

## **Introduction**

Written comments on the Draft Environmental Impact Report (EIR) are reproduced in this section. Written comments received were provided to the City of Santa Clara by letter or via email. Discrete comments from each letter and hearing are denoted in the margin by a vertical line and number. Responses immediately follow each comment letter and are enumerated to correspond with the comment number. For example, Response A2.1 refers to the response for the first comment in Letter A2. Letters from agencies are denoted with an “A”, letters from organizations are denoted with an “O”, and letters from individuals are denoted with an “I”. The italicized text in the beginning of each response provides a summary of each distinct comment.

In addition, edits made to the Draft EIR in response to certain comments are provided in this section, directly below the response. These revisions are also reproduced in Chapter 5 of this document, *Revisions to the Draft EIR*. Please refer to Chapter 5 for a complete list of staff-initiated changes and revisions to the Draft EIR.

## **Responses to Written Comments**

Comment letters and responses begin on the following page.

## **Public Agencies**

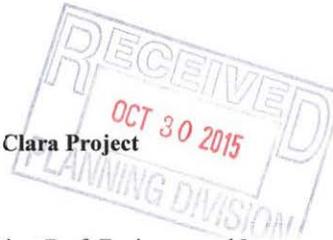
**Comment Letter A1—Norman Y. Mineta San Jose International Airport, Cary Greene (letter dated October 27, 2015)**

**Letter A1**



October 27, 2015

Debby Fernandez, Associate Planner  
 City of Santa Clara Planning Division  
 1500 Warburton Avenue  
 Santa Clara, CA 95050



**Subject: Comments on Draft EIR for City Place Santa Clara Project**

Dear Debby:

The City of San Jose Airport Department has reviewed the subject Draft Environmental Impact Report and offers the following suggested corrections/revisions regarding the analysis of San Jose International Airport (SJC) aircraft noise and airspace safety issues.

**Aircraft Noise**

A1.1 The Draft EIR’s “Impact LU-2” (Section 3.1) identifies aircraft noise as a significant impact. However, the most current City of San Jose aircraft noise projections, available on the SJC website ([www.sjc.org](http://www.sjc.org)), show the project site located well outside the 65 dB CNEL impact area of SJC, with a portion of the site located outside the 60 dB CNEL.

The County ALUC’s June 2015 determination that the proposed project General Plan Amendment/rezoning is inconsistent with the SJC CLUP noise policies is appropriately addressed in the Draft EIR, but the analysis should have cited other relevant technical information before concluding that aircraft noise is a significant impact.

A1.2 Note: The City should also reconsider whether the ALUC should be designated a responsible agency under CEQA (p. 2-37). Once the ALUC has issued a CLUP consistency determination for a proposed General Plan Amendment/rezoning, it has no further authority for the project unless a subsequent General Plan Amendment, rezoning, or specific plan is proposed.

**Airspace Safety**

A1.3 The Draft EIR addresses building height compatibility with Federal Aviation Regulations (FAR) Part 77 in multiple sections, some of which are duplicative and none fully correct:

- A1.3 • Page 3.1-16. The 1<sup>st</sup> full paragraph can be deleted as it’s not related to “Impact LU-2”. The Hazards and Hazardous Material section of the DEIR already more appropriately discusses airspace safety issues.
- A1.4 • Page 3.11-14 (“Aviation Hazards”) and Page 3.11-35 (“Impact HAZ-7”). These paragraphs should delete the references to the CLUP and its height restriction dimensions, and instead state that FAR Part 77 requires that the Federal Aviation Administration (FAA) be notified of any proposed structure which would extend above an imaginary slope radiating out for



Letter to Debby Fernandez, Santa Clara Planning Division  
 Comments on Draft EIR for City Place Santa Clara Project  
 10/27/15, Page 2

- A1.4  
Cont. | several miles from an airport's runways, in SJC's case a 100:1 slope from any point of the 3 runways out to a horizontal distance of 20,000 feet. This "notification surface" ranges over the project site from approx. 175 feet MSL along the Tasman Drive frontage to approx. 215 feet MSL at the Highway 237 side of the site.
- A1.5 | Also, while the statement under "Impact HAZ-7" that a maximum building height of 219 feet MSL would not exceed published FAR-defined obstruction surfaces is correct, such obstruction surfaces are not the sole factors considered by the FAA in determining whether a structure would be a potential hazard or not. It would be more correct to simply state that any potential impact to aviation safety will be reduced to a level of insignificance through compliance with the FAR 77 notification requirements and the determinations subsequently issued by the FAA.
- A1.6 | • Page 3.11-40. The "Aviation Hazards" subsection can be deleted as it appears to duplicate the discussion concluded on Page 3.11-35. If retained, however, the text should be corrected to state that the requirement for FAA review of certain proposed structures is set by federal regulations (FAR Part 77), not the County ALUC's CLUP.

City staff or consultants are welcome to contact me at [cgreene@sjc.org](mailto:cgreene@sjc.org) or 408-392-3623 for any needed clarification regarding the above comments, or to request review of draft document revisions prior to completing the response to comments.

Sincerely,



Cary Greene  
 Airport Planner

## Response to Comment Letter A1—Norman Y. Mineta San Jose International Airport, Cary Greene (letter dated October 27, 2015)

A1.1 *The commenter states that the most current City of San José aircraft noise projections show that the Project site is located “well outside of the 65 dB CNEL impact area, with a portion of the site located outside the 60 dB CNEL.”* The commenter generally cites the San José International Airport’s website but does not cite a specific document. The website does include a document approved by the Assistant Director of Aviation for the Airport on October 2, 2015 with CNEL values for each quarter from July 1, 2014 to June 30, 2015.<sup>1</sup> Although no map is included in this report, the tables support the commenter’s statement. The three remote monitoring terminals closest to the Project site (Fairway Glen Park, Mountain View/Alviso Road, and Fuller Street Park) show ranges of 59.6–59.3 dB CNEL, 59.7–59.8 dB CNEL, and 62.5–62.6 dB CNEL, respectively. The letter dated June 25, 2015 from the Airport Land Use Commission (ALUC) indicating that the Project site is within the 65 CNEL noise contour is based on a CNEL contour map dated February 18, 2010, included as Figure 5 in the Comprehensive Land Use Plan (CLUP) for the airport.

*The commenter suggests that although the ALUC noted that the Project is inconsistent with the CLUP, the Draft EIR should have cited other relevant technical information before concluding that airport noise is a significant impact.* This comment suggests that there is a difference between concluding that the Project is inconsistent with the CLUP and determining that there is a significant airport noise impact, and, as a result, the more recent 2015 noise impact data should be used to evaluate the significance of airport noise impacts.

The CLUP is very specific about how excessive noise levels are to be evaluated. As indicated on page 3.6-12 of the Draft EIR, Policy N-3 of the CLUP states, “Noise impacts shall be evaluated according to the Aircraft Noise Contours presented on Figure 5.” Figure 5 shows the CNEL noise contours referenced in the Draft EIR. As explained on pages 3.1-17 and 3.6-31 of the Draft EIR, although the new residential areas are within the 65 dB CNEL noise contour, their interior noise levels would be reduced to less than 45 dB CNEL through Mitigation Measure NOI-1.3. However, the noise contour indicates that proposed outdoor residential uses in the southwest portion of Scheme A could be exposed to aircraft noise that would be within the 65 dB CNEL contour, resulting in excessive noise as defined under the CLUP. This constitutes a significant impact pursuant to Appendix G of the CEQA Guidelines, as set forth on page 3.6-16 of the Draft EIR, which states that the Project would have a significant effect if it would be located within an airport land use plan area and expose people residing or working in the Project area to excessive noise levels.

The Draft EIR also explains that under California Public Utilities Code Section 21670, the City has the option of overriding the ALUC’s determination of inconsistency with the CLUP. It would be appropriate for the City Council to consider the 2015 noise impact data referenced by the commenter in determining whether to override the inconsistency determination.

A1.2 *The commenter asks the City to reconsider listing the ALUC as a responsible agency under CEQA.* Section 21069 of the State CEQA Guidelines defines a responsible agency as “a public agency,

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<sup>1</sup> Norman Y. Mineta San Jose International Airport. “Certification.” August 7, 2015. Available: <http://www.flysanjose.com/fl/environmental/reports/2Q15.pdf>. Accessed: February 10, 2016.

other than the lead agency, that has responsibility for carrying out or approving a project.” As noted by the commenter, once the ALUC has issued a CLUP consistency determination, it has no further authority for the Project. In response to this comment, the following text at the top of page 2-37 has been revised as follows:

California Department of Transportation (Caltrans)—review of traffic circulation effects and consultation on potential traffic improvements affecting State highway facilities, ramps, and intersections.

~~Airport Land Use Commission—review of buildings heights per the FAR Part 77 Surfaces outlined in the Norman Y. Mineta Mineta San José International Airport Land Use Plan.~~

Water Board —approval of a NPDES permit for stormwater discharge.

- A1.3 *The commenter states that the first full paragraph can be deleted from page 3.1-16 because it is not related to Impact LU-2. As the commenter states, an analysis of Federal Aviation Regulations (FAR) Part 77 is included in Section 3.11, Hazards and Hazardous Materials, as well as Section 3.1, Land Use and Planning. The purpose of including this discussion in Section 3.1 is to disclose policy consistency or inconsistency. However, the commenter is correct—the conclusion as it relates to physical impacts on the environment is best expressed in Section 3.11. In response to this comment, the following text in the first full paragraph on page 3.1-16 has been revised, as follows:*

Airport vicinity height limitations are required to protect public safety, health, and welfare by ensuring that aircraft can safely fly in the airspace around an airport. In addition, height limitations are required to protect the operational capability of airports. Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, establishes imaginary surfaces<sup>18</sup> for airports and runways as a means to identify the areas of airspace wherein objects would be obstructions to air navigation. Each surface is defined as a slope ratio or being at a certain altitude above the airport elevation. The Project site has an undulating topography, ranging from 21 to 65 feet above mean sea level (msl). The lowest imaginary surface above the Project site is the transitional surface<sup>19</sup> at about 330 feet msl on the southern portions of Parcels 4 and all of Parcel 5. The proposed buildings for the Project could be constructed up to a maximum height of 17 stories, or about 190 feet above the finished grade of the on-site streets. The maximum potential elevation of proposed construction would be ~~about~~ 219 feet above msl. Thus, there would be no conflict with the lowest imaginary surface. Regardless, a No Hazard Determination by the FAA would be required for the buildings prior to development because of height of structures and proximity to SJC. The aviation hazards that could result from potential inconsistency with FAR Part 77 are disclosed under Impact HAZ-7 in Section 3.11, Hazards and Hazardous Materials. As discussed therein, impacts related to aviation hazards are less than significant.

- A1.4 *The commenter indicates that the Federal Aviation Administration (FAA) notification requirements for building heights shown in the CLUP adopted for the Norman Y. Mineta San José International Airport are misleading and less restrictive than the FAA notification requirements established under FAR Part 77. As stated by the commenter, FAR Part 77 requires that the FAA be notified of any proposed structures that would extend above an imaginary slope of 100:1, radiating out from any point along the airport runways for a horizontal distance of 20,000 feet.*

Therefore, the more restrictive notification requirements in FAR 77 should be referenced instead of the notification restrictions described in the adopted CLUP. In response to this comment, the following text has been revised on page 3.11-14 of Section 3.11, *Hazards and Hazardous Materials*, in the Draft EIR:

There are no private airstrips located within 2 miles of the Project site.<sup>46</sup> The nearest public-use airport to the Project site is the Norman Y. Mineta San José International Airport (SJC), which is located approximately 2.8 miles southeast of the Project site. According to the CLUP adopted for the airport by the ALUC, portions of the Project site (Parcels 3, 4, and 5) are located within the Airport Influence Area because of height restrictions established by FAR Part 77. The FAR Part 77 height restrictions are designed to protect navigable airspace around the airport.<sup>47</sup> The notification criteria for evaluating safe building height restrictions under FAR Part 77 apply to the entire Project site. Based on an imaginary 100:1 slope radiating from the nearest airport runway point to the Project site, FAA notification requirements for building heights range from about 175 feet (NAVD 88) on the south side of Parcel 5 to about 215 feet (NAVD 88) on the north side of Parcel 1. The height restrictions for structures on Parcel 5 range from about 330 to 340 feet (NAVD 88). The height restrictions for structures on Parcel 4 range from about 330 to 395 feet (NAVD 88). The height restrictions for structures on Parcel 3 range from about 377 to 412 feet (NAVD 88). The other parcels on the Project site are not located inside the Airport Influence Area.

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<sup>47</sup> Santa Clara County ALUC. 2011. *Comprehensive Land Use Plan, Santa Clara County, Norman Y. Mineta San José International Airport*. 25 May.

In addition, the following text has been revised on page 3.11-35 of Section 3.11, *Hazards and Hazardous Materials*, in the Draft EIR:

**Impact HAZ-7: Aviation Hazard. The Project would not create a potentially significant aviation hazard to nearby public-use airports. (LTS)**

Development near airports can pose a potential hazard to people and property on the ground as well as create obstructions and other hazards to flight. Norman Y. Mineta San José International Airport is located about 2.8 miles southeast of the Project site. ~~Parcels 3, 4, and 5 on the Project site are located within an Airport Influence Area due to height restrictions established by FAR Part 77.~~ The proposed buildings for the Project could be constructed up to a maximum height of 17 stories, or about 190 feet above the finished grade of the on-site streets. The maximum potential elevation of proposed construction would be about 219 feet above mean sea level (msl). ~~Because the most conservative height restriction on the Project site is about 330 feet msl on the southern portions of Parcels 4 and all of Parcel 5, Project structures would not be expected to obstruct navigable airspace associated with the Norman Y. Mineta San José International Airport. Therefore the Where building height would exceed the height criteria for FAA notification requirements defined under FAR Part 77 (estimated to be in the range of 175 to 215 feet above msl on the Project site, depending on location), the FAA must be notified of the proposed construction. The FAA may conduct an aeronautical study to determine if proposed structures and construction equipment would create an airspace hazard. The FAA~~

commonly requires proposed structures and construction equipment that affect navigable airspace to be marked and/or lighted for increased visibility. Because the FAA does not have authority to approve or disapprove a proposed off-airport land use, the City of Santa Clara coordinates with City of San José to ensure that proposed developments near Norman Y. Mineta San José International Airport comply with the FAR Part 77 notification requirements and the FAA's aeronautical determinations. Because compliance with the FAA notification requirements and subsequent aeronautical determinations is mandatory, the Project would have a **less-than-significant** impact related to aviation hazards at public-use airports.

In response to this comment, the following text has been revised on page 3.11-40 of Section 3.11, *Hazards and Hazardous Materials*, in the Draft EIR:

~~There are seven projects. Most of the proposed development shown in Figure 3.0-1 is located within the Airport Influence Area about 20,000 feet of SJC. As shown in Figure 3.0-1, these projects include 2350 Mission College Boulevard (11), 3Com/Cognac Great America (12), Intel SC-13 (14), Mission College Master Plan (16), Sobrato Office Development (19), Tasman East (20), and Yahoo! (21). Development near airports can pose a potential hazard to people and property on the ground and create obstructions and other hazards to flight. Development within the Airport Influence Area 20,000 feet of the airport SJC is subject to height restrictions established by FAR Part 77. These height restrictions are designed to protect navigable airspace around an airport. All development within the Airport Influence Area 20,000 feet of the airport SJC would also be required to comply with FAA notification requirements and subsequent aeronautical determinations Part 77 height restrictions. Therefore, the cumulative impact regarding aviation hazards would be **less than significant**.~~

- A1.5 *The commenter recommends stating that compliance with the FAA notification requirements and subsequent aeronautical determinations is mandatory, resulting in a less-than-significant impact. The recommendation has been incorporated into the revised text shown above in Response A1.4.*
- A1.6 *The commenter recommends removing the impact analysis for airports on page 3.11-40 of the Draft EIR because it appears to duplicate the discussion on page 3.11-35. The impact analysis on page 3.11-35 is the Project-level analysis, while the impact analysis page 3.11-40 is the cumulative analysis and is required under CEQA. However, in response to Comment A1.4, above, the text on page 3.11-40 has been revised to be consistent with page 3.11-35.*

# Comment Letter A2—State Water Resources Control Board, Eric Lacy, P.E. (letter dated November 13, 2015)

**Letter A2**



**State Water Resources Control Board**  
Division of Drinking Water

November 13, 2015

Ms. Debby Fernandez  
Planning Department  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050



**CITY PLACE SANTA CLARA – DRAFT ENVIRONMENTAL IMPACT REPORT (SCH# 2014072078)**

Dear Ms. Fernandez:

The State Water Resources Control Board’s (SWRCB) Division of Drinking Water’s (Division or DDW) comments on the proposed project are as follows:

The City Place Santa Clara (Project) is a multi-use development proposed for a site formally utilized as a landfill which underwent final closure in 1994. The City of Santa Clara is planning to provide water supply for this project, which will include both potable and recycled water.

A2.1

Section 64572(f), California Waterworks Standards, Title 22, California Code of Regulations (CCR) specifies that no new water mains be installed within 100 horizontal feet of any sanitary landfill, wastewater disposal pond, or hazardous waste disposal site, or within 25 horizontal feet of the nearest edge of any cesspool, septic tank, sewage leach file, seepage pit, underground hazardous materials storage tan, or groundwater recharge project site. The above-mentioned project appears to be in direct conflict with this requirement.

Section 644551.100 of the California Waterworks Standards allows a water system to propose the use of an alternative to a requirement of the standards, provided that the water system: (1) Demonstrate to the Division that the proposed alternative would provide at least the same level of protection to public health; and (2) Obtain written approval from the Division prior to the implementation of the alternative.

As such, the City would need to demonstrate to the Division that its proposed

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | www.waterboards.ca.gov



Ms. Debby Fernandez

- 2 -

November 13, 2015

A2.1  
Cont.

alternative(s) to Section 64572(f), Chapter 16, Title 22, CCR will provide at least the same level of protection to public health and obtain written Division approval prior to implementation of the project.

If you have any questions, please call Jose P. Lozano at (510) 620-3459 or myself at (510) 620-3453.

Sincerely yours,



Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Division of Drinking Water  
State Water Resources Control Board

cc: Santa Clara County Environmental Health Department

Office of Planning and Research  
State Clearinghouse  
P. O. Box 3044  
Sacramento, CA 95812-3044

## **Response to Comment Letter A2—State Water Resources Control Board, Eric Lacy, P.E. (letter dated November 13, 2015)**

A2.1 *The commenter states that the Project is in direct conflict with Section 64572(f) of the California Code of Regulations (CCR). The City is currently seeking a waiver, pursuant to 22 CCR 64551.100(a), from the requirements of 22 CCR 64572(a). A technical memorandum signed by a licensed civil engineer has been submitted by the City to the Division of Drinking Water. The memorandum concludes that the alternative would provide at least the same level of protection for public health. The basis for this conclusion is the proposed physical separation of public water mains from existing Landfill refuse through multiple levels of protection. Those levels of protection include the Landfill gas extraction system, clay cap, engineered fill, settlement slab, Landfill gas mitigation systems, vapor barrier membranes, trench gas cut-off barriers, and use of HDPE pipe.*

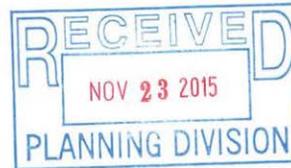
## Comment Letter A3—County of Santa Clara Parks and Recreation Department, Hannah Cha (letter dated November 16, 2015)

Letter A3

### County of Santa Clara

#### Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201  
[www.parkhere.org](http://www.parkhere.org)



November 16, 2015

City of Santa Clara  
Planning Division  
Attn: Debby Fernandez, Associate Planner  
1500 Warburton Avenue  
Santa Clara, CA 95050

**Subject: Notice of Availability for a Draft Environmental Impact Report for City Place  
Santa Clara Project**

Dear Ms. Debby Fernandez:

The County of Santa Clara Parks and Recreation Department (“County Parks Department”) is in receipt of Notice of Availability for a Draft Environmental Impact Report (DEIR) for the City Place Santa Clara Project. The County Parks Department’s comments are primarily focused on potential impacts related to the *Santa Clara County Countywide Trails Master Plan Update*, an element of the Parks and Recreation element of the County General Plan that the Board of Supervisors adopted on November 14, 1995, relative to countywide trail routes, public access, and regional parks.

A3.1

#### **Relationship to the *Santa Clara County Countywide Trails Master Plan Update***

The *Countywide Trails Master Plan Update* indicates the following trail route adjacent to the project site. The DEIR should describe the following countywide trail routes, which offer opportunities for non-motorized transportation connections to the surrounding neighborhoods, parks, trails, and open space areas.

- ***San Tomas Aquino Creek Connector Trail*** (Route C-5) – designated as hiking and off-road cycling route.
- ***Guadalupe Sub-Regional Trail*** – designated as hiking and off-road cycling route.

**Chapter 3.13 – Public Services and Recreation**  
A3.2 The DEIR includes a discussion of impacts to recreation to the existing San Tomas Aquino/Saratoga Creek Trail and the Guadalupe River Trail. The DEIR states that impacts to recreation are less than significant, because the project includes on-site recreational facilities that would offset the use of these trails. The County Parks Department recommends that the DEIR should also reference the *Countywide Trails Master Plan Update* and *San Tomas Aquino/Saratoga Creek Trail Master Plan*.

**Chapter 3.3 – Transportation/Traffic**  
A3.3 The DEIR evaluates how the project’s potential traffic and circulation may impact the regional and sub-regional trail routes adjacent to the project site. The DEIR states that impacts to recreation are significant unless mitigated, because the project includes on-site recreational facilities, including bicycle facilities that would offset the use of these trails. The County Parks Department recommends that Impact TRA-8: Bicycle Facilities should also be designed to be consistent with each respective trail it connects to and include safety measures, such as signs to direct users.

Thank you for the opportunity to comment on the DEIR for the City Place Santa Clara Project. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2228 or via email at [Hannah.Cha@prk.sccgov.org](mailto:Hannah.Cha@prk.sccgov.org).

Sincerely,

Hannah Cha  
Provisional Park Planner II

cc: Kimberly Brosseau, Acting Principal Planner

## **Response to Comment Letter A3—County of Santa Clara Parks and Recreation Department, Hannah Cha (letter dated November 16, 2015)**

- A3.1 *The commenter states that the Draft EIR should describe the San Tomas Aquino Creek Connector Trail and the Guadalupe Sub-Regional Trail. It is assumed that the commenter is referring to the San Tomas Aquino/Saratoga Creek Trail and the Guadalupe River Trail. The locations of the trails are shown in Figure 3.13-1 in the Draft EIR. As stated on page 3.13-10 of the Draft EIR, the San Tomas Aquino/Saratoga Creek Trail is an approximately 8-mile-long walking, running, and bicycling trail that extends south from the Bay to Cabrillo Avenue. The Guadalupe River Trail in the City of San José is just east of the City and extends 3 miles from US 101, to the south, culminating in more than 150 acres of parkland near the City limits. The 9-mile northern/central reach of the Guadalupe River Trail extends from Alviso to Guadalupe River Park in San José.*
- A3.2 *The commenter recommends that the Draft EIR reference the Countywide Trails Master Plan Update and the San Tomas Aquino/Saratoga Creek Trail Master Plan. The Countywide Trails Master Plan Update and the San Tomas Aquino/Saratoga Creek Trail Master Plan are not relevant to the proposed new on-site recreational facilities and on-site connector trails. Therefore, no changes to the Draft EIR are necessary.*
- A3.3 *The commenter recommends that Impact TRA-8: Bicycle Facilities be modified to ensure that Project-provided trail connections (to San Tomas Aquino Creek Connector trail and the Guadalupe Sub-Regional trail) be designed consistent with the existing trails and include safety measures, such as wayfinding signage. All bicycle facilities constructed as part of the Project would be designed to City of Santa Clara requirements. The City makes every effort to ensure that infrastructure connecting to another agency's infrastructure has a consistent design. Wayfinding signage is an important aspect of creating an interconnected bicycle network, and this is a recommendation that the Project Developer will likely follow within the Project site. However, it is a level of detail beyond what is typically provided in an environmental impact review or included in impact and mitigation language.*

**Comment Letter A4—Santa Clara Unified School District, Mark Allgire (letter dated November 18, 2015)**

**Letter A4**



1889 Lawrence Road  
Santa Clara, CA  
95051  
408-423-2000

Stanley Rose III, Ed.D.  
Superintendent

VIA EMAIL

November 18, 2015

Debby Fernandez  
Associate Planner  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050  
dfernandez@santaclaraca.gov



Re: City Place Santa Clara; CEQ2014-01180; SCH2014072078

Dear Ms. Fernandez,

A4.1

The Santa Clara Unified School District (SCUSD) appreciates the opportunity to respond to the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) for the proposed development referred to as City Place Santa Clara. The project has impacts to schools and the environment the EIR does not adequately consider. The City Place Santa Clara Project will increase the population of the City of Santa Clara by between 480 and 3,270 people, according to the EIR, Table 2-9 Proposed On-site Residents and Employees-Scheme A or Scheme B. The EIR also estimates the project will increase the number of employees on the site by between 24,760 and 28,720 employees on the site at build out. The unmitigated impacts of the increased population, traffic, and public service needs on the surrounding community will be immense.

The increase in vehicular traffic on all roads and associated traffic safety impacts were inadequately studied in the EIR. Katherine Hughes Elementary School is a few blocks southeast of the project located at 4949 Calle De Escuela. The only intersection used to access the site is Lafayette Street at Calle De Primavera. The Traffic Study for the EIR was mostly conducted on August 12, 2014 prior to the start of the school year and no analysis was ever completed at this intersection. Therefore, the traffic and safety impacts of the increase in vehicle trips associated with the City Place Santa Clara Development on pedestrians, bikers, and vehicles accessing the school at the beginning and end of the school day has not been studied or mitigated. The EIR did not accurately capture the existing vehicle trips surrounding the development.

A4.2

The residential portion of the project consists of multi-family housing. The EIR does not specify if the units will be at market rate, affordable or below market rate. The City Place Santa Clara, EIR Section 3.13, Impact PS-3 Impacts on School Facilities states the Project will generate 141 elementary school students, 53 middle school students, and 65 high school students for a total of 259 students based on general District wide generation rates (.104 elementary school, .039 middle school, and .048 high school students per household). The student generation rate (SGR) for market rate multi-family housing is based on current household characteristics which are likely to change in the future. Therefore, the current generation rate is significantly lower than a likely future rate. The rate will increase in the future as the development ages, which would substantially change the number of students attending each of the

Board  
of Education  
...  
Jim Canova  
Albert Gonzalez  
Jodi Muirhead  
Andrew Ratermann  
Michele Ryan Ph.D.  
Noelani Sallings  
Christopher Stampolis

A4.2 Cont. schools. Further, if a portion of the units or all of the units are affordable or below market rate, the student generation number increases dramatically to .65 students per household. The difference between the two student generation rates for 1,360 units could be 259 students, per the EIR, and 884 (.65 SGR) students. The District does not have capacity for the 259 students without additional schools being constructed and the Development has a potential to generate over 800 students.

A4.3 The City Place Santa Clara Project is located within the attendance boundaries of George Mayne Elementary, Don Callejon Middle, and Wilcox High Schools. A large student enrollment increase would cause the need for at least another elementary school. George Mayne Elementary is at capacity and due to the FEMA Flood Zones, additional portables cannot be placed on the campus for expansion. Any additional students in the George Mayne attendance boundary will cause overcrowding in grades four and five. Kindergarten through third grade class sizes are capped at 24 students to 1 teacher by the State of California. If additional students in kindergarten through third grade and/ or other grades enroll in George Mayne Elementary, the students will likely be offloaded to another site. However, other elementary schools are also impacted. Currently, the Santa Clara Unified School District is planning new schools on the Agnews property in North San Jose to allow more capacity at the existing schools. Due to the existing large enrollment numbers at other nearby schools, these new schools will likely open with already large enrollments.

A4.4 The SCUSD does not have plans for new school sites in this area, since major development was not anticipated until after 2035, per the City of Santa Clara 2010-2035 General Plan. Land suitable for school construction is very difficult to find in Santa Clara. The potential cost to purchase land and clean up the soil through the Department of Toxic Substances Control and other State oversight agencies will be very expensive and time consuming. Further, this EIR has not studied the air quality, traffic and other environmental impacts of transporting students off site and constructing additional facilities to accommodate these additional students and is therefore inadequate.

A4.5 The EIR also inadequately addresses the project's impacts to field facilities. The City Place Santa Clara Project is developing land currently being used and designated as Open Space and Parkland. Existing uses of the land is a public golf course (155 acres), seven lighted tennis courts and a seven acre BMX track. The Project is only required to satisfy park requirements for the residential portion of the project, which will reduce the Open Space from approximately 165 acres to 8.27 acres. The residents moving into the development will increase the need for additional field space, which will impact school sites, within the City of Santa Clara. The open space and fields at the schools and parks within Santa Clara are already used to capacity and residents living in multifamily developments without yards will need adequate field space and recreational facilities. The EIR states the impact to neighborhood parks can be reduced from Potentially Significant to Less than Significant if the project applicant pays the park in-lieu fees per City Code. Payment of these fees is inadequate mitigation because it does not identify land for the development of new additional school field space and it is difficult for School Districts to purchase land for Public Use. The developer should incorporate or dedicate more land for schools and school fields into the development project or nearby.

A4.6 The Statutory Developer Fee amount is designed to only cover one third of the cost for full mitigation and does not adequately cover the land purchase, design and construction cost incurred by the SCUSD for new or expanded school facilities. The

A4.6  
Cont. Santa Clara Unified School District is requesting the developers mitigate their impact on the School District by working with the SCUSD to locate and purchase alternative land, construct facilities or find alternate solutions to accommodate the additional students and support services needed by the families attending the schools.

Please contact Michal Healy, mhealy@scusd.net with any questions.

Sincerely,



Mark Allgire, CPA, Assistant Superintendent, Business Services

MA:mh

## Response to Comment Letter A4—Santa Clara Unified School District, Mark Allgire (letter dated November 18, 2015)

- A4.1 *The commenter requests an analysis be conducted to evaluate the Project's impacts on roadway operations and traffic safety near the Katherine Hughes Elementary School, which is accessed by the intersection of Lafayette Street and Calle De Primavera. The commenter surmises that since the traffic analysis began on August 12, 2014, it does not include school traffic. The traffic analysis uses intersection counts that were conducted when schools were in session (as shown in Tables 3.3-12 and 3.3-13 in the Draft EIR) and, therefore, accurately captures vehicle trips surrounding the Project site. It is unlikely that the Project would add traffic to the streets adjacent to the school site as they are not on anticipated Project travel routes. While the traffic analysis in the Draft EIR did not evaluate the intersection of Lafayette Street and Calle De Primavera, it did evaluate the nearby intersection of Lafayette Street and Hogan Drive, which has similar volumes and serves as an access to the local neighborhood. The Project would not cause a significant impact on that intersection and therefore would not cause a significant impact on the intersection of Lafayette Street and Calle De Primavera.*
- A4.2 *The commenter states that the student generation rates used in the Draft EIR are lower than the likely future student generation rate and provides the student generation rate for affordable or below-market-rate residential units. As stated on page 3.13-18 of the Draft EIR, the student generation rates used to calculate the students generated by the Project were provided by the Santa Clara Unified School District (SCUSD). It would be speculative to use a likely future student generation rate to determine potential impacts of the Project. As stated on page 3.13-19 of the Draft EIR, the Project (under Scheme A) would generate approximately 141 elementary school students, 53 middle school students, and 65 high school students.*

As stated on page 3.13-6 of the Draft EIR, the SCUSD currently has four closed schools that could be used to serve new development throughout the City and increase capacity. The Project would be subject to Senate Bill 50 (SB 50) School Impact Fees. Section 65996 of the State Government Code explains that the payment of school impact fees that may be required by any State or local agency, as established by SB 50, is deemed to constitute full and complete mitigation for school impacts from development. Although the payment of the school impact fee by the Project Developer could contribute toward the construction or expansion of schools, any actual construction or expansion of school facilities would not be a direct result of the Project and would be required to undergo a separate CEQA review process. Therefore, the Project would not trigger the need for expansion or construction of new schools, and impacts would be less than significant. In addition, at this time, the Project Developer has not determined the amount of affordable housing to be provided at the Project site. The City does not currently impose affordable housing requirements, other than the voluntary provisions of the Density Bonus Ordinance (Chapter 18.78 of the City Code). Affordable housing will be considered during the design process for the Project and the Development Area Plan for each parcel, but it would be speculative at this time to assume that affordable housing would be included as part of the Project. Therefore, the affordable housing generation rates provided by the commenter have not been applied. Even if the affordable housing generation rates were used to estimate the number of students that would be generated by the Project, the SCUSD's four closed school sites, as well as the payment of SB 50 School Impact Fees by the Project Developer, would ensure that the Project's impact with respect to schools would be less than significant.

- A4.3 *The commenter states that any additional students in the attendance boundary of George Mayne Elementary would most likely need to be offloaded to another school and that the SCUSD is planning new schools that are likely to open with already large enrollments.* As stated on page 3.13-5 of the Draft EIR, the Project site is served by George Mayne Elementary at 5030 North First Street in Alviso (approximately 0.5 mile north of the Project site), Don Callejon K-8 School at 4176 Lick Mill Road (approximately 1.4 miles south of the Project site), and Wilcox High School at 3250 Monroe Street (approximately 2.9 miles southwest of the Project site). To serve future growth in its service area, the SCUSD is planning a new high school on the old Agnews Developmental Center property, as stated on page 3.13-6. According to the SCUSD, a new high school, as well as a new elementary and/or middle school are being considered for the Agnews Developmental Center property located at 3500 Zanker Road in San José.<sup>2</sup> The new schools would most likely result in a redistribution of students within the SCUSD and potentially alleviate overcrowding conditions at the schools that serve the Project site, as stated on page 3.13-6.
- A4.4 *The commenter states that the Draft EIR did not analyze the potential environmental impacts of transporting students off site and constructing additional facilities.* As stated on page 3.13-19 of the Draft EIR, although the payment of the school impact fee by the Project Developer could contribute toward the construction or expansion of schools, any actual construction or expansion of school facilities would not be a direct result of the Project and would be required to undergo a separate CEQA review process. Therefore, an analysis of the potential environmental impacts (e.g., air quality, traffic) of transporting students to other schools or constructing new school facilities is not required in the Draft EIR.
- A4.5 *The commenter states that the Draft EIR inadequately addresses the Project's impacts on field facilities and suggests that the Project include more land for school or school fields on the Project site or in the vicinity of the Project site.* The potential impacts of the Project related to parks and recreation are analyzed on pages 3.13-19 through 3.13-22 of the Draft EIR. Although the Project would increase the use of other existing recreational facilities because of the closure of the on-site golf course, tennis courts, and Bicycle-Motocross (BMX) track, as well as generate new park and recreational users, this is not expected to result in a substantial physical deterioration of the existing facilities or result in the need to construct new recreational facilities. The Project is required to dedicate parkland and/or pay park in-lieu fees to satisfy the City's parkland dedication requirement for new residential development. As stated on page 3.13-3 of the Draft EIR, for residential developments not involving a subdivision, such as the Project, the Mitigation Fee Act authorizes the City to collect parkland dedication and/or fee in-lieu of dedication at a ratio of 2.53 acres per 1,000 residents. As stated on page 3.13-21 of the Draft EIR, the Project would be required to dedicate 8.27 acres of parkland, in accordance with the Mitigation Fee Act, and it is not anticipated that the Project Developer would be required to pay park in-lieu fees.

Furthermore, as discussed in more detail in Section 3.13, *Public Services and Recreation*, the Project would include both private and public open space that would be used by the residents of the Project as well as members of the public. Of the total proposed landscaped areas, approximately 74 acres are expected to be devoted to public open space, which would include parks (approximately 26 acres, potentially dedicated to the City and used for picnic areas,

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<sup>2</sup> Healy, Michal. Bond program consultant, Santa Clara Unified School District. January 19, 2016—response to Debby, Fernandez, City of Santa Clara.

gardens, trails, and landscaped and furnished quiet park areas), slope landscaped and habitat areas, courtyards, and multi-purposed concourses. The master plan includes proposed public park spaces that could include some sports courts. Office campus greens may be designed to accommodate active recreational uses and could include sports courts and/or fields. In response to this comment, additional information has been added to Chapter 2, *Project Description*. In addition, a new figure depicting the proposed open space network has been added, included in Chapter 5 of this document, *Revisions to the Draft EIR*. The following description of landscaping and open space has been added before the first full paragraph on page 2-20 of the Draft EIR as follows.

As depicted in Figure 2-11, the Project would include the following parks and open space program elements within the City Center:

- City Center East Neighborhood Park—A public park located along the east side of Parcel 4 that would include:
  - A north-south multi-use trail (biking, jogging, and walking) that incorporates side buffers and amenities and could include landscaping, seating, fitness areas, sports courts, gardens, and/or an extended transit station platform (should the train station platform expand northward from its current location). The trail would connect the transit station to the proposed east-west multi-use trail that connects the Guadalupe River and San Tomas Aquino Creek trail systems. The width of multi-use trail and the adjacent buffer areas would be a minimum of 30 feet.
  - A level or terraced park area that could be programmed with sports courts; fitness and/or play areas, such as a par course; and/or other active recreational uses. The minimum area for this park would be 1 acre, but the design goal is approximately 3 acres, excluding sloped areas that are not usable (i.e., not usable for proposed active recreational purposes).
- City Center North Neighborhood Park—A public park along the north side of Parcel 4 (physically located on the south part of Parcel 3) that would include:
  - An east-west multi-use trail (biking, jogging, and walking) that includes side buffers and amenities and could include landscaping, seating, fitness areas, sports courts, and gardens. This trail would comprise a segment of the proposed east-west multi-use trail that connects the Guadalupe River and San Tomas Aquino Creek trail systems. The width of multi-use trail and the adjacent buffer would average 30 feet.
  - A turfed fitness and/or play area, such as a par course, fitness steps, and/or other active recreational uses. The minimum area for this park would be 1 acre, but the design goal is approximately 2 acres, excluding sloped areas that are not usable (i.e., not usable for proposed active recreational purposes).

- City Center West Neighborhood Park—A public park along the west side of Parcel 4 that would include:
  - A children’s play area, including a physical play structure(s) (type and design age specified at the time of the Development Area Plan applications).
  - A family picnic area.
  - An option for an outdoor gathering or performance area.
  - A minimum area for these uses shall be 1 acre.

The residential buildings within the City Center would include private open spaces that would qualify toward the City’s parkland dedication requirement. The anticipated elements within these private open space areas would include a minimum of four of the following uses:

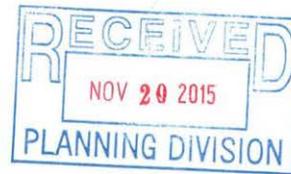
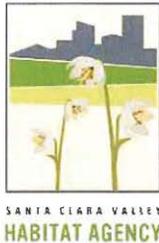
- Landscaped and furnished park-like quiet areas.
- Recreation community gardens.
- Family picnic areas.
- Game, fitness, or sports court areas.
- Accessible swimming pool with adjacent deck and/or lawn areas.
- Recreation center buildings and grounds.

The proposed parks and open space program elements would meet and possibly exceed the City requirements, and the payment of fees in accordance with the Mitigation Fee Act would occur only if the Project fails to provide sufficient park space. As noted by the commenter, the Project Developer would dedicate land, provide private open space, and pay an in-lieu fee (if needed). Therefore, Project impacts related to parks and open space would be less than significant.

A4.6 *The commenter suggests that developers work with the SCUSD to determine ways to accommodate increased enrollment in SCUSD schools. Please refer to Response A4.2, above, regarding the payment of SB 50 School Impact Fees and the Project’s less-than-significant impacts on schools. Anything beyond the payment of SB 50 School Impact Fees (e.g., working with SCUSD to determine other ways to accommodate additional students) would be voluntary and would not be required on behalf the Project Developer as any type of mitigation under CEQA. Per State CEQA Guidelines Section 15131, the focus of the EIR is on the physical environmental effects rather than social or economic issues, except where social or economic issues are known to have demonstrable physical impacts. Fiscal issues and community benefits from the Project are topics that will be considered by the City Council and the Commission during the decision-making process. Therefore, no further response is necessary.*

## Comment Letter A5—Santa Clara Valley Habitat Agency, Edmund Sullivan (letter dated November 19, 2015)

Letter A5



November 19, 2015

Ms. Debby Fernandez  
Associate Planner  
City of Santa Clara Planning Division  
1500 Warburton Avenue  
Santa Clara, CA 95050

**Subject: City Place Project Draft Environmental Impact Report: Impacts to Western Burrowing Owl**

Dear Ms Fernandez:

I am writing to express my concern about impacts to western burrowing owls in response to the City Place Santa Clara Project (Project) draft Environmental Impact Report (EIR). The Santa Clara Valley Habitat Agency (Habitat Agency), as a responsible public agency tasked with conserving natural communities and the recovery of state and federal special status species covered by the Santa Clara Valley Habitat Plan (Plan), wishes to bring to the Lead Agency's (City of Santa Clara) attention to Project impacts that could detrimentally effect the Santa Clara Valley Habitat Agency's ability to implement several of the Plan's conservation goals and objectives. In particular, direct impacts to Western burrowing owl breeding and foraging habitat.

A5.1

Nesting burrowing owls in the greater San Francisco Bay area and the South Bay area in particular, are a dwindling resource. In the early 1990s there were an estimated 150–170 breeding pairs in the San Francisco Bay area (DeSante and Ruhlen 1995; DeSante et al. 1997). It was estimated that these numbers represented a 53% decline from the previous census period of 1986–1990 (DeSante et al. 1997) and more recent numbers indicate that, if anything, the downward trend is increasing. In those estimates it was assumed that 75% of the San Francisco Bay area burrowing owl population occurred in Santa Clara County and nearly all of those owls were congregated around the southern edge of the San Francisco Bay (DeSante et al. 1997). Surveys in the early 1990s revealed that about a third (43–47 pairs) of Santa Clara County breeding pairs occurred inside what is now the Santa Clara Valley Habitat Plan study area (City of San José 2000).

The Plan proposes to undertake a suite of measures aimed at reversing the declining trend of the burrowing owl population in Santa Clara County. The conservation goal of the Plan, as implemented by these measures, is to establish a burrowing owl population in the Santa Clara County that is first stable, then increasing over time, while accounting for normal fluctuations in population levels. The general

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Ms. Fernandez  
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A5.1 Cont. approach will be to increase the numbers, distribution, and connectivity of burrowing owl colonies in the permit area so that the potential for conservation success is high. The conservation strategy includes the Habitat Plan permit area as well as an expanded study area that targets the North San Jose/Baylands region. The Project site is located within this area. The EIR incorrectly states that, "The Project site is located in the South San José Region, which does not play a prominent role in the conservation strategy within the expanded study area for burrowing owls, as outlined in the HCP/NCCP (City Place DEIR, 3.8-13)." According to the Habitat Plan, the Project site is located in a high priority conservation zone, with high potential to increase the burrowing owl population (See Attachment 1).

A5.2 The Project site is located within occupied nesting habitat for the western burrowing owl. The Plan defines occupied nesting habitat as breeding sites and associated essential foraging habitat within 0.5 mile of nest sites. The project is located within 0.4 miles to the north and 1 mile to the southwest of known occurrences and is part of the remaining burrowing owl breeding and foraging areas along Highway 237. The proposed Project site is critical to the survival of the local population and loss of these five parcels is a significant impact to western burrowing owl long-term survivability in Santa Clara County. The EIR does not currently include mitigation measures to offset the Project impacts.

A5.3 In addition, the EIR fails to acknowledge that a portion of the Project site was recommended by the City Council to serve as a burrowing owl mitigation site. On page 3.8-6, the EIR states:

*In 2000, City Council considered taking additional steps related to burrowing owl conservation but never took any final actions. On May 2, 2000, the City Council gave the City Manager the direction to look into potentially developing and maintaining "44.5 acres of burrowing owl habitat in some combination on the following three sites: the closed Lafayette landfill adjacent to the Santa Clara P.A.L. Track, two of the four slopes of the relocated golf holes on the Project site, and at the San José/Santa Clara Water Pollution Control Plant." No subsequent report was ever made to City Council on the potential for creating such habitat, and City Council did not take up the issue again after 2000. As the agenda report at the May 2, 2000, meeting explained, 6 the Mitigation Agreement required the City to acquire the 58.5 acres in Byron, but designating an additional 44.5 acres was a voluntary step, which the City ultimately did not undertake.*

However, May 2, 2000 City Council meeting notes reveal that the additional 44.5 acres was not merely a "voluntary step," but a "Staff recommendation" for the Council (See Attachment 2). The Staff recommended that the Council "seek development and maintenance of 44.6 acres of burrowing habitat in some combination on the follow three sites—the closed Lafayette landfill adjacent to the PAL/BMX Track, two of the four slopes of the relocated golf holes on the Project site, and at the San José/Santa Clara Water Pollution Control Plant." These three sites are located on the current proposed Project site. The EIR fails to adequately acknowledge that the Project site was ever recommended to be a burrowing owl mitigation site.

A5.4 The current EIR fails to adequately mitigate for impacts to burrowing owl habitat, as specified in the Habitat Plan Burrowing Owl Conservation strategy. The Habitat Agency recommends that the Project should be amended to include mitigation measures for impacts to burrowing owl, which can be achieved by providing conservation lands. The Habitat Agency is available to partner with the City of Santa Clara to seek out and acquire suitable lands. If the City does not wish to acquire conservation lands, the Project may opt to pay the burrowing owl fee to support burrowing owl conservation efforts.

If you have any questions, please feel free to contact me at (408) 779-7265 or [edmund.sullivan@scv-habitatagency.org](mailto:edmund.sullivan@scv-habitatagency.org).

Ms. Fernandez  
November 19, 2015  
Page 3 of 3

Sincerely,

A handwritten signature in blue ink, appearing to read "Edmund Sullivan".

**Edmund Sullivan,**  
**Executive Officer**

## Response to Comment Letter A5—Santa Clara Valley Habitat Agency, Edmund Sullivan (letter dated November 19, 2015)

A5.1 *This commenter states that the Project site is located in a high-priority conservation zone for burrowing owl, an area with high potential for increasing the burrowing owl population. As mentioned by the commenter, the Draft EIR incorrectly states that the Project site is located within the South San José Region; it is actually located in the North San José/Baylands Region. In response to this comment, the text on page 3.8-13 has been revised as follows:*

**Conflict with a Habitat Conservation Plan or Natural Community Conservation Plan.**

The Project site is outside of the HCP/NCCP permit area and not a covered activity as defined by the plan. Burrowing owl is the only species covered by the HCP/NCCP that has the potential to occur on the Project site. The Project site is located in the North South San José Region, which does not play a prominent role in the conservation strategy within the expanded study area for burrowing owls, as outlined in the HCP/NCCP, which has the greatest potential in the HCP/NCCP conservation strategy for burrowing owl population expansion. The remaining burrowing owl colonies in the South San Francisco Bay Area are located in this region. The existing urban nature of the South San José Region provides low-quality, isolated habitat patches and limited opportunities for burrowing owl colonization. Development of the Project site would not preclude successful implementation of the burrowing owl conservation strategy. Occupied burrowing owl habitat is not present at the Project site. Sites of importance (i.e., nesting colonies and potential expansion habitat) are located in the North San José/Baylands Region (Figure 5-10 of the HCP/NCCP). Nevertheless, since the Project site is not within the HCP/NCCP permit area, tThe Project would not conflict with the policies in the HCP/NCCP, and **no impact** would occur.

A5.2 *This commenter states that the Draft EIR does not currently include mitigation measures to offset Project impacts. Please refer to Master Response 4 for further discussion of proposed western burrowing owl mitigation for the Project.*

A5.3 *This commenter states that the City Council's prior recommendation for portions of the Project site to serve as a burrowing owl mitigation site is not adequately acknowledged in the Draft EIR. Please refer to Master Response 4 for further discussion of proposed western burrowing owl mitigation for the Project.*

A5.4 *This commenter suggests that the Project should include mitigation measures for impacts on burrowing owl, which can be achieved by providing conservation lands. Please refer to Master Response 4 for further discussion of proposed western burrowing owl mitigation for the Project.*

## Comment Letter A6—California Department of Resources Recycling and Recovery, Wes Mindermann, P.E. (letter dated November 17, 2015)

### Letter A6

California Environmental Protection Agency

Edmund G. Brown Jr., Governor



### DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027  
P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812



November 17, 2015

State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

**ALL-PURPOSE LANDFILL, SANTA CLARA COUNTY (43-AO-0001)  
CITY PLACE SANTA CLARA POSTCLOSURE LAND USE  
DRAFT ENVIRONMENTAL IMPACT REPORT - SCH 2014072078  
REVIEW COMMENTS**

Dear Sir or Madam:

California Department of Resources Recycling and Recovery (CalRecycle) Engineering Support Branch has received the Draft Environmental Impact Report (DEIR) for the City Place Santa Clara Project (Project). The DEIR evaluates the environmental impacts of the proposed Project which includes development on top of the closed All Purpose Landfill located in the City of Santa Clara in Santa Clara County. The landfill is owned and maintained by the City of Santa Clara (City). The proposed development consists of a mixed uses including, but not limited to, residential, commercial, entertainment, and offices.

CalRecycle is an agency, along with the State and Regional Water Quality Control Boards (RWQCB), responsible for the regulation and oversight of solid waste handling and disposal by implementing both State and Federal standards, including Subtitle D of the Resource Conservation and Recovery Act (RCRA). CalRecycle concentrates its expertise on the non-water quality issues with landfills including landfill gas. CalRecycle has expertise relative to solid waste and environmental, public health, and safety issues associated with land uses on or near solid waste facilities including landfills. CalRecycle works with and through local agencies that act as the Solid Waste Local Enforcement Agency (LEA), in this case the Santa Clara County Department of Environmental Health.

A6.1

CalRecycle staff has focused our review of the DEIR on Chapter 4-11 (Hazards and Hazardous Materials) and provides the following comments.

1. CalRecycle appreciates and supports the inclusion and use of the California Code of Regulations, Title 27 (27 CCR) regulatory standards for closure and postclosure maintenance plans, postclosure land use, and landfill gas monitoring and control as part of the proposed mitigation measures for the Project. However, these postclosure land use design requirements are not utilized regarding Parcel 5. CalRecycle staff asks that they also be utilized for Parcel 5.

CalRecycle regulations prescribe standards for construction of structures on the landfill footprint and for structures that are within 1,000 feet of a disposal area (27 CCR 21190[g]).

While the disposal site operator is required to control landfill gas from migrating off site and within structures at concentrations that are dangerous to public health and safety, landfill gas control measures are not always 100% effective. Landfill gas control facilities can be idled periodically for routine maintenance and infrequently for major (and/or minor) repairs. Furthermore, the control facilities can become inoperable as a result of causal events. Additionally, gas migration can occur even during normal, non-upset gas control operations. CalRecycle has seen situations where onsite monitoring and controls have not been fully effective in detecting and/or controlling



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- A6.1  
Cont.
- landfill gas migration. Some examples where landfill gas has migrated off site toward adjacent residential development even though a gas control system was functioning include: Canyon Park Landfill and Mission Canyon Landfill, Los Angeles County; Pleasanton Landfill, Alameda County; and Sparks-Rains Landfill and Newport Dump No. 1, Orange County.
- Because of these concerns CalRecycle staff have found that non-irrigated open space to be the most environmentally benign postclosure land use. It is generally recommended that there be no or a very limited number of structures within 1,000 feet of the disposal areas whether they are within the permitted boundary or outside of the boundary. However, it is recognized that because of development potential, especially in urban areas, this is not often a likely scenario.
- Landfill gas generated within the landfill will continue to have the potential to migrate away from the disposal area and into surrounding properties, and landfill gas will continue to have the potential to cause harm by creating hazardous and explosive environments. Therefore, as an additional safety measure, CalRecycle staff recommends that all enclosed structures (i.e., residence or other public use structure) within 1,000 feet of the disposal area be required to include mitigations similar to the requirements found in 27 CCR 21190(g) (e.g., barrier layer, venting, in-structure alarms, etc.). CalRecycle strongly recommends that structures planned for Parcel 5 also include mitigations similar to those described in 27 CCR 21190.
- A6.2
2. For long-term effectiveness of the environmental control systems and efficient postclosure maintenance, it is imperative that there is a viable party responsible for the upkeep of the landfill control measures and postclosure maintenance. At this time, the City of Santa Clara is the responsible party, and City representatives have indicated to CalRecycle staff that the City intends to maintain land ownership and responsibility. To the extent possible, CalRecycle requests that as a condition of development the City continue to be the land owner and with it the responsibility for maintaining the landfill and the postclosure financial assurance mechanism throughout the postclosure maintenance period which may be several decades into the future.
- Thank you for the opportunity to review the DEIR. Should you have any questions or comments concerning the above matter, please contact Alfred Worcester or Michael Wochnick of my staff at (916) 341-6353 or (916) 341-6289, respectively. Alternatively, CalRecycle staff may be reached by email at [alfred.worcester@calrecycle.ca.gov](mailto:alfred.worcester@calrecycle.ca.gov) or [michael.wochnick@calrecycle.ca.gov](mailto:michael.wochnick@calrecycle.ca.gov).

Sincerely,



Wes Mindermann, P.E., Manager  
 Engineering Support Branch

cc: Stan Chau, Santa Clara County Environmental Health Department  
 Terry Seward, San Francisco Bay Regional Water Quality Control Board  
 Debby Fernandez, City of Santa Clara, Planning Division

## Response to Comment Letter A6—California Department of Resources Recycling and Recovery, Wes Mindermann, P.E. (letter dated November 17, 2015)

A6.1 *The commenter expresses appreciation that most of the Project includes post-closure land use design requirements, consistent with California Code of Regulations (CCR) Title 27, but requests that these design standards be extended to Parcel 5 and structures that are within 1,000 feet of the disposal area (which the Project, as described in the Draft EIR, does not include). As stated by the commenter, Title 27, Section 21190(g) specifies that all on-site construction within 1,000 feet of the boundary of any disposal area shall be designed and constructed to prevent gas migration into structures. In response to this comment, the introductory paragraph about the mitigation measures has been edited on page 3.11-33 of the Draft EIR, as follows:*

~~MITIGATION MEASURES. The City and the Project Developer shall implement the following measures to~~ The Project Developer has proposed voluntarily to comply with the provisions of CCR Title 27, Section 21190(g) with respect to Parcel 5 and the southwest portion of Parcel 4. Mitigation Measure HAZ-5.3 would require the Project Developer to fulfill its voluntary commitment. Implementation of Mitigation Measures HAZ-5.1, HAZ-5.2, and HAZ-5.3 by the City and the Project Developer (as applicable) would reduce significant impacts related to contaminants in the subsurface on Parcel 5 and the southwest portion of Parcel 4 not underlain by refuse to a **less-than-significant** level.

In addition, Mitigation Measure HAZ-5.3 has been added on page 3.11-34 of the Draft EIR, as follows:

HAZ-5.3: Implement Measures Included in CCR Title 27, Section 21190(g). Consistent with the Project Developer's voluntary commitment, in order to mitigate gas migration into structures located within 1,000 feet of landfill, the City (as owner and operator of the landfill) and the Project Developer shall implement the following measures identified in Title 27, Section 21190(g), with respect to development on Parcel 5 and the southwest portion of Parcel 4:

- (1) a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade;
- (2) a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab;
- (3) a geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;
- (4) perforated venting pipes shall be installed within the permeable layer, and shall be designed to operate without clogging;
- (5) the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system;

(6) automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and

(7) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (section 20920 et seq.). At a minimum, quarterly monitoring is required, but more frequent monitoring may be required by LEA (Subchapter 4, section 20933(a)).

A6.2 *The commenter requests that a viable party be responsible for the upkeep of the Landfill control measures and post-closure maintenance.* Under the Disposition and Development Agreement (DDA) to be entered into by the City and the Project Developer (which will be considered by the City Council for approval in conjunction with its consideration of certification of the Final EIR), the City would continue to own the Project site in perpetuity and execute one or more long-term ground leases with the Project Developer or its assignees, which, in turn, would ultimately enter into subleases with building occupants. With respect to the Landfill, the area to be ground leased by the City to the Project Developer generally would comprise the airspace above the Landfill, with the City continuing to own and operate the Landfill.

The DDA would require the City and the Project Developer to enter into a Landfill Operation and Maintenance Agreement that is consistent with a Memorandum of Understanding as to Landfill Operation and Maintenance that is appended to the DDA. This Memorandum of Understanding (among other things) provides that the City would continue to be responsible for the Landfill protection systems, including the Landfill cap and cover, the enhanced Landfill gas collection system, and the leachate collection and treatment system.

The Project Developer would assume initial responsibility for ownership and operation of the new building protection systems, which will be designed to mitigate the potential building occupants' exposure to methane and other compounds from the subsurface, including vapor barrier membranes, passive vapor collection and venting systems, and a contingent active blower system. Ultimately, responsibility for the building protection systems would be transferred to an association of building owners and tenants, subject to approval by the City and the regulatory agencies. The revised Post-Closure Maintenance Plan and the revised Corrective Action Plans (which require approval from the regulatory agencies) would set forth the specific long-term operation, as well as measures and responsibilities and the financial assurance, mechanisms. Therefore, the commenter's concern about having a viable party be responsible for the upkeep of the Landfill control measures and post-closure maintenance has been addressed.

## Comment Letter A7—County of Santa Clara Department of Environmental Health, Jim Blamey (letter dated November 19, 2015)

Letter A7

### County of Santa Clara

Department of Environmental Health

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San Jose, California 95112-2716  
(408) 918-3400  
[www.EHinfo.org](http://www.EHinfo.org)



November 19, 2015

Debby Fernandez, Associate Planner  
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State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

RE: City Place Santa Clara Project – Draft Environmental Impact Report (DEIR) SCH  
2014072078

Dear Ms. Fernandez:

Thank you for the opportunity to comment on the City Place Santa Clara Project – Draft Environmental Impact Report (DEIR). The County of Santa Clara Department of Environmental Health is designated as a Local Enforcement Agency (LEA) by the California Department of Resources Recycling and Recovery (CalRecycle) and works with CalRecycle to carry out oversight and regulation of solid waste handling and disposal sites at the local level. As a responsible agency, the LEA would like to make these comments in concert with those submitted by CalRecycle regarding this DEIR.

Authority for Fiscal Generation:

- The analysis seems to make conclusions based on unexamined financial support to perform long term monitoring/maintenance needs for the project. The LEA believes that this closed landfill will need funds for monitoring/maintenance /regulatory oversight for at least multiple decades or longer and that an autonomous entity may be needed to satisfy these needs. In order to accomplish this successfully this project would need an adequate financial stream and reserve dedicated to just this project to help ensure that health and safety issues can be addressed. It is the LEAs understanding that the City of Santa Clara is planning to lease the surface of the landfill for development by the Related Companies who plan to develop the property with the potential to subsequently sell off

A7.1

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitlan  
County Executive: Jeffrey V. Smith

City Place Santa Clara Project  
LEA Comments Page 1



A7.1  
Cont.

the surface improvements. When this happens, an entity that assumes financial responsibility and authority for maintenance and repair of the surface improvements is needed and must be clearly defined. These entities can be maintenance districts or property owners' associations with the ability to assess a tax or fee to maintain surface improvements – roads, sidewalks landscaping utilities, foundation support structures, landfill gas control systems and common property. These entities function in a way that is similar to a condominium or property owners association and must be established at the onset of the development except with clearly defined authority to promptly address health and safety issues. It is important for such an entity to be able to develop substantial reserves so that it can have the resources to respond to any unforeseen problems that may occur, as well as periodic routine maintenance that may include utility maintenance, street and road repairs, landscape planting and maintenance. The entity must be included in any Conditions, Covenants and Restrictions that are recorded in any deed for the property. All property owners must be a party to the district or property owner's association. With this in mind, please consider clarifying/analyzing/commenting on the impact of having and not having an appropriate entity to administer and have ultimate authority in setting up a financial paradigm to guarantee funds to take care of health and safety needs for however long it is needed. The LEA would like to see the proposed mitigation measures to address this comment.

Authority to take action in the case of Immediate Health and Safety issues:

A7.2

- Unimpeded and immediate compliance action to deal with any imminent health and safety issue would be required and necessary for a project like this and the LEA believes this is a significant authority issue for examination. With this in mind, please consider clarifying/analyzing/commenting on the impact of having and not having an institutional entity to administer and have ultimate authority to immediately deal with health and safety issues in a time critical fashion. The LEA would like to see the proposed mitigation measures to address this comment.

Property Ownership and Health and Safety Operational Concerns:

A7.3

- For long-term effectiveness of the environmental control systems and efficient postclosure maintenance, it is imperative that there is a viable party responsible for the upkeep of the landfill control measures and postclosure maintenance. At this time, the City of Santa Clara is the responsible party, and City representatives have indicated that the City intends to maintain land ownership and responsibility. To the extent possible, the LEA requests that as a condition of development the City (or a created maintenance district) continue to be the land owner and with it the responsibility for maintaining the landfill and the postclosure financial assurance mechanism throughout the postclosure maintenance period which may be several decades into the future.
- If the City or some type of maintenance district does not maintain land ownership and/or responsibility, the LEA has some significant concerns with subdividing and selling off individual properties. Basically, the LEA is strongly opposed to the idea due to the

City Place Santa Clara Project  
LEA Comments Page 2

A7.3  
Cont.

possible complication in managing health and safety issues. We are concerned that doing so may interfere/obstruct/dilute regulatory effectiveness and create a significant blockades in addressing health and safety issues and would like to see mitigation measures to address this concern. Some concerns have to do with:

- a. Ability to address health and safety needs/issues promptly if the type of property ownership impedes access/monitoring needs; and,
- b. Diminished financial responsibility to address health and safety needs due to autonomous property ownership.

Please consider analyzing/commenting/exploring negative impacts and mitigation measures associated with of individual property ownership.

Fire Suppression:

A7.4

- HAZ-9.3: Subsurface Fire Suppression. Because any fire in the fill would threaten the structures nearby, it should be put out quickly. Injecting Class A foam will accomplish this very effectively and would lead to injection of water into the fill, which is undesirable. A method to correct this problem is the injection of liquid carbon dioxide through perforated metal pipe into the area where combustion is detected. This method rapidly cools the fill material and the vapor (CO<sub>2</sub>) is a component of landfill gas. There are a few effective examples of this method of stopping combustion. The traditional method of controlling landfill fires – stopping withdrawal of gas from the fill and taking steps to seal the fill to prevent oxygen from entering it do work, but it often takes 1 to 3 years for the fill to cool to temperatures that are normal in the fill material. The LEA would like to submit this idea for analysis and comment.

Post Closure Land Use Plan – Future Test Results for Approval:

A7.5

- The submitted design documents are predicated on the results of the appended draft geotechnical investigation that does include sufficient detail with respect to subsurface site characterization. Consequently, it remains for the applicant to complete the pending supplemental geotechnical investigation to refine their characterization of the subsurface conditions, perform additional geotechnical analyses to evaluate the anticipated performance of the site and proposed improvements, field test and evaluate proposed landfill gas collection and structure foundation systems, and modify the development plans and PCLUP for review and approval by the LEA prior to issuance of development and building permits.

Based on previous communications with the applicant, it is our understanding that the final design documents are likely to reflect changes and refinements to many aspects of the draft submittals including, but not limited to, landfill gas collection and venting systems, building foundation systems, surface drainage systems, gravity flow utility

A7.5  
Cont.

systems, and landfill gas monitoring systems. These documents would need review and approval by the LEA prior to issuance of development and building permits.

Gas Controls for All Structures within 1000 Feet of Buried Waste:

A7.6

- The Post Closure Maintenance Plan (to be developed and reviewed at a future date) and the Post Closure Land Use Plan circulated with this Draft EIR for this project may not have regulatory authority for the Centennial Gateway Mixed Use Project since it is currently outside of the noted property boundary of the landfill. As exhibited in other projects adjacent to old landfills (Calrecycle notes these examples in their comments), landfill gas migration has occurred even with functioning landfill gas control systems in place. The LEA believes there may be a possible significant issue with development if appropriate construction and gas controls are not implemented for construction within 1000 feet of buried waste. As a result, the LEA recommends that, as a condition of development approval, any enclosed structure within 1000 feet of the landfill waste footprint be required to comply with the standards similar to those contained in Title 27 California Code of Regulations Section 21190(g) (i.e. barrier layer, venting, in-structure alarms, etc). Furthermore, the LEA would also strongly recommend the requirement to other future proposed development outside this proposed project, but within 1000 feet of waste (i.e. Parcel 2 – Calle Del Mundo street area) to also adhere to this Title 27 Section 21190(g) standard. And lastly, the LEA would also like to recommend the consideration of the installation of a gas curtain wall, like that installed along Parcel 3, as a possible mitigation measure in these areas.

The LEA is grateful for this opportunity to review and comment on this DEIR. We hope that our comments are incorporated to facilitate the health and safety protection of our community for years to come. Should you have any questions, please feel free to contact Stan Chau (408.918.1961 [Stan.Chau@deh.sccgov.org](mailto:Stan.Chau@deh.sccgov.org)) or Roel Merregillano (408.918.1962 [Roel.Merregillano@deh.sccgov.org](mailto:Roel.Merregillano@deh.sccgov.org)).

Sincerely,



Jim Blamey  
Director of Environmental Health  
County of Santa Clara

Cc: Terry Seward, San Francisco Bay Regional Water Quality Control Board  
Wes Mindermann, Calrecycle  
Bob Van Heuit  
Barry Milstone

City Place Santa Clara Project  
LEA Comments Page 4

## **Response to Comment Letter A7—County of Santa Clara Department of Environmental Health, Jim Blamey (letter dated November 19, 2015)**

A7.1 *The commenter questions the long-term monitoring and maintenance needs for the Project related to the Landfill and requests a new mitigation measure.* Under the Disposition and Development Agreement (DDA) to be entered into by the City and the Project Developer (which will be considered by the City Council for approval in conjunction with its consideration of certification of the Final EIR), the City would continue to own the Project site in perpetuity and execute one or more long-term ground leases with the Project Developer or its assignees, which, in turn, would ultimately enter into subleases with building occupants. With respect to the Landfill area, the portion to be ground leased by the City to the Project Developer generally would comprise the airspace above the Landfill, with the City continuing to own and operate the Landfill.

The DDA would require the City and the Project Developer to enter into a Landfill Operation and Maintenance Agreement that is consistent with a Memorandum of Understanding as to Landfill Operation and Maintenance that is appended to the DDA. This Memorandum of Understanding (among other things) provides that the City would continue to be responsible for the Landfill protection systems, including the Landfill cap and cover, the enhanced Landfill gas collection system, and the leachate collection and treatment system.

The Project Developer would assume initial responsibility for ownership and operation of the new building protection systems, which will be designed to mitigate the potential building occupants' exposure to methane and other compounds from the subsurface, including vapor barrier membranes, passive vapor collection and venting systems, and a contingent active blower system. Ultimately, responsibility for the building protection systems would be transferred to an association of building owners and tenants, subject to approval by the City and the regulatory agencies. The revised Post-Closure Maintenance Plan and the revised Corrective Action Plans (which require approval from the regulatory agencies) would set forth the specific long-term operation, as well as measures and responsibilities and the financial assurance, mechanisms. Therefore, the commenter's concern about having an appropriate entity with sufficient funds to monitor, maintain, and generally administer the Landfill has been addressed.

A7.2 *The commenter requests clarification about having an institutional entity administer, in a time-critical fashion, and exercise ultimate authority over health and safety issues.* Please refer to Response A7.1, above. In addition, to address the County of Santa Clara Department of Environmental Health's (DEH's) specific concerns related to health and safety, the Memorandum of Understanding discussed in Response A7.1, above, allocates responsibilities for health and safety issues between the City and the Project Developer. Among other things, it generally provides that the Project Developer would be responsible for implementing emergency response procedures for emergencies occurring within the space ground leased by the Project Developer (i.e., "airspace" parcels [portions of the leased parcels located above the top of the fill layer of the Landfill cap as well as any Project Developer-controlled elements located outside of the airspace parcels]). The City would be responsible for implementing emergency response procedures for emergencies within City fee parcels (i.e., all elements of the Landfill system located outside of the airspace parcels). Specifics of planned emergency response actions will be further detailed in the Post-Closure Maintenance Plan to be prepared and approved during the Design Development/Construction Document phases of the Project.

A7.3 *The commenter requests that a viable party be identified for upkeep and maintenance of the Landfill and opposes the subdivision of the Project site because of health and safety concerns.* Please refer to Response A7.1, above, regarding upkeep and maintenance of the Landfill, and Response A7.2, above, regarding the allocation of responsibilities for the upkeep of the Landfill control measures and postclosure maintenance. The DDA will, therefore, contain sufficient specificity as to which entity will be responsible for the upkeep of the Landfill control measures and postclosure maintenance.

It should also be noted that the City does not have any plans to sell any of the Project area in fee to the Project Developer.

A7.4 *The commenter states that potential Landfill fires could threaten nearby structures and that the injection of liquid carbon dioxide into the area of the subsurface fire should be considered as an option for quickly extinguishing any fires that may occur.* Starting on page 3.11-14 (*Hazards and Hazardous Materials*), the Draft EIR describes the nature and frequency of landfill fires occurring in California and the history of landfill fires at the Project site (no fires are known to have occurred at the Project site). The Draft EIR also analyzes the potential impact related to Project site landfill fires occurring in the Landfill starting on page 3.11-36. The Draft EIR concludes that the potential impacts related to Project site landfill fires is significant and specifies mitigation measures (Mitigation Measures HAZ-9.1, HAZ-9.2, and HAZ-9.3). These mitigation measures require preparation and implementation of a Subsurface Fire Prevention, Detection, and Response Plan (subject to review and modification by the LEA, CalRecycle, and SCFD). According to Mitigation Measure HAZ-9.3 (page 3.11-37 of the Draft EIR), if shutting down the extraction wells does not suppress the fire and/or results in an excess accumulation of methane and other trace gases beneath structures, then a Class A foam or wetting agent shall be injected into the affected area. These chemicals include a surfactant that reduces surface tension and improves penetration depth. The preparers of the Draft EIR agree that the injection of liquid carbon dioxide may be an effective method for extinguishing landfill fires and should be considered by the LEA, CalRecycle, and SCFD should a landfill fire occur at the Project site.

In response to this comment, additional text has been added to Mitigation Measure HAZ-9.3, which starts on page 3.11-37 of the Draft EIR, as follows:

*HAZ-9.3: Subsurface Fire Suppression.* If a subsurface fire condition has been confirmed (i.e., carbon monoxide level exceeds 1,000 parts per million), the LEA, CalRecycle, and SCFD shall be notified immediately. The extraction wells surrounding the subsurface fire shall be shut down temporarily to reduce oxygen levels. The extraction wells shall then be returned to active use in stages in conjunction with monitoring to determine if the subsurface fire has been suppressed. If shutting down the extraction wells does not suppress the fire and/or results in the excess accumulation of methane and other trace gases beneath structures, then the LEA, CalRecycle, and SCFD shall consider injecting a Class A foam or wetting agent or liquid carbon dioxide (which also has the added benefit of rapidly cooling the refuse/fill) shall be injected into the affected area. ~~These chemicals include a surfactant that reduces surface tension and improves penetration depth.~~ Large amounts of water shall not be used, because water can exacerbate the fire potential, generate contaminated runoff, increase leachate, and cause slope failure.

A7.5 *The commenter states that additional geotechnical investigation is required, that Project design elements may be modified based on this more detailed investigation and analysis, and that the final design documents should be reviewed by the LEA prior to issuance of building permits. The Draft EIR specifies that the LEA will review and approve the Closure Plan and Post-Closure Maintenance Plan prior to Project construction (page 3.11-31). In response to this comment, the text on page 3.11-31 of the Draft EIR has been modified as follows. The modification also clarifies that, because these plans only apply to the Landfill Parcels, this mitigation measure only applies to those parcels.*

*HAZ-4.1: Landfill Closure, Monitoring, and Maintenance Plans. Prior to issuance of building permits for structures within the area of the Landfill (Parcels 1, 2, 3, and 4) ~~to Project construction~~, a revised Closure Plan and Post-Closure Maintenance Plan (PCMP) shall be prepared in accordance with the regulatory requirements described in 27 CCR 21790–21840 and submitted to the LEA, CalRecycle, and Regional Water Board (as required) for review and approval. In addition, a PCLUP shall be prepared in accordance with the regulatory requirements described in 27 CCR 21190 and submitted to the LEA and Regional Water Board (as required) for review and approval. Collectively, these plans shall incorporate the requirements of Mitigation Measures HAZ-4.2 through -4.6, below. In addition, the Project Developer shall continue to work with the regulatory agencies (Regional Water Board, LEA, or CalRecycle) and ensure that all elements and measures necessary to ~~ensure that mitigate~~ mitigate Project-related health risks to residents and commercial workers ~~are mitigated to a level~~ below the Regional Water Board’s cumulative incremental cancer risk threshold of 1E-06 and hazard index (HI) (i.e., adverse non-cancer risk) of 1.0 established for the Project are implemented.*

A7.6 *The commenter recommends that, as a condition of approval, the Project comply with post-closure land use design requirements consistent with CCR Title 27 Section 21190(g) for construction within 1,000 feet of Landfill waste and also recommends consideration of the installation of a subsurface “gas curtain wall” in non-Landfill areas where structures would be built within 1,000 feet of the waste. Because Parcel 5 is not within the boundaries of the Landfill, mitigation requirements in Title 27 do not apply to the proposed buildings on that parcel. However, the Project Developer has committed to constructing Landfill gas mitigation systems beneath each building on Parcel 5 on a voluntary basis as an added risk management measure for the development. Design documents of the proposed Landfill gas mitigation systems for these buildings at Parcel 5 (which could include the installation of a gas curtain wall) would be submitted to regulatory agencies for review and approval prior to construction. Mitigation Measures HAZ-5.1 and HAZ-5.2, as presented on pages 3.11-33 through 3.11-34 of the Draft EIR, reduce the significant impacts related to contaminants in the subsurface on Parcel 5 and the southwest portion of Parcel 4 not underlain by refuse to a less-than-significant level.*

## Comment Letter A8—Pacific Gas and Electric, Scott Brady (letter dated November 20, 2015)

### Letter A8



Scott Brady  
Land Agent

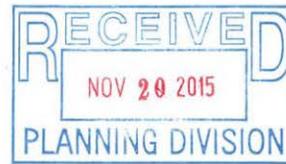
408.282.7543 (Office)  
Scott.Brady@pge.com

Land Management

111 Almaden Boulevard  
Room 814  
San Jose, CA 95113

November 20, 2015

Ms. Debby Fernandez  
Associate Planner  
City of Santa Clara Planning Division  
1500 Warburton Avenue  
Santa Clara, CA 95050



Subject: City Place Santa Clara, File SCH# 1204072078, CEQ2014-01180 and PLN 2014-10440, Draft Environmental Impact Report, PG&E Review Comments

Dear Ms. Fernandez:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the proposed City Place Santa Clara Project. PG&E has the following comments to offer.

A8.1

1. PG&E owns and operates gas and electric facilities located within the project area. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access, and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities. Developers should contact PG&E at [www.pge.com/en/mybusiness/services/building/index.page](http://www.pge.com/en/mybusiness/services/building/index.page) or call 877-743-7782.
2. Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocations require long lead times and are not always feasible, developers should be encouraged to consult with PG&E as early in their planning stages as possible.
3. Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) may also require formal approval from the California Public Utilities Commission. If required, this approval process may take up to two years to complete. Proponents with development plans that may affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

Ms. Debby Fernandez  
 November 20, 2015  
 Page 2 of 3

- A8.2
4. Please note that continued development consistent with your General Plan will have a cumulative impact on PG&E's gas systems and may require on-site and off-site additions to the facilities that supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads. As noted in the DEIR, Silicon Valley Power, not PG&E, provides electric service in the area of the planned development.
  5. Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. Upgrades or additions to accommodate additional load on the gas system may include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.
  6. We recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments, and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.
- A8.3
7. We have the following specific comments and recommended modifications regarding the DEIR: COMMENTS
    - The City of Santa Clara and Related Santa Clara, LLC are working with PG&E for concurrence on the installation of bridge structures within existing PG&E electric transmission easements. PG&E has reviewed the development's preliminary plans and has confirmed that the proposed structures do not preclude PG&E from maintaining, inspecting, repairing or replacing its electric transmission facilities.
    - PG&E has confirmed that based on the preliminary design, there is adequate clearance from the bridge structures, the bridge appurtenances and PG&E's 115kV conductors.
    - No rearrangement of PG&E's electric transmission facilities is anticipated as a result of the planned roadway bridge installations or the at-grade roadway installations within PG&E's electric transmission easements.
  8. PG&E remains committed to working with the City of Santa Clara to provide timely, reliable and cost effective gas service to the City Place Santa Clara Project. Please contact me at 408-282-7543 if you have any questions regarding PG&E's comments. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

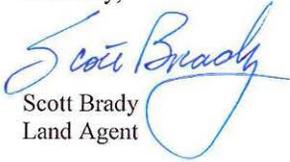
Ms. Debby Fernandez  
November 20, 2015  
Page 3 of 3

A8.3  
Cont.

9. The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

Thank you for the opportunity to provide comment on the DEIR.

Sincerely,



Scott Brady  
Land Agent

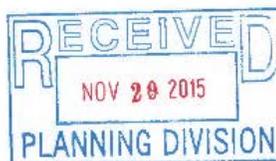
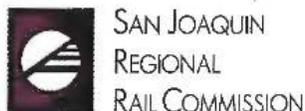
cc (electronically): Aaron Brown, Mark Galicia, Dale Lucas, Anthony Lin, File

**Response to Comment Letter A8—Pacific Gas and Electric, Scott Brady (letter dated November 20, 2015)**

- A8.1 *The commenter lists requirements for coordination with PG&E and fees associated with relocation of existing PG&E facilities.* The Project Developer has coordinated with, and will continue to coordinate with PG&E regarding clearance requirements between utility facilities and surrounding objects or construction activities. The Project Developer also understands the costs associated with relocation of existing PG&E facilities, as necessary. Coordination with PG&E is required should the Project encroach on, or require changes to, existing facilities; therefore, the Project Developer will adhere to the applicable requirements, as needed.
- A8.2 *The commenter recommends that the environmental analysis prepared for the cumulative projects include adequate evaluation of impacts on natural gas utility systems.* The analysis of cumulative impacts related to energy demand, including natural gas demand, is provided on pages 3.14-39 and 3.14-40 of the Draft EIR. As stated on page 3.14-40, cumulative impacts related to the wasteful or inefficient use of energy would be less than significant. The Draft EIR did not identify any impacts that would warrant potential upgrades or additions to the natural gas infrastructure in the City. Therefore, an analysis of the cumulative impacts related to natural gas utility systems is not required as part of the CEQA analysis.
- A8.3 *The commenter confirms that the Project design of the roadway bridge structures provides adequate clearance from existing PG&E facilities and requests coordination, as needed.* This comment pertains to the design of the Project and does not address the adequacy of the Draft EIR or the Project's compliance with CEQA. See Response A8.1, above, for a response about coordination with PG&E.

### Comment Letter A9—San Joaquin Regional Rail Commission, Stacey Mortensen (letter dated November 20, 2015) Refer to Appendix 4.1 for attachments to letter

Letter A9



November 20, 2015

City of Santa Clara Planning Division  
Debby Fernandez, Associate Planner  
1500 Warburton Avenue, Santa Clara, CA 95050

*Dedicated to passengers*

*Responsive to change*

*Committed to growth*

RE: City Place, SCH#2014072078, CEQ2014-01180 and PLN2014-10440

Dear Ms. Fernandez:

Commissioners

Bob Johnson  
City of Lodi

Kathy Miller  
San Joaquin County

Steve Dresser  
City of Lathrop

Vince Hernandez  
City of Manteca

Christina Fagaz  
City of Stockton

Michael Maciel  
City of Tracy

Executive Director  
Stacey Mortensen

Thank you for the opportunity to comment on the City Place Draft Environmental Impact Report (DEIR). The Project creates a compelling entertainment and employment destination that is unique and exciting for the City, the region, and the mega-region. We applaud the City's proposed mixed-use land use intensification in an area strategically located near the Great America station and several VTA Light Rail Stations.

For the last six months, we have appreciated the opportunity to work both with the City of Santa Clara and Related staff and consultants in discussions focused on the Project and its impacts to our Great America rail station, ACE Shuttle operations, VTA Light Rail, and bicyclist/pedestrian connectivity. We hope to have the opportunity to continue as partners as the project planning continues with the finalization of the Infrastructure Master Plan and the Development Area Plans.<sup>1</sup>

A9.1

The City Place project has a unique opportunity to be a world-class destination served by high quality transit. The DEIR recognizes the importance of supporting alternative modes of travel, both by incorporating accommodations for transit users and by utilizing transportation demand management.<sup>2</sup>

The project is estimated to generate over 140,000 trips per day. However, the DEIR generally views these significant impacts as unavoidable. While this method adheres to the CEQA guidelines being used for the project, we feel that there is an opportunity for the City to go farther in offsetting these trip impacts. We have identified the following offset strategies that we would like the City to consider incorporating in the Development Agreements:

1. Include the build out of the area directly west of the Great America station platform as an actual component of the City Place project. Initial discussions have resulted in some preliminary drawings that include an enhanced shuttle waiting area and improved pedestrian connectivity to the elevated retail sections with grand staircases. This area is within the

A9.2

<sup>1</sup> Page 2-36 describes additional upcoming project approvals.

<sup>2</sup> Pages 2-6 and 2-35.

- A9.2  
Cont.

DEIR envelope and we'd like to work with Related and the City to finalize design and implement.
- A9.3

2. Implement an aggressive transportation demand management (TDM) program to shift individual travel choices. The DEIR does include some TDM goals, but our analysis finds that the goals could be higher.<sup>3</sup> We would also like to see a retail TDM requirement included—this is particularly useful for retail employees who may be able to commute to work via ACE, VTA, or Capitol Corridor.
- A9.4

3. Make a fair share financial contribution to VTA that will include funding for Great America station upgrades or other ACE needs. This will help over time to reduce vehicle trip impacts and also provide some relief for ACE shuttle and VTA bus and light rail delays resulting from the project.
- A9.5

4. In an effort to encourage the use of public transit by residents, office workers, and retail employees, we would also like the City to consider adjusting further the parking ratios across the Project. Countless studies reinforce that ample and inexpensive parking discourages use of public transportation. We would suggest, in addition, that the Project unbundles parking on the residential units so that renters who choose to not maintain a private motor vehicle are not required to pay for a parking space.
- A9.6

5. A number of our passengers connect to VTA Light Rail and as our two services are expanded we anticipate a growth in shared ridership. We support VTA's efforts to maintain an efficient Light Rail system and would encourage the City to look more closely at how to maintain or decrease existing travel times as we believe that feasible mitigation measures exist to lessen or avoid impacts to VTA light rail.
- A9.7

6. As discussed previously with City staff, there are plans to double track in the Great America Station area in the next several years, which is within the initial phases of the City Place Project implementation. This will shift the Great America Station platform north, and thus would make a second staircase to the north side of the Tasman overcrossing the best connection between this station and the VTA Lick Mill Light Rail station. Currently there is no sidewalk on the north side of Tasman. We would suggest the City requires the Project Developer fund closing this sidewalk gap as a component of the Development Agreement.
- A9.8

Furthermore, we would appreciate it if the City would reexamine the transit capacity analysis for the Great America Station performed in the DEIR. The cumulative impacts identify the build out to 30 Cap Corridor and 20 ACE daily trips as in the "long run,"<sup>4</sup>

<sup>3</sup> The DEIR contains an overall target of reducing Project office-generated daily traffic by a minimum of 4% and peak-hour traffic by a minimum of 10%, with an overall target of reducing Project residential-generated daily traffic by a minimum of 2% and peak-hour traffic by a minimum of 4%, compared to the traffic estimates used in the EIR.

<sup>4</sup> Page 3-8.

which does not seem appropriate given that we plan to increase service to these levels while the City Place project is still in its construction phase.

A9.8  
Cont.

Impact TRA-9, Transit Vehicle Capacity, states that the Project would generate public transit ridership that could use available transit capacity and that no mitigation is required.<sup>5</sup> Weekday peak-hour load factors are identified as 0.36 for ACE and 0.40 for Capitol Corridor. The number used for ACE is not correct. Current peak-hour ACE load factors (as shown in the attached ACE ridership report) between Fremont and Pleasanton are typically upwards of **80%** and will clearly be impacted by the Project. The top destination for ACE passengers is by far the Great America station typically serving **55 – 60%** of all ACE riders. For these reasons we urge further discussion on the transit capacity analysis.

A9.9

Finally, the implementation of this project will take more than a decade and the construction will certainly affect ACE and private shuttle operations. TRA 18.1 requires the Project Developer and construction contractor to meet with Public Works to determine traffic management strategies.<sup>6</sup> ACE would like to be included in these discussions and would ask that the City prioritize having a traffic control person on site to help diminish any shuttle delay.

A9.10

This mixed-use development is an innovative and momentous proposal with regional impact, and we appreciate the opportunity to discuss the Project with City of Santa Clara and Project Developer staff and consultants. We have a remarkable opportunity here to provide world-class transportation options to and from an exciting activity center and we are delighted to be a part of that vision.

If you or any member of your staff would like to discuss any of these items further, please contact Corinne Winter, ACE outreach lead in Santa Clara County, at [corinne@winter.associates](mailto:corinne@winter.associates).

Sincerely,



Stacey Mortensen  
Executive Director

Cc: Mayor Jamie Matthews, Councilmember Teresa O'Neill,  
Julio J. Fuentes, Ruth Shikada, Rajeev Batra, & Kevin Riley  
Corinne Winter

<sup>5</sup> Page 3.3-168.

<sup>6</sup> Page 3.3-219 & 220.

## **Response to Comment Letter A9—San Joaquin Regional Rail Commission, Stacey Mortensen (letter dated November 20, 2015)**

- A9.1 *The commenter expresses general support for the Project and requests coordination.* This comment is related to public discourse on the merits of the Project and whether it is viewed as an asset to the City. However, this does not address the adequacy of the EIR analysis or the Project's compliance with CEQA. The Project Developer will continue to coordinate with the San Joaquin Regional Rail Commission regarding Project planning, the Infrastructure Master Plan, and the Development Area Plans.
- A9.2 *The commenter requests that the area immediately to the west of Great America rail station platform be included as part of the Project and include an enhanced shuttle waiting area and improved pedestrian connections to the retail portion and be included in the Development Agreement.* Alterations to the Great America rail station are not part of the base project description; however, the new Tasman Drive Intersection under Variant 2 would allow for an enhanced transit plaza with a new vehicle turnaround just beyond the northern end of the station, which would provide room for an additional six transit bus loading positions. As the Project progresses through its future design stages, the pedestrian and bicycle infrastructure connecting the Project site to the station would be designed and approved by the City in accordance with the standards set forth in the Master Community Plan, which contains comprehensive design guidelines concerning connectivity. Station improvements could be included in the Deficiency Plan/Multimodal Improvement Plan (MIP), as discussed in Master Response 3.
- A9.3 *The commenter requests an aggressive transportation demand management program, with higher goals than stated in the Draft EIR, and the inclusion of a requirement for the retail uses.* Please refer to the Transportation Demand Management (TDM) Master Response (Master Response 2) regarding the trip reduction goals for the Project.
- A9.4 *The commenter requests a fair share contribution to VTA that includes funding for Great America station upgrades or other ACE needs to reduce vehicle trip impacts and provide relief to ACE shuttle and VTA bus and light rail delays resulting from the Project.* The VTA currently does not have a mechanism in place to estimate and obtain Project Developer-fair share contributions for transit improvements. However, transit improvements could be identified in the Deficiency Plan/MIP discussed in the corresponding Master Response 3, which would include funding mechanisms for the identified measures.
- A9.5 *The commenter requested changes to the parking ratios to encourage transit use. The commenter also suggests the use of unbundled parking for residential uses.* The parking ratios are based on City code requirements but reduced for shared parking and temporal adjustments resulting from the mix of uses. Transit services to the area will increase with potential service increases on the Capitol Corridor and Altamont Corridor Express passenger rail lines, and light rail connections to future South Bay BART service. Travel and parking behavior will change in response to these service increases. As the Project is anticipated to be built over a 15-plus year period, future phases may be built with lower parking ratios to reflect changes in transportation modality. The Master Community Plan recognizes that shared parking and other circumstances could result in less parking needed than is currently specified and requires that such issues be reviewed as development progresses to minimize parking and encourage transit. Please refer to

the Transportation Demand Management (TDM) Master Response (Master Response 2) regarding parking strategies in the TDM Plan.

- A9.6 *To accommodate existing and future ridership, the commenter suggests the VTA light rail system include additional feasible mitigation to reduce or eliminate impacts on the VTA light rail. Please see Response A9.2, above. Also, please refer to response to comment A12a.2 concerning some improvements suggested by VTA.*
- A9.7 *The commenter suggests the Project Developer close the sidewalk gap on the north side of Tasman Drive between Centennial Boulevard and Calle del Sol. The Project would add a sidewalk on the north side of Tasman Drive between Centennial Boulevard and the Lafayette Street overcrossing. Constructing a sidewalk to close the remaining gap would be required as a Project mitigation measure. In response to this comment, the mitigation measure discussion from TRA-7.1 has been updated as follows (page 3.3-168):*

MITIGATION MEASURES. Mitigation Measure TRA-7.1 is to add the missing sidewalk on the north side of Tasman Drive between the west side of the Lafayette Street overcrossing and Calle Del Sol. The sidewalk gap impact would ~~remain be~~ ***less-than-significant and unavoidable*** until the gap is closed with mitigation.

*TRA-7.1 Sidewalk Gap Closure on Tasman Drive on the Lafayette Street overcrossing extending east to Calle Del Sol. The Project Developer shall construct a sidewalk on the north side of Tasman Drive on the Lafayette Street overcrossing and extending east to Calle Del Sol. ~~Constructing a sidewalk on the Lafayette Street overcrossing may require widening the bridge structure or cantilevering the sidewalk along the northern edge. However, these improvements may be physically infeasible.~~ The Project Developer shall fully fund the construction of this sidewalk segment between the Project frontage on Tasman Drive ~~does not control all of the Tasman East property, and, therefore, cannot be responsible for installing a sidewalk between the overcrossing and Calle Del Sol.~~*

- A9.8 *The commenter would like the environmental analysis to include a cumulative ridership analysis accounting for planned increases in rail services. The commenter also states that incorrect ridership information for ACE was used in the analysis. A near-term public transit capacity analysis for commuter rail, light rail, and buses was conducted during the PM Peak Hour when the Project's estimated public transit ridership is highest. It was done using the best available transit ridership information and existing transit service schedules. (Transit ridership data was requested from all service providers.) The weekday peak hour load factor for ACE is based on information provided by the San Joaquin Regional Rail Commission for the Great America Station for January 2015. The results show that the Project's transit ridership would not exceed available existing transit capacity. Future transit service increases mentioned by the commenter would create more options and capacity for riders to/from the Project site. Each of these transit projects would develop transit ridership estimates accounting for future land development to determine the needed transit vehicle capacity.*
- A9.9 *ACE would like to be included in discussions regarding the Project's construction traffic management plan and would like it to include a traffic control person to diminish delays to shuttles providing access to the Great America Station. The City of Santa Clara will consult with ACE. One*

of the goals of the construction traffic management plan is to reduce delays to transit and shuttles.

A9.10 *The commenter expresses general support for the Project.* Please refer to Response A9.1, above.

## Comment Letter A10—California Department of Transportation, Patricia Maurice (letter dated November 23, 2015)



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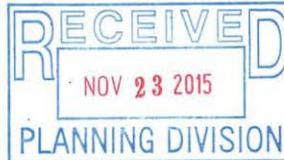
Letter A10

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
 DISTRICT 4  
 P.O. BOX 23660  
 OAKLAND, CA 94623-0660  
 PHONE (510) 286-5528  
 FAX (510) 286-5559  
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November 23, 2015

SCL237205  
 SCL/237/PM 6.45  
 SCH# 2014072078

Ms. Debbie Fernandez  
 Planning Division  
 City of Santa Clara  
 1500 Warburton Avenue  
 Santa Clara, CA 95050

Dear Ms. Fernandez:

### City Place Santa Clara – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above (Project). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Caltrans has reviewed the Draft Environmental Impact Report (DEIR) to ensure consistency with its mission and state planning priorities of infill, conservationism, and efficient development. Please refer to the previous Notice of Preparation comment letter, dated August 29, 2014, on this Project. Caltrans provides these comments consistent with the State's smart mobility goals to support a vibrant economy and build communities, not sprawl.

#### *Project Understanding*

A10.1

The proposed Project is located immediately south of State Route (SR) 237 in the southwest and southeast quadrants of the overcrossing at Lafayette Street. The Project site is located on seven City-owned parcels. The parcels total approximately 240 acres. The Project site is currently designated in the *City of Santa Clara 2010–2035 General Plan* as Parks/Open Space and Regional Commercial. To accommodate high-intensity urban-oriented development such as the Project, a new General Plan land use designation (Urban Center/Entertainment District) is proposed within the category of Mixed-Use designations. In addition, an amendment to the Climate Action Plan element of the General Plan is proposed to reflect the new land use designation.

The Project would include up to 9.16 million gross square feet (gsf) of office buildings, retail and entertainment facilities, residential units, and hotel rooms. It would also include surface and structured parking facilities. In addition, the Project would include large shared open spaces throughout the Project site; new pedestrian and vehicular entrances and roadway networks; new

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roads; new, upgraded, and expanded infrastructure; and new utilities with improvements to off-site connections. To accommodate proposed roadways, construction would occur at off-site locations, which would include the demolition of three existing office buildings in Tasman East for the Lick Mill Boulevard extension.

#### **Lead Agency**

As the lead agency, the City of Santa Clara (City) is responsible for all project mitigation, including any needed improvements to State highways. The Project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

#### **Traffic Impacts**

1. The proposed plan is likely to have impacts on the operations of the following metered freeway on-ramps:
  - Eastbound (EB) SR 237/Great America Parkway diagonal on-ramp (metered Monday through Friday 2:30 am to 7:00 am);
  - Westbound (WB) SR 237/Great America Parkway diagonal on-ramp (metered Monday through Friday 6:00 am to 9:00 am and 3:00 pm to 7:00 pm);
  - WB SR 237/Lawrence Expressway loop on-ramp (metered Monday through Friday 6:00 am to 9:00 am and 3:00 pm to 7:00 pm);
  - Southbound (SB) US Highway (US) 101/Bowers Avenue diagonal on-ramp (metered Monday through Friday 3:00 pm to 7:00 pm); and
  - SB US 101/De La Cruz Boulevard diagonal on-ramp (metered Monday through Friday 3:00 pm to 7:00 pm).
2. During ramp metering (metering hours maybe extended to both morning and afternoon peaks in the future), the on-ramp queues will likely be lengthened with the additional traffic demand by this Project, and they may impede onto the local streets affecting their operations. Please provide additional storage on the on-ramps/local streets for the freeway on-ramp traffic to avoid such impacts.

A10.1  
Cont.

#### **Vehicle Trip Reduction**

Caltrans encourages the City to locate future housing, jobs and employee-related services near major mass transit centers with connecting streets configured to facilitate walking and biking. Caltrans encourages the Project to add housing units to achieve a better housing to jobs balance and reduce vehicle trips. This would promote mass transit use thereby reducing regional vehicle miles traveled (VMT) and traffic impacts. Given this Project's location, in an area well-served by transit and regional rail, and adjacent to an existing trail network, Caltrans suggests the Travel Demand Management (TDM) strategy of reducing the proposed parking supply and refer the City to "Reforming Parking Policies to Support Smart Growth," an MTC study funded by Caltrans, for sample parking ratios and strategies that support compact growth.

A10.2

A10.3

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- A10.3 Cont. Reducing parking supply can encourage alternate forms of transportation, reduce regional vehicle miles traveled, and lessen future traffic impacts on SR 237 and the State Highways System (SHS). TDM programs should be monitored and documented with annual reports by an onsite TDM coordinator to demonstrate effectiveness. This smart growth approach is consistent with MTC's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS) goals of both increasing non-auto mode transportation, and reducing per capita VMT by 10 percent each.
- A10.4 Considering these smart growth goals, please explain why the Increased Housing Alternative was not selected as the preferred alternative to carry forward. This alternative would help better meet the City's job/housing balance policy, conform better to the region's SCS, and produce less traffic impacts and greenhouse gas emissions. Also, when compared to the Project Alternative, the Increased Housing Alternative would result in a similar number of impact categories that are significant and unavoidable, but the degree of impacts would be less severe. The only exceptions where this alternative has more severe significant unavoidable impacts than the Project Alternative are "Conflicts with airport land use plan and City policies related to airport noise" and "Population growth" categories.
- A10.5 Mitigation Measures TRA-1.2, 1A.1, 6.1, 6.2, 14.1, and 16.1 state that "if the removal of bicycle facilities was required...." Caltrans recommends that the Project not remove any bicycle facilities, and that any impact to bicyclists be fully mitigated.
- A10.6 **Traffic Impact Fees**  
Given the Project's contribution to area traffic and its proximity to SR 237 the Project should contribute fair share traffic impact fees. These contributions would be used to lessen future traffic congestion and improve transit in the project vicinity.  
  
In addition to the Express Lane projects toward which the City will contribute mitigation fees, the Santa Clara Valley Transportation Authority (VTA) also submitted the following projects to MTC to be included in the next RTP. Contributions towards these projects should also be considered as viable mitigation measures to address the Project's traffic impacts to SR 237 WB/EB Aux Lanes (N. 1<sup>st</sup> Street to Coyote Creek and Zanker Road to N. 1<sup>st</sup> Street). Alternatively, contributions could go towards SR 237/Great America Parkway WB off-ramp improvements and a second SB US 101 off-ramp to SB SR 87.  
  
**Voluntary Contribution Program**  
Caltrans encourages the City to participate in the VTA's voluntary contribution program and plan for the impact of future growth on the regional transportation system.
- A10.7 **Traffic Control Plan (TCP)**  
Since it is anticipated that vehicular, bicycle, and pedestrian traffic along SR 237 will be impacted during the construction of the proposed Project requiring traffic restrictions and detours, a Caltrans-approved TCP is required to avoid project-related impacts to the SHS. The TCP must also comply with the requirements of corresponding jurisdictions. In addition, pedestrian access through the construction zone must be in accordance with the Americans with

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A10.7  
Cont. | Disabilities Act regulations (see Caltrans' *Temporary Pedestrian Facilities Handbook* for maintaining pedestrian access and meeting ADA requirements during construction at: [www.dot.ca.gov/hq/construc/safety/Temporary\\_Pedestrian\\_Facilities\\_Handbook.pdf](http://www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf)) (see also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: [www.dot.ca.gov/hq/traffops/policy/11-01.pdf](http://www.dot.ca.gov/hq/traffops/policy/11-01.pdf)).

For further TCP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Further traffic management information is available at the following website:  
[www.dot.ca.gov/hq/traffops/trafmgmt/tmp\\_lcs/index.htm](http://www.dot.ca.gov/hq/traffops/trafmgmt/tmp_lcs/index.htm).

A10.8 | **Hazardous Materials**  
Since the Project is partially on a landfill site, all motor carriers and drivers involved in transportation of hazardous materials must comply with the requirements contained in federal and State regulations, and must apply for and obtain a hazardous materials transportation license from the California Highway Patrol. When transporting certain types of hazardous materials including inhalation hazards, safe routing and safe stopping places are required. A route map must be carried in the vehicle. More information is available at:  
[www.dot.ca.gov/hq/traffops/trucks/ops-guide/hazard.htm](http://www.dot.ca.gov/hq/traffops/trucks/ops-guide/hazard.htm).

A10.9 | **Transportation Permit**  
Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. See the following website for more information: [www.dot.ca.gov/hq/traffops/permits](http://www.dot.ca.gov/hq/traffops/permits).

A10.10 | **Encroachment Permit**  
Please be advised that any work or traffic control that encroaches onto the State right-of-way (ROW) requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See this website for more information:  
[www.dot.ca.gov/hq/traffops/developserv/permits](http://www.dot.ca.gov/hq/traffops/developserv/permits).

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Should you have any questions regarding this letter, please contact Brian Ashurst at (510) 286-5505 or [brian.ashurst@dot.ca.gov](mailto:brian.ashurst@dot.ca.gov).

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse  
Robert Swierk, Santa Clara Valley Transportation Authority (VTA) – electronic copy  
Robert Cunningham, Santa Clara Valley Transportation Authority (VTA) – electronic copy

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## **Response to Comment Letter A10—California Department of Transportation, Patricia Maurice (letter dated November 23, 2015)**

A10.1 *The commenter notes the potential Project impact on the metered freeway on-ramp operations at:*

- *Eastbound (EB) SR 237 and Great America Parkway diagonal on-ramp*
- *Westbound (WB) SR 237 and Great America Parkway diagonal on-ramp*
- *Westbound (WB) SR 237 and Lawrence Expressway loop on-ramp*
- *Southbound US 101 and Bowers Avenue-Great America Parkway diagonal on-ramp*
- *Southbound (SB) US 101 and De La Cruz diagonal on-ramp*

*The commenter also requests additional vehicle storage be provided where it is needed.*

As shown in Appendix 3.3-N, a freeway ramp analysis was conducted for following interchanges:

- US 101 and Bowers Avenue-Great America Parkway
- US 101 and Montague Expressway
- SR 237 and Great America Parkway
- SR 237 and N. First Street

The analysis in the Draft EIR includes the freeway ramps listed by the commenter, with the exception of the Southbound (SB) US 101 and De La Cruz diagonal on-ramp and the Westbound (WB) SR 237 and Lawrence Expressway loop on-ramp. These were not selected for analysis because they were not the most direct connections to the Project site. Specifically, the analysis assessed the increase in peak-hour ramp queue lengths with the addition of Project traffic and the resulting effects on freeway and local street operations.

A10.2 *The commenter encourages the City to locate housing, jobs, and employee-related services near major mass transit centers. As explained on pages 2-18 and 2-19 of the Draft EIR and shown in Figures 2-9 and 2-10, the Project would include construction of new roadways, sidewalks, and bicycle lanes that would connect to the transit network south of the Project site. With the proposed pedestrian paseos, Parcels 2, 4, and 5 would each be a 5-minute walk from the heavy-rail Great America station on the Union Pacific Railroad (UPRR) right-of-way. All parcels would be a 10-minute walk from the Great America station along the UPRR right-of-way and the Lick Mill Santa Clara Valley Transportation Authority (VTA) station. Parcels 4 and 5 would be a 10-minute walk from the Great America VTA station. Therefore, the City has worked with the Project Developer to locate housing, jobs, and employee-related services near major mass transit centers.*

*The commenter also encourages the Project Developer to add housing units to achieve a better housing-to-jobs balance and reduce the number of vehicle trips. An Increased Housing Alternative, as described on pages 5-8 and 5-9 of the Draft EIR, was considered and analyzed in the Draft EIR as one of the Project alternatives. The Increased Housing Alternative was developed to improve the jobs-to-housing ratio, which would result in fewer impacts associated with transportation/traffic, air quality, and GHGs. Under the Increased Housing Alternative, the 320,000 gross square feet (gsf) of office space planned under the Project, Scheme A, for the*

Parcel 4 portion of the City Center would be replaced with 320 additional residential units. However, the Project itself does not include more housing than proposed under Scheme A, and the Draft EIR considered, but rejected, four different additional housing alternatives (other than the Increased Housing Alternative): constructing housing on Parcels 1, 2, 3 or the northwest portion Parcel 4; increasing the height of residential structures in the City Center; replacing the office space planned for Parcel 5 with residential; and replacing other uses (e.g., retail, food and beverage, hotel, or entertainment) in the City Center with residential. The reasons for rejecting each of these alternatives are explained in detail on pages 5-13 through 5-15 of the Draft EIR.

For a discussion of the City's overall jobs/housing imbalance as it relates to the Project, please refer to Master Response 5.

- A10.3 *The comment suggests the parking ratios be reduced for the Project.* The parking ratios are based on City code requirements but reduced for shared parking and temporal adjustments resulting from the mix of uses. Transit services to the area will increase with potential service increases on the Capitol Corridor and Altamont Corridor Express passenger rail lines, and light rail connections to future South Bay BART service. Travel and parking behavior will change in response to these service increases. As the Project is anticipated to be built over a 15-plus-year period, future phases may be built with lower parking ratios to reflect changes in transportation modality. The Master Community Plan recognizes that shared parking and other circumstances could result in less parking needed than is currently specified and requires that such issues be reviewed as development progresses to minimize parking and encourage transit. Please refer to the Transportation Demand Management (TDM) Master Response (Master Response 2) regarding parking strategies in the TDM Plan.
- A10.4 *The commenter asks why the Increased Housing Alternative was not selected as the preferred alternative to carry forward.* Please refer to Master Response 5 of this document for a discussion regarding Project alternatives.
- A10.5 *The commenter encourages that the intersection mitigation measures maintain existing bicycle facilities.* The City of Santa Clara encourages the use of bicycling by improving on-street and off-street bicycle facility quality and connectivity. Conceptual plans of the intersection mitigation measures indicate that no bicycle facilities would be permanently removed.
- A10.6 *The commenter suggests that the voluntary contribution to mitigate freeway impacts could go toward the Express Lane projects or to SR 237 WB/EB Auxiliary lanes (N. First Street to Coyote Creek, and Zanker Road to N. First Street) or that the contribution could go towards SR 237/Great America Parkway WB off-ramp improvements and a second SB US 101 off-ramp to SB SR 87).* The City of Santa Clara is supportive of the Project Developer making a voluntary contribution to VTA to be used to mitigate the Project's impacts on the freeway system. VTA could use the money for other regional transportation improvements, including those identified by the commenter.
- A10.7 *The commenter notes the need for a Caltrans-approved traffic control plan to address effects of Project-related construction activities on the state highway system, and states that pedestrian access through construction zones must meet Americans with Disabilities Act (ADA) requirements.* The Project Developer is required to prepare the appropriate traffic control plans as part of the Construction Management Plan in Mitigation Measure TRA-18.1.

- A10.8 *The commenter states that vehicles involved with transportation of hazardous materials must comply with federal and State regulations regarding transportation of such materials, including obtaining proper licenses and using appropriate transport routes.* The Draft EIR includes a discussion of the regulatory requirements related to management of hazardous materials, starting on page 3.11-1. Transportation of hazardous materials off site is specifically discussed in the Draft EIR on page 3.11-2. The comments regarding the legal requirements for obtaining the appropriate licenses and establishing transport routes are noted for the record.
- A10.9 *The comment notes the need for an encroachment permit for improvements to be constructed on the State highway system.* The Project Developer is obligated to obtain any such required encroachment permits.
- A10.10 *The commenter provides information on how to apply for an encroachment permit.* As stated on page 2-37 of the Draft EIR, approvals by Caltrans are needed for the Project to proceed. Caltrans is expected to review the Project as it relates to traffic improvements that would affect State highway facilities, ramps, and intersections. As such, coordination with Caltrans would be required, pursuant to which the Project Developer would adhere to the applicable Caltrans requirements.