

Chapter 5

Revisions to the Draft EIR

This chapter includes revisions to the Draft EIR by errata as allowed by CEQA. The revisions are presented in the order they appear in the Draft EIR, with the relevant page number(s) indicated with italicized print. New or revised text is shown with underline for additions and ~~strike-out~~ for deletions.

All text revisions are to provide clarification or additional detail. After considering all comments received on the Draft EIR, the Lead Agency has determined that the changes do not result in a need to recirculate the Draft EIR. Under the CEQA Guidelines, recirculation is required when new significant information identifies at least one of the following:

- A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure, considerably different from others previously analyzed, that clearly would lessen the significant environmental impacts of the project, but that the project's proponents decline to adopt.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (Guidelines Sec. 15088.5[a]).

Recirculation of a Draft EIR is not required where the new information merely clarifies, amplifies or makes minor modifications to an adequate EIR (Guidelines Sec. 15088[b]). The information provided below meets those criteria.

General Revisions to the Draft EIR

Executive Summary

Table ES-1, Mitigation Measure LU-1.1, on page ES-8 of the Draft EIR, has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<i>LU-1.1: Increase Residential Density in the City's General Plan.</i> During the next General Plan Update cycle, the City shall explore permitting higher residential densities in the City as well as allowing residential land uses in existing non-residential areas. Where feasible, the City shall target strategic areas of the City, specifically those closest to major employment and transit hubs, for new residential land uses and/or increased residential density. <u>In order to maintain projected 2035 jobs/housing ratios, the City shall explore permitting up to 11,000 units.</u>

Table ES-1, Mitigation Measure AES-2.3, on page ES-10 of the Draft EIR, has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<i>AES-2.3: Treat Reflective Surfaces.</i> The Project Developer shall ensure application of low-emissivity glass coating on <u>at</u> exterior glass surfaces of the proposed structures for the purpose of reducing reflection of visible light that strikes the glass exterior and reduction in the amount of interior light being emitted through the glass.

Mitigation Measure TR-1.3 has been added to page ES-15 of the Draft EIR, after Mitigation Measure TRA-1.2, as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<i>TRA-1.3 Prepare and Implement a Multimodal Improvement Plan.</i> <u>The Project Developer shall fund the preparation of (including CEQA review for) a Multimodal Improvement Plan (MIP) addressing at least the Congestion Management Program (CMP) intersections within the City of Santa Clara that are forecasted to operate at Level of Service F with the Project, either on a project level or cumulative basis. City shall reimburse the Project Developer for any cost of preparation of the MIP that exceeds the Project Developer’s fair share of such cost. Such MIP shall be prepared in accordance with the guidelines and regulations of the Valley Transportation Authority (VTA) and shall be adopted by the City Council for submission to the VTA for consideration and approval no later than one year after approval of the Project. Once the MIP is adopted by the VTA, it shall be implemented in accordance with its terms and commensurate with the phasing of the development that its measures are intended to offset.</u>

The following text has been added to the mitigation measure list for Impact TRA-1a on page ES-17 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
Mitigation Measure TRA-1.1 <u>and TRA-1.3</u> , plus:

The following text has been added to the mitigation measure list for Impact TRA-3a on page ES-18 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
Mitigation Measures TRA-1.1, <u>TRA-1.3</u> , and TRA-3.1.

The following text has been added Mitigation Measure TRA-6.1 on page ES-19 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
Mitigation Measure TRA-1.1 <u>and</u> TRA-1.3, plus: <i>TRA-6.1: Intersection Improvements <u>With Access Variant Scheme</u></i> . The intersection improvements summarized in Table 3.3-35 shall be implemented.

Table ES-1, Mitigation Measure TRA-7.1, on page ES-21 of the Draft EIR, has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

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

The following text has been added to the mitigation measure list for Impact TRA-14 on page ES-22 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
Mitigation Measure TRA-1.1 <u>and</u> TRA-1.3, plus:

The following text has been added to Mitigation Measure TRA-16.1 on page ES-23 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<u>Mitigation Measure TRA-1.1 and TRA-1.3, plus:</u> <i>TRA-16.1: Intersection Improvements <u>for Cumulative with-Project Access Variants</u></i> . The intersection improvements summarized in Table 3.3-54 shall be implemented.

The following text has been added to the mitigation measure list for Impact TRA-17 on page ES-24 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
Mitigation Measures TRA-1.1, <u>TRA-1.3,</u> and TRA-4.1.

Table ES-1, Mitigation Measure TRA-18.1, on page ES-24 of the Draft EIR, has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<p><i>TRA-18.1: Construction Management.</i> Prior to the issuance of each building permit, the Project Developer and construction contractor shall meet with the Public Works Department to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion during construction of the Project and develop acceptable detour routes for emergency vehicles and for shuttles to the Great America ACE/Capitol Corridor station. <u>The City will coordinate with appropriate transit agencies.</u> The Project Developer shall prepare a Construction Management Plan for review and approval by the Public Works Department, <u>which shall share the plan with the Capitol Corridor Joint Power Authority, the VTA, and ACE for review and comment.</u> The plan, which shall be implemented during construction, shall include at least the following items and requirements:</p> <ul style="list-style-type: none"> • A set of comprehensive traffic control measures, including detour signs if required, lane closure procedures, sidewalk closure procedures, signs, cones for drivers, and designated construction access routes.

Mitigation Measure TRA-19.1 in Table ES-1 on page ES-26 of the Draft EIR has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<p><i>TRA-19.1: Modified <u>City's Traffic Management and Operations Plan (TMOP)</u> and <u>Prepare a Project-Specific Traffic and Parking Management Plan.</u></i> Modify the City's TMOP to include plans to direct stadium traffic to the new parking locations on the site.</p>

The first and third sub-bullets in Mitigation Measure AQ-6.1 on pages ES-34 and ES-35 of the Draft EIR have been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<ul style="list-style-type: none"> • As necessary to reduce cancer risks below the BAAQMD threshold in light of projected DPM emissions and exposure and other mitigation (MM AQ-2.1 through MM AQ-2.3 and MM GHG-1.1), one or more of the following measures shall be implemented and the Project Developer will provide updated modeling to the City demonstrating that all on-site risks are reduced to below the BAAMQD threshold level: <ul style="list-style-type: none"> ○ Tier 4 Construction Equipment. <u>If on-site and residences and daycare centers are occupied, the</u> The Project Developer shall ensure that all off-road diesel-powered equipment used during construction after occupancy of on-site residences or on-site daycare centers is equipped with EPA Tier 4 or cleaner engines, except for specialized construction equipment for which an EPA Tier 4 engine is not available. This requirement would be in addition to the clean diesel requirements in Mitigation Measure AQ-2.1. ○ Install Filtration Systems on Ventilation and Recirculation Systems. Filtration systems shall be installed on ventilation and recirculation systems within on-site residences and for the heating, cooling, or ventilation systems serving daycare centers. All filters must be rated MERV-13 or higher. The Project Developer shall submit a plan for installation and maintenance of all filters in accordance with the manufacturer's recommendations to the City prior to approval of the first building permits.

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<ul style="list-style-type: none"> ○ <u>If on-site and residences and daycare centers are occupied, the Project Developer shall employ</u> Employ other reduction measures, such as High Performance Renewable (HPR) Diesel Fuel, that would reduce DPM. Proposals for alternative reduction measures shall be submitted to the City for review and approval, including evidence of the particulate reduction and/or risk reduction effectiveness of the proposed alternative measures.

The following text has been revised on pages ES-35 to ES-36 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
<p>Impact AQ-7a: Exposure of Existing or New Sensitive Receptors to Operational Toxic Air Contaminant Emissions from the Project. The Project <u>emissions</u> would result in the exposure of existing or new sensitive receptors to TAC emissions during operation.</p>	<p>S LTS</p>	<p><u>POTENTIAL CONDITION OF APPROVAL. As described above, the impacts of existing emissions on new Project emissions is not considered an impact under CEQA. The following potential condition of approval is provided for informational purposes for consideration by the City Council if it determines these impacts should be addressed as part of the project approval process outside of the CEQA context.</u> <i>AQ-7.1: Provide Filtration Systems for On-site Residences and Daycare Centers as Necessary to Reduce Operational Cancer Risks and Exposure to Particulate Matter 2.5 Microns in Diameter or Less (PM2.5).</i> This measure only applies to on-site residences and daycare centers. The Project Developer shall implement the following measures, as necessary, to reduce cancer risks to a level less than BAAQMD project-level thresholds:</p> <ul style="list-style-type: none"> • Revised HRA: The Project Developer may choose to reassess the potential on-site cancer risk and PM2.5 concentrations to be experienced by on-site residential receptors and on-site daycare centers later in the design phase, but prior to occupancy, and to prepare a revised HRA using updated receptor location information and more detailed assessment of risks associated with existing and Project operational sources and submit to the City for review. If the revised HRA demonstrates, to the satisfaction of the City, that the cancer risk and exposure to PM2.5 for all potentially exposed on-site receptors will be less than BAAMQD project-level thresholds, then no additional <u>measures are</u> mitigation is necessary. If the 	<p>LTS N/A</p>

Table ES-1. Summary of Impacts and Mitigation Measures

Impacts	Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
		revised HRA demonstrates, to the satisfaction of the City, that the cancer risk or exposure to PM2.5 for on-site sensitive receptors will be less than presented in the EIR but still over BAAMQD threshold, then the <u>control</u> mitigation effort may be less.	

Table ES-1, Mitigation Measure GHG-1.2, on pages ES-37 through ES-40 of the Draft EIR, has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<i>GHG-1.2: Operational GHG Emissions Reduction Measures.</i> The Project Developer shall implement the operational GHG emissions reduction strategies described below:
<ol style="list-style-type: none"> 1. Energy Efficiency: The Project’s energy efficiency shall be 15 percent better than the <u>base case energy model developed pursuant to the 2013 Title 24 requirements</u> or shall meet the Title 24 requirements that are applicable at the time of issuance of the building permits for individual phases, whichever is more stringent (Climate Action Plan [CAP] Measure 2.1).⁶ 2. On-site Solar Energy: The Project already includes on-site PV solar to meet 10 percent of electricity demand. The Project shall obtain renewable energy electricity corresponding to <u>2950</u> percent of on-site electricity demand by 2030 through a combination of on-site solar, the purchase of renewable energy, or other measures (CAP Measure 2.4). This requirement may be phased in as follows: 2020 – 4015%, 2025 – 2529%, 2030 – 2950%). If the Project Developer can demonstrate, to the City’s satisfaction, that through Project design, adopted State or federal regulations, or other assured actions that the Project’s emissions overall will meet the 2030 metric identified in this document without implementation of this particular measure or its full implementation, then this measure (or its full implementation) may be waived by the City. 3. Food Waste: All retail restaurants shall be required to participate 100 percent in any extant City food waste programs <u>and composting</u> and any that may be developed in the future (CAP Measure 4.1). 4. Electrical Landscaping Equipment: The Project shall include installation of electrical outlets near all maintained landscaping areas to allow for the use of electrical landscaping equipment (CAP Measure 5.1). <u>In the landscaped 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.</u> 5. Electrical Vehicle Charging/Preferential Parking (CAP Measure 6.3): The Project shall provide preferential parking in all parking lots for electric vehicles and shall also provide charging equipment, as follows: <ol style="list-style-type: none"> a. Residential Use: A total of 10 percent of the required parking spaces shall be provided with a listed cabinet, box, or enclosure and connected to a conduit that links the parking spaces to the electrical service in a manner approved by the building and safety official. Of the listed cabinets, boxes, or enclosures provided, 50 percent shall have the necessary electric vehicle supply equipment installed to provide active charging stations that are ready for use by residents. The remainder shall be installed at such time as they are needed for use by residents. Electrical vehicle batteries and charging technology may

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<p>change substantially over the next 15 years. As such, the City shall have the discretion to modify the specific requirements for this measure over time, provided that 10 percent of the spaces have electrical service and 5 percent have active charging, depending on what the technology at the time requires.</p> <p>b. Commercial Use: New commercial uses shall provide the electrical service capacity necessary as well as all conduits and related equipment necessary to serve 2 percent of the parking spaces with charging stations in a manner approved by the City’s Building Official. Of these parking spaces, 50 percent shall initially be provided with the equipment necessary to function as online charging stations upon completion of the Project. The remainder shall be installed at such time as they are needed for use by customers, employees, or other users. Electrical vehicle batteries and charging technology may change substantially over the next 15 years. As such, the City shall have the discretion to modify the specific requirements for this measure over time, provided that two percent of the spaces have electrical service and one percent have active charging, depending on what the technology at the time requires.</p> <p>6. Shade Trees: Where surface parking lots are not covered by PV solar, shade trees shall be planted to reduce urban heat island effects on adjacent buildings (CAP Measure 7.1).</p> <p>7. Urban Cooling: Any uncovered parking lots or spaces shall use light-colored pavement (CAP Measure 7.2).</p> <p>8. <u>Leases for businesses that base a diesel truck fleet within the Project site: Ensure those fleets meet the highest CARB engine-tier standard in place at the time of issuance of the building permits for the building that such businesses occupy, or the execution of a lease, whichever comes first.</u></p> <p>9. <u>Electrical hook-ups at loading docks for businesses that will receive deliveries from refrigerated diesel trucks: Stipulate in the lease agreement for such businesses a requirement to use the hook-ups if the trucks will be idling for more than two minutes.</u></p> <p>10. <u>Leases for business receiving deliveries: Prohibit all diesel-powered trucks from idling for more than 2 minutes.</u></p> <p>11. <u>Solar hot water heating systems: Incorporate for appropriate applications, including any swimming pools and buildings with swimming pools.</u></p> <p>12. <u>Electric heat pumps, or other energy-efficiency techniques, including radiant systems: Include for space heating and cooling, under appropriate circumstances.</u></p>

The following text has been added as the first bullet in Mitigation Measure NOI-1.1 on page ES-41 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<p><i>NOI-1.1: Prepare and Implement a Construction Noise Control Plan to Reduce Construction Noise at Adjacent Land Uses.</i> The Project Developer shall develop a noise control plan that requires that the Project construction activities comply with the City Code noise limits. The requirements and limitations specified in the plan shall be determined by phase and/or parcel and/or subsections of a parcel or phase. The construction noise control plan shall require the following:</p> <ul style="list-style-type: none"> • <u>The Project Developer shall appoint a Project noise coordinator who will serve as the point of contact for noise-related complaints during Project construction. The Project noise coordinator shall transmit all construction noise-related complaints to the construction contractor, and the construction contractor shall enhance or refine the noise best management practices discussed herein to address the received noise complaints to the extent feasible. The contact information for the Project noise coordinator shall be sent to residents in the greater vicinity of the Project</u>

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<u>site that could be affected by Project noise and municipalities affected by Project construction noise.</u>

Table ES-1, Mitigation Measure NOI-1.2, on page ES-43 of the Draft EIR, has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<i>NOI-1.2: Implement Off-Site Traffic Noise Reduction Measures.</i> The Project Developer shall implement off-site traffic noise reduction measures <u>in order to reduce the Project-related increase in traffic noise to less than 3 dBA for noise receptors</u> along the east side of Lafayette Drive between Tasman Drive and Hogan Drive such that the Project-related increase in traffic noise for noise receptors is less than 3 dBA. The Project Developer shall construct a solid barrier between the roadway and adjacent residential uses along Lafayette Drive between Tasman Drive and Hogan Drive. The barrier shall be designed to provide shielding between areas of frequent human use (i.e., residence backyards) and the roadway. This would result in approximately 1,000 feet of noise barriers along this segment. One effective approach would be to replace the existing privacy fences at single family residences with a solid barrier that is at least 6 feet high. The Project Developer shall prepare an off-site noise control plan that identifies the location, design, and effectiveness of the specific treatments to be implemented. This plan shall be submitted to the City for review and approval prior to the issuance of building permits. The off-site noise improvements shall be completed before Project operations commence.

The impact significance without mitigation for Impact NOI-2a on page ES-45 of the Draft EIR has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Impacts	Impact Significance without Mitigation
Impact NOI-2a: Construction Vibration Impacts on Off-Site Receptors.	LTS <u>N/A</u>

The following text has been edited for Impact NOI-2d on page ES-46 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
S <u>N/A</u>	<u>POTENTIAL CONDITION OF APPROVAL. The following potential condition of approval is provided for informational purposes for consideration by the City Council if it determines these impacts should be addressed as part of the project approval process outside of the CEQA context.</u>	SU <u>N/A</u>

Table ES-1. Summary of Impacts and Mitigation Measures

Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
	<p><i>NOI-2.2: Prepare and Implement a Vibration Control Plan to Reduce Vibration from the Union Pacific Railroad (UPRR) for Sensitive Land Uses.</i> The Project Developer shall prepare a design-level operational vibration control plan that identifies all Project features and treatments that would be implemented to ensure that the Project is in compliance with the vibration standards recommended by the Federal Transit Administration (FTA) relative to railway operational vibration associated with UPRR operations.</p>	

Mitigation Measure BIO-1.2 has been edited on page ES-54 to ES-55 of the Draft EIR as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<p><i>BIO-1.2: Implement Bird-Safe Design Standards into Project Buildings and Lighting Design.</i> <u>Each Development Area Plan (DAP) approved by the City The Project Developer or its contractor shall include prepare and implement a set of specific standards for minimizing hazards to birds, to be implemented by the Project Developer or its contractor in the Development Area Plan submitted for approval by the City. The development of the specific bird safety standards for each Development Area Plan shall be tailored to the specific potential hazards to birds in that development area, taking into account the specific locations, types and heights of buildings, lighting, and landscaping. In addition, the DAP shall require enhanced protective measures for buildings within 300 feet of the retention pond, the Guadalupe River, and San Tomas Aquino Creek, such as siting buildings in relation to existing landscape features to reduce conflicts with existing features that may serve as attractive bird habitat; minimizing the reflection of existing vegetation on building facades; or using soil berms, furniture, landscaping, or architectural features to prevent reflection of water in glazed building facades.</u></p>
<p><u>These specific bird safety standards in each DAP shall be based on the following bird-friendly building principles, include the following measures to minimize hazards to birds to the extent applicable to the particular development area:</u></p>
<ul style="list-style-type: none"> • <u>Reduce mirrors and large areas of transparent or reflective glass.</u> • <u>Avoid transparent glass skyways, walkways, or entryways, free-standing glass walls, and minimize transparent building corners, or utilize glazing treatments to mitigate the hazard.</u> • <u>Minimize funneling of open space toward a building façade.</u> • <u>Strategically place landscaping to reduce reflection and views of foliage inside or through glass.</u> • <u>Reduce potential light and glare by implementing Mitigation Measures AES-2.1 (requiring low-profile, low-intensity lighting directed downward), AES-2.2 (requiring shielded fixtures for outdoor lighting), and AES-2.3 (requiring low-emissivity reflective coating on exterior glass surfaces).</u> • <u>Locate water features and other bird habitat away from building exteriors to reduce reflection.</u> • <u>Reduce or eliminate the visibility of landscaped areas behind glass.</u>

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures

- To the extent consistent with the normal and expected operations of the ~~office, hotel, retail, food/beverage, entertainment and residential uses of the Project~~ uses planned for the particular development area, take appropriate measures to avoid use of unnecessary lighting at night, especially during bird migration season (February–May and August–November) through the installation of motion-sensor lighting, automatic light shut-off mechanisms, ~~downward-facing exterior light fixtures~~, or other effective measures to the extent ~~possible~~ feasible.
The specific bird safety standards shall also provide for a monitoring program, and placing signs around the buildings with phone numbers for authorized bird conservation organizations.

Mitigation Measure BIO-2.1 has been edited on page ES-55 of the Draft EIR as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures

BIO-2.1: Detection of Burrowing Owls. The Project Developer shall allow access to the Project site or off-site areas for biologists who participate in the annual burrowing owl nest survey coordinated by the Santa Clara Valley HCP/NCCP. Burrowing owl surveys are conducted between March and August of each year. As many as four surveys may be conducted each year, in accordance with the Staff Report on Burrowing Owl Mitigation⁹ to determine whether burrowing owls are nesting and whether nests are successful. Access to the site for burrowing owl surveys shall be granted until the Project site or off-site area is completely built out. The Project Developer shall not, however, be required to postpone planned development activities to provide such access, except to the extent such postponement is necessary to meet regulatory requirements.

⁹ CDFW 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency.

Mitigation Measure BIO-5.1 has been edited on page ES-57 to ES-59 of the Draft EIR as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures

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

- A qualified biologist shall determine the locations where ~~Install~~ orange construction barrier fencing shall be installed around aquatic resources (USACE and the Regional Water Board jurisdictional wetlands/waters and DFW jurisdictional lakes and streams) around the boundaries of wetland resources that are to be avoided prior to initiation of construction activities.
- Designate the protected area as an Environmentally Sensitive Area and clearly identify the area in the construction specifications.
- Maintain jurisdictional wetlands/waters protection fencing throughout the grading and construction period.

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<ul style="list-style-type: none"> • Prohibit grading, construction activity, traffic, equipment, or materials in fenced wetland areas. <p><i>BIO-5.2: Compensate for <u>Loss of Waters of the U.S. and State (including Wetlands) Loss.</u></i> If impacts on jurisdictional ponds, wetlands, or drainage ditches; San Tomas Aquino Creek; or the Guadalupe River to jurisdictional waters of the U.S. or State cannot be avoided, the Project Developer shall obtain permits or approvals to develop from <u>the USACE, the Regional Water Board, and DFW, as appropriate and required. Both the Guadalupe River and San Tomas Aquino Creek are subject to both State and federal jurisdiction because of their connection to the Bay.</u> To ensure that the Project results in no net loss of wetland habitat functions and values, the Project Developer shall compensate for the loss of <u>jurisdictional wetlands/waters resources</u> through either on-site restoration/creation following completion of construction and/or off-site protection and enhancement of riparian and wetland habitat prior to activities that would affect the equivalent Project resourcee (as determined by a qualified wetland biologist): <u>one of the following options:</u></p> <ul style="list-style-type: none"> • <u>Purchase of agency-approved mitigation credits from a suitably located mitigation bank prior to construction (ground disturbance that impacts wetlands/waters);</u> • <u>On-site wetland/waters restoration (re-establishment or rehabilitation) establishment (creation) prior to or concurrent with construction impacts;</u> • <u>Off-site wetland/waters restoration (re-establishment or rehabilitation)/establishment (creation) prior to or concurrent with construction; or</u> • <u>A combination of two or more of the above.</u> <p>The <u>amount of agency approved mitigation credits required from a suitably located mitigation bank and/or size (area) and location(s) of the area(s) to be restored (re-established)/established (created) shall be based on appropriate mitigation ratios, as derived in consultation with DFW, USACE, and the Regional Water Board. Mitigation ratios shall be at least 2:1.</u> The Project Developer shall prepare and implement a <u>mitigation plan, which shall include monitoring requirements and success criteria, in consultation with DFW, USACE, and the Regional Water Board, and management plan (MMP) as part of the permitting process in conformance with the USEPA/USACE 2008 Mitigation Rule. The mitigation ratios shown in the initial draft MMP submitted to the permitting agencies during Project permitting shall be a minimum of 2:1, as determined through the CEQA process. The MMP, if other than sole purchase of mitigation bank credits, shall include the requirements listed below:</u></p> <ul style="list-style-type: none"> • <u>Mitigation implementation plan;</u> • <u>Performance (success) standards or criteria to be met in order to determine that the mitigation has successfully replaced the impacted wetlands/waters in terms of “no net loss” of the impacted functions and values;</u> • <u>5-year monitoring plan for determining that performance criteria have been successfully met through the collection of wetlands/waters vegetation survival and cover field data; hydrology flooding, ponding, and/or soil saturation field data; and habitat area data;</u> • <u>Adaptive management plan to be implemented if mitigation performance is found through annual monitoring not to be progressing towards success within the 5-year monitoring period;</u> • <u>Conservation plan to ensure in-perpetuity land use protection of the mitigation site;</u> • <u>Long-term (in-perpetuity) conservation management plan; and</u>

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<ul style="list-style-type: none"> <u>Funding plan for mitigation implementation, 5-year mitigation performance monitoring and maintenance, and an endowment (non-wasting fund) for long-term conservation management.</u> <p><u>The final MMP shall be determined in consultation with DFW, USACE, and the Regional Water Board. The mitigation plan shall include measure to avoid and minimize the effects of construction on surrounding native habitats. The required performance standard is no net loss of wetland and waters habitat function and values.</u> Monitoring shall occur for a minimum of 5 years, at which time, if the success criteria are met, wetland compensation shall be deemed complete.</p>

The second paragraph of Mitigation Measure BIO-C.1 has been edited on page ES-59 to ES-60 of the Draft EIR as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<p>The Project is located farther from serpentine grassland habitat than average development within the Santa Clara Valley HCP/NCCP area. Thus, the required fair-share contribution shall be figured as 38 39 percent (based on the ICF analysis) of the established fee of the habitat agency for the year in which the building permits are issued for the Project. The fee may be paid up front or in installments in proportion to mitigated vehicle trip generation for the phase of the Project for which the building permits are issued. For fiscal year 2015–2016, the adopted HCP/NCCP nitrogen deposition fee was \$4.20 per new vehicle trip. Using Scheme B’s estimated trip generation (140,730 trips/day), taking into account the trip reduction effect of Mitigation Measure TRA-1.1 (reduction to 137,910 trips/day), and the 38 39 percent adjustment factor, if all fees were paid in 2015, the estimated total would be \$220,104 \$225,897.</p>

Mitigation Measure WQ-1.1 on page ES-67 to ES-70 of the Draft EIR has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<p><i>WQ-1.1: Design and Implement Stormwater Control Measures.</i> In compliance with Provision C.3 of the San Francisco Bay MS4 Permit and the Santa Clara Valley Water District’s 100-year peak flood requirements, post-construction stormwater controls shall be implemented to reduce total runoff rates and associated pollutant discharges.</p> <p>According to the Santa Clara Valley Urban Runoff Pollution Prevention Program’s C.3. Stormwater Handbook, the three methods for hydraulically sizing flow-based stormwater treatment control measures are (1) volume-based, (2) flow-based, or (3) a combination of volume-/flow-based hydraulic sizing criteria. The simplified method for sizing bioretention areas and flow-through planters, known as the "4 percent method," is based on a runoff inflow of 0.2 inch per hour, with an infiltration rate through biotreatment soil of 5 inches per hour. The 4 percent method requires the treatment measure to be 4 percent of the impervious area that drains to it.</p> <p><u>The design of the stormwater treatment measures is currently at the conceptual level and further details will be addressed as part of the planning, construction, and operation of the development. The treatment measures shall be designed to remove pollutants from stormwater using filtration, infiltration, and sedimentation. Because infiltration is not feasible due to the landfill, the treatment measures must be built into the structure of the development above the landfill itself. The</u></p>

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<p><u>stormwater treatment measures that provide infiltration shall be lined with an impermeable liner on the bottom and sides. Just above the liner there must be a layer of clean gravel and a network of perforated piping (underdrains). These underdrains must connect to solid drain piping at the exit of the treatment area and ultimately be connected to the storm drainage infrastructure. All of these components shall exist above the podium structure. The impermeable liner would prevent any leaks or ruptures into the landfill and structures. There shall also be perforated underdrain piping connected to solid piping at the exit of the treatment measure/planter solid piping that will connect to the storm drain infrastructure at manholes where leak monitoring can be performed. More information on the potential hazards of a leak or rupture of the stormwater treatment measures causing flooding of the landfill gas venting lines is provided in Section 3.11, <i>Hazards and Hazardous Materials</i>.</u> The following stormwater treatment (or Low Impact Development) measures are examples that will be considered and carefully selected as part of the final design process for the different sections of the proposed development:</p> <ul style="list-style-type: none"> • Bioretention Areas (impermeable liner with underdrain—no infiltration into landfill) • Flow-through Planters • Tree Well and Media Filters • Infiltration Trenches (impermeable liner with underdrain—no infiltration into landfill) • Rainwater Harvesting and Reuse • Green Roofs • Green Streets (with bioretention, impermeable liner, and underdrain) • Pervious Pavements (impermeable liner with underdrain—no infiltration into landfill) <p>As noted above, a minimum of 4 percent of the site area shall be used for the stormwater treatment measures. As part of final design, these treatment measures for the Project site shall be incorporated into the aesthetics of the landscape. Some attenuation of the peak flows can be recognized, depending on the measures selected. The measures shall include an overflow to safely convey the more intense, less frequent rainfall events.</p> <p>The stormwater treatment measures shall capture sufficient flows so that 100-year peak flood elevations <u>or existing design flows</u> within San Tomas Aquino Creek and the Guadalupe River will not increase as part of the Project. The exact reduction in 100-year peak runoff volumes and flows that the stormwater management measures will need to accommodate will be determined during the design process for the stormwater management measures and will be provided in the detailed Project Stormwater Management Plan.</p> <p><u>Due to construction phasing, construction of interim treatment measures may be required once the 40-acre concrete pad has been constructed and before the surface of the pad is developed with new structures with their own associated post-construction stormwater treatment features. These interim measures will be reported to the San Francisco Bay Water Board.</u> The stormwater management measures for each parcel shall be modeled during final design for buildings, parking garages, site landscaping, etc. Dynamic <u>hydraulic modeling, such as the EPA Stormwater Management Model (SWMM),</u> shall be used. <u>Dynamic hydraulic modeling SWMM</u> tracks the quantity and quality of runoff generated within each subcatchment as well as the flow rate, flow depth, and quality of water in each pipe and channel during a simulation period with multiple time steps. The results of the modeling shall be used to compare the proposed “permanent” stormwater peak flows and volumes for the Project with the existing peak flows and show compliance with the jurisdictional regulations. <u>The dynamic hydraulic modeling shall consider the potential runoff volumes and rates coming from the top of the landfill. The resulting design of stormwater management measures shall be required to be sufficient to protect water quality and habitat resources along receiving waterways.</u></p> <p>A Stormwater Management Report, including detailed hydrologic and hydraulic calculations,</p>

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
analysis, and conclusions, shall be prepared to document the final design of the stormwater management and storm drain system and obtain the requisite approvals.

Mitigation Measure WQ-3.1 on page ES-70 to ES-71 of the Draft EIR has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<p><i>WQ-3.1: Design New Bridge and Outfall Structures to Avoid Increase in 100-year Flow and Channel Erosion.</i> In compliance with the SCVWD's 100-year peak flood requirements, any new bridge and new outfalls in San Tomas Aquino Creek shall be designed to avoid increases in the 100-year flow and to avoid creek bed/channel erosion. <u>The design shall also consider erosive action or redirection of flow during more frequent flood events in compliance with the City of Santa Clara's storm drainage design criteria¹⁰ and consistent with SCVWD's guidance.¹¹ The outfalls will be set at elevations high enough to ensure the location of outfalls are above sediment levels within the bottom of the creek.¹²</u> The design shall be provided to the City of Santa Clara and the SCVWD for review and approval for the Project. Construction would be done in phases. For example, the new bridge over the San Tomas Creek would not be needed until Phase 4 <u>2</u> and outfalls to the eastside drainage ditch would not be needed until Phases 6, 7, and 8 <u>later phases</u>. The design review approval of outfalls shall occur prior to the issuance of the building permit for the development that triggers the need for the outfall or associated construction activity, and on a schedule similar to the phases of construction.</p>

¹⁰ City of Santa Clara. 2015. Design Criteria for Improvements in Public Right-of-Ways and City Easements. Public Works Department. April. Available: <http://santaclaraca.gov/home/showdocument?id=14345>. Accessed: 12/29/15.

¹¹ Santa Clara Valley Water District. 2006. *User Manual: Guidelines & Standards for Land Use Near Streams. A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County.* Prepared by the Santa Clara Valley Water Resources Protection Collaborative. Originally adopted in August 2005. Revised: July 2006.

¹² Outfalls and work within the SCVWD right-of-way are subject to approval and issuance of permits by the SCVWD.

The following text has been edited for Impact WQ-6 on page ES-72 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Impact Significance without Mitigation	Mitigation Measures	Impact Significance with Mitigation
S N/A	<u>POTENTIAL CONDITION OF APPROVAL. The following potential condition of approval is provided for informational purposes for consideration by the City Council if it determines these impacts should be addressed as part of the project approval process outside of the CEQA context.</u> WQ-6.1: Incorporate Flood Warnings for the Lick Mill Boulevard Extension and Other Access Roads for Areas Vulnerable to Flooding. The Project Developer and the City shall coordinate to provide flood warnings for new and existing roadways that provide access to the site and are vulnerable to 100-year flood levels.	SU N/A

The impact significance without mitigation for Impact WQ-8 on page ES-73 of the Draft EIR has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Impacts	Impact Significance without Mitigation
Impact WQ-8: Exposure of People or Structures to Flooding due to Levee or Dam Failure. The Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam.	LTS N/A

Mitigation Measure HAZ-4.1 on page ES-75 of the Draft EIR has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

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

The following text has been edited in Mitigation Measure HAZ-4.4 on page ES-77 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<p><i>HAZ-4.4: Landfill Gas Monitoring and Control System Maintenance.</i> During Project construction and operation <u>on Parcels 1-4</u>, a landfill gas monitoring and control program shall be implemented in accordance with 27 CCR 20921-20939. The gas monitoring network shall be designed by a registered civil engineer or a certified engineering geologist and shall ensure detection of the presence of landfill gas migrating beyond the disposal site permitted facility boundary and also into on-site structures. The monitoring network design shall include provisions for monitoring all structures on the Project site, except Parcel 5, including but not limited to, buildings, large subsurface vaults, or any other areas where potential landfill gas buildup may cause adverse impacts on the public health or safety or the environment. Methods for monitoring on-site structures may include, but are not limited to: periodic monitoring, utilizing either permanently installed monitoring probes or gas surveys, and continuous monitoring systems. A methane monitoring system shall be installed inside all buildings on the Project site, except Parcel 5. If methane gas concentrations exceed a threshold of 1.25 percent by volume in air, as described under 27 CCR 20921, the methane monitoring system shall automatically alert the Santa Clara Fire Department, who shall assess the methane conditions and, if necessary, trigger an audible fire alarm to initiate a building evacuation.</p>

The following text has been added to Mitigation Measure HAZ-4.4 after the third bullet on page ES-78 of the Draft EIR:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<ul style="list-style-type: none"> Trace gases shall be controlled to prevent adverse acute and chronic exposure to toxic and/or carcinogenic compounds that could result in a health risk exceedance of the Regional Water Board’s cumulative incremental cancer risk threshold of 1E-06 and HI (i.e., adverse non-cancer risk) of 1.0 established for the Project. <p><u>In the event of an earthquake or other event that could cause a rupture or leak from overlying stormwater treatment measures (i.e., planters, vegetated areas), the landfill gas venting pipes shall be inspected at access ports within 24 hours of the event for leaks, ruptures, or any other conditions. Access ports shall be installed at select locations, to provide full coverage of the system based on system design and access constraints, within the venting layer to monitor for the presence of, and removal of, water that might flood the system in the event that water leaks from collection systems above the landfill gas mitigation system. This system would help prevent the water from further migrating into the underlying landfill gas mitigation system. The access ports will allow for use of portable moisture sensing devices to periodically monitor for moisture in the event that a leak is suspected. The access ports shall also be designed to allow for pumping of water from the interstitial space in the event that water is detected.</u></p> <p>In addition to the monitoring and control of excessive gas concentrations to protect public health and safety and the environment, as specified in 27 CCR 20939, the landfill gas monitoring and control program shall incorporate the monitoring and control requirements for preventing subsurface fires that are described under Mitigation Measure HAZ-9.1, below.</p>

Mitigation Measure HAZ-5.3 has been added on page ES-81 of the Draft EIR, after Mitigation Measure HAZ-5.2, as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

Mitigation Measures
<p><u>HAZ-5.3: Implement Measures Included in CCR Title 27, Section 21190(g).</u> Consistent with the Project Developer’s voluntary commitment, in order to mitigate gas migration into structures located within 1,000 feet of landfill, the City (as owner and operator of the landfill) and the Project Developer shall implement the following measures identified in Title 27, Section 21190(g), with respect to development on Parcel 5 and the southwest portion of Parcel 4:</p> <p>(1) <u>a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade;</u></p> <p>(2) <u>a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab;</u></p> <p>(3) <u>a geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;</u></p> <p>(4) <u>perforated venting pipes shall be installed within the permeable layer, and shall be designed to operate without clogging;</u></p> <p>(5) <u>the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system;</u></p> <p>(6) <u>automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and</u></p> <p>(7) <u>periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (section 20920 et seq.). At a minimum, quarterly monitoring is required, but more frequent monitoring may be required by LEA (Subchapter 4, section 20933(a)).</u></p>

Mitigation Measure HAZ-9.3 on page ES-84 to ES-85 has been revised as follows:

Table ES-1. Summary of Impacts and Mitigation Measures

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

Chapter 2 – Project Description

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.

The following description of landscaping and open space has been added before the first full paragraph on page 2-20 of the Draft EIR. In addition, a corresponding figure has been added to the Draft EIR as Figure 2-11.

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

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

LEGEND

Streetscapes

- Gateway Streetscape
- City Center Collector Streetscape
- City Center Internal Streetscape
- Campus Perimeter Streetscape
- Campus Internal Streetscape

Shared Outdoor Spaces*

- ▬ Boulevard
- ▬ City Center Pedestrian Concourse
- ▬ Public Park Space
- ▬ Campus Greens
- ▬ Mixed-use Courtyards
- ▬ Plazas & Small Open Spaces

Landscape Zones*

- ▬ Retention Pond
- ▬ Perimeter Landscape
- ▬ Campus Landscape
- ▬ Green Roofs

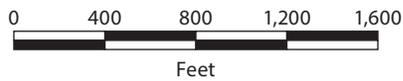
Transit

- VTA Light Rail
- Capitol Corridor/
Altamont Commuter Express

Boundaries

- ▬ Site
- ▬ Parcel

* Depictions of outdoor spaces and landscape zones are illustrative, particularly in parcels 1 through 3. The retention pond area (while part of the legal parcel) is a City utility facility and not part of the development area or FAR calculations.



Source: RTKL, 2015.

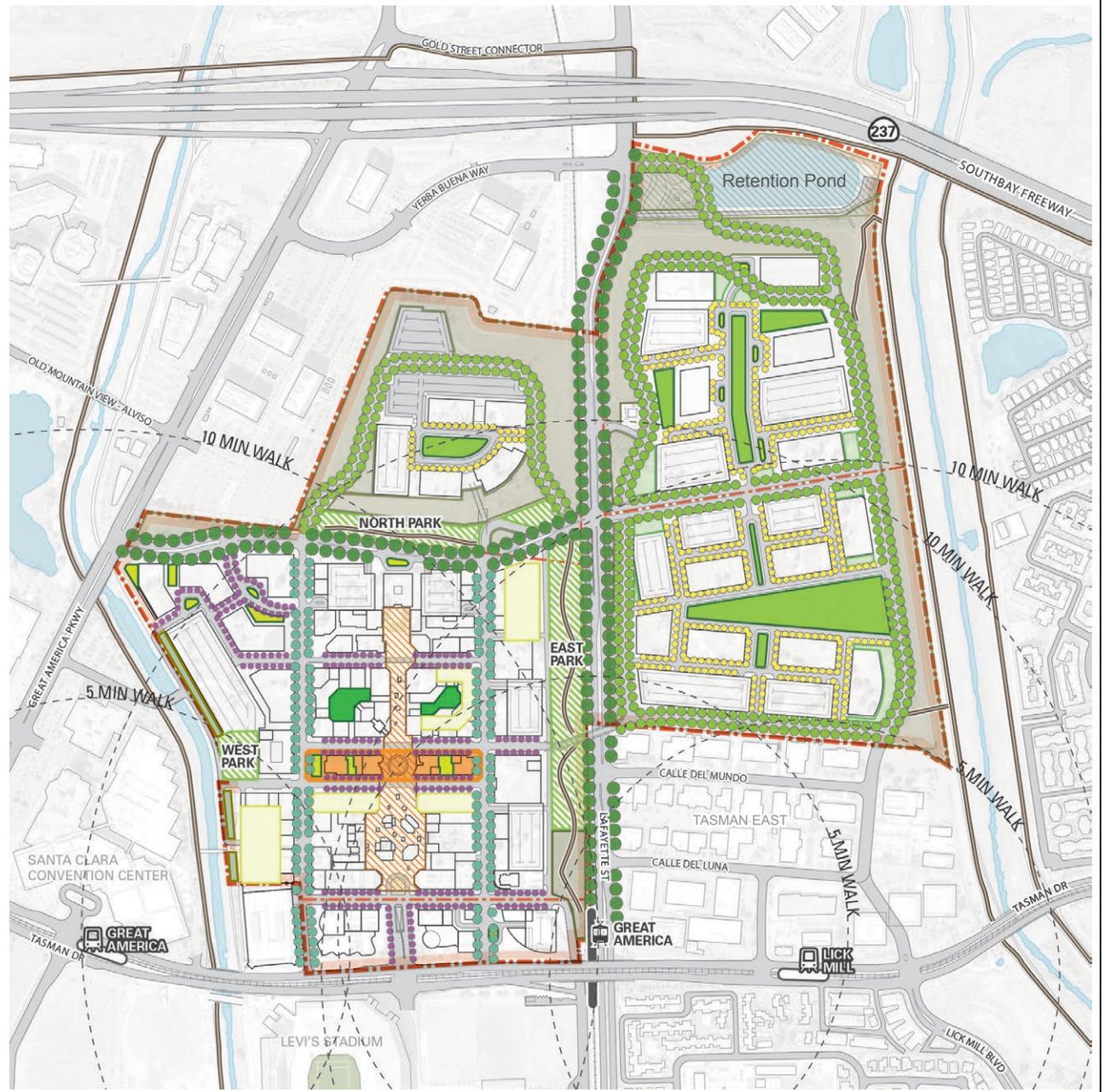


Figure 2-11
Proposed Open Space Network
 City Place Santa Clara

that connects the Guadalupe River and San Tomas Aquino Creek trail systems. The width of multi-use trail and the adjacent buffer would average 30 feet.

- A turfed fitness and/or play area, such as a par course, fitness steps, and/or other active recreational uses. The minimum area for this park would be 1 acre, but the design goal is approximately 2 acres, excluding sloped areas that are not usable (i.e., not usable for proposed active recreational purposes).
- City Center West Neighborhood Park—A public park along the west side of Parcel 4 that would include:
 - A children’s play area, including a physical play structure(s) (type and design age specified at the time of the Development Area Plan applications).
 - A family picnic area.
 - An option for an outdoor gathering or performance area.
 - A minimum area for these uses shall be 1 acre.
- The residential buildings within the City Center would include private open spaces that would qualify toward the City’s parkland dedication requirement. The anticipated elements within these private open space areas would include a minimum of four of the following uses:
 - Landscaped and furnished park-like quiet areas.
 - Recreation community gardens.
 - Family picnic areas.
 - Game, fitness, or sports court areas.
 - Accessible swimming pool with adjacent deck and/or lawn areas.
 - Recreation center buildings and grounds.

The following text changes have been made to the list of approvals by Responsible Agencies on page 2-37 of the Draft EIR:

- California Department of Transportation (Caltrans)—review of traffic circulation effects and consultation on potential traffic improvements affecting State highway facilities, ramps, and intersections.
- ~~Airport Land Use Commission—review of buildings heights per the FAR Part 77 Surfaces outlined in the Norman Y. Mineta Mineta San José International Airport Land Use Plan.~~
- Water Board —approval of a NPDES permit for stormwater discharge.
- Santa Clara Valley Transportation Authority – approval of a new crossing of the VTA light rail tracks proposed with New Tasman Drive Intersection Variants 1 and 2.
- California Public Utilities Commission – approval of a new crossing of the VTA light rail tracks proposed with New Tasman Drive Intersection Variants 1 and 2.

- Santa Clara Valley Water District – approval of the vehicular overcrossing of the San Tomas Aquino Creek.

Section 3.1 – Land Use and Planning

The following edits have been made to the text on page 3.1-3 in Section 3.1, *Land Use and Planning*.

General Plan—Development Potential. The General Plan includes job and housing growth projections as outlined in Table 3.1-1. The jobs/housing ratio in 2008 (existing conditions at the time the General Plan was prepared) was 2.42, meaning there were 2.42 jobs in the City for every residential unit. As shown below, due to employment growth outpacing that of residential development, the jobs/housing ratio is anticipated to worsen between 2008 and 2035 (full build-out of the General Plan). By 2035, the General Plan projects that there will be one residential unit in the City for every 2.567 jobs.

Table 3.1-1. Comparison of Number of Jobs to Housing in the City

	2008	2015	2035
Jobs	106,680	123,555	154,830 <u>154,300</u>
Housing	44,166	44,166 <u>47,123</u>	60,350 <u>60,345</u>
Jobs/Housing Ratio	2.42	2.80 <u>2.62</u>	2.57 <u>2.56</u>

Source: City of Santa Clara. 2010. *City of Santa Clara 2010–2035 General Plan*. Adopted November 16, 2010. Last amended December 9, 2014. Available: <http://santaclaraca.gov/index.aspx?page=1263>. Accessed: June 10, 2015.

The following text has been added to page 3.1-11 of the Draft EIR:

Phases 1, 2, and 3

General Plan. As shown in Table 3.1-3, employment growth associated with implementation of Phases 1, 2, and 3 would increase the jobs/housing ratio from the levels projected in the General Plan (from ~~2.6280~~ to ~~2.833-02~~ in 2015, from 2.567 to 2.723 in 2035, compared with a ratio of 2.42 in 2008). This represents an increase in the jobs/housing ratio of 13 percent between 2008 (without Project) and 2035 and an increase of 6 percent over 2035 projections without the Project. In order to maintain the projected jobs/housing ratio under the 2035 with Project condition (for Phases 1, 2, and 3), an additional 3,700 units beyond those contemplated under the General Plan would need to be constructed within the City.

Table 3.1-3. Jobs and Housing in the City of through 2035 with Phases 1, 2, and 3

	2008	2015 ^a	2035
Jobs	106,680	133,910	165,185 <u>164,655</u>
Housing	44,120 <u>44,166</u>	44,366 <u>47,323</u>	60,550 <u>60,545</u>
Jobs/Housing Ratio with Project	NA	3.02 <u>2.83</u>	2.73 <u>2.72</u>
Jobs/Housing Ratio without Project	2.42	2.80 <u>2.62</u>	2.57 <u>2.56</u>

Source: City of Santa Clara. 2010. *City of Santa Clara 2010–2035 General Plan*. Adopted November 16, 2010. Last amended December 9, 2014. Available:

<http://santaclaraca.gov/index.aspx?page=1263>. Accessed: June 10, 2015. ICF 2015.

^a Phases 1, 2, and 3 would not be complete until 2021; however, since 2015 is the closest year for which data is available, the growth associated with Phases 1, 2, and 3 is included.

Footnote 14 on page 3.1-11 has been revised as follows:

¹⁴ The City has identified several areas that are currently not designated for residential uses that could be developed for residential uses in the future, in which event approximately ~~9,576~~ 6,640 additional residential units could be developed that were not programmed in the General Plan or considered in the General Plan EIR. If the City were to revise the General Plan to facilitate development of these units, the jobs/housing balance with Phases 1, 2, and 3 would improve to ~~2.3563~~ in 2015 (compared to ~~2.833~~ 2.83 without the additional units) and ~~2.723~~ 2.56 in 2035 (compared to ~~2.723~~ without the additional units). Because these additional units are not envisioned in the current General Plan, they are not part of the impact analysis in this EIR.

In response to the comments requesting that the number of residential units needed to maintain the projected 2035 jobs/housing ratio be built, the following text has been added to page 3.1-12 in Section 3.1, *Land Use and Planning*.

Full Build-out

General Plan. Table 3.1-5 illustrates the jobs/housing ratio upon full build-out of the Project, which is anticipated to result in a total of 28,720 new jobs. Upon build-out of the Project, the jobs/housing ratio would increase from ~~2.567~~ (without Project) to ~~3.023~~ 3.023 (with Project) in 2035, compared with 2.42 in 2008. This represents an increase in the jobs/housing ratio of ~~256~~ percent between 2008 (without Project) and 2035 (with Project). In order to maintain the projected jobs/housing ratio under the 2035 with Project condition (for full build-out), an additional 11,000 units beyond those contemplated under the General Plan would need to be constructed within the City.

Table 3.1-5. Jobs and Housing in the City through 2035 with Full Build-out

	2008	2015 ^a	2035
Jobs	106,680	133,910	183,550 <u>183,020</u>
Housing	44,120 <u>44,166</u>	44,366 <u>47,323</u>	60,550 <u>60,545</u>
Jobs/Housing Ratio with Project	NA	3.02 <u>2.83</u>	3.03 <u>3.02</u>
Jobs/Housing Ratio without Project	2.42	2.80 <u>2.62</u>	2.57 <u>2.56</u>

Source: City of Santa Clara. 2010. *City of Santa Clara 2010–2035 General Plan*. Adopted November 16, 2010. Last amended December 9, 2014. Available:

<http://santaclaraca.gov/index.aspx?page=1263>. Accessed: June 10, 2015. ICF 2015.

^a 2015 numbers include Phases 1, 2, and 3, as shown in Table 3.1-3.

Footnote 15 on page 3.1-13 has been revised as follows:

¹⁵ As discussed above, the additional ~~9,576,640~~ housing units not currently programmed in the General Plan would maintain, and slightly improve, the jobs/housing balance taking into account only Project Phases 1, 2, and 3 (through 2021). If these additional units were realized, cumulative full build-out including the Project would have a better jobs/housing balance than with the current General Plan and with current ABAG projections, ~~but the jobs/housing balance would be slightly worse than 2008 conditions~~. The conclusions in this analysis do not assume that these unplanned units would be constructed.

The first full paragraph on page 3.1-16 has been revised, as follows:

Airport vicinity height limitations are required to protect public safety, health, and welfare by ensuring that aircraft can safely fly in the airspace around an airport. In addition, height limitations are required to protect the operational capability of airports. Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, establishes imaginary surfaces¹⁸ for airports and runways as a means to identify the areas of airspace wherein objects would be obstructions to air navigation. Each surface is defined as a slope ratio or being at a certain altitude above the airport elevation. The Project site has an undulating topography, ranging from 21 to 65 feet above mean sea level (msl). The lowest imaginary surface above the Project site is the transitional surface¹⁹ at about 330 feet msl on the southern portions of Parcels 4 and all of Parcel 5. The proposed buildings for the Project could be constructed up to a maximum height of 17 stories, or about 190 feet above the finished grade of the on-site streets. The maximum potential elevation of proposed construction would be ~~about~~ 219 feet above msl. Thus, there would be no conflict with the lowest imaginary surface. Regardless, a No Hazard Determination by the FAA would be required for the buildings prior to development because of height of structures and proximity to SJC. The aviation hazards that could result from potential inconsistency with FAR Part 77 are disclosed under Impact HAZ-7 in Section 3.11, *Hazards and Hazardous Materials*. As discussed therein, impacts related to aviation hazards are **less than significant**.

The Mitigation Measure LU-1.1 on page 3.1-15 of the Draft EIR has been revised as follows:

LU-1.1: *Increase Residential Density in the City's General Plan.* During the next General Plan Update cycle, the City shall explore permitting higher residential densities in the City as well as allowing residential land uses in existing non-residential areas. Where feasible, the City shall target strategic areas of the City, specifically those closest to

major employment and transit hubs, for new residential land uses and/or increased residential density. In order to maintain projected 2035 jobs/housing ratios, the City shall explore permitting up to 11,000 units.

Section 3.2 – Aesthetics

Mitigation Measure AES-2.3 has been edited on page 3.2-28 of the Draft EIR as follows:

AES-2.3: Treat Reflective Surfaces. The Project Developer shall ensure application of low-emissivity glass ~~coating on at~~ exterior ~~glass~~ surfaces of the proposed structures for the purpose of reducing reflection of visible light that strikes the glass exterior and reduction in the amount of interior light being emitted through the glass.

Section 3.3 – Transportation

The following text has been revised in the last paragraph on page 3.3-1 of the Draft EIR.

The County of Santa Clara has jurisdiction over streets in unincorporated areas as well as all of the County expressways (e.g., Montague Expressway, San Tomas Expressway, Lawrence Expressway, Central Expressway, etc.). Transit agencies that operate within the city limits are VTA, Caltrain, Altamont Corridor Express (ACE), and ~~Amtrak~~ Capital Corridor Joint Powers Authority (Capitol Corridor). Several of the regional, State, and federal agencies that are described in the following sections have jurisdiction over transportation planning and implementation of circulation improvements in the City of Santa Clara.

The following text has been added to the third and fifth bullets on page 3.3-8 of the Draft EIR:

- **Complete Streets Program (ongoing):** VTA, in a collaborative effort with its member agencies and partner agencies, Caltrans, and the MTC, is in the process of developing a Complete Streets Program for Santa Clara County. The main objective of this program is to formulate a process for instituting incremental “complete street” improvements in Santa Clara County. The VTA, in collaboration with the cities of Santa Clara, San José, Sunnyvale, and Milpitas, will soon initiate a Complete Streets Corridor Study along Tasman Drive that will develop conceptual designs of improvements to accommodate bicyclists, pedestrians, transit passengers and vehicles, and other vehicles.
- **Santa Clara Countywide Bicycle Plan:** The Santa Clara Countywide Bicycle Plan synthesizes other local and County plans into a comprehensive 20-year cross-County bicycle corridor network and expenditure plan. The long-range countywide transportation plan and the means by which projects compete for funding and prioritization are documented in Valley Transportation Plan (VTP) 2040. VTA adopted the Santa Clara Countywide Bicycle Plan in 2008, which includes a planned bicycle network with 16 routes of countywide or intercity significance. This plan is being updated, with an anticipated completion date of late 2017.

The following edits have been made to Table 3.3-3, Study Intersections, on pages 3.3-18 and 3.3-20 of the Draft EIR, respectively:

Table 3.3-3. Study Intersections

ID	Intersection	Jurisdiction (CMP)
57	Great America Parkway/SR 237 Westbound (WB) Ramps	Santa Clara San José (CMP)
123	Great America Parkway/Gold Street Connector	Santa Clara San José (CMP)

The first sentence on page 3.3-30 of the Draft EIR has been edited as follows:

Existing Transit Services

This section summarizes local and regional transit connectivity in the study area, including bus, light rail, ~~commuter-passenger~~ rail, and public and private shuttles.

Text on the top of page 3.3-31 of the Draft EIR has been revised as follows:

The Capitol Corridor is managed by the Capitol Corridor Joint Powers Authority (CCJPA), a partnership of six local transit agencies in the eight-county service area. BART provides daily management support to the CCJPA, and trains are a state supported intercity passenger rail service operated by Amtrak. The nearest Capitol Corridor stations to the study area are Santa Clara/Great America Station (also an ACE stop) and Santa Clara Station, which is shared with Caltrain (1001 Railroad Avenue, Santa Clara). Capitol Corridor also stops at San José Diridon Station.

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

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

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

VTA has no specific plans to increase bus ~~and light-rail~~ service in the City Place area during commute hours but does have a standard policy of improving frequency and extending operating hours when operating funds become available. The VTA is planning express light rail

service along Tasman Drive corridor between the Mountain View and Alum Rock stations to expedite access to/from the BART station at Montague. To accommodate game-day ridership for Levi’s Stadium, VTA has planned several improvements to transit service, described in the Game-Day Analysis section.

Table 3.3-10 on page 3.3-32 of the Draft EIR, for Local VTA Bus Routes, Bus 57, has been revised as follows:

57	West Valley College	Great America Parkway	6:15 a.m. to 11:00 p.m.	30	30	8:00 a.m. to 8:00 p.m.	<u>30-60</u>	0.34
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Service hours listed in Table 3.3-10 on page 3.3-33 of the Draft EIR have been revised as follows:

Commuter Passenger Rail

Capitol Corridor	Sacramento	San José	7:00 a.m. to 8:00 p.m. 4:30 a.m. to 11:55 p.m.	60	120	8:00 a.m. to 9:30 p.m.	120	0.40
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The below footnote has been added to Table 3.3-10 on page 3.3-34 of the Draft EIR:

- f. Weekday peak-hour peak load factor for January 2015 at the Santa Clara/Great America station.
- ~~g.~~ Ridership data for ACE shuttles provided by ACE (2014). Average capacity per shuttle is 39 seated passengers.

The last paragraph on page 3.3-36 of the Draft EIR has been edited as follows:

East/west access for bicycles is limited. On-street lanes are present on Tasman Drive east of Lick Mill Boulevard, but they do not connect to the Project site. Off-street trails along SR 237 connect bicyclists to business districts in northern Sunnyvale and along North 1st Street in San José. These trails also provide access to the San Francisco Bay Trail, which is used primarily by recreational cyclists on the weekends and rather than commuter cyclists during the week. To the west of the site, on-street lanes along Old Mountain View-Alviso Road provide access from residential neighborhoods in northern Sunnyvale.

The following edits have been made to Table 3.3-14 on pages 3.3-51 and 3.3-54 of the Draft EIR, respectively:

Table 3.3-14. Background Signalized Intersection LOS Results

ID	Intersection	Jurisdiction ^a	Peak Hour ^b	Background ^c	
				Delay ^d	LOS ^e
57	Great America Parkway/ SR 237 WB Ramps	Santa Clara (CMP) San José (CMP) ^g	AM	26.5	C
			PM	19.5	B
123	Great America Parkway/Gold Street Connector	Santa Clara San José	AM	11.9	B
			PM	13.6	B

Edits have been made to Table 3.3-17, Existing with-Project Signalized Intersection LOS Results, on pages 3.3-63 through 3.3-73 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

Edits have been made to Table 3.3-18, Background with-Project Signalized Intersection LOS Results, on pages 3.3-75 through 3.3-84 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

The following revisions have been made to the first paragraph on page 3.3-85 of the Draft EIR:

MITIGATION MEASURES. Mitigation Measure TRA-1.1 would reduce the severity of traffic impacts. Mitigation Measure TRA-1.2, intersection improvement, would fully mitigate some intersections. Mitigation Measure TRA-1.3 would address the Project's wide-ranging significant and unavoidable impacts, including impacts to Congestion Management Program (CMP) facilities. However, even with Mitigation Measures TRA-1.1 ~~and~~, TRA-1.2, and TRA-1.3 some intersections would still have significant Project impacts. Thus, the Project impact on signalized intersection LOS would be ***significant and unavoidable***.

The following text has been added as the last two bullets for the Office TDM Measures on page 3.3-88 of the Draft EIR:

- Congestion cordon (boundary) pricing scheme¹³
- Parking management strategies such as paid parking and unbundled parking to restrict the parking supply.¹⁴

¹³ Cordon pricing would entail charging vehicles a fee as they enter an area. The fees would be higher during congested periods. This type of strategy is most effective with limited access points and requires a high quality transit system to accommodate travel by a non-automobile mode.

¹⁴ These parking management strategies can be paired with a RPPP to ensure that Project patrons seeking parking do not park in nearby neighborhoods.

The following text has been added as the last two bullets for the Residential TDM Measures on page 3.3-89 of the Draft EIR:

- Congestion cordon (boundary) pricing scheme¹⁵
- Parking management strategies such as paid parking and unbundled parking to restrict the parking supply.¹⁶

¹⁵ Cordon pricing would entail charging vehicles a fee as they enter an area. The fees would be higher during congested periods. This type of strategy is most effective with limited access points and requires a high quality transit system to accommodate travel by a non-automobile mode.

¹⁶ These parking management strategies can be paired with a residential permit parking program (RPPP) to ensure that Project parkers do not park in nearby neighborhoods.

The following text has been added as the last bullet for the Retail Site Design BMPs on page 3.3-89 of the Draft EIR:

- Congestion cordon (boundary) pricing scheme¹⁷

¹⁷ Cordon pricing would entail charging vehicles a fee as they enter an area. The fees would be higher during congested periods. This type of strategy is most effective with limited access points and requires a high quality transit system to accommodate travel by a non-automobile mode.

The text on page 3.3-92 of the Draft EIR has been revised as follows:

LOS calculations were conducted for the intersections with mitigation measures. The results are presented in Table 3.3-20. The conclusions are:

- ~~Seven~~ Six intersections located within the City of Santa Clara jurisdiction would have impacts that could be reduced to a **less-than-significant** level with implementation of the mitigation measures in Table 3.3-20.

- Intersection 13: Calle Del Sol/Tasman Drive
- ~~Intersection 57: Great America Parkway/SR 237 WB Ramps~~

Edits have been made to Table 3.3-20, Project-Specific (Existing with-Project/Background with-Project) Intersection Mitigation Measures, on pages 3.3-93 through 3.3-110 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

The first bullet on page 3.3-111 of the Draft EIR has been revised, as follows:

- ~~Thirty-four~~ thirty-three affected intersections are located outside of the City of Santa Clara jurisdiction and implementation of the mitigation measure cannot be guaranteed; therefore, the impacts would remain **significant and unavoidable**:

The text on pages 3.3-111 through 3.3-112 has been revised, as follows:

- Nine intersections would have operations returned to an acceptable LOS in either the AM or PM Peak Hour or partially returned to an acceptable LOS in both peak hours with the identified mitigation measure in Table 3.3-20.
 - Intersection 17: Rio Robles/Tasman Drive
 - Intersection 22: Agnew Road-De La Cruz Boulevard/Montague Expressway
 - Intersection 26: Montague Expressway/Plumeria Drive-River Oaks Parkway
 - Intersection 29: De La Cruz Boulevard/Trimble Road
 - ~~Intersection 34: North 1st Street/Brokaw Road~~
 - Intersection 54: Lawrence Expressway/Benton Street
 - Intersection 57: Great America Parkway/SR 237 WB Ramps
 - Intersection 76: San Tomas Expressway/Walsh Avenue
 - Intersection 77: San Tomas Expressway/Monroe Street
 - Intersection 82: San Tomas Expressway/Pruneridge Avenue
- ~~Two~~ Three intersections would have offsetting mitigations (offsetting local street network, transit, bicycle, or pedestrian improvements) in the North San José Deficiency Plan area to accommodate future travel growth but not directly affect LOS:
 - Intersection 18: North 1st Street/Tasman Drive
 - Intersection 24: North 1st Street/Montague Expressway
 - Intersection 34: North 1st Street/Brokaw Road
- ~~Six~~ Seven intersections would require a fair-share payment of a planned interchange, but the interchange would not be constructed until full funding is received:
 - Intersection 3: Lawrence Expressway/Tasman Drive
 - Intersection 27: Trimble Road/Montague Expressway

The last two bullets on page 3.3-112 of the Draft EIR have been deleted, as follows:

- ~~One intersection has no feasible mitigation measure:~~
 - ~~Intersection 3: Lawrence Expressway/Tasman Drive~~

The following mitigation measure has been added before Impact TRA-2 on page 3.3-112 of the Draft EIR.

TRA-1.3 Prepare and Implement a Multimodal Improvement Plan. The Project Developer shall fund the preparation of (including CEQA review for) a Multimodal Improvement Plan (MIP) addressing at least the Congestion Management Program (CMP) intersections within the City of Santa Clara that are forecasted to operate at Level of Service F with the Project, either on a project level or cumulative basis. City shall reimburse the Project Developer for any cost of preparation of the MIP that exceeds the Project Developer's fair share of such cost. Such MIP shall be prepared in accordance with the guidelines and regulations of the Valley Transportation Authority (VTA) and shall be adopted by the City Council for submission to the VTA for consideration and approval no later than one year after approval of the Project. Once the MIP is adopted by the VTA, it shall be implemented in accordance with its terms and commensurate with the phasing of the development that its measures are intended to offset.

Edits have been made to Table 3.3-24, Existing with Project Phases 1, 2, and 3 Signalized Intersection LOS Results, on pages 3.3-118 through 3.3-127 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

Text on page 3.3-129 of the Draft EIR has been revised, as follows:

MITIGATION MEASURES. With Mitigation Measures TRA-1.1 and TRA-1.3 (above), and TRA-1a.1 (below), these impacts would be reduced but certain intersections would still have significant Project impacts. Therefore, the Project impact on signalized intersection LOS during Phases 1, 2, and 3 would be ***significant and unavoidable***.

Revisions have been made on page 3.3-129 of the Draft EIR:

LOS calculations were conducted for the intersections with mitigation measures. The results are presented in Table 3.3-26. The conclusions are:

- ~~Two~~ One intersection located within the City of Santa Clara jurisdiction would have impacts reduced to a ***less-than-significant*** level with implementation of the mitigation measures in Table 3.3-26.
 - ~~Intersection 57: Great America Parkway/SR 237 WB Ramps~~
 - Intersection 60: Great America Parkway/Old Mountain View-Alviso Road

Edits have been made to Table 3.3-26, Existing with Project Phases 1, 2, and 3 Intersection Mitigation Measures, on pages 3.3-130 through 3.3-140 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

The following edits have been made on page 3.3-141 of the Draft EIR:

- ~~Fifteen~~ Sixteen intersections are located outside of City of Santa Clara jurisdiction, and implementation of the mitigation measure cannot be guaranteed; therefore, the impact would remain ***significant and unavoidable***:
 - Five intersections would have operations returned to an acceptable LOS with the identified mitigation measure in Table 3.3-26.
 - Intersection 17: Rio Robles/Tasman Drive
 - Intersection 25: Zanker Road/Montague Expressway

- Intersection 26: Montague Expressway/Plumeria Drive-River Oaks Parkway
- Intersection 48: Lawrence Expressway/US 101 SB Ramps
- Intersection 121: De la Cruz Boulevard/Central Expressway
- Three intersections would have operations returned to an acceptable LOS in either the AM or PM Peak Hour or partially returned to an acceptable LOS in both peak hours with the identified mitigation measure in Table 3.3-26.
 - Intersection 22: Agnew Road-De La Cruz Boulevard/Montague Expressway
 - ~~Intersection 34: North 1st Street/Brokaw Road~~
 - Intersection 54: Lawrence Expressway/Benton Street
 - Intersection 57: Great America Parkway/SR 237 WB Ramps
- One intersection would have offsetting mitigations (offsetting local street network, transit, bicycle, or pedestrian improvements) in the North San José Deficiency Plan area to accommodate future travel growth but not directly affect LOS:
 - Intersection 34: North 1st Street/Brokaw Road
- ~~Five~~^{Four} intersections would require a fair-share payment of a planned interchange, but the interchange would not be constructed until full funding were received:
 - Intersection 3: Lawrence Expressway/Tasman Drive
 - Intersection 27: Trimble Road/Montague Expressway
 - Intersection 28: McCarthy Boulevard/O'Toole Avenue
 - Intersection 50: Lawrence Expressway/Arques Avenue
 - Intersection 52: Lawrence Expressway/Reed Avenue-Monroe Street
- One intersection would have two mitigation options: Option 1 would have operations returned to an acceptable LOS with the identified mitigation, and Option 2 would require a fair-share payment of a planned interchange:
 - Intersection 98: Lafayette Street/Central Expressway
- One intersection would have two mitigation options: Option 1 would have operations returned to an acceptable LOS in either the AM or PM Peak Hour or partially returned to an acceptable LOS in both peak hours with the identified mitigation, and Option 2 would require a fair-share payment of a planned interchange:
 - Intersection 21: Mission College Boulevard/Montague Expressway
- ~~One intersection has no feasible mitigation measure:~~
 - ~~Intersection 3: Lawrence Expressway/Tasman Drive~~

The following edits have been made to text on page 3.3-142:

MITIGATION MEASURES. With Mitigation Measures TRA-1.1 and TRA-1.3 (above), and TRA-3.1 (above), the severity of the impacts would be reduced, but most segments would still have significant Project impacts. Thus, the Project impact on freeway segment LOS during Phases 1, 2, and 3 would be ***significant and unavoidable***.

Table 3.3-28 on page 3.3-145 of the Draft EIR has been revised, as follows:

Table 3.3-28. Off-Site Study Intersections for Variant Access Scheme

ID	Intersection	Jurisdiction (CMP)	Intersection Control
57	Great America Parkway/SR 237 WB Ramps (CMP)	Santa Clara San José (CMP)	Signal
58	Great America Parkway/SR 237 EB Ramps (CMP)	Santa Clara (CMP)	Signal
84	Gold Street/Gold Street Connector	Santa Clara San José	Signal
123	Great America Parkway and Gold Street Connector	Santa Clara San José	Signal

Source: Fehr & Peers, September 2015.

Edits have been made to Table 3.3-29, Existing with-Project Signalized Intersection LOS Results for Variant Access Scheme, on pages 3.3-147 through 3.3-148 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

Edits have been made to Table 3.3-31, Existing with Project Phases 1, 2, and 3 Signalized Intersection LOS Results for Variant Access Scheme, on pages 3.3-150 through 3.3-152 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

Edits have been made to Table 3.3-33, Background with-Project Signalized Intersection LOS Results for Variant Access Scheme, on pages 3.3-154 through 3.3-155 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

Edits have been made to Table 3.3-33, Background with-Project Unsignalized Intersection LOS Results for Variant Access Scheme, on page 3.3-156 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

The following edits have been made to page 3.3-157 of the Draft EIR:

MITIGATION MEASURES. With Mitigation Measures TRA-1.1 and TRA-1.3 (above), TRA-6.1 (below), and TRA-6.2 (below), impacts would be reduced, but certain intersections would still have significant Project impacts. Therefore, the Project impact on signalized intersection LOS under the Variant Access Scheme would be **significant and unavoidable**.

Intersection Improvements

TRA-6.1: Intersection Improvements With Access Variant Scheme. The intersection improvements summarized in Table 3.3-35 shall be implemented.

Text on page 3.3-157 of the Draft EIR has been revised, as follows:

LOS calculations were conducted for the intersections with mitigation measures. The results are presented in Table 3.3-35. The conclusions are:

- ~~Four~~ Three intersections located within City of Santa Clara jurisdiction would have impacts reduced to than **less-than-significant** level with implementation of the mitigation measures in Table 3.3-35.
 - Intersection 13: Calle Del Sol/Tasman Drive
 - ~~Intersection 57: Great America Parkway/SR 237 WB Ramps~~

- Intersection 90: Lafayette Street/Calle De Luna
- Intersection 114: Calle Del Sol/Calle Del Luna

The last bullets on page 3.3-158 of the Draft EIR have been revised, as follows:

- ~~One~~ Two intersections are located outside of City of Santa Clara jurisdiction, and implementation of the mitigation measure cannot be guaranteed; therefore, the impact remains ***significant and unavoidable***:
 - Intersection operations would return to an acceptable LOS with the identified mitigation measure in Table 3.3-35 at Intersection 84, Gold Street/Gold Street Connector
 - Intersection operations would return to an acceptable LOS with the identified mitigation measure in Table 3.3-35 at Intersection 57: Great America Parkway/SR 237 WB Ramps

Edits have been made to Table 3.3-35, Project-Specific (Existing with-Project/Background with-Project) Intersection Mitigation Measures—Variant Access Scheme, on pages 3.3-159 to 3.3-162 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

Edits have been made to Table 3.3-36, Phases 1, 2, and 3 Project-Specific Intersection Mitigation Measures—Variant Access Scheme, on pages 3.3-163 to 3.3-165 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

The text at the top of page 3.3-166 of the Draft EIR has been revised as follows:

LOS calculations were conducted for the intersections with mitigation measures. The results are presented in Table 3.3-36. The conclusions are:

- ~~One intersection located within City of Santa Clara jurisdiction would have the impact reduced to than less-than-significant level with implementation of the mitigation measure in Table 3.3-36.~~
 - ~~Intersection 57, Great America Parkway/SR 237 WB Ramps~~
- Two intersections located within the City of Santa Clara jurisdiction can be partially mitigated with implementation of the mitigation measures in Table 3.3-36 but the impact remains ***significant and unavoidable***:
 - Intersection 59, Great America Parkway/Yerba Buena (Great America) Way
 - Intersection 60, Great America Parkway/Old Mountain View-Alviso Road
- One intersection is located outside of City of Santa Clara jurisdiction, and implementation of the mitigation measure cannot be guaranteed; therefore, the impact remains ***significant and unavoidable***:
 - Intersection 57, Great America Parkway/SR 237 WB Ramps

The mitigation measure discussion from TRA-7.1 has been updated as follows (page 3.3-168):

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

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

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

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

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

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

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

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

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

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

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

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

The last paragraph on page 3.3-178 has been revised as follows:

MITIGATION MEASURES. With Mitigation Measures TRA-1.1 and TRA-1.3 (above), and TRA-14.1 (below), the impacts would be reduced, but many intersections would still have significant cumulative impacts. Therefore, the Project's cumulative impact on signalized intersection LOS would be ***significant and unavoidable***.

Edits have been made to Table 3.3-49, Cumulative with-Project Signalized Intersection LOS Results, on pages 3.3-179 to 3.3-190 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

The following revisions have been made to page 3.3-191 of the Draft EIR:

- ~~Nine~~ Eight intersections located within City of Santa Clara jurisdiction would have impacts reduced to a ***less-than-significant*** level with implementation of the mitigation measures in Table 3.3-50.
- Intersection 13: Calle Del Sol/Tasman Drive
- ~~Intersection 57: Great America Parkway/SR 237 WB Ramps~~

The following revisions have been made to page 3.3-192 of the Draft EIR:

- ~~Forty-seven~~ eight intersections are located outside of City of Santa Clara jurisdiction, and implementation of the mitigation measure cannot be guaranteed; therefore, the impact would remain ***significant and unavoidable***:
- Twelve intersections would have operations returned to an acceptable LOS with the identified mitigation in Table 3.3-50.
 - Intersection 1: Fair Oaks Avenue/Tasman Drive
 - Intersection 17: Rio Robles/Tasman Drive
 - ~~Intersection 34: North 1st Street/Brokaw Road~~
 - Intersection 36: Zanker Road/Brokaw Road
 - Intersection 37: Fair Oaks Avenue/Fair Oaks Way
 - Intersection 43: Fair Oaks Avenue/Maude Avenue
 - Intersection 45: Fair Oaks Avenue/Evelyn Avenue
 - Intersection 48: Lawrence Expressway/US 101 SB Ramps
 - Intersection 55: Lawrence Expressway/Homestead Road
 - Intersection 57: Great America Parkway/SR 237 WB Ramps

Edits have been made to Table 3.3-50, Cumulative with-Project Signalized Intersection LOS Results, on pages 3.3-193 to 3.3-203 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

The following text has been added to page 3.3-204 of the Draft EIR:

- Intersection 31: Zanker Road/Trimble Road
- One intersection would have offsetting mitigations (offsetting local street network, transit, bicycle, or pedestrian improvements) in the North San José Deficiency Plan area to accommodate future travel growth but not directly affect LOS:

- Intersection 34: North 1st Street/Brokaw Road
- ~~Nine~~ Ten intersections would require a fair-share payment of a planned interchange, but the interchange would not be constructed until full funding is received:
 - Intersection 3: Lawrence Expressway/Tasman Drive
 - Intersection 27: Trimble Road/Montague Expressway

The last bullets on page 3.3-205 of the Draft EIR have been revised as follows:

- ~~Two~~ One intersections have no feasible mitigation measures:
 - ~~Intersection 3: Lawrence Expressway/Tasman Drive~~
 - Intersection 20: McCarthy Boulevard/Tasman Drive

Edits have been made to Table 3.3-51, Cumulative with-Project Unsignalized Intersection LOS Results, on page 3.3-206 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

The text on page 3.3-207 of the Draft EIR has been revised as follows:

MITIGATION MEASURES. With Mitigation Measures TRA-1.1 and TRA-1.3 (above), and TRA-16.1 (below), these impacts would be reduced, but Project impacts at certain intersections would still be cumulatively considerable. Therefore, the Project's cumulative impact on signalized intersection LOS would be ***significant and unavoidable***.

Intersection Improvements

TRA-16.1: Intersection Improvements for Cumulative with-Project Access Variants. The intersection improvements summarized in Table 3.3-54 shall be implemented.

Edits have been made to Table 3.3-52, Cumulative with-Project Signalized LOS Results for Variant Access Scheme, on pages 3.3-208 to 3.3-210 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

Edits have been made to Table 3.3-53, Cumulative with-Project Unsignalized LOS Results for Variant Access Scheme, on page 3.3-211 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

Edits have been made to Table 3.3-54, Cumulative with-Project Intersection Mitigation Measures—Variant Access Scheme, on pages 3.3-212 to 3.3-214 of the Draft EIR. These edits are shown in Appendix 5.1 of this document.

Text on page 3.3-215 of the Draft EIR has been revised as follows:

LOS calculations were conducted for the intersections with mitigation measures. The results are presented in Table 3.3-54. The conclusions are:

- ~~Three~~ Two intersections located within City of Santa Clara jurisdiction would have impacts reduced to a ***less-than-significant level*** with implementation of the mitigation measures in Table 3.3-54.
- Intersection 13: Calle Del Sol/Tasman Drive
- ~~Intersection 57: Great America Parkway/SR 237 WB Ramps~~

- Intersection 90: Lafayette Street/Calle De Luna

Text on page 3.3-215 of the Draft EIR has been revised as follows:

- ~~One~~ Two affected intersections ~~are~~ is located outside of City of Santa Clara jurisdiction, and implementation of the mitigation measure cannot be guaranteed; therefore, the impact would remain **significant and unavoidable**. Operations returned to an acceptable LOS with the identified improvement found in Table 3.3-54.
- Intersection 57: Great America Parkway/SR 237 WB Ramps
- Intersection 84: Gold Street/Gold Street Connector

The last paragraph on page 3.3-215 of the Draft EIR has been revised as follows:

MITIGATION MEASURES. With Mitigation Measures TRA-1.1, TRA-1.3, and TRA-4.1 (above), these cumulative impacts would be reduced, but certain segments would still have significant cumulative impacts. Thus the Project's contribution to cumulative freeway impacts would remain **significant and unavoidable**.

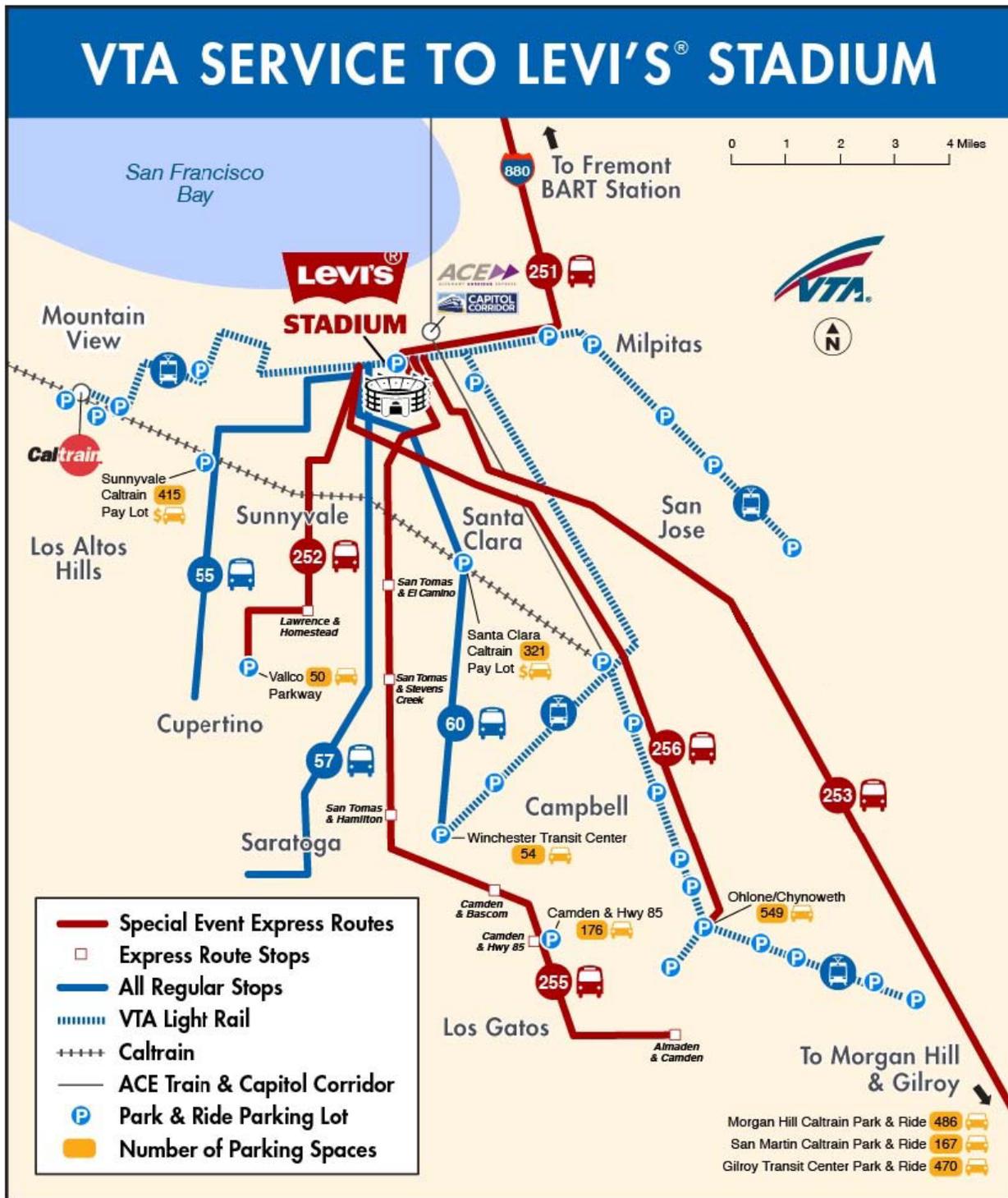
Mitigation Measure TRA-18.1 has been revised on page 3.3-219 of the Draft EIR as follows:

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

The VTA Service to Levi's Stadium figure on page 3.3-222 of the Draft EIR has been updated so as not to show bus line 254. This update is shown on the following page.

Mitigation Measure TRA-19.1 has been edited on page 3.3-227 of the Draft EIR, as follows:

TRA-19.1: Modified City's Traffic Management and Operations Plan (TMOP) and Prepare a Project-Specific Traffic and Parking Management Plan. Modify the City's TMOP to include plans to direct stadium traffic to the new parking locations on the site.



The following edits have been made to Table 3.3-60 on pages 3.3-231 of the Draft EIR:

Table 3.3-60. Project Intersection Mitigation Measures

Int. #	Intersection Name	Jurisdiction	Mitigation Measure	ROW Needed?	Category	Project Responsibility	Setting
27	Trimble Road/ Montague Expressway	Santa Clara County (CMP)	A "fly-over" is identified at this intersection as a Tier 1B priority (Comprehensive County Expressway Planning Study 2008 Update, March 2009). <u>The City of San José is fully responsible for implementing this improvement.</u>	Yes	D	0% of Total Traffic	Commercial/ Landscaping / Vacant Lot/Trees
28	McCarthy Boulevard- O'Toole Avenue/ Montague Expressway	Santa Clara County (CMP)	An interchange is identified at this intersection as a Tier 1B priority in addition to interchange modifications at I-880/Montague Expressway (Comprehensive County Expressway Planning Study 2008 Update, March 2009).	Yes	D	% of Total Traffic	Commercial/ Trees/ Landscaping
57	Great America Parkway/ SR 237 Westbound Ramps	San José (CMP) Santa Clara (CMP)	Add a third westbound left-turn lane and associated receiving lane under underpass. Add a second westbound right-turn lane.	Yes	C	100%	Urbanized/ Trees
84	Gold Street/Gold Street Connector	San José	<u>Convert northbound through lane to a shared left-turn/through lane and add a second eastbound right-turn lane. Add a second northbound left-turn lane and a second eastbound right-turn lane (move pedestrian crossing to north leg of intersection).</u>	Yes	B	100%	Remnant Habitat/ Wetlands/ Vacant Lot (near SR 237)
123	Great America Parkway/ Gold Street Connector	San José Santa Clara	Add a second northbound right-turn lane (from Intersection 57 dual westbound right-turn lanes).	Yes	B	100%	Landscaping / Grassland

Appendix 5.1 includes the following tables in their entirety and reflects changes made to these tables. These tables, listed below, show the level of service (LOS) results and the summary of the intersection improvements and off-setting measures. In addition to the text changes necessitated by comments received, several entries to these tables have been updated with bold and highlighted text. The bold and highlighted text indicates a significant intersection level of service impact. The highlighting of these tables was inadvertently omitted in the Draft EIR, making it difficult to identify intersections with impacts. In addition to the bold and highlighted text, these tables show minor corrections in underline and ~~striketrough~~ that are also noted above.

- Table 3.3-17. Existing with-Project Signalized Intersection LOS Results
- Table 3.3-18. Background with-Project Signalized Intersection LOS Results
- Table 3.3-20. Project-Specific (Existing with-Project/Background with-Project) Intersection Mitigation Measures
- Table 3.3-24. Existing with Project Phases 1, 2, and 3 Signalized Intersection LOS Results
- Table 3.3-26. Existing with Project Phases 1, 2, and 3 Intersection Mitigation Measures
- Table 3.3-29. Existing with-Project Signalized Intersection LOS Results for Variant Access Scheme
- Table 3.3-31. Existing with Project Phases 1, 2, and 3 Signalized Intersection LOS Results for Variant Access Scheme
- Table 3.3-33. Background with-Project Signalized Intersection LOS Results for Variant Access Scheme
- Table 3.3-34. Background with-Project Unsignalized Intersection LOS Results for Variant Access Scheme
- Table 3.3-35. Project-Specific (Existing with-Project/Background with-Project) Intersection Mitigation Measures—Variant Access Scheme
- Table 3.3-36. Phases 1, 2, and 3 Project-Specific Intersection Mitigation Measures—Variant Access Scheme
- Table 3.3-49. Cumulative with-Project Signalized Intersection LOS Results
- Table 3.3-50. Cumulative with-Project Intersection Mitigation Measures
- Table 3.3-51. Cumulative with-Project Unsignalized Intersection LOS Results
- Table 3.3-52. Cumulative with-Project Signalized LOS Results for Variant Access Scheme
- Table 3.3-53. Cumulative with-Project Unsignalized LOS Results for Variant Access Scheme
- Table 3.3-54. Cumulative with-Project Intersection Mitigation Measures—Variant Access Scheme

Appendix 5.2 to this document includes an update to Draft EIR Appendix 3.3-K. This appendix provides technical documentation regarding mitigated intersection level of service.

Section 3.4 – Air Quality

The first and third sub-bullets of Mitigation Measure AQ-6.1 have been revised, starting on page 3.4-36 of the Draft EIR, as follows:

- As necessary to reduce cancer risks below the BAAQMD threshold in light of projected DPM emissions and exposure and other mitigation (MM AQ-2.1 through MM AQ-2.3 and MM GHG-1.1), one or more of the following measures shall be implemented and the Project Developer will provide updated modeling to the City demonstrating that all on-site risks are reduced to below the BAAMQD threshold level:
 - Tier 4 Construction Equipment. If on-site and residences and daycare centers are occupied, the ~~The~~ Project Developer shall ensure that all off-road diesel-powered equipment used during construction after occupancy of on-site residences or on-site daycare centers is equipped with EPA Tier 4 or cleaner engines, except for specialized construction equipment for which an EPA Tier 4 engine is not available. This requirement would be in addition to the clean diesel requirements in Mitigation Measure AQ-2.1.
 - Install Filtration Systems on Ventilation and Recirculation Systems. Filtration systems shall be installed on ventilation and recirculation systems within on-site residences and for the heating, cooling, or ventilation systems serving daycare centers. All filters must be rated MERV-13 or higher. The Project Developer shall submit a plan for installation and maintenance of all filters in accordance with the manufacturer's recommendations to the City prior to approval of the first building permits.
 - If on-site and residences and daycare centers are occupied, the Project Developer shall employ ~~Employ~~ other reduction measures, such as High Performance Renewable (HPR) Diesel Fuel, that would reduce DPM. Proposals for alternative reduction measures shall be submitted to the City for review and approval, including evidence of the particulate reduction and/or risk reduction effectiveness of the proposed alternative measures.

Section 3.5 – Greenhouse Gas Emissions

Mitigation Measure GHG-1.2 has been revised, starting on page 3.5-18 of the Draft EIR:

GHG-1.2: Operational GHG Emissions Reduction Measures. The Project Developer shall implement the operational GHG emissions reduction strategies described below.

1. Energy Efficiency: The Project's energy efficiency shall be 15 percent better than the base case energy model developed pursuant to the 2013 Title 24 requirements or shall meet the Title 24 requirements that are applicable at the time of issuance of the building permits for individual phases, whichever is more stringent (Climate Action Plan [CAP] Measure 2.1).
2. On-site Solar Energy: The Project already includes on-site PV solar to meet 10 percent of electricity demand. The Project shall obtain renewable energy electricity corresponding to ~~29~~50 percent of on-site electricity demand by 2030 through a combination of on-site solar, the purchase of renewable energy, or other measures (CAP Measure 2.4). This requirement may be phased in as follows: 2020

- ~~1015%~~, 2025 - ~~2529%~~, 2030 - ~~2950%~~). If the Project Developer can demonstrate, to the City's satisfaction, that through Project design, adopted State or federal regulations, or other assured actions that the Project's emissions overall will meet the 2030 metric identified in this document without implementation of this particular measure or its full implementation, then this measure (or its full implementation) may be waived by the City.
3. Food Waste: All retail restaurants shall be required to participate 100 percent in any extant City food waste and composting programs and any that may be developed in the future (CAP Measure 4.1).
 4. Electrical Landscaping Equipment: The Project shall include the installation of electrical outlets near all maintained landscaping areas to allow for the use of electrical landscaping equipment (CAP Measure 5.1). In the landscaped 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.
 5. Electrical Vehicle Charging/Preferential Parking (CAP Measure 6.3): The Project shall provide preferential parking in all parking lots for electric vehicles and shall also provide charging equipment, as follows:
 - a) Residential Use: A total of 10 percent of the required parking spaces shall be provided with a listed cabinet, box, or enclosure and connected to a conduit that links the parking spaces to the electrical service in a manner approved by the building and safety official. Of the listed cabinets, boxes, or enclosures provided, 50 percent shall have the necessary electric vehicle supply equipment installed to provide active charging stations that are ready for use by residents. The remainder shall be installed at such time as they are needed for use by residents. Electrical vehicle batteries and charging technology may change substantially over the next 15 years. As such, the City shall have the discretion to modify the specific requirements for this measure over time, provided that 10 percent of the spaces have electrical service and 5 percent have active charging, depending on what the technology at the time requires.
 - b) Commercial Use: New commercial uses shall provide the electrical service capacity necessary as well as all conduits and related equipment necessary to serve 2 percent of the parking spaces with charging stations in a manner approved by the City's Building Official. Of these parking spaces, 50 percent shall initially be provided with the equipment necessary to function as online charging stations upon completion of the Project. The remainder shall be installed at such time as they are needed for use by customers, employees, or other users. Electrical vehicle batteries and charging technology may change substantially over the next 15 years. As such, the City shall have the discretion to modify the specific requirements for this measure over time, provided that two percent of the spaces have electrical service and one percent have active charging, depending on what the technology at the time requires.
 6. Shade Trees: Where surface parking lots are not covered by PV solar, shade trees shall be planted to reduce urban heat island effects on adjacent buildings (CAP Measure 7.1).

7. Urban Cooling: Any uncovered parking lots or spaces shall use light-colored pavement (CAP Measure 7.2).
8. Leases for businesses that base a diesel truck fleet within the Project site: Ensure those fleets meet the highest CARB engine-tier standard in place at the time of issuance of the building permits for the building that such businesses occupy, or the execution of a lease, whichever comes first.
9. Electrical hook-ups at loading docks for businesses that will receive deliveries from refrigerated diesel trucks: Stipulate in the lease agreement for such businesses a requirement to use the hook-ups if the trucks will be idling for more than two minutes.
10. Leases for business receiving deliveries: Prohibit all diesel-powered trucks from idling for more than 2 minutes.
11. Solar hot water heating systems: Incorporate for appropriate applications, including any swimming pools and buildings with swimming pools.
12. Electric heat pumps, or other energy-efficiency techniques, including radiant systems: Include for space heating and cooling, under appropriate circumstances.

Section 3.6 – Noise

The following text has been added as the first bullet in Mitigation Measure NOI-1.1 on page 3.6-20 of the Draft EIR:

NOI-1.1: Prepare and Implement a Construction Noise Control Plan to Reduce Construction Noise at Adjacent Land Uses. The Project Developer shall develop a noise control plan that requires that the Project construction activities comply with the City Code noise limits. The requirements and limitations specified in the plan shall be determined by phase and/or parcel and/or subsections of a parcel or phase. The construction noise control plan shall require the following:

- The Project Developer shall appoint a Project noise coordinator who will serve as the point of contact for noise-related complaints during Project construction. The Project noise coordinator shall transmit all construction noise-related complaints to the construction contractor, and the construction contractor shall enhance or refine the noise best management practices discussed herein to address the received noise complaints to the extent feasible. The contact information for the Project noise coordinator shall be sent to residents in the greater vicinity of the Project site that could be affected by Project noise and municipalities affected by Project construction noise.

Mitigation Measure NOI-1.2 on page 3.6-24 of the Draft EIR has been revised as follows:

NOI-1.2: Implement Off-Site Traffic Noise Reduction Measures. The Project Developer shall implement off-site traffic noise reduction measures in order to reduce the Project-related increase in traffic noise to less than 3 dBA for noise receptors along the east side of Lafayette Drive between Tasman Drive and Hogan Drive ~~such that the Project-related increase in traffic noise for noise receptors is less than 3 dBA.~~ The Project

Developer shall construct a solid barrier between the roadway and adjacent residential uses along Lafayette Drive between Tasman Drive and Hogan Drive. The barrier shall be designed to provide shielding between areas of frequent human use (i.e., residence backyards) and the roadway. This would result in approximately 1,000 feet of noise barriers along this segment. One effective approach would be to replace the existing privacy fences at single family residences with a solid barrier that is at least 6 feet high. The Project Developer shall prepare an off-site noise control plan that identifies the location, design, and effectiveness of the specific treatments to be implemented. This plan shall be submitted to the City for review and approval prior to the issuance of building permits. The off-site noise improvements shall be completed before Project operations commence.

Section 3.8 – Biological Resources

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

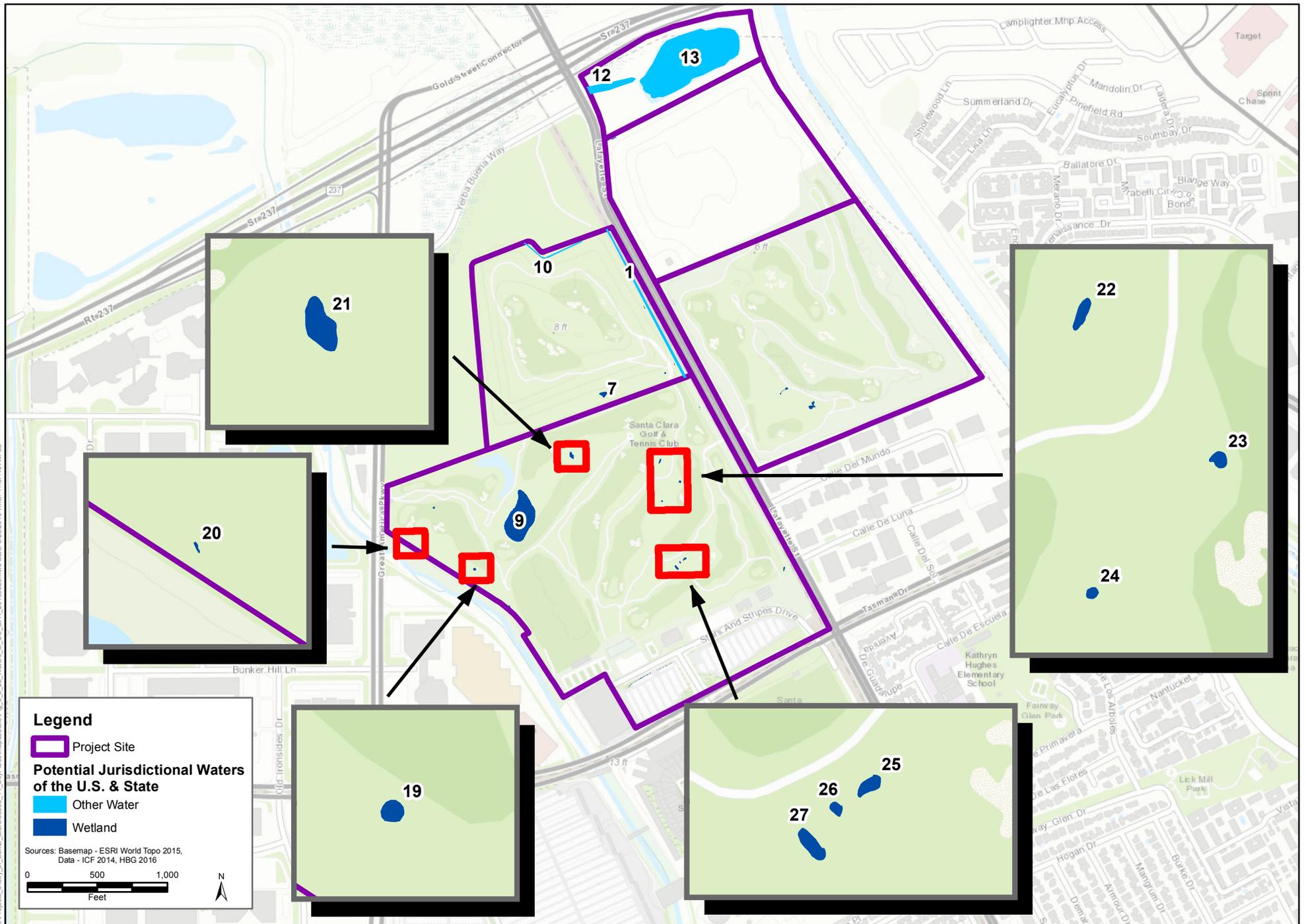
Vegetated Depressions

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

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

Pond/Creek/Drainages

Two human-made ponds are present on the Project site, encompassing approximately 6 acres: the 1-acre lined golf course irrigation pond on Parcel 4 and the 5-acre lined retention basin (acreage includes the associated Eastside Retention Drainage Swale) (Figure 3.8-1 and Figures 3.8-2a and



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Figure 3.8-2b
Potentially Jurisdictional Waters of the U.S. and State
City Place Santa Clara

3.8-2b). Both ponds consist of open water edged by cattails on their margins as well as the majority of the vegetation described under the Vegetated Depressions section, above. Many species of waterfowl use the human-made ponds, including mallard (*Anas platyrhynchos*), American coot (*Fulicia americana*), and Canada goose. In addition, a small, unvegetated concrete drainage ditch (approximately 0.9 acre) runs east to west along the northern boundary of Parcel 4-3 and two drainage ditches containing wetland vegetation occur south of Stars and Stripes Drive (approximately 0.015 acre) (Figures 3.8-2 and 3.8-2b and Table 3.8-1).

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

Waters of the U.S. and State

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

Table 3-8.1. Potentially Jurisdictional Waters of the United States Identified in the Project Area^{a,b}

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

<u>Feature ID</u>	<u>Feature Type</u>	<u>Potential Waters of the U.S. Type</u>	<u>Area (acre)</u>	<u>Impact Area (acre)</u>
<u>14</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.010</u>	<u>0.010</u>
<u>15</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.03</u>	<u>0.03</u>
<u>16</u>	<u>Drainage Ditch</u>	<u>Wetland</u>	<u>0.009</u>	<u>0.009</u>
<u>17</u>	<u>Drainage Ditch</u>	<u>Wetland</u>	<u>0.006</u>	<u>0.006</u>
<u>18</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.005</u>	<u>0.005</u>
<u>19</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.008</u>	<u>0.008</u>
<u>20</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.001</u>	<u>0.001</u>
<u>21</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.023</u>	<u>0.023</u>
<u>22</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.008</u>	<u>0.008</u>
<u>23</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.005</u>	<u>0.005</u>
<u>24</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.003</u>	<u>0.003</u>
<u>25</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.007</u>	<u>0.007</u>
<u>26</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.003</u>	<u>0.003</u>
<u>27</u>	<u>Vegetated Depression</u>	<u>Wetland</u>	<u>0.011</u>	<u>0.011</u>
<u>Wetlands Total</u>			<u>0.57</u>	<u>0.57</u>
<u>Other Waters Total</u>			<u>5.19</u>	<u>1.19</u>
<u>Grand Total</u>			<u>5.76</u>	<u>1.76</u>

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

^b. Included in other waters total although these features support wetlands fringe.

The text on page 3.8-13 has been revised as follows:

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

Mitigation Measure BIO-1.2, on page 3.8-15 of the Draft EIR, has been revised as follows:

BIO-1.2: Implement Bird-Safe Design Standards into Project Buildings and Lighting Design. Each Development Area Plan (DAP) approved by the City The Project Developer or its contractor shall include prepare and implement a set of specific standards for

~~minimizing hazards to birds, to be implemented by the Project Developer or its contractor in the Development Area Plan submitted for approval by the City. The development of the specific bird safety standards for each Development Area Plan shall be tailored to the specific potential hazards to birds in that development area, taking into account the specific locations, types and heights of buildings, lighting, and landscaping. In addition, the DAP shall require enhanced protective measures for buildings within 300 feet of the retention pond, the Guadalupe River, and San Tomas Aquino Creek, such as siting buildings in relation to existing landscape features to reduce conflicts with existing features that may serve as attractive bird habitat; minimizing the reflection of existing vegetation on building facades; or using soil berms, furniture, landscaping, or architectural features to prevent reflection of water in glazed building facades.~~

~~These specific bird safety standards in each DAP shall be based on the following bird-friendly building principles, include the following measures to minimize hazards to birds to the extent applicable to the particular development area:~~

- ~~• Reduce mirrors and large areas of transparent or reflective glass.~~
- ~~• Avoid transparent glass skyways, walkways, or entryways, free-standing glass walls, and minimize transparent building corners, or utilize glazing treatments to mitigate the hazard.~~
- ~~• Minimize funneling of open space toward a building façade.~~
- ~~• Strategically place landscaping to reduce reflection and views of foliage inside or through glass.~~
- ~~• Reduce potential light and glare by implementing Mitigation Measures AES-2.1 (requiring low-profile, low-intensity lighting directed downward), AES-2.2 (requiring shielded fixtures for outdoor lighting), and AES-2.3 (requiring low-emissivity reflective coating on exterior glass surfaces).~~
- ~~• Locate water features and other bird habitat away from building exteriors to reduce reflection.~~
- ~~• Reduce or eliminate the visibility of landscaped areas behind glass.~~
- ~~• To the extent consistent with the normal and expected operations of the office, hotel, retail, food/beverage, entertainment and residential uses of the Project uses planned for the particular development area, take appropriate measures to avoid use of unnecessary lighting at night, especially during bird migration season (February–May and August–November) through the installation of motion-sensor lighting, automatic light shut-off mechanisms, downward-facing exterior light fixtures, or other effective measures to the extent possible feasible.~~
- ~~• The specific bird safety standards shall also provide for a monitoring program, and placing signs around the buildings with phone numbers for authorized bird conservation organizations.~~

Mitigation Measures BIO-2.1, on page 3.8-16 of the Draft EIR, has been updated to clarify the intent of this measure, as follows:

BIO-2.1: Detection of Burrowing Owls. The Project Developer shall allow access to the Project site or off-site areas for biologists who participate in the annual burrowing owl nest survey coordinated by the Santa Clara Valley HCP/NCCP. Burrowing owl surveys are conducted between March and August of each year. As many as four surveys may be conducted each year, in accordance with the Staff Report on Burrowing Owl Mitigation²⁴ to determine whether burrowing owls are nesting and whether nests are successful. Access to the site for burrowing owl surveys shall be granted until the Project site or off-site area is completely built out. The Project Developer shall not, however, be required to postpone planned development activities to provide such access, except to the extent such postponement is necessary to meet regulatory requirements.

²⁴ CDFW 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency.

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

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

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

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

- A qualified biologist shall determine the locations where ~~install~~ orange construction barrier fencing shall be installed around aquatic resources (USACE and the Regional Water Board jurisdictional wetlands/waters and DFW jurisdictional lakes and streams) around the boundaries of wetland resources that are to be avoided prior to initiation of construction activities.
- Designate the protected area as an Environmentally Sensitive Area and clearly identify the area in the construction specifications.
- Maintain jurisdictional wetlands/waters protection fencing throughout the grading and construction period.
- Prohibit grading, construction activity, traffic, equipment, or materials in fenced wetland areas.

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

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

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

through the CEQA process. The MMP, if other than sole purchase of mitigation bank credits, shall include the requirements listed below:

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

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

The following revisions have been made to the last paragraph on page 3.8-24:

The Community Multiscale Air Quality (CMAQ) modeling system was used for the Santa Clara Valley HCP/NCCP analysis to compare the effect of nitrogen emissions from the Project to the average effect of equivalent emissions from within the HCP/NCCP area. Nitrogen deposition per unit of emissions in the vicinity of the Coyote Ridge habitat area was estimated for nitrogen emissions originating from the vicinity of the Project to the average nitrogen deposition per unit of emissions in the Coyote Ridge habitat area from the HCP/NCCP area for 2035. The year 2035 was chosen since the Project’s build-out year will be approximately 2030 or later. The analysis reviewed mobile and non-mobile emission sources separately, since the Project’s emissions are predominantly mobile with lesser area and point sources. The comparison indicated that mobile and non-mobile emissions in the area containing the City Place project would result in 34 percent and ~~60~~ 75 percent, respectively, of the nitrogen deposition per unit of emissions compared to the average nitrogen deposition per unit of mobile and non-mobile emissions in the HCP/NCCP area. Taking into account the Project’s emissions profile (the Project’s mobile NOx emissions are approximately 87 percent of its total NOx emissions), the Project would result in ~~38~~ 39 percent of the average nitrogen deposition of an equivalent amount of emissions in the HCP/NCCP area. Thus, while nitrogen emissions from the Project would contribute to

cumulative nitrogen deposition, on a per-unit of emissions basis, Project emissions would have a lesser effect on nitrogen deposition than average development in the HCP/NCCP area. The calculations for this analysis are presented in Appendix 3.4 (Air Quality).

The following revisions are made to Mitigation Measure BIO-C.1 on page 3.8-25 and 3.8-26:

BIO-C.1: Make a Fair-Share Nitrogen Deposition Fee Contribution to the Santa Clara Habitat Agency's Voluntary Fee Payment Program. Consistent with its voluntary commitment to contribute a nitrogen deposition fee through the fee program of the Santa Clara Habitat Agency, the Project Developer shall make a pro-rated per-vehicle-trip nitrogen deposition fee contribution, which will be based on the amount charged by the Santa Clara Valley Habitat Agency under its Voluntary Fee Payments Policy (<http://scv-habitatagency.org/DocumentCenter/View/345>). Specifically, the per-vehicle trip fee shall be adjusted as set forth below to take into account the different dispersion characteristics of the Project vs. the average dispersion characteristics for development in the HCP/NCCP area.

The Project is located farther from serpentine grassland habitat than average development within the Santa Clara Valley HCP/NCCP area. Thus, the required fair-share contribution shall be figured as ~~38~~ ³⁹ percent (based on the ICF analysis) of the established fee of the habitat agency for the year in which the building permits are issued for the Project. The fee may be paid up front or in installments in proportion to mitigated vehicle trip generation for the phase of the Project for which the building permits are issued. For fiscal year 2015-2016, the adopted HCP/NCCP nitrogen deposition fee was \$4.20 per new vehicle trip. Using Scheme B's estimated trip generation (140,730 trips/day), taking into account the trip reduction effect of Mitigation Measure TRA-1.1 (reduction to 137,910 trips/day), and the ~~38~~ ³⁹ percent adjustment factor, if all fees were paid in 2015, the estimated total would be ~~\$220,104~~ ^{\$225,897}.

Section 3.10 – Hydrology and Water Quality

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

San Francisco Bay Municipal Regional Stormwater Permit

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

The following text was added to the end of the last paragraph of the discussion on the San Francisco Bay Municipal Regional Permit on page 3.10-7:

~~The San Francisco Bay Water Board released a Tentative Order for reissuance of the current San Francisco Bay MS4 Permit on May 11, 2015, and is expected to be reissued by early 2016. The~~

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

The following text has been added to the first paragraph under the subheader “Watershed Hydrology” on page 3.10-9 of the Draft EIR. In addition, Figure 3.10-2 has been updated to include watershed boundaries.

Figure 3.10-2 illustrates the hydrological features in the Project area. According to SCVWD watershed boundaries,⁷ the majority of the Project area is located within the Guadalupe River watershed, but a small area within the western portion of Parcel 4 is located within the San Tomas Aquino Creek watershed. Both the San Tomas Aquino Creek and Guadalupe River watersheds ultimately drain to the Lower San Francisco Bay watershed.

⁷ Santa Clara Valley Water District. 2015. Santa Clara Valley Water District Geographic Information Systems Gallery. Santa Clara County Watersheds shapefile layers. Available: <<https://valleywater.maps.arcgis.com/home/gallery.html#c=organization&o=numviews&f=layers-layerfiles>>. Accessed on December 29, 2015.

The first sentence in the second full paragraph on page 3.10-9 of the Draft EIR has been modified as follows:

~~The SCVWD has jurisdiction over~~ maintains flood control features within and along San Tomas Aquino Creek and the Guadalupe River,⁸ such as their existing levees, and the ~~The City manages~~ conveyance of stormwater to these waterways.

⁸ The levee along Guadalupe River is owned and also maintained by USACE.

The second sentence in the third paragraph on page 3.10-18 has been revised, as follows:

~~San Tomas Aquino Creek is within Zone AE (100-year flood zone) and the Guadalupe River is also within Zone AE (100-year flood zone) in the northern portion and Zone A to the south of the Project area. However, the existing Guadalupe River and San Tomas Aquino Creek are contained within FEMA certified levees and the SCVWD has not reported any flooding issues due to storm drain capacity in the area. The off-site area in Tasman East that would accommodate the Lick Mill Boulevard extension is located within Zone AH.~~

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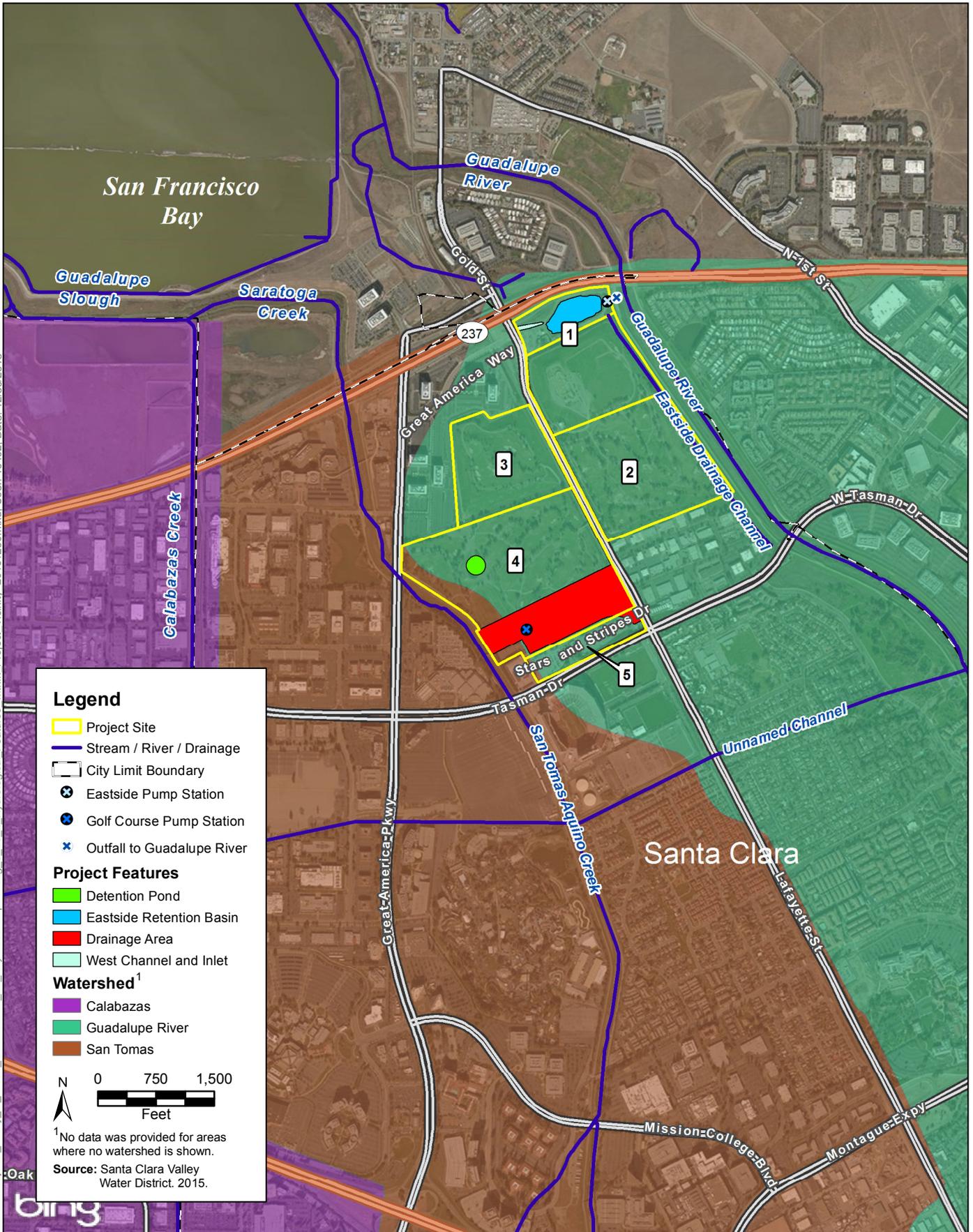


Figure 3.10-2
Hydrological Features within the Project Vicinity

The following footnote was added and text changes were made to the description of SCVWD's levee modifications to protect from flooding in adjacent off-site areas (page 3.10-18):

The SCVWD ~~has jurisdiction over~~ maintains flood control facilities along the San Tomas Aquino Creek and the Guadalupe River, such as their existing levees, and the City manages conveyance of stormwater to these waterways. Because the existing levees adjacent to the Project site are certified by FEMA, any impacts on or modifications to the levee will require SCVWD review and approval and may require a submission to FEMA for levee re-certification.⁴⁷

⁴⁷ FEMA is in the process of conducting a Flood Insurance Study (FIS) and revising flood and wave data for the Santa Clara County FIS report and FIRM panels along the San Francisco Bay shoreline. The FIS may result in an expansion of the 100-year floodplain into adjacent off-site areas. The SCVWD's levee modifications would help protect these areas.

The text in the Flooding Section of the Environmental Setting in the first paragraph describing System Flow Capacities (page 3.10-18) was modified as follows:

San Tomas Aquino Creek Direct (Parcel 4). The existing ~~100-year peak design~~ flow in San Tomas Aquino Creek is approximately 7,100 cubic feet per second (cfs) within the section of the creek adjacent to Parcel 4.⁴⁸ The corresponding ~~100-year peak~~ water surface elevation is 19.39 above msl at the Great America Parkway crossing and 21.16 msl at Tasman Drive.

⁴⁸ The ultimate 100-year design flow in San Tomas Aquino Creek is 9,100 cfs, but because of an upstream restriction and spillway, the 100-year peak flow is not currently conveyed within the channel. Future modifications, such as an increase in levee height or addition of a floodwall will be needed to contain the design flow. For the Project, the design flow of 7,100 cfs was used for the analysis of Project impacts on stormwater capacity and 100-year flood elevation in the San Tomas Aquino Creek.

The following text has been added to the end of the second full paragraph on page 3.10-23. See the end of this chapter for a detailed explanation of the changes to the Draft EIR resulting from the *California Building Industry Association vs. Bay Area Air Quality Management District* (CBIA v. BAAQMD) case.

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. Should inundation occur due to sea level rise or coastal flooding within the Project area, it could cause contaminants in soil or groundwater to be leached into standing floodwater or to intrude into adjacent groundwater aquifers. However, impacts associated with sea level rise and coastal flooding on the Project are no longer considered impacts under CEQA in accordance with CBIA v. BAAQMD.

The following text was added to the beginning of the third paragraph of the discussion of Mitigation Measure WQ-1.1 on page 3.10-28:

The design of the stormwater treatment measures is currently at the conceptual level and further details will be addressed as part of the planning, construction, and operation of the development. The treatment measures shall be designed to remove pollutants from stormwater

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

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

The following text has been added to Mitigation Measure WQ-1.1, second and third full paragraph on page 3.10-29:

The stormwater treatment measures shall capture sufficient flows so that 100-year peak flood elevations or existing design flows within San Tomas Aquino Creek and the Guadalupe River will not increase as part of the Project. The exact reduction in 100-year peak runoff volumes and flows that the stormwater management measures will need to accommodate will be determined during the design process for the stormwater management measures and will be provided in the detailed Project Stormwater Management Plan.

Due to construction phasing, construction of interim treatment measures may be required once the 40-acre concrete pad has been constructed and before the surface of the pad is developed with new structures with their own associated post-construction stormwater treatment features. These interim measures will be reported to the San Francisco Bay Water Board. The stormwater management measures for each parcel shall be modeled during final design for buildings, parking garages, site landscaping, etc. Dynamic hydraulic modeling, such as the EPA Stormwater Management Model (SWMM), shall be used. Dynamic hydraulic modeling SWMM tracks the quantity and quality of runoff generated within each subcatchment as well as the flow rate, flow depth, and quality of water in each pipe and channel during a simulation period with multiple time steps. The results of the modeling shall be used to compare the proposed “permanent” stormwater peak flows and volumes for the Project with the existing peak flows and show compliance with the jurisdictional regulations. The dynamic hydraulic modeling shall consider the potential runoff volumes and rates coming from the top of the landfill. The resulting design of stormwater management measures shall be required to be sufficient to protect water quality and habitat resources along receiving waterways.

The second sentence of the first bullet on page 3.10-32 has been revised as follows:

The invert of the outfalls will be set above the bottom of ~~the creek~~ San Tomas Aquino Creek; the final elevation, as well as other elements, will be designed pursuant to the City of Santa Clara's

standards, consistent with SCVWD's outfall standards guidance,⁶⁴ and coordinated with the SCVWD to ensure the location is above sediment levels within the creek.⁶⁵

⁶⁵ Outfalls and work within the SCVWD right-of-way are subject to approval and issuance of permits by the SCVWD.

The last sentence in the second paragraph on page 3.10-34 of the Draft EIR has been revised as follows:

As described in Mitigation Measure WQ-1.1, site drainage will be designed to avoid increasing 100-year flows or existing design flows of the adjacent San Tomas Aquino Creek and the Guadalupe River.

The following text has been added to Impact WQ-3 in the third paragraph on page 3.10-34:

The bridge constructed above San Tomas Aquino Creek has not yet been designed but may affect 100-year flood flows or the existing design flow. Mitigation Measure WQ-3.1 requires new bridge and outfall structures to be designed to facilitate passage of the 100-year flow and existing design flow, and to prevent erosive action or redirection of flow during more frequent flood events. In addition, the new outfalls within San Tomas Aquino Creek have not yet been designed but could also affect 100-year flood flows and cause changes to the existing channel morphology. Implementation of Mitigation Measure WQ-3 will minimize these impacts. Impacts of the new bridge and outfalls could be *significant*.

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

WQ-3.1: Design New Bridge and Outfall Structures to Avoid Increase in 100-year Flow and Channel Erosion. In compliance with the SCVWD's 100-year peak flood requirements, any new bridge and new outfalls in San Tomas Aquino Creek shall be designed to avoid increases in the 100-year flow and to avoid creek bed/channel erosion. The design shall also consider erosive action or redirection of flow during more frequent flood events in compliance with the City of Santa Clara's storm drainage design criteria⁷² and consistent with SCVWD's guidance.⁷³ The outfalls will be set at elevations high enough to ensure the location of outfalls are above sediment levels within the bottom of the creek.⁷⁴ The design shall be provided to the City of Santa Clara and the SCVWD for review and approval for the Project. Construction would be done in phases. For example, the new bridge over the San Tomas Creek would not be needed until Phase 4 2 and outfalls to the eastside drainage ditch would not be needed until ~~Phases 6, 7, and 8~~ later phases. The design review approval of outfalls shall occur prior to the issuance of the building permit for the development that triggers the need for the outfall or associated construction activity, and on a schedule similar to the phases of construction.

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

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

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

The following changes were made to the first paragraph in the discussion in Impact WQ-4 on page 3.10-35:

As stated in Impact WQ-3, a preliminary evaluation of the drainage infrastructure for the Project indicated sufficient capacity to convey 100-year peak or appropriate design flows for flood control.⁶⁷ However, some of the infrastructure may be included ~~in City improvement projects, such as~~ upgrades to the off-site system near Parcel 3 and the Eastside Pump Station and clearing of the Eastside Drainage Channel, as required by Mitigation Measure WQ-3.2. Additional runoff from the Project site will not result in an increase to 100-year flood elevations or existing design flow capacities, as required by the SCVWD.

The last two sentences in the first full paragraph under Impact WQ-4 on page 3.10-35 of the Draft EIR have been deleted, as follows:

~~The phasing of the Project, as well as other City development projects within the tributary areas, would require modifications to stormwater management measures to be completed as the final development plans for each phase are approved. The SCVWD has not reported any flooding issues related to storm drain capacity in the area. The Project would be located at the downstream end of both waterways, which still have capacity for some additional flows.~~

The third full paragraph under Impact WQ-4 on page 3.10-35 of the Draft EIR has been deleted, as follows:

~~The SCVWD has not reported any flooding issues related to storm drain capacity in the area. The Project would be located at the downstream end of both waterways, which still have capacity for some additional flows.~~

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

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

The following discussion has been added as the fourth paragraph to the Impact WQ-8 analysis on page 3.10-38:

Levees can fail because of earthquakes or storm events, if not properly maintained or reinforced to withstand potential stresses. The SCVWD maintains the banks and levees along San Tomas Aquino Creek. Recent efforts include the 2012 San Tomas Aquino Creek bank repair project and the 2014 San Tomas Aquino Creek storm drain outfall repair). The SCVWD and USACE maintain the levees along the Guadalupe River. Recent flood control projects, such as the Guadalupe River Flood Protection Project, help reduce the potential for levee failure. As described in Mitigation Measures WQ-3.1 and 3.2, the Project would be designed to result in no increase in peak flows

from the Project compared to pre-development conditions in order to satisfy the SCVWD 100-year peak flood elevation criteria. This would reduce the potential for the Project to cause overtopping or levee failure as a result of increased flows, and therefore minimize the exposure of people and structures to flood risks. In addition, the majority of the Project site (Parcels 1 through 5) is above the grade of the surrounding streets, with the elevated portions having an elevation ranging from approximately 21 to 65 feet above msl. All residential and commercial structures would be placed within these elevated portions, which place them outside of the area of inundation due to levee failure. The surrounding at-grade areas consist of roads and a proposed fire station (Option 2). The area for the proposed fire station (Option 2) is currently protected by levees along San Tomas Aquino Creek, but with no increase in discharge from the Project and SCVWD maintenance of the levees and other flood control facilities along the creek, the levees are not expected to fail.

Although Lenihan Dam may incur some settlement during a major earthquake, as noted above, the SCVWD maintains that the dam structure overall should remain intact, and the potential for significant crack formation is low. No residential or commercial structures would be placed within an area vulnerable to inundation due to levee failure. The proposed fire station (Option 2) is the only structure that may be placed within an area at risk of inundation in the event of levee failure along San Tomas Aquino Creek. With no increase in discharge from the Project and SCVWD maintenance of the levees and other flood control facilities along the creek, the potential for levee failure would be substantially minimized. In the event of a levee failure, emergency response conditions would be implemented at the fire station. These conditions will be included in the City's flood warning and emergency response plan, as described in Potential Condition of Approval WQ-6.1. Therefore, because the risk of failure of the dam is considered remote, and because the City's flood warning and emergency response plan would be implemented in the unlikely event that a failure did occur, the Project would not present a significant risk of loss, injury, or death to people or structures involving flooding, including flooding as a result of the failure of a levee or dam. Therefore, this would be a *less-than-significant* impact.

Section 3.11 – Hazards and Hazardous Materials

The following text has been revised on page 3.11-14 of the *Hazards and Hazardous Materials* section of the Draft EIR:

There are no private airstrips located within 2 miles of the Project site.⁴⁶ The nearest public-use airport to the Project site is the Norman Y. Mineta San José International Airport (SJC), which is located approximately 2.8 miles southeast of the Project site. ~~According to the CLUP adopted for the airport by the ALUC, portions of the Project site (Parcels 3, 4, and 5) are located within the Airport Influence Area because of height restrictions established by FAR Part 77. The FAR Part 77 height restrictions are designed to protect navigable airspace around the airport.⁴⁷ The notification criteria for evaluating safe building height restrictions under FAR Part 77 apply to the entire Project site. Based on an imaginary 100:1 slope radiating from the nearest airport runway point to the Project site, FAA notification requirements for building heights range from about 175 feet (NAVD 88) on the south side of Parcel 5 to about 215 feet (NAVD 88) on the north side of Parcel 1. The height restrictions for structures on Parcel 5 range from about 330 to 340 feet (NAVD 88). The height restrictions for structures on Parcel 4 range from about 330 to 395 feet (NAVD 88). The height restrictions for structures on Parcel 3 range from about 377 to~~

~~412 feet (NAVD 88). The other parcels on the Project site are not located inside the Airport Influence Area.~~

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

Mitigation Measure HAZ-4.1 on page 3.11-31 of the Draft EIR has been modified as follows:

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

Mitigation Measure HAZ-4.4 on page 3.11-32 has been edited, as follows:

HAZ-4.4: Landfill Gas Monitoring and Control System Maintenance. During Project construction and operation on Parcels 1-4, a landfill gas monitoring and control program shall be implemented in accordance with 27 CCR 20921-20939. The gas monitoring network shall be designed by a registered civil engineer or a certified engineering geologist and shall ensure detection of the presence of landfill gas migrating beyond the disposal site permitted facility boundary and also into on-site structures. The monitoring network design shall include provisions for monitoring all structures on the Project site, ~~except Parcel 5~~, including but not limited to, buildings, large subsurface vaults, or any other areas where potential landfill gas buildup may cause adverse impacts on the public health or safety or the environment. Methods for monitoring on-site structures may include, but are not limited to: periodic monitoring, utilizing either permanently installed monitoring probes or gas surveys, and continuous monitoring systems. A methane monitoring system shall be installed inside all buildings on the Project site, ~~except Parcel 5~~. If methane gas concentrations exceed a threshold of 1.25 percent by volume in air, as described under 27 CCR 20921, the methane monitoring system shall automatically alert the Santa Clara Fire Department, who shall assess the methane conditions and, if necessary, trigger an audible fire alarm to initiate a building evacuation.

The following paragraph has been added after the third bullet in Mitigation Measure HAZ-4.4 on page 3.11-32 of the Draft EIR:

In the event of an earthquake or other event that could cause a rupture or leak from overlying stormwater treatment measures (i.e., planters, vegetated areas), the landfill gas venting pipes shall be inspected at access ports within 24 hours of the event for leaks, ruptures, or any other conditions. Access ports shall be installed at select locations, to provide full coverage of the system based on system design and access constraints, within the venting layer to monitor for the presence of, and removal of, water that might flood the system in the event that water leaks from collection systems above the landfill gas mitigation system. This system would help prevent the water from further migrating into the underlying landfill gas mitigation system. The access ports will allow for use of portable moisture sensing devices to periodically monitor for moisture in the event that a leak is suspected. The access ports shall also be designed to allow for pumping of water from the interstitial space in the event that water is detected.

The introductory paragraph about the mitigation measures has been edited on page 3.11-33 of the Draft EIR, as follows:

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

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

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

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

- (5) the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system;
- (6) automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and
- (7) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (section 20920 et seq.). At a minimum, quarterly monitoring is required, but more frequent monitoring may be required by LEA (Subchapter 4, section 20933(a)).

The following text has been revised on page 3.11-35 of the Draft EIR:

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

Development near airports can pose a potential hazard to people and property on the ground as well as create obstructions and other hazards to flight. Norman Y. Mineta San José International Airport is located about 2.8 miles southeast of the Project site. ~~Parcels 3, 4, and 5 on the Project site are located within an Airport Influence Area due to height restrictions established by FAR Part 77.~~ The proposed buildings for the Project could be constructed up to a maximum height of 17 stories, or about 190 feet above the finished grade of the on-site streets. The maximum potential elevation of proposed construction would be 219 feet above mean sea level (msl). ~~Because the most conservative height restriction on the Project site is about 330 feet msl on the southern portions of Parcels 4 and all of Parcel 5, Project structures would not be expected to obstruct navigable airspace associated with the Norman Y. Mineta San José International Airport. Therefore the~~ Where building height would exceed the height criteria for FAA notification requirements defined under FAR Part 77 (estimated to be in the range of 175 to 215 feet above msl on the Project site, depending on location), the FAA must be notified of the proposed construction. The FAA may conduct an aeronautical study to determine if proposed structures and construction equipment would create an airspace hazard. The FAA commonly requires proposed structures and construction equipment that affect navigable airspace to be marked and/or lighted for increased visibility. Because the FAA does not have authority to approve or disapprove a proposed off-airport land use, the City of Santa Clara coordinates with City of San José to ensure that proposed developments near Norman Y. Mineta San José International Airport comply with the FAR Part 77 notification requirements and the FAA's aeronautical determinations. Because compliance with the FAA notification requirements and subsequent aeronautical determinations is mandatory, the Project would have a *less-than-significant* impact related to aviation hazards at public-use airports.

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

HAZ-9.3: Subsurface Fire Suppression. If a subsurface fire condition has been confirmed (i.e., carbon monoxide level exceeds 1,000 parts per million), the LEA, CalRecycle, and SCFD shall be notified immediately. The extraction wells surrounding the subsurface fire shall be shut down temporarily to reduce oxygen levels. The extraction wells shall then be returned to active use in stages in conjunction with monitoring to determine if the subsurface fire has been suppressed. If shutting down the extraction wells does

not suppress the fire and/or results in the excess accumulation of methane and other trace gases beneath structures, then the LEA, CalRecycle, and SCFD shall consider injecting a Class A foam or wetting agent or liquid carbon dioxide (which also has the added benefit of rapidly cooling the refuse/fill) shall be injected into the affected area. ~~These chemicals include a surfactant that reduces surface tension and improves penetration depth.~~ Large amounts of water shall not be used, because water can exacerbate the fire potential, generate contaminated runoff, increase leachate, and cause slope failure.

The following text has been revised on page 3.11-40 of the Draft EIR:

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

Chapter 4 – Other CEQA Considerations

The first bullet on page 4-2 of the Draft EIR, in the list of significant and unavoidable Project-level impacts, has been deleted, as follows:

- ~~• **Pedestrian Facilities.** The Project would generate substantial numbers of pedestrians traveling to transit stops along routes where sidewalk gaps exist, thus creating a hazardous condition for pedestrians. (TRA-7)~~

Chapter 5 – Alternatives

The fifth bullet on page 5-3 of the Draft EIR, in the list of significant and unavoidable Project-level impacts, has been deleted, as follows:

- ~~• **Pedestrian Facilities.** The Project would generate substantial numbers of pedestrians traveling to transit stops along routes where sidewalk gaps exist, thus creating a hazardous condition for pedestrians. (TRA-7)~~

The following text for No Project Alternative 2, *Biological Resources*, has been added to the first full paragraph on page 5-26 of the Draft EIR:

No Project Alternative 2 would also construct new buildings with transparent or reflective glass, which could misdirect or confuse birds during flight. Therefore, development at Parcel 5 under No Project Alternative 2 would result in a significant impact on migratory wildlife species. In addition, Parcel 5 is in an area where burrowing owls could nest. Because of the presence of nesting

burrowing owls in the vicinity of Parcel 5 (less than one mile away), development could result in the loss of occupied burrowing owl nesting habitat. No Project Alternative 2 would also result in increased vehicle emissions, which would contribute to cumulative nitrogen deposition impacts on serpentine grassland habitat and supported special-status species.

The second paragraph for No Project Alternative 2, *Hydrology and Water Quality*, has been revised on page 5-27 of the Draft EIR, as follows:

Similar to the Project, No Project Alternative 2 would have a less-than-significant impact on groundwater, groundwater supplies, and groundwater recharge. Parcel 5 is not underlain by landfill cover and waste, but is largely covered with impervious surfaces. Therefore, under existing conditions, the Project site does not contribute significantly to groundwater supplies by direct recharge through site soils. The Project and No Project Alternative 2 would each preserve the existing low-permeability cover of Parcel 5 and, therefore, the Parcel 5 recharge potential would remain essentially unchanged. All commercial structures would be elevated and, therefore, would not be within an area vulnerable to 100-year flooding. However, the elements of the Project site that are at-grade with surrounding surface streets would be vulnerable to SLR-influenced 100-year flood events. The southern portion of Parcel 5 by Tasman Drive is at-grade and located within 100-year Flood Zone AH. The roadway would be flooded during a 100-year flood event, which may restrict site access during large storm events. However, roadways are relatively resilient to infrequent flooding and readily repairable if damaged during such large events. Implementation of Mitigation Measure WQ-6.1 would reduce potential exposure of people to flood risks. No Project Alternative 2 would also result in a less-than-significant impact related to exposing people to dam failure inundation. This alternative would expose approximately 2,230 net new employees (but no new residents) to the failure of the levees along the Guadalupe River and Tomas Aquino Creek the potential dam failure inundation area for Anderson Dam and Reservoir and Lenihan Dam/Lexington Reservoir. However, the failure of these dams is considered remote. With no increase in discharge from the Project and SCVWD maintenance of the levees and other flood control facilities along the creek, the potential for levee failure would be substantially minimized.

The second full paragraph on page 5-49 of the Draft EIR for the Reduced Intensity Alternative, *Biological Resources*, has been revised as follows:

Substantial Effect on Wetlands and Other Waters. ~~Currently there are 6.7-5.63 acres of ponds and wetlands, as well as a drainage ditch, on the Project site. In addition, San Tomas Aquino Creek and the Guadalupe River are adjacent to the site, potentially jurisdictional waters of the U.S. and State on the Project site, which includes ponds and wetlands, a concrete-lined drainage ditch, and retention basin and drainage swale. In addition, San Tomas Aquino Creek and the Guadalupe River are adjacent to the Project site. As with the Project, some aquatic land cover types would be lost, altered, or affected during construction activities (Table 3-8.1) for the Reduced Intensity Alternative. Waters within the jurisdiction of the United States U.S. and the State (“waters of the U.S.” and “waters of the State”) (as determined by the USACE and Regional Water Board) could also be indirectly affected by erosion and stormwater runoff from construction activities, resulting in a temporary increase in sediment load and degrading the water quality of receiving waters. However, implementation of Mitigation Measure BIO-5.1 and BIO-5.2, as required for the Project, would protect the retention pond and drainage swale aquatic habitat during construction outside of the construction footprint and require compensation for the loss of wetland resources jurisdictional waters of the U.S. and State (including wetlands). Mitigation Measure BIO-5.2 also requires the Project Developer to prepare~~

and implement a mitigation and monitoring plan (MMP) as part of the permitting process for the Project. Further, as with the Project, the Reduced Intensity Alternative would also comply with the SWPPP and SF Bay MS4 Permit. Therefore, impacts associated with the Reduced Intensity Alternative would be reduced to a less-than-significant level. (LTS/M)

Starting at the third paragraph on page 5-53, and continuing onto page 5-54, of the Draft EIR for the Reduced Intensity Alternative, *Hydrology and Water Quality*, has been revised as follows:

Changes to Stormwater Runoff. ~~Based on a preliminary evaluation of the drainage infrastructure for the Project, there is sufficient capacity to convey 100-year peak flows, and a~~ Additional runoff from the Project would not increase 100-year flood elevations or existing design flows in San Tomas Aquino Creek and the Guadalupe River, in accordance with SCVWD requirements. The Reduced Intensity Alternative would likely result in the creation of less impervious surface compared to the Project because the Reduced Intensity Alternative has a smaller building footprint than the Project. However, to be conservative, it is assumed that the Reduced Intensity Alternative would create the same amount of impervious surfaces as the Project and would thus result in the same amount of stormwater runoff. As with the Project, the Reduced Intensity Alternative would also likely abandon the existing storm system infrastructure serving the Project site (the Golf Course Pump Station system) and upgrade the Eastside Storm Drain Pump Station. The final design for the stormwater management and storm drainage system upgrades would ensure sufficient storm drain capacity for the Reduced Intensity Alternative. Mitigation Measure WQ-1.1, as required for the Project, would involve treating additional sources of runoff created by the Reduced Intensity Alternative with stormwater management measures. Further, the Reduced Intensity Alternative would adhere to all applicable federal, State, and local requirements associated with stormwater runoff. Therefore, as with the Project, the Reduced Intensity Alternative would result in less-than-significant impacts with implementation of Mitigation Measure WQ-1.1 and compliance with applicable regulations associated with stormwater runoff. (LTS/M)

Degradation of Water Quality. There are ~~6.7~~ 5.63 acres of potentially jurisdictional Waters of the U.S. and the State on the Project site, which includes ponds and wetlands, as well as a concrete-lined drainage ditch on the Project site, and retention basin and drainage swale. In addition, San Tomas Aquino Creek and the Guadalupe River are adjacent to the Project site. As with the Project, some aquatic land cover types would be lost, altered, or affected during construction activities (Table 3-8.1) for the Reduced Intensity Alternative. Waters within the jurisdiction of the U.S. and waters of the State (as determined by the USACE and Regional Water Board) could also be indirectly affected by erosion and stormwater runoff from construction activities, resulting in a temporary increase in sediment load and degrading water quality of receiving waters. However, implementation of Mitigation Measure BIO-5.1 and BIO-5.2, as required for the Project, would protect ~~the retention pond and drainage swale unaffected~~ aquatic habitat during construction outside of the construction footprint and require compensation for the loss of jurisdictional Waters of the U.S. and State (including wetlands) resources. Mitigation Measure BIO-5.2 also requires the Project Developer to prepare and implement a mitigation and monitoring plan (MMP) as part of the permitting process for the Project. Further, as with the Project, the Reduced Intensity Alternative would also comply with the SWPPP and SF Bay MS4 Permit. Impacts associated with the Reduced Intensity Alternative would therefore be reduced to a less-than-significant level. (LTS/M)

Impacts from Flooding in a Flood Hazard Area. The Reduced Intensity Alternative would add approximately 3,270 new residents and 14,730 new net employees to the Project site, which has the potential to expose additional people to flooding hazards from being located in a flood hazard area. The majority of the Project site is located within the Federal Emergency Management Agency (FEMA)-designation of Zone X, which is the 500-year flood zone and areas of minimal flood hazard. The eastern edge of Parcels 1 and 2, along a portion of the Eastside Drainage Channel and the Retention Basin, are identified as Zone AH, which is the 100-year flood zone and is indicative of shallow flooding. As with the Project, the Reduced Intensity Alternative's residential and commercial structures located within the Project site would not be located within the portions of parcels that are FEMA-designated 100-year flood zones. The Reduced Intensity Alternative would include the same off-site components (potential replacement of Fire Station 10 at the Option 2 location at the Santa Clara Convention Center parking lot and the Lick Mill Boulevard extension) as the Project. The Option 2 location of Fire Station 10 is currently protected by levees along San Tomas Aquino Creek and not located within a FEMA-designated 100-year flood zone. All residential or commercial structures would be elevated and, therefore, would not be within an area vulnerable to 100-year flooding. However, 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 with the Project, a portion of the off-site Lick Mill Boulevard extension would be located within the 100-year flood Zone AH. The roadway would be flooded during a 100-year flood event, which may restrict site access during large storm events. However, roadways are relatively resilient to infrequent flooding and readily repairable if damaged during such large events, and implementation of Mitigation Measure WQ-6.1 would reduce potential exposure of people to flood risks. In the event of a 100-year flood, the roadway would be flooded, and access to the site may be restricted during large storm events. ~~However, roadways are relatively resilient to infrequent flooding and are readily repairable if damaged during such large events.~~ As with the Project, impacts would be significant but limited to the period of the large storm event and immediately afterward. Implementation of Mitigation Measure WQ-6.1, as required for the Project, would protect Project-related roadways from flooding. Impacts associated with the Reduced Intensity Alternative would be reduced to a less-than-significant level. (LTS/M)

Impacts from Failure of a Levee or Dam. The Reduced Intensity Alternative would expose approximately 3,270 new residents and 14,730 net new employees to the failure of the levees along the Guadalupe River and Tomas Aquino Creek and the potential dam failure inundation area for Anderson Dam and Reservoir and Lenihan Dam/Lexington Reservoir. As with the Project, portions of the Reduced Intensity Alternative parcels may be subject to inundation during levee or dam failure. With no increase in discharge from the Project and SCVWD maintenance of the levees and other flood control facilities along the creek, the potential for levee failure would be substantially minimized. The SCVWD and regulatory agencies including the California Division of Safety of Dams and the Federal Energy Regulatory Commission have put into place a storage restriction at the Anderson Dam and Reservoir to prevent the uncontrolled release of water in case of a failure after a major earthquake. Although Lenihan Dam may incur some settlement during a major earthquake, the SCVWD has concluded that the dam structure overall would remain intact, and the potential for significant crack formation is low. Because the failure of the dam is considered remote, the Reduced Intensity Alternative, as with the Project, this impact would be less than significant. (LTS)

The last paragraph on page 5-56, continuing on page 5-57, for the Reduced Intensity Alternative, *Hazards and Hazardous Materials*, has been revised as follows:

Aviation Hazard. The SJC is located about 2.8 miles southeast of the Project site. ~~Parcels 3, 4, and 5 on the Project site are located within an Airport Influence Area due to height restrictions established by FAR Part 77.~~ The Reduced Intensity Alternative's buildings would most likely be shorter than the Project's buildings, although this alternative's buildings could be the same height as proposed under the Project. Where building height would exceed the height criteria for FAA notification requirements defined under FAR Part 77 (estimated to be in the range of 175 to 215 feet above msl on the Project site, depending on location), the FAA must be notified of the proposed construction. As with the Project, the Reduced Intensity Alternative would ~~not be permitted to obstruct navigable airspace associated with the SJC~~ be required to comply with the FAA notification requirements and subsequent aeronautical determinations. Therefore, as with the Project, the Reduced Intensity Alternative would have a less-than-significant impact related to aviation hazards at public-use airports. (LTS)

The text at the bottom of page 5-76, continuing onto page 5-77, of the Draft EIR of the Increased Housing Alternative, *Biological Resources*, has been revised as follows:

Substantial Effect on Wetlands and Other Waters. Currently, there are ~~6.7-5.63~~ acres of ponds and wetlands, as well as a drainage ditch, on the Project site. ~~In addition, San Tomas Aquino Creek and the Guadalupe River are adjacent to the site.~~ potentially jurisdictional waters of the U.S. and State on the Project site, which includes ponds and wetlands, a concrete-lined drainage ditch and retention basin and drainage swale. ~~In addition, San Tomas Aquino Creek and the Guadalupe River are adjacent to the Project site.~~ As with the Project, some aquatic land cover types would be lost, altered, or affected during construction activities (Table 3-8.1) for the Increased Housing Alternative. Waters within the jurisdiction of the U.S. and ~~waters of the State~~ (as determined by the USACE and Regional Water Board) could also be indirectly affected by erosion and stormwater runoff from construction activities, resulting in a temporary increase in sediment load and degrading the water quality of receiving waters. However, implementation of Mitigation Measure BIO-5.1 and BIO-5.2, as required for the Project, would protect the retention pond and drainage swale aquatic habitat ~~during construction~~ outside of the construction footprint and require compensation for the loss of ~~wetland resources~~ jurisdictional waters of the U.S. and State (including wetlands). Mitigation Measure BIO-5.2 also requires the Project Developer to prepare and implement a mitigation and monitoring plan (MMP) as part of the permitting process for the Project. Further, as with the Project, the Increased Housing Alternative would also comply with the SWPPP and SF Bay MS4 Permit. Therefore, impacts associated with the Increased Housing Alternative would be reduced to a less-than-significant level. (LTS/M)

Starting at the first paragraph on page 5-81, and continuing onto page 5-82, of the Draft EIR for the Increased Housing Alternative, *Hydrology and Water Quality*, has been revised as follows:

Changes to Stormwater Runoff. ~~Based on a preliminary evaluation of the drainage infrastructure for the Project, there is sufficient capacity to convey 100-year peak flows, and a~~ Additional runoff from the Project would not increase 100-year flood elevations or existing design flows in San Tomas Aquino Creek and the Guadalupe River, in accordance with SCVWD requirements. The Increased Housing Alternative would likely result in the same amount of impervious surfaces as the Project and would thus result in the same amount of stormwater

runoff. As with the Project, the Increased Housing Alternative would also likely abandon the existing storm system infrastructure serving the Project site (the Golf Course Club House Pump Station system) and upgrade the Eastside Storm Drain Pump Station. The final design for the stormwater management and storm drainage system upgrades would ensure that there is sufficient storm drain capacity for the Increased Housing Alternative. Mitigation Measure WQ-1.1, as required for the Project, would involve treating additional sources of runoff created by the Increased Housing Alternative with stormwater management measures. Further, the Increased Housing Alternative would adhere to all applicable federal, State, and local requirements associated with stormwater runoff. Therefore, as with the Project, the Increased Housing Alternative would result in less-than-significant impacts with implementation of Mitigation Measure WQ-1.1 and compliance with applicable regulations associated with stormwater runoff. (LTS/M)

Degradation of Water Quality. There are ~~6.7~~ 5.63 acres of potentially jurisdictional Waters of the U.S. and State on the Project site, which includes ponds and wetlands, as well as a concrete-lined drainage ditch on the Project site, and retention basin and drainage swale. In addition, San Tomas Aquino Creek and the Guadalupe River are adjacent to the Project site. As with the Project, some aquatic land cover types would be lost, altered, or affected during construction activities (Table 3-8.1) for the Increased Housing Alternative. Waters within the jurisdiction of the U.S. and ~~waters of the State~~ (as determined by the USACE and Regional Water Board) could also be indirectly affected by erosion and stormwater runoff from construction activities, resulting in a temporary increase in sediment load and degrading water quality of receiving waters. However, implementation of Mitigation Measure BIO-5.1 and BIO-5.2, as required for the Project, would protect ~~the retention pond and drainage swale aquatic habitat during construction outside of the construction footprint~~ and require compensation for the loss of jurisdictional Waters of the U.S. and State (including wetlands) resources. Mitigation Measure BIO-5.2 also requires the Project Developer to prepare and implement a mitigation and monitoring plan (MMP) as part of the permitting process for the Project. Further, as with the Project, the Increased Housing Alternative would also comply with the SWPPP and SF Bay MS4 Permit. Impacts associated with the Increased Housing Alternative would therefore be reduced to a less-than-significant level. (LTS/M)

Impacts from Flooding in a Flood Hazard Area. The Increased Housing Alternative would add approximately 4,030 new residents and 23,610 net new employees to the Project site, which has the potential to expose additional people to flooding hazards from being located in a flood hazard area. The majority of the Project site is located within the FEMA-designation of Zone X, which is the 500-year flood zone and areas of minimal flood hazard. The eastern edge of Parcels 1 and 2, along a portion of the Eastside Drainage Channel and the Retention Basin, are identified as Zone AH, which is the 100-year flood zone and is indicative of shallow flooding. As with the Project, the Increased Housing Alternative's residential and commercial structures located within the Project site would not be located within the portions of parcels that are FEMA-designated 100-year flood zones. The Increased Housing Alternative would include the same off-site components (potential replacement of Fire Station 10 at the Option 2 location at the Santa Clara Convention Center parking lot and the Lick Mill Boulevard extension) as the Project. The Option 2 location of Fire Station 10 is currently protected by levees along San Tomas Aquino Creek and not located within a FEMA-designated 100-year flood zone. As with the Project, a portion of the off-site Lick Mill Boulevard extension would be located within the 100-year flood Zone AH. The roadway would be flooded during a 100-year flood event, which may restrict site

access during large storm events. However, roadways are relatively resilient to infrequent flooding and readily repairable if damaged during such large events, and implementation of Mitigation Measure WQ-6.1 would reduce potential exposure of people to flood risks. In the event of a 100-year flood, the roadway would be flooded and access to the site may be restricted during large storm events. ~~However, roadways are relatively resilient to infrequent flooding and readily repairable if damaged during such large events.~~ As with the Project, impacts would be significant but limited to the period of the large storm event and immediately afterward. Implementation of Mitigation Measure WQ-6.1, as required for the Project, would protect Project-related roadways from flooding. Impacts associated with the Increased Housing Alternative would be reduced to a less-than-significant level. (LTS/M)

Impacts from Failure of a Levee or Dam. The Increased Housing Alternative would expose approximately 4,030 new residents and 23,610 net new employees to the failure of the levees along the Guadalupe River and Tomas Aquino Creek and the potential dam failure inundation area for Anderson Dam and Reservoir and Lenihan Dam/Lexington Reservoir. As with the Project, portions of the Increased Housing Alternative parcels may be subject to inundation during levee or dam failure. With no increase in discharge from the Project and SCVWD maintenance of the levees and other flood control facilities along the creek, the potential for levee failure would be substantially minimized. The SCVWD and regulatory agencies including the California Division of Safety of Dams and the Federal Energy Regulatory Commission have put into place a storage restriction at Anderson Dam and Reservoir to prevent the uncontrolled release of water in case of a failure after a major earthquake. Although Lenihan Dam may incur some settlement during a major earthquake, the SCVWD has concluded that the dam structure overall would remain intact, and the potential for significant crack formation is low. Because the failure of the dam is considered remote, the Increased Housing Alternative, as with the Project, this impact would be less than significant. (LTS)

The second full paragraph on page 5-84 for the Reduced Intensity Alternative, *Hazards and Hazardous Materials*, has been revised as follows:

Aviation Hazard. The SJC is located about 2.8 miles southeast of the Project site. ~~Parcels 3, 4, and 5 on the Project site are located within an Airport Influence Area due to height restrictions established by FAR Part 77.~~ The Increased Housing Alternative's buildings would be generally the same heights as the Project's buildings. As with the Project, the Increased Housing Alternative would ~~not be permitted to obstruct navigable airspace associated with the SJC be~~ required to comply with the FAA notification requirements and subsequent aeronautical determinations. Therefore, as with the Project, the Increased Housing Alternative would have a less-than-significant impact related to aviation hazards at public-use airports. (LTS)

Revisions to the Draft EIR (CBIA v. BAAQMD)

The California Supreme Court concluded in the *California Building Industry Association vs. Bay Area Air Quality Management District* (CBIA v. BAAQMD) decision, that "CEQA generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." The CBIA v. BAAQMD ruling provided for several exceptions to the general rule where an analysis of the project on the environment is warranted: 1) if the project would exacerbate existing environmental hazards (such as exposing hazardous waste that is currently buried); 2) if the project qualifies for certain specific specified exemptions (certain housing projects and transportation priority projects per PRC 21159.21 (f),(h); 21159.22 (a),(b)(3); 21159.23 (a)(2)(A); 21159.24 (a)(1),(3); or 21155.1

(a)(4),(6)); 3) if the project is exposed to potential noise and safety impacts on the project occupants due to proximity to an airport (per PRC 21096); and 4) school projects requiring specific assessment of certain environmental hazards (per PRC 21151.8).

This ruling occurred after the release of the Draft EIR, but before certification of the Final EIR. The following text changes were made to the Draft EIR in response to this ruling.

Section 3.4 – Air Quality

The following revisions are made to the text on page 3.4-13, following Table 3.4-5:

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. The CBIA v. BAAQMD ruling identified several exceptions to the general rule: 1) if the project would exacerbate existing environmental hazards (such as exposing hazardous waste that is currently buried) then that can be considered an impact of the project on the environment; 2) if the project qualifies for certain specific specified exemptions (certain housing projects and transportation priority projects per PRC 21159.21 (f),(h), 21159.22 (a),(b)(3), 21159.23 (a)(2)(A), 21159.24 (a)(1),(3) or 21155.1 (a)(4),(6)) then the CEQA analysis may require analysis of certain impacts of the environment on the project specified in the exemptions; 3) potential noise and safety impacts on projects due to proximity to an airport must be analyzed (per PRC 21096); and 4) school projects require specific assessment of certain environmental hazards (per PRC 21151.8).

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 air pollution sources on new receptors are no longer considered to be significant impacts under CEQA. The Draft EIR has been revised to provide an analysis of these impacts for informational purposes and includes potential conditions of approval that the City Council may consider to address these non-CEQA effects. However, the City Council is not required to address these impacts under CEQA or to adopt any conditions of approval, except where significant impacts are identified below pursuant to CEQA requirements.

The following revisions are made to the text on page 3.4-16 at the end of the section on Localized Toxic Air Contaminant Concentrations.

However, as discussed above, with the California Supreme Court 2015 ruling in the CBIA v. BAAQMD case, CEQA no longer considers the impact of the environment on a project (such as the impact of existing pollution sources on new project receptors) to be an impact requiring consideration under CEQA.

The following revisions are made to the text on pages 3.4-37 through 3.4-41 concerning Impact AQ-7.

Impact AQ-7a: Exposure of Existing or New Sensitive Receptors to Operational Toxic Air Contaminant Emissions from the Project. ~~The Project emissions~~ would result in the exposure of existing or new sensitive receptors to TAC emissions during operation. (LTS/M)

BAAQMD guidance recommends analysis of project impacts to examine whether any individual project source would result in impacts to sensitive receptors in excess of project-

level significance thresholds. The guidance also recommends analysis of whether new project receptors would be exposed to any individual source in excess of project significance thresholds. Both analyses are done under this impact.

However, as noted above, impacts of existing TAC emissions on new receptors is not considered an impact under CEQA, but is provided for informational purposes under a separate header (Impact AQ-7b).

Project Roadway-Related Emissions TAC Exposure. Project operational traffic would generate vehicle-related TACs (including DPM and other TACs), resulting in the exposure of nearby existing sensitive receptors (e.g., residences, schools, and parks) as well as new onsite receptors to increased TAC concentrations. The impact of DPM and other vehicle-related TACs was analyzed for roadways surrounding the Project site, including Lafayette Street, Tasman Drive, Great America Parkway, and SR 237 between 1st Street in San José and Great America Parkway. As shown in Table 3.4-12, the Project would not result in TAC impacts to any sensitive receptors that exceed the project-level thresholds and this impact would be *less than significant*.

Table 3.4-12. Project Traffic Emissions Toxic Air Contaminant Impacts

Parcel	Chronic Non-Cancer Hazard Index	Increased Cancer Risk (per million)	PM2.5 Exposure (µg/m ³)
Project Traffic			
<i>On-site Receptors</i>			
Parcel 1 (daycares)	0.01	0.49	0.16
Parcel 2 (daycares)	0.01	0.44	0.09
Parcel 3 (daycares)	0.00	0.16	0.05
Parcel 4 (residences)	0.01	1.75	0.15
Parcel 4 (daycares)	0.00	0.22	0.07
Parcel 5 (residences)	0.01	1.42	0.12
Parcel 5 (daycares)	0.01	0.38	0.12
<i>Off-site Receptors</i>			
Residential	0.01	2.46	0.20
Schools	0.00	0.10	0.05
Recreational	0.01	0.54	0.10
BAAQMD Thresholds	1.0	10.0	0.3

Exposure to Project Emissions from Emergency Generators and Truck Loading Areas. On-site and off-site sensitive receptors would be exposed to DPM from periodic emergency generator operation and due to truck idling/access at commercial loading areas resulting in the exposure to increased TAC concentrations. As shown in Table 3.4-13, Project emissions would not result in exposure of any sensitive receptors to impacts exceeding the project-level thresholds and this impact would be *less than significant*.

Table 3.4-13. Project On-Site Operational Emissions Toxic Air Contaminant Impacts^a

Parcel	Chronic Non-Cancer Hazard Index	Increased Cancer Risk (per million)	PM2.5 Exposure ($\mu\text{g}/\text{m}^3$)
New On-site Project Sources (Emergency Generators + on-site truck loading)			
<i>On-site Receptors</i>			
Parcel 1 (daycares)	<0.01	0.51	<0.01
Parcel 2 (daycares)	<0.01	0.51	<0.01
Parcel 3 (daycares)	<0.01	0.51	<0.01
Parcel 4 (residences)	<0.01	1.19	<0.01
Parcel 4 (daycares)	<0.01	0.51	<0.01
Parcel 5 (residences)	<0.01	1.19	<0.01
Parcel 5 (daycares)	<0.01	0.51	<0.01
<i>Off-site Receptors</i>			
	<0.01	1.19	<0.01
BAAQMD Thresholds	1.0	10.0	0.3

Notes:

^a. Individual source contributions are provided in Appendix 3.4.**Impact AQ-7b: Exposure of New Sensitive Receptors to Existing Toxic Air Contaminant Emissions (Not a CEQA Impact; provided for informational purposes only)**

As described above, per the CBIA v. BAAQMD California Supreme Court ruling, the impacts of existing emissions on new project receptors is not considered an impact under CEQA. The following is provided for informational purposes and potential consideration by the City Council.

Exposure of New Project Receptors to Existing TAC Emissions. In addition to exposure due to Project sources (which is discussed above), new on-site sensitive receptors would also be exposed to individual TAC emissions associated with existing traffic, train, and stationary sources within 1,000 feet of the Project site resulting in exposure to TAC concentrations. Google Earth map files and distance multipliers provided by the BAAQMD were used to estimate excess impacts for existing stationary and rail sources. ICF modeled impacts associated with existing roadway sources.

As shown in Table 3.4-14, new residential and daycare receptors would be exposed to certain ~~significant~~ cancer risks associated with an existing on-site emergency generator (at Santa Clara Fire Station 10 [Fire Station 10]) and existing train service along Lafayette Street ~~that would exceed the BAAQMD threshold values, but~~ impacts would be less than the BAAQMD thresholds ~~significant~~ related to exposure to other stationary sources and to adjacent roadways. The impacts ~~above the BAAQMD thresholds~~ related to the on-site emergency generator are limited to the areas within approximately 300 feet of the Fire Station. Cancer risk impacts ~~above the BAAQMD thresholds~~ related to on-site exposure to train TAC emissions are limited to the areas within approximately 400 feet of the rail line along Lafayette Street. ~~The impacts associated with TAC exposure to these existing sources is considered significant.~~

The very southern portion of Parcel 2 could also be exposed to significant PM2.5 impacts due to ~~various nearby industrial uses, an off-site printed circuit board manufacturing facility~~

~~(Coatek) south of Parcel 2. Dispersion modeling is was presently being conducted of this source. The modeling revealed that all existing source exposures would be below the BAAQMD thresholds for Parcel 2 receptors. Given that Parcel 2 is upwind of this facility, it is possible that the PM_{2.5} emissions shown in Table 3.4-14 overstate the actual emissions. However, until the dispersion modeling is complete, this impact is also considered **significant**.~~

Table 3.4-14. Project-Level Toxic Air Contaminant Impacts from Locating New Receptors^a

Parcel	Chronic Non-Cancer Hazard Index	Increased Cancer Risk (per million)	PM _{2.5} Exposure (µg/m ³)	
Impacts from Existing Permitted Sources				
<i>New On-site Receptors^b</i>				
Parcel 1 (daycares)	< 0.01	3.0	0.12	
Parcel 2 (daycares)	< 0.01	< 0.1	0.07	
Parcel 3 (daycares)	< 0.01	3.0	0.12	
Parcel 4 (residences)	< 0.01	2.6	< 0.01	
Parcel 4 (daycares)	0.02	<u>43.9</u>	0.08	
Parcel 5 (residences)	0.01	<u>21.9</u>	0.04	
Parcel 5 (daycares)	0.01	<u>21.9</u>	0.04	
Impacts from Existing Roadway Emissions				
<i>New On-site Receptors</i>				
Parcel 1 (daycares)	0.05	2.5	0.24	
Parcel 2 (daycares)	0.01	0.6	0.14	
Parcel 3 (daycares)	0.01	0.5	0.14	
Parcel 4 (residences)	0.01	3.0	0.25	
Parcel 4 (daycares)	0.01	0.4	0.12	
Parcel 5 (residences)	0.01	2.5	0.21	
Parcel 5 (daycares)	0.01	0.7	0.21	
Impacts From Existing Railway Emissions				
<i>New On-site Receptors</i>				
Parcel 1 (daycares)	0.01	<u>12.9</u>	0.02	
Parcel 2 (daycares)	0.01	<u>17.7</u>	0.03	
Parcel 3 (daycares)	0.01	<u>12.4</u>	0.02	
Parcel 4 (residences)	0.01	7.8	0.01	
Parcel 4 (daycares)	0.01	<u>13.9</u>	0.02	
Parcel 5 (residences)	0.01	<u>17.6</u>	0.03	
Parcel 5 (daycares)	0.01	<u>14.5</u>	0.02	
BAAQMD Thresholds	1.0	10.0	0.3	
Underlined	results	exceed	BAAQMD	threshold
Notes:				
^a . Individual source contributions are provided in Appendix 3.4. Results are for the worst-case receptor at each location.				
^b . The worst-case stationary sources for each location are as follows: Parcel 1 – Landfill gas				

Parcel	Chronic Non-Cancer Hazard Index	Increased Cancer Risk (per million)	PM2.5 Exposure (µg/m ³)
flare; Parcel 2 – Italex (off-site stationary source); Parcel 3 – Landfill gas flare; Parcel 4 Fire Station emergency generator; Parcel 5 – Fire Station emergency generator.			

POTENTIAL CONDITION OF APPROVAL, MITIGATION MEASURE.

As described above, the impacts of existing emissions on new Project emissions is not considered an impact under CEQA. The following potential condition of approval is provided for informational purposes for consideration by the City Council if it determines these impacts should be addressed as part of the project approval process outside of the CEQA context. As shown in Table 3.4-15 below, with implementation of Potential Condition of Approval Mitigation Measure AQ-7.1 (described below) cancer risks and PM2.5 exposure for on-site new receptors associated with emissions from existing train service, an on-site emergency generator, and an off-site stationary source would be reduced below the BAAQMD project-level thresholds. Accordingly, this impact would be ~~less than significant with mitigation.~~

AQ-7.1: Provide Filtration Systems for On-site Residences and Daycare Centers as Necessary to Reduce Operational Cancer Risks and Exposure to Particulate Matter 2.5 Microns in Diameter or Less (PM2.5). This measure only applies to on-site residences and daycare centers. The Project Developer shall implement the following measures, as necessary, to reduce cancer risks to a level less than BAAQMD project-level thresholds:

- Revised HRA: The Project Developer may choose to reassess the potential on-site cancer risk and PM2.5 concentrations to be experienced by on-site residential receptors and on-site daycare centers later in the design phase, but prior to occupancy, and to prepare a revised HRA using updated receptor location information and more detailed assessment of risks associated with existing and Project operational sources, and submit to the City for review. If the revised HRA demonstrates, to the satisfaction of the City, that the cancer risk and exposure to PM2.5 for all potentially exposed on-site receptors will be less than BAAMQD project-level thresholds, then no additional ~~measures are mitigation is~~ necessary. If the revised HRA demonstrates, to the satisfaction of the City, that the cancer risk or exposure to PM2.5 for on-site sensitive receptors will be less than presented in the EIR but still over BAAMQD threshold, then the ~~control mitigation~~ effort may be less.
- Install Filtration Systems on Ventilation and Recirculation Systems. Filtration systems shall be installed on ventilation and recirculation systems within on-site residences and the heating, cooling, and ventilation systems that serve daycare centers that are exposed to risks above BAAQMD thresholds due to individual existing sources. All filters must be rated MERV 13 or higher. The Project Developer shall submit a plan for installation and maintenance of all filters in accordance with the manufacturer’s recommendations to the City prior to approval of the first building permits.

Table 3.4-15. ~~Mitigated~~ Project-Level Toxic Air Contaminant Impacts from Locating New Receptors with implementation of the Potential Condition of Approval AQ-7.1^a

Parcel	Chronic Non-Cancer Hazard Index	Increased Cancer Risk (per million)	PM2.5 Exposure ($\mu\text{g}/\text{m}^3$)
Impacts from Existing Permitted Sources			
<i>New On-site Receptors^b</i>			
Parcel 1 (daycares)	NA	NA	NA
Parcel 2 (daycares)	NA	NA	NA
Parcel 3 (daycares)	NA	NA	NA
Parcel 4 (residences)	NA	NA	NA
Parcel 4 (daycares)	NA	6.6	NA
Parcel 5 (residences)	NA	3.3	NA
Parcel 5 (daycares)	NA	3.3	NA
Impacts from Existing Roadway Emissions			
<i>New On-site Receptors</i>			
Parcel 1 (daycares)	NA	NA	NA
Parcel 2 (daycares)	NA	NA	NA
Parcel 3 (daycares)	NA	NA	NA
Parcel 4 (residences)	NA	NA	NA
Parcel 4 (daycares)	NA	NA	NA
Parcel 5 (residences)	NA	NA	NA
Parcel 5 (daycares)	NA	NA	NA
Impacts From Existing Railway Emissions			
<i>New On-site Receptors</i>			
Parcel 1 (daycares)	NA	1.9	NA
Parcel 2 (daycares)	NA	2.7	NA
Parcel 3 (daycares)	NA	1.9	NA
Parcel 4 (residences)	NA	1.2	NA
Parcel 4 (daycares)	NA	2.1	NA
Parcel 5 (residences)	NA	2.6	NA
Parcel 5 (daycares)	NA	2.2	NA
BAAQMD Thresholds	1.0	10.0	0.3

The following revisions are made to the text in Section 3.4, *Air Quality*, on page 3.4-46, following Table 3.4-16:

MITIGATION MEASURES. The on-site cumulative impacts are less than significant as shown in Table 3.4-16 and no mitigation is required for on-site cumulative impacts. As discussed above, Mitigation Measures AQ-2.1, AQ-2.2, and AQ-2.3 would substantially reduce DPM and PM2.5 during construction. ~~Mitigation Measure AQ-6.1 would reduce on-site receptor exposure to DPM and PM2.5 from construction and Mitigation Measure AQ-7 would reduce on-site receptor exposure to DPM and PM2.5 from operations.~~

While these mitigation measures can reduce the ~~on-site cumulative impact to less than significant and reduce the~~ Project construction emission contributions, as shown in Table 3.4-17, below, it would not reduce the off-site PM2.5 levels at certain residential and park receptors to a less-than-significant cumulative levels. Additional mitigation for this impact is not considered feasible for the following reasons:

Section 3.6 – Noise

The following edits have been made on page 3.6-16 before the *Methods for Analysis* discussion of the Draft EIR:

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. The CBIA v. BAAQMD ruling provided for several exceptions to the general rule: 1) if the project would exacerbate existing environmental hazards (such as exposing hazardous waste that is currently buried) then that can be considered an impact of the project on the environment; 2) if the project qualifies for certain specific specified exemptions (certain housing projects and transportation priority projects per PRC 21159.21 (f),(h), 21159.22 (a),(b)(3), 21159.23 (a)(2)(A), 21159.24 (a)(1),(3) or 21155.1 (a)(4),(6)) then the CEQA analysis may require analysis of certain impacts of the environmental on the project specified in the exemptions; 3) potential noise and safety impacts on projects due to proximity to an airport must be analyzed (per PRC 21096); and 4) school projects require specific assessment of certain environmental hazards (per PRC 21151.8).

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 the existing noise environment on new receptors are no longer considered to be significant impacts per CEQA except in the case of noise impacts on projects due to proximity to an airport. The Draft EIR has been revised to provide an analysis of these impacts for informational purposes.

The text on page 3.6-24 of the Draft EIR has been modified as follows:

Impact NOI-1d: Operational Noise Impacts on On-Site Land Uses. (Not a CEQA Impact; provided for informational purposes only)

The text on pages 3.6-25 through 3.6-27 of the Draft EIR has been modified as follows:

Noise impacts from existing traffic, heavy-rail and light-rail operations on the proposed on-site land uses would ~~be significant because they would exceed~~ City noise standards for residential and commercial uses. However, as discussed above, with the California Supreme Court 2015 ruling in the CBIA v. BAAQMD ruling, CEQA no longer considers the impact of the environment on a project (such as the impact of the existing noise environment on new Project receptors) to be an impact requiring consideration under CEQA.

MITIGATION MEASURE. The impacts of existing traffic on new on-site uses are not considered an impact under CEQA. The following mitigation measure is required for airport noise which is still required to be evaluated under the CBIA v. BAAQMD ruling. However, since other non-airport existing operational noise on new sensitive receptors is no longer required under CEQA, this mitigation measure is classified as a potential condition of approval just for these topics.

City Council can consider this potential condition of approval if it determines these impacts should be addressed as part of the project approval process outside of the CEQA context. Since airport noise is still required to be evaluated under the CBIA v. BAAQMD case, this mitigation measure is required to mitigate airport noise as discussed further below under Impact NOI-5.

~~Implementation of Mitigation Measure NOI-1.3 designed to address airport noise impacts and cumulative impacts would also reduce interior noise impacts from the existing environment to **less-than-significant** levels for on-site residences, hotels, and office and commercial land uses through the installation of sound-rated windows, sound-rated exterior walls, and other potential treatments where feasible. While required as a mitigation measure under Impact NOI-5 (Exposure of People to Airport Noise) discussed further below, Mitigation Measure NOI-1.3 is not required to mitigate impacts associated other (non-airport related) existing noise sources in accordance with the CBIA v. BAAQMD ruling. Thus, for purposes of reducing other existing noise sources on new receptors at the Project, Mitigation Measure NOI-1.3 is considered an optional condition of approval. As discussed below, noise treatments would be required only if subsequent design-level noise evaluations indicate that residential and/or commercial noise standards would actually be exceeded. However, exterior noise levels, such as from balconies or open areas, particularly for residential uses, will not be mitigated to a less than significant level because of the inability to shield exterior levels from all adjacent traffic and rail noise. Soundwall barriers were considered for the residential area on the east side of Parcel 5, but the residential units would be built above parking on the lower floors; thus, a soundwall would not effectively shield outside areas from traffic or rail noise along Tasman Drive or Lafayette Street. Similar feasibility constraints exist for other commercial and residential parts of the Project near roadway and rail sources of noise. Because soundwalls (or other solid noise barriers) are not considered feasible to fully mitigate on-site impacts, impacts related to exterior noise in residential areas are considered **significant and unavoidable**.~~

The text on pages 3.6-26 through 3.6-27 of the Draft EIR has been modified as follows:

Non-Transportation Sources Noise Impacts on On-Site Receptors

Noise from non-transportation Project sources would include on-site noise generated by residences; commercial and other non-residential uses, including HVAC equipment; and minor building-related sources. Depending on the size of the equipment, HVAC equipment can produce sound levels in the range of 70 to 75 dBA at 50 feet. Because the Project would locate commercial uses adjacent to residential uses, stationary sources associated with commercial uses could result in noise levels that would exceed the City Code exterior noise limits of 55 and 50 dBA in residential areas for day and nighttime hours, respectively. The noise impact associated with the exposure of new residences to stationary sources of noise is therefore significant. This impact would be the same under Scheme A and Scheme B because residential land uses would be located adjacent to commercial land uses under both schemes. Implementation of Mitigation Measure NOI-1.3 (a required mitigation measure for airport noise but treated as an optional condition of approval for non-airport noise in accordance with CBIA v. BAAQMD ruling) would ensure that potential interior noise impacts due to Project noise generation would be addressed through design and would reduce this impact to a **less-than-significant** level, ~~because, unlike impacts from traffic and rail noise, noise levels from on-site equipment can be effectively controlled/shielded.~~

Events at Levi's Stadium, which is adjacent to the Project site, are a considerable noise source in the Project area. Concerts, football games, and other sporting events would result in elevated noise in areas surrounding the stadium. The 2009 Stadium EIR concluded that noise from events at the stadium would result in a significant impact on surrounding neighborhoods. The area of the noise impacts, shown in Figure 3.6-3, includes Parcels 4 and 5 of the Project site, which includes areas where new residential, commercial, and hotel land uses would be constructed. The Stadium EIR concluded that noise during sporting events at the stadium would exceed background levels by 19 to 24 dBA. Thus, residents and hotel occupants at the Project site would be exposed to elevated noise levels during periods when the stadium hosts major events, ~~resulting in a **significant** impact.~~ In accordance with the CBIA v. BAAQMD case, this is not considered an impact under CEQA.

~~MITIGATION MEASURE. On-site operational noise impacts on on-site commercial and residential receptors could be mitigated through implementation of Mitigation Measure NOI-1.3 (see discussion above), which would reduce impacts to **less than significant**.~~

~~Stadium noise impacts would affect residential and hotel uses under both Scheme A and Scheme B. Noise from the stadium would occur at an elevation that would be higher than the ground level. Therefore, it would not be feasible to mitigate noise from the stadium at outdoor residential areas using soundwalls. The only feasible mitigation would be the building acoustical treatments included in Mitigation Measure NOI-1.3 (see discussion above); however, these treatments would not mitigate stadium noise at the outdoor residential recreational areas. Operational noise impacts during stadium events would remain **significant and unavoidable** even with mitigation.~~

The following edits have been made to pages 3.6-29 through 3.6-30 of the Draft EIR:

Impact NOI-2c: Existing Light Rail Vibration Impacts on On-Site Receptors. (Not a CEQA Impact; provided for informational purposes only)

As discussed above, with the California Supreme Court 2015 ruling in the CBIA v. BAAQMD ruling, CEQA no longer considers the impact of the environment on a project (such as the impact of the existing noise environment on new Project receptors) to be an impact requiring consideration under CEQA. The following is provided for informational purposes. The Valley Transportation Authority's (VTA's) Mountain View to Winchester light-rail track is located immediately south of the Project site in the center of Tasman Drive. The current design for the Project indicates that residential development would be located approximately 140 feet from the centerline of the existing light rail on Tasman Drive. Light-rail train passages on the track have the potential to affect proposed residential uses along Tasman Drive. There are currently up to 110 light-rail train passages per day on the track.¹

Vibration impacts for a similar light-rail line were assessed in the 2014 (Final) Vasona Light Rail Extension Project Supplemental EIR (SEIR)/Environmental Assessment (EA). The vibration analysis in the SEIR/EA for the Vasona Light Rail Extension Project analyzed impacts from up to approximately 125 light-rail train passages per day; the report concluded that the light rail could generate vibration levels of 66 to 68 VdB at a distance of 100 feet. Because the proposed residences under Scheme A and Scheme B would be located approximately 100 feet (or more)

¹ Santa Clara Valley Transportation Authority. 2013. *Route Map and Schedule – 902 Mountain View to Winchester*. Available: <<http://www.vta.org/routes/rt902>>. Accessed: June 8, 2015.

north of this existing rail line, vibration levels at the proposed residences are expected to be no greater than 68 VdB, ~~which is. Because this level would be below the FTA criterion for frequent vibration exposure at Category 2 land uses (including residences) of 72 VdB, as described in Table 3.6-7 of this report, vibration impacts from the existing light rail would be less than significant for Scheme A and Scheme B.~~

Impact NOI-2d: Existing Train Vibration Impacts on On-Site Receptors. (Not a CEQA Impact; provided for informational purposes only)

As discussed above, with the California Supreme Court 2015 ruling in the CBIA v. BAAQMD ruling, CEQA no longer considers the impact of the environment on a project (such as the impact of existing noise environment on new Project receptors) to be an impact requiring consideration under CEQA. The following is provided for informational purposes. As discussed above, there are up to 24 passenger train passages and up to six freight train passages per day on the UPRR track that bisects the Project site. New office buildings and retail uses would be located as close as 250 feet from the tracks under Scheme A and Scheme B. New residential uses under both schemes would be located as close as 200 feet from the tracks. Entertainment uses could be within approximately 600 feet of the tracks and may include a movie theater, an entertainment center (bowling, arcade, bar, and/or restaurant combination), nightclubs, a performance venue (e.g., a jazz club or comedy club), and/or other themed entertainment venues.

The number of current train passages at the Project site (i.e., up to 30 per day) is characterized as “occasional,” according to FTA’s 2006 *Transit Noise and Vibration Impact Assessment*. The vibration impact criterion is therefore 78 VdB for institutional uses, 80 VdB for a theater, and 75 VdB for residential uses. The ground vibration level at the new office buildings and retail uses (250 feet from the track) is estimated to be 70 VdB, and the vibration level at the nearest residences (200 feet from the track) is estimated to be 74 VdB.² These predicted vibration levels are below the impact thresholds. However, given the uncertainties in the analysis and the fact that the predicted residential vibration level is within 1 dB of the residential impact criterion, the following Potential Condition of Approval is recommended this impact is conservatively considered to be significant to reduce noise-related effects for the residential land uses proposed in the eastern portion of Parcel 5 under both schemes.

POTENTIAL CONDITION OF APPROVAL. MITIGATION MEASURE. Implementation of Potential Condition of Approval Mitigation Measure NOI-2.2 would reduce this impact effect to less-than-significant level with mitigation.

Section 3.9 – Geology and Soils

The following edits have been made on page 3.9-18 before the *Methods for Analysis* discussion of the Draft EIR:

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. The CBIA v. BAAQMD ruling provided for several exceptions to the general rule: 1) if the project would exacerbate existing environmental hazards (such as exposing hazardous waste that is currently buried) then that

² Federal Transit Administration. 2006. *Transit Noise and Vibration Impact Assessment*. FTA-VA-90-1003-06. Office of Planning and Environment.

can be considered an impact of the project on the environment; 2) if the project qualifies for certain specific specified exemptions (certain housing projects and transportation priority projects per PRC 21159.21 (f),(h), 21159.22 (a),(b)(3), 21159.23 (a)(2)(A), 21159.24 (a)(1),(3) or 21155.1 (a)(4),(6)) then the CEQA analysis may require analysis of certain impacts of the environmental on the project specified in the exemptions; 3) potential noise and safety impacts on projects due to proximity to an airport must be analyzed (per PRC 21096); and 4) school projects require specific assessment of certain environmental hazards (per PRC 21151.8).

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 seismic hazards on new receptors are no longer considered to be significant impacts per CEQA. The Draft EIR has been revised to provide an analysis of these impacts for informational purposes.

The following edits have been made to Impact GEO-3 on pages 3.9-30 through 3.9-31 of the Draft EIR:

As discussed above, with the California Supreme Court 2015 ruling in the CBIA v. BAAQMD ruling, CEQA no longer considers the impact of the environment on a project (such as the impact of existing seismic hazards on new Project receptors) to be an impact requiring consideration under CEQA. The following is provided for informational purposes. As shown in Figure 3.9-1 and Table 3.9-2, no faults cross the Project site and the site is not within an Alquist-Priolo Earthquake Fault Zone. Since faults with known surface rupture have been mapped in California, and none are known to occur at the Project site, fault rupture at the Project site would be considered very unlikely. ~~Because fault rupture hazard is considered very unlikely, this impact is **less than significant**.~~

As indicated above, the Project site is located in a seismically active region. The likelihood of a magnitude 6.0 (or greater) earthquake occurring on a San Francisco Bay Area fault (or combination of faults) is 98 percent in the next 30 years (starting in 2014). The likelihood of a magnitude 7.0 (or greater) is 51 percent. Ground shaking at the Project site may be violent and potentially to a greater degree on top of the Landfill. Ground shaking could result in significant damage, though not collapse, even to properly designed structures.

The Project site buildings and improvements shall be constructed in accordance with the current CBC (as amended), as required by the Santa Clara Municipal Code. The Preliminary Geotechnical Investigation (Parcels 1-4) has established design parameters as appropriate to protect Project structures in accordance with the seismic requirements in the CBC. These site-specific design parameters are based on the ground shaking produced by the Maximum Considered Earthquake, as predicted in USGS models. The design parameters are intended to ensure that buildings retain structural integrity during the most severe ground shaking that would be expected at the site.

Project site structures must meet these seismic design parameters of the CBC, as enforced by the City Building Official. The current CBC represents the best available guidance for design and construction to limit seismic risk. ~~No mitigation is required to reduce this impact to a **less than significant** level.~~

Section 3.10 – Hydrology and Water Quality

The following edits have been made on page 3.10-21 before the *Methods for Analysis* discussion of the Draft EIR:

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. The CBIA v. BAAQMD ruling provided for several exceptions to the general rule: 1) if the project would exacerbate existing environmental hazards (such as exposing hazardous waste that is currently buried) then that can be considered an impact of the project on the environment; 2) if the project qualifies for certain specific specified exemptions (certain housing projects and transportation priority projects per PRC 21159.21 (f),(h), 21159.22 (a),(b)(3), 21159.23 (a)(2)(A), 21159.24 (a)(1),(3) or 21155.1 (a)(4),(6)) then the CEQA analysis may require analysis of certain impacts of the environmental on the project specified in the exemptions; 3) potential noise and safety impacts on projects due to proximity to an airport must be analyzed (per PRC 21096); and 4) school projects require specific assessment of certain environmental hazards (per PRC 21151.8).

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 on new receptors are no longer considered to be significant impacts per CEQA. The Draft EIR has been revised to provide an analysis of these impacts for informational purposes and includes potential conditions of approval that the City Council may consider to address these impacts. However, the City Council is not required to address these impacts under CEQA or to adopt any conditions of approval, except where significant impacts are identified below pursuant to CEQA requirements.

The following edits have been made on page 3.10-22 under the *Topics Provided for Informational Purposes* discussion of the Draft EIR:

Flooding Due to Sea Level Rise. As discussed above, with the California Supreme Court 2015 ruling in the CBIA v. BAAQMD ruling, CEQA no longer considers the impact of the environment on a project (such as the impact of existing hydrological conditions on new Project receptors) to be an impact requiring consideration under CEQA. Furthermore, prior to that decision, the California Second District Court of Appeals had held more specifically that, although an EIR must analyze the environmental effects that may result from a project, an EIR is not required to examine the effects of the environment, such as sea level rise (SLR), on a project (see *Ballona Wetlands Land Trust v. City of Los Angeles*, 201 Cal. App. 4th 455 and *CBIA v. BAAQMD*). Based on ~~this~~ these rulings, an analysis of the effects of flooding associated with SLR on the Project site is not required under CEQA. As such, the following is presented for informational purposes only, and no significance determination is made from the analysis.

The following edits have been made to Impact WQ-6 on pages 3.10-36 through 3.10-38 of the Draft EIR:

Impact WQ-6: Place Housing or Structures within 100-Year Flood Hazard Area. The Project would place housing or structures within a 100-year flood hazard area during large storm events, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. (Not a CEQA Impact; provided for informational purposes only)

As discussed above, with the California Supreme Court 2015 ruling in the CBIA v. BAAQMD ruling, CEQA no longer considers the impact of the environment on a project (such as the impact of existing hydrological conditions on new Project receptors) to be an impact requiring consideration under CEQA. The following is provided for informational purposes. As shown in Figure 3.10-4, most of the Project site is within Zone X, "Other Flood Areas," identified as areas with a 0.2 percent chance of flooding; areas with a 1 percent annual chance of flooding, with average depths of less than 1 foot; drainage areas of less than 1 square mile; and areas that are protected by levees from a 1-percent-annual-chance of flood. Therefore, residential and commercial structures placed within the Project site (Parcels 1 through 5) would be outside of the FEMA-designated 100-year flood zone's base flood elevations.

The Project site currently includes a fire station (Fire Station 10), which may be demolished during construction of the Project, thereby necessitating construction of a replacement station. All but one replacement location option under consideration (Option 2) would be located on the primary Project site. Option 2 would be located in the surface parking lot of the Santa Clara Convention Center (Convention Center), which is an off-site location, adjacent to San Tomas Aquino Creek and Great America Parkway. This location is at street level and directly adjacent to Zone AE. A large berm separates the creek from the Option 2 fire station relocation site. Therefore, the site is outside of the FEMA-designated 100-year flood zone.

An area of Tasman East that would accommodate the Lick Mill Boulevard extension, the northern part of Lafayette Street, and a portion of Tasman Drive are located within 100-year Flood Zone AH. These roadways would be flooded during a 100-year flood event, which may restrict site access during large storm events. However, roadways are relatively resilient to infrequent flooding and readily repairable if damaged during such large events. Effects Impacts would be limited to the period of a large storm event and immediately afterward—but would be **significant** for that temporary period. The following Potential Condition of Approval is provided for informational purposes for consideration by the City Council if it determines these impacts should be addressed as part of the project approval process outside of the CEQA context

POTENTIAL CONDITION OF APPROVAL. MITIGATION MEASURE. ~~With implementation of Potential Condition of Approval Mitigation Measure WQ-6.1 would require warnings for areas vulnerable to flooding, as well as improvements implemented as part of the design to protect Project related roadways from flooding, such as drainage improvements and as needed road repairs, impacts would be **less than significant**.~~

WQ-6.1: Incorporate Flood Warnings for the Lick Mill Boulevard Extension and Other Access Roads for Areas Vulnerable to Flooding. The Project Developer and the City shall coordinate to provide flood warnings for new and existing roadways that provide access to the site and are vulnerable to 100-year flood levels. The Project Developer shall review the City's flood warning and emergency response plan and submit a brief plan for the Project that is consistent with the City's plan. The plan shall be submitted

to the City's Emergency Services Coordinator in the City's Fire Department for review and approval. The specific frequency of expected flooding on site access roads shall be determined by the Project Developer and reviewed by the City. Flood warnings may be temporary or permanent, depending on the frequency of expected flooding, as determined by the City. Information about alternative access/egress routes, based on flooding potential and other factors, shall also be provided by the Project Developer to the City's Emergency Services Coordinator in the City's Fire Department for review and approval. If other flood improvements are implemented that remove the flooding risk at the Lick Mill Boulevard extension or other site access roads, then this ~~mitigation condition of approval~~ shall no longer be required.

Impact WQ-8: Exposure of People or Structures to Flooding due to Levee or Dam Failure. The Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam. (Not a CEQA Impact; provided for informational purposes only)

As discussed above, with the California Supreme Court 2015 ruling in the CBIA v. BAAQMD ruling, CEQA no longer considers the impact of the environment on a project (such as the impact of existing dam and levee risk conditions on new Project receptors) to be an impact requiring consideration under CEQA. The following is provided for informational purposes. The Project site is 26 miles downstream of the Anderson Dam and Reservoir and 14 to 15 miles downstream of the Lenihan Dam/Lexington Reservoir but within the potential dam failure inundation area for both dams. The inundation mapping for the Anderson Dam indicates that, in the event of a dam breach during the inflow design flood, the potential maximum flood elevation of +19.94 feet would occur at the Project site within 9 hours and 18 minutes. If the event were to occur during "fair weather," then the potential maximum flood elevation of +16.84 feet would occur within 11 hours and 17 minutes. Inundation mapping for the Lenihan Dam/Lexington Reservoir indicates that, in the event of a dam breach during the inflow design flood, the potential maximum flood elevation would occur at the Project site within 8 hours and 30 minutes; however, peak flood elevation data were not readily available.

The dam inundation elevations are most likely lower than the majority of grades at the Project site. However, the lower lying Project facilities that may be subject to inundation during levee or dam failure would be:

Southern part of Parcel 5 near Tasman Drive

Fire station (Option 2)

Roads:

1. Lick Mill Boulevard extension
2. Northern part of Lafayette Street near SR 237
3. Great America Parkway south of San Tomas Aquino Creek
4. Tasman Drive (from Guadalupe River to Great American Parkway and beyond)
5. Santa Clara Gateway vehicular access variant

Currently, a storage restriction of about 45 feet below the crest of Anderson Dam has been put in place to protect the public from inundation due to dam failure, resulting in a reduced storage

capacity of 61,810 acre-feet. The SCVWD and the regulatory agencies, including DSOD and the Federal Energy Regulatory Commission, have approved the restriction and believe that this condition will minimize structural issues that could lead to an uncontrolled release of water in case of a failure after a major earthquake. The previously described ADSRP (which will be completed before the Project is operational) will address several Anderson Dam safety deficiencies associated with seismic activity, which will help minimize the potential for dam failure.

Although Lenihan Dam may incur some settlement during a major earthquake, as noted above, the SCVWD maintains that the dam structure overall should remain intact, and the potential for significant crack formation is low. Therefore, because the risk of failure of the dam is considered remote, the Project would not present a significant risk of loss, injury, or death to people or structures involving flooding, including flooding as a result of the failure of a levee or dam. Therefore, this would be a ~~less than significant~~ impact.