

9/19/2018

Comments were received on the Tasman East EIR from the following groups and individuals:

- City of Sunnyvale
- City of San Jose
- City of San Jose Airports Department
- County of Santa Clara LEA
- Santa Clara Valley Water District
- VTA
- California Public Utilities Commission, Rail Crossings and Engineering Branch
- Regional Water Quality Control Board
- San Joaquin Regional Rail Commission
- Santa Clara Unified School District
- Lozeau, Drury LLP
- Linda Williams (neighborhood resident)



Sunnyvale

City Hall

456 West Olive Avenue
Sunnyvale, CA 94088-3707
TDD/TYY 408-730-7501
sunnyvale.ca.gov

September 11, 2018

John Davidson, Principal Planner
City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050
Sent via e-mail: jdavidson@santaclaraCA.gov

Re: Comments on Notice of Availability of a Draft Environmental Impact Report for the
Tasman East Specific Plan

Dear Mr. Davidson:

Thank you for the opportunity to review the Draft Environmental Impact Report for the proposed Tasman East Specific Plan in Santa Clara. This letter includes comprehensive comments from multiple City of Sunnyvale departments with each department representative listed with that party's comments.

A. General Questions and Comments:

1. The City of Sunnyvale does not see any discussion on the compatibility of the stadium use to the proposed residential uses, especially from a transportation circulation perspective. The EIR for the Levi's Stadium project mentioned multiple times that the stadium-related circulation changes and road closures would not be an impact on surrounding uses because those uses were office/industrial and generally closed during stadium events. This will not be the case with the new residential uses and discussion on the topic is warranted, along with updates to the Transportation Management and Operations Plan (TMOP) that was required within the MMRP of the Levi's Stadium EIR.

B. Traffic and Transportation Comments:

Thank you for the opportunity to provide feedback on the DEIR for this significant project. We look forward to personally discussing transportation related matters in the near future, as well as other meeting opportunities at key points of the project planning. If you have questions on the following traffic related items, please contact Lillian Tsang, Principal Transportation Engineer, Dept. of Public Works, Itsang@sunnyvale.ca.gov or (408) 730-7556.



1. The City of Sunnyvale uses criteria of the VTA TIA Guidelines as a basis for determining study intersections. Based on the project trip generation (Table 3-4), project trip distribution (Figure 3-4), and project trip assignment (Figure 3-5), the intersection of Tasman Drive/Lawrence Expressway would have 82 project trips traveling eastbound toward Sunnyvale during the AM peak hour, and 80 project trips traveling westbound from Sunnyvale during the PM peak hour. These project trips would very likely travel to the intersection of Tasman Drive/Fair Oaks Avenue and therefore, all the signalized intersections along Tasman Drive, east of Fair Oaks Avenue, should be considered as study intersections in this EIR because the proposed project is expected to add 10 or more peak hour vehicles per lane to these intersections. The City of Sunnyvale typically analyzes traffic conditions at the study intersections during the AM (7-10) and PM (4-7) peak hours under existing and future analysis scenarios. The following Sunnyvale intersections should be included in this study:
 - a. Tasman Drive / Reamwood Avenue
 - b. Tasman Drive / Adobe Wells Street
 - c. Tasman Drive / Birchwood Drive
 - d. Tasman Drive / Vienna Drive
 - e. Tasman Drive / Fair Oaks Avenue
2. The project site is located near the easterly boundary of the City of Sunnyvale; however, relevant approved projects within Sunnyvale were not included in the study estimates of the Background traffic volumes. Similarly, pending projects were not incorporated in the cumulative traffic volume estimates. Not including these projects potentially underestimates the growth in the study area under the Background and Cumulative conditions.
3. An analysis of the School PM peak hour (2 PM to 4 PM) should be included to assess the project impact associated with the proposed school.
4. If the project were to have significant impacts on any Sunnyvale intersections, the project shall pay a fair-share payment contribution based on City of Sunnyvale's traffic impact fee schedule.

C. Environmental Services Department Comments:

If you have questions on the following comments, please contact Mansour Nasser, Water and Sewer Systems Division Manager, Environmental Services Division, mnasser@sunnyvale.ca.gov or (408) 730-7578.

1. The WSA for the project states that the proposed development will result in an increase of 627.3 acre feet (AF) per year in water demand (pumped from groundwater). Last year (2017) Santa Clara pumped 12,200 AF and the 2015 Urban Water Management Plan (filed with DWR) states that the City of Santa Clara can utilize up to 23,048 AF per year from its wells.



Sunnyvale

- a. Page 14 of the WSA states that, "During a multiple dry year event, the City projects no reduction in supplies from groundwater." The City of Sunnyvale would like to see this statement verified by the Santa Clara Valley Water District (SCVWD) and the San Francisco Public Utilities Commission (SFPUC) due to the fact that the most recent drought severely impacted groundwater levels and has caused concern of ground subsidence due to the depleted levels of water in the aquifer. According to the Annual Groundwater Report (2017) by the SCVWD, Santa Clara is the second highest groundwater user in the County and with this increase in water needs, the City of Sunnyvale is concerned with the results of the WSA.
2. It is important to note that there is currently no intertie that exists along Tasman Drive.

The City of Sunnyvale appreciates your consideration of the requested study scope elements described above. Please contact Amber Blizinski, Principal Planner, if you have any questions or concerns about items discussed in this letter at (408) 730-2723 or ablizinski@sunnyvale.ca.gov.

Sincerely,

Andrew Miner
Assistant Director, Community Development Department

cc: Kent Steffens, City Manager
Trudi Ryan, Director, Community Development
Chip Taylor, Director, Department of Public Works
Ramana Chinnakotla, Director, Environmental Services
Shahid Abbas, Transportation/Traffic Manager

September 13, 2018

VIA EMAIL AND MAIL

Mr. John Davidson, Principal Planner
City of Santa Clara – Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050
Email: JDavidson@santaclaraca.gov

RE: City of San José's Comment Letter relating to the Draft Environmental Impact Report for the Tasman East Specific Plan (CEQ2016-01026, PLN2016-12400).

Dear Mr. Davidson,

On behalf of the City of San José (City), we would like to express our appreciation for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Tasman East Specific Plan (Specific Plan).

PROJECT DESCRIPTION

The City understands the project as a Specific Plan to allow for the development of a high-density, transit-oriented neighborhood with retail. The Specific Plan would allow the development of up to 4,500 dwelling units, up to 106,000 square feet of retail, an extension of Lick Mill Boulevard through the site, the potential construction of a school for up to 600 students, and approximately ten acres of parks and open space.

CITY OF SAN JOSÉ COMMENTS

The City supports Santa Clara's commitment to allow high-density residential development, a school, and ten acres of parkland adjacent to the proposed City Place development and other employment centers in North San José and Santa Clara. The development of high-density housing in Tasman East will balance the proposed office and retail development of the proposed City Place project and will help reduce regional vehicle miles traveled (VMT) by giving more employees the opportunity to live within walking, biking, or a short drive from their workplace. The greenhouse gas emissions analysis in the DEIR confirms the benefits of placing high-density housing adjacent to major employment centers.

However, the City does have concerns about the analysis in the DEIR with regards to biological resources (cumulative nitrogen deposition impacts) and transportation (analysis of VMT). Furthermore, the City's comment letter on the Revised Notice of Preparation (NOP), dated August 7, 2017, was not included in Appendix A of the DEIR. The City's NOP comment letter is included as an attachment to this letter and should be included in Appendix A of the DEIR.

The City's specific comments are discussed below:

1. Biological Resources – Cumulative Nitrogen Deposition Impacts to Bay Checkerspot Butterfly Habitat

The DEIR does not evaluate cumulative impacts to Bay Checkerspot Butterfly habitat in serpentine soils on hillsides surrounding Santa Clara Valley and Coyote Valley. Bay Checkerspot Butterfly habitat is primarily impacted by nitrogen deposition resulting from increased vehicle trips. The project site is located outside of the Santa Clara Valley Habitat Plan (SCVHP) area, and therefore is not subject to the requirements of the SCVHP. However, the SCVHP is the best regional biology science available for the species covered by the Plan, including for nitrogen deposition impacts to Bay Checkerspot Butterfly habitat. The SCVHP provides a framework for the Santa Clara Valley Habitat Agency to acquire and restore Bay Checkerspot Butterfly habitat. Although Santa Clara is not a part of the SCVHP, the DEIR should utilize the SCVHP framework for analytical information, disclosure, and mitigation for impacts to the Bay Checkerspot Butterfly resulting from trips generated by future development allowed under the Tasman East Specific Plan, in order to help protect this species.

2. Traffic/Transportation

In February 2013, Governor Brown signed Senate Bill (SB) 743 (Steinberg, 2013), which creates a process to change the way that transportation impacts are analyzed under CEQA. Specifically, SB 743 requires the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to analysis by Level of Service (LOS) criteria for evaluating transportation impacts. Particularly within areas served by transit, those alternative criteria must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (Public Resources Code Section 21099(b)(1).)

SB 743 requires the CEQA Guidelines to develop a metric that promotes the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. OPR selected vehicle miles traveled as a replacement measure not only because it satisfies the explicit goals of SB 743, but also because agencies are already familiar with this metric. Vehicle miles traveled (VMT) is already used in CEQA to study other potential impacts such as greenhouse gas, air quality, and energy impacts and is used in planning for regional sustainable communities' strategies.

Replacing LOS with VMT will help meet regional goals, better align with VMT implementation requirements under SB 743, and may streamline development of vibrant, walkable communities. Removing barriers to housing production in areas that have access to services and increasing transportation options will help to reduce both housing and transportation costs—the largest two components of Californians' cost of living. With VMT mitigation, new development will add less vehicle travel onto highways, leading to better outcomes for regional congestion.

Although the City of Santa Clara has yet to adopt VMT as a metric for assessing transportation impacts under CEQA as required by SB 743, a discussion of the project's VMT should be included in the DEIR as an informational item, including for the project's impacts to the City of San José, because most development under the proposed Specific Plan will occur after the City of Santa Clara adopts new metrics to comply with SB 743. The Traffic Impact Analysis prepared for the Draft EIR (Appendix G) does evaluate per-capita VMT, but does not compare project VMT with County or regional average VMT. Such a comparison would help the public understand how the project's VMT compares with existing development patterns, and could reinforce the benefits of the project's proximity to employment and transit.

Additional comments may be forthcoming from the City of San José's Department of Public Works in a separate letter. For questions about transportation comments in this letter and the August 7, 2017 Notice of Preparation letter, please contact the City's Traffic Manager, Karen Mack. Ms. Mack can be reached at karen.mack@sanjoseca.gov.

CONCLUSION

We thank you for the opportunity to comment on the Draft EIR for the Tasman East Specific Plan EIR. The City of San José looks forward to continued collaboration, communication, and implementation of the project. If you should have any questions, please feel free to contact David Keyon, Supervising Environmental Planner at david.keyon@sanjoseca.gov or (408) 535-7898.

Sincerely,



Rosalynn Hughey, Director
Planning, Building and Code Enforcement
City of San José

cc: City's Department of Public Works
City's Department of Parks, Recreation, and Neighborhood Services

Attachments:

- 1) City of San José's Comment Letter relating to the Revised Notice of Preparation for the Tasman East Specific Plan, dated August 7, 2017.
- 2) Comment letter from the City of San José's Department of Parks, Recreation, and Neighborhood Services, dated September 10, 2018.

August 7, 2017

VIA EMAIL ONLY

Mr. John Davidson, Principal Planner
City of Santa Clara – Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050

RE: City of San José's Comment Letter relating to the Revised Notice of Preparation for the Tasman East Specific Plan (CEQ2016-01026, PLN2016-12400).

Dear Mr. Davidson,

On behalf of the City of San José (City), we would like to express our appreciation for the opportunity to review and comment on the Revised Notice of Preparation (NOP) for the Tasman East Specific Plan (Specific Plan) Environmental Impact Report (EIR).

PROJECT DESCRIPTION

The City understands the project as a Specific Plan to allow for the development of a high-density, transit-oriented neighborhood with retail. The Specific Plan would allow the development of up to 4,500 dwelling units, up to 106,000 square feet of retail, an extension of Lick Mill Boulevard through the site, the potential construction of a school for up to 600 students, and approximately ten acres of parks and open space.

NOTICE OF PREPARATION COMMENTS

The City supports Santa Clara's commitment to allow high-density residential development, a school, and ten acres of parkland adjacent to the proposed City Place development and other employment centers in north San José and Santa Clara. The development of high-density housing in Tasman East will balance the proposed office and retail development of the proposed City Place project and will help reduce regional vehicle miles traveled (VMT) by giving more employees the opportunity to live in walking, biking, or a short drive from their workplace. However, buildout of the Specific Plan will result in a significant concentration of new residents on a 46-acre site on the City's border, resulting in changes to the local environment, especially with regard to biological resources, traffic patterns, and use of recreation facilities. Therefore, the City requests the EIR evaluate the following potential impacts related to air quality, biological resources, recreation/open space, and transportation/circulation:

1. Air Quality

The EIR should evaluate impacts to sensitive receptors from construction period air pollutants

during construction of development consistent with the Specific Plan. Sensitive receptors include residents in the City of San José across the Guadalupe River, approximately 500 feet east of the Specific Plan area.

2. Biological Resources – Santa Clara Valley Habitat Conservation Plan

The EIR should evaluate potential impacts of new development adjacent to the Guadalupe River. Project design that includes more open space (part of the proposed ten acres of parks and open space) along the Guadalupe River could serve as a buffer between future development and the riparian habitat while serving as an amenity.

Although the project site is located outside of the Santa Clara Valley Habitat Plan (SCVHP) area, it is immediately adjacent to the border of the covered area, just west of the City of San José. The SCVHP is the best regional biology science available, particularly for Nitrogen Deposition, and should be evaluated as part of the EIR. Even though Santa Clara is not a part of the SCVHP, the EIR should utilize the SCVHP framework for analytical information, disclosure and mitigation, particularly with regard to potential impacts to the Bay Checkerspot Butterfly resulting from cumulative nitrogen deposition from trips generated by future development.

3. Open Space and Recreation Area

Given that the proposed project abuts the City of San José, with likely impacts to public usage of San José's parks, open space, and recreational facilities, the City has the following concerns related to: (1) inadequate park space, (2) utilization of City's trail network, (3) habitat and open space connectivity, and (4) future adaptation measures to address climate change.

Recognizing that the Quimby Act and Mitigation Fee Act are imperfect measures to achieve adequate recreational land for residents, the City is concerned that the proposed 10-acre park is substantially below the City of Santa Clara's Parkland In-lieu Fee Schedule for New Residential Development (Resolution No. 17-8427) and the Quimby Act requirement for open space. As described in the ordinance and depending on whether a project is subject to Quimby Act or Mitigation Fee Act, individual residential projects in the development should be subject to a parkland obligation of either 3.0 or 2.53 acres per 1,000 residents, respectively. Assuming that to achieve the densities proposed in the Specific Plan, all units in the plan will be multifamily units with occupancy calculated at 2.24 residents per dwelling unit, the overall Specific Plan should be required to provide between 25.5 and 30.2 acres. The proposed 10 acres is substantially lower than both the City of San Clara and Quimby Act's requirements for recreation and open space and therefore, demand for public recreation facilities from new residents within the Specific Plan area will negatively impact San José's trail, park and other recreation facilities. The Specific Plan and EIR should account for how the additional parkland need will be addressed.

4. Traffic/Transportation

Please consider the following when preparing the traffic analysis:

- North San José Area Development Policy (NSJADP) and North San José Deficiency Plan (NSJDP)
- US 101 / Oakland Transportation Development Policy
- VMT analysis - Implementing SB743
- City of San José Protected Intersections
- City of San José TIA Guidelines
- VTA's CMP analysis
- Provide trip assignment distribution
 - Include number of AM/PM Peak hour trips distributed to protected intersections, freeways (US-101 Oakland, Mabury)
- TDM
 - Reduce parking, add bike parking, employer incentives, Eco Passes, unbundled parking, incorporate a TMA (Transportation Management Association) to provide transportation services/resources information to encourage trip reduction

Analysis review: To expedite EIR review, please consider all technical documents to be disclosure documents for all stakeholders, including the general public in addition to technical staff/reviewers.

City of San José development projects in the vicinity: Please contact City of San José Department of Public Works for current City of San José project list.

- PD16-034 - Top Golf
- PD15-053 - America Center Building 5
- PDC15-016 - Marriott Residence Inn
- SP16-053 - Cilker
- H15-037 - Boston Properties
- North San José

Evaluate the following City of San José intersections using TRAFFIX:

- Gold Street/Gold Street Connector (City of San José)
- Great America Parkway / State Hwy 237 (N)
- Great America Parkway / State Hwy 237 (S)
- N. First Street / Nortech Parkway
- Disk Drive / Nortech Parkway
- Wilson Drive / Grand Blvd
- N. First Street / State Hwy 237 (S)
- N. First Street / State Hwy 237 (N)
- N. First Street / Holger Way (Lamplighter Way)
- N. First Street / Headquarters Drive (Vista Montana)
- W. Tasman Drive / Vista Montana
- Renaissance Drive / Vista Montana

- W. Tasman Drive / Champion Court
- W. Tasman Drive / Rio Robles
- N. First Street / W. Tasman Drive
- N. First Street / Rio Robles
- N. First Street / River Oaks Parkway
- N. First Street / Montague Expressway
- Baypointe Parkway / Tasman Drive
- Zanker Road / State Hwy 237 (N)
- Zanker Road / State Hwy 237 (S)
- Zanker Road / Holger Way
- Zanker Road / Baypointe Parkway
- Zanker Road / Tasman Drive
- Zanker Road / Alicante Drive
- Zanker Road / River Oaks Parkway
- Zanker Road / Sony Driveway
- Zanker Road / Innovation Drive
- Zanker Road / Montague Expressway
- Cisco Way / Tasman Drive
- Any other intersections that meet the CMP Guidelines for analysis

Please identify any and all transportation improvements that may result from the full build-out of Specific Plan. We request that you coordinate with City of San José staff to provide seamless transportation connections between San José and Santa Clara:

1. City of San José intersections (using City of San José Council Policy 5-3 criteria)
2. Multimodal Bike, Ped and transit facilities

For impacts in North San José, please refer to the NSJADP and NSJDP. For impacts in other areas of San José, please provide preliminary mitigation proposals for San José review and approval.

CONCLUSION

We thank you for the opportunity to comment on the Revised NOP for the Tasman East Specific Plan EIR. The City of San José looks forward to continued collaboration, communication, and implementation of the project. If you should have any questions, please feel free to contact David Keyon, Supervising Environmental Planner at david.keyon@sanjoséca.gov or (408) 535-7898.

Sincerely,

A handwritten signature in black ink that reads "Ned Thomas". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Ned Thomas, Division Manager
Planning, Building and Code Enforcement
City of San José

CC: City's Department of Public Works
City's Department of Parks, Recreation, and Neighborhood Services

— SAN JOSE —
**PARKS, RECREATION &
NEIGHBORHOOD SERVICES**

September 10, 2018

John Davidson
Principal Planner
City of Santa Clara – Planning Division
(408) 615-2450

Re: Draft Environmental Impact Report for the Tasman East Specific Plan Project
File Nos.: CEQ2016-01026, PLN2016-12400

Thank you for the opportunity to comment on the referenced project.

The City of San Jose, and the Department of Parks, Recreation, and Neighborhood Services has an interest in the project as the Specific Plan is immediately adjacent to the city boundary and may impact a number of our recreational facilities.

The Department supports the Specific Plan's call for:

- 10 acres of open space, paseos, and parkland within the 41.4-acre Tasman East project.
- a school site of up to two acres in size.

We encourage the City of Santa Clara to establish and enforce clear requirements and minimums for the provision of these park and open space assets.

PRNS has the following general comments on the Specific Plan, with additional details provided for each, as relate to (1) Provision of Adequate Parkland; and, (2) Trail Impacts and Use.

PRNS Summary Comments

Provision of Adequate Parkland

- The Specific Plan DEIR states that City of Santa Clara would use park impact fees to acquire offsite parkland and achieve a less than significant impact. PRNS is concerned about the availability of land for park purposes in this part of Santa Clara, as we struggle to identify and acquire suitable sites nearby in North San Jose.
- The adjacent City Place Project, also in Santa Clara, has proposed much more significant parks and open space. The DEIR should include this finding to clarify any misconceptions about the adequacy of parkland, if such public spaces are also intended to offset park impacts from the Tasman East Specific Plan. This would be consistent with the Cumulative Impacts to Recreation as described in Section 3.13.2.3.

- PRNS is concerned that nearby park and recreational facilities in San José may be negatively impacted through heightened use if the Tasman East Specific Plan is unable to adequately provide park and recreation area on site or in close proximity. Specifically, staff is concerned about potential impacts to larger community parks, sports fields, and regional facilities like San Jose's planned park at the former Agnews site (located at Cabrillo Road east of Zanker Road).

The current Draft EIR, proposes five acres of actual parkland and relies on paseos, pedestrian connections, and public open space to achieve the previously proposed 10-acre park. This is substantially below the City of Santa Clara's Parkland In-lieu Fee Schedule for New Residential Development (Resolution No. 17-8427). As staff understands the City of Santa Clara's Parkland Dedication Ordinances, the project would be required to provide between 25.5 and 30.2-acres of public parkland or fees in-lieu. PRNS also understands that park improvements are likely to be funded out of the same obligation, ultimately moderating the actual land exaction. The City of San José remains concerned that the five acres proposed is so significantly below these impact mitigation targets, that demand for public recreation facilities from new residents will negatively impact San José's own facilities, as well as those in Santa Clara proper.

It appears from statements in the Cumulative Impact to Recreation Section 3.13.2.3, that parkland acreage planned in the approved City Place Project will help offset the parkland impacts of the Tasman East Specific Plan. If this is the intent, PRNS would recommend that the DEIR make this statement clearer throughout all sections related to parks, recreation, and open space.

Trail Impacts and Use

- The Specific Plan DIER states that projects would construct bicycle access to the Bay Trail and Guadalupe River trail, supporting the finding that the project would have a less than significant impact. Staff is concerned that simply providing bicycle access to existing bicycle facilities is not an adequate evaluation of impacts to existing facilities, like the Guadalupe River Trail. The DEIR should evaluate and estimate likely bicycle trip generation resulting from implementation of the Specific Plan. San Jose maintains travel volume data for the trail system on its [Trail Count page](#).

The City of San José has constructed and operates the Lower Guadalupe River Trail directly to the east of Project, providing active transportation links from San Francisco Bay at Alviso, south to Downtown San José and beyond. The Guadalupe River Trail serves both Santa Clara and San José residents. Over the past decade, San José's Trail Program has conducted an annual Trail Count, cataloguing the volume of trail users along several City trails. In the most recent Trail Count for 2016, staff has documented approximately 2,325 users over a 12-hour period at the nearby River Oaks bridge. Additionally, responses to Trail Count questionnaires estimate that approximately 51% of trail users utilize trails for transportation or commuting in some fashion. From this evidence of current use, it is likely that intensive development near the trail will increase the number commuters as well as recreational users of the trail and may have potential impacts to trail infrastructure and the safe and enjoyable experience of users.

In Section 3.14.2.7 Bicycle Facilities Impacts of the Draft EIR (Pg. 252), the DEIR states that “The proposed project provides adequate bicycle access to the Bay Trail and points south along the Guadalupe River Trail. As a result, bicycle impacts are considered to be less than significant.” From this statement, the project is providing increased pedestrian and bicycle access to the trail, but has not fully evaluated the extent of new bicycle use on existing facilities, nor what the likely impacts of such increased ridership may be.

Once again, we greatly appreciate the opportunity to comment upon this project and request that we be placed on the mailing list for future correspondence.

Thank you,

David McCormic, Associate Landscape Designer

Parks, Recreation & Neighborhood Services
200 East Santa Clara Street, 9th Floor
San José, CA 95113-1903
408.535-8433

John Davidson

From: Greene, Cary <CGreene@sjc.org>
Sent: Wednesday, August 15, 2018 10:26 AM
To: John Davidson
Cc: Amelia Morgia; Sheelen, Ryan
Subject: Draft EIR for Tasman East Specific Plan

Thank you for notifying the City of San Jose Airport Department of the completion the subject DEIR. The Airport has reviewed the aviation-related information and impact analysis presented in the document, including the Hazards and Hazardous Materials, Land Use and Planning, Noise and Vibration, and Transportation/Traffic sections, and considers it sufficiently complete and accurate. We therefore have no specific concerns or suggested revisions for the document.

Feel free to contact either myself or Ryan Sheelen in my office to discuss any comments raised by other reviewers regarding aviation-related topics, and please continue to include the San Jose Airport Department on notices or distribution of DEIR amendment or Final EIR documents for the project.

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

County of Santa Clara

Department of Environmental Health

1555 Berger Drive, Suite 300
San Jose, CA 95112-2716
(408)918-3400 FAX (408)298-6261
www.EHinfo.org



August 28, 2018

John Davidson, Principal Planner
City of Santa Clara Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050
jdavidson@santaclaraca.gov

RE: Public Comment - Environmental Impact Report for the Tasman East Specific Plan Project, SCH# 2016122027, File Numbers: CEQ2016-01026, PLN2016-12400

Dear Mr. Davidson,

Thank you for the opportunity to comment on the Tasman East Specific Plan Project - Environmental Impact Report (EIR). The County of Santa Clara Department of Environmental Health is designated as a Local Enforcement Agency (LEA) by the California Department of Resources Recycling and Recovery (CalRecycle) and works with CalRecycle to carry out regulatory oversight of solid waste handling and disposal sites at the local level. As a Responsible Agency, the LEA would like to provide the following comments to the EIR.

Project Description:

The proposed project involves the development of a high-density transit-oriented neighborhood with supportive retail services. The project Specific Plan would allow the development of up to 4,500 dwelling units and up to 106,000 square feet of retail space including the potential for a grocery store.

Comment:

As indicated in the Draft EIR the former Santa Clara All Purpose Landfill owned by the City of Santa Clara is directly adjacent to the Tasman East Specific Plan Project (TESP). With the proximity of the TESP project (to All Purpose LF), the LEA concurs with the recommendation by Cornerstone Earth Group based on the results of the Screening Level Phase I Environmental Site Assessment (Appendix I). The identified potential impacts to the project site from landfill gas migration and vapor intrusion must be further evaluated by a Phase II Environmental Site Assessment and redevelopment activities should be coordinated with the LEA. If investigative results require site mitigation measures from landfill gas (methane) and vapor intrusion, the Project Proponent should consider the mitigation measures described in the California Code of Regulations Title 27 Section 21190(c), in conjunction with a proposed vapor intrusion plan.

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

Thank you for the opportunity to review and comment on this EIR. Should you have any questions or concerns, please feel free to contact Roel Meregillano, Senior R.E.H.S. (408) 918-1962, roel.meregillano@cep.sccgov.org or Sally Lee, Senior R.E.H.S. (408) 918-2925, sally.lee@cep.sccgov.org.

Sincerely,

A handwritten signature in blue ink that reads "Paul Tavares" followed by a long horizontal line extending to the right.

Paul Tavares, R.E.H.S.
Program Manager
County of Santa Clara
Department of Environmental Health
Solid Waste Programs

File: 33448
Guadalupe River

September 13, 2018

Mr. John Davidson
City of Santa Clara
Planning Division Office
1500 Warburton Avenue
Santa Clara, CA 95050

Subject: Draft Environmental Impact Report – Tasman East Specific Plan

Dear Mr. Davidson:

The Santa Clara Valley Water District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the Tasman East Specific Plan, dated July 2018 and received by the District on July 30, 2018.

The District owns property along the easterly side of the site over the Guadalupe River. If any work is proposed on the District's property, such as trail connections, issuance of a District permit as per the District's Water Resources Protection Ordinance will be necessary. In such case the District will be a responsible agency under CEQA.

Based on our review of the DEIR the following comments were previously provided to the City on January 11, 2017 regarding the Notice of Preparation and do not appear to have been addressed in the DEIR:

1. The project description notes that the project will include connections to the Guadalupe River Trail which is located on District property along the top of levee maintenance road and operated by the City of Santa Clara under a Joint Use Agreement with the District. Any new connection point to the trail need to be open to the public at large and may require modification of the existing Joint Use Agreement to include the new access.

Connection points that are not located at existing street crossings of the river, can negatively impact the structural integrity of the levee and District levee maintenance operations. Connections to the trail should be coordinated with the adjacent City Place development to minimize the number and access points within this overall reach of the river. The City should have an overall plan for trail access points as the District will not allow access points to be constructed at each development along the river. Additionally, such connections should utilize placement of fill adjacent to the levee as it minimizes the levee height. Also, note the existing trail is unpaved and the District will not allow paving of the existing west side levee trail.

2. Development and landscaping of the area along the levee should consider opportunities such as site layout, fencing, landscaping, and education to discourage the public from creating pioneer trails up the levee slope to access the existing trail. Pioneer trails are



problematic as they negatively impact the levee integrity, levee maintenance, drainage, and create liability issues.

3. As noted in previous communications to the City, the project should consider the potential for regulatory requirements to change from 100-year to 200-year flood protection and climate change in the future. The 200-year requirement has been imposed in other parts of the Country and State so the possibly of such a change exists. Generally, levee raising is preferable to floodwalls, but it requires a larger footprint.
4. The levee for the Guadalupe River is located along the east side of the site. To protect the levee and allow for adequate room for emergency access in the event that the levee is compromised, buildings should be adequately setback from the levee and landscaping should allow for a 15-foot tree free zone from the levee toe to meet Army Corps of Engineers levee guidelines.
5. The District records indicate that there are 14 active wells within the project site and possibly one abandoned well. If currently active wells will continue to be used following development of the site, they must be protected so that they do not become lost or damaged during construction. If the wells will not be used following development of the site, they must be properly destroyed under permit from the District. The abandoned well if found during construction must be properly destroyed under from the District or registered with the District and protected from damage. It should be noted that while the District has records for most wells located in the County, it is always possible that a well exists that is not in the District's records. All wells found at the site, must be destroyed, or registered with the District as noted above. For questions about the wells, please contact the District Wells and Water Measurement Unit at (408) 630-2660.
6. If native plants are proposed for use at the site, their use should be in conformance with the Guidelines and Standards for Land Use Near Streams to protect the existing locally native plants along the river and the District's mitigation areas. Generally, this requires natives proposed that are found naturally in this area of the Guadalupe River to be grown from locally collected propagules.

In addition to the above previously provided comments we have the following additional comments regarding the DEIR:

7. Figures 2.0-3, -4, and -5 incorrectly identify District property as easement. At this location the District owns fee title property and these figures should be revised for accuracy.
8. The proposed ramps/stairs to connect the project site to the existing river trail mentioned on page 19 in Section 2.3.5.1 – River District, will require a District permit. Also, as noted above the number of connection points need to be minimized and carefully located. This section of the DEIR should provide more detail regarding placement, as these features have the potential to impact levee and flood protection activities.

9. The discussion of lighting in Section 2.3.5.1 - River District, needs to clearly note that path lighting is not to include any part of the trail or trail access on District property.
10. The discussion on page 19 in Section 2.3.6 - Common Open Space and Landscaping, should include reference to the Guidelines and Standards for Land Use Near Streams, regarding planting near the river to protect existing riparian habitat in particular. See Design Guide 2-5 enclosed.
11. On page 87 MM Bio – 7.1 notes mitigation for impacts to riparian woodland habitat is to be accomplished preferably along the Guadalupe River. Non-District mitigation on District property is not allowed as the District property is required to accommodate the District's mitigation needs. There is likely no available land along the river that is not owned by the District or required as part of the remaining flood project along the river.
12. The standard erosion control seed mix to be used near the Guadalupe River mentioned in MM Bio – 9.3 should conform with the Guidelines and Standards for Land Use Near Streams, Design Guide 5.
13. On page 148 the flooding discussion notes the mapped flooding at the site is due to a “lack of capacity in the local drainage system (i.e., Guadalupe River and the Eastside Pump Station).” The District has completed flood protection improvements on the Guadalupe River to contain the 1% flood flows. Flooding at the site is not due to lack of capacity of the river but lack of capacity of the local drainage system that discharges to the river.
14. Page 148 and page 9 of Appendix E should be revised to include the Lenihan Dam on Lexington Reservoir to the dams whose failure would inundate the project site.
15. As noted on page 152 MM HYD – 1.1 and page 277 Section 3.15.1.4, it is unclear how the installation of one catch basin will mitigate for off-site flooding if the local drainage system is not of sufficient capacity already.
16. On page 153 the project proposes to place the Eastside Drainage Swale into a box culvert. Even if this work doesn't require use of District property the District would like to review plans for it as it could impact the levee.
17. On page 280 the Storm Drainage Impacts Section notes that the storm drain system is undersized to handle flows under existing conditions. It is unclear how moving additional flood waters offsite to one new catch basin will mitigate for placement of fill within the existing mapped special flood hazard areas.

Please forward a copy of the Final EIR addressing the above comments when available. If you have any questions, you may reach me at (408) 630-2479, or by e-mail at LBrancatelli@valleywater.org. Please reference District File No. 33448 on future correspondence regarding this project.

Sincerely,



Lisa Brancatelli
Assistant Engineer II
Community Projects Review Unit

cc: U. Chatwani, C. Haggarty, L. Brancatelli, M. Martin, T. Hemmeter, File



September 13, 2018

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

Attention: John Davidson

Subject: City File No. PLN2016-12400 / Tasman East Specific Plan

Dear Mr. Davidson:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report for the Tasman East Specific Plan. VTA appreciates our involvement in the Tasman East Specific Plan Technical Advisory Committee. This project presents a prime opportunity to implement the City and VTA's shared goals to improve transit options to encourage the public to use transit further, and improve travel time reliability. VTA is encouraged by the proposed Specific Plan's increased development densities that will generate ridership, specifically at the doorstep of the Lick Mill Station. However, VTA is concerned that project traffic generated by the Tasman East Specific Plan could slow down transit at the expense of customers, workers and residents of Santa Clara, and to VTA's operations.

VTA recommends a shared, holistic approach and coordinated action with the City to take on the tremendous growth opportunity occurring in North Santa Clara in the Tasman East area, neighboring developments (e.g., City Place and Levi's Stadium), potential developments (e.g., 3005 Democracy Way), and the forthcoming nearby Patrick Henry and Freedom Circle Specific Plan areas. As these developments and plans come forward, VTA is prepared to partner with the City to consider the area's new travel demand and how the potential effects of congestion are affecting multimodal travel, particularly transit. VTA and the City can steward this once-in-a-lifetime opportunity for growth while improving the viability of transit, which will be critical to the success of a sustainable, urban future for North Santa Clara.

VTA supports the Specific Plan, as noted in our previous Tasman East Specific Plan comment letters, and highlights the following key issues:

- Impacts to Transit Travel Times
- Impacts to Congestion Management Program (CMP) Freeway Segments

Impacts on Transit Travel Times

The DEIR/TIA identifies a significant and unavoidable impact to Light Rail travel times of approximately two to three minutes of delay, and states there are no feasible mitigation measures (DEIR p.253/TIA p. 117). The DEIR/TIA notes that transit signal priority currently exists along

Tasman Drive, and that “significant increased delays are estimated to result from the project” (DEIR pp.253-254).

VTA notes that the DEIR/TIA should be updated to reflect the operation of two Light Rail lines (i.e., Green Line and Orange Line) along the Tasman Corridor, per the VTA Board-approved Next Network Plan. The DEIR/TIA currently notes the operation of one Light Rail line.

Per VTA’s analysis, an average delay per train of two to three minutes would constitute over 4,000 annual hours of delay over the two Light Rail lines that will be operating through this area, which would cost VTA over \$1M annually in additional operating costs.

The additional operating costs associated with this delay include additional light rail vehicles deployed to provide the same frequency of service as stated in the approved Next Network Plan. The DEIR/TIA makes clear that project traffic resulting from the Tasman East Specific Plan would contribute new congestion along the Tasman Corridor at intersections between Great America Parkway and North First Street, degrading Light Rail travel times. The DEIR/TIA states that no feasible mitigation measures exist. VTA disagrees and notes that strengthened transit priority measures exist, such as full Transit Signal Preemption along the Tasman Corridor through the City of Santa Clara, which would constitute a feasible mitigation for this impact. **VTA recommends that additional analysis be conducted that includes the cumulative impacts to both light rail lines, and a full analysis assuming Transit Signal Preemption through this corridor.**

VTA welcomes the Tasman East Specific Plan’s proposed development densities to create a “transit-oriented neighborhood” and underscores that doing so requires concurrent off-setting mitigation of impacts to transit in order to enhance travel times, and emphasize the appeal of transit for travelers in the corridor.

Ongoing Coordination between City of Santa Clara and VTA

VTA appreciates that the City of Santa Clara and VTA are taking steps to discuss the opportunities and challenges for land use and transportation in North Santa Clara, with a meeting scheduled for October 1, 2018. From a comprehensive, long-range planning perspective, VTA is concerned that North Santa Clara’s burgeoning growth could continuously degrade transit travel times, and burden VTA and tax payers with increased light rail operating costs. However, VTA and the City can change this trajectory through partnership to preserve and enhance multimodal travel through the Tasman Corridor.

Relationship to Tasman Complete Streets Study

VTA and the City are partnered on existing efforts such as the Tasman Complete Streets Study, which is finalizing a conceptual vision (10% design) for the interjurisdictional Tasman Corridor. The City has affirmed the direction of the Tasman Complete Streets Study. The strengthened transit priority measures recommended by VTA for the Tasman East Specific Plan would not be precluded by the Tasman Complete Streets Study. The “Phase 2” of the Tasman Complete Streets Study would include a full traffic operational analysis, engineering, and design work that

could support Transit Signal Preemption or strengthened transit priority measures, subject to stakeholder input.

Relationship to VTA Fast Transit Program

VTA and the City, and our other Member Agencies, are in dialogue about the VTA Fast Transit Program's forthcoming Speed and Reliability Policy, aimed at making transit more appealing by increasing transit speeds and on-time reliability, informed by a comprehensive examination of the causes of VTA's declining speeds and reliability. In the case of the Tasman East Specific Plan, the DEIR/TIA acknowledges that the proposed Specific Plan is a source of transit delay. Future recommendations for the Speed and Reliability Policy would likely complement VTA's recommendation for strengthened transit priority measures as part of the Tasman East Specific Plan.

Relationship to City of Santa Clara Multimodal Improvement Plan

VTA and the City are also closely partnered on the City of Santa Clara Multimodal Improvement Plan (MIP), which is being finalized by the City. The MIP is a requirement in response to the City Place project's identified impacts to CMP intersections which could not be fully mitigated. The MIP is an opportunity to tradeoff infeasible mitigations (e.g., physical improvements, such as roadway widenings) with "offsetting" multimodal improvements. The opportunity for strengthened transit priority measures recommended by VTA for the Tasman East Specific Plan are not precluded by the improvements proposed by the MIP, and would serve to complement the policy direction of the MIP.

Impacts to CMP Freeway Segments

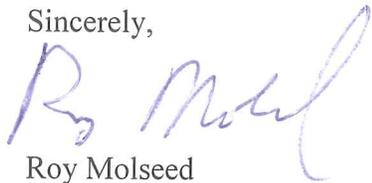
The TIA identifies 16 directional freeway segment impacts (p. 66). The TIA notes that VTA has a Voluntary Contribution Program and that the project has the option to contribute toward such program (p. 72). VTA recommends providing a Voluntary Contribution toward regional transportation improvements in or near the impacted facilities from the latest Valley Transportation Plan (e.g. SR 237 Express Lanes Phase III, and US 101 Express Lanes), pedestrian/bicycle/transit improvements proposed through the Tasman Corridor Complete Streets Study, or the implementation of an upgraded Great America Intermodal Station (which will be studied through the Santa Clara MIP). VTA would like to begin coordination on this Voluntary Contribution opportunity prior to finalizing the EIR.

California Public Utilities Commission (CPUC) Permits

Should effects of the Tasman East Specific Plan modify existing crossings of light rail tracks, specifically at Tasman Drive/Lick Mill Parkway or Tasman Drive/Calle del Sol, the Project will require review by the CPUC of the Project's effect on the existing light rail crossings, specifically the filing of the GO88-B application and others per CPUC General Order 88-B and 75-D. CPUC requires VTA's concurrence related to modifications to these crossings. For more information about the CPUC Crossing GO88-B application process, please contact Willard Lam, VTA's CPUC Crossing representative at (415) 703-1327, or Willard.Lam@cpuc.ca.gov.

Thank you for the opportunity to review this project. VTA looks forward to continuing and improving our coordinated planning efforts with the City of Santa Clara on the Tasman East Specific Plan, North Santa Clara area, and other joint efforts that will contribute toward a sustainable future for land use and transportation. 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

SC1612

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013



August 10, 2018

John Davidson
City of Santa Clara
1500 Warburton Ave
Santa Clara, CA 95050

Re: SCH 2016122027–Tasman East Specific Plan–*Draft Environmental Impact Report*

Dear Mr. Davidson:

The California Public Utilities Commission (Commission/CPUC) has jurisdiction over rail crossings (crossings) in California. CPUC ensures that crossings are safely designed, constructed, and maintained. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the *Draft Environmental Impact Report* (DEIR) for the proposed Tasman East Specific Plan. City of Santa Clara (City) is the lead agency.

The City proposes to develop an existing industrial neighborhood 45 acres in size into a high-density transit-oriented neighborhood. The project would provide greater pedestrian and bicycle access to the adjacent Valley Transit Authority (VTA) Lick Mill Station through the traffic light controlled Calle del Sol crossing (CPUC No. 082B-5.58). The project also borders the Capitol Corridor Great America Station, with a flasher controlled pedestrian crossing (CPUC No. 001L-40.60-D).

Any development adjacent to or near the railroad or light rail transit right-of-way (ROW) should be planned with the safety of the rail corridor in mind. New developments may increase pedestrian or vehicular traffic volumes not only on streets and at intersections, but also at nearby rail crossings. Traffic impact studies should analyze rail crossing safety and potential mitigation measures. Safety improvement measures may include the planning for grade separations or improvements to existing at-grade crossings. Examples of improvements may include, but are not limited to: addition or upgrade of crossing warning devices, detectable warning surfaces and edge lines on sidewalks, and pedestrian channelization. Pedestrian and bicycle routes should be designed to clearly prohibit and discourage unauthorized access (trespassing) onto the tracks, except at authorized crossings.

In addition, modifications to existing public crossings require authorization from the Commission. RCEB representatives are available for consultation on any potential safety impacts or concerns at crossings. Please continue to keep RCEB informed of the project's development. More information can be found at: <http://www.cpuc.ca.gov/crossings>.

If you have any questions, please contact Matt Cervantes at (213) 266-4716, or mci@cpuc.ca.gov.

Sincerely,

Matt Cervantes
Utilities Engineer
Rail Crossings Engineering Branch
Safety and Enforcement Division

CC: State Clearinghouse, state.clearinghouse@opr.ca.gov



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9/12/18
E



San Francisco Bay Regional Water Quality Control Board

September 10, 2018

Sent via electronic mail: No hardcopy to follow

Governor's Office of Planning & Research

SEP 10 2018

City of Santa Clara
ATTN: John Davidson, Principal Planner (j davidson@santaclaraca.gov)
1500 Warburton Avenue
Santa Clara, CA 94566

STATE CLEARINGHOUSE

Subject: San Francisco Bay Regional Water Quality Control Board Comments on the Draft Environmental Impact Report for the Tasman East Specific Plan, City of Santa Clara, Santa Clara County, California
SCH No. 2016122027

Dear Mr. Davidson:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the *Draft Environmental Impact Report for the Tasman East Specific Plan* (Draft EIR). The Draft EIR evaluates the potential environmental impacts associated with implementing the Tasman East Specific Plan (Project), which consists of the development of a high-density, transit-oriented neighborhood with supportive retail services. The City would amend the General Plan classification for the Plan Area to *Transit Neighborhood (80-350 DU/AC)*, which would allow residential and supportive commercial and public/quasi-public uses and rezone the Plan Area to *Transit Neighborhood* to allow for development of a high density residential neighborhood with a mix of uses at the ground floor. The Specific Plan would allow construction of up to 4,500 dwelling units and up to 106,000 square feet of retail space. The Plan area is currently zoned for light industrial land use, which allows for uses such as manufacturing, processing, repairing, and storing products.

Summary

We encourage the City of Santa Clara to revise the proposed Project to avoid culverting the Eastside Drainage Swale, which provides regionally significant aquatic habitat. If the City continues to pursue a Project layout that includes filling of the channel, we note in this letter that the Draft EIR does not provide an adequate discussion of potential mitigation measures for Project impacts to the channel. In addition, it is not clear at this time if a Clean Water Act Section 404(1)(b) alternatives analysis would conclude that the culverting of the Eastside Drainage Swale can be permitted by the Water Board. Finally, the discussion of potential impacts from hazardous materials does not acknowledge the ways in which the Project's proximity to a landfill may place restrictions on development within the Project area.



Comment 1. A locally significant aquatic resource, the Eastside Drainage Swale, is present on the east side of the Project area.

The Eastside Drainage Swale in the Plan area carries flows to the Eastside Retention Basin approximately 0.5 mile northwest of the Plan area, where the water is pumped into the Guadalupe River. The Tasman East Focus Area Plan includes the possible culverting of the Eastside Drainage Swale within the Plan area

Appendix C of the DEIR consists of the *Tasman East Focus Area Plan Biological Resources Report* (H. T. Harvey & Associates, July 26, 2018). Section 6.2.2 of the *Biological Resources Report* includes a good description of the Eastside Drainage Swale.

Implementation of the Plan may result in the permanent loss of up to 0.39 acre and 810 linear feet of perennial freshwater wetlands within the active channel of the Eastside Drainage Swale if these wetlands are filled or culverted. These wetlands may be subject to regulatory jurisdiction of the USACE, RWQCB, and/or CDFW. Regardless of whether these wetlands are determined to be jurisdictional, they serve a variety of important functions, such as sediment stabilization, sediment/toxicant retention, nutrient removal/transformation, and aquatic and terrestrial wildlife species habitat. The wetland habitat within the Eastside Drainage Swale has some ecological value within the urban matrix of the Plan area and its vicinity. Even though the acreage of impacts to wetlands (0.39 acre) is relatively small, wetlands are relatively scarce regionally, and even small wetland areas have disproportionate contributions to water quality, groundwater recharge, watershed function, and wildlife habitat in the region. This habitat also provides valuable refuge and foraging resources for wildlife species that typically occur in the more extensive wetland habitat in the adjacent Guadalupe River during winter flooding events, when wetland habitat in the river is inundated. For all these reasons, permanent impacts on vegetated wetlands in the Plan area would be considered significant under CEQA.

Riparian habitat associated with the Eastside Drainage Swale is described in Section 6.2.3 of the *Biological Resources Report*.

The Plan has the potential to impact 0.05 acre of mixed riparian woodland associated with the eastern drainage swale. This woodland may be destroyed due to tree removal and replacement with developed structures, and grading or paving over the root zone of riparian trees will impair the health of riparian trees, possibly to the point of causing tree death. Although this riparian vegetation is not particularly high-quality habitat due to its narrow, sparse nature, it is dominated by native riparian species such as blue elderberry and Fremont cottonwood, and due to its proximity to the drainage swale, the Guadalupe River, and the Ulistac Natural Area, this riparian vegetation provides important resources that are used by migratory birds and other wildlife. Owing to the functions and values of this riparian habitat, the importance of woody riparian habitat to birds in the South Bay, and the regional scarcity of riparian habitat due to historical losses of these woodlands, the impact to 0.05 acre of mixed riparian woodland would be considered significant.

Water Board staff concur with the assessment of the habitat value of the Eastern Drainage Swale and its associated riparian habitat. However, we disagree with the assertion that the fill of 0.39

acres of wetlands is a relatively small impact. In the current South Bay area, this is a fairly large impact to remaining habitat. As is discussed in detail in the following comment, we are also concerned that the Draft EIR underestimates the difficulty of providing adequate mitigation for such an impact to waters of the State.

Comment 2. The Draft EIR does not describe concrete mitigation measures for the fill of waters of the State at the Project site.

As is noted above, implementation of the Project may result in the permanent loss of up to 0.39 acres and 810 linear feet of perennial freshwater wetlands within the active channel of the Eastside Drainage Swale if these wetlands are filled or culverted. These wetlands are subject to the regulatory jurisdiction of the Water Board. The Project may also result in the loss of 0.05 acres of associated riparian habitat.

To address impacts to 0.39 acres of wetlands, Chapter 3.3 of the Draft EIR includes Impact BIO-6 and associated Mitigation Measure MM BIO-6.1

Impact BIO – 6: Construction of the proposed project may result in the permanent loss of 810 linear feet (0.39 acres) of freshwater wetlands. **(Significant Impact)**

Mitigation Measures: The following mitigation measures would minimize impacts to freshwater wetlands to a less than significant level:

MM BIO – 6.1: If avoidance of the wetlands is not proposed, to compensate for the permanent loss of wetlands, perennial marsh habitat shall be restored or created at a minimum ratio of 2:1 (compensation:impact) on an acreage basis, unless a higher ratio is required by a regulatory agency, in which case that higher ratio shall apply. This ratio is not higher due to the relatively low quality of the wetlands in the project area relative to more extensive, less fragmented wetlands elsewhere along the Guadalupe River, but is not lower due to the temporal loss of wetland functions and values that will result from the lag between impacts to the wetlands in the Plan area and maturation of the mitigation habitat.

Compensation will be provided by creating or restoring wetland habitat so as to achieve the 2:1 ratio (or higher ratio, if required by a regulatory agency) somewhere in the Santa Clara Valley. Among other criteria, the mitigation site(s) must not currently be wetlands. A qualified biologist shall develop a “Wetland Mitigation and Monitoring Plan” describing the mitigation, which will contain the following components (or as otherwise modified by regulatory agency permitting conditions):

The Draft EIR asserts that implementation of MM BIO-6.1 would reduce impacts to wetland habitat to a less than significant level. However, the Draft EIR lacks sufficient detail to support that conclusion. Mitigation Measure MM BIO-6.1 does not actually include a wetland mitigation plan; it only requires the future development of a wetland mitigation plan.

Developing a wetland compensatory mitigation plan for impacts to 0.39 acres of wetlands at a 2:1 ration is not a simple process. It is necessary to find sufficient land with the proper hydrology and soil permeability to sustain a minimum of 0.78 acres of mitigation wetlands. In addition to

the 0.78-acre footprint of a proposed mitigation wetland, an acceptable mitigation project would require a sufficient buffer area around the mitigation wetland to sustain the habitat values of the mitigation wetland, as well as sufficient area for a watershed large enough to sustain wetland hydrology at the mitigation site. All of this land area must be protected in perpetuity through the recording of a conservation easement, deed restriction, or other form of restrictive covenant acceptable to the Water Board, Corps of Engineers, and California Department of Fish and Wildlife. In light of the high cost of land in the Santa Clara Valley, it is difficult to find sufficient land to support the successful creation of a self-sustaining 0.78-acre mitigation wetland.

Please note that the required amount of wetland mitigation will depend on the similarity of the impacted wetlands to the proposed mitigation wetlands, the uncertainty associated with successful implementation of the mitigation project, the anticipated temporal loss of wetland habitat (i.e., the time between the fill of the impacted wetlands and the full functioning of the mitigation wetland), and the distance between the site of the impact and the site of the mitigation wetland. In-kind mitigation for the fill of wetlands consists of the creation of new wetlands. If the mitigation consists of restoration or enhancement of wetlands, the amount of mitigation will be greater than if the mitigation consists of wetland creation. If there are uncertainties with respect to the availability of sufficient water to support seasonal wetlands or sufficiently impermeable soils to sustain saturation, then the amount of mitigation would also have to be greater. Finally, the amount of required mitigation increases as the distance between the impact site and the mitigation site increases. Therefore, it is possible that a ratio greater than 2:1 may be required to mitigate for impacts to the Eastside Drainage Swale.

In a CEQA document, a project's potential impacts and proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures for each significant environmental effect be adequate, timely, and resolved by the lead agency. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). Mitigation measures to be identified at some future time are not acceptable. It has been determined by court ruling that such mitigation measures would be improperly exempted from the process of public and governmental scrutiny which is required under the California Environmental Quality Act. The current text of the Draft EIR does not demonstrate that it is feasible to mitigate all potentially significant impacts to wetlands that may result from Project implementation to a less than significant level. Impacts to the jurisdictional waters at the Project site, as well as proposed mitigation measures for such impacts, will require review under CEQA before the Water Board can issue permits for those proposed impacts.

The Discussion of MM BIO-6.1 also includes this text:

Alternatively, mitigation may be provided by restoring or creating at a minimum ratio of 2:1 (compensation:impact) on an acreage basis by either: (a) purchasing credits at a suitably located mitigation bank in the Santa Clara Valley approved by the City of Santa Clara; or (b) donating funds to a project undertaking enhancement or restoration of wetland or riparian habitats in the Santa Clara Valley, approved by the City of Santa Clara.

The first proposed alternative form of compensatory mitigation is not feasible at the Project site at this time. Water Board staff are not aware of any mitigation banks or in-lieu fee programs that have available seasonal wetland credits for a service area that includes the Project site. Water Board staff are also not aware of wetland or riparian enhancement or restoration projects in the Santa Clara Valley that are sufficiently large to provide compensatory mitigation for the culverting of the Eastside Drainage Swale. Therefore, the Project will probably need to provide Applicant-responsible compensatory mitigation for impacts to seasonal wetlands.

Comment 3. The City of Santa Clara should not assume that the resource agencies will allow the culverting of the Eastside Drainage Swale.

The Water Board considers the proposal to culvert 0.39 acres (810 linear feet) of seasonal wetlands in the Eastside Drainage Swale to be a significant amount of fill for a project that is not water dependent. The *San Francisco Bay Basin Water Quality Control Plan* (Basin Plan) requires that this proposed fill be evaluated with a Clean Water Act Section 404(b)(1) Alternatives Analysis that demonstrates that there is no feasible way to avoid the proposed fill of jurisdictional waters. Since the proposed Project is not a water-dependent project, it is unlikely that the Water Board would issue permits that would authorize the proposed fill of 0.39 acres (810 linear feet) of seasonal wetlands.

Comment 4. The discussion of Hazards does not address the Project area's proximity to a closed landfill.

The discussion of Hazards and Hazardous Materials in Section 3.8 does not discuss the presence of a closed landfill on the northern border of the Project area. Much of the Project area lies within a 1,000-foot distance from the landfill. 27 CCR Section 21190 imposes specific requirements on land uses within this distance of a landfill in subsections (c) and (g):

- (c) All proposed postclosure land uses, other than non-irrigated open space, on sites implementing closure or on closed sites shall be submitted to the EA, RWQCB, local air district and local land use agency. The EA shall review and approve proposed postclosure land uses if the project involves structures within 1,000 feet of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste.
- (g) All on-site construction within 1,000 feet of the boundary of any disposal area shall be designed and constructed in accordance with the following, or in accordance with an equivalent design which will prevent gas migration into the building, unless an exemption has been issued:
 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.).

The Project area may also be subject to the Department of Drinking Water's restrictions on installing water supply conveyances within 100 feet of a landfill. \

We encourage the City to include the impact of the adjacent landfill on Project construction in the Final EIR for the Project.

Comment 5. The discussion of Soil and Groundwater Contamination makes several unsubstantiated statements on volatile organic compound (VOC) impacted groundwater.

The discussion of Soil and Groundwater Contamination in Section 3.8.1.2 includes several statements that warrant clarification.

In referring to the SLIC (now referred to as Site Cleanup Program, or SCP) case at 2339 Calle Del Mundo:

The Draft EIR states, "The VOC impacted groundwater appears to have migrated below the northerly adjacent landfill property (current golf course)." Currently, it is not certain whether this VOC plume has impacted the landfill well G-2R, or whether G-2R may be impacted by the landfill leachate (or both), based on significant differences in the elevation of groundwater and leachate near the site.

In referring to the All Purpose Landfill:

The Draft EIR states, "The area of VOC impacted [sic] on parcel 4 is located cross-gradient from the site with respect to groundwater flow direction (northeast) and did not migrate below the site." Until more data is obtained from groundwater and leachate in the southeast portion (or east corner) of Parcel 4, this remains uncertain.

The Draft EIR states, "Two groundwater monitoring wells are located on the southern border of the landfill (Parcel 2) and immediately north of the Plan Area. Low concentrations of VOCs have been detected in ground water from both monitoring wells, one of which is located down-gradient of 2339 Calle Del Mundo, an identified SLIC site discussed above." As noted above, the VOC plume observed at well G-2R has not been clearly identified as an impact by the SCP case or the landfill, or both. Furthermore, in the last several years, the concentrations of chlorinated VOCs have significantly risen in this well, raising an issue over vapor intrusion impacts.

The Draft EIR states, "Landfill gas investigations were conducted at the landfill and identified several VOCs in landfill gas. Benzene, ethylbenzene, and vinyl chloride were reported in landfill gas at concentrations exceeding residential and commercial

Environmental Screening Levels (ESLs).” The specific screening levels need to be explained. Note that while the current (2016) ESLs can be applied for most circumstances, they should follow the guidance on the ESL webpage under Vapor Intrusion Updates:

https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.html

This applies to the generation of more stringent vapor intrusion screening levels for groundwater and soil gas using the USEPA-recommended attenuation factors (0.03 for all soil gas and 0.001 for all groundwater).

Also note that the most recent concentration of TCE in G-2R is 51 µg/L, which is over 40 times the residential screening level using the USEPA-recommended attenuation factors.

Conclusion

The Draft EIR does not provide sufficient detail with respect to mitigation for Project impacts to wetlands. The Draft EIR should be revised to provide specific mitigation measures for all impacts to waters of the State. The amount of proposed mitigation should include mitigation for temporal losses of any impacted waters of the State. If mitigation is out-of-kind and/or off-site, then the amount of the proposed mitigation should be increased. Proposed mitigation measures should include designs with sufficient detail to show that any created wetlands will have sufficient hydrology to sustain wetland hydrology and vegetation without human intervention. A proposed program for monitoring the success of the mitigation features should also be included with the mitigation proposal(s).

However, it is preferable to revise the Project description to avoid the culverting of 0.39 acres (810 linear feet) of wetlands. Since the Project is not water dependent, the proposed fill of onsite wetlands may not be able to receive a permit from the Water Board for this amount of fill.

If the Draft EIR is adopted without either providing concrete mitigation proposals for impacts to wetlands or removing the proposed impacts to wetlands associated with the Project, it is likely that the EIR will not be adequate to support the issuance of CWA Section 401 certification for the culverting of the Eastside Drainage Swale.

If you have any questions, please contact me at (510) 622-5680, or via e-mail at brian.wines@waterboards.ca.gov.

Sincerely,

Brian Wines

Digitally signed by Brian Wines
Date: 2018.09.10 13:44:31
-07'00'

Brian Wines
Water Resource Control Engineer
South and East Bay Watershed Section

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)
CDFW, Marcia Grefsrud (marcia.grefsrud@wildlife.ca.gov)
Corps, Katerina Galacatos (katerina.galacatos@usace.army.mil)
Corps, Greg Brown (gregory.g.brown@usace.army.mil)

September 10, 2018

ATTN: John Davidson, Principal Planner
City of Santa Clara, Planning Division
1500 Warburton Ave
Santa Clara, CA 95050

Re: Tasman East Specific Plan DEIR; File CEQ2016-01026, PLN2016-12400

Dear Mr. Davidson:

Thank you for the opportunity to comment on the Tasman East Specific Plan Draft Environmental Impact Report (DEIR). We are fully supportive of policies and projects that will transform the area adjacent to Santa Clara - Great America Station (Great America Station) into a regional, transit-oriented destination, anchored by a welcoming, world-class multimodal transportation hub. We concur with specific policies expressed in the City of Santa Clara General Plan that direct future development within the Tasman East Focus Area to:

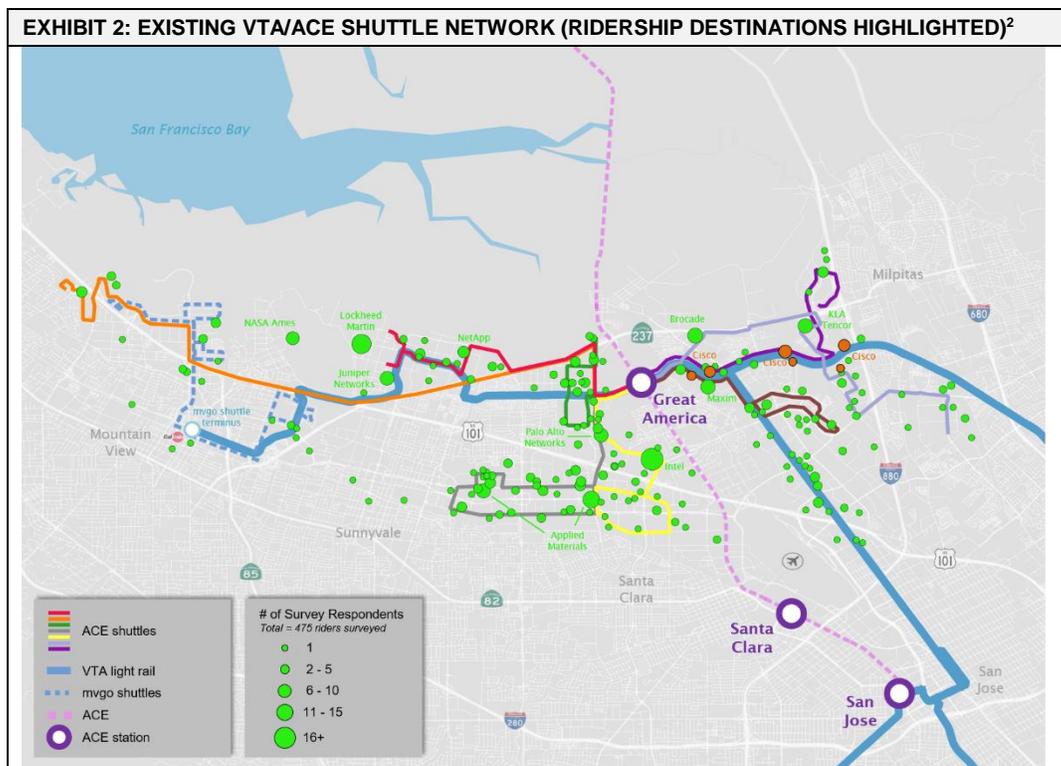
- Provide direct linkages from Tasman East to the Santa Clara Valley Transportation Authority (VTA), Amtrak, and Altamont Corridor Express stations (ACE) and transit stops to promote transit use for access to services and jobs (5.4.6-P2)
- Work with appropriate transportation agencies, businesses, and surrounding cities to maximize rail and bus transit to and from the stations (5.4.6-P3)
- Promote pedestrian-friendly design that includes features such as shade trees, streetscapes that contain lighting and landscaping, street furniture, pedestrian and bike paths, limited driveway curb cuts, traffic-calming features, and pedestrian street crossings (5.4.6-P4)
- Provide for future connections, which encourages walking and bicycling, to the new development in the north when it is redeveloped to promote accessibility between the two areas (5.4.6-P7)
- Emphasize walkability and access to transit and existing roadways in Future Focus Area comprehensive plans (5.4.6-P9)
- Provide access across expressways or major arterial streets so that new residential development in Future Focus Areas has adequate access to neighborhood retail, services and public facilities (5.4.6-P10)

We appreciate the effort put into the DEIR traffic operations analysis, but find the section missing critical information that would allow the San Joaquin Regional Rail Commission to fully assess the impact of future development on our ridership, specifically the impact of additional intersection and freeway delay on our jointly-

operated VTA/ACE first-and-last mile shuttle network, which operates out of Great America Station (**EXHIBIT 1**).

The VTA/ACE shuttles are the most heavily-used local public transit service in the area, accounting for roughly 1,240 boardings each weekday, or 82% of total transit boardings from the proposed Tasman East Specific Plan area (**EXHIBIT 2**). Riders include customers transferring from regional ACE and Capitol Corridor trains, as well as local residents.

EXHIBIT 1: EXISTING TRANSIT RIDERSHIP, BY ROUTE ¹			
Service	Stop	Average Weekday Boardings	% of Total
VTA Route 140	Tasman @ Calle del Sol	0	0%
VTA Route 330	Tasman @ Calle del Sol	1	0%
VTA Route 902	Lick Mill Station	276	18%
VTA/ACE Shuttles	Great America Station	1,240 (AM)	82%
Total		1,517	100%



Given their significance, it is notable that the VTA/ACE shuttles are not mentioned in the main body of the DEIR, or comprehensively analyzed in the full Transportation Impact Analysis Report (Appendix G of the DEIR).

¹ Sources: VTA/ACE Shuttle Boardings: Tasman East Specific Plan Transportation Impact Analysis (June 2018); Other Routes: VTA Ridecheck Plus Reports (August 2018)

² Source: 2017 ACE Shuttle Ridership Survey

We believe that future development within the Tasman East Specific Plan area may potentially impact VTA/ACE shuttle service, and our customers, in the following two ways:

- **Increased Travel Time Delay:** The traffic operations analysis disclosed significant impacts at four study intersections and five freeway segments due to additional project-generated trips. The VTA/ACE shuttle routes traverse three of the four impacted intersections, and all five impacted freeway segments, and yet no travel time impacts to transit were disclosed in the DEIR.
- **Additional Project Ridership:** The full Transportation Impact Analysis report (Appendix G of the DEIR) makes two questionable assumptions: (1) that additional transit riders generated by the project would typically use regional rail at Great America Station, or local light rail service at VTA's Lick Mill station; and (2) that "VTA bus transit service within the immediate study area operates below capacity, and additional trips generated by the proposed Project could be accommodated by existing bus service." We believe that most additional transit riders generated by the project would actually use the existing VTA/ACE shuttle network, which would connect them major employment centers throughout Silicon Valley faster, and more directly than the ACE train, Capitol Corridor, or VTA light rail; as currently operated, the VTA/ACE shuttles do not exclude non-ACE riders. Furthermore, a few of the VTA/ACE shuttles are currently operating at or near capacity, and additional ridership from new developments would result in over-capacity, potentially displacing existing riders.

We respectfully request that the City of Santa Clara conduct additional analysis of these potential impact. If significant impacts are found, we urge staff to consider possible mitigation measures that take advantage of economies of scale, and build on the success of the VTA/ACE shuttle program. Some examples include increasing the span and frequency of existing VTA/ACE shuttle service, adding additional routes, and investing in larger vehicles. These investments could be more effective at encouraging mode-shift than investments in conventional, corridor-based mass transit, given the dispersed pattern of employment that dominates north Santa Clara county.

Rather than reinvent the wheel, we urge staff to consider mitigation measures that will help grow the public transit ridership that is already there, rather than investing in entirely new and untested services, like the proposed peak-hour shuttle to Lawrence Caltrain.

The City of Santa Clara envisions north Santa Clara county as a new jobs-rich center that will draw workers from across the region, in particular from communities to the east—eastern Alameda county, San Joaquin County, and the Central Valley—which ACE currently serves. We encourage staff to envision ACE as a "Caltrain of the East," serving a regional transit hub for north Santa Clara county centered at Great America Station, and to ensure that this vision is implemented concurrently with future land-use developments. Great America Station is the logical regional hub for north county, not

Diridon Station located 6 miles away, nor a future BART station located 4 miles away in Milpitas. Land use and transportation must work together if we hope to meaningfully reduce the environmental impacts of future development.

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

Sincerely,

A handwritten signature in blue ink that reads "Stacey Mortensen". The signature is written in a cursive, flowing style.

Stacey Mortensen
Executive Director



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

Stanley Rose III, Ed.D.
Superintendent

VIA EMAIL

September 13, 2018

John Davidson
Principal Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
j davidson@santaclaraca.gov

RE: Tasman East Specific Plan; CEQ2016-01026; PLN2016-12400

Dear Mr. Davidson:

The Santa Clara Unified School District (District or SCUSD) appreciates the opportunity to respond to the Draft Environmental Impact Report (DEIR) for the Tasman East Specific Plan (TESP), by the City of Santa Clara. The TESP is proposing up to 4,500 residential units including apartments, townhomes, condominiums and single family homes both for sale and rent. The combination of these attributes in new developments will attract families, thereby resulting in impacts to the SCUSD and surrounding community. In our letter dated August 7, 2017 the District recommended several additional topics the EIR should study.

Since the California Department of Education requires school sites to adhere to strict placement regulations as found in Title 5 of the California Education Code, the District requested that the EIR study the best location for the two acre school and parks within the development and that TESP indicate the exact location of the school and parks in order to provide the greatest benefit to the community. This study was not included in the DEIR and the exact location of the school and parks were not identified. The District is concerned that without a designated location, the developers may not include a school or enough public facilities to support the development or try to locate them where schools cannot be constructed. SCUSD encourages the City to add a designated location for the school, which will be able to be approved by the State of California.

Adding a school site to the TESP will greatly reduce the pressure of the proposed development's impacts to the student population at Katherine Hughes Elementary. The District requested the EIR study the opportunities for a safe and secure pathway for students and community members to walk or bike between the TESP and Katherine Hughes Elementary as an interim mitigation measure, until there are enough funds to construct a new elementary in the TESP. Although the DEIR does mention that the TESP would ensure clear and safe pedestrian circulation and that convenience, safety and integrated access would be prioritized for all modes of transportation, the DEIR did not specifically study or mention safe routes in relation to nearby SCUSD schools, Kathryn Hughes Elementary and Don Callejon Elementary and Middle School.

Board
of Education

...

Jim Canova
Albert Gonzalez
Jodi Muirhead
Andrew Ratermann
Mark Richardson
Michele Ryan Ph.D.
Noelani Sallings

The District requested the EIR traffic study to assess intersections around the schools, including Tasman Drive and Lafayette Street, Lafayette Street and Calle de Primavera, Lick Mill Boulevard and Tasman Drive, and Montague Expressway and Lick Mill Boulevard when school is in session during pick up and drop off. Traffic studies included only two of the intersections and at AM (7:00 AM and 9:00AM) and PM (4:00 PM and 6:00 PM) peak hours. The study was not done during typical school pick up times.

The District requested that the EIR include a study of the routes students will take from outside the development in order to attend the proposed school in the TESP. Without an exact school location identified on the site, this study could not be done. A school of 600 students will have a staff and volunteers of approximately 50 each day. Many staff and parents will drive their children to school, if they do not live in the TESP. This will add additional traffic to the area during the pick-up and drop-off times. The Existing Project Trip Generation Estimates in Table 3.14-5 of the DEIR only accounts for 390 students generating vehicle trips to the proposed school with a 35% reduction to account for students residing in Tasman East walking and biking to school.

In order for the District to be able to accommodate all students within the District, the District requires a voluntary community benefit payment from the developers in addition to the statutory developer fee. All state and local jurisdictions affected from the Project will collect 100% or more of the calculated impact of the project, except the SCUSD. School districts are at a disadvantage when collecting funds for capital improvements, since districts are restricted to charging a set amount per square foot of a new development. The statutory developer fee mandated by SB 50 ("Statutory Developer Fee") for residential construction is currently \$3.79 per square foot and the industrial and commercial construction is currently \$0.61 per square foot. The Statutory Developer Fee does not adequately cover the land purchase, design, and construction cost incurred by the District for new or expanded school facilities.

The District's Residential Development School Fee Justification Study (RS), dated March 12, 2018, calculates the actual school facilities cost impact per residential square foot for detached single family homes to be \$20.90 per square foot and \$28.89 per square foot for multi-family attached houses. This is a deficit of \$17.11 for single family and \$28.28 for multi-family new residential per square foot constructed.

The District's Commercial/Industrial Development School Fee Justification Study (CID), dated March 12, 2018, calculates the actual net school facilities cost impact of retail new construction to be \$1.99 per square foot. This is a deficit of \$1.38 per square foot of retail constructed. The CID calculates the actual net impact of office space is \$3.12 per square foot, which is a deficit of \$2.51 per square foot. Therefore, the Santa Clara Unified School District is requesting developers provide for full mitigation of their impact through a combination of a voluntary community benefit payment and the Statutory Development Fee equal to the calculated impact in the SCUSD CID Study.

SCUSD DEIR Letter
TESP – 9/13/2018

The combination of constantly increasing construction costs combined with lack of existing capacity in District schools, make it imperative the District continually plan for and collect adequate funding for school construction. The District will not support approval of the TESP or any project within the TESP, without a designated school site within the Tasman East Specific Plan or nearby, and a requirement of all developers to provide full mitigation of their impact through a combination of voluntary community payments and the applicable Statutory Development Fee. The City and District must work together to create the best community for all residents.

Please feel free to contact me with any questions.

Sincerely,



Michal Healy
Director, Facilities Development and Planning

cc: Stanley Rose; srose@scusd.net
Eric Dill; edill@scusd.net



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email and U.S. Mail

August 14, 2018

John Davidson, Principal Planner
Community Development
Planning Division
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
jdavidson@santaclaraca.gov

Andrew Crabtree, Director of
Community Development
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
acrabtree@santaclaraca.gov

Jennifer Yamaguma, Acting City Clerk
City Clerk's Office
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
clerk@santaclaraca.gov

Re: Comment on Draft Environmental Impact Report, Tasman East Specific Plan aka PLN2016-12400, SCH #2016122027 and File No. CEQ2016-01026

Dear Mr. Davidson, Mr. Crabtree and Ms. Yamaguma:

I am writing on behalf of the Laborers International Union of North America, Local Union No. 270 and its members living in the City of Santa Clara ("LIUNA"), regarding the Draft Environmental Impact Report; ("DEIR") prepared for the Project known as the Tasman East Specific Plan aka PLN2016-12400, SCH #2016122027 and File No. CEQ2016-01026, including all actions related or referring to the proposed development of a high density transit-oriented neighborhood of up to 4,500 dwelling units and up to 106,000 square feet of retail space bounded by Tasman Drive to the south, the Guadalupe River to the East, the Santa Clara golf course to the north, and Lafayette Street to the west in the City of Santa Clara ("Project").

August 14, 2018

Comment on Draft Environmental Impact Report, Tasman East Specific Plan aka PLN2016-12400, SCH #2016122027 and File No. CEQ2016-01026

Page 2 of 2

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. Commenters request that the Community Development Department address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

We hereby request that City of Santa Clara ("City") send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report ("EIR") is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
 - Notices of preparation of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21092.
 - Notices of availability of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
 - Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of determination that a project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
 - Notice of any Final EIR prepared pursuant to CEQA.

August 14, 2018

Comment on Draft Environmental Impact Report, Tasman East Specific Plan aka PLN2016-12400, SCH #2016122027 and File No. CEQ2016-01026

Page 3 of 2

- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

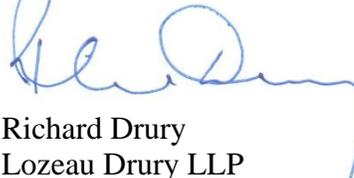
Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092,** which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail, if possible or U.S. Mail to:

Richard Drury
Theresa Rettinghouse
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
510 836-4200
richard@lozeaudrury.com
theresa@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Richard Drury
Lozeau Drury LLP

John Davidson

From: Montanagrl <montanagrl@aol.com>
Sent: Friday, August 10, 2018 1:35 PM
To: John Davidson
Subject: Tasman East Plan

Hi,
As a resident of Primavera since 1976, I am opposed to the development of this property. The roads in this area are already congested and busy. We DO NOT need this development. Please reconsider a smaller development or do not proceed with the present plan. Santa Clara is NOT a San Francisco even tho there are so many companies moving in to the area.

Thanks for your consideration

Linda Williams

2246 Avenida de los Alumnos

Santa Clara, CA 95054