

**Comment Letter A13—San Francisco Bay Regional Water Quality Control Board,  
Keith E. Roberson (letter dated November 23, 2015)**

**Letter A13**



**San Francisco Bay Regional Water Quality Control Board**

November 23, 2015  
CIWQS ID # 205075

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**Subject: City Place Santa Clara Project – Draft Environmental Impact Report (DEIR)**

Dear Ms. Fernandez:

A13.1

Regional Water Quality Control Board (Water Board) staff has reviewed the portions of the Santa Clara City Place Draft Environmental Impact Report (DEIR) that fall within our regulatory purview. The Water Board is not a land use agency and we do not determine appropriate post-closure land uses over sites that we regulate, including municipal landfills. The Water Board’s role in overseeing this Project is to ensure that water quality, human health, and the environment are protected during and after implementation of the Project. Our comments focus on aspects of the proposed Project that have the potential to adversely impact:

- 1) the containment of waste, landfill leachate, and landfill gases at the Santa Clara Landfill; and
- 2) the health and safety of future site occupants.

Over the past two years, Water Board staff has had the opportunity to review and comment on numerous Project risk assessment reports, site investigation plans, and design and development documents that preceded the DEIR, and through this collaboration, many of our initial concerns have been addressed to our satisfaction. As noted below, other concerns have not yet been adequately addressed.

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**Water Board Staff Comments****Issue No. 1: Project (Scheme A) includes Residents on the Landfill****Executive Summary, Areas of Controversy (Page ES-2):**

- A13.1 Cont. This section summarizes the Project Proponent's responses to the Notice of Preparation (NOP) letters submitted by agencies and individuals. In our August 26, 2014, response to the NOP, we clearly indicated that "our primary concern with the project is the proposal to build residential units above a former municipal landfill, as this is something we have not approved previously at any other landfill in the Bay Area due to potential adverse health impacts to residents that would reside in structures built over waste." Given that this aspect of the project was expressed as *our primary concern*, we believe this should have been identified as an Area of Controversy, specifically under the heading of "Population and Housing."
- A13.2 Our NOP response letter specifically requested that the EIR "include in the range of reasonable alternatives an alternative that evaluates removal of contamination...and/or an alternative that does not propose construction of residential units above the landfill." We are pleased to see that Scheme B of the Project, which considers residential units only on Parcel 5 (which does not overlie the landfill), has been carried forward for further consideration. However, it is not clear what factors will be used to evaluate and ultimately select Scheme A or Scheme B. The analysis in Table 3.1-7 notes that Scheme B is consistent with general plan goals/policies only with the exception of mitigation of the jobs/housing ratio impacts.
- A13.3 Although an alternative to remove all waste (i.e., clean closure of the entire landfill) was considered, it was rejected on economic grounds (Related, 2015, Draft Santa Clara All-Purpose Landfill Clean Closure Scope and Budget Summary, May). It is unclear if clean closure of Parcel 4 only (the only parcel where residential units are proposed over buried waste) has been evaluated and whether this option could be economically feasible.
- A13.4 Also, a "Reduced Intensity Alternative" to the Project was considered, but this alternative considered reductions only in commercial development, and did not reduce the number of future residents on the landfill.
- A13.5 Staff have remaining uncertainties regarding the Project, Scheme A, which proposes residential units over buried waste that continues to produce prodigious amounts of methane, requiring active management. The Regional Board is not prepared to support Scheme A until staff has had the opportunity to review a number of pending documents that will describe in detail the mitigation measures to manage landfill gases. Proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures for each significant environmental effect be adequate, timely, and resolved by the lead agency. Concerns related to the landfill post closure designs, maintenance, and mitigation will need to be detailed and evaluated by Water Board staff. Due to lingering concerns regarding the physical safety of residents that would reside in structures built over waste, Board staff prefer Scheme B over Scheme A.

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**Section 3.12, Population and Housing, Table 3.12-6. Proposed On-Site Residents and Employees—Scheme A**

*On-site Residents: 1,360 Units, 3,270 Residents*

- A13.6 This estimate of the number of residential units and residents envisioned in the Project is 2.5 to 3.5 times higher than the 2 schemes presented in the NOP. While we understand the Project's need to balance job creation with residences, Water Board has repeatedly indicated our concerns with the placement of residents over the landfill. The significant addition of residents only heightens this concern.

**Section 5.5 Alternatives Considered but Rejected, Removal of All Waste in Former Landfill (“Clean Closure” Alternative) (Page 5-15).**

*Approximately 15 percent of the waste would be classified as hazardous waste.*

- A13.7 This indicates an estimated 825,000 tons of hazardous waste may be present in the landfill. Our concern of having residents over municipal solid waste is heightened if hazardous wastes are also present in the landfill.

**Table ES-1, 3.10 Hydrology and Water Quality. Impact WQ-6: Place Housing or Structures within 100-Year Flood Hazard Area.**

*The Project would place housing or structures within a 100-year flood hazard area during large storm events, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. WQ-6.1: Incorporate Flood Warnings for the Lick Mill Boulevard Extension and Other Access Roads for Areas Vulnerable to Flooding.*

- A13.8 What would be the relative impact with and without residents?

**Table ES-1, 3.11 Hazards and Hazardous Materials, Impact HAZ-9: Landfill Hazards – Subsurface Fires.**

*The Project is located on a landfill where a subsurface fire resulting from the heating of waste materials could pose a significant risk of loss, injury, or death. HAZ-9.2: Subsurface Fire Prevention and Detection Measures. As with the Project, the Reduced Intensity Alternative would comply with BAAQMD Regulation 8, Rule 34, which requires wellheads for the landfill gas collection and removal system at the Project site to be sampled monthly for methane, oxygen, carbon dioxide, balance gas (primarily nitrogen), temperature, and vacuum pressure. These parameters can be useful for indicating potential subsurface fire events.*

- A13.9

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A13.9 Cont.	<p>Does BAAQMD Regulation 8, Rule 34 (requiring monthly sampling for methane, oxygen, carbon dioxide, balance gas, temperature, and vacuum pressure) apply to landfills with the proposed land use development, and would there be any additional requirements?</p>
A13.10	<p><b>Table 3.1-7 Comparison of the Project to General Plan Goals and Policies</b></p> <p><b>Goals 5.10.4-G3: A reduction in the demand and consumption of water resources</b></p> <p><i>Scheme A would result in a total water demand of 1,911 acre-feet per year (afy), which represents an increase of 1,599 afy compared with existing water demand on the Project site (311 afy). Scheme B would result in a total water demand of 1,921 afy, which represents an increase of 1,610 afy compared with existing water demand on the Project site (311 afy).</i></p> <p>Please explain how the replacement of residents with office workers increases the water demand? Wouldn't residents account for a higher per occupancy area water use and wastewater generation than commercial space counterparts? What would be the relative impact of Scheme A versus Scheme B?</p>
A13.11	<p><b>Section 5.5 Alternatives Considered but Rejected, Increased Housing Alternative (Page 5-64).</b></p> <p>All the concerns that are expressed in our other comments are applicable to this alternative.</p>
A13.12	<p><b>Issue No. 2: Uncertainties associated with Landfill Gas System and Geotechnical Issues</b></p> <p>In addition to requirements specified in CCR Title 27, the Regional Board's Updated Waste Discharge Requirements (Order No. R2-2002-0008) includes the following specifications:</p> <p style="padding-left: 40px;">B.5. The Discharger shall assure that the structures, which control leachate, surface drainage, erosion and gas are constructed and maintained to withstand conditions generated during the maximum probable earthquake.</p> <p style="padding-left: 40px;">B.10. Landfill gases shall be adequately vented, removed from the landfill, or otherwise controlled to minimize the danger of explosion, adverse health effects, nuisance conditions, or the impairment of beneficial uses of water.</p> <p style="padding-left: 40px;">B.11. The Discharger shall maintain all devices or designed features installed in accordance with this Order, such that they continue to operate as intended without interruption.</p> <p>These specifications applied to the post-closure landfill use at the time (golf course). These specifications cannot be relaxed for the proposed land use (the Project), which is expected to</p>

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A13.12  
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have greater potential for impacts. As we have noted in our letter on the Revised Draft Post-Closure Land Use Plan (September 18, 2015), future design documents must demonstrate that the Project can and will meet these specifications. Additional and/or more stringent specifications may be necessary in an updated Waste Discharge Requirements Order based on the proposed land use change.

A13.13

**Section 5.5 Alternatives Considered but Rejected, Reduced Intensity Alternative, Geology and Soils, Strong Seismic Groundshaking (Page 5-51).**

*The risks to public safety from seismic hazards can be mitigated to the extent required by law with implementation of the proper design and construction methods, which would be within the responsibility of the City and the Project Developer to monitor and enforce through its building permit process. As with the Project, buildings and improvements proposed under the Reduced Intensity Alternative would be constructed in accordance with the latest California Building Code (CBC) standards, as required by the Santa Clara City Code. Structures built under the Reduced Intensity Alternative, as with the Project, would be required to meet the seismic design parameters of the CBC, as enforced by the City Building Official. The CBC, as updated, represents the best available guidance for design and construction to limit seismic risk. Consequently, the Reduced Intensity alternative, as with the Project, would result in less-than-significant impacts with regard to the exposure of people or structures to damage resulting from seismic groundshaking.*

Considerations must be taken for the combined effects of earthquake proximity, unstable soil types underlying the landfill, seismic amplification through the landfill, potentially uneven effects over a large pier/platform, and multi-story structures in assessing peak horizontal acceleration and their effects on the structures, inhabitants, and landfill gas collection infrastructure. A final geotechnical investigation has yet to be performed, therefore the conclusion that the Reduced Intensity Alternative would result in "less-than-significant" impacts seems premature. Logically, the Reduced Intensity Alternative would involve less intense impacts than the project. But a reduced number of residents, especially from over the landfill portion of the site, would further reduce the impacts and should be considered in the evaluation of Scheme A versus Scheme B.

A13.14

**Issue No. 3: Uncertainties associated with Stormwater Treatment Measures**

**Executive Summary, (Table ES-1, Page ES-68).**

*The following stormwater treatment (or Low Impact Development) measures are examples that will be considered and carefully selected as part of the final design process for the different sections of the proposed development:*

- *Bioretention Areas (impermeable liner with underdrain—no infiltration into landfill)*

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- *Infiltration Trenches (impermeable liner with underdrain—no infiltration into landfill)*
- *Pervious Pavements (impermeable liner with underdrain—no infiltration into landfill)*

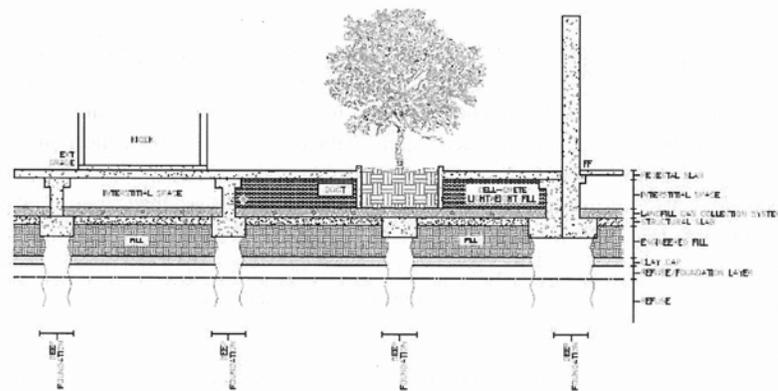
Water use/irrigation has conjunctive issues with the proposed landfill gas mitigation in the podium. Specifically, there could be an issue on the use of trees/planters, or irrigation and domestic water lines, which could leak or rupture and flood the landfill gas venting lines located at the bottom of the podium layer (between the ground floor slab and the structural slab). In an earthquake, both water and landfill gas lines will be susceptible to rupture. If even a portion of this gets flooded, it may impact the ability to detect or vent methane in that area. Whether this can be monitored, or contingent mitigation can be implemented, is not known.

**Section 2, Project Description, Utilities, Storm Drain (Page 2-28).**

*The following stormwater treatment measures would be considered and carefully selected as part of the final design process for the different sections of the proposed development: bioretention areas, flowthrough planters, tree well and media filters, infiltration trenches, rainwater harvesting and reuse, green roofs, green streets, and pervious pavements.*

Regional Board staff is concerned about the use of irrigated landscape and the potential for infiltration into the landfill or the landfill gas venting system as shown below.

A13.14  
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**From Figure 3.9**

This figure shows an irrigated tree planter directly overlies the landfill gas collection system layer. A pervious planter bottom would result in flooding of the landfill gas venting system. It is

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A13.14 | unclear how an impervious bottom would be monitored for potential breaches (or whether the  
Cont. | planter could drain properly).

**Section 3.10, Hydrology and Water Quality.**

*All new or recreated impervious surfaces at the Project site must be provided with post-construction water quality treatment consistent with the treatment requirements of the Municipal Regional Permit.*

A13.15 | At sites that require CWA Section 401 Water Quality Certification from the Water Board and/or Waste Discharge Requirements for features such as the proposed new stormwater outfalls, pile driving in San Tomas Aquino Creek for a new bridge, or impacts to other waters of the State at the Project site, the Water Board has authority to approve post-construction stormwater management plans. Acceptable post-construction stormwater plans must provide stormwater runoff treatment that is consistent with the treatment requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP) for the management of stormwater runoff (Order R2-2009-0074; NPDES Permit No. CAS612008) for all impervious surfaces created or recreated by the Project. In addition to the proposed on-site development components, this treatment requirement applies to the proposed new bridge over San Tomas Aquino Creek, or any other bridges constructed for the Project. Also, once the 40-acre concrete pad has been constructed, it will require post-construction stormwater treatment in conformance with the MRP; this will probably require the construction of interim treatment measures until the surface of the pad is developed with new structures with their own associated post-construction stormwater treatment features.

**Table ES-1, 3.10 Hydrology and Water Quality. Impact WQ-1: Violation of Water Quality Standards or WDRs. The Project could result in a violation of water quality standards or WDRs. WQ-1.1: Design and Implement Stormwater Control Measures.**

A13.16 | Measures considered include bioretention areas (impermeable liner with underdrain—no infiltration into landfill), flow-through planters, tree well and media filters, infiltration trenches (impermeable liner with underdrain—no infiltration into landfill), rainwater harvesting and reuse, green roofs, green streets, pervious pavements. It is unclear how some of these measures will be prevented from infiltration, and how others (with impermeable liners and underdrains) will function within the podium structure.

A13.17 | **Table ES-1, 3.10 Hydrology and Water Quality. Impact WQ-3: Changes to the Existing Drainage Patterns. The Project could substantially alter the existing drainage pattern of the site and could result in substantial erosion, siltation, or flooding on-site or off-site. WQ-3.1:**

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A13.17  
Cont.***Design New Bridge and Outfall Structures to Avoid Increase in 100-year Flow and Channel Erosion.***

Please explain how new bridge and outfall structures will be designed to avoid increases in flow and erosion.

A13.18

**Issue No. 4: Questions on Biological Reserves****Section 3.8, Biological Resources, Existing Conditions, Vegetated Depressions (Page 3.8-8).****The jurisdictional status of the Vegetated Depressions should be assessed.**

Based on the description of the vegetated depressions, it is possible that these depressions may contain wetlands. A wetland delineation should be performed for the vegetated depressions and submitted to the U.S. Army Corps of Engineers for verification. If the depressions meet the three-parameter test for wetlands, but are not subject to Corps jurisdiction because they are considered isolated, they will still be subject to State jurisdiction. If these depressions are jurisdictional wetlands, then the EIR should quantify the acreage of wetlands that would be impacted by the Project and provide proposed mitigation plans for impacts to these wetlands.

**Section 3.8, Biological Resources, Impact BIO-5 and Mitigation Measure BIO-5.2: Substantial Effect on Wetlands and Other Waters. *The Project could result in the loss of or damage to wetlands and other waters (page 3.8-19).***

**The DEIR does not quantify the extent of the Project's impacts to jurisdictional wetlands and other waters or propose specific mitigation measures for impacts to wetlands or other waters.**

Text in Impact BIO-5 states:

A13.19

*As a result of the Project, some aquatic land cover types would be lost. The retention pond, although not being altered as part of the Project, could be affected during construction activities. Although some drainage ditches and creeks could be avoided, because roadways and bridges may cross over them, for the sake of this analysis it is assumed that drainage ditches internal to the Project site would be removed. The internal golf course and driving range ponds and vegetated depressions would be removed with build-out of the Project. In addition, there would be impacts in San Tomas Aquino Creek from instream work associated with the new bridge footings in the creek. Final impacts on ditches creeks, ponds, and vegetated depressions would be calculated once final design of Project features is complete. If these features are determined to be jurisdictional and if impacts are unavoidable, the Project Developer shall coordinate with DFW, USACE, and the Regional Water Board, as required and appropriate, to develop a compensation plan for the loss of waters of the United States and State per existing regulations. If compensation is required, construction activities (e.g., grading,*

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*excavation) associated with habitat creation or enhancement could temporarily disturb waters of the United States and State. These impacts are considered **significant**.*

As the text of the DEIR acknowledges, the extent of the Project's impacts on jurisdictional waters of the U.S. and waters of the State has not been established. Therefore, the full significance of the Project's impacts to jurisdictional waters cannot be assessed on the basis of information provided in the DEIR.

Mitigation Measure BIO-5.2 contains the following text:

*BIO-5.2: Compensate for Wetland Loss. If impacts on jurisdictional ponds, wetlands, or drainage ditches; San Tomas Aquino Creek; or the Guadalupe River cannot be avoided, the Project Developer shall obtain permits or approvals to develop from USACE, the Regional Water Board, and DFW, as appropriate and required. To ensure that the Project results in no net loss of wetland habitat functions and values, the Project Developer shall compensate for the loss of wetland resources through either on-site restoration/creation following completion of construction and/or off-site protection and enhancement of riparian and wetland habitat prior to activities that would affect the equivalent Project resource (as determined by a qualified wetland biologist). The size and location(s) of the area(s) to be restored/created shall be based on appropriate mitigation ratios, as derived in consultation with DFW, USACE, and the Regional Water Board. Mitigation ratios shall be at least 2:1. The Project Developer shall prepare and implement a mitigation plan, which shall include monitoring requirements and success criteria, in consultation with DFW, USACE, and the Regional Water Board. The mitigation plan shall include measure to avoid and minimize the effects of construction on surrounding native habitats. Monitoring shall occur for a minimum of 5 years, at which time, if the success criteria are met, wetland compensation shall be deemed complete.*

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As is evident from the two quoted passages from Section 3.8, above, the DEIR contains insufficient detail on potential Project impacts to jurisdictional waters and no detail with respect to proposed mitigation measures for those impacts. In the absence of any detail about proposed mitigation projects, it is not possible for stakeholders reviewing the DEIR to assess the adequacy of the proposed mitigation. Proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures for each significant environmental effect be adequate, timely, and resolved by the lead agency. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). Mitigation measures to be identified at some future time are not acceptable. It has been determined by court ruling that such mitigation measures would be

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A13.19  
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improperly exempted from the process of public and governmental scrutiny that is required under the California Environmental Quality Act.

In its present form the DEIR lacks an adequate discussion of impacts to waters of the State and proposed mitigation measures to support the issuance of Section 401 Water Quality Certification for the Project. Since an EIR should provide both proposed impacts and proposed mitigation measures for public review, the DEIR should be revised to include a more detailed mitigation proposal for public review. Re-circulation of the revised DEIR is necessary to allow for review and comment on the impacts and proposed mitigation. Provision of this information in a Final EIR is inappropriate, since this information would not have been subject to public review before the Final EIR was adopted.

A13.20

**Other Specific Issues:**

**Section 3.11, Hazards and Hazardous Materials (Page 3.11-25).**

*If methane levels are persistent in areas where earthwork and/or hot work activities are necessary, inert gases (e.g., nitrogen) can be introduced into affected subsurface materials to lower oxygen and methane concentrations. By introducing an inert gas into the affected area, methane and oxygen can be displaced to create insufficient oxygen concentrations to support combustion.*

This could create another potentially dangerous situation - asphyxiation, especially should there be trench workers involved. Also, carbon dioxide is another prevalent landfill gas that should be addressed as part of this issue.

A13.21

**Section 3.11, Hazards and Hazardous Materials (Page 3.11-29).**

*In addition, the site-wide maximum groundwater concentrations of TCE and vinyl chloride were used to conservatively model potential vapor intrusion impacts.*

*The modeled cleanup goals for TCE and vinyl chloride on the Project site were 59,600 micrograms per liter (µg/L) and 442 µg/L, respectively.*

In the Feasibility Study of Groundwater Remediation Alternatives, 59,600 micrograms per liter (µg/L) and 442 µg/L, for TCE and vinyl chloride, respectively, were established as target values specifically to address the vapor intrusion to indoor air concern, with modeled attenuation factors based on the specific project parameters. While they were proposed as groundwater remediation goals, the modeled concentrations do not address impacts to other receptors, including aquatic habitat, and general groundwater degradation. There may also be concerns on groundwater flow under Parcel 4, considering there is a pond on the golf course over the VOC plume and

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A13.21  
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insufficient monitoring control in the northwest portion of the parcel to indicate whether groundwater discharging to San Tomas Aquinas Creek. In addition, as documented in Waste Discharge Requirements Order No. R2-2002-0008, only the upper aquifer zone in the northern one-third of the site meets the exception criteria of the State Water Resources Control Board's Sources of Drinking Water Policy. Parcel 4 and the underlying VOC plume do not fall into this area. Therefore, drinking water cleanup standards (MCLs) may apply for deep groundwater. The Regional Board concurred with the report's conclusions regarding remedial options for groundwater at the site, however, groundwater remediation standards have not been established.

**Section 3.11, Hazards and Hazardous Materials (Page 3.11-29).**

A13.22

*Groundwater monitoring data indicates that reductive dechlorination is naturally occurring in the VOC plume, and it is expected to be a major process for contaminant removal over the long-term (10 to 20 years). Therefore, the Regional Water Board is overseeing the use of monitored natural attenuation at the Project site to ensure vinyl chloride concentrations are maintained below the site-specific cleanup goal.*

Reductive dechlorination in groundwater does not necessarily mean it will affect soil vapor concentrations. In addition, some groundwater samples with rising vinyl chloride trends also have stable or rising DCE and TCE trends (e.g., G-10, G-19), which does not necessarily confirm biodegradation is occurring.

We appreciate the opportunity to comment on the DEIR for this project, and hope our comments are helpful. If you have any questions, please contact me at 510-622-2404 or by email at [kroberson@waterboards.ca.gov](mailto:kroberson@waterboards.ca.gov).

Sincerely,



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## Response to Comment Letter A13—San Francisco Bay Regional Water Quality Control Board, Keith E. Roberson (letter dated November 23, 2015)

- A13.1 *The commenter notes that through collaboration, many initial concerns, but not all, have been addressed. In particular, his concern regarding residential units above a former landfill is not listed in the Draft EIR as an Area of Controversy with respect to Population and Housing. As described on page ES-2 of the Draft EIR, California Environmental Quality Act (CEQA) Guidelines Section 15123 specifies that a Draft EIR summary must identify “areas of controversy” that are known to the Lead Agency, including issues that were raised by agencies and the public. Therefore, the Executive Summary of the Draft EIR lists the written comments that were received during the Notice of Preparation comment periods pertaining to physical impacts under CEQA. The issue of placement of housing on top of a landfill, as requested by the commenter, is listed as the first bullet point under the subheading Hazardous Materials on page ES-4. This topic is listed here because impacts of new housing units above a landfill are analyzed in Section 3.11, Hazards and Hazardous Materials, under Impact HAZ-4, starting on page 3.11-26 of the Draft EIR. Section 3.12, Population and Housing, discusses whether the Project would induce substantial population growth or displace people or housing. Therefore, this issue will remain under the subheading Hazardous Materials and not be moved under the subheading Population and Housing, as suggested by the commenter. No changes to the Draft EIR have been made.*
- A13.2 *The commenter questions which Project, Scheme A or Scheme B, will be carried forward as the final Project. As explained on page 2-7 of the Draft EIR, the Draft EIR analyzes two different land use schemes at the Project site to capture the range of possible land uses that could be developed. Both schemes would develop up to 9.16 million gross square feet (gsf), but Scheme B would only include residential uses at Parcel 5. Scheme A is the Project Developer’s preferred scenario; however, due to potential restrictions regarding housing on top of a landfill, Scheme B was also analyzed. As currently proposed, the Project Developer will determine whether to proceed with Scheme A or Scheme B, both of which are proposed for approval as part of the overall Project. The Project Developer has indicated that it will likely proceed with Scheme A, unless it is not accepted by the responsible agencies, at which time Scheme B will be carried forward for further consideration.*
- A13.3 *The commenter questions if the clean closure of Parcel 4 only was evaluated as an alternative and whether this would be economically feasible. Please refer to Master Response 5 of this document for a discussion regarding Project alternatives.*
- A13.4 *The commenter states that the Reduced Intensity Alternative does not reduce the number of future residents on the Landfill. As explained on page 5-1 in Section 5, Alternatives, State CEQA Guidelines Section 15126.6(a)) require that an EIR “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” The Project would result in significant and unavoidable impacts associated with land use, transportation, air quality, greenhouse gases, noise, biological resources, and utilities.*

The Reduced Intensity Alternative, as described on pages 5-7 and 5-8, was developed to lessen the impacts associated with transportation/traffic, air quality, GHG, and noise. Office users are primarily responsible for generating these impacts; therefore, decreasing the amount of office

space would reduce these impacts by the greatest amount on a square foot basis. All other land uses, including housing, would have the same amount of area as proposed under Scheme B.

No significant and unavoidable impacts associated with the construction of housing on top of a landfill were identified in the Draft EIR. Mitigation Measures HAZ-4.1 through HAZ-4.6, as presented on pages 3.11-31 through 3.11-33 of the Draft EIR, would reduce impacts on proposed residents to less than significant. Therefore, under CEQA, an alternative to placing housing on top of a landfill is not required. However, Scheme B, which could be selected by the Project Developer for implementation (see Response 13.2, above), was developed as a Project scenario where no housing would be constructed on top of the Landfill. Housing would only be developed at Parcel 5, which is not located on top of the Landfill. Scheme B is analyzed throughout the Draft EIR. Therefore, no alternatives analyzing a reduction of housing at Parcel 4 are required. No changes to the Draft EIR have been made.

Please refer to Master Response 5 of this document for a discussion regarding Project alternatives.

- A13.5 *The commenter expresses concerns about placing residential units over buried waste.* The Draft EIR acknowledges that the Regional Water Board has approval authority over environmental permits for the Project and that residential land uses will not be approved until the Regional Water Board has had the opportunity to review additional pending documents that will provide additional detail related to the management of landfill gas. In addition, the Santa Clara County Department of Public Health Local Enforcement Agency (LEA) and the Regional Water Board will need to approve the final Post-Closure Land Use Plan (PCLUP), a draft of which was made available for public review in conjunction with the circulation of the Draft EIR. The Waste Discharge Requirements (WDRs) and PCLUP will impose all the conditions the Regional Water Board and LEA deem necessary to ensure protection of human health and the environment.

In March, April, and October 2014, Langan conducted an initial landfill gas sampling investigation, joint geotechnical and environmental investigation that included soil and groundwater sample collection, and a soil, groundwater, and landfill gas investigation, respectively. Langan has prepared and previously submitted a Draft Site Investigation and Environmental Risk Assessment report for the site development to the Regional Water Board based on the results of the above-referenced investigations and has concluded that future residential intrusion risk without any mitigating engineering controls would result in carcinogenic risk within the risk management range. Furthermore, (1) the Hazard Index (HI) for the resident scenario was below the target HI of 1, indicating that adverse non-cancer effects are not anticipated and (2) the modeled trichloroethene (TCE) concentrations in indoor air are below the short-term action level for residential exposure. In addition, the planned engineering controls for the site development would further reduce the vapor intrusion risk, which is already within the acceptable risk management range.

- A13.6 *The commenter states that the number of residential units and residents envisioned for the Project is higher than was outlined in the NOP.* As described on page 1-3 of the Draft EIR, in Chapter 1, *Introduction*, the City prepared two NOPs: one on July 10, 2014, for the Centennial Gateway Mixed-Use Project and one on July 30, 2014, for the City Place Project. On February 5, 2015, Related and MPG (the developer for the Centennial Gateway Mixed-Use Project) announced that they had formed a partnership to develop jointly the Centennial Gateway Mixed-Use Project and the adjacent City Center portion of the City Place Project (also known as Phases 1, 2, and 3 of the

City Place Project). The remainder of the City Place Project would continue to be developed by Related as originally purposed. The combination of the projects would not result in any potential impacts that were not already identified in the published NOPs. The City published a report on the combination of the two EIRs at the City Council meeting on June 16, 2015. It was determined that the combination of the projects would not result in any potential impacts that were not already identified in the published NOPs. Comments received in response to both NOPs were considered during the preparation of the Draft EIR.

As stated by the commenter, the number of residential units as proposed under the Project is more than what is outlined in the two NOPs. The Centennial Gateway Mixed-Use Project NOP envisioned no residential units (on what is now Parcel 5), while the City Place Project NOP envisioned up to 540 residential units (on Parcel 4). The number of residential units included in the NOPs reflected the site plans at the time. However, with the combination of the two projects, the site plans evolved. Once the new Project was established, approximately 1,360 units were proposed under Scheme A and approximately 200 units were proposed under Scheme B. In response to the Regional Water Board's concerns about the increase in housing units, Langan submitted a memorandum to the Regional Water Board on December 20, 2015, evaluating whether the increase in housing units would affect the conclusions in its site assessment and risk assessment. This memorandum concludes:

... it is Langan's opinion that an increased number of residential units on level 2 and above of buildings constructed at Parcel 4 would not change the risk characterization results presented in our risk assessment report. Furthermore, the buildings with planned residential units can be constructed at any location on Parcel 4 and not increase the risk characterization results. Lastly, the planned engineering controls for the site development will further reduce the vapor intrusion risk, which is already within the risk management range.

Regardless of the number of units, the Project would still result in on-site population increases and placement of residents on or adjacent to the former Landfill, as fully analyzed in Section 3.13, *Population and Housing*, and Section 3.11, *Hazards and Hazardous Materials*, respectively. There was no substantial increase in impacts associated with those conditions.

A13.7 *The commenter expresses concern for placing residential units over the Landfill. Please refer to Response 13.5, above.*

A13.8 *The commenter refers to the analysis of Impact WQ-6 (Place Housing or Structures within 100-Year Flood Hazard Area) and asks what the relative impact would be with and without residents. As described in the discussion of Impact WQ-6, residential and commercial structures placed within the Project site (Parcels 1 through 5) would be outside of the FEMA-designated 100-year flood zone's base flood elevations. Therefore, there would be no difference in impact with or without new residents as a result of the Project. As described in Mitigation Measures WQ-1.1, WQ-3.1, and WQ-3.2, the Project would be designed to result in no increase in peak flows from the Project compared to pre-development conditions (i.e. 100-year flood elevations or existing design flows) in order to satisfy the SCVWD flood protection criteria. This would reduce the potential for the Project to cause overtopping or levee failure as a result of increased flows and, therefore, minimize the exposure of existing residents to flood risks. Consequently, the EIR adequately addresses this issue, and no changes were made to Section 3.10, *Hydrology and Water Quality*, as a result of this comment.*

- A13.9 *The commenter inquires as to whether the Bay Area Air Quality Management District Regulation 8, Rule 34 applies to the development proposed by the Project and if there would be any additional requirements.* As described in the Draft EIR on pages 3.11-15, the current Landfill facility is subject to the requirements of Regulation 8, Rule 34. The Draft EIR goes on to describe the ongoing requirement for compliance under the Project with Regulation 8, Rule 34 on page 3.11-36, including that wellheads for the Landfill gas collection and removal system at the Project site must be sampled monthly for vacuum pressure, temperature, and either oxygen or nitrogen. With regard to other additional requirements, the Draft EIR provides mitigation measures to address Landfill fires in Mitigation Measure HAZ-9.1, HAZ-9.2, and HAZ-9.3 on pages 3.11-36 to 3.11-38.
- A13.10 *The commenter requests an explanation of why Scheme A would result in a lower water demand than Scheme B.* Table 3.14-4 on page 3.14-20 of the Draft EIR shows the estimated water demand by land use for Scheme A and Scheme B. The more detailed calculations of the estimated water demand for both Scheme A and Scheme B are provided in Appendix D of the WSA (Appendix 3.14 of the Draft EIR) prepared by the City for the Project. As shown in Table 3.14-4, the estimated water demand for the hotel and landscape irrigation would be the same under Scheme A and Scheme B. However, the office and retail space proposed under Scheme A would result in a water demand of approximately 1,025.6 acre-feet per year, whereas the increased amount of office and retail space proposed under Scheme B would result in a water demand of approximately 1,193.1 acre-feet per year. In addition, the residential uses proposed under Scheme A would result in a water demand of 184.3 acre-feet per year, whereas the reduced amount of residential uses proposed under Scheme B would result in a water demand of 27.1 acre-feet per year. A residential unit may use more water per year than a comparable amount of office and retail space. However, Scheme B would result in an overall greater water demand despite including a reduced amount of residential space in comparison to Scheme A because it would include substantially more office and retail space in comparison to Scheme A.
- A13.11 *The commenter has concerns about the alternatives considered, but rejected.* Please refer to Master Response 5 of this document for a discussion regarding Project alternatives.
- A13.12 *The commenter indicates that the requirements of CCR Title 27 and the Regional Water Board Updated Waste Discharge Requirements (Order No. R2-2002-0008) would continue to be applicable to the proposed Project, and that the Updated Waste Discharge Requirements may be more stringent than the current WDRs.* The Draft EIR acknowledges that the Regional Water Board has approval authority over environmental permits, including Waste Discharge Requirements, for the proposed Project and that the updated WDRs may be more stringent than the existing WDRs. The Developer would be legally bound to comply with all aspects of the updated WDRs.
- A13.13 *The commenter questions the determination of less than significant for geologic/seismic hazards and suggests that the Reduced Intensity Alternative would reduce the severity of seismicity impacts relative to the Project.* The Draft EIR describes the seismic setting of the Project site starting on page 3.9-5, including the fact that the likelihood of a magnitude 6.0 (or greater) earthquake to occur on a San Francisco Bay Area fault (or combination of faults) is 98 percent in the next 30 years (starting in 2014). The likelihood of a magnitude 7.0 (or greater) is 51 percent. As described in the Draft EIR (page 3.9-31), the Project site buildings and improvements would be constructed in accordance with the current CBC (as amended), as required by the Santa Clara Municipal Code, and the site-specific design parameters are based on the ground shaking

produced by the Maximum Considered Earthquake, as predicted in USGS models. The design parameters are intended to ensure that buildings retain structural integrity during the most severe ground shaking that would be expected at the site. In terms of the Landfill gas collection system during and after an earthquake, the post-quake response would be similar to the response for the PG&E natural gas conveyance and pipeline system; pipes and system components would be inspected and repair of any damage would promptly completed.

With regard to the commenter's statement that the Reduced Intensity Alternative would reduce the severity of seismicity impacts relative to the Project because the Reduced Intensity Alternative would expose fewer people at the Project site to seismic hazards, all developments and residents in the San Francisco Bay Area accept a certain amount of risk associated with seismic groundshaking. New structures that are built in conformance with the latest CBC standards would be expected to perform better in a seismic event relative to older structures. For this reason, the Draft EIR determined that seismic shaking associated with both the Project and the Reduced Intensity Alternative are less than significant. Because CEQA does not recognize gradations of the less-than-significant impacts, the number of people that would occupy the Project is not a factor considered in the impact significance determination.

A13.14 *The commenter expressed concern that a leak or rupture of the landfill gas venting lines could occur due to flooding associated with irrigation of stormwater treatment measures (trees/planters) or a rupture in associated water lines. The commenter states that the flooding may impact the ability to detect or vent methane in that area, and that the ability to monitor or implement mitigation measures for this type of incident is unknown.* The Project would be designed so as to prevent leakages or other interactions with the underlying landfill. Impermeable caps and liners would be placed along the top and bottom of the entire landfill area. For example, geomembrane or an equivalent system with low permeability to landfill gas would be installed between the concrete floor slab of the building and subgrade. According to conceptual design plans, all stormwater treatment measures and landscape planters on the podium would include an impermeable liner (on bottom and sides) that would prevent any leaks or ruptures into the landfill and structures. There would also be perforated underdrain piping connected to solid piping at the exit of the treatment measure/planter solid piping that would connect to the storm drain infrastructure at manholes where leak monitoring can be performed. Below the bottom of the treatment measures/planters is another impermeable membrane, which is part of the landfill gas collection system installed on the podium structure. A drainage system would be installed above the top of the podium structure to allow for collection and drainage of stormwater that percolates through pavement sections and landscape areas. During the preparation of specific designs for each development phase, there would be sufficient detail about these systems to conduct a detailed analysis to evaluate and address seismic effects on these systems. The majority of the domestic water system would be constructed on a structural slab supported on deep foundations. The pipes will be made of High Density Polyethylene (HDPE) pipe, which is durable and flexible against the potential effects of ground movement from settlement and earthquakes. The HDPE pipe would be embedded in compacted granular fill, which allows for more flexibility in movement in the event of an earthquake.

In the case of a flood in the landfill gas venting system area, along with the automatic methane gas sensors, periodic methane gas monitoring would be conducted inside all buildings and underground utilities. Therefore, in the event of an earthquake, the landfill gas venting pipes

would automatically be inspected for leaks, ruptures, or any other conditions. Access ports would be installed at select locations within the venting layer to monitor for the presence of, and removal of, water that might flood the system in the event that water leaks from collection systems above the landfill gas mitigation system. This system would help prevent the water from further migrating into the underlying landfill gas mitigation system. The access ports would allow for use of portable moisture-sensing devices to periodically monitor for moisture in the event that a leak is suspected. The access ports would also be designed to allow for pumping of water from the interstitial space in the event that water is detected. These details will be included in the project design documents submitted to regulatory agencies for review and approval. In addition, no residential spaces would be located on the first level of the residential buildings, where the podium structure would be located, which would protect people against the risks of methane gas releases before it could be detected.

The following text has been added to page 3.10-28 to the beginning of the third paragraph in Mitigation Measure WQ-1.1:

The design of the stormwater treatment measures is currently at the conceptual level and further details will be addressed as part of the planning, construction, and operation of the development. The treatment measures shall be designed to remove pollutants from stormwater using filtration, infiltration, and sedimentation. Because infiltration is not feasible due to the landfill, the treatment measures must be built into the structure of the development above the landfill itself. The stormwater treatment measures that provide infiltration shall be lined with an impermeable liner on the bottom and sides. Just above the liner there must be a layer of clean gravel and a network of perforated piping (underdrains). These underdrains must connect to solid drain piping at the exit of the treatment area and ultimately be connected to the storm drainage infrastructure. All of these components shall exist above the podium structure. The impermeable liner would prevent any leaks or ruptures into the landfill and structures. There shall also be perforated underdrain piping connected to solid piping at the exit of the treatment measure/planter solid piping that will connect to the storm drain infrastructure at manholes where leak monitoring can be performed. More information on the potential hazards of a leak or rupture of the stormwater treatment measures causing flooding of the landfill gas venting lines is provided in Section 3.11, *Hazards and Hazardous Materials*. The following stormwater treatment (or Low Impact Development [LID]) measures are examples that will be considered and carefully selected as part of the final design process for the different sections of the proposed development:

- Bioretention Areas (impermeable liner with underdrain—no infiltration into landfill)

The following paragraph has been added after the third bullet in Mitigation Measure HAZ-4.4 (*Landfill Gas Monitoring and Control System Maintenance*) on page 3.11-32 of the Draft EIR in Section 3.11, *Hazards and Hazardous Materials*:

In the event of an earthquake or other event that could cause a rupture or leak from overlying stormwater treatment measures (i.e., planters, vegetated areas), the landfill gas venting pipes shall be inspected at access ports within 24 hours of the event for leaks, ruptures, or any other conditions. Access ports shall be installed at select locations, to provide full coverage of the system based on system design and access constraints, within

the venting layer to monitor for the presence of, and removal of, water that might flood the system in the event that water leaks from collection systems above the landfill gas mitigation system. This system would help prevent the water from further migrating into the underlying landfill gas mitigation system. The access ports will allow for use of portable moisture-sensing devices to periodically monitor for moisture in the event that a leak is suspected. The access ports shall also be designed to allow for pumping of water from the interstitial space in the event that water is detected.

A13.15 *The commenter states that, at sites that require CWA Section 401 Water Quality Certification from the Regional Water Board and/or Waste Discharge Requirements for features such as the proposed new storm water outfalls, pile driving in San Tomas Aquino Creek for a new bridge, the new bridge itself, or other impacts on waters of the State at the Project site, the Regional Water Board has authority to approve post-construction stormwater management plans. Although post-construction stormwater measures will be implemented for the entire Project (at on-site and off-site locations), this information regarding post-construction stormwater management plans evidences an additional layer of reporting under a separate permit process that is worthy of noting. Thus, in response to this comment, the last paragraph of the discussion on the San Francisco Bay Municipal Regional Permit on page 3.10-7 has been edited as follows:*

~~The San Francisco Bay Water Board released a Tentative Order for reissuance of the current San Francisco Bay MS4 Permit on May 11, 2015, and is expected to be reissued by early 2016. The majority changes in the proposed Order are related to Provision C.3, such as operation and maintenance of stormwater treatment systems and development of Green Infrastructure Plans. In addition to the post-construction stormwater requirements in the San Francisco Bay MS4 Permit, the Regional Water Board has authority to approve post-construction stormwater management plans for all sites that require a 401 Water Quality Certification and/or Waste Discharge Requirements. Acceptable post-construction stormwater plans must provide stormwater runoff treatment that is consistent with the treatment requirements of the San Francisco Bay MS4 Permit for all impervious surfaces created or recreated by the Project.~~

In addition, the following edits have been made to the last full paragraph on page 3.10-6 of the Draft EIR:

#### **San Francisco Bay Municipal Regional Stormwater Permit**

The San Francisco Bay Regional Water Board most recently issued the MS4 Phase I San Francisco Bay Region Municipal Regional Stormwater NPDES Permit No. CAS029718 (Order No. ~~R2-2009-0074, Revised November 28, 2011; NPDES Permit No. CAS612008 R2-2015-0049-DWQ~~) (San Francisco Bay MS4 Permit) on ~~October 14, 2009~~ November 19, 2015. Several cities and counties (including the City of Santa Clara [City]) are covered as Permittees under this permit and are required to address protection of stormwater quality in their jurisdictions through the implementation of stormwater programs. The City of Santa Clara is a Permittee under the San Francisco Bay MS4 Permit for the discharge of stormwater runoff from the MS4s.

The following text has been added at the end of the third paragraph of the discussion for Impact WQ-5 (*Degradation of Water Quality*) on page 3.10-36:

In addition, for sites that require CWA Section 401 Water Quality Certification from the Regional Water Board for features such as the proposed new stormwater outfalls, pile driving in San Tomas Aquino Creek for a new bridge, or impacts on other waters of the State at the Project site, the Water Board has authority to approve post-construction stormwater management plans that provide stormwater runoff treatment that is consistent with the treatment requirements described in the San Francisco Bay MS4 Permit, as described in Mitigation Measure WQ-1.1. Therefore, compliance with relevant regulations and implementation of Mitigation Measures WQ-1.1, BIO-5.1, and BIO-5.2 would reduce this impact to ***less than significant***.

*The commenter also states that once the 40-acre concrete pad has been constructed for the Project, it will probably require the construction of interim treatment measures until the surface of the pad is developed with new structures with their own associated post-construction stormwater treatment features.* In response to this comment, the following text has been incorporated into the beginning of the third full paragraph in the discussion of Mitigation Measure WQ-1.1 on page 3.10-29:

Due to construction phasing, construction of interim treatment measures may be required once the 40-acre concrete pad has been constructed and before the surface of the pad is developed with new structures with their own associated post-construction stormwater treatment features. These interim measures will be reported to the San Francisco Bay Water Quality Board. The stormwater management measures for each parcel shall be modeled during final design for buildings, parking garages, site landscaping, etc.

A13.16 *The commenter refers to Mitigation Measure WQ-1.1: Design and Implement Stormwater Control Measures, and suggests that more detail is needed to describe how some of the measures described will be prevented from infiltration, and how others (with impermeable liners and underdrains) will function within the podium structure.* Current designs are at the conceptual level, and the final site design and source control measures will be addressed as part of the planning and operation of the development. Please see the text revisions provided in Response A13.14, above.

A13.17 *The commenter asks for an explanation of how the new bridge and outfall structures will be designed to avoid increases in flow and erosion.* Impact WQ-3 addresses changes to drainage patterns and resulting erosion, siltation, or flooding, and Mitigation Measure WQ-3.1 addresses the design of new bridge and outfall structures to avoid an increase in 100-year flow, existing design flow, and channel erosion. The new bridge and outfall structures would be designed to facilitate passage of the 100-year flow and existing design flow, and to prevent erosive action or redirection of flow during more frequent flood events. The invert of the outfalls would be set above the bottom of the creek; the final elevation, as well as other elements, would be designed pursuant to the City of Santa Clara's storm drainage design criteria, consistent with SCVWD's guidance, and coordinated with the SCVWD to ensure the locations of outfalls are above sediment levels within the creek. The following text has been added to the discussion in Impact WQ-3 on page 3.10-34 to provide further clarification:

The bridge constructed above San Tomas Aquino Creek has not yet been designed but may affect 100-year flood flows or the existing design flow. Mitigation Measure WQ-3.1

requires new bridge and outfall structures to be designed to facilitate passage of the 100-year flow and existing design flow, and to prevent erosive action or redirection of flow during more frequent flood events. In addition, the new outfalls within San Tomas Aquino Creek have not yet been designed but could also affect 100-year flood flows and cause changes to the existing channel morphology. Implementation of Mitigation Measure WQ-3 will minimize these impacts. Impacts of the new bridge and outfalls could be *significant*.

In addition, the following changes have been made to Mitigation Measure WQ-3.1 on page 3.10-34 of the Draft EIR:

*WQ-3.1: Design New Bridge and Outfall Structures to Avoid Increase in 100-year Flow and Channel Erosion.* In compliance with the SCVWD's 100-year peak flood requirements, any new bridge and new outfalls in San Tomas Aquino Creek shall be designed to avoid increases in the 100-year flow and to avoid creek bed/channel erosion. The design shall also consider erosive action or redirection of flow during more frequent flood events in compliance with the City of Santa Clara's storm drainage design criteria<sup>72</sup> and consistent with SCVWD's guidance.<sup>73</sup> The outfalls will be set at elevations high enough to ensure the location of outfalls are above sediment levels within the bottom of the creek.<sup>74</sup> The design shall be provided to the City of Santa Clara and the SCVWD for review and approval for the Project. Construction would be done in phases. For example, the new bridge over the San Tomas Creek would not be needed until Phase 4 and outfalls to the eastside drainage ditch would not be needed until Phases 6, 7, and 8. The design review approval of outfalls shall occur prior to the issuance of the building permit for the development that triggers the need for the outfall or associated construction activity, and on a schedule similar to the phases of construction.

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<sup>72</sup> City of Santa Clara. 2015. Design Criteria for Improvements in Public Right-of-Ways and City Easements. Public Works Department. April. Available: <http://santaclaraca.gov/home/showdocument?id=14345>. Accessed: 12/29/15.

<sup>73</sup> Santa Clara Valley Water District. 2006. User Manual: Guidelines & Standards for Land Use Near Streams. A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County. Prepared by the Santa Clara Valley Water Resources Protection Collaborative. Originally adopted in August 2005. Revised: July 2006.

<sup>74</sup> Outfalls and work within the SCVWD right-of-way are subject to approval and issuance of permits by the SCVWD.

A13.18 *The commenter asserts that the jurisdictional status of the vegetated depressions described in the Draft EIR should be assessed.* In order to determine the jurisdictional status of the vegetated depressions, a jurisdictional delineation per the methods described in the 1987 *U.S. Army Corps of Engineers Wetlands*<sup>1</sup> would need to be conducted; however, a jurisdictional delineation is not required under CEQA. The Draft EIR describes the existing aquatic features on the Project site, which were identified during a reconnaissance-level assessment of land cover for the Project. Some of the aquatic features are the result of leaking irrigation pipes and sprinkler heads, blocked subdrains, rutted cart pathways, or lined man-made irrigation ponds, which are all

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<sup>1</sup> Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual.* (Technical Report Y-87-1.) Vicksburg, MS: U.S. Army Waterways Experiment Station.

subject to periodic maintenance. All of the areas and other areas not falling within these categories may be potentially jurisdictional waters/wetlands per state and/or federal regulations, depending on an official USACE and the Regional Water Board jurisdictional determination. In order to clarify the information regarding potential waters/wetlands, the text in the Draft EIR regarding potential Waters of the U.S. and State has been revised, and the Draft EIR now includes an all-inclusive table and figure of these depressional areas identified as potential jurisdictional wetlands and other waters of the U.S. and State at the Project site.

In response to this comment, the Draft EIR text on page 3.8-8 has been revised as noted below. A new figure and corresponding table detailing the locations for potential waters of the U.S. on the Project site have been added to the Draft EIR. The new figure has been added as Figure 3.8-2 and the new table has been added as Table 3.8-1. The subsequent figures and tables in the section have been renumbered accordingly, although these changes are not shown.

### **Vegetated Depressions**

Vegetated depressions are very small areas dominated by emergent herbaceous wetland plants that, ~~are either intermittently flooded or contain perennially saturated soils, depending on the duration of ponding, flooding, and/or soil saturation, may or may not be wetlands based on the USACE's approved methodology. Therefore, these areas are considered to be potential wetlands until a detailed jurisdictional determination can be prepared and officially verified by the USACE regarding waters of the U.S. and waters of the State by the Regional Water Board. These features are shown on Figure 3.8-2, and the acreage of each individual vegetated depression is included in Table 3.8-1. Four vegetated depressions, accounting for approximately 0.7 acre of land cover, were observed on the Project site, as shown on Figure 3.8-1. One of the vegetated depressions is located in the southeastern corner of Parcel 4; one is located on the western edge of Parcel 4 near San Tomas Aquino Creek; and the remaining two are located on the eastern edge of Parcel 3. These vegetated depressions are low quality in terms of vegetation type as compared to wetland habitats containing native plant populations because they are variously dominated by dense stands of nonnative vegetation, including one or more of the following: cattail (*Typha* sp.), Bermudagrass, bristly oxtongue, bulrush (*Schoenoplectus* spp.), dallisgras (*Paspalum dilatatum*), velvet grass (*Holcus lanatus*), perennial pepperweed (*Lepidium latifolium*), Italian rye grass (*Festuca perennis*), and various golf course turf grasses.~~

Wildlife species observed within the vegetated depressions on the Project site include song sparrow (*Melospiza melodia*) and red-winged blackbird (*Agelaius phoeniceus*).

### **Pond/Creek/Drainages**

Two human-made ponds are present on the Project site, encompassing approximately 6 acres: the 1-acre lined golf course irrigation pond on Parcel 4 and the 5-acre lined retention basin (acreage includes the associated Eastside Retention Drainage Swale) (Figure 3.8-1 and Figures 3.8-2a and 3.8-2b). Both ponds consist of open water edged by cattails on their margins as well as the majority of the vegetation described under the Vegetated Depressions section, above. Many species of waterfowl use the human-made ponds, including mallard (*Anas platyrhynchos*), American coot (*Fulicia americana*), and Canada goose. In addition, a small, unvegetated concrete drainage ditch (approximately

0.9 acre) runs east to west along the northern boundary of Parcel 4-3, and two drainage ditches containing wetland vegetation occur south of Stars and Stripes Drive (approximately 0.015 acre) (Figures 3.8-2a and 3.8-2b and Table 3.8-1).

In addition, the following text has been added after the first paragraph on page 3.8-9 of Draft EIR:

#### **Waters of the U.S. and State**

In order to determine the jurisdictional status of the vegetated depressions and pond/creek/drainages described above, a jurisdictional delineation per the methods described in the 1987 U.S. Army Corps of Engineers Wetlands and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0) (Arid West Supplement) must be conducted. However, the Guadalupe River and San Tomas Aquino Creek, given their readily observable surface vegetation, soil, hydrology characteristics, and hydrologic connectivity with San Francisco Bay, are subject to both federal and State jurisdiction. The other aquatic features found within the Project site are potential waters of the U.S. and State pending confirmation with the regulatory agencies (USACE and San Francisco Bay Regional Water Quality Control Board), following the preparation of a detailed jurisdictional determination and verification during permitting. Table 3-8.1, below, shows the acreage of each potentially jurisdictional feature on the Project site and the potential acreage of impact based on preliminary Project designs. Figures 3.8-2a and 3.8-2b depict the potentially jurisdictional waters of the U.S. and State in the Project area and corresponds with the Feature ID column in Table 3-8.1.

**Table 3-8.1. Potentially Jurisdictional Waters of the United States Identified in the Project Area<sup>a,b</sup>**

<u>Feature ID</u>	<u>Feature Type</u>	<u>Potential Waters of the U.S. Type</u>	<u>Area (acre)</u>	<u>Impact Area (acre)</u>
<u>1</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.4</u>	<u>0.4</u>
<u>2</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.0007</u>	<u>0.0007</u>
<u>3</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.002</u>	<u>0.002</u>
<u>4</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.0006</u>	<u>0.0006</u>
<u>5</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.0009</u>	<u>0.0009</u>
<u>6</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.004</u>	<u>0.004</u>
<u>7</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.03</u>	<u>0.03</u>
<u>8</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.003</u>	<u>0.003</u>
<u>9</u>	<u>Lined man-made irrigation pond<sup>b</sup></u>	<u>Other water</u>	<u>1.1</u>	<u>1.1</u>
<u>10</u>	<u>Drainage Ditch</u>	<u>Other water</u>	<u>0.09</u>	<u>0.09</u>
<u>11</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.003</u>	<u>0.003</u>
<u>12</u>	<u>Retention Basin<sup>b</sup></u>	<u>Other water</u>	<u>4.7</u>	<u>0.0</u>
<u>13</u>	<u>Drainage Swale<sup>b</sup></u>	<u>Other water</u>	<u>0.4</u>	<u>0.0</u>
<u>14</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.010</u>	<u>0.010</u>
<u>15</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.03</u>	<u>0.03</u>
<u>16</u>	<u>Drainage Ditch</u>	<u>Wetland</u>	<u>0.009</u>	<u>0.009</u>

<u>Feature ID</u>	<u>Feature Type</u>	<u>Potential Waters of the U.S. Type</u>	<u>Area (acre)</u>	<u>Impact Area (acre)</u>
<u>17</u>	<u>Drainage Ditch</u>	<u>Wetland</u>	<u>0.006</u>	<u>0.006</u>
<u>18</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.005</u>	<u>0.005</u>
<u>19</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.008</u>	<u>0.008</u>
<u>20</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.001</u>	<u>0.001</u>
<u>21</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.023</u>	<u>0.023</u>
<u>22</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.008</u>	<u>0.008</u>
<u>23</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.005</u>	<u>0.005</u>
<u>24</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.003</u>	<u>0.003</u>
<u>25</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.007</u>	<u>0.007</u>
<u>26</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.003</u>	<u>0.003</u>
<u>27</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.011</u>	<u>0.011</u>
<u>Wetlands Total</u>			<u>0.57</u>	<u>0.57</u>
<u>Other Waters Total</u>			<u>5.19</u>	<u>1.19</u>
<b><u>Grand Total</u></b>			<b><u>5.76</u></b>	<b><u>1.76</u></b>

<sup>a</sup>. Although Tomas Aquino Creek is not within the Project boundary, it would be permanently impacted by the installation of two bridge abutments and two in-channel piers. However, at this time, the Project design is not developed enough to determine the impact area. Project impacts are currently estimated to be a maximum of 0.05 acre.

<sup>b</sup>. Included in other waters total although these features support wetlands fringe.

A13.19 *The commenter states that the Draft EIR does not quantify the extent of the Project's impacts on jurisdictional wetlands and other waters or propose specific mitigation measures for impacts on wetlands and other waters. The Draft EIR explains that the jurisdictional water/wetland features may be altered by the Project, and this impact is identified as significant. The potential acreage of impact on each potential water feature has been included in new Table 3.8-1, as included in Response A13.18, above. Mitigation Measure BIO-5.1 requires protection of the retention pond and the Eastside Retention Drainage Swale during construction. Mitigation Measure BIO-5.2 requires that compensation for jurisdictional waters and wetlands if they cannot be avoided. This mitigation requires the Project result in no net loss of wetland habitat functions and values (the performance standard). As included in the revised text for Mitigation Measure BIO-5.2, below, compensation shall be provided through the purchase of agency-approved mitigation credits from a suitably located mitigation bank, on-site wetland/waters restoration, off-site wetland/waters restoration, or a combination of measures.*

To maintain consistency with the national policy of no net loss of wetlands, the Regional Water Board requires certain minimum mitigation ratios (these ratios can be increased on a case-by-case basis). For permanent impacts, mitigation ratios are identified as a minimum of 2:1 for restored or enhanced wetlands and of 3:1 (area mitigated: area impacted) for created wetlands. Temporary impacts on wetlands are mitigated at a 1:1 ratio to restore to preconstruction conditions.<sup>2</sup> The mitigation also requires monitoring and meeting of success criteria.

<sup>2</sup> State Water Resources Control Board. 2005. *Instructions for Completing the Clean Water Act Section 401 Water Quality Certification Application*.

However, upon receipt of this comment, the text in Mitigation Measures BIO-5.1 and BIO-5.2 have been updated to clarify their original intent.

Thus, the potential impact is disclosed and mitigation is identified that will result in no net loss of wetland habitat functions and values, and the mitigation does not rely on the resource agency permits. The resource agency consultation may result in the need for additional mitigation, but the Draft EIR mitigation stands on its own to address the impact. Therefore, the basic CEQA requirements are fulfilled. CEQA does not require that the precise form and location of the mitigation must be identified in the EIR as long as there is an adequate performance standard and sufficient identification of how and when and what the mitigation will require.

The following text has been revised in the second full paragraph on page 3.8-19:

As a result of the Project, some aquatic land cover types would be lost. The retention pond, although not being altered as part of the Project, could be affected during construction activities. Although some drainage ditches and creeks could be avoided, because roadways and bridges may cross over them, for the sake of this analysis it is assumed that drainage ditches internal to the Project site would be removed. The internal golf course and driving range, lined man-made irrigation pond, and vegetated depressions would be removed with build-out of the Project. In addition, there would be impacts in San Tomas Aquino Creek from instream work associated with the new bridge footings in the creek. Final impacts on ditches creeks, ponds, and vegetated depressions would be calculated once final design of Project features is complete. Significant impacts, per the CEQA analysis significance criteria, occur when federal or state jurisdictional waters/wetlands are affected. If these features are determined to be jurisdictional by the USACE and the Regional Water Board, and if impacts are unavoidable, the Project Developer shall coordinate with the appropriate regulatory agencies (which may also include DFW) DFW, USACE, and the Regional Water Board, as required and appropriate, to develop a compensation plan for the loss of waters of the United States and State per existing regulations. If compensation is required, construction activities (e.g., grading, excavation, fill placement) associated with habitat creation or enhancement could temporarily disturb waters of the United States and State. For the purposes of this EIR, all identified water resources are presumed to be jurisdictional for the purposes of the impact analysis and disclosure of the worst-case impacts. Therefore, these These impacts are considered **significant**.

Mitigation Measures BIO-5.1 and BIO-5.2, on pages 3.8-19 and 3.8-20, respectively, have been revised as follows:

*BIO-5.1: Protect Retention Pond and Eastside Retention Drainage Swale, and San Tomas Aquino Creek and the Guadalupe River Aquatic Habitat during Construction. For construction activities within 50 feet of the aquatic habitat associated with the retention pond and drainage swale, protective measures shall be put in place to ensure that impacts on those aquatic features shall be avoided and minimized. The following measures shall be deployed during construction:*

- A qualified biologist shall determine the locations where ~~Install~~ orange construction barrier fencing shall be installed around aquatic resources (USACE and the Regional Water Board jurisdictional wetlands/waters and DFW jurisdictional lakes and streams) ~~around the boundaries of wetland~~

~~resources~~ that are to be avoided prior to initiation of construction activities.

- Designate the protected area as an Environmentally Sensitive Area and clearly identify the area in the construction specifications.
- Maintain jurisdictional wetlands/waters protection fencing throughout the grading and construction period.
- Prohibit grading, construction activity, traffic, equipment, or materials in fenced wetland areas.

*BIO-5.2: Compensate for Loss of Waters of the U.S. and State (including Wetlands) Loss. If impacts ~~on jurisdictional ponds, wetlands, or drainage ditches; San Tomas Aquino Creek; or the Guadalupe River on jurisdictional waters of the U.S. or State~~ cannot be avoided, the Project Developer shall obtain permits or approvals to develop from the USACE, the Regional Water Board, and DFW, as appropriate and required. Both the Guadalupe River and San Tomas Aquino Creek are subject to both State and federal jurisdiction because of their connection to the Bay. To ensure that the Project results in no net loss of wetland habitat functions and values, the Project Developer shall compensate for the loss of jurisdictional wetlands/waters resources through ~~either on-site restoration/creation following completion of construction and/or off-site protection and enhancement of riparian and wetland habitat prior to activities that would affect the equivalent Project resource (as determined by a qualified wetland biologist).~~ one of the following options:*

- Purchase of agency-approved mitigation credits from a suitably located mitigation bank prior to construction (ground disturbance that impacts wetlands/waters);
- On-site wetland/waters restoration (re-establishment or rehabilitation) establishment (creation) prior to or concurrent with construction impacts;
- Off-site wetland/waters restoration (re-establishment or rehabilitation)/establishment (creation) prior to or concurrent with construction; or
- A combination of two or more of the above.

The amount of agency-approved mitigation credits required from a suitably located mitigation bank and/or size (area) and location(s) of the area(s) to be restored (re-established)/established (created) shall be based on appropriate mitigation ratios, as derived in consultation with DFW, USACE, and the Regional Water Board. ~~Mitigation ratios shall be at least 2:1.~~ The Project Developer shall prepare and implement a mitigation plan, ~~which shall include monitoring requirements and success criteria, in consultation with DFW, USACE, and the Regional Water Board.~~ and management plan (MMP) as part of the permitting process in conformance with the USEPA/USACE 2008 Mitigation Rule. The mitigation ratios shown in the initial draft MMP submitted to the permitting

agencies during Project permitting shall be a minimum of 2:1, as determined through the CEQA process. The MMP, if other than sole purchase of mitigation bank credits, shall include the requirements listed below:

- Mitigation implementation plan;
- Performance (success) standards or criteria to be met in order to determine that the mitigation has successfully replaced the impacted wetlands/waters in terms of “no net loss” of the impacted functions and values;
- 5-year monitoring plan for determining that performance criteria have been successfully met through the collection of wetlands/waters vegetation survival and cover field data; hydrology flooding, ponding, and/or soil saturation field data; and habitat area data;
- 5-year maintenance plan for insuring mitigation success;
- Adaptive management plan to be implemented if mitigation performance is found through annual monitoring not to be progressing towards success within the 5-year monitoring period;
- Conservation plan to ensure in-perpetuity land use protection of the mitigation site;
- Long-term (in-perpetuity) conservation management plan; and
- Funding plan for mitigation implementation, 5-year mitigation performance monitoring and maintenance, and an endowment (non-wasting fund) for long-term conservation management.

The final MMP shall be determined in consultation with DFW, USACE, and the Regional Water Board. The mitigation plan shall include measure to avoid and minimize the effects of construction on surrounding native habitats. The required performance standard is no net loss of wetland and waters habitat function and values. Monitoring shall occur for a minimum of 5 years, at which time, if the success criteria are met, wetland compensation shall be deemed complete.

A13.20 *The commenter states that displacement of methane gas with other inert gases could create a new hazard to workers. The commenter further notes that carbon dioxide, a common landfill gas, could also contribute to oxygen-deficiency in worker breathing zones. As described on page 3.11-3 of the Draft EIR, the Project would be subject to the requirements of Occupational Health and Safety Administration (OSHA) and California Division of Occupational Safety and Health (Cal/OSHA) for protecting worker health and safety. Applicable regulations include requirements for protective clothing, training, and limits on exposure to hazardous materials (including oxygen-deficient atmospheres). The Draft EIR further emphasizes worker safety, particularly as it relates to worker exposure to hazardous materials and oxygen-deficient atmospheres in Mitigation Measure HAZ-2.1 (starting on page 3.11-24), which includes, but is not limited to during excavation activities, excavation areas shall be monitored using a hand-held instrument calibrated to measure combustible gases (including methane), hydrogen sulfide, oxygen, and VOCs (underline added for emphasis). A site-specific Health and Safety Plan (HASP) would be*

prepared and implemented during the construction period. The HASP would be prepared by a Certified Industrial Hygienist and would include an Air Monitoring Program. The Air Monitoring Program will detail specific areas to be monitored (e.g., worker breathing zone) and compounds to be monitored (e.g., methane, carbon dioxide, oxygen).

As described in the Draft EIR, compliance with existing regulations and Draft EIR mitigation measures would reduce the potential health and safety impacts on workers related to oxygen-deficient atmospheres to a less-than-significant level.

A13.21 *The commenter expresses concerns about the effect of the pond overlying the VOC plume and whether adequate monitoring is being conducted to ensure groundwater discharging to the creek meets water quality standards. The commenter also states that drinking water cleanup standards may apply to deep groundwater.* The lined man-made irrigation pond at Parcel 4 (overlying the VOC plume under existing conditions) would be eliminated under the Project, eliminating any possibility that the pond would continue to contribute any additional water to the underlying VOC plume (by infiltration through the cap and refuse). With regard to the potential for contaminated groundwater associated with the VOC plume to discharge to a creek, affecting water quality standards, the downgradient edge of the plume is approximately 0.4 mile from the Guadalupe River (the nearest downgradient creek). Between the edge of the plume and the Guadalupe River there are at least six groundwater monitoring wells (G-1, G3-R, G-4R, G-6, G-11, and G-17) that have all been tested numerous times and found not to contain any VOCs above laboratory reporting limits. This is strong evidence that the VOC plume is not affecting surface water quality.

In its letter dated 23 July 2015, the Regional Water Board concurred with the Feasibility Study of Groundwater Remediation Alternatives dated 21 July 2015. The Feasibility Study set forth the following proposed groundwater remedial goals for the Project: 1) maintain or reduce vinyl chloride concentrations in groundwater at or below 442 µg/L; and 2) demonstrate long-term stability or decreasing trend in TCE and vinyl chloride concentrations at wells G-10, G-18, and G-19. In this case, the Regional Water Board is not using drinking water criteria as the remediation goals for the Project, but specifying cleanup goals focused on preventing vapor intrusion into structures at the surface. Implementation of the selected remediation alternative described in the Feasibility Study, under the supervision of the Regional Water Board, will ensure that any potential impacts related to the VOC plume that could be affected by the Project are minimized.

A13.22 *The commenter indicates that reductive dechlorination in groundwater may not affect soil vapor concentrations and that some groundwater quality data does not necessarily confirm that biodegradation is occurring.* Under the reductive dechlorination pathway, TCE is reduced to cis-1,2-dichloroethene (cis-1,2-DCE), cis-1,2-DCE is further reduced to vinyl chloride (VC), and VC is further reduced to ethene and ethane. Environmental investigation results conducted at the Project site suggest that the source of VOCs in groundwater is contact between landfill refuse and groundwater, and that VOC concentrations in soil gas are a result of off-gassing of these VOCs from groundwater. Therefore, as reductive dechlorination takes place and changes the constituents and their concentrations in groundwater, there ultimately would be a change in the compounds found in soil gas.

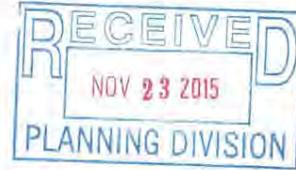
Additionally, as discussed in the Feasibility Study of Groundwater Remediation Alternatives dated 21 July 2015, the preponderance of evidence from groundwater data collected at the Project site since 2010 does suggest biodegradation via reductive dechlorination is occurring.

Not only are the VOC constituents and concentration trends within the VOC plume indicative of naturally occurring anaerobic biodegradation, but the collected groundwater chemistry data show favorable conditions for, and consistent with, dechlorination (i.e., favorable dissolved oxygen [DO], nitrate, chemical oxygen demand [COD], oxidation-reduction potential [ORP], and presence of degradable organics from landfill refuse as an electron donor to self-support reductive dechlorination).

In its letter dated 23 July 2015, the Regional Water Board concurred with the 21 July 2015 Feasibility Study.

**Comment Letter A14—Capitol Corridor Joint Powers Authority, Jim R. Allison  
(letter dated November 23, 2015)**

**Letter A14**



City of Santa Clara  
Attention: Debby Fernandez, Associate Planner  
1500 Warburton Avenue  
Santa Clara, CA 95050

November 23, 2015

**Subject: City Place Santa Clara Project Draft Environmental Impact Report (DEIR) Comments**

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Dear Ms. Fernandez,

The Capitol Corridor Joint Powers Authority (CCJPA) submits the comments below for the City Place Santa Clara Draft Environmental Impact Report (DEIR). The CCJPA manages the Capitol Corridor Intercity Passenger Rail (IPR) service, working in partnership with Caltrans, owner of the rolling stock, the Union Pacific Railroad (UPRR) and Caltrain, the respective owners of the right-of-way and dispatching authorities for their respective territories, and Amtrak, CCJPA's contract operator for the service. Capitol Corridor trains, along with Altamont Commuter Express (ACE) trains, serve the Great America/Santa Clara station (hereafter "Station"), which is directly adjacent to the southeastern corner of the City Place Project (hereafter "Project"), closest to Parcel 5. The Station is owned by and is the responsibility of the City of Santa Clara with the exception of the platform area, which is leased to Amtrak, who is responsible for maintenance and operations.

A14.1

In general, the CCJPA is excited that the existing Station is so close in proximity to the Project. While we have concerns about the present Station design and access issues to the existing Station, as well as the present day function/access to the VTA Light Rail system, there is a clear opportunity for the enhancement of the Station, its connection to the Project and the improvement of transit as a whole. We see the Project uses as beneficial and supportive of greater transit ridership overall, and indeed the DEIR analysis bears this out for the Project. We remain concerned that some missing design features obscure our evaluation of transit system performance and station function, including all manners of access to the Station. These observations, based on our interpretation of the DEIR, are explained below.

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The current level of Capitol Corridor service is at 14 daily trips that serve the Station. There are currently eight weekday ACE trips that serve the Station as well. The train patrons utilizing this Station are, for the most part, doing so for work or business trips. As such, there are extensive employment/work shuttle bus services to connect train patrons to/from their work or business destinations. VTA Light Rail connections via Tasman

A14.2

A14.2  
Cont.

Drive above the station at Lick Mill or Great America also provide connections to local employment centers. Travel time and safety to/from the Station, regardless of mode of access (bicycle, pedestrian, transit, private vehicle), is vital to ensuring ridership is not negatively impacted in the short term (during construction) or in the design and flow after the various Project phases are implemented. As currently configured, the existing Station is not designed in a manner to suitably support the passenger rail transit service as described in the DEIR. There is insufficient construction phase detail to ensure that safe and direct bicycle/pedestrian connections to the Station will be maintained. In addition, the vital employer shuttles that serve the Station are not sufficiently documented to ensure that safe and timely operations are maintained during construction.

In reviewing the DEIR, the CCJPA noted that several Project Objectives pertained to the Project but also to all the nearby transit services (Capitol Corridor IPR service, ACE Commuter Rail, associated employer shuttles, and VTA Light Rail). These are:

- Establish a new and vibrant mixed-use City neighborhood with a well-defined center to serve as a focal point for a pedestrian-friendly “live, work, and play” environment.
- Promote transit-oriented infill development by placing job-creating commercial buildings, residential units, and entertainment, dining, and shopping options in close proximity to each other and to existing transit and other multimodal transportation facilities.

A14.3

With these objectives and the proximity of the nearby transit services in mind, the expectation is that active transportation (bicycling and walking) connections to/from the Project site to the Station would be new features, since there are no such connections at this time due to functional incompatibility with existing land uses. We note the addition of a new connector street that seems to serve as an extension of the existing Stars and Stripes Drive that appears, based on Figure 2-9, to propose added bicycle street infrastructure. Figure 2-10 and Figure 3.3-27, however, appear to show existing pedestrian facilities, but these do not actually exist at this time to our knowledge. Figure 2-10 and Figure 3.3-27 should be corrected to show the intended pedestrian connections between the Station (and beyond), and the Project pursuant to the objectives of the Project and consistent with the bicycle improvements. These observations should be noted because no actual details or design plans are included in the DEIR to be able to assess the viability of the transit-oriented development and its connection to transit in the immediately adjacent area. It can be surmised that with a Project of this scale, perhaps such detail is yet to be developed. However, with transit support being integral to the Project as a stated objective, we could not identify a section of the DEIR where a plan to show how transit and connectivity to transit, albeit off the Project site, would be developed in partnership with the nearby transit operators. As a vast body of literature demonstrates, the use of transit is highly affected by access-design and amenities accessible at the nearby Station, traditional examples

- A14.3  
Cont. being shelters and benches, but even more recently, the emergence of bike share stations. The planning and design for these transit access and amenities elements should be incorporated early on in the Project, in addition to developing partnerships with nearby transit operators.
- A14.4 The widened area of Stars and Stripes Drive beneath the Tasman Drive overpass serves as existing employer shuttle parking as shown in Figure 3.3-6: Existing Commuter Rail Shuttle Service. The employer shuttle system is a key feature of ridership viability of the Station for Capitol Corridor service and especially for ACE. The detail provided in the associated Figures for roadway modifications is not sufficient to determine if the width/use of the existing employer shuttle area will remain or where the new staging area for employer shuttles will be placed. Modifications which are shown at a high scale on the DEIR figures do not adequately demonstrate the street design modifications that could affect the employer shuttles. More disclosure and analysis for significant impact focusing on the function of the employer shuttles that serve the Station will be required if physical design alterations change existing conditions.
- A14.5 We note that Parcel 5 (in Scheme A or B and Phase 1 in construction), the closest development to the Station, includes parking (790 spaces), which would be provided in above and below finished grade parking structures and within surface parking lots. The utilization of this nearby parking for transit uses is not documented or discussed in the Parking section (page 2-19) and the Impact TRA-13: Parking section or through the various phases of construction. What effect the Project will have upon the existing parking used for the Station is not discussed in terms of the Project or Stars and Stripes Drive modifications. There are many rail patrons who leave a second car in the existing Station parking overnight and over weekends so that they may have access to the vehicle to get to/from their jobs that are inaccessible by transit or employer shuttle. Loss or gain of parking, including due to parking policies, for the transit services at the Station should be noted in the FEIR and analyzed for significant impact and possible mitigation based on a reasonable proximity of access to/from the Station.
- A14.6 We note that during construction of the Project, construction or contractor vehicles could be parked and be utilizing the employer shuttle area on Stars and Stripes Drive. For reasons of safety and smooth flow of these time sensitive employer shuttles, we request that during construction, construction and contractor vehicles be prohibited from using any part of the access to and from the shuttle area on Stars & Stripes (which runs from the Tasman Drive overpass south to the cul-de-sac) between the hours of 6:00 a.m. – 9:30 a.m. and from 3:30 p.m. – 7:00 p.m, or that there would be alternative access provided that does not negatively disrupt shuttle travel time. These are the operating windows for the peak hour Capitol Corridor IPR trains and the ACE commuter trains at Great America Station. During those hours, it is very congested in that area, with 25 shuttle vehicles, 250 passenger vehicles, and 1,600 pedestrians trying to access or leave the station. TRA-18.1, Construction Management does not go far enough to minimize the significant impacts to the

- A14.6  
Cont. employer shuttles. The Project Developer should prepare a construction management plan as identified, but be required to consult with both CCJPA and ACE staff and the employer shuttle management to establish a plan which minimizes conflicts and delays to the employer shuttles, and does so in as safe a manner as possible. At a minimum, consultation should be an included element in the Construction Management Plan. We mention this due to the recent negative experiences during nearby Levi's Stadium construction, when there were many occasions where construction trucks parked overnight on Stars & Stripes where the shuttles normally parked. Frequently, construction trucks were entering or leaving the area during peak shuttle operating times. This timing and physical conflict negatively impacted staging and employer shuttle function at the Station and made walking for train patrons catching the various shuttles unsafe. Construction parking should be addressed for this Project in a manner that does not cause this conflict again.
- A14.7 For the noise and vibration analysis, the track capacity within the UPRR owned right-of-way may be expanded by the addition of additional tracks which would permit additional trains. Both Capitol Corridor and ACE service have documented plans to expand service in the corridor. These plans appear to not have been included in the analysis of consistency to the Santa Clara General Plan.
- A14.8 Page 3.3-1, near the bottom where it refers to transit agencies, should be revised to correct CCJPA as the managing agency for the Capitol Corridor service while correctly referencing Amtrak as the operator of both the Capitol Corridor and the Coast Starlight long distance passenger trains. Likewise, the description of the Capitol Corridor service on page 3.3-30 should be changed to "a state supported IPR service operated by Amtrak". Management by the CCJPA is correctly mentioned. It would provide the reader more clarity to note that the Station is shared by both ACE and Capitol Corridor service in this section. We note on 3.3-31, second paragraph of the Local Transit Network Connectivity, that Capitol Corridor IPR service is called commuter rail and this is not the case. It is used for work commute trips by patrons but remains an IPR service both administratively and according to the access right agreement with UPRR, and as such, the naming convention in this case should be corrected in this instance and throughout the document. Table 3.3-10 and Table 3.3-39 are other such cases where Capitol Corridor should not be shown as Commuter Rail or the title be expanded to include all passenger rail. There are some inconsistencies as well in that table with the text in the Capitol Corridor description section about the hours of Capitol Corridor operation. This may be as a result of discussing Capitol Corridor trains in general operations versus the current times of operations on weekdays and weekends at the Station. The suggested correction is to convey the Capitol Corridor operating hours at the Station, which are between roughly 7:00 AM and 9:30 PM including all weekdays and weekend schedules.
- A14.9 We note in Table 3.3-2: Santa Clara General Plan Mobility and Transportation Goals and Policies, especially in the General Mobility and Transportation Plan Policies and Transit Network Policies and Goals, and Transportation Demand Management Goals

- A14.9  
Cont. and Policies, that opportunities to enhance connections with transit services are a goal of the Santa Clara General Plan. Given the reliance on TDM measures in the analysis of transportation impacts and the significant negative impacts to LOS in the analyzed intersections, the utilization of the Station as a means of access for workers and visitors to the Project area is vital. Given these considerations, the Project's ongoing support of an additional employer shuttle service for the Project area to/from the Station would further enhance the transit mode share for at least the two passenger rail services, and would be an appropriate mitigation to reduce significant impacts in LOS to Project area (degraded) intersections generally on the northern and eastern edge of the Project.
- A14.10 Given the degraded LOS for the myriad of intersections, the operations of employer shuttles to/from the Station would be negatively impacted with respect to operations. It is unclear if Impact TRA-11 was assessed to include all transit including the employer shuttles. Without mitigation, the resulting net travel time combined with passenger rail service and employer shuttle would increase as a result, thus negatively impacting passenger rail service. With the lack of clarity regarding the inclusion of these employer shuttles into this analysis, additional analysis should be conducted and documented to investigate the inclusion of signal pre-emption devices for the employer shuttles. In concept those devices would mitigate the employer shuttle travel time to be consistent with present day travel time. Or it may be as is suggested that LOS would not change even including pre-emption devices. Regardless, this tradeoff should be analyzed for the employer shuttles, because it appears to have not been included in the initial Project analysis.
- A14.11 Another unexplored mitigation for loss in travel time due to LOS congestion negatively affecting the employer shuttles is the use of a connector road from Stars and Stripes Drive to allow employer shuttles to connect to Marie P Bartolo Way. This mitigation strategy may be located off the Project site, but just as mitigations for intersections can be far from the Project site, this mitigation in addition to or in lieu of signal pre-emption would be consistent with Santa Clara's authority to require mitigation via a Development Agreement.
- A14.12 Impact TRA-10 only examines Station platform function as capacity to accommodate patrons on the platform, but we agree with the conclusion for the platform capacity. The function of the Station to accommodate growth also needs to be examined from the roadway, pedestrian, and bicycle facilities that permit ingress/egress to the platform. Safe and ADA compliant access is not available at present in any situations. While it appears new bicycle access related to the Project will be added, the above noted pedestrian access is not as presented on the maps and would need to be shown. It is off the Project site but it should be added via a Development Agreement or other method related to the Project. Most notably, the access to Lafayette Street from the Station platform via the at-grade railroad crossing will need to be eliminated due to planned access and capacity improvements for Capitol Corridor and ACE passenger rail service. Already regarded as a crossing of concern for CCJPA, elimination of this crossing will shift the need for ADA accessible access to

- A14.12  
Cont. destinations along and beyond Lafayette Street as requiring accommodation. The solution appears to be access improvement associated with the other identified street and pedestrian facilities associated with this Station's improvements. We strongly encourage Santa Clara to consider a means to provide safe ADA access to the Station and incorporate that solution into the Project area improvements being conducted with this Project. The recent construction of Levi's Stadium to the south and this Project to the northwest elevates the need for a long-term ADA access solution for the Station from all directions. The TDM aspects of this Project are consistent with improvements in safe access for all to the Station and should be considered, analyzed, and incorporated into the Project.
- A14.13 The timely function of VTA Light Rail is of critical importance to passenger rail patrons who use the service to connect to their place of work and business meetings. CCJPA maintains a free transit transfer pass for round trip use of select transit providers along the Capitol Corridor route, and the VTA Light Rail system is one of them. The DEIR identifies degradation of transit travel times as an impact, with no feasible mitigation measures specified. We view such degradation of travel times for VTA Light Rail service as decreasing the viability of using Capitol Corridor and would expect a negative affect on Capitol Corridor ridership for those patrons who presently rely upon such connections. It is imperative to optimize the connections and performance of all transit services to the Project site.
- A14.14 We note that the very Project objectives cited above in this letter, the transportation demand portions of the DEIR and the City of Santa Clara General Plan identify trying to maximize transit ridership. There is very consistent and seemingly coordinated mention of these shared objectives, yet significant impacts that would negatively impact transit ridership are projected even after some mitigation strategies are applied. We feel that insufficient coordination with the various transit operators will deteriorate the performance and sustainability of these services to the Project. The CCJPA and other transit operators have a positive role to play in enhancing non-automobile connectivity to the Project.
- A14.15 In recent months, the City, the Project Developer and VTA have discussed opportunities to improve the Station along with the proposed development. The Project Developer has shared concepts for an improved near-term Transit Center at this location, which would include improve bus/shuttle access, additional bus bays, passenger waiting facilities and pedestrian/bicycle access. This would presumptively be consistent with the maps in the DEIR and ensure design features that enhance the transit and pedestrian/bicycle connectivity to/from the Station. However, these concepts are not acknowledged in the DEIR and thus have necessitated the comments made above. Regardless of how these Transit Center concepts are advanced, as with intersection improvements elsewhere even more far removed from the Project site, we request that the City require the Project Developer to construct the near-term Transit Center as part of the Project. Whether this is captured in a Station Area Master Plan or designed as a phased Transit Center enhancement program, a coordinated system that brings together ACE, Capitol

A14.15  
Cont.

Corridor, VTA Light Rail, buses, and public/private shuttles will be required. A commitment to minimize significant impacts for transit and the road transportation system to less than significant where feasible would include a more developed and detailed transit integration plan for the Project. The unavoidable transportation impacts identified in the DEIR do not include the detail to sufficiently demonstrate that the significant impacts are, in fact, unavoidable.

If any clarifications or coordination with CCJPA regarding these comments are required, please contact Jim Allison, CCJPA Manager of Planning, at (510) 464-6994 or [jima@capitolcorridor.org](mailto:jima@capitolcorridor.org).

Thank you for your careful consideration of these comments.

Sincerely,



Jim R. Allison  
Manager of Planning  
Capitol Corridor Joint Powers Authority

cc: Dan Leavitt, ACE  
Melissa Cerezo, VTA  
David B. Kutrosky, CCJPA

## Response to Comment Letter A14—Capitol Corridor Joint Powers Authority, Jim R. Allison (letter dated November 23, 2015)

A14.1 *The commenter expresses general support for the Project but has some concerns about design features.* 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. Specific concerns about the design features are addressed in the responses, below. Accordingly, no further response is necessary.

A14.2 *The commenter would like more detail to ensure that pedestrian and bicycle access to the Great America station and operations of the employer shuttles serving the station will be maintained during construction.* Mitigation Measure TRA-18.1 requires that the Project Developer prepare a Construction Management Plan to minimize the effects of construction activities on the operations of the surrounding roadway system, including the operations of the shuttles to the Great America station. The maintenance of pedestrian and bicycle access is also a requirement of the plan. The plan must be approved by the Public Works Department.

Mitigation Measure TRA-18.1 has been updated on page 3.3-219 of the Draft EIR, as follows:

*TRA-18.1: Construction Management.* Prior to the issuance of each building permit, the Project Developer and construction contractor shall meet with the Public Works Department to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion during construction of the Project and develop acceptable detour routes for emergency vehicles and for shuttles to the Great America ACE/Capitol Corridor station. The City will coordinate with appropriate transit agencies. The Project Developer shall prepare a Construction Management Plan for review and approval by the Public Works Department, which shall share the plan with the Capitol Corridor Joint Power Authority, the VTA, and ACE for review and comment. The plan, which shall be implemented during construction, shall include at least the following items and requirements:

A14.3 *The commenter requests more detail regarding pedestrian access between the Project site and the Great America station and would like to be a partner in the design of such access.* 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.

A14.4 *The commenter wants to make sure that the Project does not physically alter the employer shuttle pick-up/drop-off areas at the Great America station.* 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.

A14.5 *The commenter asks if parking on the Project site would be available for transit patrons of the Great America station and whether the Project (including during construction) would affect*

*existing parking used for transit patrons, including the spaces used by those who leave a vehicle at the station overnight and on weekends.* Parking on the Project site would be available for employees, residents, guests, and patrons of the uses on the Project site; it would not be available for transit riders. The Project would provide sufficient parking for its uses and, therefore, would not cause parking intrusion at the station. The Project does not include changes to the existing Great America station park-and-ride lot. The Construction Management Plan would address replacement parking for any spaces removed or out-of-service during construction.

A14.6 *The commenter asks to provide input on the Construction Management Plan in TRA-18.1 to ensure that construction activities and contractor vehicles do not affect employer shuttle areas or shuttle operations.* Please see Response A14.2, above.

A14.7 *The commenter states that expanded Capitol Corridor and Altamont Corridor Express (ACE) service in the Union Pacific Railroad (UPRR) right-of-way was not included in the analysis of noise, vibration, and consistency with the Santa Clara General Plan.* The Capitol Corridor Oakland—San José Phase 2 Project and the ACEforward Project are included in the cumulative discussions of the Draft EIR, as listed in Table 3.0-2 on page 3-8 of Chapter 3, *Environmental Impact Analysis*. In the cumulative noise discussion of the Draft EIR, the cumulative effect of future traffic and existing rail noise is assessed for off-site and on-site land uses, and the impacts were found to be significant and unavoidable. It is necessary to evaluate existing rail noise as opposed to future rail noise in this assessment because, as discussed in the Draft EIR on page 3.6-33, it is too speculative to identify the future contribution from expanded rail noise given the lack of data currently available.

The future projects proposed in the UPRR right-of-way are not analyzed for consistency with the Santa Clara General Plan. Section 3.1, *Land Use and Planning*, includes an analysis of the Project’s consistency with the general plan. The respective CEQA analyses for the Capitol Corridor Oakland—San Jose Phase 2 Project and the ACEforward Project will consider the consistency of these projects with the general plans for affected jurisdictions.

A14.8 *The commenter requests revision of the reference to the Capitol Corridor as an intercity passenger rail service, rather than a commuter rail service. There are also some specific requests about text corrections and updating the operating hours described in Table 3.3-10.* The references to commuter rail have been updated to either intercity passenger rail or passenger rail, depending on the context. Text corrections, as noted below, have been made to the Draft EIR.

Service hours listed in Table 3.3-10 on page 3.3-33 of the Draft EIR have been amended to 4:30 a.m. to 11:55 p.m., which is reflective of train schedule effective October 26, 2015, available on the Capital Corridor website.

**Commuter Passenger Rail**

Capitol Corridor	Sacramento	San José	<del>7:00</del> 4:30 a.m. to 11:55 p.m.	60	120	8:00 a.m. to 9:30 p.m.	120	0.40
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Text on the top of page 3.3-31 of the Draft EIR has been revised as follows:

The Capitol Corridor is managed by the Capitol Corridor Joint Powers Authority (CCJPA), a partnership of six local transit agencies in the eight-county service area. BART provides daily management support to the CCJPA, and trains are a state supported intercity passenger rail service operated by Amtrak. The nearest Capitol Corridor

stations to the study area are Santa Clara/Great America Station (also an ACE stop) and Santa Clara Station, which is shared with Caltrain (1001 Railroad Avenue, Santa Clara). Capitol Corridor also stops at San José Diridon Station.

The second, third, and fourth paragraphs under “Local Transit Network Connectivity” on page 3.3-31 of the Draft EIR have been revised as follows:

City Place Santa Clara is served by ~~commuter~~ intercity passenger rail service to San José, Stockton, and Sacramento from Great America Amtrak Station (Lafayette Street, just north of Tasman Drive). The walking distance is approximately 1,500 feet from the center of Parcel 4. Capitol Corridor ~~commuter~~ intercity passenger rail provides service to Sacramento (via the East Bay) and San José, running approximately once per hour throughout the day during the work week. ACE runs four trains that connect to San José in the morning and Stockton (via the East Bay) in the evening during the work week. Eight shuttle routes connect the ~~commuter~~ passenger rail station to major employers in Silicon Valley during commute hours. Three of these shuttle routes have two shuttle vehicles with each ACE train (the Gray, Red, and Yellow shuttle routes). These shuttle services are displayed in Figure 3.3-6.

VTA peak load factor data indicate that excess seating capacity exists on all seven bus lines that serve the City Place site as well as light-rail Route 902. The peak load factor for bus and ~~commuter~~ intercity passenger rail routes is displayed in Table 3.3-10. The peak load factor for light-rail Route 902 is displayed in Table 3.3-11 by station platform and direction. Peak load is a useful measurement of ridership during peak hours compared with carrying capacity. The peak load factor is the ratio between ridership (passenger load) and the seated capacity of a route per vehicle/train during the peak period. A peak load factor greater than the seated capacity (i.e., ratio greater the 1.0) will result in some passengers standing in the transit vehicle.

VTA has no specific plans to increase bus ~~and light-rail~~ service in the City Place area during commute hours but does have a standard policy of improving frequency and extending operating hours when operating funds become available. The VTA is planning express light rail service along Tasman Drive corridor between the Mountain View and Alum Rock stations to expedite access to/from the BART station at Montague. To accommodate game-day ridership for Levi’s Stadium, VTA has planned several improvements to transit service, described in the Game-Day Analysis section.

The first sentence under “Public Transit Trip Estimates” on page 3.3-169 of the Draft EIR has been revised as follows:

The amount of public transit ridership generated by the Project was estimated by using the transit walk trips from the mixed-use trip generation estimates and assuming a 5 percent reduction in vehicle trips in the southern portion of the Project site within 0.5 mile (walking distance) of the Great America VTA light-rail station and the multimodal Great America station served by ACE ~~commuter~~ passenger rail, Capitol Corridor ~~commuter~~ intercity passenger rail, and eight connecting ACE shuttle routes (further explanation is provided in the technical memorandum titled *City Place Santa Clara – Trip Generation Estimates* [Fehr & Peers, 2015] in Appendix 3.3-J).

The first two sentences under “Transit Capacity Analysis” on page 3.3-169 of the Draft EIR have been revised as follows:

A public transit capacity analysis for ~~commuter-intercity passenger~~ rail, light rail, and buses was conducted during the PM Peak Hour when the Project’s estimated public transit ridership is highest. The PM Peak Hour public transit trips were assigned to the ~~commuter-intercity passenger~~ rail lines and bus routes serving the Project site and added to each line’s/route’s existing peak-hour peak load to produce the peak-hour peak load with the Project.

Table 3.3-39 on page 3.3-170 of the Draft EIR has been revised as follows:

**Table 3.3-39. Peak Hour ~~Commuter-Intercity Passenger Rail~~ and Bus Route Capacity Analysis**

Route	Existing Peak Load Factor	Project Boardings per Vehicle	Peak Load Factor with Project	Peak Load Factor Standard	Meets Standard ?
<b><del>Commuter-Intercity Passenger Rail</del></b>					
Capitol Corridor	0.40	132	0.80	1.0	Yes

Table 3.3-40 on page 3.3-170 of the Draft EIR has been revised as follows:

**Table 3.3-40. Peak Hour ~~Commuter-Intercity Passenger Rail~~ and Bus Route Capacity Analysis with TDM Mitigation**

Route	Existing Peak Load Factor	Project Boardings per Vehicle	Peak Load Factor with Project	Peak Load Factor Standard	Meets Standard?
<b><del>Commuter-Intercity Passenger Rail</del></b>					
Capitol Corridor	0.40	139	0.82	1.0	Yes

A14.9 *The commenter suggests an employer shuttle operating between the Great America rail station and the Project site and funded by the Project Developer could be a mitigation measure to reduce Project impacts on the nearby intersections and meet City of Santa Clara General Plan goals. Providing shuttle service to the Great America rail station is a possible strategy of the Transportation Demand Management (TDM) Plan in Mitigation Measure TRA-1.1. In addition, the Project would be integrated with existing Great America station operations by connecting Stars and Stripes Drive to the existing shuttle bus-loading plaza. Stars and Stripes Drive would ramp up as it leaves the existing station curb frontage at a 5 percent slope to maintain accessibility for users of all abilities and mobility levels. With inclusion of the New Tasman Drive Intersection in Variant 2, the relocation of Stars and Stripes Drive and the extension of Avenue C 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. Further enhancements to Great America station could be considered as part of the Station Area Master Plan that VTA has proposed. Station improvements could be included in the Deficiency Plan/Multimodal Improvement Plan (MIP), as discussed in Master Response 3.*

- A14.10 *The commenter requests an analysis of commuter shuttle signal preemption (a possible mitigation measure for Project impacts on shuttle operations). Signal preemption is not recommended given the adverse secondary impacts on emergency response vehicles, vehicles, bicyclists, and pedestrians that would result from signal preemption that would favor only commuter shuttles to the exclusion of these other modes and vehicles. For these reasons, the City does not support signal preemption. Although the City does provide for signal priority for public transportation (light rail vehicles), providing preferential signal priority to selected private party vehicles over other private party and public vehicles could endanger safety and hamper other modes of transportation.*
- A14.11 *The commenter suggests the construction of a connector road from Stars and Stripes Drive to allow employer shuttles to connect to Marie P Bartolo Way to mitigate loss of travel time from added traffic congestion caused by the Project. This connection was reviewed but was eliminated from further consideration because it would require additional right-of-way from the City soccer fields and/or the 49ers' practice fields.*
- A14.12 *The commenter describes the need to provide ADA-compliant pedestrian access to the Great America station platform and requests that it be included as part of the Project, possibly via the Development Agreement, especially in light of the future removal of the at-grade pedestrian track crossing to Lafayette Street. As explained above in Response A14.9, further enhancements to Great America station could be considered as part of the Station Area Master Plan and/or could be incorporated into a Deficiency Plan/Multimodal Improvement Plan to mitigate Project impacts on CMP facilities. Please refer to Master Response 3 regarding the development of a Deficiency Plan/Multimodal Improvement Plan. All Project improvements would comply with ADA standards.*
- A14.13 *The commenter states that light rail service is an important connector to Capitol Corridor and the degradation in light rail service caused by the Project would also affect Capitol Corridor patronage. The optimization of transit service access and transfers within and near the Project site would mitigate Project impacts on transit service. The Project's impacts on transit services are acknowledged and identified in Impact TRA-11. Transit operational improvements could be incorporated into a Deficiency Plan/Multimodal Improvement Plan that will be prepared to mitigate Project impacts on CMP facilities. Please refer to Master Response 3 regarding the development of a Deficiency Plan/Multimodal Improvement Plan.*
- A14.14 *The commenter notes that the CCJPA and other transit operators have a positive role to play in enhancing non-automobile connectivity to the Project. Improvements identified in the Station Area Master Plan could also be incorporated into a Deficiency Plan/Multimodal Improvement Plan that will be prepared to address Project impacts on CMP facilities. Please refer to Master Response 3 regarding the development of a Deficiency Plan/Multimodal Improvement Plan.*
- A14.15 *The commenter requests the construction of an improved near-term Transit Center at Great America station that brings together ACE, Capitol Corridor VTA light rail and buses, and public/private shuttles as part of the Project. Please refer to Responses A9.2, A9.4, and A14.9, above.*