would cause fewer long-term criteria pollutants compared to the proposed project.

Neither the proposed project nor the No Project Alternative would involve the types of land uses that could create objectionable odor impacts.

Overall, the No Project Alternative would *slightly lessen* the air quality impacts compared to the proposed project.

### 5.5.1.3 BIOLOGICAL RESOURCES

There is no suitable habitat for sensitive species on-site; no sensitive habitats, riparian habitats or wetlands on-site; and the site is not in a habitat conservation plan. Under the proposed project, impacts to nesting birds would be less than significant with mitigation, and the proposed project would not result in any significant impacts to sensitive species, sensitive habitats, riparian habitats, wetlands, and habitat conservation plans.

The No Project Alternative would not involve any construction activities that could impact biological resources. This alternative would not involve vegetation clearance and would not impact nesting birds that could use the project site. Therefore, the No Project Alternative would avoid the project's significant-but-mitigable impact to nesting birds.

Like the proposed project, the No Project Alternative would not have the potential to affect sensitive habitats, riparian habitats, wetlands, or habitat conservation plans.

Overall, the No Project Alternative would *slightly lessen* biological resources impacts compared to the proposed project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.1.4 CULTURAL RESOURCES

The project site is not listed in a register of historical resources. Project development would involve ground disturbance and could damage archaeological resources, paleontological resources, human remains, and/or tribal cultural resources; such impacts would be less than significant with mitigation.

Unlike the proposed project, the No Project Alternative would not involve construction and therefore this alternative would not include ground disturbance that could impact archaeological, tribal cultural, or paleontological resources, or human remains, that may be buried in site soils.

Overall, the No Project Alternative would *slightly lessen* cultural resources impacts compared to the proposed project.

### 5.5.1.5 GEOLOGY, SOILS, AND SEISMICITY

Proposed project development would not exacerbate seismic hazards, cause substantial soil erosion after compliance with water quality regulations, or exacerbate hazards arising from subsidence, collapsible soils, or expansive soils. Geology, soils, and seismicity impacts would be less than significant under the proposed project.

The No Project Alternative would not involve construction or ground disturbance and therefore would not have the potential to create any construction-related impacts associated with erosion or water quality.

Like the proposed project, the No Project Alternative would not exacerbate any seismic or geologic hazards associated with seismicity, erosion, or unstable soils.

Overall, neither the proposed project nor the No Project Alternative would create any significant impacts. Therefore, the No Project Alternative would be *similar* when compared to the proposed project.

### 5.5.1.6 GREENHOUSE GAS EMISSIONS

The proposed project would generate less-than-significant greenhouse gas (GHG) emissions both directly and indirectly during construction and operational phases. Implementation of the proposed project would not conflict with the *CARB Scoping Plan* or *Plan Bay Area 2040*.

The No Project Alternative would not involve the demolition of the existing building and construction of a new building, which would eliminate the project's construction GHG emissions.

Operational emissions would also be lower than under the proposed project because this alternative would generate fewer vehicle trips. Because the site would not have a drive-thru under this alternative, fewer cars would be idling on-site.

The No Project Alternative could conflict with the *CARB Scoping Plan* and *Plan Bay Area 2040*, because the existing building does not achieve current Building Energy Efficiency Standards and CALGreen and the existing site does not include the pedestrian improvements proposed in the proposed project to support walking. Buildings built to current building standards are significantly more energy efficient than older

## ALTERNATIVES TO THE PROPOSED PROJECT

buildings. For instance, as described in Chapter 4.6, Greenhouse Gas Emissions, under the 2019 Building Energy Efficiency Standards, nonresidential buildings will be 30 percent more energy efficient compared to the 2016 standards. The existing restaurant building was constructed in the 1971, before energy conservation standards for new residential and non-residential buildings were adopted in June 1977.

Overall, the No Project Alternative would be *similar* when compared with the proposed project.

### 5.5.1.7 HAZARDS AND HAZARDOUS MATERIALS

The proposed project would not create any impacts associated with location on hazardous materials site. Proposed project development would not cause airport-related hazards, or interfere with an emergency operations plan, or expose people or structures to wildland fire hazards. Demolition of the existing building could expose construction workers, the public, or the environment to asbestos-containing materials (ACM); impacts associated with potential ACM would be less than significant with mitigation.

Unlike the proposed project, the No Project Alternative would not involve demolition and redevelopment of the project site. Therefore, the No Project Alternative would not disturb potential ACM in the existing building and would not risk exposure of the public or the environment to ACM. Therefore, the No Project Alternative would avoid the project's significant-but-mitigable impacts related to ACM.

Neither the proposed project nor the No Project Alternative would cause hazards related to hazardous materials sites, airports, emergency operations plans, or wildland fires.

Overall, the No Project Alternative would *slightly lessen* hazards and hazardous materials impacts compared to the proposed project.

### 5.5.1.8 HYDROLOGY AND WATER QUALITY

Impacts of the proposed project to hydrology, drainage, water quality, groundwater, and flood hazards would all be less than significant. Proposed project development would include construction of drainage and water quality improvements on-site.

Unlike the proposed project, the No Project Alternative would not include construction activities or changes to the site drainage that could generate increased pollutants that could contaminate stormwater. However, this alternative also would not involve installation of drainage and water quality improvements on-site.

Neither the proposed project nor the No Project Alternative would cause impacts to groundwater or flood hazards.

Overall, the No Project Alternative would cause *similar* impacts to hydrology and water quality when compared to the proposed project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.1.9 LAND USE AND PLANNING

The proposed project would not divide an established community or conflict with land use policies or a habitat conservation plan, and land use and planning impacts of the proposed project would be less than significant.

Like the proposed project, the No Project Alternative would not divide an established community, conflict with land use policies, or conflict with a habitat conservation plan. Therefore, overall, the No Project Alternative would cause *similar* land use and planning impacts compared to the proposed project.

### 5.5.1.10 NOISE

The proposed project would not expose people residing or working in the vicinity of the project site to excessive aircraft noise levels or excessive noise levels within the vicinity of a private air strip. Exposure of people to excessive groundborne vibrations or noise levels, substantial permanent increase in ambient noise levels in the project vicinity, and cumulative impacts would be less than significant with the proposed project. Construction activities under the proposed project could expose people to unacceptable noise levels; these impacts would be reduced to less-than-significant levels with the implementation of mitigation measures.

Unlike the proposed project, the No Project Alternative would not create construction noise, which would avoid the project's significant-but-mitigable impacts.

Operational noise under the No Project Alternative would be similar to that under the proposed project, with the exception that traffic noise would be reduced due to the lower trip generation that would occur under this alternative.

Neither the proposed project nor No Project Alternative would expose people residing or working in the vicinity of the project site to excessive aircraft noise levels or excessive noise levels within the vicinity of a private air strip.

Overall, the No Project Alternative would result in *slightly lessened* impacts to noise compared to the proposed project.

### 5.5.1.11 POPULATION AND HOUSING

Proposed project development would not induce growth or displace housing or residents, and population and housing impacts of the proposed project would be less than significant.

Like the proposed project, the No Project Alternative would not induce growth and would not displace existing housing or residents. Therefore, overall, the No Project Alternative would cause *similar* impacts to population and housing compared to the proposed project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.1.12 PUBLIC SERVICES AND RECREATION

Proposed project development would not impact schools within the Campbell Union School District and Campbell Union High School District. The proposed project would have less-than-significant impacts to fire, police, library, and parks and recreational facilities and services.

The No Project Alternative would include a new tenant occupying the existing vacant building, which, like the proposed project, would not impact schools. As under the proposed project, the No Project Alternative would not increase demands for fire, police, library, and parks and recreational facilities and services such that physical facilities for these service providers would need to be expanded. However, the No Project Alternative could include a bar on the project site, which could potentially generate additional police service calls that would not otherwise be generated by the proposed project.

Overall, neither the proposed project nor the No Project Alternative would result in significant public service and recreation impacts. Therefore, the impacts under this alternative would be *similar* when compared to the proposed project.

### 5.5.1.13 TRANSPORTATION AND TRAFFIC

Development of the proposed project would generate approximately 2,672 daily vehicle trips. This increase would cause significant impacts to the intersection of Hamilton Avenue/Salmar Avenue-SR-17 under Cumulative plus Project conditions in the PM peak hour on weekdays. The proposed project would also conflict with congestion management program (CMP) policies at this intersection. Development of the proposed project would potentially result in inadequate parking capacity on-site. The proposed project would also result in significant-but-mitigable impacts associated with intersection queues. However, development of the proposed project would not impact air traffic patterns, would not result in inadequate emergency access, and would not conflict with adopted policies and plans regarding public transit, bicycle, or pedestrian facilities.

The No Project Alternative would include the existing 8,355-square-foot restaurant building and surface parking, with a new restaurant tenant occupying the restaurant. Traffic would increase in comparison to existing conditions, but project-generated traffic would be reduced in comparison to the proposed project to levels that would avoid the project's significant impacts associated with intersection levels of service, queueing, and CMP conflicts.

Like the proposed project, the No Project Alternative would not impact air traffic patterns, would not result in inadequate emergency access, and would not conflict with adopted policies and plans regarding public transit, bicycle, or pedestrian facilities.

Overall, the No Project Alternative would result in *slightly lessened* impacts to transportation and traffic compared to the proposed project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.1.14 UTILITIES AND SERVICE SYSTEMS

Development of the proposed project would cause less-than-significant impacts to water supply, wastewater treatment, solid waste, storm drainage, and energy utilities.

Like the proposed project, the No Project Alternative would increase energy demands compared to existing conditions. However, the existing building, built in the 1970s, on the project site does not meet the most recently adopted standards set forth by Title 24 of the California Administrative Code and the Appliance Efficiency Regulations. Therefore, the restaurant under the No Project Alternative would be less energy efficient than the proposed project.

Under the No Project Alternative, the project site would remain out of compliance with the City's current site development standards, which state that refuse and recycling storage areas must be located in an enclosure constructed with a concrete floor, a masonry wall with a solid gate, a metal roof, a floor drain, and must be protected with a fire suppression system.

Water demands, as well as increased wastewater or solid waste generation, would increase under the No Project Alternative in comparison to existing conditions because the existing site is vacant and the No Project Alternative would include an occupied restaurant on the project site. The No Project Alternative would not generate increased stormwater volumes, but would also not include on-site stormwater retention facilities or stormwater filtration components that would be installed by the proposed project.

Overall, impacts under the No Project Alternative would be *substantially greater* when compared to the proposed project.

### 5.5.2 NO DRIVE-THRU ALTERNATIVE

Under the No Drive-Thru Alternative the proposed 3,812-square-foot building would be developed but it would not include a drive-thru. Without the drive-thru lane, the site plan could be reconfigured to add parking spaces in addition to the 61 spaces included in the proposed project. Without a drive-thru component, all customers would park their cars and enter the restaurant, rather than remaining in their cars and using the drive-thru, in a manner akin to a "fast-casual" restaurant. For some customers, this may result in a longer amount of time spent on the project site, and could represent a reduced customer turnover frequency.

#### 5.5.2.1 AESTHETICS

The proposed project would not result in any significant aesthetics impacts. There are no scenic vistas visible from the site and the site is several miles from State Route 9, the nearest designated State scenic highway. Implementation of the proposed project would not substantially degrade the existing visual character of the project site. Project development would add lighting to the project site, but such lights would comply with State and City lighting regulations, and development would not substantially detract from daytime or nighttime views in the area.

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In the No Drive-Thru Alternative the project site would be constructed with a 3,812-square-foot building. However, unlike the proposed project, a drive-thru lane would not be included. Without a drive-thru, the site plan could be reconfigured to add more parking spaces to the 61 spaces in the proposed project. Similar to the proposed project, the No Drive-Thru Alternative would have no impact on scenic vistas or scenic highways. The visual character of the site would not be substantially degraded because the No Drive-Thru Alternative would be required to comply with General Plan policies, and the No Drive-Thru Alternative would not cause significant lighting or glare onto surrounding properties.

The No Drive-Thru Alternative would have a similar building façade to the proposed project; however, there would not be drive-thru signage and lighting added to the site.

Overall, neither the proposed project nor the No Drive-Thru Alternative would result in significant aesthetics impact and the No Drive-Thru Alternative would be *similar* when compared to the proposed project.

### 5.5.2.2 AIR QUALITY

The proposed project would result in significant-but-mitigable air quality impacts. The proposed project would not conflict with or obstruct implementation of the Air District *2017 Clean Air Plan*. Construction of the proposed project would cause short-term air pollutant emissions that could violate air quality standards, which would be less than significant with mitigation measures. Operation of the proposed project would cause less-than-significant long-term emissions. Construction would also not cause a violation of air quality standards with the implementation of mitigation measures. Sensitive receptors would not be exposed to substantial pollutant concentrations or odors generated by the proposed project.

The proposed project and No Drive-Thru Alternative would expose sensitive receptors to similar, but not substantial, levels of pollutant concentrations and odors. Neither the proposed project nor the No Drive-Thru Alternative would conflict with or obstruct the implementation of the *2017 Clean Air Plan*. However, the No Drive-Thru Alternative would have fewer operational emissions because, unlike the proposed project, it would not include idling cars in the drive-thru lanes. Operational air quality impacts may also be slightly lessened with the absence of a drive-thru because customer turn-over would be expected to be lower.

The No Drive-Thru Alternative would involve slightly less building construction than the proposed project because the drive-thru would not be constructed and would instead be converted into additional parking spaces. This would slightly reduce the construction impacts of the No Drive-Thru Alternative to short-term air pollutant emissions that could violate air quality standards.

Overall, the No Drive-Thru Alternative would result in *slightly lessened* air quality impacts compared to the proposed project.



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### 5.5.2.3 BIOLOGICAL RESOURCES

There is no suitable habitat for sensitive species on-site; no sensitive habitats, riparian habitats or wetlands on-site; and the site is not in a habitat conservation plan. Under the proposed project, impacts to nesting birds would be less than significant with mitigation, and the proposed project would not result in any significant impacts to sensitive species, sensitive habitats, riparian habitats, wetlands, and habitat conservation plans.

Similar to the proposed project, the No Drive-Thru Alternative would have mitigable significant impacts to nesting birds due to potential tree removal and construction activities. Impacts to sensitive species, sensitive habitats, riparian habitats, wetlands, and habitat conservation plans would be less than significant, similar to the proposed project.

Overall, the No Drive-Thru Alternative would result in *similar* impacts to biological resources compared to the proposed project.

### 5.5.2.4 CULTURAL RESOURCES

The project site is not listed in a register of historical resources. Project development would involve ground disturbance and could damage archaeological resources, paleontological resources, human remains, and/or tribal cultural resources; such impacts would be less than significant with mitigation.

In comparison to the proposed project, the No Drive-Thru Alternative would involve the same level of ground disturbance that could damage archeological resources, paleontological resources, human remains, and/or tribal cultural resources. This alternative would be required to comply with the same City General Plan policies and procedures intended to protect cultural resources. Similar to the proposed project, the No Drive-Thru Alternative would be required to implement mitigation measures.

Overall, the No Drive-Thru Alternative would result in *similar* impacts to cultural resources compared to the proposed project.

### 5.5.2.5 GEOLOGY, SOILS, AND SEISMICITY

Proposed project development would not exacerbate seismic hazards, cause substantial soil erosion after compliance with water quality regulations, or exacerbate hazards arising from subsidence, collapsible soils, or expansive soils. Geology, soils, and seismicity impacts would be less than significant under the proposed project.

In comparison to the proposed project, the No Drive-Thru Alternative would result in the same level of ground disturbance. Like the proposed project, the No-Drive-Thru Alternative would have similar impacts related to seismic hazards, erosion, or unstable soils; and all impacts would be less than significant.

Overall, the No Drive-Thru Alternative would result in *similar* impacts to geology, soils, and seismicity compared to the proposed project.

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### 5.5.2.6 GREENHOUSE GAS EMISSIONS

The proposed project would generate less-than-significant GHG emissions both directly and indirectly during construction and operational phases. Implementation of the proposed project would not conflict with the *CARB Scoping Plan* or *Plan Bay Area 2040*.

Compared to the proposed project, the No Drive-Thru Alternative would involve slightly less building construction due to the absence of a drive-thru lane, which would slightly reduce construction GHG emissions. Operational emissions would also be less than the proposed project because the site would not have a drive-thru lane, fewer cars would be idling on-site, and customer turnover would be reduced. Similar to the proposed project, the No Drive-Thru Alternative would not conflict with the *CARB Scoping Plan* or *Plan Bay Area 2040* because the new building would comply with the current Building Energy Efficiency Standards and CALGreen, would redevelop the site, and would not cause cumulative impacts to GHG Emissions.

Overall, the No Drive-Thru Alternative would result in *slightly lessened* impacts to GHG emissions compared to the proposed project.

### 5.5.2.7 HAZARDS AND HAZARDOUS MATERIALS

The proposed project would not create any impacts associated with location on hazardous materials site. Proposed project development would not cause airport-related hazards, or interfere with an emergency operations plan, or expose people or structures to wildland fire hazards. Demolition of the existing building could expose construction workers, the public, or the environment to asbestos-containing materials (ACM); impacts associated with potential ACM would be less than significant with mitigation.

Similar to the proposed project, the No Drive-Thru Alternative would not cause airport-related hazards, interfere with an emergency operations plan, or expose people or structures to wildland fire hazards, in addition to having less-than-significant impacts to any hazardous materials found on the project site. Demolition of the existing building in the No Drive-Thru Alternative would be similar to the proposed project and could expose construction workers, the public, or the environment to asbestos-containing materials (ACM); however, such impacts would be less than significant with implementation of the same mitigation measures recommended for the proposed project.

Overall, the No Drive-Thru Alternative would result in *similar* impacts to hazards and hazardous materials compared to the proposed project.

### 5.5.2.8 HYDROLOGY AND WATER QUALITY

Impacts of the proposed project to hydrology, drainage, water quality, groundwater, and flood hazards would all be less than significant. Proposed project development would include construction of drainage and water quality improvements on-site.

The No Drive-Thru Alternative would replace the drive-thru with parking spaces, which would have similar impacts as the proposed project to hydrology, drainage, water quality, groundwater, and flood hazards

## ALTERNATIVES TO THE PROPOSED PROJECT

due to the impervious nature of parking lots, which would not require mitigation. The drainage and water quality improvements of the proposed project would still be constructed.

Overall, the No Drive-Thru Alternative would result in *similar* impacts to hydrology and water quality compared to the proposed project.

### 5.5.2.9 LAND USE AND PLANNING

The proposed project would not divide an established community or conflict with land use policies or a habitat conservation plan, and land use and planning impacts of the proposed project would be less than significant.

Unlike the proposed project, the No Drive-Thru Alternative would replace the drive-thru with additional parking spaces. This alternative would involve similar development that would not divide an established community or conflict with land use policies or a habitat conservation plan. Therefore, the land use and planning impacts would be less than significant, similar to the proposed project.

Overall, the No Drive-Thru Alternative would result in *similar* impacts to land use and planning compared to the proposed project.

### 5.5.2.10 NOISE

The proposed project would not expose people residing or working in the vicinity of the project site to excessive aircraft noise levels or excessive noise levels within the vicinity of a private air strip. Exposure of people to excessive groundborne vibrations or noise levels, substantial permanent increase in ambient noise levels in the project vicinity, and cumulative impacts would be less than significant with the proposed project. Construction activities under the proposed project could expose people to unacceptable noise levels; these impacts would be reduced to less-than-significant levels with the implementation of mitigation measures.

Compared to the proposed project, the No Drive-Thru Alternative would slightly lessen construction and operational noise because the drive-thru would not be included. Therefore, the project would not involve the noises associated with on-site speaker boxes and idling cars. Similar to the proposed project, the No Drive-Thru Alternative would not expose people to excessive groundborne vibrations or noise levels, substantially increase permanent ambient noise levels in the project vicinity, or create cumulative impacts with surrounding development projects. This alternative would still create noise levels that exceed standards established in the General Plan and Municipal Code, and cause a substantial temporary increase in ambient noise levels. However, these impacts would be required to comply with proposed mitigation measures.

Overall, the No Drive-Thru Alternative would result in *slightly lessened* impacts to noise compared to the proposed project.

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### 5.5.2.11 POPULATION AND HOUSING

Proposed project development would not induce growth or displace housing or residents, and population and housing impacts of the proposed project would be less than significant.

Similar to the proposed project, the No Drive-Thru Alternative would not induce growth or displace existing housing or residents. Population and housing impacts would be less than significant.

Overall, the No Drive-Thru Alternative would result in *similar* impacts to population and housing compared to the proposed project.

### 5.5.2.12 PUBLIC SERVICES AND RECREATION

Proposed project development would not impact schools within the Campbell Union School District and Campbell Union High School District. The proposed project would have less-than-significant impacts to fire, police, library, and parks and recreational facilities and services.

As under the proposed project, the No Drive-Thru Alternative would not increase demands for fire, police, library, and parks and recreational facilities and services such that physical facilities for these service providers would need to be expanded.

Both the proposed project and the No Drive-Thru Alternative would result in *similar* impacts to public services and recreation compared to the proposed project.

### 5.5.2.13 TRANSPORTATION AND TRAFFIC

Development of the proposed project would generate approximately 2,672 daily vehicle trips. This increase would cause significant impacts to the intersection of Hamilton Avenue/Salmar Avenue-SR-17 under Cumulative plus Project conditions in the PM peak hour on weekdays. The proposed project would also conflict with CMP policies at this intersection. Development of the proposed project would potentially result in inadequate parking capacity on-site. The proposed project would also result in significant-but-mitigable impacts associated with intersection queues. However, development of the proposed project would not impact air traffic patterns, would not result in inadequate emergency access, and would not conflict with adopted policies and plans regarding public transit, bicycle, or pedestrian facilities.

Under the No Drive-Thru Alternative, the proposed 3,812-square-foot building would be developed, but the In-N-Out restaurant would not include a drive-thru. Without the drive-thru lane, the site plan could be reconfigured to add parking spaces in addition to the 61 spaces included in the proposed project. This alternative would reduce PM peak hour trips by 13.3 percent. Under the No Drive-Thru Alternative, the proposed project would generate an average of 2,317 trips per weekday, including 206 during the PM peak hour and 257 during the weekend peak hour. This would be a reduction from the proposed project of 355 trips per weekday, 32 during the PM peak hour and 39 during the weekend peak hour. Despite the reduction in trips, this alternative would not avoid the project's significant impacts associated with intersection levels of service, queueing and CMP policy conflicts.

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Similar to the proposed project, this alternative would not impact air traffic patterns, would not substantially increase hazards due to design features or incompatible uses, would not result in inadequate emergency access, and would not conflict with adopted policies and plans regarding public transit, bicycle, or pedestrian facilities.

Both the proposed project and the No Drive-Thru Alternative would meet the City's parking requirements. However, surveys of other In-N-Out Restaurants indicate that 64 parking spaces would be needed to avoid parking spillover and potential associated safety issues. Unlike the proposed project, the No Drive-Thru Alternative would provide enough on-site parking to avoid these potential effects associated with insufficient parking supply.

Compared to the proposed project, the No Drive-Thru Alternative would result in *slightly lessened* impacts to transportation and traffic compared to the proposed project.

### 5.5.2.14 UTILITIES AND SERVICE SYSTEMS

Development of the proposed project would cause less-than-significant impacts to water supplies and water facilities; wastewater treatment capacity and wastewater treatment requirements; landfill capacity and regulations governing solid waste disposal; storm drainage; and energy supplies and infrastructure.

The No Drive-Thru Alternative would include the same number of employees and a potentially reduced turnover frequency in customers. Compared to the proposed project, this alternative would have similar impacts to water supplies and water facilities; wastewater treatment capacity and wastewater treatment requirements; landfill capacity; and regulations governing solid waste disposal, storm drainage, and energy supplies and infrastructure. Impacts would remain less than significant.

Overall, the No Drive-Thru Alternative would result in *similar* impacts to utilities and service systems compared to the proposed project.

### 5.5.3 REDUCED FOOTPRINT ALTERNATIVE

Under the Reduced Footprint Alternative, the proposed In-N-Out building would be 3,050 square feet, which is 20 percent smaller than it would be under the proposed project. Because the building would have a smaller footprint, the site plan would be revised to include more vehicular parking spaces than are included in the proposed project. In addition, the site plan would be reconfigured to increase the storage capacity of the drive-thru. It is anticipated that the reduction in square footage would come from the dining space rather than the kitchen, so that the kitchen could accommodate the same patronage level as the proposed project, if necessary.

Although the Reduced Footprint Alternative would allow for an increase in parking spaces and drive-thru capacity, and it is anticipated that the reduced footprint would be taken from the dining space rather than the kitchen space, this alternative could involve changes to the design or size of the kitchen area. It is possible that this alternative hinder kitchen operations, resulting in slower meal production or reduced overall customer turnover. This could potentially result in reduced speed of both drive-thru and dine-in guest turnover.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.3.1 AESTHETICS

The proposed project would not result in any significant aesthetics impacts. There are no scenic vistas visible from the site and the site is several miles from State Route 9, the nearest designated State scenic highway. Implementation of the proposed project would not substantially degrade the existing visual character of the project site. Project development would add lighting to the project site, but such lights would comply with State and City lighting regulations, and development would not substantially detract from daytime or nighttime views in the area.

In the Reduced Footprint Alternative, the project site would have a smaller building, with more parking and drive-thru capacity. Similar to the proposed project, the Reduced Footprint Alternative would have no impact on scenic resources or scenic highways. The Reduced Footprint Alternative would have similar lighting to the proposed project, which would have a less-than-significant impact on daytime or nighttime views of the area.

Overall, the Reduced Footprint Alternative would result in *similar* impacts to aesthetics compared to the proposed project.

### 5.5.3.2 AIR QUALITY

The proposed project would result in significant-but-mitigable air quality impacts. The proposed project would not conflict with or obstruct implementation of the Air District *2017 Clean Air Plan*. Construction of the proposed project would cause short-term air pollutant emissions that could violate air quality standards, which would be less than significant with mitigation measures. Operation of the proposed project would cause less-than-significant long-term emissions. Construction would also not cause a violation of air quality standards with the implementation of mitigation measures. Sensitive receptors would not be exposed to substantial pollutant concentrations or odors generated by the proposed project.

Due to the reduced building size, the Reduced Footprint Alternative would generate reduced construction emissions. Similar to the proposed project, the Reduced Footprint Alternative would not conflict with the implementation of the Air District *2017 Clean Air Plan*, but construction could cause short-term air pollutants that could violate air quality standards, and would require mitigation for less than significant impacts. Surrounding sensitive receptors would be exposed to similar pollutant concentrations and odors compared to the proposed project.

This alternative would generate fewer trips than the proposed project, which would correspond with reduced operational emissions from vehicular traffic.

Overall, the Reduced Footprint Alternative would result in *slightly lessened* impacts to air quality compared to the proposed project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.3.3 BIOLOGICAL RESOURCES

There is no suitable habitat for sensitive species on-site; no sensitive habitats, riparian habitats or wetlands on-site; and the site is not in a habitat conservation plan. Under the proposed project, impacts to nesting birds would be less than significant with mitigation, and the proposed project would not result in any significant impacts to sensitive species, sensitive habitats, riparian habitats, wetlands, and habitat conservation plans.

The Reduced Footprint Alternative would have similar impacts to nesting birds compared to the proposed project, and would require mitigation measures for nesting birds. Similar to the proposed project, the Reduced Footprint Alternative would have less-than-significant impacts to sensitive species, sensitive habitats, riparian habitats, wetlands, and habitat conservation plans.

Overall, the Reduced Footprint Alternative would have *similar* impacts to biological resources compared to the proposed project.

### 5.5.3.4 CULTURAL RESOURCES

The project site is not listed in a register of historical resources. Project development would involve ground disturbance and could damage archaeological resources, paleontological resources, human remains, and/or tribal cultural resources; such impacts would be less than significant with mitigation.

The Reduced Footprint Alternative would involve the same level of ground disturbance that could damage archeological resources, paleontological resources, human remains, and/or tribal cultural resources. This alternative would be required to comply with the same City General Plan policies and procedures intended to protect cultural resources. Similar to the proposed project, the No Drive-Thru Alternative would be required to implement mitigation measures.

Overall, the Reduced Footprint Alternative would have *similar* impacts to cultural resources compared to the proposed project.

### 5.5.3.5 GEOLOGY, SOILS, AND SEISMICITY

Proposed project development would not exacerbate seismic hazards, cause substantial soil erosion after compliance with water quality regulations, or exacerbate hazards arising from subsidence, collapsible soils, or expansive soils. Geology, soils, and seismicity impacts would be less than significant under the proposed project.

In comparison to the proposed project, the Reduced Footprint Alternative would a smaller building but the same level of overall ground disturbance. Like the proposed project, the Reduced Footprint Alternative would have similar impacts related to seismic hazards, erosion, or unstable soils; and all impacts would be less than significant.

Overall, the Reduced Footprint Alternative would result in *similar* impacts to geology, soils, and seismicity compared to the proposed project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.3.6 GREENHOUSE GAS EMISSIONS

The proposed project would generate less-than-significant GHG emissions both directly and indirectly during construction and operational phases. Implementation of the proposed project would not conflict with the *CARB Scoping Plan* or *Plan Bay Area 2040*.

Similar to the proposed project, the Reduced Footprint Alternative would have less-than-significant impacts both directly and indirectly associated with GHG emissions during construction and operational phases due to the smaller building size. Compared to the proposed project, the Reduced Footprint Alternative would involve reduced construction GHG emissions. This alternative would also generate fewer trips than the proposed project, which would correspond with reduced operational GHG emissions from vehicular traffic.

Neither the proposed project nor the Reduced Footprint Alternative would conflict with the *CARB Scoping Plan* or *Plan Bay Area 2040* because the new building would comply with the current Building Energy Efficiency Standards and CALGreen and the site would be consistent with the TPA designation to redevelop the site.

Overall, the Reduced Footprint Alternative would have *slightly lessened* GHG emissions impacts compared to the proposed projects.

### 5.5.3.7 HAZARDS AND HAZARDOUS MATERIALS

The proposed project would not create any impacts associated with location on hazardous materials site. Proposed project development would not cause airport-related hazards, or interfere with an emergency operations plan, or expose people or structures to wildland fire hazards. Demolition of the existing building could expose construction workers, the public, or the environment to asbestos-containing materials (ACM); impacts associated with potential ACM would be less than significant with mitigation.

The Reduced Footprint Alternative would include the demolition of the existing building and the construction of a smaller building and larger drive-thru queue. Similar to the proposed project, this alternative would not cause airport-related hazards, or interfere with an emergency operations plan, or expose people or structures to wildland fire hazards. Demolition of the existing building for both the proposed project and Reduced Footprint Alternative could expose construction workers, the public, or the environment to ACMs, which could be mitigated to a less-than-significant level.

Overall, the Reduced Footprint Alternative would result in *similar* impacts to hazards and hazardous materials.

### 5.5.3.8 HYDROLOGY AND WATER QUALITY

Impacts of the proposed project to hydrology, drainage, water quality, groundwater, and flood hazards would all be less than significant. Proposed project development would include construction of drainage and water quality improvements on-site.



## ALTERNATIVES TO THE PROPOSED PROJECT

The Reduced Footprint Alternative would replace building square footage with additional parking spaces and an extended drive-thru queue, which would have similar impacts as the proposed project to hydrology, drainage, water quality, groundwater, and flood hazards, which would not require mitigation. Similar to the proposed project, this alternative would have less-than-significant impacts to hydrology, drainage, water quality, groundwater, and flood hazards. Drainage and water quality improvements in the proposed project would still be included as part of the Reduced Footprint Alternative.

Overall, the Reduced Footprint Alternative would have *similar* impacts on hydrology and water quality compared to the proposed project.

### 5.5.3.9 LAND USE AND PLANNING

The proposed project would not divide an established community or conflict with land use policies or a habitat conservation plan, and land use and planning impacts of the proposed project would be less than significant.

The Reduced Footprint Alternative would include a smaller building, increase drive-thru capacity, and provide additional parking on-site. Similar to the proposed project, the Reduced Footprint Alternative would not divide an established community or conflict with land use policies or a habitat conservation plan.

Overall, the Reduced Footprint Alternative would result in *similar* impacts to land use and planning compared to the proposed project.

### 5.5.3.10 NOISE

The proposed project would not expose people residing or working in the vicinity of the project site to excessive aircraft noise levels or excessive noise levels within the vicinity of a private air strip. Exposure of people to excessive groundborne vibrations or noise levels, substantial permanent increase in ambient noise levels in the project vicinity, and cumulative impacts would be less than significant with the proposed project. Construction activities under the proposed project could expose people to unacceptable noise levels; these impacts would be reduced to less-than-significant levels with the implementation of mitigation measures.

The Reduced Footprint Alternative would include a smaller building, increase drive-thru capacity, and provide additional parking on-site. Similar to the proposed project, the Reduced Footprint Alternative would not expose people to excessive groundborne vibrations or noise levels, substantially increase permanent ambient noise levels in the project vicinity, or create cumulative impacts with surrounding development projects. Both the proposed project and Reduced Footprint Alternative would create noise levels that exceed standards established in the General Plan and Municipal Code, and cause a substantial temporary increase in ambient noise levels, which would be less than significant with the implementation of mitigation measures.

Overall, the Reduced Footprint Alternative would result in *similar* impacts to noise compared to the proposed project.

## ALTERNATIVES TO THE PROPOSED PROJECT

### 5.5.3.11 POPULATION AND HOUSING

Proposed project development would not induce growth or displace housing or residents, and population and housing impacts of the proposed project would be less than significant.

Because the reduction in building size would come from reducing the dining space rather than the kitchen space, it is assumed that the Reduced Footprint Alternative would include the same number of employees as the proposed project. Like the proposed project, this number of employees would not be expected to induce a substantial number of new residents to move to Campbell. Similar to the proposed project, the Reduced Footprint Alternative would not induce growth or displace housing or residents, and therefore impacts would be less than significant.

Overall, the Reduced Footprint Alternative would result in *similar* impacts to population and housing compared to the proposed project.

### 5.5.3.12 PUBLIC SERVICES AND RECREATION

Proposed project development would not impact schools within the Campbell Union School District and Campbell Union High School District. The proposed project would have less-than-significant impacts to fire, police, library, and parks and recreational facilities and services.

Similar to the proposed project, the Reduced Footprint Alternative would not increase demands for fire, police, library, and parks and recreational facilities and services such that physical facilities for these service providers would need to be expanded.

Overall, the Reduced Footprint Alternative would have *similar* impacts to public services and recreation as the proposed project.

### 5.5.3.13 TRANSPORTATION AND TRAFFIC

Development of the proposed project would generate approximately 2,672 daily vehicle trips. This increase would cause significant impacts to the intersection of Hamilton Avenue/Salmar Avenue-SR-17 under Cumulative plus Project conditions in the PM peak hour on weekdays. The proposed project would also conflict with CMP policies at this intersection. Development of the proposed project would potentially result in inadequate parking capacity on-site. The proposed project would also result in significant-but-mitigable impacts associated with intersection queues. However, development of the proposed project would not impact air traffic patterns, would not result in inadequate emergency access, and would not conflict with adopted policies and plans regarding public transit, bicycle, or pedestrian facilities.

Under the Reduced Footprint Alternative, the proposed the In-N-Out Restaurant would include a smaller building (20 percent reduction) than is included in the proposed project with the understanding that the restaurant's size correlates with its parking demand and drive-thru activity. Because the building would have a smaller footprint, the site plan would be revised to include more vehicular parking spaces than are included in the proposed project and increase the storage capacity of the drive-thru. However, as

## ALTERNATIVES TO THE PROPOSED PROJECT

previously noted, the reduced building size, including a potentially redesigned or smaller kitchen area, could result in slower production capacity and increase wait times for orders, thereby increasing queuing lengths in the parking lot.

Under the Reduced Footprint Alternative, the project is expected to generate an average of 2,138 trips per weekday, including 191 during the PM peak hour and 237 during the weekend peak hour. This represents a reduction from the proposed project of 534 trips per weekday, 47 during the PM peak hour and 59 during the weekend peak hour.

Similar to the proposed project, this alternative would not impact air traffic patterns, would not substantially increase hazards due to design features or incompatible uses, would not result in inadequate emergency access, and would not conflict with adopted policies and plans regarding public transit, bicycle, or pedestrian facilities. Unlike the proposed project, this alternative would avoid the issues associated with the proposed project's impact to left-turn lane queuing and operational level of service performance at the SR 17 Southbound Off-Ramp/Hamilton Avenue intersection. The Reduced Footprint Alternative would also avoid the proposed project's impacts associated with intersection queueing and CMP policy conflicts.

Overall, the Reduced Footprint Alternative would result in *slightly lessened* impacts to transportation and traffic compared to the proposed project.

### 5.5.3.14 UTILITIES AND SERVICE SYSTEMS

Development of the proposed project would cause less-than-significant impacts to water supplies and water facilities; wastewater treatment capacity and wastewater treatment requirements; landfill capacity and regulations governing solid waste disposal; storm drainage; and energy supplies and infrastructure.

Similar to the proposed project, the Reduced Footprint Alternative would cause less-than-significant impacts to water supplies and water facilities; wastewater treatment capacity and wastewater treatment requirements; landfill capacity and regulations governing solid waste disposal; storm drainage; and energy supplies and infrastructure.

Overall, the Reduced Footprint Alternative would result in *similar* impacts to utilities and service systems compared to the proposed project.

## 5.6 OBJECTIVES ASSESSMENT

The project applicant has developed the following project objectives:

- To develop an infill site near major transportation corridors (and in close proximity to a large office/commercial/residential population base) with a restaurant use that may be found consistent with the existing General Plan land use designation and zoning.

## **ALTERNATIVES TO THE PROPOSED PROJECT**

- To incorporate a site plan layout that is reflective of applicable General Plan considerations pertaining to the placement and orientation of the buildings, parking lots, and other site development features, while taking into consideration restaurant guest and operational needs as well as economic feasibility.
- To enhance the value of the project site by replacing a vacant structure with a new functional building.
- To provide an In-N-Out Burger restaurant in a locale that is not currently served by the company.
- To utilize the project site's location via Highway 17 and other major transportation and transit corridors to facilitate local and regional access to the project site.

### **5.6.1 NO PROJECT ALTERNATIVE**

The No Project Alternative would meet one of the project objectives if a new restaurant were to occupy the site, as this use would contribute towards the city's short- and long- term economic vitality through sales tax and revenue as a result of a successful restaurant. However, the No Project Alternative would not revitalize the project site, incorporate a new site plan layout that would change the placement and orientation of buildings, enhance the aesthetic appeal of the project site, or facilitate local and regional access to the project site through construction of needed improvements.

### **5.6.2 NO DRIVE-THRU ALTERNATIVE**

The No Drive-Thru Alternative would develop a 3,812-square-foot restaurant with a reconfigured parking lot that would add spaces to the proposed 61 spaces. Without the drive-thru, the customer turnover frequency would be reduced and peak-hour trips would be reduced by 13 percent. The No Drive-Thru Alternative would revitalize a vacant, infill site near a major transportation corridor with a restaurant use and incorporate a site plan layout that is reflective of General Plan considerations of buildings, parking lots, and other site development features. This alternative would also enhance the aesthetic appeal of the project site and replace the existing vacant structure with a new building design. The No Drive-Thru Alternative would help contribute to sales tax and other revenues as a result of a successful restaurant and use the project site's location to facilitate local and regional access to the site to implement a restaurant use that would not significantly impair traffic operations. The removal of the drive-thru does not comply with the project plans and therefore may not fully align with the applicant's goals for the site. However, since this analysis considers only the alternative's compliance with the stated project objectives and not all aspects of the proposed project, the No Drive-Thru Alternative is considered to be generally consistent with the objectives.

### **5.6.3 REDUCED FOOTPRINT ALTERNATIVE**

The Reduced Footprint Alternative would reduce the building footprint by 20 percent and avoid traffic impacts at the State Route 17/Hamilton Avenue intersection. Under this alternative, the drive-thru capacity would be increased and more parking would be added to the site. The Reduced Footprint Alternative would revitalize a vacant site near a major transportation corridor with a restaurant use and enhance the aesthetic appeal of the project site by replacing a vacant structure with a new and functional building design. This alternative would incorporate a new site plan that meets General Plan policies for

## ALTERNATIVES TO THE PROPOSED PROJECT

placement and orientation of building, parking lots, and other site development features and contribute to the economic vitality of the city through sales tax and other revenues of a successful restaurant use. The Reduced Footprint Alternative would reduce traffic impacts and facilitate local and regional access to the project site and would facilitate construction of needed improvements on-site. Overall, the reduction in size is not consistent with the project's intention for the site as it does not include the building footprint proposed for optimal performance. However, since this analysis considers only the alternative's compliance with the stated project objectives and not all aspects of the proposed project, it is considered to be generally consistent with the objectives.

### 5.7 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. In addition to the discussion and comparison of impacts of the project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an "environmentally superior" alternative be selected and the reasons for such a selection be disclosed. Identification of the environmentally superior alternative is an informational procedure and the alternative selected may not be the alternative that best meets the goals or needs of the project applicant or Campbell.

As shown in Table 5-2, the No Project Alternative would, in comparison to the project, result in fewer impacts when compared to those of the proposed project for all of the environmental impacts. However, the No Project Alternative would not address project objectives of the proposed project. Regardless, the No Project Alternative is considered the environmentally superior alternative. However, in accordance with State CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

In comparison to the project, the No Drive-Thru Alternative would reduce air quality and GHG emissions, and lessen impacts associated with noise levels and traffic. Therefore, the No Drive-Thru Alternative is the environmentally superior alternative. The No Drive-Thru Alternative would generally meet all of the project objectives.

## **ALTERNATIVES TO THE PROPOSED PROJECT**

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## 6. CEQA-Mandated Sections

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This chapter provides an overview of the impacts of the proposed project based on the analyses presented in Chapter 4 of this Draft Environmental Impact Report (EIR). The topics covered in this chapter include impacts found not to be significant, significant irreversible changes, and growth inducing impacts. A more detailed analysis of the effects the proposed project would have on the environment and proposed mitigation measures to minimize significant impacts is provided in Chapters 4.1 through 4.14.

### 6.1 IMPACTS FOUND NOT TO BE SIGNIFICANT

The California Environmental Quality Act (CEQA) Guidelines Section 15128 allows environmental issues, for which there is no likelihood of significant impact, to be “scoped out” and not analyzed further in the EIR. This section explains the reasoning by which it was determined that impacts to agriculture and forestry resources and mineral resources potentially resulting from buildout of the proposed project would be less than significant.

#### 6.1.1 AGRICULTURE AND FORESTRY RESOURCES

The proposed project is designated as General Commercial (GC) on the City’s General Plan Land Use Map. The General Plan, General Plan land use map, and zoning map do not identify any agriculture or forestry resources within the city. In addition, the Farmland Mapping and Monitoring Program of the California Resources Agency does not identify lands within Campbell as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.<sup>1</sup> Further, there are no areas of forestland or forest and rangeland identified within the city.<sup>2</sup> There are no Williamson Act contracts in effect on land in the city.<sup>3</sup> Therefore, construction of the proposed project would have no impact on agriculture, forestland, or forestry resources.

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<sup>1</sup> California Resources Agency, Santa Clara County Important Farmland 2014 map, <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf>, accessed August 20, 2018.

<sup>2</sup> California Department of Forestry and Fire Protection, Land Cover Map 2006, [http://frap.fire.ca.gov/data/frapgismaps/pdfs/fvegwhr13b\\_map.pdf](http://frap.fire.ca.gov/data/frapgismaps/pdfs/fvegwhr13b_map.pdf), accessed August 20, 2018.

<sup>3</sup> Williamson Act contracts restrict the use of privately-owned land to agriculture and compatible open-space uses under contract with local governments; in exchange, the land is taxed based on actual use rather than potential market value. See Division of Land Resource Protection, 2016, Santa Clara County Williamson Act FY 2015/2016, [ftp://ftp.consrv.ca.gov/pub/dlrp/wa/SantaClara\\_15\\_16\\_WA.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/wa/SantaClara_15_16_WA.pdf), accessed November 12, 2018.

## **CEQA-MANDATED SECTIONS**

### **6.1.2 MINERAL RESOURCES**

The California Department of Conservation, Geological Survey has classified lands within Santa Clara County into MRZs based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether known or inferred significant mineral resources are present in areas. The mineral resources include Portland cement concrete, asphaltic cement, and base aggregate resources. Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General Plans.<sup>4</sup> There are no known mineral resources in the City of Campbell; therefore, the proposed project does not include any significant known or inferred mineral resources. Given this, construction of the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State or the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan and this issue has therefore not been analyzed further in this Draft EIR.

## **6.2 SIGNIFICANT IRREVERSIBLE CHANGES**

Section 15126.2(c) of the CEQA Guidelines requires an EIR to discuss the extent to which a proposed project or plan would commit nonrenewable resources to uses that future generation would probably be unable to reverse. The three CEQA-required categories of irreversible changes are discussed below.

### **6.2.1 LAND USE CHANGES THAT COMMIT FUTURE GENERATIONS**

As described in Chapter 3, Project Description, the proposed project involves the redevelopment of a site that is currently developed with a vacant 8,355-square-foot restaurant building and surface parking. Because the project site is already developed and is located in an urban area with existing commercial uses, the proposed project is not expected to result in any land use changes that would commit future generations to uses that are not already prevalent in the project site vicinity.

### **6.2.2 IRREVERSIBLE DAMAGE FROM ENVIRONMENTAL ACCIDENTS**

Potential environmental accidents of concern include those that would have adverse effects on the environment or public health due to the nature or quantity of material released during an accident and the receptors exposed to that release. Demolition and construction activities associated with development of the proposed project would involve some risk for environmental accidents. However, these activities would be monitored by City, State, and federal agencies, and would follow professional industry standards governing the use, storage, transport, and disposal of hazardous materials. Additionally, the land use proposed by the proposed project would not include any uses or activities that are likely to contribute to or be the cause of a significant environmental accident. As a result, the proposed project would not pose a substantial risk of environmental accidents.

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<sup>4</sup> Public Resources Code Section 2762(a)(1).



## CEQA-MANDATED SECTIONS

### 6.2.3 LARGE COMMITMENT OF NON-RENEWABLE RESOURCES

Consumption of nonrenewable resources includes issues related to increased energy consumption, conversion of agricultural lands, and lost access to mining reserves. The proposed project would require water, electric, and gas service, as well as additional resources for construction. Additionally, the ongoing operation of the proposed project would involve the use of nonrenewable resources. Construction and ongoing maintenance of the proposed project would irreversibly commit some materials and nonrenewable energy resources. Materials and resources used would include, but are not limited to, nonrenewable and limited resources such as oil, gasoline, sand, gravel, asphalt, and steel. These materials and energy resources would be used for infrastructure development, transportation of people and goods, as well as utilities. During the operational phase of the proposed project (post-construction), energy sources including oil and gasoline would be used for lighting, heating, and cooling of the restaurant use, as well as transportation of people to and from the project site.

However, the proposed project would include several features that would offset or reduce the need for nonrenewable resources. The proposed project would be required to comply with all applicable building and design requirements, including those set forth in California Code of Regulations Title 24 relating to energy conservation. In compliance with CALGreen, the State's Green Building Standards Code, the proposed project would be required to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials. In addition, buildings that are constructed in accordance with the 2013 Building and Energy Efficiency Standards (Title 24, Part 6) are 25 percent (residential) to 30 percent (non-residential) more energy efficient than those constructed under the prior 2008 standards as a result of better windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses. The proposed project would also apply environmentally sustainable standards for demolition, construction, and operation.

Although the construction and ongoing operation of the proposed project would involve the use of nonrenewable resources, through the inclusion of energy-conserving project features and compliance with applicable standards and regulations, the proposed project would not represent a large commitment of nonrenewable resources.

## 6.3 GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT

Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss the ways in which a proposed project or plan could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Typical growth inducing factors might be the extension of urban services or transportation infrastructure to a previously unserved or under-served area, or the removal of major barriers to development. This section evaluates the proposed project's potential to create such growth inducements. Not all aspects of growth inducement are negative; rather, negative impacts associated with growth inducement occur only where the projected growth would cause adverse environmental impacts.

## **CEQA-MANDATED SECTIONS**

Growth-inducing impacts fall into two general categories: direct or indirect. Direct growth-inducing impacts are generally associated with providing urban services to an undeveloped area. Indirect, or secondary growth-inducing impacts consist of growth induced in the region by additional demands for housing, goods, and services associated with the population increase caused by, or attracted to, a new project.

The City of Campbell is located in an urbanized portion of Santa Clara County, well served by existing roadway and utility infrastructure. Construction of the proposed project is projected to result in 3,812 square feet of restaurant space, and 40 new jobs. The extension of utility infrastructure and the construction of new roadways would not be required. The unemployment rate in Santa Clara County in September 2018 was 2.4 percent;<sup>5</sup> thus, it is estimated that a substantial fraction of project-generated employment would be absorbed by the regional labor force, and that project employment would not attract considerable numbers of workers into the region. As such, construction of the proposed project would not be considered to have substantial adverse growth-inducing impacts.

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<sup>5</sup> Employment Development Department, 2018, Labor Force and Unemployment Rate for California Counties, <http://www.labormarketinfo.edd.ca.gov/file/lfmonth/allsubs.xls>, accessed November 12, 2018.

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## **ORGANIZATIONS AND PERSONS CONSULTED**

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