

Individuals

Comment Letter I1—Brendan Croom (letter dated November 10, 2015)

Letter I1

Subject:

FW: City Place Santa Clara - DEIR comment

From: brendanpcroom@yahoo.com [<mailto:brendanpcroom@yahoo.com>]

Sent: Tuesday, November 10, 2015 12:05 AM

To: RelatedSantaClara@related.com

Subject: City Place Santa Clara

Hello,

I live near the proposed site on Avenida de Lago. I have lived here for over five years now, so I have a sense of a comparison of the area before and after the stadium. I am very concerned with the affect the City Place project will have on traffic in the area.

Prior to the stadium opening, my family and I would drive to Our Lady of Peace Church via Tasman Drive to Great America Parkway. We live only 2.4 miles from the church, and it would only take 7 to 10 minutes depending on the lights. After the stadium opened, the same drive took twice as long, so we now drive up Lafayette to Agnew. The new route now takes 7 to 10 minutes on average when there isn't a game. This past Sunday, we went to Our Lady of Peace for 5:00 PM Mass. We took the new route via Agnew, but the traffic was so bad that it took us 45 minutes to drive just 2.4 miles.

11.1

This evening I was browsing through the traffic portion of the Environmental Impact Report. I have never reviewed one of these reports, but it appeared to me that the existing traffic data for the areas round the project site were recorded prior to the opening of the stadium or prior to the opening of football season at the stadium. Since the stadium opened, Tasman was reduced from six lanes down to four lanes right were the project is slated. Are there any factors added to the projected traffic to account for the added traffic from the stadium (general traffic, not even game day traffic) and the reduced lanes on Tasman? How is traffic going to be affected during game days since Tasman is currently closed to through traffic and the traffic on Great America can only flow away from the stadium?

Also, in reviewing the projected traffic data, it appears that your model is predicting that traffic at Great America Parkway and 101 N will be slightly reduced after the project goes in. I have a very hard time believing this data to be correct as that is the most direct access to a major freeway for the City Place project. Also, does this take into account the projected added traffic from the major project currently under construction on Bowers on the other side of 101? Also, it seems that each intersection in the immediate area of the project will be negatively affected and brought below the established acceptable delay times.

11.2

I am very concerned with the general flow of traffic into and out of City Place. Part of this concern stems from the accessibility to City Place Santa Clara along Lafayette. Since the railroad tracks run along Lafayette, I have a hard time visualizing how traffic is planned to access the area. I have heard it said that City Place Santa Clara would be similar to Santana Row in San Jose, but a lot bigger. I believe Santa Row is approximately 42 acres, and City Place Santa Clara is projected at 239 acres. This only causes me more concern with the traffic as Santana Row ultimately has ten access points to Winchester or Stevens Creek, but

11.3

I1.3 | City Place Santa Clara only has five access points to Tasman, Lafayette, or Great America
Cont. | Parkway (as best I can tell in the conceptual rendering). What is the plan for the flow of traffic?

I1.4 | While in general the project is intriguing, I feel the added traffic is going to make traffic
unbearable here in the area. I truly believe there needs to be a lot more thought put into how
traffic will be handled.

I look forward to your response.

Thanks,
Brendan Croom

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Response to Comment Letter I1—Brendan Croom (letter dated November 10, 2015)

- 11.1 *The commenter inquires whether the intersection counts for Existing Conditions were collected after Levi's Stadium was open and how the narrowing of Tasman Drive is incorporated into the analysis. The commenter also requests information on conditions when an event is occurring at the stadium.* Weekday traffic counts for intersections adjacent (Great America Parkway between SR 237 and Tasman Drive; Tasman Drive between Great America Parkway and Lick Mill Boulevard; and Lafayette Street between SR 237 and Tasman Drive) to the Project site and Levi's Stadium were conducted in March, April, August, and September 2014. Levi's Stadium was officially opened on July 17, 2014. The counts were collected on a typical weekday when Levi's stadium does not generate many peak hour vehicle trips. These counts are representative of typical Existing Conditions. The narrowing of Tasman Drive occurred while the transportation analysis was conducted. The intersection level of service calculations used to evaluate intersection operations incorporated the reduced lane configuration under Background, Background with Project, Cumulative, and Cumulative with Project Conditions. The Project Developer would be required to prepare a Traffic Management and Operations (TMOP) Plan to address the Project's traffic and parking during special events at the stadium.
- 11.2 *The commenter notes reduced intersection volumes with the Project at Great America Parkway and US 101 north. The commenter also asks if the [Augustine and Bowers] development south of US 101 is included in the analysis. The comment notes that the Project will negatively affect intersections near the Project site and bring them to below acceptable delays.* Traffic from other developments in the area is included in the forecasts. The list of approved and pending projects is included in Appendix 3.3-B of the Draft EIR, and land use changes are summarized in Appendix 3.3-F of the Draft EIR. The analysis shows that the addition of Project traffic would cause several intersections near the Project site to exceed the established level of service and delay thresholds. Please see Tables 3.3-20, 3.3-26, and 3.3-50, which describe the intersection mitigation to increase vehicle capacity and intersection operations. A review of the forecasts at or near the northbound US 101 ramps and Great America Parkway did not show a decrease in vehicle volumes between no Project and Project scenarios.
- 11.3 *The commenter asks for more details about the Project's access points and how traffic would access the Project site.* The Project's access points are shown on Figures 3.3-15 and 3.3-23 of the Draft EIR (variant access scheme). Please refer to Response A17b.2, which includes "select zone" analysis figures that illustrate the project flow to/from a Project site throughout the model network.
- 11.4 *The commenter is concerned about the amount of additional traffic and the effects on the street system.* The transportation impact analysis that was prepared for the Project (Section 3.3 of the Draft EIR, *Transportation/Traffic*) followed the guidelines of the City of Santa Clara (City) and the Santa Clara Valley Transportation Authority (VTA), which acts as the Congestion Management Agency (CMA) for Santa Clara County (County). Potential impacts on intersections, freeway segments, transit, and bicycle and pedestrian facilities were evaluated using the standards, methods, and significance criteria of these agencies. Locations with significant impacts were identified using adopted significance criteria. Measures to mitigate the significant impacts were identified where such measures are available and feasible. Locations without feasible mitigation measures (and those where the City cannot ensure that mitigation measures will be implemented) are designated as significant and unavoidable. The Project has many

significant and unavoidable impacts, including impacts to the County's Congestion Management Program facilities, such as the freeways. As a result, a Deficiency Plan/Multimodal Improvement Plan will be prepared to enhance mobility in the area. Please refer to Master Response 3 regarding the development of the Deficiency Plan/Multimodal Improvement Plan.

Comment Letter I2—Mark Espinoza (letter dated November 16, 2015)

Letter I2

Subject: FW: City Place Santa Clara

-----Original Message-----

From: esp_ikclaw@yahoo.com [mailto:esp_ikclaw@yahoo.com]

Sent: Monday, November 16, 2015 2:16 PM

To: Debby Fernandez

Cc: Richard Santos; Jill Smith; Bea Leija; Craig Parada

Subject: Re: City Place Santa Clara

Hi Debby

- 12.1 | I'm interested in finding what impacts have been identified in this project that will impact my way of life as a resident of the Alviso community? Currently we suffer much more traffic and noise nuisances from the 49ner stadium patrons. Our
- 12.2 | roads become so congested that any resident in need of medical attention can not obtain such services because of the road blockage from 49ner stadium. Please advise.

Mark Espinoza
OCA President
408-417-5338

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Response to Comment Letter I2—Mark Espinoza (letter dated November 16, 2015)

12.1 *The commenter requests information on the Project impacts on the Alviso community. All impacts to the Alviso community are evaluated throughout the Draft EIR in separate sections, as applicable. Regardless, as requested by the commenter, the impacts are summarized in this response. Alviso is a neighborhood located in San José, approximately 0.33 mile to the north of the Project site. Although relatively close in distance, the Project site is currently separated from the Alviso neighborhood by SR 237 and located in a different city. Therefore, the Project is not expected to result in direct impacts on the Alviso neighborhood related to land use, cultural resources, biological resources, geology, hydrology, hazards, population/housing, or utilities.*

It is currently anticipated that construction traffic would not use streets within the Alviso neighborhood. Although construction waste would be taken to the Zanker Material Processing facility, approximately 0.5 mile east of the Alviso neighborhood, the construction traffic route would avoid this area. As explained on page 2-33 in Chapter 2, *Project Description*, it is likely trucks will leave the Project site via East Tasman Drive, making a left turn onto Vista Montana (a new street), and left again onto North 1st Street in San José. North 1st Street would be followed to a right turn onto Nortech Parkway, continuing to Disk Drive and Grand Avenue, which would be followed to 675 Los Esteros Road. After passing under the SR 237 overpass, the area is primarily scattered business parks until the Grand Avenue intersection, which is on the outskirts of Alviso. Therefore, the Project would not result in additional construction traffic, or the potential for accidental releases of construction material during transport, in the Alviso neighborhood.

As discussed on page 3.13-4 in Section 3.13, *Public Services and Recreation*, the Santa Clara Unified School District (SCUSD) provides public education services to students in Santa Clara and all of the Alviso neighborhood. The Project site would be served by George Mayne Elementary School, which is in the Alviso neighborhood. George Mayne Elementary School is currently over capacity, and therefore, the Project could affect public services in the Alviso neighborhood. The SCUSD currently has four closed schools that could be used to serve new development throughout the City and increase capacity. The Project would be subject to Senate Bill 50 (SB 50) School Impact Fees. Section 65996 of the State Government Code states that the payment of school impact fees that may be required by any State or local agency, as established by SB 50, is deemed to constitute full and complete mitigation for school impacts from development, including impacts on George Mayne Elementary School.

Visual impacts as a result of the Project on the Alviso neighborhood are discussed on page 3.2-14 in Section 3.2, *Aesthetics*. As stated, a mobile home park in San José is located to the north of the Project site, across SR 237, in the Alviso neighborhood. As seen from the relatively flat Alviso neighborhood, views of the Project site are most prominent from this location. However, the views from the mobile home park, facing south and toward the Project site, are limited because of extremely dense perimeter landscaping that visually screens the mobile home park from the adjacent surface parking lot in a nearby office complex. Therefore, as further explained on page 3.2-23 of the Draft EIR, it is not expected that the proposed buildings would be visible from this residential neighborhood.

Impacts from traffic noise on off-site land uses are discussed in Impact NOI-1c, starting on page 3.6-21 of the Draft EIR. The analysis indicated that significant noise impacts could occur along eight roadway segments, none of which are located within the Alviso community. The closest

segment that could result in traffic noise increases as a result of the Project is Great America Parkway between SR 237 and Yerba Buena Way/Great America Way, which is approximately 0.5 mile southwest of the Alviso community. The effect of existing noise from traffic on SR 237 and trains traveling on the UPRR tracks was considered when analyzing the impacts from Project noise on receptors along these segments. Because noise from SR 237 and UPRR currently exists in the Alviso neighborhood, and the closest roadway segment that could be affected by traffic noise from the Project is located 0.5 mile to the southwest, it is not expected that the Project would result in significant traffic noise increases in the Alviso neighborhood.

Air pollution emissions from operation of the Project are analyzed under Impact AQ-3, starting on page 3.4-29 of the Draft EIR. As described on page 3.4-32, ROG, NO_x, PM10, and PM2.5 emissions would exceed BAAQMD's mass emissions threshold of 54 pounds per day for ROG and NO_x and 82 pounds per day for PM10 and PM2.5. The impacts of these air emissions would be significant and unavoidable. However, these emissions would be regional and would not have an impact specific to the Alviso community. As explained above, traffic generated by the Project in this area would not be significant, and therefore, emissions specific to this area are not expected to be more significant than emissions in other parts of the region.

- 12.2 *The commenter is concerned about medical response times during Levi's Stadium events.* Emergency response to Alviso is under the jurisdiction of the City of San José, not the City of Santa Clara. The City of San José maintains a fire station in Alviso to respond to fire and medical emergencies. There is the potential for reduced emergency response times within Alviso due to delay from concentrated vehicle congestion. However, emergency fire and police responders can use signal preemption and street shoulders to by-pass congestion. Police patrols can also be modified as needed to address local congestion.

Comment Letter I3—Anonymous (letter received November 18, 2015)

Letter I3

Hello Related

I have reviewed Related's brief summary of the proposed City Place project that is accessible from the City of Santa Clara online connection, and have the following questions:

- 13.1 1) Although 1,360 residential units does not sound like a lot of housing when compared to the volume of commercial development proposed, how are you proposing to address impacts on Santa Clara Unified schools? The closest elementary school is already over-capacity and I don't know of any high school planned for the north side of Santa Clara.
- 13.2 2) How many residential units are proposed for each phase and what portion of these units, by phase, will be affordable housing? What standard are you using to define affordable housing (affordable to Very Low, Low and/or Moderate Income Households)? Are you receiving any financial support or other incentives from the City to provide the affordable units? How many units will be reserved for seniors and how many of these senior units will be affordable (and by what income level)?
- 13.3 3) How many residents are anticipated and how many onsite jobs will be created by phase and at maximum build-out? What will be the ratio of residents to jobs? As you know, the City of Santa Clara has an existing jobs/housing imbalance and is under State and Regional pressure to increase housing opportunities in the City. How will your development improve this situation?
- 13.4 4) There is only one on-ramp and exit for Highway 237 to north Santa Clara. Lafayette Street does not connect directly to either 237 or 101. What specific local and regional traffic improvements will you be funding? How will you directly connect new residents and onsite employees to and from Caltrain? Do you propose to help fund additional Capitol Corridor and ACE trains, either full trains or additional rail-cars? Will you be extending the platform at the nearby Santa Clara/Great America train station? What contributions will you be making to improve and increase Light Rail and local and commuter bus services?
- 13.5 5) Your development is replacing an existing public recreational open space. What community park space will be created and of what type, by phase of development? What portion or percentage of acreage of the park/open space will be accessible to the general public? Will your development be providing space to accommodate the relocated youth soccer fields, as proposed by the 49ers?
- 13.6 6) It is my understanding that the existing landfill site needs to be vented. How will this be accomplished, given that you are creating a man-made deck over the entire landfill site? Are you aware that City staff that oversaw the completion of the landfill site, identified the area at the south end of the landfill northeasterly of Lafayette and Tasman as the most unstable? As the City proposes a Tasman-North Focus Area Specific Plan to replace the industrial area immediately adjacent to the south of this unstable part of the landfill with residential development, what will Related be doing to stabilize this portion of the landfill and protect this new residential neighborhood, before development of that adjacent neighborhood occurs?
- 13.7 7) One last question; as you identify this as a new Downtown/City Center for Santa Clara, will you be providing an office building and plaza onsite to accommodate the replacement City Hall? The adopted General Plan for the City identifies the current 1960s-built City Hall location as a site for high density housing by the year 2025. No replacement location for the City Hall/Civic Center has been identified as yet by the City or in the General Plan.
- 13.8 Please address each of these questions with specifics in your reply. Providing this information on the Related Santa Clara web-site would also be helpful. I understand that some of these issues may have been addressed in the Draft EIR, but the person who connected concerned citizens with your online summary has indicated that the EIR document is so massive that one person cannot possibly understand it by themselves.

Thank you for providing a complete and timely response.

Santa Clara Resident 239

Response to Comment Letter I3—Anonymous (letter received November 18, 2015)

- 13.1 *The commenter asks how the impacts on schools will be addressed.* The potential impacts of the Project (under Scheme A) on schools are analyzed on pages 3.13-18 and 3.13-19 of the Draft EIR. As stated on page 3.13-19, the Project would generate approximately 141 elementary school students, 53 middle school students, and 65 high school students. The SCUSD currently has four closed school sites located in the City that could be used to serve new development throughout the City and help to improve capacity. The Project would be subject to Senate Bill 50 (SB 50) School Impact Fees. Section 65996 of the State Government Code explains that payment of school impact fees established by SB 50 is deemed to constitute full and complete mitigation for school impacts from development that may be required from a developer by any State or local agency. In light of the facts that no new physical school facilities would be necessary, and that school fees would in any event pay for any school-related impacts, the Project's impact with respect to schools would be less than significant.

The commenter states that the closest elementary school is overcapacity and that plans for a new high school for the northern portion of the City are unknown. As stated on page 3.13-4 of the Draft EIR, George Mayne Elementary, the closest elementary school to the Project site and the elementary school that serves the Project site, was 46 students over capacity in 2014. According to the SCUSD, there are no new high schools proposed in the northern portion of the City.¹ The SCUSD has stated that it would only pursue a new high school in northern San José.²

- 13.2 *The commenter questions the proposed amount of affordable housing, whether the City would offer incentives for affordable housing, and whether any will be dedicated to senior residents.* This comment pertains to specific Project features and does not address the adequacy of the Draft EIR or the Project's compliance with CEQA. The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider features that would not have a substantial physical impact on the environment. Therefore, this comment is better addressed during the review process for the Project rather than in the EIR.

At this time, the Project Developer has not indicated how much affordable housing would be provided at the Project site or whether housing would be dedicated to senior residents. The City does not currently impose affordable housing requirements other than the voluntary provisions of the Density Bonus Ordinance (Chapter 18.78 of the City Code). Pursuant to City Code Section 18.78.040, the City grants concessions and incentives to housing developers who provide certain percentages of affordable housing or senior housing. The current development proposal does not include affordable or senior housing and, therefore, no incentives or concessions are currently envisioned by the City. If the Project Developer includes affordable housing, it would be within the amount of housing units analyzed in the Draft EIR for Scheme A, Scheme B, or the Increased Housing Alternative (depending on which Project configuration is ultimately approved by the City).

- 13.3 *The commenter questions the amount of residents and employees generated by the Project by phase and full build-out and the resulting jobs/housing imbalance.* Tables 2-9 and 2-10 in

¹ Healy, Michal. Bond program consultant, Santa Clara Unified School District. January 19, 2016—response to Debby, Fernandez, City of Santa Clara.

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

Chapter 2, *Project Description*, summarize the amount of on-site residents and jobs anticipated under Scheme A and Scheme B, respectively. As explained on pages 2-21 and 2-22, approximately 25,270 employees would be associated with build-out of Scheme A, the majority of which would be generated by the office uses. Based on the gsf of units associated with proposed land uses at each parcel and the employee generation rate per land use, the following number of employees would be generated by each parcel (approximate): 1,990 employees for Parcel 5 (Phase 1); 8,170 employees for Parcel 4 (Phases 2-4); 2,670 employees for Parcel 3 (Phase 5); 4,440 for Parcel 1 (Phase 6); and 8,000 employees for Parcel 2 (Phases 7-8). Accounting for the existing employees that would be displaced, in total, Scheme A would result in a net new increase of approximately 24,760 employees. In addition to employees, Scheme A would include up to 200 residential units at Parcel 5 (Phase 1) and 1,160 residential units at Parcel 4 (Phases 2-3), for a total of 1,360 residential units at the Project site.

As summarized on pages 2-22 to 2-23, approximately 29,230 employees would be generated as a result of Scheme B, the majority of which would be generated by the office uses. Table 2-10 summarizes the amount of employees under Scheme B by use. The following number of employees would be associated with each development parcel (approximate): 1,510 employees for Parcel 5 (Phase 1); 12,910 employees for Parcel 4 (Phases 2-4); 2,670 employees for Parcel 3 (Phase 5); 4,440 for Parcel 1 (Phase 6); and 7,700 employees for Parcel 2 (Phases 7-8). Accounting for the existing employees that would be displaced, in total, the Project would result in a net increase of approximately new 28,720 employees. In addition to employees, Scheme B would include up to 200 residential units at Parcel 5 (Phase 1).

Please refer to Master Response 1 for an analysis of the City's overall jobs/housing imbalance in the context of the Project. Also refer to Master Response 5 for a description of the Increased Housing Alternative.

- 13.4 *The commenter asks about the improvements to the local and regional transportation system to be funded by the Project Developer, including local roadways, regional freeways, connections to Caltrain, ACE and Capitol Corridor trains, the nearby Great America station, and VTA light rail and bus service.* The Project Developer would construct transportation infrastructure as part of the Project and to mitigate significant Project impacts. Figures 3.3-15, 3.3-27, and 3.3-28 in the Draft EIR present the roadway, pedestrian, and bicycle infrastructure to be constructed as part of the Project. Table 3.3-50, starting on page 3.3-193 of the Draft EIR, presents the intersection mitigation measures either to be constructed by the Project Developer or to which the Project Developer would contribute funding. In addition, the Project Developer would make a voluntary contribution to the VTA for regional transportation improvements to offset freeway impacts. A Deficiency Plan/Multimodal Improvement Plan would also be prepared to mitigate Project impacts to CMP facilities. Please refer to Master Response 3 regarding the development of the Deficiency Plan/Multimodal Improvement Plan.
- 13.5 *This commenter asks what type of community park space would be created by the Project.* Park space may include multi-use trails, seating, sports courts, fitness areas such as a par course or fitness steps, a children's play area, a family picnic area, and an outdoor gathering or performance area. Sizes and uses of the different types of park areas and features would be governed generally by the Master Community Plan for the Project and would be defined further through the subsequent submission of Development Area Plans. In response to this comment, additional information has been added to Chapter 2, *Project Description*. In addition, a new figure depicting the proposed open space network has been added, as included in Chapter 5 of

this document, *Revisions to the Draft EIR*. The following description of landscaping and open space has been added before the first full paragraph on page 2-20 of the Draft EIR as follows.

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

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

The residential buildings within the City Center would include private open spaces that qualify toward the City's parkland dedication requirement. The anticipated elements

within these private open space areas would include a minimum of four of the following uses:

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

As shown in the new Figure 2-11 (included in Chapter 5, *Revisions to the Draft EIR*, of this document), the proposed outdoor spaces and landscape zones outside of the City Center (particularly in Parcels 1, 2, and 3) are illustrative for the purposes of this analysis, as the Project building envelopes are flexible and have not yet been precisely determined. The phasing of the proposed open space would be the same as the phasing of the overall Project, which is outlined in Table 2-11 in Chapter 2, *Project Description*. For example, the open space proposed in Parcel 5 would be developed during Phase 1 and operational by 2019.

This commenter asks what portion or acreage of the proposed open space would be accessible to the general public. As stated on pages 3.13-20 and 3.13-21 of the Draft EIR, of the total proposed landscaped areas, approximately 74 acres would be devoted to public open space, which would include parks (approximately 26 acres, potentially dedicated to the City and utilized for picnic areas, gardens, trails, and landscaped and furnished quiet park areas), slope landscaped and habitat areas, courtyards, and multi-purpose concourses.

This commenter asks whether the Project would provide open space for relocated youth soccer fields, as proposed by the San Francisco 49ers. At this time, the Project is not proposed to include any youth soccer fields. However, as discussed above, the Master Plan includes proposed public park spaces that could include some sports courts. Office campus greens may be designed to accommodate active recreational uses that could include sports courts and/or fields. Pages 3.13-19 and 3.13-20 of the Draft EIR include an analysis of potential impacts related to the elimination of existing on-site active recreational facilities, which do not include youth soccer fields. Although the Project would increase the use of other existing recreational facilities due to the closure of the on-site golf course, tennis courts, and BMX track, this is not expected to have a substantial physical deterioration of the facilities and would result in a less-than-significant impact.

- 13.6 *The commenter asks how the landfill will be vented and notes that there is an unstable area northeast of Lafayette Street and Tasman Drive.* The landfill gas collection system is described in detail in the Draft EIR, starting on page 3.11-10. The landfill gas collection and removal system was installed throughout the Project site, except Parcel 5 (which was not part of the landfill), that consisted of 88 vertical extraction wells. Currently, 75 of the extraction wells are active and the remaining 13 have been decommissioned. The wellheads are connected to lateral lines that connect to a main header. The main header, which extends to all four landfill parcels, transports the landfill gas to a landfill gas-to-energy plant. These systems will be upgraded and continue to be utilized with the development.

With regard to the reported area of instability northeast of Lafayette Street and Tasman Drive, this area is not within the Project site. Based on the results of the preliminary geotechnical investigation conducted in the non-landfill area in the vicinity of Lafayette and Tasman (to the northwest of this intersection), soils consist of several feet of fill material underlain by clay and clayey sand soils. No identification of particularly unstable soils were identified in this area. The commenter does not provide any specific information that demonstrates a potential issue associated with Project site soil stability.

- 13.7 *The commenter suggests that the Project site accommodate the replacement City Hall.* The replacement City Hall is not included as part of the Project. This comment pertains to the design of the Project and does not address the adequacy of the Draft EIR or the Project's compliance with CEQA. The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider specific design features that would not have a substantial physical impact on the environment. Therefore, this comment is better addressed during the review process for the Project rather than in the EIR.
- 13.8 *The commenter requests responses to the comments.* This Responses to Comments document addresses all comments received during the public review period of the Draft EIR. Please see the responses, above. This entire document, including all responses, can be found online on the Santa Clara Planning Department CEQA Documents webpage at: <<http://santaclaraca.gov/government/departments/planning-inspection/planning-division/ceqa-documents>>.

Comment Letter I4—Richard Santos (letter dated November 18, 2015)

Letter I4

Subject: FW: Comments related to the EIR for City Place Santa Clara Mixed use project

From: Richard Santos [<mailto:rsantos@valleywater.org>]
Sent: Wednesday, November 18, 2015 8:31 PM
To: Debby Fernandez
Subject: Comments related to the EIR for City Place Santa Clara Mixed use project

- I4.1 | 1. Additional traffic congestion into the Alviso Community – results are additional noise and pollution and vehicle violations, such as speeding, parking for more than 3 days and getting lost as traffic been diverted into the Alviso Community via Levi stadium
- I4.2 | 2. The City of Santa Clara needs to be more pro-active in supporting the Alviso Community, in terms of good PR and a place to visit the historic community as well as our outdoor recreational opportunities, etc (bike riding) walking, etc
- 3. The City of Santa clara should donate some funding to the Alviso Community for sports activities, educational opportunities for our children – due to the impact from Santa Clara earning tax dollars – share some of our concerns

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Response to Comment Letter I4—Richard Santos (letter dated November 18, 2015)

- 14.1 *The commenter is concerned about additional traffic in the Alviso neighborhood, and resulting air quality and noise impacts as a result of the Project.* The Draft EIR considers impacts to traffic and intersections in the Alviso neighborhood, including during game days. Potential impacts on intersections, freeway segments, transit, and bicycle and pedestrian facilities were evaluated using the standards, methods, and significance criteria of the agencies that control them (e.g., Santa Clara County and the Cities of Santa Clara, Sunnyvale, and San José). Locations with significant impacts were identified using adopted criteria. Measures to mitigate the significant impacts were identified where such measures are available and feasible. Locations without feasible mitigation measures (and those where the City of Santa Clara cannot ensure that mitigation measures would be implemented) are designated as significant and unavoidable.

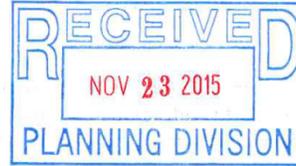
Air pollution emissions from operation of the Project are analyzed under Impact AQ-3, starting on page 3.4-29 of the Draft EIR. As described on page 3.4-32, ROG, NO_x, PM10, and PM2.5 emissions would exceed BAAQMD's mass emissions threshold of 54 pounds per day for ROG and NO_x and 82 pounds per day for PM10 and PM2.5. The impacts of these air emissions would be significant and unavoidable. However, these emissions would be regional and would not have an impact specific to the Alviso community. As explained above, traffic generated by the Project in this area would not be significant, and therefore, emissions specific to this area are not expected to be more significant than emissions in other parts of the region.

Impacts from traffic noise on off-site land uses are discussed in Impact NOI-1c, starting on page 3.6-21 of the Draft EIR. The analysis indicated that significant noise impacts could occur along eight roadway segments, none of which are located within the Alviso community. The closest segment that could result in traffic noise increases as a result of the Project is Great America Parkway between SR 237 and Yerba Buena Way/Great America Way, which is approximately 0.5 mile southwest of the Alviso community. The effect of existing noise from traffic on SR 237 and trains traveling on the UPRR tracks was considered when analyzing the impacts from Project noise on receptors along these segments. Because noise from SR 237 and UPRR currently exists in the Alviso neighborhood, and the closest roadway segment that could be affected by traffic noise from the Project is located 0.5 mile to the southwest, it is not expected that the Project would result in significant traffic noise increases in the Alviso neighborhood.

- 14.2 *The commenter suggests that the City of Santa Clara should be more proactive in supporting the Alviso community with positive public relations and donations.* Per State CEQA Guidelines Section 15131, the focus of the EIR is on physical environmental effects rather than social or economic issues, except where social or economic issues are known to have demonstrable physical impacts. Fiscal issues and community benefits from the Project are topics that will be considered by the City Council and the Commission during the decision-making process. However, this comment does not relate to the City Place Santa Clara Project but, rather, focuses on the City's relationship with the Alviso community in general. Therefore, no further response is necessary.

Comment Letter I5—Jan Hintermeister (letter dated November 20, 2015) Refer to Appendix 4.1 for attachments to letter

Letter I5



November 20, 2015

Ms. Debby Fernandez
City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 95050

Re: City Place Santa Clara Project—Comments on Draft Environmental Impact Report
SCH#2014072078, CEQ2014-01180 and PLN2014-10440

Dear Ms. Fernandez,

Thank you for the opportunity to submit these comments on the Draft Environmental Impact Report (DEIR) for the City Place Project. These comments address impacts to the Burrowing Owl.

The Draft EIR for the City Place Santa Clara Project is deficient in its description of impacts on the burrowing owl (*Athene cunicularia*), a special-status wildlife species. The Project location, as described in Chapter 2 of the DEIR, covers 24 acres that have been set aside as mitigation lands for the burrowing owl. This fact is not acknowledged in the DEIR. Specifically, the Existing Conditions section entitled "Burrowing Owl Conservation in the Project Area" in Section 3.8 is deficient because it incorrectly describes the mitigation commitment made by the City of Santa Clara for the Bayshore North Redevelopment Plan (BNRP). The draft EIR (pg 3.8-6) states that

"No portion of the Project site has been set aside for burrowing owl mitigation..."

This statement on pg. 3.8-6 is inconsistent with the public record. In fact, on May 2, 2000, the City Council committed 24 acres of land for burrowing owl mitigation. These mitigation lands are now being planned as part of the Project.

15.1

The draft EIR also states:

In 2000, City Council considered taking additional steps related to burrowing owl conservation but never took any final actions. On May 2, 2000, the City Council gave the City Manager the direction to look into potentially developing and maintaining "44.5 acres of burrowing owl habitat in some combination on the following three sites: the closed Lafayette landfill adjacent to the Santa Clara P.A.L. Track, two of the four slopes of the relocated golf holes on the Project site, and at the San José/Santa Clara Water Pollution Control Plant."

This statement misrepresents the May 2, 2000 City Council resolution. The direction by the City Council to the City Manager was very clear and direct, i.e. "to seek the development and maintenance of 44.5 acres of burrowing owl habitat....." The Draft EIR paraphrase of the Council resolution transforms this very clear direction into a much weaker statement "look into potentially developing and maintaining 44.5 acres of burrowing owl habitat". In fact the City Manager and other staff, along with three Council members and multiple additional stakeholders had spent the previous 6 months in a series of nine meetings of the Council-appointed Burrowing Owl Habitat Committee rigorously evaluating the suitability of 10 locations that could be used as mitigation for the loss of burrowing owl habitat.

This Committee also carefully considered the management actions that would be required to develop and maintain this habitat as well as estimating the cost for developing and maintaining these mitigation

lands. The May 2, 2000 resolution of the Council was its final action on burrowing owl mitigation for the Bayshore North Redevelopment Plan (BNRP). This final resolution identified the 44.5 acres of additional mitigation lands, adopted a set of Best Management Practices (BMP) for the development and maintenance of the mitigation lands, and identified funding sources for the development and maintenance of the mitigation lands.

The remainder of this section on burrowing owl mitigation will go into more depth on the actions that led up to the 2 May, 2000 Council resolution identifying 44.5 acres of mitigation, which includes 24 acres that are part of the City Place Santa Clara Project.

In 1999, the EIR for the Bayshore North Redevelopment Plan (BNRP) was being considered. One of the biological impacts was the loss of 103 acres of burrowing owl habitat and the loss of numerous pairs of breeding burrowing owls. This was a significant impact because even 15 years ago, it was clear that burrowing owl population was plummeting. Based on a formula of 6.5 acres per burrowing owl pair, the City was required by the California Department of Fish and Game to provide 58.5 acres of mitigation lands. The City provided for that mitigation by contributing to a mitigation bank near Byron, CA. However, because the impact was so great, many Santa Clara citizens and members of the City Council insisted on a mitigation ratio of 1:1, i.e. 103 acres of mitigation. In response to the public and Council interest in 1:1 mitigation, the City Council took 2 actions in August/September 1999.

The first council action was to set up a Burrowing Owl Habitat Committee to look into options for additional mitigation beyond that required by California Fish and Game. This motion was passed unanimously on August 24, 1999 (Exhibit A):

15.1
Cont.

MOTION was then made by Matthews, seconded and unanimously approved (Gillmor and Mahan absent), that the Council approve the formation of a Burrowing Owl Habitat Committee chaired by Council Member McLemore to develop a recommendation on the following: 1) identify potential pocket habitats within the City; 2) develop an outreach plan to other regional cities to coordinate efforts wherever possible; 3) develop Best Management Practices (BMP) for maintenance of City properties to prevent habitat impacts where possible; 4) include community stakeholders and provide notification to identified and interested parties to be included in the process; 5) disseminate information in normal ways and also on the web site and through other City publications to be developed in conjunction with staff; and to return to the Council by February 2000 with a recommendation.

Further on September 14, 1999, the Council affirmed its commitment to provide 1:1 mitigation for the loss of burrowing owl habitat (Exhibit B):

MOTION was then made by McLemore, seconded and unanimously carried, that the Council approve the policy that the City will provide mitigation for the loss of 103 acres of open space and associated wildlife values. The mitigation will be at a goal of 1 to 1 ratio, and can occur in either within or outside of the city boundaries and will consider environmental and financial impacts to the city. The 58.5 acres protected in accordance with the existing agreement with the California Department of Fish and Game shall count towards the mitigation acreage.

Councilmembers John McLemore, Patricia Mahan and Aldyth Parle were appointed to the Burrowing Owl Habitat Committee. City staff were heavily involved in the Committee deliberations with City Manager Jennifer Sparacino, Assistant City Manager Ron Garratt and Senior Staff Aide Pam Morrison in attendance. The Committee meetings were well attended by Council representatives, City staff,

stakeholders representing an array of interested organizations and many members of the public. This Committee worked diligently for six months to accomplish their goals. As reported in the Santa Clara Weekly of 16-20 May 2000:

The Committee met nine times since its establishment, for about 2 ½ hours each meeting. The Committee had good representation by a number of city groups, the Loma Prieta Chapter of the Sierra Club, the Northside Residents Association, a Mission College representative, People for Open Space, the Santa Clara Chamber of Commerce, the Santa Clara Police Activities League, the Santa Clara Valley Audubon Society, Santa Clara University, the State Department of Fish and Game, and Council Representatives.

Prior to the first meeting of the Burrowing Owl Habitat Committee, City staff and Councilmembers were already quite familiar with at least 10 potential mitigation areas. Prior to the signing of the Mitigation Agreement between the City and the California Department of Fish and Game, the City (with DFG) had studied 10 locations that represented potential mitigation habitat. David Plumpton, a burrowing owl specialist with H.T. Harvey provided detailed technical reports on the suitability of various locations for burrowing owl habitat. These locations included the Lafayette landfill, Open Space Park (to become Ulistac Natural Area), Airport Radar Station at De La Cruz and Central, Water Pollution Control Plant property, land owned by the City electric utility near Benicia, land near Byron and other locations. For the legally required 58.5 acres of mitigation, the City selected the mitigation bank near Byron, but City staff and council were already quite familiar with the potential of the Lafayette landfill and the Water Pollution Control Plant for burrowing owl habitat. The various locations and habitat evaluations can be seen in Exhibit C, a memo from the City Attorney to Assistant City Manager Ron Garratt.

15.1
Cont.

At the first meeting on November 1, 1999, the Committee Chair outlined the goals of the Committee in the context of previous Council resolutions (Exhibit D):

The Council goal is to mitigate 103 acres, including 58.5 already approved under the agreement with the California Department of Fish and Game. The Committee's goal will be to identify the remaining 44.5 acres.

The November 15, 1999 Committee meeting considered additional properties (in addition to those identified in Exhibit C) within the City limits that could be considered for burrowing owl mitigation, including the closed landfill near the Irvine property, the Hetch-Hetchy right-of-way and Our Lady of Peace Church (Exhibit E). Review of these properties continued over the life of the Committee. As a result of the work done prior to the signing of the Mitigation Agreement with DFG and the work done by the Burrowing Owl Habitat Committee, City staff, the Council and the Committee were well-informed on the potential for each of these areas as mitigation lands for burrowing owls.

Other Committee meetings looked at management requirements for the various sites. Each site was evaluated with respect to whether the existing vegetation was appropriate or whether the site would need to be revegetated. In parallel, David Plumpton developed a set of Best Management Practices for management of lands for burrowing conservation (Exhibits F-M).

The February 28, 2000 Committee meeting reviewed cost estimates prepared by staff for managing the Lafayette landfill for burrowing owls. This cost was based on the Best Management Practices developed during the course of the Committee meetings. (Exhibits K, M)

Over the course of 9 meetings, the Committee considered ten potential sites, including locations on City-owned land, privately owned land within the City, land adjacent to the City and land owned by

other local entities. Burrowing owl biologist, David Plumpton with H.T. Harvey, provided technical support in evaluating the suitability of various sites and management strategies that might be appropriate in different locations. The Committee spent significant time evaluating both potential habitat sites and management strategies (Exhibits F-M).

At the Committee's final meeting on March 27, 2000, the Committee agreed on a set of recommendations. These recommendations are summarized in the Final Report from the Council Appointed Burrowing Owl Habitat Committee, dated 28 April 28, 2000 (Exhibit M).

The Committee decided on three mitigation locations:

- | | | |
|--|------------|-------------------------|
| 1. Closed landfill adjacent to PAL BMX track | 17.0 acres | in Santa Clara |
| 2. Closed landfill slopes for the new golf holes | 7.0 acres | in Santa Clara |
| 3. Portion of the SJ/SC Treatment Plant Property | 20.5 acres | adjacent to Santa Clara |

These three locations total 44.5 mitigation acres. Together with the 58.5 mitigation acres in the DFG agreement, this gave a total of 103 acres of mitigation, which met the September 14, 1999 Council goal to achieve 1:1 mitigation or 103 mitigation acres. The City Place Santa Clara Project covers the first two sites: the closed landfill adjacent to BMX track and the closed landfill slopes for the new golf holes, a total of 24.0 acres.

15.1
Cont.

Note that in this Final Report (written by staff) that staff concurs with the Committee on several recommendations, including the location of the 44.5 acres of burrowing owl mitigation habitat, Best Management Practices (BMP) for maintenance of City properties for wildlife, and other issues. Staff also assessed the fiscal and economic impact of developing habitat on the additional 44.5 acres (pg 5/8, Exhibit M) and recommended that the Council direct the City Manager "to use appropriated Redevelopment Agency funds.....for the development of burrowing habitat on the voluntary 44.5 acres" (pg. 6/8, Exhibit M).

On May 2, 2000, the City Council reviewed the recommendations of the Burrowing Owl Habitat Committee and in the following motion, unanimously accepted all recommendations of the Committee (Exhibit N):

MOTION was made by McLemore, seconded and unanimously carried, that the Council approve the following recommendations: Staff Recommendations: 1) Direct the City Manager to seek the development and maintenance of 44.5 acres of burrowing owl habitat in some combination on the following three sites: the closed Lafayette landfill adjacent to the PAL/BMX Track, two of the four slopes of the relocated golf course holes and at the San Jose/Santa Clara Water Pollution Control Plant; 2) Direct the City Manager to work with the City of San Jose in the identification and development of burrowing owl habitat land at the San Jose/Santa Clara Water Pollution Control Plant; 3) Direct the City Manager to adopt and implement Best Management Practices for the long-term maintenance of City-owned designated habitat; 4) Direct the City Manager to communicate the status of the City's efforts in the area of burrowing habitat management through use of the City's web site, the City newspaper, the City's Cable Channel 15, and Mission City SCENES; 5) Direct the City Manager to work with the Police Athletics League to create an amendment to the existing BMX Track lease to redefine the land area included in the lease with the land area remaining at +/- 12 acres; 6) Direct the City Manager to use appropriated Redevelopment Agency funds (939-9011-8030-9048), not to exceed \$90,000, for the development of burrowing owl habitat on the voluntary 44.5 acres and added Committee

recommendations: 7) Direct the City Manager to perform an annual survey of burrowing owls in the general area of the golf course and adjacent City-owned properties; 8) Direct the City Manager to request that the City/Mission College Liaison Committee place an annual item on their meeting agenda to have the College provide the Liaison Committee with an update of facilities development on the campus and the effect of development on the College's burrowing owl population; and 9) Direct the City Manager to negotiate a Safe Harbor Agreement with the State of California, Department of Fish and Game that would allow owls to return to the slope areas along Tasman Drive/Centennial Boulevard and not have the City held to the construction clearance requirements from nesting owls currently enforced by the Department of Fish and Game.

The DEIR states that "In 2000, City Council considered taking additional steps related to burrowing owl conservation but never took any final actions." Based on the above review of the historical record, this statement is incorrect. On May 2, 2000, the City Council took a host of final actions. With regards to burrowing owl mitigation lands, the Council made two commitments, a legally-required commitment with the California Department of Fish and Game for 58.5 acres of burrowing owl mitigation, and a voluntary commitment to 44.5 acres of burrowing owl mitigation, consistent with their September 14, 1999 resolution.

15.1
Cont.

The DEIR states that the May 2, 2000 Council direction "gave the City Manager the direction to look into potentially developing and maintaining 44.5 acres of burrowing owl habitat". The record is clear that the direction was not "to look into potentially developing" 44.5 acres of burrowing owl habitat. On the contrary the direction was to actively develop and maintain the habitat. "Looking into" habitat potential had occurred during the lengthy period while the City was negotiating with DFG over the legally required mitigation and in the 9 meetings of the Burrowing Owl Habitat Committee. The Council clearly stated that the 44.5 acres were to be developed and maintained as burrowing owl habitat. The Council also clearly identified in its resolution the source of funds for both initial development and maintenance of the burrowing owl habitat.

In order to approve the City Place Santa Clara EIR, the 24.0 acres of mitigation lands on the Project Site (the closed Lafayette landfill adjacent to the PAL/BMX Track, two of the four slopes of the relocated golf course holes) must be mitigated for, either through other mitigation lands or other mechanism. Since the Santa Clara Valley Habitat Agency is pursuing a regional plan for conservation of the burrowing owl, working with that Agency to identify equivalent mitigation seems like a reasonable approach.

Previous development has reduced the once-thriving population of burrowing owls in Santa Clara to a single pair which was identified during the 2015 burrowing owl survey performed by the Santa Clara Valley Habitat Agency. Development of lands on the Project site, both the 24.0 acres of mitigation land, the golf course and other open land in the area, eliminates the nearest foraging habitat for the owls and almost certainly will lead to the complete extirpation of the burrowing owl from Santa Clara. This must be considered a significant impact.

In addition, the Project plans to develop these mitigation lands and other burrowing owl habitat at a time when a regional effort is being made by the Santa Clara Valley Habitat Agency to stabilize the existing owl population. Thus, the Project's impact is to undercut regional efforts to halt the precipitous decline of this species. This is also a significant impact.

If you have any questions, please contact Jan Hintermeister at (408) 314-5327.

Sincerely,



Jan Hintermeister

Response to Comment Letter I5—Jan Hintermeister (letter dated November 20, 2015)

- 15.1 *The commenter asserts that 24 acres of the Project site have been set aside as mitigation lands for the burrowing owl. Please refer to Master Response 4 for a discussion of the proposed western burrowing owl mitigation for the Project.*

Comment Letter I6—Kirk Vartan (letter dated November 23, 2015)**Letter I6**

Subject: FW: City Place Santa Clara Draft Environmental Impact Report - COMMENTS

From: Kirk Vartan [mailto:kirk@kvartan.com]
 Sent: Monday, November 23, 2015 3:12 PM
 To: Debby Fernandez
 Cc: Kevin Riley; Ruth Shikada; Julio Fuentes; Rod Diridon; Kirk Vartan
 Subject: City Place Santa Clara Draft Environmental Impact Report - COMMENTS

November 23, 2015

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

email: dfernandez@santaclaraca.gov

Re: City Place Santa Clara Draft Environmental Impact Report
 SCH#2014072078, CEQ2014-01180 and PLN2014-10440

Dear Ms. Fernandez,

Let me start out by saying that I think the opportunity you are creating in this area for economic and urbanization is wonderful, and I think the Related Companies is a quality organization that will create incredible value in the area. While I did read some the many pages in the EIR, I will not be addressing any specific section by name. I am sorry about that, but I think it is unrealistic to expect the regular citizen in the community to read thousands of pages and provide comments on them. I will break my comments in to sections so I can discuss areas of concern and opportunity.

- 16.1 I am disappointed in the lack of general outreach done by the City of Santa Clara in informing people of the single largest project in this area has ever seen and probably ever will see. For something this large, Related should not just do the "minimum" in terms of outreach and education; they should, under the City's guidance and support, make the public very familiar with the activities going on around the north side of Santa Clara. I feel not aggressively engaging the public will ultimately stress and impact the relationship Related has with the community, and I don't see why that condition had to exist. I feel the City of Santa Clara should have taken a more active and educational role in this process. For example, the project is not on the front page of the City's website.
- 16.2 A. LAND USE:
 1. With 239 acres of public land being taken over and privatized, there should be mandated and significant contributions to the community from a land use perspective.
- 16.3 2. Innovative land use should be mandated. Uses should include: urban agriculture, local gardening area throughout the property, prototype solutions on how land can be best utilized with progressive technologies, leveraging renewable energy, utilizing the methane for power or as a showcase for decoration (e.g., natural flames artistically burning and lighting up the property), geo-thermal enteral production, 100% rain water capture, 100% storm water reuse and storage on site, etc.

16.4 3. Create regional places for sports. There is a lot of property on site that can be integrated with sports complexes. One could imagine soccer fields and other athletic fields that are very much needed. They could easily be done in a “parking garage” kind of way (think indoor facilities), where they are stacked and space is maximized.

16.5 4. Look at “agrihood” design models. Home values have been quite high and people really want to live where their food is grown. It also creates a sense of place.

5. You are in the “Place Making” business. I hope you will continue to balance the community growth needs with profit.

5. Finding ways to link other areas to this area via trails and parks.

16.6 B. REGIONAL NEEDS/PEDESTRIAN EXPERIENCE 1. The northern portion of Santa Clara has the opportunity to become a major hub for jobs, housing, and entertainment. Levi’s Stadium is just the start of a much larger development area. With City Place, there can be a great pedestrian experience implemented that can extend from the now established Rivermark development all the way through to the stadium and City Place. Significant and substantial dollars should remain in the area (not just poured into the General Fund) to fund major infrastructure elements in the area. This is a multi-generation vision and should have a much larger look than just the footprint of the site or an off-ramp. Think of it in terms of the general residential experience, walking from Rivermark, along a path and goes along side Ulistac. Ulistac can be improved to be more people friendly, adding a visitor center or a learning center so people can experience and learn about the 40-acre natural habitat in the area. From there, a pedestrian crossing could extend over Tasman or even turn the light rail station into more of a mini-transit station, allowing for better transit integration. At the Lick Mill station, Tasman East will have possibly 5,000+ residential units, maybe significantly more to offset the lack of housing on 239 acres. At the low side of high density housing (60 units/acre), 239 acres can support almost 15,000 residential units. Currently, City Place is only looking to provide ~1,300 units due to land fill issues.

So if we assume the density given up by City Place and the 50-75 acres that will hold the Tasman East apartments (another 4,000+ units), and you have a small city in the area. Buildings can rise up to 200 feet and a massive housing system can be built here. So, investing in pedestrian vision for the area are critical as City Place is being planned.

2. The pedestrian experience can then take multiple paths to City Place, whether it is down Tasman or through any of the other access points on the site. Overall, you can have a 1.5 mile pedestrian experience that could really be a special place for the residents in the area and allow for the massive impacts and massive profits from the development to be offset with some huge community benefits.

Maybe another kind of electric people mover can shuttle from one end to the other. It does not have to be manned...it can be an autonomous people mover. How can we implement advanced technologies (developed right here in Silicon Valley) to solve some of our concerns?

C. HOUSING NEEDS

16.7 1. Affordable housing needs to be mandated in this area. With the 20,000+ office jobs comes 5,000+ retail and service jobs. How are the service workers getting to work? Cars?

2. The amount of housing is unacceptable. While the County Health Department has limited what can be done, and future housing built needs to take the needed housing not being built here and add it. For example, the Tasman East area seems to be getting purchased by Related so that they can build apartment style housing. This is great and it needs to be pretty massive. There needs to be requirements for the area in terms of housing, so if City Place can’t built it, the space right next to it not on landfill can.

3. Look at micro housing and other “small units” that still allow for high \$ per sqft, but just a smaller footprint space. There could be shared spaces for these residents.

4. Look at co-housing and see if that can help make more units and more affordable solutions.

D. TRANSPORTATION

- 16.8 1. How will this project embrace the concept of discouraging private automobile ownership?
2. Include ZipCar and other auto sharing solutions for residents 3. Charge for parking for residents. Make parking “unbundled” for the residents, so they have to pay for car ownership. This will create incentives for individuals that do not want to own cars and find other ways to make transportation work.
- 16.9 4. Increase Light Rail capacity and station. Make it a small transit center
5. Have a VTA transit center on site, deep into the property
- 16.10 6. Create multiple ZipCar locations, Uber type pickup and drop off locations, build infrastructure to allow for electric vehicle fleets to ultimately come on line. Not suggesting you build something that doesn’t exist yet, but put the main-line infrastructure all over the complex so you are not digging later
7. Partner with Google, Tesla, Apple or other advanced vehicle manufacture to build prototype solutions on site. You could easily have an autonomous people mover solution for the entire site. It is all private property, so you control the street infrastructure. Consider having dedicated autonomous electric vehicle circulation throughout the campus, from office to retail, housing to retail, and housing to office.
8. Become leaders in how the regional impact this project tis having. Don’t just look at norther Santa Clara. This project will affect circulation all over the Bay Area.
- 16.11 9. What is the maximum vehicle count you will allow down Tasman, 101, and 237? What I mean is, is there an allowable traffic volume that would be acceptable? If so, what is it?
10. How are you going to monitor traffic?
11. What mechanisms will you use to remediate traffic issues after the project is underway?

E. INNOVATION

- 16.12 1. Look at how innovative technologies can be implemented throughout the site
2. How can the site be “autonomous car ready?” This is a 100+ year development. Planning for flexibility and how to embrace the next generation technology should be mandatory. How will this development scale and evolve into the future?
3. IoT should be heavily embraced and embedded in all parts of the project
4. Hardwire (fiber and copper) should be run throughout the complex to allow for network connectivity without just depending on wireless technologies
5. Camera technology should be pervasive. Build camera positions that cover parking, public spaces, access points, sensitive areas, housing, office, etc. This site is very target rich. Make sure it is well covered with technology that help protect it.
6. Free WiFi should be mandatory and should be required to be kept current every five (5) years. For example, having 802.11b technology at a state-of-the-art project is silly.
7. Be bold and visionary in how technology can improve the design and result. We are in a technology mecca, and that should be embraced. Have technology pervasive throughout this site.

- F. METHANE:
- 16.13 1. Will there be any smells seeping up?
2. Is there any concerns about vapor intrusion?
3. Can the methane be used as a power source to supplement typical grid power?
4. What should people know about the recapturing/reclamation system?
5. How can people see this resource be utilized in the project?
6. Can it be used as a learning tool for kids?
7. Can a composting center of excellence be developed here?
8. How can this "issue" be used as a learning tool for everyone, that people can see and experience, rather than simply covered up and hidden? How can we embrace the concerns?
- 16.14 Looking at circulation and mobility in the area is going to so important to the success of the area. I am attaching a link to an article that shows how our little hi-tech bubble could burst if we are not careful with housing and travel. Of course, articles are not fact, but I hope you will take this into consideration. Look at what Mountain View is doing with capping traffic counts.
- <http://www.bizjournals.com/sanjose/print-edition/2015/11/13/going-nowhere-fast-traffic-issues-could-stall-tech.html>

Thank you for your time and consideration.

Kirk Vartan
related@kvartan.com

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Response to Comment Letter I6—Kirk Vartan (letter dated November 23, 2015)

- I6.1 *The commenter expresses concern regarding the amount of outreach conducted by the City for the Project.* Since 2013, the City and Project Developer have worked with each other, government agencies, and community members to develop the program and plans for the Project. To date, approximately 20 public meetings, study sessions, community meetings, and hearings on tentative approvals have been held since March 2013.

For the EIR, the City has followed the process required by CEQA. As described on page 1-3 of the Draft EIR, the City prepared two Notices of Preparation (NOPs). First, on July 10, 2014, the City published an NOP for the Centennial Gateway Mixed-Use Project, to be located at 5120 Stars and Stripes Drive, as proposed by the Montana Property Group (MPG). Shortly thereafter, on July 30, 2014, the City published an NOP for the City Place Project, directly adjacent to the Centennial Gateway site, at 5155 Stars and Stripes Drive. Both NOPs were released for a 30-day public review period. A public scoping meeting was held on July 31, 2014, for the Centennial Gateway Mixed-Use Project, and a second scoping meeting was held on August 12, 2014, for the City Place Project. Public agencies, organizations, and members of the public were invited to comment on the EIR process. The City published a report on the combination of the two EIRs at the City Council meeting on June 16, 2015. Since the release of the Draft EIR on October 9, 2015, two community open houses were held by the applicant (October 20, 2015 and October 26, 2015). A request for additional outreach is not a CEQA issue and would be more appropriately addressed in the context of the City's approval of the Project than in the context of this EIR.

- I6.2 *The commenter suggests that since the Project would privatize public land, the Project Developers should make significant contributions to the community.* The issue of the types of contributions a developer should make to the community as part of the Project approval process is not a CEQA issue; however, this comment is being addressed nonetheless. The commenter's premise that the Project would privatize public land is not accurate, as the City would retain ownership of the entire site and is requiring the Project Developer to make substantial improvements to the property for the benefit of the City and its residents.

The Project site would also continue to provide public open spaces. As stated on page 3.13-20 of the Draft EIR, the Project would provide on-site amenities such as entertainment facilities and large, shared open spaces throughout the Project site. The proposed amenities would reduce the likelihood of residents and employees utilizing or overburdening existing City facilities because outdoor areas would be available to employees and residents closer to the existing open space areas. Of the total proposed landscaped areas, approximately 74 acres would be devoted to public open space, which would include parks (approximately 26 acres, potentially dedicated to the City and utilized for picnic areas, gardens, trails, and landscaped and furnished quiet park areas), slope landscaped and habitat areas, courtyards, and multi-purposed concourses. In addition to the park and open space dedicated to the City, approximately 5 acres in private open space would be provided within the residential occupied podiums. The Master Plan includes proposed public park spaces that could include some sports courts. Office campus greens may be designed to accommodate active recreational uses that could include sports courts and/or fields. Therefore, the Project would include contributions to the community in the form of enhanced public open spaces.

- I6.3 *The commenter requests that innovative land uses should be mandated as part of the Project.* Currently, none of the uses listed in this comment are being considered by the Project

Developer. However, as part of the Project, the Project Developer will pursue LEED-ND certification for the proposed City Center, LEED v2009 Gold for the proposed commercial buildings, and LEED v2009 Silver for the proposed residential buildings. The Project would reduce indoor water use from the City baseline by 10 percent and outdoor water use from the City baseline by 20 percent. The Project would also incorporate features to reduce per capita water use, such as low-flow fixtures and native, drought-resistant plants. In addition to using recycled water for irrigation and stormwater containment and potential re-use, other water-saving techniques could be applied to mechanical cooling systems and toilet flushing. The Project would also continue the City's current use of methane from the landfill for electricity production. In addition, Mitigation Measure GHG-1.2, as included on pages 3.5-18 through 3.5-20 of the Draft EIR and modified in Chapter 5 of this document, *Revisions to the Draft EIR*, requires a series of aggressive energy efficiency and sustainability measures.

16.4 *The commenter suggests the Project include indoor soccer fields and other athletic fields. At this time, the Project would not include any indoor soccer fields. However, the Master Plan includes proposed public park spaces that could include sports courts. Office campus greens may be designed to accommodate active recreational uses that could include sports courts and/or fields. Regardless, this comment pertains to the design of the Project and does not address the adequacy of the Draft EIR or the Project's compliance with CEQA. The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider specific design features that would not have a substantial physical impact on the environment. Therefore, this comment is better addressed during the review process for the Project rather than in the EIR.*

16.5 *The commenter requests consideration of the "agrihood" design models and balancing the community growth needs with profit. This comment pertains to the design of the Project and does not address the adequacy of the Draft EIR or the Project's compliance with CEQA. The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider specific design features that would not have a substantial physical impact on the environment. Therefore, this comment is better addressed during the review process for the Project rather than in the EIR.*

Per CEQA Guidelines Section 15131, the focus of the EIR is on the physical environmental effects rather than social or economic issues, except where social or economic issues are known to have demonstrable physical impacts. Fiscal issues and community benefits from the Project are topics that will be considered by the City Council and the Commission during the decision-making process. Therefore, no further response is necessary.

16.6 *The commenter suggests creating a pedestrian vision by focusing on the pedestrian facilities within 1.5 miles of the Project from River Mark north and possibly adding an autonomous people mover system. This comment is in regard to planning of the Project and the surrounding area and does not address the adequacy of the Draft EIR or the Project's compliance with CEQA. The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider specific design features, such as pedestrian facilities, that would not have a substantial physical impact on the environment. Therefore, this comment is more appropriately addressed in the Master Community Plan process.*

Regional pedestrian facilities could be included in the Deficiency Plan/Multimodal Improvement Plan to be prepared to address Project impacts on CMP facilities. Please refer to Master Response 3 regarding the development of the Deficiency Plan/Multimodal Improvement Plan.

- 16.7 *The commenter requests an increase in proposed housing and outlines potential housing types that could be located at the Project site, such as affordable housing, micro housing, and co-housing. An Increased Housing Alternative, as described on pages 5-8 through 5-9 of the Draft EIR, was considered and analyzed. The Increased Housing Alternative was developed to improve the jobs-to-housing ratio, which would result in fewer impacts associated with transportation/traffic, air quality, and GHGs. Under the Increased Housing Alternative, the 320,000 gsf of office space planned under the Project for the Parcel 4 portion of the City Center under Scheme A would be replaced with up to 320 additional units of residential space.*

However, the Project does not include more housing than proposed under Scheme A, and the Draft EIR does not consider additional housing (other than the Increased Housing Alternative) due to restrictions imposed with respect to the Landfill at the Project site. In the site evaluation and risk assessment prepared for the post-closure land use landfill regulatory approval process, the elevated podium structure is one component of several measures that combine to minimize potential resident exposure to vapor intrusion from constituents of potential concerns (COPCs) in landfill gases. However, it would be inefficient to expand the elevated podium structure planned for the Parcel 4 portion of the City Center. In addition, increasing the height of the residential structures planned for Parcels 4 and 5 would be infeasible due to established FAA height restrictions. Replacing office space or other uses in the City Center would also not be feasible because it would eliminate these uses, thereby not meeting the basic Project objective of creating a vibrant, mixed-use “live, work, play environment” for the City Center. A detailed explanation as to why additional housing, beyond the Increased Housing Alternative, is not provided as part of the Project is included on pages 5-13 through 5-15 of the Draft EIR.

As the commenter notes, housing is currently proposed in the Tasman East area. At this time, specifics of this proposal are unknown. However, it is expected that the amount of housing in Tasman East would be maximized to the greatest extent possible. As shown in Table 3.0-1 on page 3-7 of the Draft EIR, the Tasman East Project (#20) is analyzed throughout the Draft EIR as a cumulative project. For analysis purposes, it is assumed that approximately 4,100 residential units would be constructed at this site.

The type of housing at the Project site is a specific Project feature that would not affect the CEQA analysis. The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider features that would not have a substantial physical impact on the environment. Therefore, this comment is better addressed during the review process for the Project rather than in the EIR. At this time, the Project Developer has not indicated how much affordable housing would be provided at the Project site or whether housing would be dedicated to senior residents. The City does not currently impose affordable housing requirements other than the voluntary provisions of the Density Bonus Ordinance (Chapter 18.78 of the City Code). Pursuant to City Code Section 18.78.040, the City grants concessions and incentives to housing developers who provide certain percentages of affordable housing or senior housing. The current development proposal does not include affordable or senior housing and, therefore, no incentives or concessions are currently envisioned by the City. If the Project Developer includes affordable housing, it would be within the amount of housing

units analyzed in the Draft EIR for Scheme A, Scheme B, or the Increased Housing Alternative (depending on which Project configuration is ultimately approved by the City).

The Project Developer does not currently anticipate the construction of micro housing or co-housing. The housing types to be developed at the Project site are undetermined, but for purposes of the Draft EIR analysis, it is assumed that up to 1,360 housing units could be constructed (or 1,680 units if the Increased Housing Alternative is adopted). The issue of housing types at the Project site pertains to the design of the Project and does not address the adequacy of the Draft EIR or the Project's compliance with CEQA. The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider specific design features that would not have a substantial physical impact on the environment. Therefore, this comment is better addressed during the review process for the Project rather than in the EIR.

- 16.8 *The commenter inquires about how the Project would discourage private automobile ownership and suggests that it include car sharing, charging for residential parking, and unbundle residential parking.* The Project Developer is required to prepare a Transportation Demand Management (TDM) Plan to reduce vehicle trips to the Project site and, as a result, could reduce private vehicle ownership for Project residents and employees. However, it is neither the responsibility of the Project Developer nor a goal of the Project to reduce vehicle ownership. Please refer to the TDM Plan Master Response (Master Response 2) regarding potential TDM measures.
- 16.9 *The comment suggests increasing light rail service and station capacity, and creating a VTA transit center on-site.* Transit improvements could be included in the Deficiency Plan/Multimodal Improvement Plan to be prepared to address Project impacts to CMP facilities. Please refer to Master Response 3 regarding the development of the Deficiency Plan/Multimodal Improvement Plan. To the extent feasible, the City and Project Developer would support a VTA bus transfer station on-site or adjacent to the Great America transit center.
- 16.10 *The commenter suggests that in light of the regional impacts of the Project, the Project should include multiple carsharing locations, accommodate transportation network companies (TCNs) like Uber, plan for future electric car charging infrastructure and partner with Google/Tesla/Apple or other advanced vehicle manufacturers to build an autonomous people mover system for the site.* Mitigation Measure GHG-1.2 (as included on pages 3.5-18 through 3.5-20 of the Draft EIR and revised in Chapter 5 of this document, *Revisions to the Draft EIR*) requires EV charging stations with additional capacity for an increased number of future stations if needed. The Project is being planned and designed to accommodate currently available technologies, including all of those listed by the commenter with the exception of the autonomous people mover system. As the Project would be built in phases, later phases could include advanced technologies. Additional pedestrian, bicycle, and transit improvements could be incorporated into a Deficiency Plan/Multimodal Improvement Plan that would be prepared to address Project impacts to CMP facilities. It could also include strategies to accommodate autonomous vehicles and people movers. Please refer to Master Response 3 regarding the development of a Deficiency Plan/Multimodal Improvement Plan.
- 16.11 *The commenter questions the maximum number of vehicles that can be served on Tasman Drive, US 101, and SR 237 before these facilities would reach capacity. The commenter also asks how traffic will be monitored and questions the process of addressing impacts as the Project is constructed.* The vehicle capacities of streets and freeways are based on many factors including

the number of lanes, types of lanes (mixed flow or carpool), grade, intersection spacing, traffic signal timing, and presence of other transportation modes like light rail. Several segments of US 101 and SR 237 already exceed their capacities during the AM and/or PM peak hours. Tasman Drive near the site has a capacity of approximately 3,400 vehicles per hour between Great America Parkway and Centennial Drive. The current PM peak hour volume is 2,600 vehicles per hour resulting in an available capacity for 800 vehicles per hour.

Traffic monitoring is conducted biennially by the Santa Clara Valley Transportation Authority for the Congestion Management Program facilities including US 101, SR 237, County Expressways, and designated intersections. The Project would be required to conduct driveway counts to monitor the amount of traffic it is generating to maintain vehicle trip goals according to the TDM Plan. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure that the mitigation measures are constructed and that fair share contributions are paid by the Project Developer.

- I6.12 *The commenter provides a list of innovative design features to be included as part of the Project. With extension of electrical service to the Project site, Silicon Valley Power (SVP) would include cabling to extend free WiFi into the City Place development. Fiber and copper would be installed to provide service to buildings. When determining capacity sufficiency, consideration would be given to reserve capacity for evolving technologies. Regardless, this comment pertains to the design of the Project and does not address the adequacy of the Draft EIR or the Project's compliance with CEQA. The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider specific design features that would not have a substantial physical impact on the environment. Therefore, this comment is better addressed during the review process for the Project rather than in the EIR.*
- I6.13 *The commenter asks several questions about methane gas, including 1) will smells seep up? 2) is there any concern about vapor intrusion 3) can the methane be used as a power source? 4) what should be known about the collection system? 5) how can people see this resource be utilized in the Project? 6) can it be used as a learning tool for kids? 7) can a composting center of excellence be developed here? 8) how can this "issue" be used as a learning tool for everyone, that people can see and experience, rather than simply covered up and hidden? How can we embrace the concerns? Several of the commenter's questions are not related to environmental impacts (the subject of this Draft EIR) including questions 5, 6, 7, and 8, and, therefore, no responses to these questions are provided.*

With regard for the potential for "smells to seep up," the Draft EIR discussed the potential for the Project to create objectionable odors due to the disturbance of landfill materials during construction. On page 3.4-42, the Draft EIR states that if odors are detected, they will be controlled through application of a deodorant, masking agent, neutralizing agent, lime, or an interim landfill cover and that these measures would adequately address the potential impact.

With regard to the potential concerns about vapor intrusion and gas collection systems, the Draft EIR discusses these issues in detail. On page 3.11-30 the Draft EIR states that the estimated health risks to indoor residents are conservative because they do not take into account the podium structure of the first level of the apartment buildings (where no residential spaces would be located on the first floor). The estimated health risks to indoor residents and commercial workers are also conservative because they do not take into account the operation of the Project's landfill gas collection and removal system or sub-slab landfill gas control

systems beneath buildings. These systems would mitigate the potential for vapor intrusion by providing a preferential pathway for any volatile COPCs from landfill gas and groundwater that would otherwise accumulate at sub-slab areas to be conveyed to the LGTE plant and/or vented directly to the atmosphere outside the buildings. Implementation of these Project design features would create incomplete exposure pathways for volatile COPCs to migrate into buildings, which would eliminate associated health risks to indoor commercial workers and residents.

With regard to using the methane as a power source, as described in the Draft EIR (page 3.11-10), that is already occurring and will continue under the Project. The Landfill gas-to-energy plant, located adjacent to the BMX track off Lafayette Street, combusts the methane gas and other trace contaminants in the landfill gas to generate up to 750 kilowatts of power.

- 16.14 *The commenter provides an article describing the City of Mountain View's approach to accommodating future office development using a trip cap and construction of multimodal improvements in the North Bayshore area of Mountain View.* Please refer to the Transportation Demand Management (TDM) Plan Master Response (Master Response 2) regarding the trip reduction goals for the Project and how they compare to the North Bayshore trip cap. Also, refer to Master Response 3 for a response regarding the development of a Deficiency Plan/Multimodal Improvement Plan.

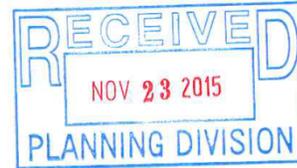
Comment Letter I7—Steven Chang (letter dated November 23, 2015)

Letter I7

Steven Chang
4946 Calle de Escuela
Santa Clara, CA 95054

Nov 23, 2015

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



This correspondence is in regard to the project "City Place Santa Clara Project" file PLN2014-10440, Draft Environmental Impact Report (DEIR), and public Notice of the DEIR.

I fear that the language in the DEIR and Notice might be too subtle for the people who will vote on the project - the city council I imagine. For example:

"... Significant Unavoidable project-level impacts with regard to air quality, biology, land use, noise, and transportation ..."

Why not use simple English, such as:

- 17.1 "The site is a former garbage dump, riddled with toxic material. When the site is dug up the surrounding neighborhoods will be contaminated with toxic particles and gasses. These have the potential, and will likely cause serious long-term medical problems, especially among women, children, and the elderly. There is no fix."

This way the council can acknowledge that it trading peoples lives for money. And the next statement:

"... Significant unavoidable cumulative impacts with regard to air quality, greenhouse gasses, land use, transportation, and utilities."

Why not just say that there will be permanent increases in air pollution and traffic jams, that the added wear and tear on the city's infrastructure will be a burden on all residents, and that this is happening on purpose, not by accident.

- 17.2 By the way, is anything being done to avoid conflicts of interest, or the revolving door that always seems to occur between regulators and the businesses they regulate? What good is an EIR if a vote can be rationalized in any direction? Is anything being done to audit the finances of the city employees involved in the project?

Thanks, and have a nice day,

Steven Chang

Response to Comment Letter 17—Steven Chang (letter dated November 23, 2015)

- 17.1 *The commenter requests the use of different terminology for the impact conclusions.* As explained on page 3-1 of the Draft EIR, in accordance with Section 15022(a) of the State CEQA Guidelines, the City of Santa Clara uses impact significance criteria designated by CEQA and the State CEQA Guidelines (Appendix G). These criteria, as well as City-adopted significance criteria for traffic impacts, are used to evaluate Project impacts throughout the document. For each impact identified, a level of significance is determined. *No impact* includes situations where there is no adverse effect on the environment. *Less-than-significant* impacts include effects that are noticeable but do not exceed established or defined thresholds and do not need to be mitigated below such thresholds. *Significant impacts* include effects that exceed identified thresholds. For each impact identified as being significant, the Draft EIR considers whether feasible mitigation is available to avoid or minimize the impact. If the identified feasible mitigation measures would reduce the impact to a less-than-significant level, then this is stated in the Draft EIR. However, if the mitigation measures would not diminish these effects to a less-than-significant level, then the Draft EIR classifies the impacts as *significant and unavoidable*. This terminology is consistent with Appendix G of the State CEQA Guidelines. Therefore, no edits to the Draft EIR have been made.
- 17.2 *The commenter asks how the City is avoiding conflicts of interest.* Public officials are required to comply with the requirements of the California Political Reform Act and are subject to the City's Code of Ethics and Values. For reference, the California Political Reform Act is available at <http://www.fppc.ca.gov/the-law/the-political-reform-act.html>. In addition, the City's Code of Ethics and Values is available at <http://santaclaraca.gov/government/ethics-values/code-of-ethics-values>.

Comment Letter I8—Sudhanshu Jain (letter dated November 23, 2015)

Letter I8

Subject: FW: Public comments on City Place EIR
Attachments: SantaClaraCityPlaceEIRcomments_from_Suds_Jain.docx

From: Sudhanshu Jain [<mailto:sudsjain@mail2web.com>]
Sent: Monday, November 23, 2015 12:53 AM
To: Debby Fernandez
Cc: Ruth Shikada; Megan Valenzuela; Kevin Riley; Gloria Sciarra
Subject: Public comments on City Place EIR

Hello Debby, Ruth, Megan, Gloria and Kevin,

I've spent a considerable amount of time reviewing the Draft EIR (> 6700 pages) for the Santa Clara City Place project being proposed by the Related Companies.

I've attached my comments for the public comment period which ends Monday Nov 23rd at 5 PM. Please acknowledge receipt of this email. Here they are also inline below:

Thank you,

Sudhanshu Jain
610 Jackson St.
Santa Clara, CA 95050
Cell: 408-499-2955

18.1

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Santa Clara CityPlace DEIR comments

Traffic impacts of this project are severe. It seems very difficult to imagine proceeding with approval of this project without a well-defined plan and targets to mitigate traffic. There should be commitments to suspend future phases if targets are not being met.

The large number of traffic impacts that are simply declared "significant and unavoidable" implies a lack of intent and creativity. Traffic during Levi's Stadium events is horrendous and this project will only exacerbate the problem. Perhaps dynamic in pavement lane marking lights or electronic signage to improve traffic flow on Levi's Stadium event days might be considered.

In comparison, Mountain View has created the following studies and documents to mitigate traffic impacts of 2 million square feet of office development proposed by Google and Linked-In in the North Bayshore area. The following reports were created with funding from Google. There don't seem to be any similar reports for this project.

[Shoreline Boulevard Corridor Study \(http://www.shorelinecorridor.com/\)](http://www.shorelinecorridor.com/)

[North Bayshore Precise Plan \(http://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=15038\)](http://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=15038)

<p>18.1 Cont.</p>	<p>Mountain View North Bayshore Traffic Impact Analysis Report http://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=14513</p>
	<p>1. Santa Clara already has a very low ratio of parks to residents (MFA, Quimby). The DEIR states that <i>“The Santa Clara Golf & Tennis Club and BMX track are not included in the City’s park and recreation facilities inventory and are not considered in the City’s parkland per residents ratio”</i>.</p> <p><i>“there is a need for an additional 97 to 115 acres of new parkland and approximately 29 to 30 acres of active sports facilities in the City in order to achieve the City standard.”</i> Page: 3.13-10</p> <p>DEIR recognizes that <i>“According to the City’s General Plan, opportunities for additional regional open space within the City are limited because of its current build-out condition.”</i> p 3.13-13</p> <p>Page: 3.13-21 <i>Project would convert a public golf course, seven lighted tennis courts, and a BMX track into a new mixed-use development. As such, the Project would reduce the recreational facilities within the City and region. Implementation of the Project would also contribute to an increased demand for parkland because the Project would result in approximately 3,270 new permanent residents living on the Project site and 24,760 employees (under Scheme A).</i></p>
<p>18.2</p>	<p>I’m not sure what the developer or City are committing to with the following three very non-committal statements:</p> <p><i>“Of the total proposed landscaped areas, approximately 74 acres would be devoted to public open space, which would include parks (approximately 26 acres, potentially dedicated to the City and utilized for picnic areas, gardens, trails, and landscaped and furnished quiet park areas), slope landscaped and habitat areas, courtyards, and multi-purposed concourses. In addition to the park and open space dedicated to the City, approximately 5 acres in private open space would be provided within the residential occupied podiums.”</i></p> <p><i>“The actual parkland and facilities required would be determined during the approval process.”</i></p> <p><i>“To the extent that the Project Developer is not able to fully satisfy the park requirement using land dedication or on-site private open space credits, the Project Developer would pay park in-lieu fees to satisfy the City’s parkland dedication requirement. The City has determined that payment of in-lieu fees represents full and complete mitigation for parkland impacts due to new development.”</i></p> <p>Given that the city is almost entirely built-out and that Santa Clara City Code Chapter 17.35 requires dedicated parkland or in lieu fees equivalent to 2.53 acres per 1000 residents, 8.27 acres would be required. The City should insist the project dedicate public parkland rather than accept in-lieu fees for land that doesn’t exist. The City should provide density bonuses or other incentives to entice the developer to dedicate land for public uses. Parks in the vicinity of the residents and offices would benefit employees as well while reducing VMT.</p> <p>Features like public tennis courts, volleyball courts and soccer fields should be provided to replace lost tennis courts and to provide recreation to the workers in the office parks. This will reduce driving to recreation facilities.</p>
<p>18.3</p>	<p>2. Please See Table 2-3. Development Comparison by Scheme. This table spells out FAR limits but not LCR. Nowhere in the DEIR are lot coverage ratios spelled out. Sunnyvale has a maximum coverage of 35% for commercial development. This is missing in Table 2-3.</p>
<p>18.4</p>	<p>3. There is already a 2.8:1 housing imbalance in Santa Clara. This project will add many more jobs than housing, exacerbating the problem. Why not design in more housing? What about some affordable housing for the workers at CityPlace? Santa Clara is in the midst of a Nexus study for affordable housing. Will this project be subject to a future affordable housing ordinance for any of the later phases?</p>

- 18.4 Cont. | *As shown in Table 3.1-6, full build-out of the Project would worsen the jobs/housing ratio assumed in Plan Bay Area, going from 2.62 to 3.15 in 2030 and from 2.55 to 3.04 in 2040. This represents an increase in the jobs/housing ratio of 13 percent between 2015 (without Project) and 2040 (with Project). p 3.1-12*
- 18.5 | 4. In addition to the housing imbalance, the DEIR Table 3.5-6 shows that, at full build-out, greenhouse gas emissions will be much higher for scheme B (97,847 MT CO₂e) over scheme A (89,482 MT CO₂e). This difference suggests the need for more housing to reduce vehicle trips.
- 18.6 | 5. There are CEQA traffic mitigation fees described in the document but no specific measures directing where the money will be spent -- amount of fees and uses need to be spelled out.
“The Project Developer can pay the North San José fee or a fair-share contribution for the mitigation measure or off-setting mitigation measure based on the amount of Project’s percent contribution of the traffic volume growth at the intersection.”
- 18.7 | 6. Substantial improvements to the Great America Amtrak/ACE station are needed. This project does not commit resources to improving that station except for possibly a sidewalk on Tasman. Fails on Santa Clara policy goal: Policy 5.8.3-P8:
- 18.8 | 7. The MCP and DEIR acknowledge that a BART station is proposed in Santa Clara near Santa Clara University but there is no proposal to run buses/shuttles to the transit center which already serves Caltrain (perhaps along Lafayette). What support will there be for private company shuttles to the transit center? VTA’s letter proposes constructing a new bus transfer center at the Project. The project should commit fair-share funds for improving the Santa Clara (Caltrain) Transit Center to accommodate these buses.
- 18.9 | 8. The MCP refers to ZipCars and e-bikes but there is only a weak allusion to such with no commitment nor measurable targets:
*“A TDM plan required per Mitigation Measure TRA-1.1 would be developed that **could** include shared bicycle and automobiles for part-time use by employees and residents to reduce the need for personal vehicles.” p 3.1-39*
- 18.10 | 9. The project should consider unbundling parking from housing to encourage more use of public transit.
- 18.11 | 10. Firmer targets for the number of Class 1 and Class 2 bicycle parking spots for the housing units need to be established. A target of at least one secure spot per two dwelling units should be the minimum.
- 18.12 | 11. Looking at Table 3.3-50. Cumulative with-Project Intersection Mitigation Measures: Many of these measures are costed out as a percentage of total traffic. Since the entire project takes 15 years to build, what is the time frame to implement and at what point in time is the percentage of traffic calculated to set the payment quantity?
- 18.13 | 12. The DEIR specifies that a TMA will be formed but the details are not spelled out. Which employers will join the TMA? What are specific targets for the TMA? What are the penalties if goals are not met? Other cities like Mountain View and Palo Alto have created robust TMAs for large developments.
- 18.14 | 13. TDM strategy needs to have better defined goals for traffic mitigation. Leaving it up to the discretion of the Director of Planning is not acceptable since so many mitigation measures are declared “significant and unavoidable” in this DEIR. Operational timeframe of the TDM plan or an improved plan with less traffic must be specified. Should be for the life of the project.

- 18.14 Cont. *"The Santa Clara Director of Planning and Inspection shall have the authority and discretion to permit modification of the measures provided that the modifications continue to achieve the overall trip reduction objective and/or Santa Clara Director of Planning and Inspection is satisfied that all feasible TDM measures are being implemented if the overall trip reduction objective is not being met."* Table ES-1. Summary of Impacts and Mitigation Measures
14. Mountain View has stipulated on North Bayshore that no new development can occur until the developers can show concrete plans to reduce single occupancy vehicle commute rates of less than 45%. Each phase of this project must be halted or delayed until previous phases have met SOV targets (Mt View has this policy). In addition, there is a fine of \$100,000 for missing the 45% target by 1% and a fine of \$50,000 for each additional percentage point above 46%.
- 18.15 There are no hard metrics in the City Place DEIR for SOV rates:
"A TDM plan, as required per Mitigation Measure TRA-1.1, would include incentives for the use of alternative travel modes to reduce the number of single-occupant vehicles. Participation by major employers in programs that would reduce the amount of driving would be encouraged, potentially including efforts that would promote private commuter bus service, carpooling, vanpooling, ridesharing, parking management, subsidized transit passes for employees, secure bicycle facilities, telecommuting, and flexible work schedules." DEIR p 3.1-39
 From Mountain View Website:
"The Precise Plan has strict transportation improvement requirements, including a vehicle trip cap and single-occupancy vehicle (SOV) trip target. New development must demonstrate how it meets the Plan's vehicle trip cap for all inbound vehicles to the plan area at peak hours and meets a 45 percent SOV target at peak hours."
- 18.16 15. Need hard goals with numbers and commitments for shared bikes and cars: *"A TDM plan required per Mitigation Measure TRA-1.1 would be developed that could include shared bicycle and automobiles for part-time use by employees and residents to reduce the need for personal vehicles."* p 3.1-39. This doesn't have any measurable goals/targets.
- 18.17 16. The commitment to 5% of residential parking to be configured with charging stations for Electric vehicles with future capacity of 10% is too low. Also the commitment of 1% of commercial parking for EV charging is also too low considering California mandates for 1.5 million electric vehicles on the road by 2025. Given that there are 13 million automobiles registered in California and that the Bay Area has a much higher percentage of electric vehicles than the rest of California, the full build-out percentages of 10% and 2% (residential, commercial, respectively) are too low if 11.5% of cars statewide will be electric by 2025. Also the charging rates need to be specified -- Level 1, Level 2 (6.6 kW) or Fast DC.
- 18.18 17. Traffic impacts monitoring must be done by 3rd parties and must be publicly reported. Stiff penalties must be imposed for failing to meet targets. The DEIR suggests that the TMA will be doing traffic counts but only for driveway entrances and exits but not for roadways. This is not adequate.
"The TMA will assist with the monitoring activities that will be conducted. The monitoring activities shall include traffic counts at all City Place driveways, traffic counts at the driveways to office parking locations" p 3.3-89
- 18.19 18. Coordination of traffic signals and signal priority for Light Rail is deficient on Tasman. This must be improved. On time rates for Light Rail have dropped from 85% to 70% over the past year.
- 18.20 19. This project should support the proposed direct Light Rail line from Milpitas to Mt View, eliminating the need for a transfer.

- 18.21 20. Why does the MCP state that the Project will make 3000 parking spots available only for NFL events and not for concerts or other events? MCP p 59
- NFL Event Days Parking: Related Santa Clara will provide a total of 3,000 parking spaces to the 49ers, limited to NFL football games only, at Levi's Stadium, estimated to occur 10-12 days per year. MCP p59*
- Some of the proposed parking would be provided for NFL football games at Levi's Stadium, which are estimated to occur 10 to 12 days per year. Approximately 3,000 spaces would be allocated for NFL football games in two formats: approximately 790 spaces within the southern end of the City Center mixed-use core along Tasman Drive (Parcel 5) and approximately 2,210 spaces throughout the balance of the Project site, including on Parcels 1, 2, 3, and 4. DEIR p2-19*
- 18.22 21. Elevations around the perimeter of the development are as low as 5 feet. How will these be affected by sea level rise? The retention basin water level is at 5.7 feet.
Mountain View requires new levies and infrastructure for sea level rise and has a minimum 11.5 foot build-to requirement for all new buildings to account for sea level rise.
- DEIR States:
"an EIR is not required to examine the effects of the environment, such as sea level rise, on a project (see Ballona Wetlands Land Trust v. City of Los Angeles, 201 Cal. App. 4th 455). Based on this ruling, an analysis of the effects of flooding associated with sea level rise or other climate-change effects on the Project site is not required under CEQA"
- 18.23 22. Why not LEEDv4 Gold for both Commercial and Residential? USGBC requires that projects registering after Oct. 2016 must use LEEDv4. I assume later phases of the Project will be LEEDv4. NOTE that the Santa Clara Square development of 1800 residential units is intended to be LEED Gold. I can only assume that the Irvine Company has determined that the market can bear the additional cost of LEED Gold residential.
- DEIR: *LEED v2009 Gold for the proposed commercial buildings, and LEED v2009 Silver for the proposed residential buildings.*
- 18.24 23. What will happen to the captured methane when the Ameresco power plant is no longer "economical to operate"? Will the methane be released to the atmosphere and contribute to global warming or will it be flared?
- "The Project would not alter the existing Ameresco Methane Plant on Parcel 1 or the Public Works maintenance facility at the Retention Basin." p 3.2-21*
- "This landfill gas-to-energy (LGTE) plant consists of three FlexEnergy micro-turbines that combust methane gas and other trace contaminants in the landfill gas to generate up to 750 kilowatts (kW) of electricity per hour. Because methane concentrations and landfill gas flows decline over time, the modular turbines will be removed one by one to match landfill gas production until the plant is no longer economical to operate." p 2-5*
- 18.25 24. There is an inadequate response to Impact AES-1: Degradation of Visual Character or Quality. p ES-9 There should be a commitment to plant extra trees to screen the Project buildings from both San Tomas Aquino and Guadalupe trails.
- 18.26 25. It's nice to see that electrical outlets will be provided for landscaping equipment. It would be great to limit leafblowers to being electric and to prohibit landscapers to use leafblowers that use fossil fuels.

- 18.27 | 26. CityPlace is the ideal place for a Farmers’ Market especially since there will be so much housing at Tasman East. Design of the public space should consider some special features to support a vibrant Farmers’ Market – places to unload and park trucks and a place for live music performers. Santana Row has a vibrant farmers’ market and attracts more people to the area. A farmer’s market would enhance the quality of life in the City per the following objective:

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. DEIR P 2-6
- 18.28 | 27. The San Tomas and Guadalupe trails are ideal for bicycle commuting but these trails are dark early in the winter. Perhaps providing some lighting on these trails might be considered, especially at underpasses.
- 18.29 | 28. I’m concerned about the liability to the City of streets that may sink due to settling of the landfill material. Is there any responsibility of the developer to repair sinking streets and sidewalks since more frequent maintenance may be required?

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Response to Comment Letter 18—Sudhanshu Jain (letter dated November 23, 2015)

18.1 *The commenter states that the traffic impacts of the Project are severe, that the number of significant and unavoidable impacts implies a lack of intent and creativity, that the Project will exacerbate conditions during Levi stadium events, and suggests adopting a mitigation approach similar to the City of Mountain View in the North Bayshore Area and establishing vehicle trip thresholds for incremental phases in the development and suspending future phases if targets are not met.* Mitigation measures have been identified for most of the intersection impacts. Oftentimes, they are designated as significant and unavoidable to indicate that additional funding will be needed beyond the Project's fair share contribution, and/or the City of Santa Clara does not have the jurisdiction to ensure that the improvement will be constructed co-terminus with the Project. The Project Developer will make a voluntary contribution to the VTA for regional transportation improvements to offset freeway impacts. The amount of the contribution will be determined using the process discussed between the City of Santa Clara and VTA staff and will be based on a percentage of Project traffic added to the freeway segments with significant impacts. This money can be used to construct planned freeway improvements, namely Express Lanes, or for other regional transportation improvements.

The Project Developer will be required to prepare a Transportation Demand Management (TDM) Plan to reduce vehicle trips to the site. Please refer to the TDM Plan Master Response (Master Response 2) regarding how the trip reduction compares to the North Bayshore trip cap. A Deficiency Plan/Multimodal Improvement Plan will also be prepared to address Project impacts on CMP facilities, including freeways providing access to the site. This plan will include regional pedestrian, bicycle, and transit improvements to improve mobility in the area. Please refer to Master Response 3 regarding the development of a Deficiency Plan/Multimodal Improvement Plan.

18.2 *The commenter states that the proposed park spaces are unclear and that the City should require the dedication of public parkland rather than accept in-lieu fees.* In response to this comment, additional information has been added to Chapter 2, *Project Description*. In addition, a new figure depicting the proposed open space network has been added, as included in Chapter 5 of this document, *Revisions to the Draft EIR*. The following description of landscaping and open space has been added before the first full paragraph on page 2-20 of the Draft EIR as follows.

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

- City Center East Neighborhood Park—A public park located along the east side of Parcel 4 that would include:
 - A north-south multi-use trail (biking, jogging, and walking) that incorporates side buffers and amenities that could include landscaping, seating, fitness areas, sports courts, gardens, and/or an extended transit station platform (should the train station platform expand northward from its current location). The trail would connect the transit station to the proposed east-west multi-use trail that connects the Guadalupe River and San Tomas Aquino Creek trail systems. The width of multi-use trail and the adjacent buffer areas would be a minimum of 30 feet.

- A level or terraced park area that could be programmed with sports courts, fitness and/or play area such as a par course, and/or other active recreational uses. The minimum area for this park would be one acre, but the design goal is approximately 3 acres, excluding sloped areas that are not usable (i.e., not usable for the proposed active recreational purposes).
- City Center North Neighborhood Park—A public park along the north side of Parcel 4 (physically located on the south part of Parcel 3) that would include:
 - An east-west multi-use trail (biking, jogging, and walking) that includes side buffers and amenities that could include landscaping, seating, fitness areas, sports courts, and gardens. This trail would comprise a segment of the proposed East-West multi-use trail that connects the Guadalupe River and San Tomas Aquino Creek trail systems. The width of multi-use trail and the adjacent buffer would average 30 feet wide.
 - A turfed fitness and/or play area such as a par course, fitness steps, and/or other active recreational uses. The minimum area for this park would be 1 acre, but the design goal is approximately 2 acres, excluding sloped areas that are not usable, (i.e., not usable for the proposed active recreational purposes).
- City Center West Neighborhood Park – A public park along the west side of Parcel 4 that would include:
 - A children’s play area, including a physical play structure(s) (type and design age specified at the time of the Development Area Plan applications).
 - A family picnic area.
 - An option for an outdoor gathering or performance area.
 - A minimum area for these uses shall be 1 acre.

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

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

The Project is required to dedicate parkland and/or pay park in-lieu fees to satisfy the City’s parkland dedication requirement for new residential development. As stated on page 3.13-3 of the Draft EIR, for residential developments not involving a subdivision, such as the Project, the

Mitigation Fee Act authorizes the City to collect parkland dedication and/or fee in-lieu of dedication at a ratio of 2.53 acres per 1,000 residents. As stated on page 3.13-21 of the Draft EIR, the Project would be required to dedicate 8.27 acres of parkland, in accordance with the Mitigation Fee Act, and it is not anticipated that the Project Developer would be required to pay park in-lieu fees. Furthermore, as discussed in more detail in Section 3.13, *Public Services and Recreation*, the Project would include both private and public open space that would be used by the residents of the Project as well as members of the public. Of the total proposed landscaped areas, approximately 74 acres would be devoted to public open space, which would include parks (approximately 26 acres, potentially dedicated to the City and utilized for picnic areas, gardens, trails, and landscaped and furnished quiet park areas), slope landscaped and habitat areas, courtyards, and multi-purposed concourses.

In the event that the proposed parks and open space program elements would not meet the City requirements, the Project Developer would be required to pay park in-lieu fees in accordance with the Mitigation Fee Act. If necessary, the Development Agreement for the Project will include provisions for the timing and amount of park fees that would be paid by the Project Developer. Therefore, Project impacts related to parks and open space would be less than significant.

18.3 *The commenter requests the lot coverage ratios for the Project.* Table 2-3 on page 2-9 of the Draft EIR does not include lot coverage ratios because the General Plan designation proposed for the Project does not prescribe minimum or maximum lot coverages. Instead, the designation prescribes a maximum Floor Area Ratio (FAR), as included in Table 2-3. The Master Community Plan prescribes ranges for the various development scenarios that would be approved with the applicable Development Area Plan for each Phase. No changes to Table 2-3 are necessary.

18.4 *The commenter expresses concern regarding the jobs/housing imbalance and affordable housing.* Please refer to Master Response 1 for an analysis of the jobs/housing imbalance as a result of the Project.

The issue of affordable housing pertains to specific Project features and does not address the adequacy of the Draft EIR or the Project's compliance with CEQA. The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider features that would not have a substantial physical impact on the environment. Therefore, this comment is better addressed during the review process for the Project rather than in the EIR. At this time, the Project Developer has not determined the amount of affordable housing to be provided at the Project site. The City does not currently impose affordable housing requirements, other than the voluntary provisions of the Density Bonus Ordinance (Chapter 18.78 of the City Code). Affordable housing, if provided, would be considered with submission of the Development Area Plans for the relevant parcel(s). If the Project Developer includes affordable housing, the overall number of residential units would still be within the number of housing units analyzed in the Draft EIR for Scheme A or Scheme B (as applicable). Therefore, if affordable housing is provided as part of the Project after EIR certification, this will not result in additional impacts that were not analyzed in the EIR.

18.5 *The commenter states that greenhouse gas emissions will be much higher for Scheme B than Scheme A, which suggests the need for more housing to reduce vehicle trips.* Section 3.5 of the Draft EIR, *Greenhouse Gas Emissions*, discusses the GHG-related effects of both Scheme A and

- Scheme B. The impacts from both Scheme A and Scheme B would be similar, although GHG emissions are projected to be higher for Scheme B than Scheme A primarily due to a greater amount of vehicle trips due to a relatively larger amount of office space and relatively less housing. The Project would see an 11 percent reduction in VMT due to its location near transit, its mixed-use character, and the implementation of TDM measures (TRA-1.1). The commenter is correct that the addition of housing and a corresponding reduction of office space would help reduce GHG emissions. The Draft EIR considers an increased housing alternative as well. The City Council may want to consider these differences in GHG emissions and housing when considering approval of the Project, scheme, or alternative.
- 18.6 *The commenter would like additional information on how the fair-share fees will be used.* A draft Mitigation Monitoring and Reporting Program has been prepared to address when and which impacted intersections would have fair share contributions collected by the City for the Project Developer. The City, in conjunction with the responsible agency, will determine when fair share contributions will be transferred to the responsible agency as projects are ready to move forward.
- 18.7 *The commenter requests that the developer commit resources to improve the Great America Station.* 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 turn around 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. 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.
- 18.8 *The commenter requests that the Project Developer provide a fair-share contribution to improving the Santa Clara (Caltrain) station to accommodate shuttle buses from the Project.* A Deficiency Plan/Multimodal Improvement Plan will be prepared and will include transit improvements, which may include potential improvements to the Santa Clara Caltrain station. Please refer to Master Response 3 regarding the development of a Deficiency Plan/Multimodal Improvement Plan.
- 18.9 *The commenter would prefer a stronger commitment to shared vehicle and electric bicycle measures to reduce vehicle trips in the TDM Plan.* Please refer to the TDM Plan Master Response (Master Response 2) regarding potential measures and strategies.
- 18.10 *The commenter recommends unbundled parking for residents of the Project to encourage transit use.* Please refer to the TDM Plan Master Response (Master Response 2) regarding unbundled parking as a potential measure in the TDM Plan.

- 18.11 *The commenter recommends a bicycle parking ratio of one bicycle parking space per two dwelling units. The bicycle parking rates for the Project are based on VTA's Bicycle Technical Guidelines that provides bicycle parking recommendations for communities in Santa Clara County.*
- 18.12 *The comment requests more information regarding timing of payment of fair share contributions for intersection mitigation measures considering the long construction period of the Project (approximately 15 years). A separate analysis is being conducted to determine the schedule of the intersection mitigation measure construction and fair share contributions commensurate with Project phasing. The results will be included in the Mitigation Monitoring and Reporting Program (MMRP).*
- 18.13 *The commenter requests more information on the Transportation Management Agency. Details regarding the TMA will be specified in the TDM Plan. Please refer to the TDM Plan Master Response (Master Response 2).*
- 18.14 *The commenter requests better defined goals of the TDM Plan regarding traffic mitigation and does not agree that approval by the Director of Planning is acceptable. Please refer to the TDM Plan Master Response (Master Response 2). Some of this comment is a statement of opinion and does not address the adequacy of the CEQA analysis.*
- 18.15 *The commenter states that there are no hard metrics in the City Place Draft EIR for SOV rates. Please refer to the TDM Plan Master Response (Master Response 2) regarding the trip reduction goals for the Project.*
- 18.16 *The commenter suggests establishing measurable goals/targets for shared bicycles and shared cars. Please refer to the TDM Plan Master Response (Master Response 2) regarding potential measures to be included in the TDM Plan and regarding the trip reduction goals for the Project.*
- 18.17 *The commenter states that the commitment for the amount of charging stations for electric vehicles is too low. Electric vehicle charging requirements are stipulated in Mitigation Measure GHG-1.2, which takes into consideration the potential for increased electrical vehicle use in the future. Mitigation Measure GHG-1.2 is included on pages 3.5-18 through 3.5-20 of the Draft EIR and has been revised in Chapter 5 of this document, *Revisions to the Draft EIR*. This mitigation measure is based on the City's Climate Action Plan (CAP) Measure 6.3, and anticipates a reasonable increase in market demand for electrical charging stations. Parking structures or surface parking areas would be developed as needed for the different phases of the Project. If the level of electric car use increases, as suggested, and additional charging ports are warranted, then the Project Developer would respond to the market changes and demand.*
- 18.18 *The commenter suggests that traffic monitoring should be done by a third party and should include roadways in addition to driveways. Please refer to the TDM Plan Master Response (Master Response 2). Details of the monitoring program, including the monitoring party, will be included in the TDM Plan. The purpose of the monitoring program is to measure the number of vehicle trips generated by the office and residential portion of the Project. Driveway counts are the best method to record this information. Traffic monitoring of areas, as opposed to individual development projects, can be done with roadway counts.*
- 18.19 *The commenter suggests improvement of the transit reliability along the Tasman Drive Corridor in Santa Clara. Transit operational improvements on Tasman Drive may be included in the*

Deficiency Plan/Multimodal Improvement Plan to be prepared to address Project impacts on CMP facilities. Please refer to Master Response 3 regarding this Plan.

18.20 *The commenter requests that the Project support the direct light rail connection between Mountain View and Milpitas. A direct light rail line from Milpitas to Mountain View is not included as part of the Project. This comment does not address the adequacy of the Draft EIR or the Project's compliance with CEQA. The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider supporting other projects in the area unrelated to the Project. Accordingly, no further response is necessary.*

18.21 *The commenter questions why the 3,000 parking spaces at the Project site would be provided for NFL events only and not for other events at Levi's Stadium as well. As explained on page 2-19 of the Draft EIR, Project Description, approximately 3,000 parking spaces would be provided for NFL football games at Levi's Stadium. In fact, these parking spaces would also be accessible for non-NFL events at Levi's Stadium. Therefore, the third full paragraph on page 2-19 of the Draft EIR has been revised as follows:*

Office demand on weekends is expected to be significantly lower than it is on weekdays, freeing the office parking spaces for use by retail, food/beverage, and entertainment land uses on the Project site. Some of the proposed parking would be provided for NFL football games at Levi's Stadium, which are estimated to occur 10 to 12 days per year. In addition, parking at the Project site would be provided for non-NFL events at Levi's Stadium, such as other sporting events and concerts. Approximately 3,000 spaces would be allocated for NFL football games in two formats: approximately 790 spaces within the southern end of the City Center mixed-use core along Tasman Drive (Parcel 5) and approximately 2,210 spaces throughout the balance of the Project site, including on Parcels 1, 2, 3, and 4. The Development and Disposition Agreement (DDA) is expected to establish a process for the Project Developer and the City to work cooperatively on preparing a parking management plan concurrently with the first Development Area Plan (DAP) application. This would be updated concurrently with each subsequent DAP application that would show how 3,000 parking spaces for non-NFL events would be accommodated on City-owned property within the Project site, or, if all of these spaces could not be accommodated on City-owned property, within other portions of the Project site, in accordance with certain criteria set forth in the DDA.

18.22 *The commenter asks how the elevations around the perimeter of the development will be affected by sea level rise (SLR), such as the retention basin. The commenter mentions that the City of Mountain View requires new levees and infrastructure to be built with a minimum of 11.5 feet build-to requirement to account for sea level rise. As stated in Section 3.10, Hydrology and Water Quality, on page 3.10-23, the elements of the Project site that are at-grade with surrounding surface streets would be vulnerable to SLR-influenced 100-year flood events. As shown in Figure 3.10-5 of the Draft EIR, the following areas would be vulnerable to SLR-influenced flood events by 2100:*

- Southern part of Parcel 5, near Tasman Drive
- Fire station (Option 2)

- Roads:
 - The Lick Mill Boulevard extension
 - Northern part of Lafayette Street near State Route (SR) 237
 - Great America Parkway south of San Tomas Aquino Creek
 - Tasman Drive (from Guadalupe River to Great America Parkway and beyond)
 - The Santa Clara Gateway vehicular access variant

The area for the proposed fire station (Option 2) is currently protected by levees along San Tomas Aquino Creek but may become vulnerable over time if the levees are not raised high enough to address SLR effects. The southern portion of Parcel 5 by Tasman Drive would contain residential and commercial buildings. With SLR, the base elevation of these buildings could be inundated during future SLR-influenced 100-year flood events. The Lick Mill Boulevard extension and the other roads mentioned above would also be subject to SLR-influenced flooding in the future. Regardless, per the California Supreme Court December 2015 ruling in the *California Building Industry Association v. Bay Area Air Quality Management District (CBIA v. BAAQMD)*, the general rule under CEQA is that the impacts of the environment on a project are not CEQA impacts because they are not impacts of the project on the environment. This ruling occurred after the release of the Draft EIR, but before certification of the Final EIR. Consequently, impacts solely related to the impact of existing flooding or other risks (such as sea level rise) on new receptors are no longer considered to be significant impacts per CEQA. Therefore, no changes to the EIR were made.

18.23 *The commenter questions why LEED v4 Gold is not required for both commercial and residential buildings.* As discussed on pages 2-20 through 2-21 of the Draft EIR in Chapter 2, *Project Description*, the Project Developer plans to pursue Leadership in Energy and Environmental Design (LEED) for Neighborhood Development certification for the proposed City Center, LEED v2009 Gold for the proposed commercial buildings, and LEED v2009 Silver for the proposed residential buildings. With the exception of the City Center, LEED v2009 Gold Certification will be the standard for commercial buildings. Initially, LEED was not written for residential projects and not all LEED criteria, the satisfaction of which contribute to the LEED rating, apply to certain types of residential development, such as wood frame multi-family residential podium development. For that reason, the lower rating level of Silver is targeted by the Project Developer for the residential development. Should the design of the residential building lead to taller buildings with concrete frames, a LEED Gold designation may be achievable and, if feasible, would be pursued at that time.

As the commenter indicates, LEED v4 is not yet a development standard and its adoption has been delayed several times due to industry concerns about readiness to comply with some of the new requirements. Because it is still unknown how difficult it would be to achieve Gold certifications under the new standards for both commercial and residential projects, commitments are made to the LEED v2009 standards that are known to be achievable. When new standards are implemented, and if market conditions or other factors dictate adherence, the LEED v4 standards would be pursued.

- 18.24 *The commenter inquires about what will happen to the captured methane when the Ameresco power plant is no longer operational. Whether the Project is built or not, the output of landfill gas from the former landfill will eventually decrease to low levels. Before the Ameresco power plant ceases operations due to economic reasons, plans for landfill gas treatment will be made such that releases to the atmosphere, if any, will be treated and discharged as required by the BAAQMD to protect public health and safety. The Project does not significantly alter this existing and future condition.*
- 18.25 *The commenter requests that landscape screening mitigation be included for San Tomas Aquino Creek Trail, similar to the mitigation measure provided for the Guadalupe River Trail. As described on pages 3.2-24 and 3.2-25 of the Draft EIR, in Section 3.2, Aesthetics, views from the San Tomas Aquino Creek Trail, facing east, would be considerably altered with implementation of the Project, particularly at Parcel 4. However, views from the San Tomas Aquino Creek Trail currently encompass an urban setting with high-rise buildings. To the south, the 200-foot-tall Levi's Stadium and the five-story City parking garage are dominant features. The 60-foot-tall Convention Center and the 15-story Hyatt Regency Hotel are located directly to the west, and while the complex is partially blocked from view by dense pine trees, some of the buildings are still visible. In addition, several bridges span over the creek within the viewshed, including the vehicular bridges at Great America Parkway and Tasman Drive and the bicycle and pedestrian bridge connecting to the Golf Course. Therefore, views from the San Tomas Aquino Creek Trail already encompass a manmade environment of medium-scale development. From the San Tomas Aquino Creek Trail, the following Project components would be visible: the mixed-use development at Parcel 4 to the east; the office development at Parcel 3 to the northeast; and the potential replacement of Fire Station 10, which could either be located in the northwest corner of Parcel 4 or within the surface parking lot of the Convention Center to the west. Implementation of the Project would increase the development intensity of the area, but this would be added to an already existing urban setting. Therefore, as the San Tomas Aquino Creek Trail is not considered a sensitive viewer location, a mitigation measure for the planting of additional trees to screen development from this trail is not needed.*

Although the Guadalupe River Trail is not considered a scenic vista, corridor, or resource per Santa Clara's or San José's General Plan, the user group is considered sensitive due to its recreational nature and the fact that view duration for this group is typically longer because users are on foot or bicycle. The portion of the Guadalupe River Trail along the eastern perimeter of the Project site, on both sides of the river, currently maintains an open space visual character created by the river and the undeveloped, non-built up nature of the adjacent area to the west, including the Golf Course. Contributing to the undeveloped visual character of the Guadalupe River Trail are the views from this location of the Diablo Range to the east, and the Santa Cruz Mountains to the west. Therefore, because construction of the Project would be visible from the Guadalupe River Trail, Mitigation Measure AES-1.2 is required as the trail is considered a sensitive viewer location. This mitigation measure mandates early implementation of the Master Community Plan Landscaping Plan for Parcels 1 and 2. Under this mitigation measure, the existing golf course trees along the eastern edge of Parcel 2 shall be retained (leaving the view from the Guadalupe River Trail unchanged) until development on the eastern portion of Parcel 2 necessitates their removal. The Project Developer shall plant the replacement trees, as outlined in the Master Community Plan, at the earliest feasible period.

- 18.26 *The commenter requests that the Project Developer prohibit leafblowers that use fossil fuel during Project construction and operation.* The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider specific design features or gardening equipment that would not have a substantial physical impact on the environment. The air quality (Section 3.4) and greenhouse gas (Section 3.5) analyses in the Draft EIR consider general equipment that could be used at the Project site, but leafblowers would not result in a considerable contribution to pollutants generated by the Project.

Mitigation Measure GHG-1.2, as modified in Chapter 5, *Revisions to the Draft EIR*, requires that the Project include the installation of electrical outlets near all maintained landscaping areas to allow for the use of electrical landscaping equipment in accordance with CAP Measure 5.1. In the City Center, only electrical landscape equipment shall be used. Use of electrical landscaping equipment shall not be required for the extensive natural landscaping contemplated at the edges of the City Center and at Parcels 1, 2, and 3.

- 18.27 *The commenter requests that the design of public space should consider features to support a farmers' market.* This comment pertains to the design of the Project and does not address the adequacy of the Draft EIR or the Project's compliance with CEQA. The Draft EIR analyzes whether the Project as a whole would impact the environment and surrounding areas, but does not consider specific design features that would not have a substantial physical impact on the environment. Therefore, this comment is better addressed during the review process for the Project rather than in the EIR. Accordingly, no further response is necessary.
- 18.28 *The commenter requests that the San Tomas Aquino Creek Trail and the Guadalupe River Trail include lighting.* As stated on page 2-17 of the Draft EIR, the Project would construct a bridge over San Tomas Aquino Creek. A trail bypass would be constructed under the proposed bridge (below the current grade of the trail) for bicyclists and pedestrians on the San Tomas Aquino Creek Trail. The Project Developer would install lighting in this trail underpass consistent with the lighting requirements of the Santa Clara Valley Water District, which operates the trail. No significant light or glare impacts would result. Other than the trail underpass, the Project does not propose any other changes to the San Tomas Aquino Creek Trail or the Guadalupe River Trail. Installing lighting on other segments of these trails would fall within the jurisdiction of the Santa Clara Valley Water District and potentially the US Army Corps of Engineers. The installation of lighting on the trails is not proposed under the Project and is not a CEQA issue. Therefore, this comment is better addressed during the review process for the Project rather than in the EIR. No further response is necessary.
- 18.29 *The commenter expresses concerns about liability and repair of sinking streets due to landfill settlement and inquires as to whether the developer will be responsible.* The Draft EIR identifies potential settlement as a significant impact, stating (page 3.9-22) that given the heterogeneous nature of refuse, it is likely that this settlement would be uneven, creating lateral forces on buildings, utilities, and other improvements that could threaten their structural integrity. Settlement and the associated potential for damage to infrastructure and Project improvements is a significant impact. The Draft EIR goes on to state (page 3.9-24) that monitoring of the site would be necessary to determine where settlement is occurring. Repair or replacement of utilities, pavement, and building entries may be required in areas where settlement is greater than predicted or the design remedies are not as effective as predicted. The amount of settlement would likely be greatest during the first years following development, as new and

increased loads are applied to the Project site ground surface, tapering off as secondary compaction of the refuse layer completes over the next 20 to 50 years.

The mitigation measures required by the Draft EIR are adaptive, including Mitigation Measure GEO-2.2 (pages 3.9-28 to 3.9-29), which specifies that the final geotechnical report shall include measures to address anticipated settlement: Specifications of methods to address differential settlement between improvements supported by a combination of structural slab foundations and those that are supported by other deep foundation systems or unsupported areas.

If additional geotechnical investigation determines that more settlement may occur with the existing foundation specifications and or pile designs than was identified in the preliminary geotechnical report, the designs will be modified (e.g., piles will be drilled deeper or into stiffer materials) to ensure that the magnitude of settlement is within acceptable limits. This is the purpose of additional geotechnical evaluation, so that final design can be modified as necessary to address the geology-related hazards at the Project site.

Furthermore, Mitigation Measure GEO-2.5 (on page 3.9-29 of the Draft EIR) states that the Site Operation, Monitoring, and Maintenance Plan shall establish procedures for inspecting structures and improvements as well as evaluating the effects of settlement. It will also establish a mechanism for funding and implementing the Plan's activities throughout the life of the Project.

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