APPENDIX E
NOTICE OF PREPARATION AND RESPONSES TO THE NOP

NOTICE OF PREPARATION

OF AN ENVIRONMENTAL IMPACT REPORT FOR

THE GREAT AMERICA THEME PARK MASTER PLAN PROJECT

Date of Distribution: March 10, 2016

PROJECT APPLICANT: Cedar Fair

FILE Nos.: PLN2014-10851 and CEQ2016-01007

As the Lead Agency, the City of Santa Clara will prepare an Environmental Impact Report (EIR) for the above-referenced Project and would like your views regarding the scope and content of the environmental information to be addressed in the EIR. This EIR may be used by your agency when considering approvals for this project.

The project description, location, and probable environmental effects which will be analyzed in the EIR for the project are identified in attached materials.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of Santa Clara
Attn: Jeff Schwilk, AICP
1500 Warburton Avenue
Santa Clara, CA 95050
Phone: (408) 615-2450
Email: jschwilk@santaclaraca.gov

Sharon Goei
Acting Director of Planning & Inspection

Date: March 10, 2016

NOTICE OF PREPARATION
OF AN ENVIRONMENTAL IMPACT REPORT FOR
THE GREAT AMERICA THEME PARK MASTER PLAN PROJECT

March 10, 2016

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. The EIR will only address the significant or potentially significant effects of the proposed project. In accordance with the requirements of CEQA, the EIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts.

Project Location

The proposed project is located at 4701 Great America Parkway in Santa Clara. The project site includes two parcels, APNs 104-42-014 and -019, with a combined area of approximately 112 acres. An additional 55 acres of parking lots serving the Great America Theme Park are located north of the park entrance (refer to Figures 1.2-1 and 1.2-2).

Project Description

The site is designated for *Regional Commercial* use in the City's 2010-2035 General Plan. The Great America property is zoned CT- Thoroughfare Commercial.

Cedar Fair proposes a Master Planned Development (PD) Zoning covering the 112-acre Great America Theme Park site, that would continue to allow all existing attractions and operating practices and provide flexibility for future (20 years) proposed new attractions and operations. For purposes of the Master Planned Development (PD) Zoning, the Great America property has

been divided into four zones, each of which would allow for a mix of uses intended to meet Great America's long-term operational goals. Development within the zones may include the installation of new rides and replacement of rides and attractions, and extension of the operating season and hours of operation of the Great America theme park and amphitheater. The number and size of existing and proposed rides is shown in Table 1, below. Maximum building and structure heights are proposed up to 250 feet, but will ultimately be determined based on Mineta San Jose International Airport airspace requirements by the Federal Aviation Administration (FAA).

Table 1: Existing and Proposed Additional Rides by Height	
Existing Rides	**Proposed Maximum Total Large Rides**
6 rides of 50 – 100 feet	8 rides of 50 – 100 feet
3 rides of 100 – 200 feet	11 rides of 100 – 200 feet
2 rides of over 200 feet	8 rides of over 200 feet

The project also includes a commercial/entertainment district. This commercial/entertainment district would comprise up to 250,000 square feet of floor area. The existing approximately 110,000 sf Redwood Amphitheater would be a part of the commercial/entertainment district, continuing in its current use, and 40,000 sf of additional theater space currently within Great America would be repurposed. A maximum of 10,000 seats would be allowed within the existing amphitheater and planned outdoor stage facilities. Special events of a non-concert nature would also be allowed within the entertainment zone. A total of 100,000 sf of new commercial space is proposed within the 250,000 sf commercial/entertainment district. The proposed commercial/entertainment district may be located outside of the Theme Park entrance and open to the general public separate from the rest of the Theme Park.

Vehicle access to the project site will continue to be provided from the three existing driveways serving the site on Great America Parkway, Tasman Drive, and Agnew Road. No modifications are currently proposed to the existing site access points.

Potential Environmental Impacts of the Project

The EIR will identify the significant environmental effects anticipated to result from build-out of the project, as proposed. The EIR will include the following specific environmental categories as related to the proposed project:

1. Land Use

The Great America Theme Park is surrounded by office buildings, the Santa Clara convention center and Levi's (49ers) Stadium, the San Tomas Aquino Creek channel, and residential uses. The site is part of the Bayshore North Entertainment District (former Bayshore North Redevelopment Plan area). The EIR will describe the City's goals and policies for the area and the project's conformance with those policies. The EIR will also describe existing utility easements on the site (SFPUC and PG&E) and the restrictions they impose on future development of Great America. The EIR will describe potential land use conflicts that may

result from the proposed project and identify mitigation measures to reduce impacts, as warranted.

2. Noise

Project-generated noise is a primary issue of concern regarding proposed new rides and potential operational changes at Great America. The EIR will assess increases in operational noise levels at surrounding receivers from noise generated by existing rides and park operations in conjunction with future rides and proposed operational changes. Significant noise impacts resulting from the project will be evaluated and mitigation measures will be identified, as warranted.

3. Aesthetics

The proposed project would introduce new and replacement rides similar in visibility to the existing tower elements and taller rides in the Great America Theme Park. The EIR will describe the existing visual character of the site and potential changes proposed by the project. The discussion will include locations of public views of the park and any potential blockage of views from public vantage points. Any potential impacts from light and glare resulting from the new attractions and uses on the site and mitigation measures will be identified.

4. Geology

The EIR will describe the existing geologic conditions on the site based upon previously prepared geotechnical analyses for existing rides and attractions. Potential impacts related to geologic conditions will be described and mitigation measures identified, including the requirement for future ride-specific geotechnical analyses.

5. Hazards and Hazardous Materials

The project site is located near industrial and commercial businesses. The EIR will describe the potential for hazardous materials contamination to be present on or near the site and for the project to exacerbate any existing soil or groundwater contamination. With regards to the potential for hazardous materials present to affect the project and its patrons (environmental conditions affecting the project), it is noted that a December 2015 CA Supreme Court decision indicates this discussion is no longer required under CEQA. This information will be included in the EIR to inform the planning process by discussing how the project complies with relevant local policies/regulations that protect land uses from existing hazards. The EIR will identify mitigation measures for significant hazardous materials impacts, as necessary.

6. Biological Resources

The existing Great America Theme Park contains extensive pavement, structures, and ornamental landscaping. The EIR will evaluate bird strike impacts to Pacific Flyway migratory birds from proposed tall structures, lighting, towers, guy wires, etc. Program-level measures and best

practices for preventing or avoiding bird strikes will be identified for any potential impacts. Project impacts to burrowing owls will also be evaluated and mitigation measures identified, as necessary. The EIR will evaluate tree species impacts based on the City of Santa Clara's tree ordinance and replacement ratios. Mitigation measures will be identified for significant impacts, as warranted.

7. Cultural Resources

The EIR will include a discussion of potential cultural resource impacts resulting from the project. Appropriate mitigation measures will be identified and implemented, in the event cultural resources are encountered during project construction.

8. Air Quality

The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's impacts to local and regional air quality during the operational and construction phases of the project. Temporary construction related impacts such as construction vehicle exhaust and airborne particulates (i.e., dust) will also be discussed. Mitigation measures will be identified for significant impacts, as warranted.

9. Greenhouse Gas Emissions

The EIR will evaluate the project's greenhouse gas (GHG) emissions, in conformance with the methodology of the Bay Area Air Quality Management District and the recently adopted Climate Action Plan of the City of Santa Clara. Project design measures to reduce energy use and GHG emissions will be discussed. Mitigation measures will be identified for significant impacts, as warranted.

10. Hydrology and Drainage

The EIR will describe the existing drainage and stormwater quality features at Great America and the changes in site drainage and hydrological conditions resulting from the project. Any impacts resulting from the proposed project will be described and mitigation measures identified, as warranted.

11. Traffic and Parking

The EIR will examine traffic conditions resulting from the implementation of the proposed project. The transportation impact analysis (TIA) prepared for the EIR will identify the characteristics of the site and surrounding roadway network, existing roadway cross-sections, intersection lane configurations, traffic control devices, and surrounding land uses. Project-generated traffic trips will be estimated using the appropriate vehicular trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation manual. Traffic intersection level of service impacts will be evaluated based on City of Santa Clara and County Congestion Management Program (CMP) guidelines. The magnitude of project trips on freeway segments

near the site will be determined and compared to the CMP's threshold for determining the need for freeway level of service analysis. A site circulation and access review will be completed to determine the adequacy of the proposed site plan. The EIR will analyze the required parking and parking demand for each component of the proposed development, including any shared parking associated with Levi's Stadium.

The TIA and EIR will identify project impacts and the locations and types of improvements or modifications necessary to mitigate significant project traffic impacts, as warranted.

12. Utilities

The EIR will describe the ability and capacity of the existing utilities serving the project site to continue to serve the proposed project.

13. Energy

The EIR will include an Energy section to address increased energy use resulting from the project. Any features that will reduce energy consumption will be identified.

14. Other Areas

The EIR will describe the project's potential impacts on recreation, population and housing, and public services. Mitigation measures will be identified, as necessary, for significant impacts.

15. Cumulative Impacts

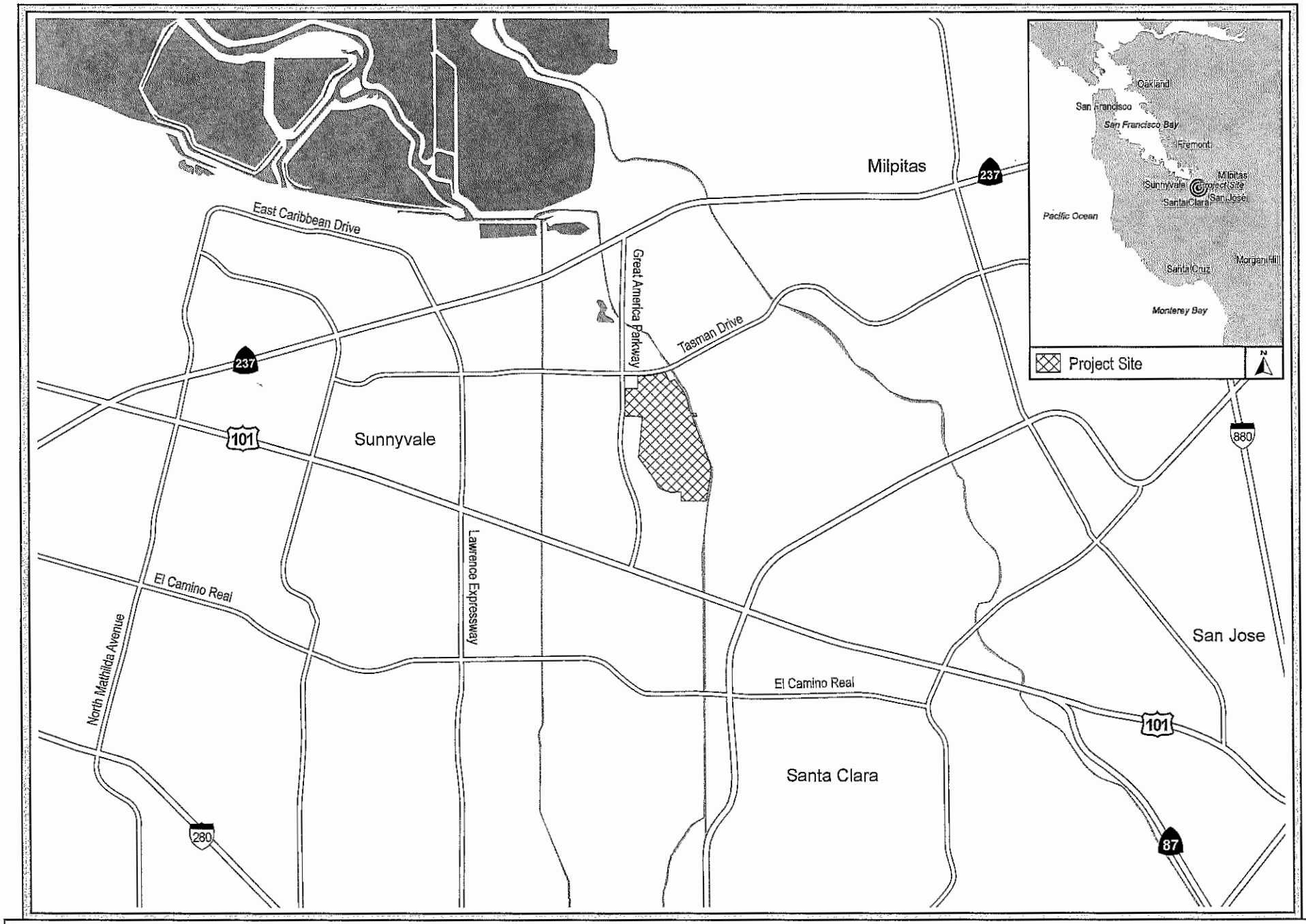
The EIR will include a Cumulative Impacts section which will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the area. Mitigation measures will be identified for significant cumulative impacts, as warranted.

16. Alternatives

The EIR will examine alternatives to the proposed project including a "No Project" alternative and one or more alternative development scenarios depending on the impacts identified. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified objectives of the project.

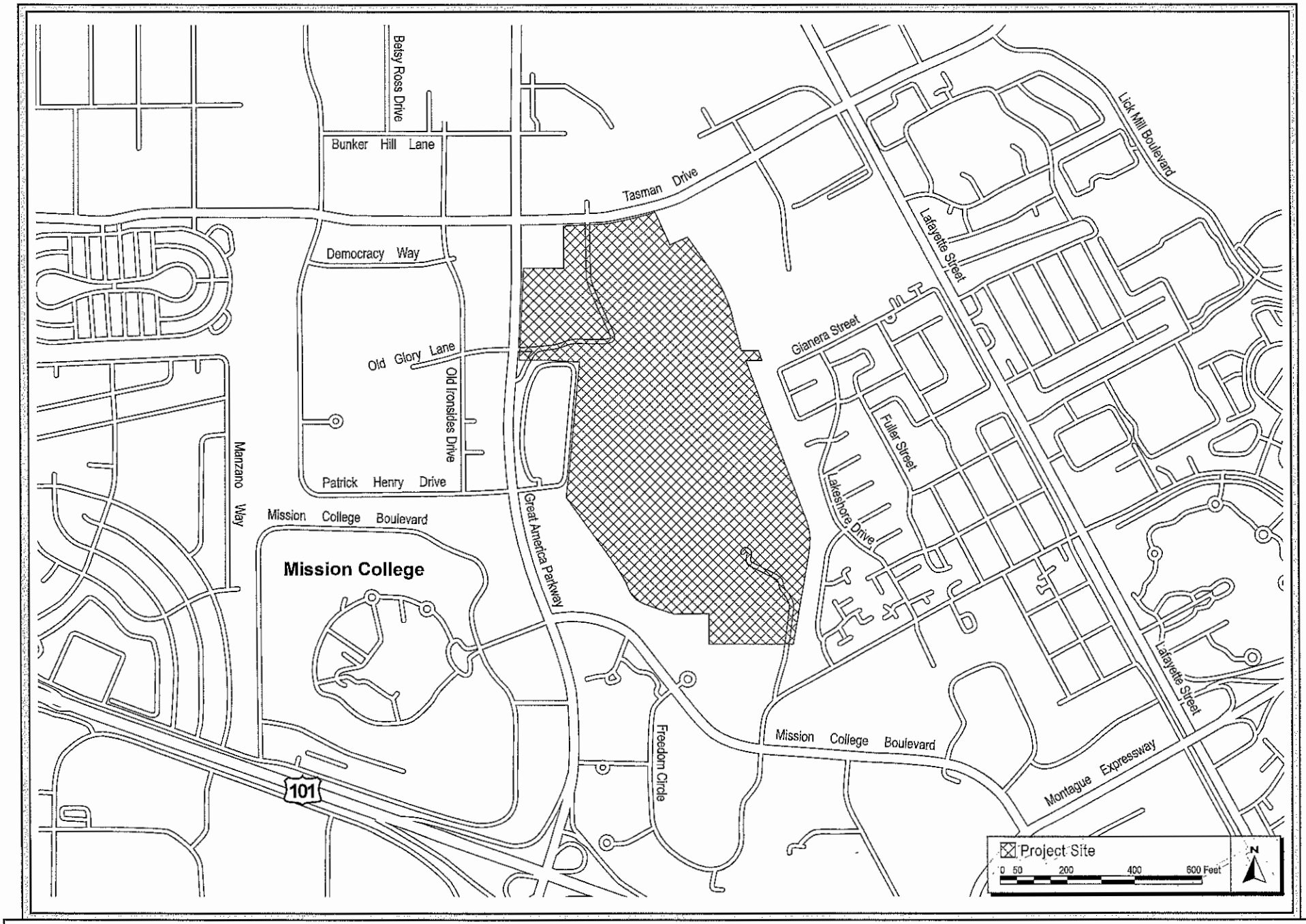
17. Significant Unavoidable Impacts

The EIR will identify those significant impacts that cannot be avoided, if the project is implemented as proposed.



REGIONAL MAP

FIGURE 1.2-1



VICINITY MAP

FIGURE 1.2-2

California Home

Monday, October 3, 2016

OPR Home > CEQAnet Home > CEQAnet Query > Search Results > Document Description

Great America Theme Park Master Plan Project

SCH Number: 2016032036

Document Type: NOP - Notice of Preparation

Project Lead Agency: Santa Clara, City of

Project Description

Rezone the 112-acre California's Great America Theme Park site form CT (Thoroughfare Commercial) to PD (Planned Development) for a Park Master Plan project that would continue to allow existing attractions and operating practices and would provide flexibility to allow the installation of new rides and replacement of rides and attractions, extension of the operating season, modified operating practices, and additional hours of operation of the Great America theme park and amphitheater.

Contact Information

Primary Contact:
Jeff Schwilk
City of Santa Clara
(408) 615-2450
1500 Warburton Avenue
Santa Clara, CA 95050

Project Location

County: Santa Clara
City: Santa Clara
Region:
Cross Streets: Great America Parkway and Tasman Dr
Latitude/Longitude:
Parcel No: 104-42-014, -019
Township:
Range:
Section:
Base:
Other Location Info:

Proximity To

Highways: 101 & 237
Airports: San Jose/Mineta
Railways:
Waterways: San Tomas Aquino Creek, Guadalupe River
Schools: Santa Clara
Land Use: California's Great America Theme Park/Thoroughfare Commercial (CT) Zone/ Regional Commercial General Plan Designation

Development Type

Commercial, Recreational (Amusement Park)

Local Action

Rezone

Project Issues

Aesthetic/Visual, Air Quality, Archaeologic-Historic, Biological Resources, Drainage/Absorption, Fiscal Impacts, Flood Plain/Flooding, Geologic/Seismic, Noise, Public Services, Recreation/Parks, Sewer Capacity, Soil Erosion/Compaction/Grading, Solid Waste, Toxic/Hazardous, Traffic/Circulation, Vegetation, Water Supply, Wetland/Riparian, Landuse, Cumulative Effects

Reviewing Agencies (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 3; Office of Emergency Services, California; **Native American Heritage Commission**; Caltrans, Division of Aeronautics; California Highway Patrol; **Caltrans, District 4**; Air Resources Board; Regional Water Quality Control Board, Region 2

Date Received: 3/14/2016 **Start of Review:** 3/14/2016 **End of Review:** 4/12/2016

CEQAnet HOME | NEW SEARCH

Jeff Schwilk

From: Connolly, Mark <Mark.Connolly@PLN.SCCGOV.ORG>
Sent: Wednesday, March 30, 2016 11:02 AM
To: Jeff Schwilk
Subject: Pln2014-10851 / ceq2016-01007 at 4701 Great America pkwy Rezoning

Good Morning Jeff-

I received the notice of EIR prep. Please note that the site is located within the AIA of SJC and as a rezoning application from CT to PD and Park Master Plan the Rezoning will have to be referred to the ALUC for a review of the consistency with the SJC CLUP.

The referral fee will be $3,500.

Thank you,

Mark J. Connolly
Senior Planner / Staff to the ALUC
70 W. Hedding Street 7th Floor East Wing
San Jose, CA 95110
408-299-5786l

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov

APR 15 2016

Serious Drought.
Help save water!

April 12, 2016

SCLVAR067
SCL/VAR/PM VAR
SCH# 2016032036

Mr. Jeff Schwilk
Planning Division
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Mr. Schwilk:

Great America Theme Park Master Plan Project – Notice of Preparation

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Caltrans has reviewed the Notice of Preparation (NOP) to ensure consistency with its mission and state planning priorities of infill, conservationism, and efficient development. Caltrans provides these comments consistent with the State's smart mobility goals to support a vibrant economy and build communities, not sprawl.

Project Understanding

The proposed project is located approximately 0.80 mile north of US Highway 101 and 0.80 mile south of State Route (SR) 237 on Great America Parkway. The Great America property has been divided into four zones, each of which would allow for a mix of uses intended to meet Great America's long-term operational goals. Development within the zones may include the installation of new rides and replacement of rides and attractions, and extension of the operating season and hours of operation of the Great America theme park and amphitheater. Maximum building and structure heights are proposed up to 250 feet, but will ultimately be determined based on Mineta San Jose International Airport airspace requirements by the Federal Aviation Administration (FAA).

The project also includes a commercial/entertainment district. This commercial/entertainment district would comprise up to 250,000 square feet (sf) of floor area. The existing approximately 110,000 sf Redwood Amphitheater would be a part of the commercial/entertainment district, continuing in its current use, and 40,000 sf of additional theater space currently within Great America would be repurposed. A maximum of 10,000 seats would be allowed within the existing amphitheater and planned outdoor stage facilities. Special events of a non-concert nature would

also be allowed within the entertainment zone. A total of 100,000 sf of new commercial space is proposed within the 250,000 sf commercial/entertainment district. The proposed commercial/ entertainment district may be located outside of the Theme Park entrance and open to the general public separate from the rest of the Theme Park. Vehicle access to the project site will continue to be provided from the three existing driveways serving the site on Great America Parkway, Tasman Drive, and Agnew Road. No modifications are currently proposed to the existing site access points.

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

Traffic Impact Analysis (TIA)
The environmental document should include an analysis of the travel demand expected from the proposed project. Caltrans recommends using the Caltrans *Guide for the Preparation of Traffic Impact Studies* for determining which scenarios and methodologies to use in the analysis, available at: www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

Please ensure that a TIA is prepared providing the information detailed below:

1. A vicinity map, regional location map, and site plan clearly showing project access in relation to nearby State roadways. Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way (ROW). Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.

2. Project-related trip generation, distribution, and assignment including per capita use of transit, rideshare or active transportation modes such as existing bus service, new bus service, and vehicle miles traveled (VMT) reduction factors. The assumptions and methodologies used to develop this information should be detailed in the study, utilize the latest place-based research, and be supported with appropriate documentation.

3. Analysis of 2035 Cumulative Conditions is needed to fully reflect traffic impacts resulting from pending, approved and pipeline projects in the next 20 years; therefore, Caltrans recommends the TIA include turning movement traffic per study intersection under Existing, Project Only, Existing + Project, Background, 2035 Cumulative, 2035 Cumulative + Project Conditions.

4. Analysis of freeway on- and off-ramps identifying this project's impacts and mitigations for the impacts. The proposed development is likely to have impacts on the operations of metered freeway on-ramps. Provide 95th percentile queuing analyses (including storage lengths) on all state intersections and intersections that can impact the state facilities and provide mitigations measures for the impacted intersections. Please provide additional storage on the on-ramps/local streets for the freeway on-ramp traffic to avoid such impacts.

During the ramp metering hours, the on-ramp queues will likely be lengthened with the additional traffic demand by this development, and they may impede onto the local streets affecting their operations.

5. The project site's building potential as identified in the General Plan. The project's consistency with both the Circulation Element of the General Plan and the Congestion Management Agency's Congestion Management Plan should be evaluated.

6. A schematic illustration of walking, biking and auto conditions at the project site and study area roadways, trip distribution percentages and volumes, and intersection geometrics (i.e., lane configurations for AM and PM peak periods). Potential safety issues for all road users should be identified and fully mitigated.

7. Mitigation for any roadway sections or intersections with increasing VMT should be identified. Mitigation may include contributions to the Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program, and should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.

8. The project's effect on pedestrians, bicyclists, and transit performance should be based on any projected VMT increases and evaluating mitigation measures and tradeoffs. The analysis should describe any pedestrian and bicycle mitigation measures and safety countermeasures that would be needed as a means of maintaining and improving access to transit facilities and reducing vehicle trips (described below).

Vehicle Trip Reduction

Caltrans encourages the City to locate future housing, jobs, and employee-related services near major mass transit centers with connecting streets configured to facilitate walking and biking. This would promote mass transit use thereby reducing regional VMT and traffic impacts. Suggested Transportation Demand Management (TDM) strategies include bicycle parking, unbundling of residential parking, and providing transit passes and/or transit subsidies to residents. The project proponent should also work with the VTA to decrease headway times and improve way-finding on bus lines to provide a better connection between the project, the Great America Light Rail Transit Station, the Altamont Corridor Express (ACE) Santa Clara Great America train station, and regional destinations. TDM programs should include the establishment of a Transportation Management Association and be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness.

These smart growth approaches are consistent with the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan/Sustainable Communities Strategy goals of both increasing non-auto mode transportation, and reducing per capita VMT by 10 percent. Also, these would meet Caltrans Strategic Management Plan target of increasing by 2020 non-auto modes in tripling bicycle and doubling both pedestrian and transit. Please refer to "Reforming

Parking Policies to Support Smart Growth," a MTC study funded by Caltrans, for sample parking ratios and strategies that support compact growth. Reducing parking supply can encourage alternate forms of transportation, reduce regional VMT, and lessen future traffic impacts on SR 237, US 101, and the State Highway System (SHS).

Traffic Impact Fees
Given the project's contribution to area traffic and its proximity to SR 237 and US 101, the project should contribute fair share traffic impact fees to the SR 237 Express Lanes Project and US 101 Express Lanes Project. These contributions would be used to lessen future traffic congestion and improve transit in the project vicinity.

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

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

Sincerely,

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

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

Jeff Schwilk

From:	Greene, Cary <CGreene@sjc.org>
Sent:	Monday, March 28, 2016 2:05 PM
To:	Jeff Schwilk
Cc:	Sharon Goei
Subject:	NOP Comments: CEQ2016-01007 (Great America Theme Park Master Plan)
Attachments:	Airport-CEQAcomments-CEQ2016-01007.doc

Thanks for sending the NOP for the subject EIR project to the City of San Jose Airport Department.

Due to the proximity of the project site to the San Jose International Airport, we are pleased to see that the project description acknowledges height limitations on the project site for airspace safety purposes. We suggest that the Draft EIR, most appropriately in the Hazards and Hazardous Materials section, reference the federal requirement for Federal Aviation Administration review of proposed structures on the project site that would exceed the FAA-defined airspace notification surface. Attached for consideration is some typical language adapted from City of San Jose CEQA documents that might be of use.

Staff or the CEQA consultant are welcome to contact me for any questions. The San Jose Airport Department would appreciate receiving a copy of the DEIR for review.

Cary Greene
Airport Planner, City of San Jose Airport Department
408-392-3623
cgreene@sjc.org

San Jose Airport Department NOP Comments on CEQ2016-01007
(Great America Theme Park Master Plan Project)

The project site is located approximately three miles from the Norman Y. Mineta San Jose International Airport. Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards to aircraft such as reflective surfaces, flashing lights, and electronic interference. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

The FAR Part 77 airspace notification surface over the project site ranges from an estimated 110 feet above ground at the southerly end to 165 feet above ground at the northerly end. Notification to the FAA would therefore be required for proposed structures that would exceed this airspace surface. Consistent with County Airport Land Use Commission (ALUC) and City General Plan policy, FAA issuance of "no hazard" determinations, with any conditions set forth in an FAA no-hazard determination also incorporated into the City's development permit, would ensure that project development will not be a hazard to aircraft operation.

[Less Than Significant Impact]

County of Santa Clara

Parks and Recreation Department

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

RECEIVED
APR 15 2016
PLANNING DIVISION

April 8, 2016

Jeff Schwilk, Associate Planner
City of Santa Clara
Planning Division
1500 Warburton Avenue,
Santa Clara, CA 95050

SUBJECT: Notice of Preparation of an Environmental Impact Report to rezone the Great America Theme Park from Thoroughfare Commercial to Planned Development for a Park Master Plan project

Dear Mr. Schwilk:

The County of Santa Clara, Parks and Recreation Department ("County Parks Department"), has reviewed the Notice of Preparation of an Environmental Impact Report (EIR) to rezone the Great America Theme Park from CT (Thoroughfare Commercial) to PD (Planned Development). This Park Master Plan project would continue to allow existing attractions and operating practices and would provide flexibility to allow: the installation of new rides, replacement of aging rides and attractions, extension of the operating season, modified operating practices, and additional hours of operation of the Great America theme park and amphitheater.

The County Parks Department is charged with the planning and implementation of *The Santa Clara County Countywide Trails Master Plan Update (Countywide Trails Plan),* an element of the Parks and Recreation Section of the County General Plan adopted by the Board of Supervisors on November 14, 1995. Although responsibility for the actual construction and long-term management of each individual trail varies, the County Parks Department provides general oversight and protection for the overall trail system. The existing trails and proposed trail routes located near the Project site are as follows:

- ***Hetch Hetchy Connector Trail*** (Route C4) – This proposed trail route is schematically depicted in the *Countywide Trails Plan* as running directly through the Project site, though the ultimate alignment could differ. Once completed, this trail would connect Santa Clara, Sunnyvale and San Jose. The trail would be designated for hiking and off-road cycling.

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

SANTA CLARA COUNTY PARKS

Thank you for the opportunity to comment on the Notice of Preparation of the Great America Theme Park Master Plan Project EIR. The County Parks Department requests a copy of the Draft EIR once it is released for public review. If you have questions related to these comments, please call me at (408) 355-2228 or e-mail me at Hannah.Cha@prk.sccgov.org.

Sincerely,

Hannah Cha
Provisional Associate Planner

cc: Annie Thomson, Principal Planner

SANTA CLARA COUNTY PARKS

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

County Executive: Jeffrey V. Smith

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

April 1, 2016

RECEIVED
APR 05 2016
PLANNING DIVISION

Jeff Schwilk
Associate Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

SUBJECT: Notice of Preparation of an Environmental Impact Report
Great America Theme Park Master Plan Project

Dear Mr. Schwilk:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review to the Notice of Preparation (NOP) and is submitting the following comments.

The NOP states that a Traffic Impact Analysis (TIA) will be prepared for the proposed project following the latest adopted Congestion Management Program (CMP) TIA Guidelines to identify significant impacts for the EIR. The TIA should include, but not be limited to, all signalized, unsignalized, CMP and non-CMP intersections on:

- Central Expressway between De La Cruz Boulevard and Lawrence Expressway
- Lawrence Expressway between US 101 and I-280
- Montague Expressway between US 101 and I-880
- San Tomas Expressway between US 101 and SR-17

The analysis should be conducted using County signal timing for County study intersections and the most recent CMP count and LOS data for CMP intersections. Please contact Ananth Prasad at (408) 494-1342 or Ananth.Prasad@rda.sccgov.org for the correct signal timing.

The preliminary Comprehensive County Expressway Planning Study – 2040 project list should be consulted for a list of mitigation measures for significant impacts to the expressways. Should the preliminary Expressway Plan 2040 project list not include an improvement that would mitigate a significant impact, the TIA should identify mitigation measures that would address the significant impact. Mitigation measures listed in the TIA should be incorporated into the EIR document.

If you have any questions or concerns about these comments, please contact me at (408) 573-2462 or aruna.bodduna@rda.sccgov.org.

Sincerely,

Aruna Bodduna
Associate Transportation Planner

cc: MA, AP, DSC

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: http://www.nahc.ca.gov
Twitter: @CA_NAHC

Edmund G. Brown Jr., Governor

RECEIVED
MAR 24 2016
PLANNING DIVISION

March 21, 2016

Jeff Schwilk
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

RE: SCH#2016032036, Great America Theme Park Master Plan Project, Santa Clara County

Dear Mr. Schwilk:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements**. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or

tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

a. A brief description of the project.
b. The lead agency contact information.
c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
   a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
   a. Alternatives to the project.
   b. Recommended mitigation measures.
   c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
   a. Type of environmental review necessary.
   b. Significance of the tribal cultural resources.
   c. Significance of the project's impacts on tribal cultural resources.
   d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
   a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
   b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
   a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
   b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
    a. Avoidance and preservation of the resources in place, including, but not limited to:
        i. Planning and construction to avoid the resources and protect the cultural and natural context.
        ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
    b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
        i. Protecting the cultural character and integrity of the resource.
        ii. Protecting the traditional use of the resource.
        iii. Protecting the confidentiality of the resource.
    c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
    d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
    e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
    f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
    a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
    b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
    c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have been already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
    a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: sharaya.souza@nahc.ca.gov.

Sincerely,

Sharaya Souza
Staff Services Analyst
cc: State Clearinghouse

SANTA CLARA UNIFIED SCHOOL DISTRICT

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

Stanley Rose III, Ed.D.
Superintendent

VIA EMAIL

April 8, 2016

RECEIVED
APR 11 2016
City of Santa Clara
Planning Division

Jeff Schwilk
Associate Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
jschwilk@santaclaraca.gov

Re: City Place NOP for EIR; CEQ2016-01007; PLN2014-10851

Dear Mr. Schwilk,

The Santa Clara Unified School District (District) appreciates the opportunity to provide input for the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) for the proposed development, referred to as the Great America Theme Park Master Plan Project (Project) at 4701 Great America Parkway, Santa Clara, CA 95054. The project has impacts to schools the EIR should consider.

The Great America Theme Park Master Plan proposes an expansion and a higher use intensity than currently exists on the site. The Theme Park currently closes during the winter months, however the Master Plan proposes the Park to stay open year-round. The Project also includes constructing a high density retail shopping area with hours extending past the closure of the Theme Park. The added traffic and noise levels should be studied in relation to Katherine Hughes Elementary School.

The year-round use of the facilities will create an increase in traffic and air pollution. School busses travel on Tasman Drive in the morning and in the afternoon. The additional vehicles on Tasman Drive and other nearby streets will alter the current traffic patterns. Students are very susceptible to air pollution and any vehicle idling should be kept to a minimum. Please consider efficiently designed parking garages to funnel traffic to parking spaces efficiently without the need for vehicles to drive around looking for open parking spots. The EIR should analyze the traffic and air pollution impact the Project will have on the surrounding area and Santa Clara.

The Great America Theme Park Master Plan EIR should study the impacts of the increased number of rides slated to be constructed. The Project Summary states the total amount of rides to be: 8 rides of 50-100 feet high, 11 rides of 100-200 feet high and 8 rides over 200 feet high. The higher the ride, the further the noise will travel from the ride mechanics and the occupants riding the attraction. The project is within 3,000 feet of the Katherine Hughes Elementary School and the students will be in school during the new year-round operations. A healthy learning environment is supported by low levels of ambient noise so students may participate actively in the learning process. The potential noise levels and solutions to mitigate the noise should be studied.

The new commercial/entertainment district of 250,000 square feet will attract new employees to the area and they will create a need for additional housing units. Every 1,664 square feet of commercial development creates the need for one additional housing unit in the Santa Clara area for new employees of the businesses. The

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

District's schools do not have the capacity to accommodate the students from these homes until new schools are built.

Based on the current estimated cost of building new elementary, middle, and high schools, we request the development mitigates their impact on the District by paying the full mitigation amount per square foot of construction. The Santa Clara Unified School District is requesting the developers work with the District to mitigate the impacts noted above as well providing full fee mitigation.

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

Sincerely,

Mark Allgire, CPA, Assistant Superintendent, Business Services

MA:mh

San Francisco
Water Power Sewer
Operator of the Hetch Hetchy Regional Water System

525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
T 415.554.3155
F 415.554.3161
TTY 415.554.3488

April 11, 2016

RECEIVED
APR 11 2016
City of Santa Clara
Planning Division

Mr. Jeff Schwilk, AICP
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Re: Notice of Preparation of an Environmental Impact Report for the Great America Theme Park Master Plan Project

Dear Mr. Schwilk:

Thank you for the Notice of Preparation (NOP) and for this opportunity to comment on the scope of the Environmental Impact Report (EIR) for the Great America Theme Park Master Plan Project (Project). On behalf of the San Francisco Public Utilities Commission (SFPUC), I am providing the following general comments to be discussed in the EIR.

Background and General Comments

The San Francisco Public Utilities Commission (SFPUC) manages 63,000 acres of watershed land and 210 miles of Rights-of-Way (ROW) in three Bay Area counties that are part of a regional system providing water to approximately 2.6 million people. The SFPUC monitors and protects its lands by reviewing proposed projects and activities on SFPUC lands for consistency with SFPUC policies and plans.

The City and County of San Francisco (San Francisco), through the SFPUC, owns approximately 3.95 acres of real property **in-fee** in Santa Clara (San Francisco Property) which bisects the Great America Theme Park as an 80 foot wide ROW. The San Francisco Property serves as a utility corridor improved by two large subsurface water transmission lines and other appurtenances, linking the Hetch Hetchy Reservoir to the SFPUC regional water system.

Pursuant to the 1950 deed whereby San Francisco acquired the San Francisco Property, San Francisco also acquired certain ancillary easement rights across the adjacent lands now owned by the City of Santa Clara (Santa Clara) and the Successor Agency to the Santa Clara Redevelopment Agency.

Edwin M. Lee
Mayor

Francesca Vietor
President

Anson Moran
Vice President

Ann Moller Caen
Commissioner

Vince Courtney
Commissioner

Ike Kwon
Commissioner

Harlan L. Kelly, Jr.
General Manager

Cedar Fair occupies the San Francisco Property pursuant to a long expired ground lease dated March 22, 1999 (the Existing Lease) between San Francisco, through the SFPUC, and Cedar Fair's predecessor-in-interest, Paramount Parks, Incorporated.

The SFPUC's primary mission is to provide water, power, and sewer utility services. The primary use of SFPUC land is to support our utility infrastructure. There are several appurtenance structures inside this right of way which require routine maintenance. The exclusive San Francisco ROW provides greater flexibility in operating the transmission system in the present time and in the future. Any development in the ROW would reduce our operational flexibility and increase operating cost for our rate payers. SFPUC would like to preserve this exclusive ROW and opposes any development on it. The SFPUC requires unrestricted access to the San Francisco Property to ensure timely completion of both routine and emergency maintenance on our high-pressure water pipelines.

To protect this access, our Commission has adopted land use policies which heavily restrict the scope of use of the San Francisco Property by third parties. Any proposed project on the San Francisco Property must participate in and complete the SFPUC's Project Review process (as described in the next section) to ensure that the any proposed use or project conforms to the SFPUC land use policies.

To the extent Cedar Fair is proposing redevelopment adjacent to San Francisco Property, the SFPUC draws the City of Santa Clara's attention to an SFPUC Commission land use policy which prohibits any use on SF Property that fulfills another jurisdiction's open space, setback, parking, or third-party development requirements. This means Cedar Fair cannot incorporate the San Francisco Property into any project requiring approval by the City of Santa Clara.

Moreover, the SFPUC disallows any use that:

- makes the San Francisco Property the sole emergency access to a neighboring property;
- creates a regulatory compliance issue;
- includes installation of structures, trees or large shrubs on the San Francisco Property;
- includes installation of utilities, roads, fences, or other improvements parallel to, rather than across, SFPUC pipelines or electric transmission lines;
- includes the San Francisco Property as part of a transit-oriented development plan, dedicated rapid transit lane, or transit corridor;

- would increase the SFPUC's potential liability or diminish the security of the SFPUC's utility infrastructure;
- risks contamination of our land or water with hazardous materials;
- provides aerial utility crossing or overhead transmission lines within the San Francisco Property or watershed;
- cannot be removed promptly, to allow SFPUC construction, maintenance or emergency repairs of its facilities;
- creates a regulatory compliance issue;
- is inconsistent with any existing or future SFPUC policies, as they may be amended or modified from time to time.
- Cedar Fair seeks to enter into a new lease for use of the SFPUC Property for parking, access and circulation. Should the lease be finalized, the SFPUC will approve use of supplemental parking for Cedar Fair. Under no circumstances should the City of Santa Clara or Cedar Fair incorporate or designate any leased parking on the San Francisco Property as parking required by Cedar Fair to obtain any entitlement from Santa Clara.

Specific Comments

Here are our preliminary comments regarding the Cedar Fair proposal that should be included and/or discussed in the EIR:

1. The SFPUC maintains a water pipeline serving millions of Bay Area customers under the San Francisco Property. Cedar Fair proposed two entry points to the parking garage from the Cedar Fair's Main Parcel to Cedar Fair's #2 by crossing the San Francisco Property. Cedar Fair has proposed a third entrance from the area labeled "Easement". For the record, a portion of our pipeline runs through the Easement.
2. We appreciate that Cedar Fair provided an extra point of ingress and egress to the parking garage. We are concerned, however, about the potential impact of the presently situated main entrance to the parking garage immediately adjacent to the San Francisco Property. The traffic over the San Francisco Property likely will overburden and interfere with the San Francisco Property and would be subject to closure in the event we need to maintain or repair our pipeline. We therefore recommend that the main garage entrance be relocated to the western end of the garage with traffic primarily entering over the Easement from the south. In the event the SFPUC is working on the Easement area, then another garage entrance should serve as the temporary main garage entrance.
3. Please have Cedar Fair ensure that there are sufficient entry routes into the parking garage to ensure that if one of the entry points is not available due to SFPUC maintenance or repair of the pipeline, then there is still an additional entrance to the garage.
4. Our engineers agree that if Cedar Fair can issue evidence of unconditional vehicular access across the Easement to the garage, the

SFPUC could work on its pipeline without closing all three presently situated parking garage entrances.

5. Before the SFPUC can issue final approval to this project, Cedar Fair must provide us with final construction documents and a traffic study. Cedar Fair's also must provide proof of its unfettered access to the parking garage via the Easement.
6. The SFPUC does not permit trees or large shrubs on its property. Any landscape plans must adhere to the SFPUC's Integrated Vegetation Management Policy, Section 12.005, at: http://www.sfwater.org/index.aspx?page=431.
7. No utilities may be installed along, rather than across, the SFPUC Property. Only perpendicular crossings are permitted. No aerial utility crossing over the SFPUC Property is permitted.
8. No use is permitted that would restrict access to SFPUC Property at any time by SFPUC staff, construction equipment or vehicles. We therefore request that the parking garage and any other structure be setback at least 10 feet from the SFPUC Property.
9. In no event will the SFPUC allow the SFPUC Property to be the sole point of ingress and egress between the two Cedar Fair parcels.
10. Describe the SFPUC's ROW as owned in-fee by the City and County of San Francisco (not an easement).
11. Discuss where temporary construction staging areas will be located.
12. Discuss changes in drainage that may impact the SFPUC ROW. Water should drain away from the SFPUC ROW.

By acknowledging the application filing, the SFPUC retains the right to provide further comments on the application and the proposed development and does not waive any right it may have to object to the proposed development.

SFPUC NRLMD Project Review Process

Projects and other activities on the SFPUC rights-of-way (as well as on other SFPUC lands in Alameda, Santa Clara, and San Mateo counties) must undergo NRLMD Project Review if the project will include: construction; digging or earth moving; clearing; installation; the use of hazardous materials; other disturbance to watershed and rights-of-way (ROW) resources; or the issuance of new or revised leases, licenses and permits. This review is done by the SFPUC's Project Review Committee.

The Project Review Committee is a multidisciplinary team with expertise in natural resources management, environmental regulatory compliance, engineering, water quality and real estate. Projects and activities are reviewed by the Committee for:

1. Conformity with the Alameda and Peninsula Watershed Management Plans;
2. Consistency with our Environmental Stewardship Policy, ROW and other policies and best management practices; and

3. Compliance with the California Environmental Quality Act (CEQA) and environmental regulations including mitigation, monitoring and reporting plans.

In reviewing a proposed project, the Project Review Committee may conclude that modifications or avoidance and minimization measures are necessary. Large and/or complex projects may require several project review sessions to review the project at significant planning and design stages.

Please notify Cedar Fair that its proposals on the SFPUC ROW are first subject to the SFPUC's Project Review Committee (Committee). Cedar Fair must first have the project vetted in Project Review, then it must receive authorization from the SFPUC through a lease or revocable license before it can make any changes to the SFPUC ROW. To initiate the Project Review process, Cedar Fair must download and fill out a Project Review application at http://www.sfwater.org/ProjectReview and return the completed application to Jonathan Mendoza at jsmendoza@sfwater.org.

If you have any questions or need further information, please contact Jonathan Mendoza, Land and Resources Planner in the SFPUC's Natural Resources and Lands Management Division at jsmendoza@sfwater.org or (650) 652-3215.

Sincerely,

Steve R. Ritchie
Assistant General Manager, Water Enterprise
San Francisco Public Utilities Commission

Enclosures: Specific Comments

C: *SFPUC / Natural Resources and Lands Management Division:*
Tim Ramirez, Division Manager
Ellen Natesan, Planning and Regulatory Compliance Manager
Joe Naras, Peninsula Watershed Manager
Jane Herman, ROW Manager
Joanne Wilson, Senior Land and Resources Planner
Jonathan Mendoza, Land and Resources Planner

SFPUC / Real Estate Services (RES):
Rosanna Russell, Real Estate Director
Dina Brasil, Principal Administrative Analyst

SFPUC / Water Supply and Treatment Division (WSTD):
Chris Nelson, Division Manager
Jonathan Chow, Principal Engineer
Stacie Feng, Associate Engineer

SFPUC / Bureau of Environmental Management (BEM)
Irina Torrey, Bureau Manager
Sally Morgan, Environmental Planner

SANTA CLARA
Valley Transportation Authority

RECEIVED

APR 11 2016

City of Santa Clara
Planning Division

April 11, 2016

City of Santa Clara
Department of Planning
1500 Warburton Avenue
Santa Clara, CA 95050

Attention: Jeff Schwilk

Subject: City File No. PLN2014-10851 / Great America Theme Park Master Plan

Dear Mr. Schwilk:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for expansion of the existing theme park on the east side of Great America Parkway, south of Tasman Drive. We have the following comments.

Land Use

VTA supports the proposed land use intensification of this important site, strategically located on the regional transportation network. The site is immediately adjacent to the Great America Light Rail Transit (LRT) Station, and approximately ½-mile from the Santa Clara Great America train station served by Altamont Corridor Express (ACE) and Capitol Corridor services. Tasman Drive is identified as a Corridor in VTA's Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County.

Transportation Impact Analysis (TIA) Report

VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis (TIA) for any project that is expected to generate 100 or more net new peak-hour trips. The NOP notes that a TIA will be prepared per CMP guidelines (pg. 4). The updated 2014 TIA Guidelines, which can be found at http://www.vta.org/cmp/tia-guidelines, include updated procedures for documenting auto trip reductions, analyzing non-auto modes, and evaluating mitigation measures and improvements to address project impacts and effects on the transportation system. For any questions about the updated *TIA Guidelines*, please contact Robert Swierk of the VTA Planning and Program Development Division at 408-321-5949 or Robert.Swierk@vta.org.

Site Design

The NOP materials do not contain a proposed site plan; however, VTA encourages the applicant to consider a site design that maximizes the desirability of walking to the project site, which also supports the use of nearby transit. Given the project's intent to create a commercial and entertainment district potentially located "outside of the Theme Park entrance and open to the general public," significant portions of the site fronting on Tasman Drive (currently utilized for

surface parking along Tasman Drive), could be transformed into an engaging pedestrian realm with active frontages and building entrances that face the street. Such a design would contribute to a quality walking environment that encourage greater trips by walking and by transit.

Pedestrian & Bicycle Accommodations

VTA recommends that the TIA include an analysis of Pedestrian and Bicycle Accommodations, including access and connectivity within and near the project site. Such analysis should consider the completeness and quality of the pedestrian and bicycle network on roadways and intersections adjacent to and nearby the project site. See sections 6.4, and 9.3 of the VTA *TIA Guidelines* for further details. VTA recommends that the Site Plan clearly indicate safe pedestrian pathways between entrances, parking areas, and surrounding sidewalks.

The existing pedestrian accommodations along the Tasman Drive frontage contains an attached sidewalk with no street trees between pedestrians and automobiles. Given the project's intent to create a commercial and entertainment district potentially located "outside of the Theme Park entrance and open to the general public," the project could increase pedestrian volumes along Tasman Drive, particularly given the site's synergy with the adjacent Levi's Stadium and planned City Place project. VTA recommends the provision of high-quality pedestrian accommodations along the Tasman Drive frontage, specifically that the City work with the applicant to provide a landscaped buffer with street trees between the sidewalk and Tasman Drive. Resources on pedestrian quality of service, such as the Highway Capacity Manual 2010 Pedestrian Level of Service methodology, indicate that such accommodations improve pedestrian perceptions of comfort and safety on a roadway.

VTA supports bicycling as an important transportation mode and thus recommends inclusion of conveniently located bicycle parking for the project. Bicycle parking facilities can include bicycle lockers or secure indoor parking for all-day storage and bicycle racks for short-term parking. VTA's Bicycle Technical Guidelines provide guidance for estimating supply, siting and design for bicycle parking facilities. This document may be downloaded from www.vta.org/bikeprogram.

Transportation Demand Management/Trip Reduction

VTA encourages reduction of vehicle trips by supporting employees and patrons to walk or bike to the site. In order to reduce the number of single occupant vehicle trips generated by the project, VTA recommends that the City and project sponsor consider a comprehensive Transportation Demand Management (TDM) program for the project.

VTA recommends that the City consider the following TDM/Trip Reduction strategies:

- Project design to encourage walking, bicycling, and convenient transit access;
- Parking cash out/parking pricing;
- Bicycle lockers and bicycle racks;
- Showers and clothes lockers for bicycle commuters;
- Preferentially located carpool parking;
- Employee carpool matching services;
- Parking for car-sharing vehicles;
- Transit fare incentives for employees, such as free or discounted transit passes on a continuing basis;
- Transit fare incentives geared at theme park patrons to encourage the use of transit to the site.

CMP Facilities

Based on the size and location of the project, there may be impacts to one or more Congestion Management Program (CMP) facilities, including freeway segments and CMP intersections. If the transportation analysis in the DEIR indicates that there will be significant impacts according to CMP standards, VTA suggests early coordination with the appropriate agencies to identify potential mitigation measures and voluntary contribution opportunities based on the transportation projects included in *Plan Bay Area* in the project vicinity, such as SR 237 Express Lanes Phase II and/or US 101 Express Lanes.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

cc: Patricia Maurice, Caltrans
Brian Ashurst, Caltrans

SC1602

VTA Development Review Program Contact List

Last Updated: 2/24/2016

Please route development referrals to:

Environmental (CEQA) Documents, Site Plans, other miscellaneous referrals
Roy Molseed – Roy.Molseed@vta.org – 408.321.5784

Transportation Impact Analysis (TIA) Reports and Notification Forms:
Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792
Eugene Maeda – Eugene.Maeda@vta.org – 408.952.4298

Electronic/email referrals are preferred, but please mail any hardcopy documents to:

[Name of recipient(s) as detailed above, depending on type of document]
Planning & Program Development Division
3331 North First Street, Building B-2
San Jose, CA 95134-1906

Contacts for specific questions related to VTA comments on a referral are below by topic area:

Transportation Impact Analysis (TIA) Guidelines (General Questions)
Robert Swierk – Robert.Swierk@vta.org – 408.321.5949
Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792

Auto LOS Methodology
VTA Highway Projects & Freeway Ramp Metering
Shanthi Chatradhi – Shanthi.Chatradhi@vta.org – 408.952.4224

VTA Transit Service, Ridership & Bus Stops
Rodrigo Carrasco – Rodrigo.Carrasco@vta.org – 408.952.4106
Nicholas Stewart – Nicholas.Stewart@vta.org – 408.321.5939

TDM Programs
Congestion Management Program (CMP)
VTA Eco Pass Program Questions Before Project Approval (e.g. when writing Conditions of Approval)
Robert Cunningham – Robert.Cunningham@vta.org – 408.321.5792

VTA Eco Pass Program Questions After Project Approval (e.g. Program Implementation)
Dino Guevarra – Dino.Guevarra@vta.org – 408.321.5572

BART Silicon Valley Extension
Kevin Kurimoto – Kevin.Kurimoto@vta.org – 408.942.6126

VTA Bicycle & Pedestrian Projects
Lauren Ledbetter – Lauren.Ledbetter@vta.org – 408.321.5716

VTA Real Estate
Jennifer Rocci – Jennifer.Rocci@vta.org – 408.321.5950

VTA Permits (Construction Access Permit, Restricted Access Permit)
Victoria King-Dethlefs – Victoria.King-Dethlefs@vta.org – 408-321-5824
Cheryl D. Gonzales – Cheryl.gonzales@vta.org – 408-546-7608

Other Topics and General Questions about VTA Comments
Roy Molseed – Roy.Molseed@vta.org – 408.321.5784