

## EIR Process Following Release of the Draft EIR

A Draft Environmental Impact Report (EIR), pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.), was prepared by the City of Santa Clara (City) to disclose the potential environmental effects of the City Place Santa Clara Project (Project). The Draft EIR, issued for public review on October 9, 2015, includes a description of the Project, an assessment of its potential effects, a description of mitigation measures to reduce significant effects that were identified, and consideration of alternatives that could address potential significant environmental impacts. The Draft EIR was released on October 9, 2015 for a 45-day review period, ending on November 23, 2015 (and subsequently extended to December 7, 2015). During this review period, the document was reviewed by various State, regional, and local agencies, as well as by interested organizations and individuals. Comment letters on the Draft EIR were received from 22 agencies, 9 organizations, and 8 individuals. Please see Chapter 2, *List of Commenters*, for a listing of all agencies, organizations, and individuals who commented on the Draft EIR.

This document responds to written comments on the Draft EIR that were raised during the public review period, and it contains revisions intended to correct, clarify, and amplify the Draft EIR. The responses and revisions in this document substantiate and confirm or correct the analyses contained in the Draft EIR. No new significant environmental impacts, no new significant information, and no substantial increase in the severity of an earlier identified impact have resulted from responding to comments. Together, the previously released Draft EIR and this Responses to Comments document constitute the Final Environmental Impact Report (Final EIR). As the lead agency, the City must certify the Final EIR before action can be taken on the Project. Certification requires that the lead agency make findings that the Final EIR complies with CEQA.

## Project Description

The City has entered into an exclusive negotiating agreement and non-binding term sheets with the Project Developer and the Montana Property Group (MPG) to convert 240 acres of City-owned property to a new use: a multi-phased, mixed-use development called City Place Santa Clara. If approved by the City Council and regulatory agencies, the Project would entail demolition of the existing buildings and on-site features and establishment of a new mixed-use City neighborhood with a defined center to serve as a focal point for a pedestrian-oriented “live, work, and play” environment.

The Project site is located on seven City-owned parcels (assessor’s parcel numbers [APNs] 104-03-036, 104-03-037, 104-01-102, 097-01-039, 097-01-073, 104-03-038, and 104-03-039) that total approximately 240 acres. For purposes of this analysis, the Project site would be divided into five<sup>1</sup> development parcels: Parcel 1 (36.8 acres), Parcel 2 (60.9 acres), Parcel 3 (34.9 acres), Parcel 4

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<sup>1</sup> The existing Project site includes seven existing APNs: APN 097-01-069 (which will be referred to as Parcel 1), APN 097-01-039 (which will be referred to as Parcel 2), APN 104-01-102 (which will be referred to as Parcel 3), APN 104-03-036 and APN 104-03-037 (which will be merged to form Parcel 4), and APN 104-03-038 and APN 104-03-039 (which will be merged to form Parcel 5). Therefore, the Project site includes a total of seven existing parcels.

(86.6 acres), and Parcel 5 (8 acres). The Project site also includes the Eastside Retention Basin (12.8 acres). The Project site is currently designated in the *City of Santa Clara 2010–2035 General Plan* (General Plan) as Parks/Open Space (Parcels 1–4 and the Retention Basin) and Regional Commercial (Parcel 5). The City’s Zoning Code designates the Project site as Public, Quasi-Public, Public Park or Recreation (B) (Parcel 1–4, a portion of Parcel 5, and the Retention Basin), and Commercial Park (CP) (the remainder of Parcel 5). To accommodate high-intensity urban-oriented development such as the Project, a new general plan land use designation (Urban Center/Entertainment District) is proposed within the category of Mixed-Use Designations. In addition, an amendment to the Climate Action Plan element of the General Plan is proposed to reflect the new land use designation.

The Project would include up to 9.16 million gsf of office buildings, retail and entertainment facilities, residential units, and hotel rooms; it would also include surface and structured parking facilities. In addition, the Project would include: large, shared open spaces throughout the Project site; new pedestrian and vehicular entrances and roadway networks; new roads; new, upgraded, and expanded infrastructure; and new utilities, with improvements to off-site connections. In addition, the Project could include construction of a fire station to replace existing Santa Clara Fire Station 10 (Fire Station 10), which could be demolished to accommodate the Project. Because the majority of the Project would be located over the former Santa Clara All-Purpose Landfill (Landfill), the following additional activities would be required: constructing foundation systems to minimize disturbance to and preserve the integrity of Landfill components; relocating, upgrading, and/or replacing, as necessary, the existing groundwater monitoring network, leachate collection system, and landfill gas collection and removal systems; and conducting associated environmental remediation activities.

The EIR analyzes two different land use schemes (Scheme A and Scheme B) for the Project site to capture the range of possible land uses that could be developed. Both schemes would include a building area<sup>2</sup> of up to 9.16 million gsf. Under Scheme A, the proposed uses for Parcels 1, 2, and 3 would include primarily office uses, and Parcels 4 and 5 are proposed for mixed-use development, consisting of commercial uses, including retail, food and beverage, and entertainment uses,<sup>3</sup> along with offices, a hotel, and multi-family residential uses (up to 1,360 units). Scheme B would have the same development scheme and building area at Parcels 1 and 3 as Scheme A. At Parcel 2, a retail center with offices would be constructed rather than only the office use proposed under Scheme A.<sup>4</sup> At Parcel 4, no residential uses would be constructed; instead, office development equal in area to the residential development in Scheme A would be included. However, the same amount of space for the proposed hotel, retail uses, entertainment venues, and open space areas would be developed. Development at Parcel 5 would include the same amount of residential, hotel, retail, and office uses under both schemes.

## Significant and Unavoidable Environmental Impacts

Section 21100(b)(2)(A) of the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) requires that an EIR identify any significant environmental effects that cannot be avoided if the Project is implemented. Most impacts identified for the Project would either be less than

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<sup>2</sup> Building areas do not include the proposed parking structures.

<sup>3</sup> Entertainment uses may include, but would not be limited to, cinema; dine-in cinema; a bowling, arcade, bar, and/or restaurant combination (entertainment center); nightclub; performance venue (i.e., jazz club or comedy club); and themed entertainment venues.

<sup>4</sup> A variant to both schemes would include only retail at Parcel 2. With the variant, development would total approximately 7.52 million gsf throughout the Project site, with an average floor area ratio (FAR) of 0.76.

significant or could be mitigated to a less-than-significant level. Chapter 5, *Alternatives*, of the Draft EIR summarizes the significant and unavoidable impacts that would result from implementation of the Project as follows.

## Significant and Unavoidable Project-Level Impacts

- **Conflicts with Adopted City Land Use Plans and Policies with Regard to the Jobs/Housing Balance.** The Project would be inconsistent with the City's General Plan policies aimed at improving the City's jobs/housing balance, which would result in secondary significant unavoidable impacts on traffic, air quality, and greenhouse gas (GHG) emissions. (LU-1)
- **Conflicts with Airport Land Use Plan and City Policies Related to Airport Noise.** The Project would be inconsistent with the Comprehensive Land Use Plan for the San José International Airport in relation to noise policies and the City's General Plan related to airport noise. (LU-2, and as disclosed under Impact NOI-5)
- **Signalized (Off-Site) Intersections.** The Project would add traffic to certain signalized intersections, causing them to operate at unacceptable levels of service or worsen unacceptable levels of service under existing with-Project or background with-Project conditions. (TRA-1)
- **Unsignalized (Off-Site) Intersections.** The Project would add a considerable amount of traffic to certain unsignalized intersections that would operate unacceptably under background with-Project conditions. (TRA-2)
- **Freeway Segments.** The Project would add traffic to certain freeway segments, causing them to operate at unacceptable levels of service or worsen existing unacceptable levels of service. (TRA-3)
- **Signalized (Off-Site) Intersections with Phases 1, 2 and 3.** Phases 1, 2, and 3 of the Project would add traffic to certain signalized intersections, causing them to operate at unacceptable levels of service or worsen unacceptable levels of service under existing conditions. (TRA-1a)
- **Freeway Segments.** Phases 1, 2, and 3 of the Project on Parcels 4 and 5 would add traffic to certain freeway segments, causing them to operate at unacceptable levels of service or worsen existing unacceptable levels of service. (TRA-3a)
- **Intersections with Access Variant Scheme.** With the access variant, the Project would add traffic to certain nearby intersections, causing them to operate at unacceptable levels of service or worsen existing unacceptable levels of service. (TRA-6)
- **Transit Operations.** The Project would generate considerable amounts of traffic congestion at intersections on bus and light-rail routes in the study area, thereby increasing the travel times of buses and light-rail vehicles. (TRA-11)
- **Construction Traffic.** Construction traffic would result in short-term increases in traffic volumes that would cause significant impacts on intersection and freeway segment levels of service and temporary road closures that would require detours for vehicles accessing the Great America ACE/Capitol Corridor Station. (TRA-18)
- **Intersections with Special Event Traffic.** Project traffic would exacerbate unacceptable levels of service at intersections near the site and Levi's Stadium during special events. (TRA-19)
- **Conflict with Air Quality Plan.** The Project would conflict with or obstruct implementation of the applicable air quality plan. (AQ-1)

- **Operational Criteria Air Pollutant Emissions.** The Project would result in the generation of regional criteria pollutant emissions during operation in excess of Bay Area Air Quality Management District (BAAQMD) thresholds. (AQ-3)
- **Generation of Regional Criteria Pollutant Emissions during Combined Project Construction and Operation.** The Project would generate regional criteria pollutant emissions during combined Project construction and operation in excess of BAAQMD thresholds. (AQ-4)
- **Exposure to Excessive Noise Levels.** The Project would expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. (NOI-1)
- **Permanent Increase in Ambient Noise Level.** The Project would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. (NOI-3)
- **Exposure of People to Noise from Airports.** The Project would be located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport and would expose people residing or working in the Project area to excessive noise levels. (NOI-5)
- **Interference with Movement of Native Migratory Wildlife Species.** The Project would result in harm to or mortality of migratory birds or their active nests. (BIO-1)

## Significant and Unavoidable Cumulative Impacts

- **Cumulative Land Use Impacts.** The Project, in combination with other foreseeable development in the nine-county Association of Bay Area Governments (ABAG) region, would be inconsistent with some applicable land use plans, policies, and regulations, including those policies aimed at improving the City's jobs/housing balance. (C-LU-1)
- **Signalized (Off-Site) Intersections in Cumulative with-Project Conditions.** Increases in traffic associated with the Project under cumulative with-Project conditions would result in considerable contributions at signalized intersections operating at unacceptable levels of service during both peak hours. (TRA-14)
- **Cumulative with-Project Access Variant Intersections.** Increases in traffic associated with the Project under cumulative with-Project conditions would result in considerable contributions at intersections operating at unacceptable levels of service during both peak hours with the Project Variant Access Scheme. (TRA-16)
- **Impacts on Freeway Segments under Cumulative with-Project Conditions.** Increases in traffic associated with the Project under the cumulative with-Project conditions would result in considerable contributions to numerous freeway segments with cumulative impacts. (TRA-17)
- **Cumulative Criteria Pollutants.** The Project would result in a cumulatively considerable net increase in criteria pollutants for which the Project region is a nonattainment area for an applicable federal or State ambient air quality standard. (C-AQ-1)
- **Cumulative Health Risks.** The Project's toxic air contaminant (TAC) emissions could contribute to cumulative exposure health risks of sensitive receptors. The Project would also locate new receptors where they would be exposed to cumulative health risks resulting from cumulative TAC emissions. (C-AQ-2)

- **Greenhouse Gas Emissions.** The Project would generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment. (GHG-1)
- **Conflicts with Applicable Plans and Policies.** The Project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (GHG-2)
- **Cumulative Exposure to Excessive Noise.** The Project would expose persons to or generate noise levels, in combination with cumulative development, in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies. (C-NOI-1)
- **Cumulative Utilities Impacts.** The Project, in combination with other foreseeable development in the vicinity, would not require or result in the construction of new wastewater or stormwater treatment facilities or the expansion of existing treatment facilities; result in a determination of inadequate capacity to serve the expected demand and existing entitlements; or result in wasteful, inefficient, or unnecessary energy use. However, the Project would be served by a landfill with insufficient permitted capacity to accommodate solid waste disposal needs. The Project would also contribute to cumulative energy demands that may result in significant and unavoidable secondary environmental impacts related to long-term energy generation and transmission. (C-UT-2)

## Project Alternatives

CEQA and the State CEQA Guidelines require that an EIR “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives” (State CEQA Guidelines Section 15126.6(a)). The EIR discusses and analyzes two No Project Alternatives. In addition to two No Project Alternatives, the EIR describes additional alternatives (Reduced Intensity Alternative and Increased Housing Alternative) to the Project and analyzes the impacts of each. The EIR compares the significant impacts of the alternatives to the significant environmental impacts of the Project as proposed. These alternatives are described in more detail in Chapter 5, *Alternatives*, of the Draft EIR.

- **No Project Alternatives.** The No Project Alternative is provided to compare the impacts of the Project with what would be reasonably expected to occur in the foreseeable future if the Project were not approved and development continued to occur in accordance with existing plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126.6(e)(2)).
  - **No Project Alternative 1.** Parcels 1–4 are currently occupied by the Santa Clara Golf & Tennis Club, Fire Station 10, a Bicycle-Motocross (BMX) track, the Ameresco Methane Plant, the Retention Basin, and a City vehicle washing station. The on-site features and buildings associated with the existing uses on Parcels 1–4 would remain. In addition, the existing surface parking lot at Parcel 5 would continue to operate as under existing conditions. The three existing off-site office buildings in Tasman East also would remain and not be demolished to accommodate the Lick Mill Boulevard extension proposed under the Project.
  - **No Project Alternative 2.** No Project Alternative 2 is based on what would be reasonably expected to occur in the foreseeable future if the Project were not approved and development continued to occur in accordance with the City’s General Plan and consistent with available infrastructure and community services. No construction or demolition would occur on Parcels 1–4 or off site. Although Parcel 5 is currently vacant and used for surface parking, Parcel 5 is designated for Regional Commercial land uses for Phase I (2010–2015), Phase II (2015–2025),

and Phase III (2025–2035) of development under the City’s General Plan. City Council review and approval would be required to rezone Parcel 5 with the appropriate zoning classifications consistent with the General Plan designation. After rezoning and a General Plan Amendment for increased floor area ratio (FAR), Parcel 5 could be developed with approximately 825,000 gsf of Regional Commercial uses that would serve both City residents and the surrounding region.

- **Reduced Intensity Alternative.** The Reduced Intensity Alternative would include a 30 percent reduction in the amount of floor area compared with the Project. This reduction would involve substantially reducing the amount of office uses at all parcels, except for the City Center Zone. The Reduced Intensity Alternative would result in approximately 3.02 million gsf of office area, compared with 5.72 million gsf under the Project (Scheme A). All other land uses would have the same amount of area as proposed under Scheme A.
- **Increased Housing Alternative.** Under the Increased Housing Alternative, the 320,000 gsf of office space planned under the Project (Scheme A) for the Parcel 4 portion of the City Center would be replaced with 320,000 gsf of residential space. This alternative would result in 320 additional residential units, for a total of approximately 1,680 residential units at the Project site. The Increased Housing Alternative would include the same amount of retail, hotel, and entertainment uses as the Project (Scheme A).

## Purpose of this Responses to Comments Document

Under CEQA, the City is required, after completion of a Draft EIR, to consult with and obtain comments from public agencies having jurisdiction by law with respect to the Project, and to provide the general public with an opportunity to comment on the Draft EIR. As the lead agency, the City is also required to respond to significant environmental issues raised in the review and consultation process.

This Responses to Comments document has been prepared to respond to public agency and general public comments received on the Draft EIR for the Project, which was circulated for a 45-day public review period from October 9, 2015 to November 23, 2015 (and subsequently extended to December 7, 2015). This document contains the public comments received on the Draft EIR, written responses to those comments, and changes made to the Draft EIR in response to the comments.

The Responses to Comments document provides clarification and further substantiation for the analysis and conclusions presented in the Draft EIR. Additionally, the responses correct and remedy minor technical mistakes or errors identified in the Draft EIR. The purpose of the Responses to Comments document is to address concerns raised about the environmental effects of the Project and the process by which the City conducted the CEQA process. Comments that express an opinion about the merits of the Project or Project alternatives, rather than raise questions about environmental impacts and mitigation measures and alternatives, the adequacy of the Draft EIR or the Project’s compliance with CEQA, are not examined in detail in this document. In addition, this document does not provide a response regarding financial concerns or Project design that would not have a physical environmental impact. Section 15088 of the CEQA Guidelines stipulates that responses should pertain to major or significant environmental issues raised by commenters. As explained earlier, the previously released Draft EIR and this Responses to Comments document together constitute the Final EIR.

## How to Use This Report

This document addresses substantive comments received during the public review period and consists of five sections:

- *Chapter 1 – Introduction.* Reviews the purpose and contents of the Responses to Comments document.
- *Chapter 2 – List of Commenters.* Lists the public agencies, organizations, and individuals who submitted comments on the Draft EIR.
- *Chapter 3 – Master Responses.* Provides Master Responses to comments that were raised in multiple comment letters and warrant comprehensive responses.
- *Chapter 4 – Responses to Comments.* Contains each comment letter and written response to the individual comments. In Chapter 4, specific comments within each comment letter have been bracketed and enumerated in the margin of the letter. Each commenter has been assigned a discrete comment letter number, as listed in Chapter 2. Responses to each of these comments follow each comment letter reproduced in Chapter 4. For the most part, the responses provide explanatory information or additional discussion of text contained in the Draft EIR. In some instances, the response supersedes or supplements the text of the Draft EIR for accuracy or clarification. New text that has been added to the Draft EIR is indicated with underlining. Text that has been deleted is indicated with ~~striketrough~~.
- *Chapter 5 – Text Revisions to the Draft EIR.* Provides a comprehensive listing of the text changes to the Draft EIR that have resulted from responding to comments or staff-initiated changes.

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