



**Meeting Date:** July 27, 2016

**Project Title:** Santa Clara University Five-Year Master Plan

**File:** PLN2014-10779 / CEQ2014-01184

**Location:** 500 El Camino Real, an approximate 97.4 acre project site bounded by Franklin Street to the north, El Camino Real to the east, Market Street to the south, and Lafayette Street to the west. APNs: 230-08-077, 230-10-003, 230-11-040, 230-13-023, 269-23-073 269-38-110 and 269-38-111. Project Site zoned Public, Quasi-Public, and Public Park or Recreation (B)

**Applicant:** Chris Shay, Santa Clara University

**Owner:** Santa Clara University

**Subject:** **Certify Environmental Impact Report ; adopt CEQA Findings and Statement of Overriding Considerations; adopt Mitigation Monitoring and Reporting Program and Approve Use Permit** to amend the Master Development Plan for the Santa Clara University campus for the demolition of approximately 269,193 square feet of existing building floor area to construct up to 449,524 square feet of net new classroom, office and student activity space, and new housing units for 600 students on the University campus

**CEQA Determination:** Environmental Impact Report

**Project Planner:** Debby Fernandez, Associate Planner

#### **EXECUTIVE SUMMARY:**

Santa Clara University (SCU) has filed an application to amend the existing campus Use Permit for implementation of a five-year development plan involving the construction of nine building projects, demolition of 11 existing buildings, landscaping and tree replacement, and site improvements within the campus boundaries. Upon completion, the plan will result in a net increase of 279,804 square feet of new academic space and two residence halls to provide campus housing for 600 new students. The plan identifies the location and maximum building footprint, gross floor area and height (in stories) for each building and includes a conceptual landscape plan for the areas surrounding each structure. With the exception of the new law school, the building form and architecture of each is yet to be determined.

The proposed project requires an amendment to the existing Use Permit to allow the planned growth and development associated with the demolition, expansion and construction of new buildings on the University campus.

#### **Project Data**

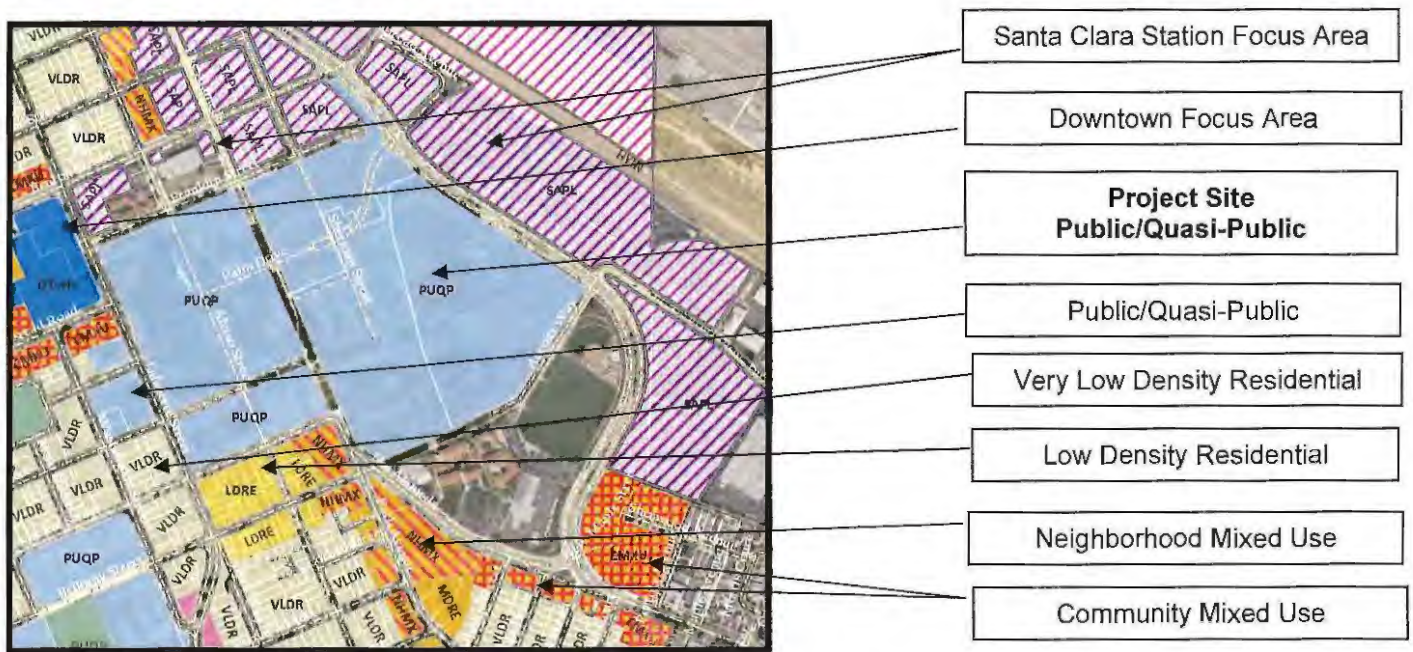
	<b>Existing</b>	<b>Proposed</b>
<b>General Plan Designation</b>	Public/Quasi-Public	Same
<b>Zoning District</b>	Public, Quasi-Public, and Public Park or Recreation (B)	Same
<b>Land Use</b>	Education	Same
<b>Aggregated Lot Size</b>	97.4 acres	Same
<b>Project Building Square Footage (sf.)</b>	269,193 (to be demolished)	718,717
<b>Campus Parking Spaces</b>	3,175	3,002
<b>Student Enrollment (undergraduate)</b>	5,171 (Spring 2015)	5,771+/-
<b>Student Enrollment (graduate)</b>	3,115 (Spring 2015)	3,300 – 3,630

### **Site Location and Context**

The project site is comprised of seven specific development sites located within the main campus boundaries. The main campus boundaries include Franklin Street to the north, El Camino Real to the east and southeast, Market Street and The Alameda to the west and southwest, and Lafayette street to the west. The University has expanded beyond the main campus boundaries over time with development of the Jesuit Community Residential facility, Art and Art History building, and parking garage on the north side of Franklin Street; administrative offices on the east side of El Camino Real; Bellarmine Hall, Loyola Hall, Schott Stadium, and University Villas on the south side of El Camino Real; and Kids on Campus and administrative offices on the west side of campus. The Master Plan Use Permit is not applicable to the areas beyond the main campus boundaries.

The project site is an archeologically sensitive area for subsurface prehistoric, Mission, Post-Mission, and American Period resources and includes historic structures constructed at the origination of the Mission system and throughout the course of campus development. The EIR prepared for the project details the archeological and historical resources associated with the project, as well as those that are not eligible for listing as historic resources, and is available as part of the full administrative record.

**Figure 1: General Plan Map**



The General Plan designation for the project site is Public/Quasi-Public. This designation is intended for a variety of public and quasi-public uses including government offices, fire and police facilities, transit stations, commercial adult care and child centers, religious institutions, schools, cemeteries, hospitals and convalescent care facilities, places of assembly and other facilities that have a unique public character as their primary use.

Properties to the north and east of the project site have a Santa Clara Station Focus Area planned for mixed use transit-oriented high intensity development. Properties to the south are designated Community Mixed Use for a combination of Community Commercial and Medium Density Residential development, Neighborhood Mixed Use for development of Neighborhood Commercial and Medium Density Residential



development, and Low Density Residential. Properties to the west are designated Very Low Density Residential, Public/Quasi-Public, Community Mixed Use, and Downtown Focus Area that is planned for pedestrian-oriented, high intensity commercial and residential development.

**Figure 2: Zoning Map**



Public, Quasi-Public, and  
Public Park or Recreation (B)

The project site is zoned B and is surrounded by properties with various land uses and zoning designations that include: Downtown Commercial (CD), B, Planned Development (PD), Thoroughfare Commercial (CT), Single Family Residential (R1-6L) and Medium-Density Multiple Dwelling (R3-36D) to the north; Light Industrial (ML), PD and B to the east; PD, CT, Community Commercial (CC), B, Duplex (R2-7L), R1-6L, Historic Combining (HT) to the south; and R1-6L, R2-7L HT and CD to the west. The uses and zoning designations of these properties is reflective of the evolution and changing patterns of development surrounding the University.

### **Background**

The original Master Plan Use Permit for the Santa Clara University campus was granted in 1997 to allow construction of new buildings, renovations and additions to existing structures, and a new parking lot. The project approved as part of the 1997 Use Permit included:

- Mayer Theatre: new 26,379 square foot (sf) 250-seat recital hall and two dance studios totaling approximately 3,000 sf;
- O'Connor Hall and St. Joseph Hall renovations: electrical, data and telecommunication, mechanical, asbestos abatement, ADA, and life and safety upgrades;
- Alumni Science addition: 27,241 sf addition for use as laboratories, offices and student common areas;
- Communications, Public Policy and Applied Ethics building: new 40,183 sf building with classrooms computer labs, conference room and television teaching studio;
- Surface parking lot: 300 spaces (on athletics field east of Bannan Hall);
- Leavy Activity Center addition and modifications: 51,791 sf of new fitness, recreation, locker rooms, office and multi-purpose space; and
- Residence Hall: 250 new beds in one or more buildings.

With the exception of the Residence Hall, building of the above occurred following approval of the Master Use Permit.

In 1999, the Master Plan Use Permit was amended to allow phased construction of the Residence Hall and increase the number beds from 250 to 300. This project was constructed in two phases and provides a total of 270 beds in two structures (Sobrato Residence Halls). The amended Use Permit also approved the relocation of an existing Support Services building along the east side of the El Camino Real to the northwest corner of El Camino Real and The Alameda.

The Master Plan Use Permit was amended in 2003 with approval of five of the six submitted projects comprising a Ten Year Capital Plan for development on the University campus. The approved projects in the Ten Year Capital Plan included new building construction as follows:

- Levy School of Business (Lucas Hall): 100,000 sf of classrooms, meeting rooms, offices, and study space;
- Admissions and Enrollment Services building: 25,000 sf designed for academic and student life programs, and student enrollment services;
- Heafy Library Expansion: 31,000 sf addition to the existing law library;
- Orradre Library and Learning Commons – new 116,000 sf main campus library that includes media services and information technology services; and
- Benson Center Expansion: 10,000 sf addition for use as conference space.

The sixth project included as part of the 2003 Master Plan Use Permit amendment was an above grade parking deck to the east of the proposed Business School that included a variance to reduce the front yard setback requirement for siting of the building. The Planning Commission approved the variance with the condition to construct the parking structure below the new Business School, denying the proposed building location for the parking deck. The parking garage was not required as part of the Use Permit approval and was not subsequently integrated into the design for construction of the Business School. To date, the Business School, Admissions and Enrollment Services building, and the Orradre Library and Learning Commons have been constructed and are in use.

On November 19, 2014, the University filed an application to amend the Master Plan Use Permit for the development of a Five Year Capital Plan. At the time of submittal and issuance of the Notice of Preparation (NOP) of the EIR, the proposed project included a new, 95,000 sf law school; 178,561 sf Science, Technology, Engineering and Math (STEM) Center; two new residence halls with 414 beds; 38,000 sf Cowell Center replacement building; 49,000 sf addition to Benson Hall; and 26,500 sf addition to the Pat Malley Fitness Center. The project was subsequently revised as provided in the project description and analysis section of this staff report. A new NOP was issued to reflect the revised proposal and a publicly noticed Scoping Meeting was conducted on Tuesday June 9, 2015 in the Locatelli Student Center on the University campus.

### **Project Analysis**

**Project Description:** The five year development plan includes the construction of a new 100,000 sf school of law; a STEM Center comprised of three buildings totaling 370,700 sf; two residence halls totaling 188,654 sf and 600 beds; Cowell Center replacement facility totaling 38,000 sf; and the renovation and 21,363 sf addition to the Benson Center in sequential phases. To accommodate the new construction, the following buildings are proposed for demolition: Bergin Hall and Heafy Law Library totaling 63,468 sf; Murphy Hall and Bannan Engineering totaling 38,496 sf; Bannan Hall and Bannan Engineering Labs totaling 92,497 sf; the 19,000 sf Fine Arts building; the 10,414 sf Cowell Center; and the Daly Science Center consisting of three buildings totaling 42,813 sf. None of the buildings proposed for demolition are currently listed on the City's Inventory of Architecturally or Historically Significant Properties.

Upon completion the project would result in a net increase of 449,524 sf of new building area on the campus. Figures 3 and 4 below illustrate the existing site conditions and location of for each of the proposed projects in the Five Year Development Plan.



Figure 3 – Existing Site Conditions



Figure 4 – Proposed Project Locations



The following discussion outlines each of the projects presented and evaluated in the Five-Year Master Plan and EIR.

#### School of Law (Charney Hall)

The new law school building is planned to be built within the boundaries of the existing 163 space surface parking lot located at the southeast corner of Franklin Street and Sherman Street, adjacent to the Murguia Mission (the third Mission Church) site and Palm Drive. The proposed building is three-stories in height and has a building footprint of 50,000 sf. Gross floor area of the building is 100,000 sf of gross floor area for classroom use and faculty and staff offices. Charney Hall would replace the existing School of Law located in Bergin Hall and Heafy Law Library. These two buildings are located on the west side of The Alameda Pedestrian Mall (the "Mall") in the center of campus and are proposed to be demolished for construction of the Science Technology Engineering and Math ("STEM") Center in the five-year plan.

#### STEM Center

The STEM Center consists of three separate buildings that would flank the Mall in the center of campus and replace the existing 42,813 square foot Daly Science Center. The new STEM Center would be constructed in phases: Phase 1 (STEM West) would demolish Bergin Hall and the Heafy Law Library, totaling 63,468 s f on the west side of the Mall, to construct a 83,000 sf, three-story structure; Phase 2 (STEM South) would demolish Murphy Hall and Bannan Engineering, totaling 38,496 sf on the east side of the Mall, to construct a 163,400 sf, four-story building; and Phase 3 (STEM North) would demolish Bannan Hall and Bannan Engineering Labs, totaling 92,497 sf to construct a 123,500 sf, three-story building. The combined footprint space of the new STEM Center buildings is 98,800 sf and gross floor area is 369,900 sf.

### Student Residence Halls

There are two new residence halls proposed for construction at the southern end of campus that would provide a total of 600 beds in two phases. Phase 1 is the construction of a four-story, 350 bed residence hall with a gross floor area of 132,854 sf over a partial subgrade podium parking structure with 154 parking spaces on the site of an existing 158 space surface parking lot south of Sobrato Hall and west of Casa Italiana (residential facility). This site fronts and is accessed from The Alameda. Phase 2 involves the construction of a four-story, 250 bed residence hall with a gross floor area of 55,800 sf on the site of the existing 19,000 square foot Fine Arts Building to be demolished. This site is located south of Graham Hall and west of Sobrato Hall fronting The Alameda. Programs associated with the Fine Arts Building will be transferred to the new Art and Art History Building currently under construction at the north end of campus. A historical evaluation report (DPR 523 Form) was prepared separately for the Fine Arts Building and is attached for review.

### Cowell Center

This project involves the replacement of the existing single-story 10,414 square foot Cowell Center located south of the Leavey Center and west of the tennis courts with a new 38,000 square foot, two-story building at the same location. Building footprint of the new structure is 13,299 square feet. Ten parking spaces would be removed from the adjacent surface parking lot (accessed from Accolti Way) to accommodate the replacement structure.

### Benson Center Renovations and Additions

Benson Center is an existing 100,716 square foot two-story building fronting Market Street to the south and The Alameda Pedestrian Mall to the east. This project involves one and two-story additions to the north and west building elevations totaling 21,363 sf and includes partial renovations of the building interior to accommodate the new additions and create meeting and common space.

### Daly Science Demolition and Site Development

The Daly Science Center consists of three, one-story buildings located immediately north of the De Saisset Museum and south of the Alumni Science Building. Each building has subgrade facilities. The buildings are currently occupied by laboratory and classroom facilities for chemistry, physics, and biology for the STEM program and are proposed to be demolished upon completion of the new STEM Center and replaced with passive open space.

It is anticipated that the sequence for implementation of the five-year development plan would occur in the following order, with the construction lay down areas occurring within the footprints of the new buildings and addition areas:

1. School of Law
2. Benson Center Expansion
3. 350-bed Residence Hall
4. STEM Phase 1
5. STEM Phase 2
6. Cowell Center Replacement
7. 250-bed Residence Hall
8. STEM Phase 3
9. Demolition of Daly Science Center

**Environmental Determination:** A Draft Environmental Impact Report (DEIR) was prepared in accordance with CEQA and was released on May 16, 2016 for 45-day public review that closed on June 30, 2016. Public agency comments were received from the Valley Transportation Authority (VTA) and California



Department of Transportation (Caltrans). A Cultural Resource Treatment Plan for the Master Plan was also prepared for the project. Copies of both were distributed to each of the Historical and Landmarks Commissioners on May 17, 2016 for review prior to their June 2, 2016 and July 7, 2016 publicly noticed meeting. Copies of the DEIR were also distributed to the Planning Commissioners on May 17, 2016. The Final EIR (FEIR) includes the comment letters from Caltrans and VTA and the responses to the agencies. The FEIR was distributed to the Planning Commission and commenting agencies on July 14, 2016. The FEIR and DEIR constitute the EIR for the project and are posted on the City's website at [www.santaclaraca.gov/CEQA](http://www.santaclaraca.gov/CEQA).

The DEIR examined environmental impacts associated with project development and identified potential cultural resources, air quality, noise, geology and soils, biological resources, and hazardous materials impacts. With incorporation of mitigation measures into the Project, all but the cultural resources impacts would be reduced to less than significant. Despite implementing all feasible mitigation measures, the DEIR concluded that the proposed project would result in significant unavoidable cultural resources impacts with demolition of Bergin Hall and with the final site design of the proposed law school should it not avoid all identified subsurface architectural artifacts associated with the third mission site. While Bergin Hall is not currently listed on the City's Inventory of Architecturally or Historically Significant Properties, it is the only building proposed for demolition that is eligible for listing on the California Register of Historic Resources and the City's Historic Resources Inventory as determined in the DEIR analysis.

In considering a project, CEQA requires decision-makers to balance economic, legal, social and technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. To approve a project that has a significant unavoidable environmental impact, decision-makers must make findings, supported by substantial evidence, that the specific economic, legal, social, technological or other benefits of a proposed project outweigh the unavoidable environmental effects.

In accordance with CEQA Guidelines 15124(b), the City of Santa Clara and applicant have identified project objectives for evaluation of the proposed project and the development of a range of alternatives in the EIR for consideration in the findings or statement of overriding considerations.

The stated objectives of the applicant are to:

1. Launch transformative projects that support the University's strategic plan for continued excellence in Jesuit education, engagement with Silicon Valley, global understanding and engagement, and continued support of justice and sustainability.
2. Respond to the emerging challenges in higher education to ensure long-term capacity for growth and/or renewal, provide more students with a college education in which they are likely to graduate in four years, be gainfully employed, and not be burdened with an unreasonable amount of student debt, and achieve greater economies of scale, thereby reducing the average instructional cost per student.
3. Reinforce emerging campus districts.
4. Protect special qualities of campus spaces and buildings.
5. Complement the City of Santa Clara revitalization places and be a good neighbor.

The stated objectives of the City are to:

1. Work with Santa Clara University to improve compatibility between University-owned properties and nearby historic resources with development that is compatible in scale, materials, design, height, mass and context with the surrounding neighborhood.
2. Encourage adaptive reuse of historic structures to promote preservation.

3. Allow expansion of Santa Clara University to meet the needs of the academic community and provide quality education.
4. Avoid or reduce impacts to archeological and cultural resources.
5. Protect historic resources from demolition.

CEQA requires that an EIR identify alternatives to the project as proposed and that these alternatives feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. The DEIR examined two project alternatives and provides a comparison of impacts of the alternatives to the proposed project. These include a "No Project Alternative" and a "Site Design Alternative". The No Project Alternative is a "no-build" scenario that would avoid all potential and significant unavoidable impacts identified in the EIR. This alternative does not meet all of the applicant's stated project objectives but would meet the City's stated objective #4 to avoid or reduce impacts to archeological and cultural resources, as well as #5 to protect historic resources from demolition. It would not meet the City's objective allowing expansion of the University to meet the needs of the academic community and provide quality education.

The Site Design Alternative includes the retention of Bergin Hall and identification of alternate locations for construction of a new law school on the University campus. As there are no current undeveloped locations sufficiently large enough to accommodate the size and massing (building footprint, floor area and height) of the proposed law school, the demolition of an existing structure(s) would be required to accommodate a building that is similar to that proposed. Programs and classrooms associated with the building proposed for demolition would have to be relocated and a subsequent structure constructed to replace the existing building. Once identified, further analysis would be required to determine potential impacts associated with the demolition of the existing building at a new site location for the replacement structure. As an alternative, the DEIR identifies an open space area adjacent to O'Conner Hall, the Music and Dance building, and Mayer Theater in the Fine Arts District of the campus (east of Lafayette Street, south of Franklin Street, west of Alviso Street and north of the cemetery) as a substitute location for the new law school. This site location would require a redesign of the proposed law school and would result in a smaller building footprint and a taller five-story building to achieve the requisite floor area needed for classrooms and programming space. It is anticipated that Mission Period and American Period artifacts would be encountered with site disturbance of this location, and that with implementation of the mitigation measures identified in the EIR the resulting potential significant impacts would be reduced to less than significant. The DEIR also identifies the Daly Science Center site following its demolition as an alternate location for the new law school. The Daly Science Center is proposed for demolition and improved open space as part of the Master Plan and is large enough in area to accommodate the proposed building footprint floor area and height to that of the new law school. The classrooms and programs associated with the Daly Science Center are planned for relocation with construction of the new STEM Center buildings. Development of this site would result in potentially significant impacts associated with the disturbance of Mission Period artifacts and would alter the sequence of development as planned by the University in the Master Plan. Potentially significant impacts would be reduced to less than significant with implementation of the mitigation measures identified in the EIR.

The environmentally superior alternative is the Site Design Alternative. Cultural resources impacts associated with demolition of Bergin Hall would be avoided and those associated with development of either the O'Connor Hall or Daly Science Center site locations would be reduced to less than significant with mitigation. Retention of Bergin Hall would allow for adaptive reuse of the building for University programs and would support all applicant and City project objectives. Relocation of the new law school to an alternate location would not meet all the project objectives by the applicant and the City. Specifically, the site alternative locations examined in the EIR do not cluster programs and disciplines to create campus districts, (applicant objective #3), the site alternative locations for the new law school do not meet the applicant's



project objectives #1 to launch transformative projects that support the University's strategic plan in Jesuit education; and #2 to respond to emerging challenges in higher education to ensure long-term capacity for growth and/or renewal. Furthermore, demolition of the Daly Science Center does not meet the University's development phasing needs for accommodating existing and proposed programs, thereby frustrating the applicant's project objectives #s 1 and 2. The site alternative locations do not support the City's objective #3 to allow expansion of the University to meet the needs of the academic community and provide quality education. Consequently, staff is recommending a modified version of the Site Design Alternative, which preserves Bergin Hall, but does not require that the new law school building be placed on an alternate site.

**General Plan and Zoning Conformance:** The proposed project is consistent with the General Plan policies for the Public/Quasi Public land use designation for the site in that the proposed amendment to the Master Plan Use Permit is for the implementation of a five-year development plan of capital improvements to improve, expand and facilitate academic educational use on the campus. The project will incorporate Build It Green measures in the design and construction of each project, and will be subject to Architectural Committee review for compatibility of building architecture and materials with adjacent structures and the campus, as a well lighting and landscaping that includes a minimum 2:1 tree replacement requirement. With retention of Bergin Hall in the Five-Year Capital Plan, the project will be consistent with the General Plan policies for historic preservation and will prepare and incorporate a Cultural Resources Treatment Plan for implementation of each project in the Plan.

As the building footprints and massing of the new buildings and additions are conceptual, verification for building setbacks and heights will be verified for conformance with the B zoning development standards at the time of Architectural Committee review.

**Circulation and Parking:** The project site is located adjacent to the Santa Clara Transit Center with local and regional access to VTA bus service and light and heavy rail transit connections. Direct service to the campus is provided by six VTA bus routes with scheduled stops along Lafayette Street, Benton Street, and El Camino Real. The primary roadway providing access to the University, for internal circulation and connection to campus parking facilities, is Palm Drive by way of El Camino Real. Secondary access streets include Accolti Way and Santa Clara Street with additional access driveways provided along The Alameda, Lafayette Street, and El Camino Real.

The 2003 Master Plan Use Permit calculated the parking requirement for existing campus facilities and uses and the six projects presented in the Ten Year Capital Plan to be 2,500 parking spaces. The University proposed to provide 2,836 spaces through a combination of on- and off-site University owned parking facilities. Since that time, additional parking facilities have been reconfigured and constructed to provide additional parking on the campus. A total of 3,175 parking spaces are currently distributed throughout the campus in permit parking structures and surface lots for use by visitors, students and faculty.

Section 18.74.020 of the Santa Clara City Code requires Universities to provide one parking space for each classroom or office plus one space for each ten students attending classes on the premises at any time during any twenty-four hour period. Based on this calculation, an additional 60 parking spaces are required to serve the new 600 students residing in the new residence halls and 52 spaces to accommodate the projected 515 new graduate students, for a total of a total of 2,612 required parking spaces on-site. Based on the number of new classrooms and offices proposed at the architectural review stage, additional parking spaces would be added to the total parking requirement and would be subtracted from the surplus number of parking spaces provided on-site.

A parking survey was conducted by Hexagon Transportation, Inc. that revealed that 65 percent of the total parking spaces on campus were occupied during the peak parking demand. Their field observations revealed that fully occupied parking facilities tended to be the facilities that serve nonresidential students (faculty/staff) and other parking facilities were parked less than capacity.

The project would result in a reduction in the total number of University-provided parking spaces from 3,175 to 3,002. Not counting the additional classrooms and offices in the 279,804 sf of net new academic space, a total of 2,560 parking spaces would be required. It is anticipated that the surplus 3902 parking spaces would be ample to meet the City's parking requirements. The Project includes a condition of approval for submittal of a parking analysis with each building for Architectural Committee review for verification of the calculation and sufficiency of parking to serve the new classrooms and offices.

The University has an active Transportation Demand Management Program that includes programs and incentives to reduce vehicle miles travelled by faculty, staff and students. These include the provision of electric vehicle charging stations, bike share, shuttle service, ride share, Zipcar rental, and faculty and staff discounted transit tickets. With direct access and proximity to local and regional transit, the University is able to promote and support the use of multi-modal transit in place of single occupancy vehicle travel.

**Architecture:** The Five-Year Capital Plan identifies the conceptual footprint and location of each of the new buildings and additions. Except for the new law school, the building architecture has yet to be established. All the buildings will be reviewed by the Architectural Committee for building architecture and materials, lighting, and landscaping. The design of the new law school is a modern interpretation of Spanish and Mission architecture with expanded roof eaves and repeating vertical elements and window patterns.

**Landscaping:** The project includes a conceptual landscape plan for each of the development projects. A complete landscape plan that includes species type, size and location as well as water conservation calculations and an irrigation plan will be submitted for City review and approval prior to issuance of demolition permits for the Daly Science buildings and building permit issuance for the new additions and replacement structures. The planting plan will include replacement of trees removed as part of the project at a minimum of 2:1.

**Stormwater (C3) Requirements:** The project will be required to comply with the Municipal Regional Stormwater Permit issued by the Regional Water Quality Control Board. The project is proposing to use Low Impact Development based treatments including self-treating infiltration and bioretention areas.

#### **Historical and Landmarks Commission Review**

The project was reviewed by the Historical and Landmarks Commission at two scheduled publicly noticed meetings. The first meeting was held on June 2, 2016 to outline the scope of the project and cultural resources impacts associated with development of the proposed project. The second occurred on July 7, 2016 to review the proposal and potential environmental impacts, examine the project alternatives, and formulate a project recommendation.

The recommendation presented to the Historical and Landmarks Commission by staff, which remains staff's recommendation to the Planning Commission, was to approve the Use Permit to amend the Master Development Plan for the Santa Clara University campus with the retention of Bergin Hall. The proposal for the STEM Center may require integration of Bergin Hall into the site planning and design, and at this point in time, complete design drawings have not been provided showing that Bergin Hall must be demolished to meet applicant project objectives. Modifications to Bergin Hall will require that the proposal be submitted to the Historical and Landmarks Commission for review and will require subsequent CEQA analysis.



Following public testimony and discussion, the Historical and Landmarks Commission did not make a recommendation on the EIR; recommended approval of the staff recommendation to retain Bergin Hall; recommended approval of the proposed residential halls with installation of a plaque at the location of existing art building (former warehouse); failed to pass a motion recommending a proposed location of the new law school; and did not provide any further recommendations on remaining proposed structures. Regarding their failed to pass a motion on the location of the new law school, the Historical and Landmarks Commission voted 3-2 (with two members of the Commission absent) to support the proposed location; however, because four affirmative votes are needed to confirm a motion from the seven-member Commission, the 3-2 vote in favor of the proposal did not formally pass. Copies of the June 2<sup>nd</sup> and July 7<sup>th</sup> staff reports and related meeting minutes are attached for review.

#### **Public Contact**

***Public Notices and Comments:*** The notice of public meeting for this item was posted within 500 feet of the project site and was mailed to property owners within 500 feet of the project site. No public comments have been received at the time of preparation of this report.

#### **ADVANTAGES AND DISADVANTAGES OF ISSUE:**

Approval of the proposed project would support the University's stated objectives and strategic plan for continued excellence in Jesuit education. The project is designed to respond to the emerging challenges in higher education requiring state of the art facilities and programs to attract and compete for faculty, staff and students. The project will construct housing for 600 students and thereby reduce vehicle miles travelled and reduce impacts to the residential neighborhoods surrounding the University by redirecting housing on campus.

Demolition of Bergin Hall would not support the City's objective to protect historic resources from demolition. Retention and incorporation of Bergin Hall in development of the Five-Year Master Plan would not prevent or detract from the University's objectives to ensure long term capacity for growth and/or renewal as Bergin Hall may serve as an adaptive reuse for programs or academics that serve the faculty, staff or students.

It is recognized that the construction of Charney Hall on the third Mission site would result in a significant unavoidable impact to subsurface resources. The impact while significant would be minimized with the construction methods and measures set forth in the MMRP and Cultural Resources Treatment Plan for the project and may garner new scientific data for expanded understanding of the Mission period of development on the project site and area surrounding the University. A Cultural Resources Treatment Plan has been prepared and will be implemented with each of the demolition and building projects. Implementation of the mitigation measures identified in the MMRP and Cultural Resources Treatment Plan are established to avoid and/or minimize potential significant impacts to less than significant and shall be applied to the project.

#### **RECOMMENDATION:**

That the Planning Commission adopt resolutions to:

1. Approve and certify the Environmental Impact Report, adopt CEQA Findings and a Statement of Overriding Considerations (SOCs) and adopt the Mitigation Monitoring and Reporting Program (MMRP) for the Santa Clara University Five-Year Master Plan, with a modified "Site Design Alternative" selected as the Project, and prohibiting the demolition of Bergin Hall; and
2. Approve the Use Permit to amend the Master Development Plan for the Santa Clara University campus with the retention of Bergin Hall, subject to conditions.

*Documents Related to this Report:*

- 1) *Draft and Final Draft Environmental Impact Reports (previously distributed)*
- 2) *Mitigation Monitoring and Reporting Program (MMRP)*
- 3) *Resolution Certifying the Environmental Impact Report and Adoption of CEQA Findings and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program*
- 4) *CEQA Findings and Statement of Overriding Considerations*
- 5) *Resolution Approving the Use Permit*
- 6) *Draft Excerpt Draft Historical and Landmarks Commission meeting minutes of July 7, 2016*
- 7) *Historical and Landmarks Commission Staff Report of July 7, 2016*
- 8) *Excerpt Historical and Landmarks Commission meeting minutes of June 2, 2016*
- 9) *Historical and Landmarks Commission Staff Report of June 2, 2016*
- 10) *Conditions of Approval*
- 11) *Development Plans*

I:\PLANNING\Current Planning\2011-2014\2014\Project Files Active\PLN2014-10779 500 El Camino Real - SCU Master Use Permit\PC\Staff Report 072716.doc



**MITIGATION MONITORING OR REPORTING PROGRAM**

**Santa Clara University Five-Year Master Plan**

**CITY OF SANTA CLARA**

**July 2016**

## P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring or Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Environmental Impact Report concluded that the impacts from implementation of the project would be less than significant.



MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>CULTURAL RESOURCES</b>				
<b>Impact CUL-1:</b> Redevelopment of project site 1 would result in the exposure and possible destruction of third Mission and American Period resources.	<p><b>MM CUL-1.1:</b> The final site plan for project site 1, including building foundations and utility trenches, will be designed to avoid disturbance of identified significant architectural resources associated with the third Mission to allow for preservation in place. All non-architectural Mission Period and all American Period features shall be avoided to the extent possible. Final design to avoid significant subsurface features will be based on diagrams of the identified features prepared by the project archaeologist. Design features could include:</p> <ul style="list-style-type: none"> <li>• Shallow foundation footings and/or rerouting of utility lines to avoid significant archaeological features.</li> <li>• Incorporation of greenspace preserves to protect significant archaeological features from development.</li> <li>• Covering archaeological features with a layer of chemically stable soil before building hardscape over identified features.</li> <li>•</li> </ul> <p>The final site plan must be approved by the Planning Department prior to issuance of grading permits.</p> <p><b>MM CUL-1.2:</b> For resources where preservation in place is not feasible, data recovery will occur consistent with the requirements of the <i>Master Cultural Resources Treatment Plan for the Santa Clara University 2020 Plan</i> (July 2015).</p> <p><b>MM CUL-1-3:</b> Upon completion of all field work, but before completion of the Findings Report, a preliminary report outlining the data recovery work on the site shall be submitted to the Director of Planning and Inspection for review and approval prior to issuance of building permits.</p>	Prior to issuance of grading permits	Project Applicant	Director of Community Development (previously Director of Planning and Inspection)

MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>CULTURAL RESOURCES</b>				
<b>Impact CUL-2:</b> Future development under the proposed project could result in the exposure or destruction of as yet unrecorded subsurface prehistoric and historic archaeological artifacts and possibly human remains.	<p><b>MM CUL-2.1:</b> After completion of final building design for each of the proposed development sites, a site-specific cultural resources treatment plan shall be prepared and approved by the Director of Planning and Inspection prior to issuance of any of demolition permits. The treatment plans will tier off the <i>Master Cultural Resources Treatment Plan for the Santa Clara University 2020 Plan</i> (July 2015) and will conform to all requirements outlined in the <i>Master Cultural Resources Treatment Plan</i>. Specific elements of the treatment plans are outlined below.</p> <p><u>Investigation – Resource Identification</u></p> <p>A combined program of archaeological investigation (testing and data recovery) will focus on the proposed area of disturbance on the project sites. Because construction of the project is currently expected to occur over five years, the archaeological investigations will be phased to fit the project schedule. Specific activities include:</p> <ul style="list-style-type: none"> <li>• Identification of archaeological resources through mechanical area exposure. A trained archaeological monitor will direct mechanical excavation of select regions within the project site area. Depending on the sensitivity of each site, some projects will require excavation of the entire site and some will require excavation of only certain areas. This step will occur after demolition, but before construction grading.</li> <li>• Upon identification of a feature, removal of overburden using hand excavation techniques.</li> <li>• Archaeological investigation of areas exposed.</li> </ul>	Prior to issuance of demolition permits for each individual project site.	Project Applicant	Director of Community Development (previously Director of Planning and Inspection)

<b>MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN</b>				
<b>Impact</b>	<b>Mitigation</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
	<ul style="list-style-type: none"> <li>• Identification of resources for data recovery.</li> </ul> <p>Archaeological investigation will include the following guidelines and actions:</p> <ul style="list-style-type: none"> <li>• Archaeologists will direct the stripping away of asphalt, base rock, fill, disturbed soils, and modern intrusions to expose historic ground surfaces in areas that will be disturbed during project construction. This will help determine the kinds and number of archaeological resources present.</li> <li>• Archaeologists will investigate features to determine their potential significance. In consultation with the SCU Assistant Campus Archaeologist and Operations staff, decisions will be made about which features will be subject to archaeological data recovery.</li> <li>• Determination of significance of historic archaeological property types is tied directly to their historical context and relevance to research themes further discussed below. Usefulness of a property type (feature) with regard to relevant research themes determines the legal importance of that resource. Also germane to the importance of property types are assessments of integrity, land use history, and comparison with other known similar property types. Especially relevant here are issues that cannot be addressed using data from other sources. The purpose of identifying relevant research themes is to help predict areas of special concern, given expected property types. Determination of relevance to research themes is critical to the identification of significant features in the field.</li> <li>• If data recovery is determined to be appropriate, excavation will target recovery of an appropriate amount of information from archaeological deposits to determine potential of the resource to address specific research questions. If it occurs, data recovery will</li> </ul>			



MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
	<p>emphasize understanding of the archaeological deposit's structure, including features and stratification, horizontal and vertical extent, and content including the nature and quantity of artifacts.</p> <p><u>Reporting</u></p> <p>The findings reports will follow the outline below and will focus on particular finds encountered during the excavation. All reports will at a minimum meet the <i>Secretary of the Interior's Standards for Archaeological Documentation</i>. The report will be submitted to the applicant and all reviewing agencies, and will ultimately be filed with the Northwest Information Center at Sonoma State University.</p> <p>The technical report on project results may address the following elements:</p> <ul style="list-style-type: none"> <li>• executive summary;</li> <li>• statement of scope, including project location and setting;</li> <li>• background contexts or summaries;</li> <li>• summary of previous research, historical and archaeological;</li> <li>• research goals and themes;</li> <li>• field and laboratory methodologies;</li> <li>• descriptions of recovered materials;</li> <li>• findings and interpretations, referencing research goals;</li> <li>• conclusions;</li> </ul>			

MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
	<ul style="list-style-type: none"> <li>• references cited; and</li> <li>• appendices such as artifact catalogs, special studies, and other information relevant to the project and findings.</li> </ul> <p><u>Discovery of Human Remains</u></p> <p>Procedures for the treatment of human remains are well defined in various California laws and codes. The Heritage Commission acts as a central point of contact for notification of Native Americans, and arbitration between the Native American representative and the property owner (who is also the owner of the remains) and any associated archaeological materials. These procedures are set forth in the California Public Resources Code 5097.9, specifically 5097.98 <i>Notification of discovery of Native American human remains, descendants, disposition of human remains and associated grave goods.</i> NAHC guidelines have changed over time and SCU will follow NAHC recommendations and Public Resource Codes current at the time of the discovery.</p> <p><b>Discovery.</b> When human remains are discovered (in either an archaeological or construction context), SCU will notify the Santa Clara County Coroner who will determine if the remains are or are suspected to be of Native American origin (cf. Section 7050.5c of the Health and Safety Code). This is often done in consultation with the archaeological investigator or on occasion in consultation with a forensic or physical anthropologist. If this determination is made, the Coroner will notify the Heritage Commission.</p>			

MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
	<p><b>Notification of Most Likely Descendent (MLD).</b> The Heritage Commission will notify those persons it believes are most likely descended from the deceased Native American. This is usually a single individual although for a number of reasons, the Heritage Commission may assign more than one MLD. The MLD will likely be on the original consultation list; however, this is not always the case, as some individuals have removed themselves from the general consultation list due to the number of requests for comments.</p> <p><b>Inspection and Recommendations.</b> The MLD will have 48 hours to inspect the finds and make recommendations to the University regarding the disposition of the remains. If the MLD fails to make a recommendation or the MLD and the University fail to come to an agreement (with mediation provided by the NAHC) the University will respectfully reinter the remains and associated artifacts in a safe place on University property.</p> <p><b>MM CUL-2.2:</b> Upon completion of all field work for each individual treatment plan, but before completion of the Findings Report (outlined in MM CUL-2.1), a preliminary report outlining the data recovery work on the site(s) shall be submitted to the Director of Planning and Inspection for review and approval prior to issuance of building permits for each of the proposed development sites.</p>			



MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>CULTURAL RESOURCES</b>				
<b>Impact CUL-3:</b> Implementation of the proposed Master Plan would result in the demolition of one building and could result in physical damage to five buildings which are listed or eligible for listing on the CRHR and the City's Historic Resources Inventory. Demolition and/or damage to one of more historic structures would constitute a significant impact.	<p><b>MM CUL-3.1:</b> As mitigation for the demolition of one historic structure on the project site and possible physical damage to five buildings, the project proposes to document these six structures in accordance with Historic American Building Survey (HABS) guidelines.</p> <p><u>Documentation:</u> The historic structures will be documented in accordance with the guidelines established for the HABS and shall consist of the following components:</p> <ol style="list-style-type: none"> <li>1. Drawings – Prepare sketch floor plans.</li> <li>2. Photographs – Digital photographic documentation of the interior, exterior, and setting of the buildings in compliance with the National Register Photo Policy Fact Sheet. Photos must have a pennanency rating of approximately 75 years.</li> <li>3. Written Data – HABS written documentation in short form. [Please note that the historic evaluation completed for the proposed project can be used for this task. No additional written documentation is necessary to meet this mitigation requirement.]</li> </ol> <p><b>MM CUL-3.2:</b> <u>Salvage:</u> Bergin Hall will be made available to salvage companies facilitating the reuse of historic building materials.</p> <p><b>MM CUL-3.3:</b> As a condition of approval, the City will require the following measures:</p> <p><u>Documentation:</u> A Secretary of the Interior qualified historian will prepare an oral history of the project area. The oral history will take the form of a written report with transcribed interviews of former residents and photographs, to the extent that they are available. The final report</p>	Prior to issuance of demolition permits for each individual project site.	Project Applicant	Director of Community Development (previously Director of Planning and Inspection)

MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
	<p>will be provided to the City and will also be distributed to Santa Clara libraries and historical organizations in Santa Clara.</p> <p><u>Salvage:</u> The time frame available for salvage will be established by the City. The applicant must provide evidence to City staff that this condition has been met prior to the issuance of demolition permits.</p> <p><b>MM CUL-3.4:</b> A historical architect with a minimum of five years of experience in the rehabilitation and restoration of historic buildings, as well as meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards shall be engaged to prepare protection plans for the historic resources adjacent to proposed demolition and new construction activities.</p> <ol style="list-style-type: none"> <li>1. Prior to the start of the project, the historical architect shall undertake an existing condition study of the affected historic resources. The purpose of the study would be to establish the baseline condition of the buildings prior to construction, including the location and extent of any visible cracks or spalls. The documentation shall take the form of written descriptions and photographs, and shall include those physical characteristics of the resources that convey their historic significance and that justify their inclusion on, or eligibility for inclusion on, the California Register of Historical Resources and local register. The documentation shall be reviewed and approved by the staff to the City of Santa Clara's Historical and Landmarks Commission, or equivalent.</li> <li>2. The historical architect shall prepare designs and specifications for protective barriers required to protect the historic resources from potential damage caused by demolition and new construction</li> </ol>			

MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
	<p>activities. All documents prepared in accordance with MM CUL-2.2 shall be reviewed and approved by the staff to the City of Santa Clara's Historical and Landmarks Commission, or equivalent.</p> <p>3. The historical architect shall establish a training program for construction workers involved in the projects that emphasizes the importance of protecting historic resources. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near the historic structures, including storage of materials away from historic buildings. It shall also include a reporting program for any potential problems that could affect the historic resources in the area. A provision for establishing this training program shall be incorporated into the contract, and the contract provisions shall be reviewed and approved by the staff to the City of Santa Clara's Historical and Landmarks Commission, or equivalent.</p> <p>4. The historical architect shall periodically monitor the historic resources during construction. Any changes to existing conditions will be reported, including, but not limited to, expansion of existing cracks, new spalls, or other exterior deterioration. Monitoring reports shall be submitted to the Director of Planning and Inspection, or equivalent on a periodic basis. If in the opinion of the historical architect, substantial adverse impacts to historic resources related to construction activities are found during construction, the historical architect shall so inform the project sponsor, or sponsor's designated representative responsible for construction activities, as well as the Director of Planning and Inspection, or equivalent. The project sponsor shall adhere to the monitoring team's reasonable recommendations for corrective measures. The Director of Planning and Inspection, or equivalent, shall establish the frequency of monitoring and reporting.</p>			



MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>AIR QUALITY</b>				
<b>Impact AIR -1:</b> Construction of multiple projects simultaneously that equate to more than 277,000 square feet could exceed construction emission thresholds.	<p><b>MM AIR 1-1:</b> If the University files for building permits where total construction projects occurring simultaneously would be equal to or greater than 277,000 square feet, the total combined emissions of the projects shall be calculated by a qualified air quality consultant to identify mitigation measures that may be necessary to ensure average daily emissions do not exceed significance thresholds. The findings of the analysis shall be provided to the Director of Planning and Inspection prior to the issuance of building permits. If the combined emissions are below established thresholds, no additional actions are required.</p> <p>If the combined emissions exceed established thresholds, emission control measures must be identified to reduce emissions below the thresholds. The University must show qualitative proof of the effectiveness of the control measures prior to issuance of building permits or reduce the amount of development proposed. Measures that may be required to ensure emissions do not exceed significance thresholds include the following:</p> <ul style="list-style-type: none"> <li>• Use of construction equipment that meets U.S. EPA Tier 3 emissions standards and where necessary, U.S. EPA Tier 4 emission standards, if commercially available;</li> <li>• Use of alternative fuels that have lower emissions or electric-powered equipment in lieu of diesel powered equipment; and</li> <li>• Scheduling of activities to reduce emissions, such as extending the construction period to avoid intensive periods that produce high emissions.</li> </ul>	Prior to issuance of building permits.	Project Applicant	Director of Community Development (previously Director of Planning and Inspection)

MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>AIR QUALITY</b>				
<b>Impact AIR -2:</b> Construction of the proposed project would result in a temporary community risk (TAC) impact	<b>MM AIR 2-1:</b> All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent.	During all phases of construction	Project Applicant	Director of Community Development (previously Director of Planning and Inspection)

MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>NOISE</b>				
<b>Impact NOI-1:</b> Construction of the proposed student housing could expose future residents in units facing The Alameda to interior noise levels in excess of acceptable City and State standards for residential development.	<b>MM NOI-1.1:</b> Forced air mechanical ventilation, satisfactory to the local building official, shall be incorporated into all residential units facing The Alameda to allow occupants the option of keeping windows closed to control noise intrusion.	Prior to issuance of occupancy permits.	Project Applicant	Director of Community Development (previously Director of Planning and Inspection)
<b>Impact NOI-2:</b> Ground-borne vibration resulting from construction activities associated with implementation of the Master Plan could cause structural damage to nearby buildings.	<b>MM NOI-2.1:</b> Heavy vibration-generating construction equipment, such as vibratory rollers or clam shovel drops, are prohibited within 25 feet of any historic buildings or campus residences.	During all phases of construction.	Project Applicant	Director of Community Development (previously Director of Planning and Inspection)



MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>GEOLOGY AND SOILS</b>				
<b>Impact GEO-1:</b> Future development under the proposed Master Plan could interfere with the shallow groundwater table.	<b>MM GEO-1.1:</b> To account for seasonal variations in the groundwater level, the following measures shall be implemented: <ul style="list-style-type: none"> <li>Excavate an additional 12 to 18 inches below subgrade, place a layer of stabilization fabric at the bottom, and backfill with clean crushed rock.</li> <li>Dewatering shall adhere to all applicable laws and regulations.</li> </ul>	During all phases of construction	Project Applicant	Director of Community Development (previously Director of Planning and Inspection)

MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>BIOLOGICAL RESOURCES</b>				
<b>Impact BIO-1:</b> Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.	<p><b>MM BIO-1.1:</b> Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31.</p> <p><b>MM BIO-1.2:</b> If it is not possible to schedule demolition and construction between September and January, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife, will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction.</p>	No more than 14 days prior to initiation of construction activities.	Project Applicant	Director of Community Development (previously Director of Planning and Inspection)  Department of Fish and Wildlife

MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>BIOLOGICAL RESOURCES</b>				
<b>Impact HAZ-1:</b> Implementation of the proposed project could expose construction workers to residual soil contamination from two recorded LUSTs located adjacent to Building 601.	<p><b>MM HAZ-1.1:</b> Pursuant to the requirements of the case closure, the County shall be notified prior to any changes in land use, grading activities, excavation, and installation of water wells in the identified contamination area adjacent to Building 601.</p> <p><b>MM HAZ-1.2:</b> After County notification and prior to issuance of grading permits, soil samples shall be taken to the depth of planned excavation around the area of the previous USTs adjacent to Building 601 to determine if contaminated soil is located on-site with concentrations above established construction/trench worker thresholds. The soil sampling plan must be reviewed and approved by the Santa Clara Fire Chief prior to initiation of work.</p> <p><b>MM HAZ-1.3:</b> Once the soil sampling analysis is complete, a report of the findings will be provided to the Santa Clara Fire Chief, Director of Planning and Inspection, and other applicable City staff for review.</p> <p><b>MM HAZ-1.4:</b> If contaminated soils are found in concentrations above established thresholds a Site Management Plan (SMP) will be prepared and implemented (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.</p> <p>The SMP will be prepared to establish management practices for handling impacted soil material that may be encountered during site</p>	Prior to issuance of grading or excavation permits.	Project Applicant	Director of Community Development (previously Director of Planning and Inspection)  Santa Clara County  Santa Clara Fire Chief

MITIGATION MONITORING OR REPORTING PROGRAM SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
	development and soil-disturbing activities. Components of the SMP will include: a detailed discussion of the site background; preparation of a Health and Safety Plan by an industrial hygienist; notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction; on-site soil reuse guidelines based on the California Regional Water Quality Control Board, San Francisco Bay Region's reuse policy; sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site waste disposal facility; soil stockpiling protocols; and protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities. Prior to issuance of grading permits, a copy of the SMP must be approved by the City's Director of Planning and Inspection, and the Santa Clara Fire Chief.			

**SOURCE:** City of Santa Clara, Santa Clara University Five-Year Master Plan Environmental Impact Report, May 2016.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, TO APPROVE AND CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT, MAKE FINDINGS WITH RESPECT THERETO, AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SANTA CLARA UNIVERSITY FIVE-YEAR MASTER PLAN PROJECT LOCATED AT 500 EL CAMINO REAL, SANTA CLARA**

SCH#2015042076  
CEQ2014-01184 (Environmental Impact Report)  
PLN2014-10779 (Use Permit)

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, on November 19, 2014, Steve Brodie (“Applicant”) on behalf of Santa Clara University (“Property Owner”) made an application for the development of an approximately 97.5 acre site located at 500 El Camino Real, which is currently occupied by a private university campus (“Project Site”);

**WHEREAS**, the application is for the development of a Five-Year Capital Plan for Santa Clara University involving the construction of nine building projects, demolition of 11 existing buildings, landscaping and tree replacement, and site improvements within the campus boundaries (“Project”) as shown on the Development Plans, attached hereto as Exhibit “Development Plans” and incorporated herein by this reference;

**WHEREAS**, in order to effectuate the development the Project approvals will include a Use Permit to amend the Master Plan for the Santa Clara University campus;

**WHEREAS**, on May 13, 2015, the City of Santa Clara (“City”) distributed a Notice of Preparation of a Draft Environmental Impact Report (“DEIR”) and on May 13, 2015 posted the



Notice at the Santa Clara County Clerk's office, soliciting guidance on the scope and content of the environmental information to be included in the DEIR;

**WHEREAS**, the City prepared and circulated copies of the DEIR to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons and agencies, and the City sought the comments of such persons and agencies for forty-five (45) days, beginning on May 16, 2016 and concluding on June 30, 2016 ("Comment Period");

**WHEREAS**, the City prepared written responses to the comments received during the Comment Period and included those responses in a Final Environmental Impact Report ("FEIR"). The FEIR consists of a list of agencies and organizations to whom the DEIR was sent, a list of the comment letters received on the DEIR, responses to comments received on the DEIR, and copies of the comment letters. The FEIR was subsequently circulated for a 10-day review period beginning on July 14, 2016 and concluding on July 25, 2016;

**WHEREAS**, the DEIR and FEIR constitute the EIR for the Project;

**WHEREAS**, the Planning Commission has reviewed the EIR prepared for the Project, the City Staff reports pertaining to the EIR and all evidence received at a duly noticed public hearing on July 27, 2016. All of these documents and evidence are herein incorporated by reference into this Resolution;

**WHEREAS**, the EIR identified certain significant and potentially significant adverse effects on the environment that would be caused by the Project as proposed;

**WHEREAS**, the EIR outlined various mitigation measures that would substantially lessen or avoid the Project's significant effects on the environment, as well as alternatives to the Project as proposed that would provide some environmental advantages;

**WHEREAS**, the City is required whenever possible, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.), to adopt all feasible mitigation

measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of the Project;

**WHEREAS**, Public Resources Code § 21081, subdivision (a) requires a lead agency, before approving a project for which an EIR has been prepared and certified, to adopt findings specifying whether mitigation measures and, in some instances, alternatives discussed in the EIR, have been adopted or rejected as infeasible;

**WHEREAS**, Exhibit “Overriding Considerations” to this Resolution is a set of Findings of Fact prepared in order to satisfy the requirements of Public Resources Code § 21081, subdivision (a);

**WHEREAS**, as the Findings of Fact explain, the Planning Commission, reflecting the advice of City staff and input from various State and local agencies, has expressed its intention to approve the Project with a modified version of the “Site Design Alternative” selected as the Project;

**WHEREAS**, in taking this course, the Planning Commission has acted consistent with the CEQA mandate to look to project mitigations and/or alternatives as a means of substantially lessening or avoiding the environmental effects of projects as proposed;

**WHEREAS**, many of the significant and potentially significant environmental effects associated with the Project, as approved, can either be substantially lessened or avoided through the inclusion of mitigation measures proposed in the FEIR;‘

**WHEREAS**, the EIR identified significant unavoidable cultural resources impacts with demolition of Bergin Hall and construction of the proposed law school (“Charney Hall”) building on the third Mission site;

**WHEREAS**, the Planning Commission, in reviewing the Project, shall adopt all mitigation measures set forth in the EIR;

**WHEREAS**, the significant effects that cannot be avoided or substantially lessened by the adoption of feasible mitigation measures will necessarily remain significant and unavoidable;

**WHEREAS**, the Planning Commission has determined that a modified version of the Site Design Alternative is feasible and should be adopted as the Project, pursuant to which Bergin Hall shall not be demolished, thereby eliminating the impacts to that historic resource, but which would also allow for the construction of Charney Hall at the location shown on the Development Plans, as placement of the Charney Hall building in an alternate location would not sufficiently satisfy the Project objectives of the Property Owner and City;

**WHEREAS**, the Planning Commission has determined that none of the remaining alternatives addressed in the EIR would be both feasible and environmentally superior to the Project, because they would not sufficiently satisfy project objectives; and

**WHEREAS**, as detailed in Exhibit "Overriding Considerations," the Planning Commission has determined that despite the occurrence of significant unavoidable cultural resources impacts with development of Charney Hall on the proposed site location there are certain overriding economic, social and other considerations for approving a modified Project, that includes the retention of Bergin Hall, which justify the occurrence of the significant unavoidable cultural resources impact associated with the development of Charney Hall at the proposed site location, which render the impact acceptable.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby finds that the EIR has been completed in compliance with CEQA.

3. That the Planning Commission hereby finds the EIR has been presented to the Planning Commission, which reviewed and considered the information and analysis contained therein and certifies the EIR with a modified version of the "Site Design Alternative" selected as the Project.

4. That the Planning Commission finds, pursuant to Public Resources Code Section 21081 and California Code of Regulations, Title 14, Section 15091, that many of the proposed mitigation measures described in the EIR are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the modified Project is approved.

5. That, in order to comply with Public Resources Code Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program as set forth in the attached Exhibit "MMRP". The Program is designed to ensure that, during Project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply with the feasible mitigation measures identified. The MMRP identifies, for each mitigation measure, the party responsible for implementation.

6. That the Planning Commission finds that retention of Bergin Hall is feasible and would eliminate the impact to a historical resource.

7. That the Planning Commission finds that construction of Charney Hall on the third Mission site would result in significant unavoidable impacts to subsurface resources that with implementation of the MMRP would not avoid or reduce the impacts to less than significant. As to these impacts, the Planning Commission hereby finds that there exist certain overriding economic, social and other considerations for approving a modified Project that includes the retention of Bergin Hall, which justify the occurrence of the impacts, as set forth in the "Findings

of Fact” and Statement of Overriding Considerations”, incorporated herein and attached hereto as Exhibit “Overriding Considerations”.

8. That the Planning Commission hereby finds that none of the Project Alternatives set forth in the EIR, other than the modified version of the Site Design Alternative, can feasibly substantially lessen or avoid those significant environmental effects not otherwise lessened or avoided by the adoption of all feasible mitigation measures.

9. Based on the findings set forth in this Resolution and the evidence in the City Staff Report, the Planning Commission approves and certifies the EIR, make findings concerning mitigation measures; adopts a Mitigation Monitoring and Reporting Program; makes findings concerning alternatives and makes findings that there exist certain overriding economic, social and other considerations that justify the occurrence of those impacts, with the adoption of a modified Project that includes retention of Bergin Hal but allows construction of Charney Hall at the location depicted on the Development Plans.

10. Pursuant to 14 Cal. Code of Regs. Section 15091(e), the City Council hereby designates the Director of Community Development as the Custodian of Records for the Project, and the Planning and Inspection Division at City Hall, 1500 Warburton Avenue, Santa Clara, California, is the location of the documents and other material that constitute the record of proceedings upon which this decision is based.

11. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and



word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

10. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 27<sup>TH</sup> DAY OF JULY, 2016, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST:

\_\_\_\_\_  
SHARON GOEI  
ACTING DIRECTOR OF COMMUNITY DEVELOPMENT  
CITY OF SANTA CLARA

**Attachments Incorporated by Reference:**

1. Exhibit "MMRP" (Mitigation Monitoring and Reporting Program)
2. Exhibit "Overriding Considerations" (Findings of Fact and Statement of Overriding Considerations)

I:\PLANNING\Current Planning\2011-2014\2014\Project Files Active\PLN2014-10779 500 El Camino Real - SCU Master Use Permit\PC\EIR Reso.doc

## Exhibit “Overriding Considerations”

### FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the City to balance the benefits of the Project against its significant unavoidable environmental effects in determining whether to approve the Project. Since the EIR identifies project-level and cumulative significant impacts of the Project that cannot feasibly be mitigated below a level of significance, the City must state in writing its specific reasons for approving the Project in a “statement of overriding considerations” pursuant to sections 15043 and 15093 of the CEQA Guidelines.

In making the statement of overriding considerations, “CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable’.” (CEQA Guidelines, Section 15093(a).)

The City has examined a reasonable range of alternatives to the Project, as more fully documented in the EIR. Based on this examination, the City has determined that (1) there are numerous tradeoffs in impacts associated with the various alternatives, (2) the alternatives would result in varying degrees of achieving the Project goals and objectives, (3) the “No Project Alternative” in a no-build scenario and does not meet any of the applicant’s project objectives and would not meet most of the City’s project objectives, and (4) the “Site Design Alternative” is the environmentally superior alternative; however, only portions of this alternative (preservation of Bergin Hall) accomplish the project objectives, while other portions of the alternative (alternative locations for Charney Hall) do not accomplish the project proponent’s objectives #s 1, 2, and 3, as described below.

#### *Project Goals and Objectives*

The stated objectives of the Project proponent are to:

1. Launch transformative projects that support the University’s strategic plan for continued excellence in Jesuit education, engagement with Silicon Valley, global understanding and engagement, and continued support of justice and sustainability.
2. Respond to the emerging challenges in higher education to ensure long-term capacity for growth and/or renewal, provide more students with a college education in which they are likely to graduate in four years, be gainfully employed, and not be burdened with an unreasonable amount of student debt, and achieve greater economies of scale, thereby reducing the average instructional cost per student.
3. Reinforce emerging campus districts.
4. Protect special qualities of campus spaces and buildings.
5. Complement the City of Santa Clara revitalization places and be a good neighbor.

The stated objectives of the City are to:

1. Work with Santa Clara University to improve compatibility between University-owned properties and nearby historic resources with development that is compatible in scale, materials, design, height, mass and context with the surrounding neighborhood.
2. Encourage adaptive reuse of historic structures to promote preservation.
3. Allow expansion of Santa Clara University to meet the needs of the academic community and provide quality education.
4. Avoid or reduce impacts to archeological and cultural resources.
5. Protect historic resources from demolition.

### *Environmental Impact Analysis*

The EIR found that the proposed project could have a number of significant environmental impacts, but identified mitigation measures to reduce most of these impacts to less than significant levels. Nevertheless, despite implementing all feasible mitigation measures, the EIR also concluded that the proposed project would have the following significant unavoidable impacts that cannot be mitigated to a less than significant level if the project is implemented. Based on the conclusions in the EIR, implementation of the proposed project would result in Significant Unavoidable project-level and cumulative impacts with regard to cultural resources. The EIR identified air quality, noise, geology, biology, and hazards and hazardous materials that could be reduced to a less than significant level with mitigation measures incorporated into the project.

CEQA requires that an EIR identify alternatives to the project as proposed and that these alternatives feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. Consistent with CEQA, a reasonable range of alternatives was evaluated that could feasibly avoid or lessen any significant environmental impacts while substantially attaining the basic objectives of the proposed project.

The EIR identifies two project alternatives to the proposed development. These include: a “No Project” scenario in which existing conditions remain and there is no new development on the site; and a “Site Design Alternative” that includes the retention of Bergin Hall in the Five-Year Master Plan for Santa Clara University and relocation of the proposed law school (Charney Hall) to an alternated site on the campus. The EIR examines two alternate locations as substitute sites for the construction of Charney Hall. The first is the existing open space area adjacent to O’Conner Hall, the Music and Dance building. This site location would require a redesign of the proposed law school and would result in a smaller building footprint and a taller five-story building to achieve the requisite floor area needed for classrooms and programming space as compared to the proposed project site. The second location is the area occupied by the Daly Science Center; three buildings planned for demolition and improved open space with development of the Five-Year Master Plan. This location is large enough in area to accommodate the proposed building footprint floor area with a building height similar to that of the proposed law school.

The “No Project Alternative” would avoid all potential and significant unavoidable impacts identified in the EIR, as the existing buildings, surface parking areas, hardscape, and

landscaping would remain in their current condition and the buildings would remain occupied with academic and administrative uses. This alternative does not meet all of the applicant's stated project objectives but would meet the City's stated objective #4 to avoid or reduce impacts to archeological and cultural resources, as well as #5 to protect historic resources from demolition. It would not meet the City's objective allowing expansion of the University to meet the needs of the academic community and provide quality education.

The Site Design Alternative is the environmentally superior alternative. Cultural resources impacts associated with demolition of Bergin Hall would be avoided and those associated with development of either the O'Connor Hall or Daly Science Center site locations would be reduced to less than significant with mitigation. Retention of Bergin Hall would allow for adaptive reuse of the building for University programs and would support all applicant and City project objectives. Relocation of the new law school to an alternate location would not meet all the project objectives by the applicant and the City. Because the site alternative locations examined in the EIR do not cluster programs and disciplines to create campus districts, (applicant objective #3), the site alternative locations for the new law school do not meet the applicant's project objectives #1 to launch transformative projects that support the University's strategic plan in Jesuit education; and #2 to respond to emerging challenges in higher education to ensure long-term capacity for growth and/or renewal. Furthermore, demolition of the Daly Science Center does not meet the University's development phasing needs for accommodating existing and proposed programs, thereby frustrating the applicant's project objectives #s 1 and 2. The site alternative locations do not support the City's objective #3 to allow expansion of the University to meet the needs of the academic community and provide quality education.

#### *Statement of Overriding Considerations*

The City finds that each of the specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above are acceptable in light of each of these overriding considerations.

- (i) The Project is designed to respond to the emerging challenges in higher education requiring a state of the art facility to accommodate existing and planned programs to attract and compete for faculty, staff and students.
- (ii) The Project site is located within a planned academic district on the University campus where the clustering of services and academic programs are aggregated for economy and efficiency in spatial planning and synergy among educational disciplines.
- (iii) The Project will include the preparation and implementation of a Cultural Resources Treatment Plan for development of Charney Hall on the third Mission site. Information garnered from potential resource recovery and/or identification would expand the data base and understanding of the pre-historical, Mission-period and American periods of the area surrounding the Project site.
- (iv) The Project includes the construction of a high quality building in terms of design and building materials adjacent to the gateway entry to the University for visual prominence and emphasis of academic importance.

- (v) The Project will use environmentally sustainable practices (“green building”) in project construction, promoting energy conservation, offset air quality and global climate change impacts as well as to serve as an example for future projects in the City.
- (iii) The Project is located in an urbanized area served by existing municipal services and is compatible in scale and character of the existing and planned buildings on the University campus and in the vicinity of the project.

For the foregoing reasons, the City finds that the Project’s benefits would outweigh, and therefore override, any adverse environmental impact that could potentially remain after recommended mitigation measures are implemented. In making this determination, the City incorporates by reference the Findings of Fact set forth above, as well as all of the supporting evidence cited therein and in the administrative record.

I:\PLANNING\Current Planning\2011-2014\2014\Project Files Active\PLN2014-10779 500 El Camino Real - SCU Master Use Permit\PC\Exhibit Overriding Considerations.doc



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF SANTA CLARA, CALIFORNIA,  
APPROVING A CONDITIONAL USE PERMIT FOR THE  
DEVELOPMENT OF A FIVE-YEAR MASTER PLAN FOR  
THE SANTA CLARA UNIVERSITY CAMPUS LOCATED  
AT 500 EL CAMINO REAL, SANTA CLARA**

(SCH#2015042076)  
CEQ2014-01184 (Environmental Impact Report)  
PLN2014-10779 (Use Permit)

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA  
CLARA AS FOLLOWS:**

**WHEREAS**, on November 19, 2014, Steve Brodie (“Applicant”) on behalf of Santa Clara University (“Property Owner”) submitted an application for the development of a Five-Year Capital Plan for the Santa Clara University campus at 500 El Camino Real (“Project Site”);

**WHEREAS**, in order to effectuate the development application, the Applicant requests a Use Permit to amend the existing Master Plan to allow development of a Five-Year Capital Plan involving the construction of nine building projects, demolition of 11 existing buildings, landscaping and tree replacement, and site improvements within the campus boundaries (“Project”) as shown on the Development Plans, attached hereto as Exhibit “Development Plans” and incorporated herein by this reference:

**WHEREAS**, the General Plan designation for the Project Site is Public/Quasi-Public and is zoned Public, Quasi-Public, and Public Park or Recreation (B);

**WHEREAS**, pursuant to Santa Clara City Code (“SCCC”) Section 18.52.040(a), universities are listed as a conditionally permitted use in the B zoning district, allowable by the Planning Commission with the approval of a Use Permit;

**WHEREAS**, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project.

**WHEREAS**, an Environmental Impact Report and Mitigation Monitoring and Reporting Program has been prepared for the Project in accordance with CEQA;

**WHEREAS**, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

**WHEREAS**, the Use Permit process enables a municipality to exercise control over the extent of certain uses, which, although desirable in limited numbers and specific locations, could have a detrimental effect on the community in specific instances;

**WHEREAS**, the notice of public hearing for the July 27, 2016 meeting date for this item was posted and mailed within 500 feet of the Project Site on July 15, 2016, according to the most recent Assessor’s roll; and,

**WHEREAS**, the Planning Commission held a duly noticed public hearing on July 27, 2016 to consider the Use Permit. At the public hearing, the Planning Commission invited and considered any and all verbal and written testimony offered in favor of and in opposition to the Project.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That based upon substantial evidence in the record of the hearing, including the facts stated in this resolution, the Planning Commission hereby finds that:

A. The establishment or operation of the use of building applied for, under the circumstances of the particular case, is essential or desirable to the public convenience or welfare, in that the project is designed to respond to the emerging challenges in higher education requiring state of the art facilities and programs to attract and compete for faculty, staff and students and serve as an asset to the community as a nationally recognized academic institution.

B. Said use will not be detrimental to any of the following:

1. The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the Project includes the implementation of a Mitigation Monitoring and Reporting Program to reduce most potential impacts of the Project to less than significant, shall comply with applicable State and City codes and regulations that govern development, and provides for enhanced University offerings within the existing campus boundaries.

2. The property or improvements in the neighborhood of such use, in that the Project provides the requisite parking for the proposed use and includes the construction of two new residence halls to redirect student housing from the neighborhoods surrounding the University to the campus.

3. The general welfare of the City, in that the Project expands and replaces existing facilities to improve academic programs and services that will support and enhance the University's standing as a premiere academic institution. Retention of Bergin Hall as part of the Project will preserve a historic building on the campus for adaptive reuse and maintain the integrity of the University's past for future generations to experience.

C. That said use will not impair the integrity and character of the zoning district, in that Project is an educational use that is consistent with public and quasi-public uses anticipated

in the B zoning district, and new development will require Architectural Committee review of each building project for consistency and compatibility with the B zoning development standards and architectural design guidelines.

D. That said use is keeping with the purposes and intent of the Zoning Code, in that the private post-secondary educational institution is designed and operated in a manner such that it is not objectionable or detrimental to the adjacent properties.

4. That the Planning Commission hereby approves Use Permit PLN2014-10779 to allow development of a Five-Year Capital Plan with the retention of Bergin Hall, subject to Conditions of Approval, attached hereto as Exhibit "Conditions of Approval" and incorporated herein by this reference.

5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

///

///

///

///

///

///

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 27<sup>th</sup> DAY OF JULY, 2016, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: \_\_\_\_\_  
SHARON GOEI  
ACTING DIRECTOR OF COMMUNITY DEVELOPMENT  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Conditions of Approval

I:\PLANNING\Current Planning\2011-2014\2014\Project Files Active\PLN2014-10779 500 El Camino Real - SCU Master Use Permit\PC\Use Permit Reso.doc



## Exhibit "HLC Mins 07/0716"

## Historical &amp; Landmarks Commission Excerpt Minutes of July 7, 2016

<b>8.A. Project Title:</b>	<b>Santa Clara University Five-Year Master Plan</b>
<b>File No.(s):</b>	<b>PLN2014-10779 / CEQ2014-01184</b>
<b>Location:</b>	500 El Camino Real, an approximate 97.4 acre project site bounded by Franklin Street to the north, El Camino Real to the east, Market Street to the south, and Lafayette Street to the west. APNs: 230-08-077, 230-10-003, 230-11-040, 230-13-023, 269-23-073 269-38-110 and 269-38-111. Project Site zoned Public, Quasi-Public, and Public Park or Recreation (B)
<b>Applicant</b>	Chris Shay, Santa Clara University
<b>Owner:</b>	Santa Clara University
<b>Request:</b>	<b>Review and recommendation for the adoption of an Environmental Impact Report; and Use Permit to amend the Master Development Plan for the Santa Clara University campus. The proposal includes demolition of approximately 269,130 square feet of existing building floor area to construct up to 449,524 square feet of net new classroom, office and student activity space, and 600 new student housing units on the University campus; and Environmental Impact Report</b>
<b>CEQA Determination:</b>	<b>Environmental Impact Report</b>
<b>Project Planner:</b>	<b>Debby Fernandez, Associate Planner</b>
<b>Staff Recommendation:</b>	<b>Recommend approval, subject to conditions</b>

**Notice:** The notice of public meeting for this item was posted within 500 feet of the site and was mailed to property owners within 500 feet.

**Discussion:** Chair John commented that he toured SCU with Chris Shay. Mr. Chen provided a brief introduction to the project. He noted that the item was continued from the June 2, 2016 meeting in order for the Commission to review additional information associated with the project site and to consider the DEIR and comments on the DEIR. Mr. Chen noted that Lorie Garcia, Honorary City Historian, provided written comments for consideration. Mr. Chen commented that State Historic Preservation Office did not comment on the proposal. The City's environmental consultants from David J. Powers & Associates, Inc. and Albion Environmental, Inc. were present to answer questions on the Environmental Impact Report and Cultural Resources Treatment Plan.

Chris Shay from Santa Clara University provided a detailed power point presentation on the proposed Master Development Plan. He also discussed at length with the Commission on the viability of the Alternative sites identified in the DEIR. The Commission discussion focused on the proposed School of Law (Charney Hall) and demolition of Bergin Hall within the area of the proposed STEM Center. The warehouse building where the proposed student housing building is to be located did not appear to have historical integrity as noted by Chair Johns.

Mark Hylkema, State Archaeologist, spoke on the Third Mission Site during the public comment period. He noted that he had worked on the re-route of the El Camino Real (State Highway) in the 1980s. Members from the Woman Adobe and Old Quad Resident Association spoke on the project. They noted the need to protect the residences at the end for Franklin Street. Chair Johns closed the public comment period.

**Motion/Action:**

Motion was made by Estes, seconded by Johns to recommend approval of the proposed Charney Hall with the state of the art archeological techniques, subject to accenting of known features in the floor coverings with future changes reviewed by the HLC (3-2-0-2, Standifer and Mahan opposed, Cherukuru and Leung absent). The motion failed to garner four affirmative votes need from the seven-member Commission.

Motion was made by Johns, seconded by Estes to recommend approval of the staff recommendation to retain Bergin Hall (5-0-0-2, Cherukuru and Leung absent)

Motion was made by Johns, seconded by Estes to recommend approval of the proposed residential halls with installation of a plaque at the location of existing art building (former warehouse) (4-0-1-2, Hyams abstain, Cherukuru and Leung absent).



**City of  
Santa Clara**  
The Center of What's Possible

AGENDA ITEM #: 8.A.  
**HISTORICAL AND  
LANDMARKS COMMISSION  
STAFF REPORT**

**Meeting Date:** July 7, 2016

**Project Title:** Santa Clara University Five-Year Master Plan  
**File:** PLN2014-10779 / CEQ2014-01184  
**Location:** 500 El Camino Real, an approximate 97.4 acre project site bounded by Franklin Street to the north, El Camino Real to the east, Market Street to the south, and Lafayette Street to the west. APNs: 230-08-077, 230-10-003, 230-11-040, 230-13-023, 269-23-073 269-38-110 and 269-38-111. Project Site zoned Public, Quasi-Public, and Public Park or Recreation (B)  
**Applicant:** Chris Shay, Santa Clara University  
**Owner:** Santa Clara University  
**Request:** **Review of an Environmental Impact Report; and Use Permit** to amend the Master Development Plan for the Santa Clara University campus. The proposal includes demolition of approximately 269,130 square feet of existing building floor area to construct up to 449,524 square feet of net new classroom, office and student activity space, and 600 new student housing units on the University campus; and Environmental Impact Report  
**CEQA Determination:** Environmental Impact Report  
**Project Planner:** Debby Fernandez, Associate Planner

## EXECUTIVE SUMMARY

At the public noticed meeting of June 2, 2016, the Historical and Landmarks Commission reviewed the proposal by Santa Clara University (SCU) to amend the existing campus Use Permit for implementation of a five-year development plan involving the construction of nine building projects, demolition of 11 existing buildings, landscaping and tree replacement, and site improvements within the campus boundaries. Upon completion, the Plan will result in a net increase of 269,193 square feet of new academic space two residence halls to provide campus housing for 600 new students. The plan identifies the location and maximum building footprint, gross floor area and height (in stories) for each building and includes a conceptual landscape plan for the areas surrounding each structure. With the exception of the new law school, the building form and architecture of each is yet to be determined and are not integrated into the Development Plan.

The focus of the June 2, 2016 staff report and presentation was to introduce the Commission to the proposal and outline the cultural resources impacts associated with development of the proposed project. In summary, the five year development plan includes the construction of a new 100,000 square foot (sf) school of law; a Science, Technology, Engineering and Math (STEM) Center comprised of three buildings totaling 370,700; two residence halls totaling 188,654 sf and 600 beds; Cowell Center replacement facility totaling 38,000 sf; and the renovation and 21,363 sf addition to the Benson Center in sequential phases. To accommodate the new construction, the following buildings are proposed for demolition: Bergin Hall and Heafy Law Library totaling 63,468 sf; Murphy Hall and Bannan Engineering totaling 38,496 sf; Bannan Hall and Bannan Engineering Labs totaling 92,497 sf; the 19,000 sf Fine Arts building; the 10,414 sf Cowell Center; and the Daly Science Center consisting of three buildings totaling 42,813 sf. Upon completion the project would result in a net increase of 452,029 sf of new building area on the campus and relocate 158 of the 173 parking spaces displaced with building construction to a new parking structure constructed below the 350 bed residence hall. The remaining 15 parking spaces would be absorbed among the existing parking facilities throughout the campus. The campus currently provides 3,175 on-site parking spaces and has a 65 percent utilization rate that is sufficient to absorb the 15 spaces displaced by the proposed project. None of the buildings proposed for demolition are currently listed on the City's Inventory of Architecturally or Historically Significant Properties.

A Draft Environmental Impact Report (DEIR) was prepared in accordance with CEQA and was released on May 16, 2016 for 45-day public and closed on June 29, 2016. The Draft EIR is available for review on the City's website at [www.santaclaraca.gov/CEQA](http://www.santaclaraca.gov/CEQA). Public agency comments were received from the Valley Transportation Authority (VTA) and California Department of Transportation (Caltrans) and are attached. A Cultural Resource Treatment Plan for the Master Plan was also prepared. Copies of both were distributed to each of the Commissioners on May 17, 2016. The proposed project is scheduled for review and action by the Planning Commission on July 27, 2016.

## ANALYSIS

The DEIR examined environmental impacts associated with project development and identified potential cultural resources, air quality, geology and soils, biological resources, and hazardous and hazardous materials impacts that with incorporation of mitigation measures into the project would reduce all but cultural resources impacts to less than significant. Despite implementing all feasible mitigation measures, the DEIR concluded that the proposed project would result in significant unavoidable cultural resources impacts with demolition of Bergin Hall and the final site design of the proposed law school should it not avoid all identified subsurface architectural artifacts associated with the third mission site. While Bergin Hall is not currently listed on the City's Inventory of Architecturally or Historically Significant Properties, it is the only building proposed for demolition that is eligible for listing on the California Register of Historic Resources and the City's Historic Resources Inventory as determined in the DEIR analysis.

In considering a project, CEQA requires decision-makers to balance economic, legal, social and technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. To approve a project that has a significant unavoidable environmental impact, decision-makers must make findings, supported by substantial evidence, that the specific economic, legal, social, technological or other benefits of a proposed project outweigh the unavoidable environmental effects.

In accordance with CEQA Guidelines 15124(b), the City of Santa Clara and Developer have identified project objectives for evaluation of the proposed project and the development of a range of alternatives in the EIR for consideration in the findings or statement of overriding considerations.

The stated objectives of the applicant are to:

1. Launch transformative projects that support the University's strategic plan for continued excellence in Jesuit education, engagement with Silicon Valley, global understanding and engagement, and continued support of justice and sustainability.
2. Respond to the emerging challenges in higher education to ensure long-term capacity for growth and/or renewal, provide more students with a college education in which they are likely to graduate in four years, be gainfully employed, and not be burdened with an unreasonable amount of student debt, and achieve greater economies of scale, thereby reducing the average instructional cost per student.
3. Reinforce emerging campus districts.
4. Protect special qualities of campus spaces and buildings.
5. Complement the City of Santa Clara revitalization places and be a good neighbor.

The stated objectives of the City are to:

1. Work with Santa Clara University to improve compatibility between University-owned properties and nearby historic resources with development that is compatible in scale, materials, design, height, mass and context with the surrounding neighborhood.
2. Encourage adaptive reuse of historic structures to promote preservation.
3. Allow expansion of Santa Clara University to meet the needs of the academic community and provide quality education.
4. Avoid or reduce impacts to archeological and cultural resources.
5. Protect historic resources from demolition.

CEQA requires that an EIR identify alternatives to the project as proposed and that these alternatives feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. The DEIR examined two project alternatives and provides a comparison of impacts of the

alternatives to the proposed project. These include a **No Project Alternative** and a **Site Design Alternative**. The No Project Alternative is a "no-build" scenario that would avoid all potential and significant unavoidable impacts identified in the EIR. This alternative does not meet all of the applicant's stated project objectives but would meet the City's stated objective #4 to avoid or reduce impacts to archeological and cultural resources, as well as #5 to protect historic resources from demolition. It would not meet the City's objective allowing expansion of the University to meet the needs of the academic community and provide quality education.

The Site Design Alternative includes the retention of Bergin Hall and identification of alternate locations for construction of a new law school on the University campus. As there are no current undeveloped locations sufficiently large enough to accommodate the size and massing (building footprint, floor area and height) of the proposed law school, the demolition of an existing structure(s) would be required to accommodate a building that is similar to that proposed. Programs and classrooms associated with the building proposed for demolition would have to be relocated and a subsequent structure constructed to replace the existing building. Once identified, further analysis would be required to determine potential impacts associated with the demolition of the existing building at a new site location for the replacement structure. As an alternative, the DEIR identifies an open space area adjacent to O'Conner Hall, the Music and Dance building, and Mayer Theater in the Fine Arts District of the campus (east of Lafayette Street, south of Franklin Street, west of Alviso Street and north of the cemetery) as a substitute location for the new law school. This site location would require a redesign of the proposed law school and would result in a smaller building footprint and a taller five-story building to achieve the requisite floor area needed for classrooms and programming space. It is anticipated that Mission Period and American Period artifacts would be encountered with site disturbance of this location, and that with implementation of the mitigation measures identified in the EIR the resulting potential significant impacts would be reduced to less than significant. The DEIR also identifies the Daly Science Center site following its demolition as an alternate location for the new law school. The Daly Science Center is proposed for demolition and improved open space as part of the Master Plan and is large enough in area to accommodate the proposed building footprint floor area and height to that of the new law school. The classrooms and programs associated with the Daly Science Center are planned for relocation with construction of the new STEM Center buildings. Development of this site would result in potentially significant impacts associated with the disturbance of Mission Period artifacts and would alter the sequence of development as planned by the University in the Master Plan. Potentially significant impacts would be reduced to less than significant with implementation of the mitigation measures identified in the EIR.

The environmentally superior alternative is the Site Design Alternative. Cultural resources impacts associated with demolition of Bergin Hall would be avoided and those associated with development of either the O'Connor Hall or Daly Science Center site locations would be reduced to less than significant with mitigation. Retention of Bergin Hall would allow for adaptive reuse of the building for University programs and would support all applicant and City project objectives. Relocation of the new law school to an alternate location would not meet all the project objectives by the applicant and the City. Upon further examination of long range planning for the creation of campus districts to reinforce the clustering of programs among disciplines it is determined that the site alternative locations for the new law school, examined in the DEIR, do not meet applicant project objectives #1 to launch transformative projects that support the University's strategic plan in Jesuit education; and #2 to respond to emerging challenges in higher education to ensure long-term capacity for growth and/or renewal. Thereby, the site alternative locations do not support City objective #3 to allow expansion of the University to meet the needs of the academic community and provide quality education.

#### **Staff Recommendation**

City staff is recommending approval of the proposed project site location for Charney Hall and retention of Bergin Hall. The proposal for the STEM Center may require integration of Bergin Hall into the site planning and design, and at this point in time complete design drawings have not been provided showing that Bergin Hall must be demolished to meet applicant project objectives. Modifications to Bergin Hall will require that the proposal be submitted to the Historical and Landmarks Commission for review and will require subsequent CEQA analysis. City staff will be preparing a statement of overriding considerations for the decision-making body to approve the proposed project, with the exception of the demolition of Bergin Hall and certify the EIR.

### **Supplemental Materials**

At its meeting of June 2, 2016, the Historical and Landmarks Commission discussed the Indenture Quitclaim Deed and Agreement for Maintenance of the Mission Murguia Site ("Agreement") between the City and the University associated with the reroute of State Route 82 (El Camino Real). A Copy of the Agreement was provided by the University that outlines the areas and assignment of responsibility for mitigation measures necessary to protect the Mission Murguia site. The document identifies the boundaries in which the agreement is applicable. The recorded document was reviewed and the parcel exhibit was verified for accuracy that the proposed location of the new law school is outside of the boundaries of the agreement.

### **Public Notices and Comments**

The notice of public meeting for this item was posted at three locations within 500 feet of the project site and was mailed to property owners within 500 feet of the project site. No public comments have been received at the time of preparation of this report.

### **STAFF FINDINGS AND RECOMMENDATIONS**

Staff recommends that the Historical and Landmarks Commission recommend that the Planning Commission:

1. Approve and certify the Environmental Impact Report and Mitigation Monitoring and Reporting Program for the Santa Clara University Five-Year Master Plan, with the exception of not providing CEQA clearance for the demolition of Bergin Hall; and
2. Approve the Use Permit to amend the Master Development Plan for the Santa Clara University campus with the retention of Bergin Hall, subject to conditions.

#### *Documents Related to this Report:*

- 1) *Environmental Impact Report (previously distributed)*
- 2) *Cultural Resources Treatment Plan (previously distributed)*
- 3) *Historical Evaluation Report - DPR 523 Form (previously distributed)*
- 4) *Development Plans (previously distributed)*
- 5) *Indenture Quitclaim Deed and Agreement for Maintenance of Mission Murguia Site*
- 6) *Correspondence*

I:\PLANNING\Current Planning\2011-2014\2014\Project Files Active\PLN2014-10779 500 El Camino Real - SCU Master Use Permit\HLC\HLC Staff Report 07.07.16.doc



For benefit of the City of  
Santa Clara, Recorder  
of change under Section 6108  
of the Government Code.

10779452

NO FEE

FILED FOR RECORD  
AT REQUEST OF

AFTER RECORDING, RETURN TO:

L218 513

City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, California 95050

M 33

JAN 4 10 46 AM '90

OFFICIAL RECORDS  
SANTA CLARA COUNTY  
LAURIE KANE  
RECORDER

INDENTURE QUITCLAIM DEED AND AGREEMENT FOR  
MAINTENANCE OF MISSION MURGUIA SITE  
(Covenant Running with the Land)

THIS INDENTURE QUITCLAIM DEED AND AGREEMENT is made and entered into this 5<sup>th</sup> day of December, 1989, by and between the City of Santa Clara, a California municipal corporation, [CITY] and Santa Clara College, a California nonprofit educational institution, [UNIVERSITY].

CITY and UNIVERSITY, for themselves, successors, and assigns, agree that:

A. CITY, UNIVERSITY, and the State of California Department of Transportation [CALTRANS] have entered into a Memorandum of Agreement [MOA - and the two supplements (Supp. No. 1 4/12/88 and Supp. No. 2 8/8/89) to the MOA] (the original MOA is dated April 12, 1988 and was executed by UNIVERSITY on March 21, 1988). The MOA outlines the areas of responsibility for mitigation measures necessary to protect the Mission Murguia Site (CA-SCL-30) [MISSION MURGUIA SITE or SITE], an archaeological site adjacent to the public works project which constructed the second phase of the State of California Route 82 University Bypass [REROUTE AGREEMENT]; and

B. The principal purposes of the REROUTE AGREEMENT were to:

- 1) Provide protection of the MISSION MURGUIA SITE in its present condition and as set forth herein because the MISSION MURGUIA SITE has been determined to be eligible for the National Register of Historic Places; and
- 2) Avoid subsurface work wherever feasible in order to not disturb the MISSION MURGUIA SITE, and
- 3) Place the ownership and maintenance responsibilities of the MISSION MURGUIA SITE with UNIVERSITY which has acknowledged that it has the most incentive for preservation of the MISSION MURGUIA SITE because the

S.C. 16101

For benefit of the City of  
 Santa Clara, recorded free  
 of charges under Section 6103  
 of the STATE of California

of profound historical significance to UNIVERSITY and, furthermore, the landscaped new university campus entrance from the El Camino Real leads to the present Santa Clara Mission site. (the El Camino Real has been rerouted so that it is now adjacent to the MISSION MURGUIA SITE); and

C. The attached Exhibit A is a diagrammatic map depicting:

1) PARCEL 1 [The MONUMENT SITE]

PARCEL 1 is the attached Exhibit B (UNIVERSITY'S Corporation Grant Deed) which conveyed approximately 4,971 square feet from UNIVERSITY to CITY in March 1982; and

2) PARCEL 2 (Parcel A of the MOA)

PARCEL 2, as a portion of its area, contains the area encompassed by the attached Exhibit C (CALTRANS' Director's Deed) which conveyed from CALTRANS to CITY approximately 1,525 square feet of residual property formerly owned by Mayfair Packing Co. in September 1989; and

3) PARCEL 3 (Parcel B of the MOA)

PARCEL 3 is a parcel that must first 1) be acquired from the Railroad by CALTRANS, then 2) conveyed to CITY by CALTRANS, and, finally, 3) conveyed to UNIVERSITY by CITY.

D. Pursuant to the MOA, CITY, is to convey to UNIVERSITY two parcels of land identified as "Parcel A" and "Parcel B" in the MOA [referred to respectively in this document as PARCEL 2 (Parcel A of the MOA) and PARCEL 3 (Parcel B of the MOA)]. CITY'S quitclaim deeds to UNIVERSITY include restrictive covenants regarding the protection of the archaeological resources on the MISSION MURGUIA SITE by UNIVERSITY (and its successors and assigns). UNIVERSITY has indicated its willingness to accept conveyance of PARCEL 1, PARCEL 2, and PARCEL 3, and it expressly acknowledges its responsibility to comply with the covenants regarding the protection of the archaeological resources on the MISSION MURGUIA SITE; and

E. UNIVERSITY had previously gifted the MONUMENT SITE (PARCEL 1) portion of the MISSION MURGUIA SITE to CITY by the attached three page Exhibit B [Corporation Grant Deed] before the parties to the REROUTE AGREEMENT determined that all maintenance responsibilities should rest with a single entity, UNIVERSITY; and

For benefit of the City of  
Santa Clara, recorded free  
of charge under Section 6109  
of the Government Code.

F. UNIVERSITY is willing to accept the return of PARCEL 1 and accept the conveyance of PARCEL 2 and PARCEL 3 from CITY and to assume certain preservation obligations with respect to the entire MISSION MURGUIA SITE as provided herein and which preservation obligations for the entire MISSION MURGUIA SITE shall also be consistent with the intent of the covenants contained at page 2 of the attached four page Exhibit C (Director's Deed from CALTRANS to CITY) and which obligations were also contained in previously referenced agreements (the MOA and REROUTE AGREEMENT); and

F. CITY is desirous of obtaining such commitment by UNIVERSITY and to relieve itself from all liability with respect to ownership of any portion of the MISSION MURGUIA SITE.

NOW, THEREFORE, it is further agreed as follows:

Section 1: Conveyance of PARCEL 1 AND PARCEL 2.

The City of Santa Clara, a municipal corporation, hereby quitclaims to the President and Board of Trustees of Santa Clara College, a corporation organized under the laws of the State of California, any and all of its right, title, and interest in the real property situated in the City of Santa Clara, County of Santa Clara, State of California, as follows:

A. PARCEL 1 (MONUMENT SITE)

Generally, all the property (approximately 4,971 square feet) described in the Corporation Grant Deed recorded on March 4, 1982 in Book G635 at page 297 of Official Records of Santa Clara County (APN #230-8-68). Reserving therefrom the right-of-way for the Franklin Street cul de sac (see attached Exhibit D for legal description.)

B. PARCEL 2 (Parcel A of the MOA)

As described in the attached Exhibit E.

Section 2: Reaffirmation of CITY to convey PARCEL 3.

CITY reaffirms that, upon transfer of PARCEL 3 to CITY from CALTRANS, CITY shall convey PARCEL 3 by quitclaim deed to UNIVERSITY. When such conveyance occurs, it will contain similar restrictions as those contained in the PARCEL 2 transfer.

Section 3: Covenants are to run with the land.

It is the intention of the parties hereto to bind UNIVERSITY, its assigns and/or successors in interest as owners of PARCEL 1,

S.C. 16101

For Book 11 of the City of  
 Santa Clara, and for  
 of the City of Santa Clara  
 of the Government Code.

PARCEL 2, and PARCEL 3 (at such time as UNIVERSITY becomes the owner of PARCEL 3), or portions of said PARCELS and give notice that the covenants of Section 4 below shall run with the land with respect to PARCEL 1, PARCEL 2, and PARCEL 3 (at such time as PARCEL 3 is transferred to UNIVERSITY), respectively, and shall be binding upon UNIVERSITY and any of successor owners or assigns of PARCEL 1, PARCEL 2, and PARCEL 3, respectively, present and future, their assigns and/or successors in interest succeeding to interests in any of said PARCELS. Said covenants shall be effective until such time as CITY releases UNIVERSITY and/or owners, and all of them, from the covenants in a recorded instrument or instruments in writing with CITY'S written release setting forth the extent of each release as to persons or specified lands, if any, released from the herein specified covenants. A release shall be as described in the recorded document of release, if any. CITY reserves in itself an exclusive option to determine, in its unfettered discretion, whether there shall be a release of any covenant as to any person or property, or part thereof.

**Section 4: Maintenance of the Respective PARCELS by the UNIVERSITY.**

As a material consideration for the conveyance by CITY of PARCEL 1, PARCEL 2, and/or PARCEL 3 to UNIVERSITY, UNIVERSITY, for itself, its successors and assigns to all or part of such properties, covenants and agrees that it is UNIVERSITY'S exclusive responsibility to properly maintain PARCEL 1, PARCEL 2, and PARCEL 3 (after its conveyance to UNIVERSITY) at its sole cost and expense and at no cost or expense to CITY. UNIVERSITY also covenants to hold CITY, its City Council, officer, employees, agents, assigns, and successors in interest harmless from any claim in connection with PARCEL 1, PARCEL 2, and/or PARCEL 3, and as follows:

- a) PARCEL 1 shall be maintained after installation of UNIVERSITY proposed improvements, as approved by CITY, open to the public, and at standards of maintenance and landscaping at least equal to that provided to area around the site of the present Santa Clara Mission site on UNIVERSITY'S campus.
- b) The archaeological resources in or on PARCEL 1, PARCEL 2, and PARCEL 3 shall be preserved consistent with the covenants contained in Exhibit C [CALTRANS Director's Deed] which read:

"The above described parcel will be used exclusively for park or open space purposes, or any other uses which do not involve subsurface disturbance into original ground that may affect the archaeological site. In the event that subsurface

For the City of  
 San Jose, California  
 10/1/2013 10:10:00 AM

work is necessary, a sufficient layer of fill will first be placed upon the original ground, and all ground disturbing activities will take place within that layer of imported fill."

- c) That there shall be no subsurface excavation or ground disturbing activities on PARCEL 1, PARCEL 2, or PARCEL 3 without the prior written approval of State Historic Preservation Officer and CITY (includes CITY successor) and concurrent with the request for any CITY approval, written plans and depiction of changes shall be submitted to CITY for its consideration.
- d) Approvals should not be sought which cannot avoid subsurface work wherever feasible; for example, approval may be sought to place fill over the ground surface with any proposed irrigation lines to be placed within the fill, but approval would not be sought to trench the present surface to install irrigation lines below the present ground surface.

#### Section 5: The Dominant Estate.

The lands constituting the dominant estate which are to be directly benefited by the Section 4 covenants is CITY owned land consisting of a segment of Franklin Street fronting on PARCEL 1. To the extent that the Section 4 covenants are breached or not fulfilled, this dominant estate shall suffer as such acts touch and concern that land. The benefits of each of the restrictive Section 4 covenants shall run with the described CITY owned Franklin Street.

#### Section 6: The Servient Estate.

Each and every covenant made in Section 4 above touches, concerns, and burdens PARCEL 1, PARCEL 2, and PARCEL 3 (after it has been conveyed to UNIVERSITY) and each and every part thereof, and shall run therewith respectively with each said PARCEL. Successors in interest to PARCEL 1, PARCEL 2, or PARCEL 3, which constitute the servient estate jointly and severally, including the whole and every part thereof, shall be bound to the Section 4 covenants for the benefit of the lands described as the dominant estate in Section 5, and to CITY and its successors.

#### Section 7: Document to be Recorded.

This Indenture Quitclaim Deed and Agreement shall be recorded in the Office of the County Recorder, County of Santa Clara, State of California, and shall become operative upon such recordation.

S.C. 16101

part of the City of  
Santa Clara, California  
County of Santa Clara

Section 8: No Third Party Beneficiaries.

It is the intent of the party signatories hereto that this Indenture Quitclaim Deed and Agreement to not give any rights to any third party who is neither a signatory party hereto, a successor to a signatory party nor an assign or successor to any of the respective interests of any signatory party.

Section 9: Attached Exhibits.

All attached exhibits are incorporated by the respective references to them.

IN WITNESS WHEREOF, the parties hereto have executed this Indenture Deed and Agreement in duplicate the day and year first above written.

CITY

APPROVED AS TO FORM:

CITY OF SANTA CLARA

Assistant Michael D. Downey  
City Attorney

By: Everett N. Souza  
Everett N. Souza  
Mayor

ATTEST:

By: Jennifer Sparacino  
Jennifer Sparacino  
City Manager

J. E. Boccignone  
J. E. Boccignone  
City Clerk

Address:  
1500 Warburton Avenue  
Santa Clara, California 95050  
(408) 984-3500

UNIVERSITY

APPROVED AS TO FORM:

PRESIDENT AND BOARD OF TRUSTEES  
OF SANTA CLARA COLLEGE

By: William G. Filice  
William G. Filice  
Attorney for University

By: Paul L. Locatelli, S.J.  
Paul L. Locatelli, S.J.  
President

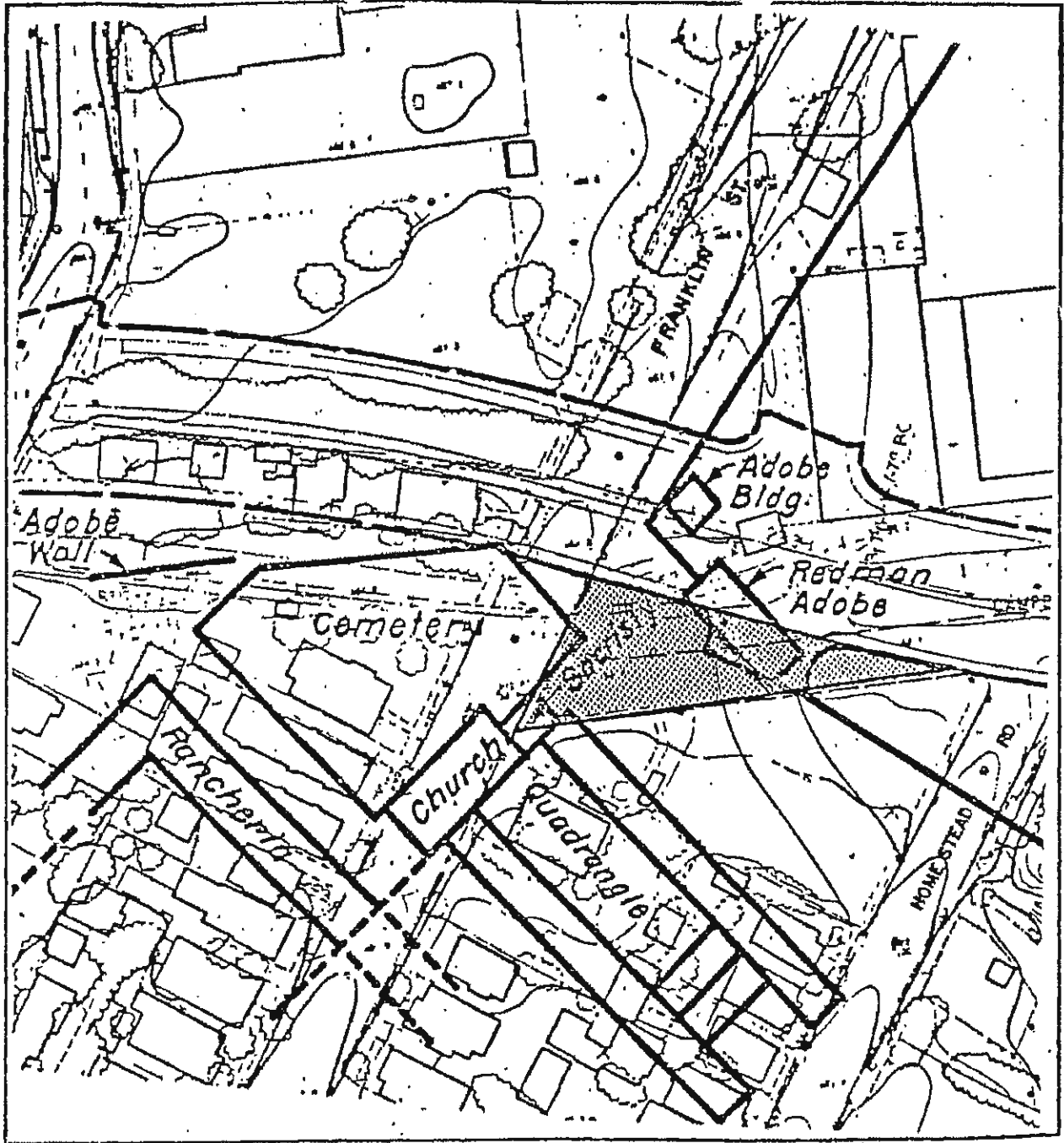
Address:  
Santa Clara, California 95053  
(408) 554-4100

ATTACH APPROPRIATE CORPORATE ACKNOWLEDGEMENTS

S.C. 16101

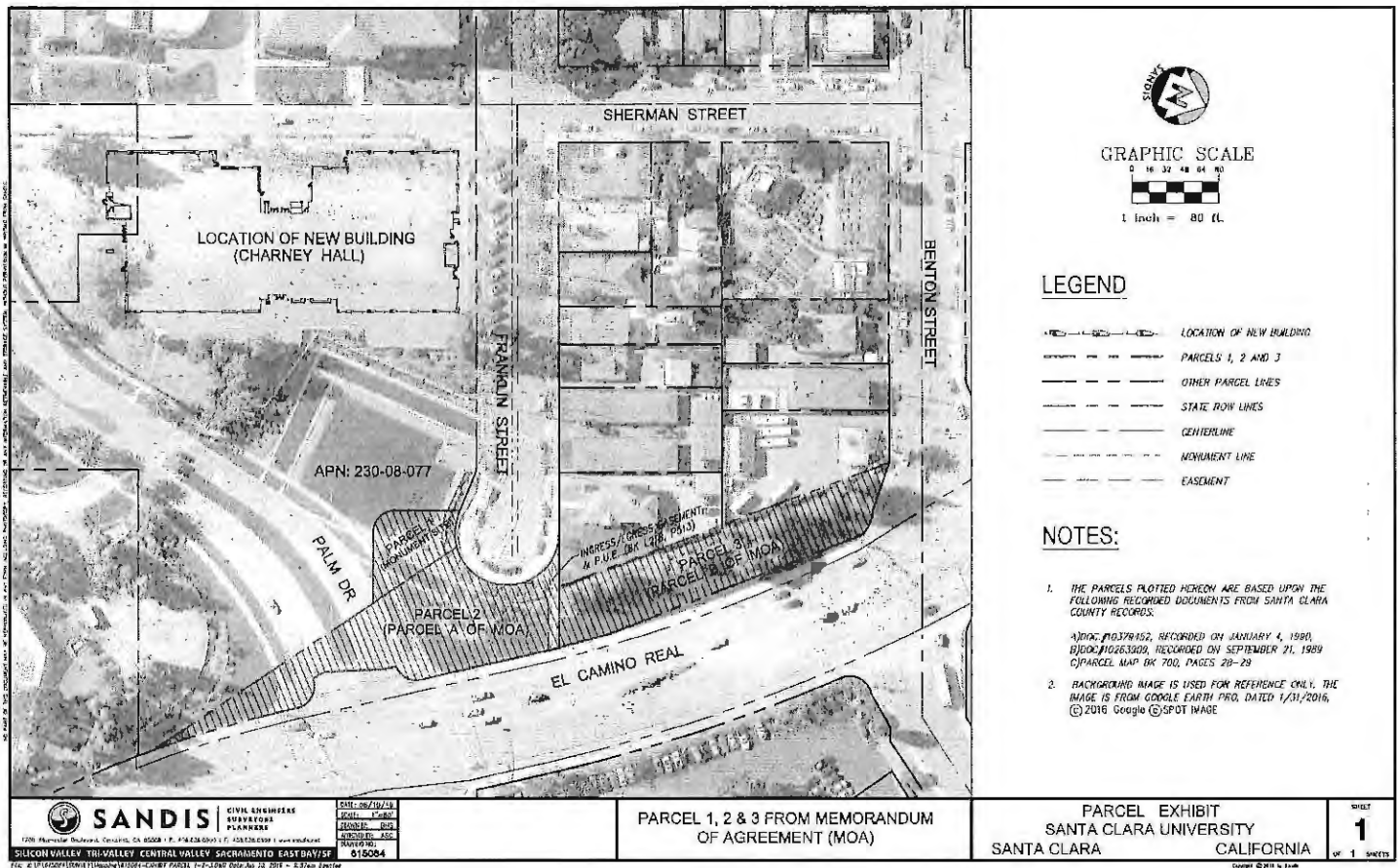


# HISTORIC PRESERVATION AREA



## Legend

- APEI
  - Adobe Structures
  - HISTORIC PRESERVATION AREA
- Scale: 1"=100"



For receipt of the City of  
Santa Clara, Recorded from  
of charge under Section 6309  
of the Government Code

# THE CITY OF SANTA CLARA CALIFORNIA

OFFICE OF THE  
CITY CLERK

CITY HALL  
1800 WARBURTON AVE.  
SANTA CLARA, CA. 95050  
(408) 984-3140

## EXTRACT OF CITY COUNCIL MINUTES OF THE CITY OF SANTA CLARA FOR MEETING HELD ON DECEMBER 5, 1989

....."**PUBLIC HEARING:** The Mayor declared the hearing open on the proposed vacation of various streets in the vicinity of Santa Clara University in connection with the El Camino Reroute. The Director of Public Works summarized the contents of his report (11/30/89) and showed an overhead map of the streets involved. There being no public testimony, motion was made by Deto, seconded and unanimously carried, that the public hearing be closed. Motion was then made by Deto, seconded and unanimously carried, that the Council pass and adopt and authorize the recordation of RESOLUTION NO. 5459, entitled "A RESOLUTION OF VACATION OF THE FOLLOWING PUBLIC STREETS, OR PORTIONS THEREOF, SITUATED IN THE CITY OF SANTA CLARA:

a) THAT PORTION OF SANTA CLARA STREET BETWEEN THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF LAFAYETTE STREET AND THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF THE ALAMEDA (FORMERLY GRANT STREET);

b) THAT PORTION OF SANTA CLARA STREET BETWEEN THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF THE ALAMEDA AND THE EASTERLY OFFICIAL PLAN LINE OF THE ALAMEDA;

c) THAT PORTION OF MARKET STREET BETWEEN THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF THE ALAMEDA AND THE EASTERLY OFFICIAL PLAN LINE OF THE ALAMEDA;

d) THAT PORTION OF BELLOMY STREET BETWEEN THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF THE ALAMEDA AND THE CENTERLINE OF CAMPBELL AVENUE;

e) THAT PORTION OF NEW MAPLE STREET FROM THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF THE ALAMEDA TO THE NORTHERLY TERMINUS OF SAID NEW MAPLE STREET; AND

f) THAT PORTION OF THE ALAMEDA BETWEEN THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF MARKET STREET AND THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF FRANKLIN STREET" (S.C. 16,140-A); authorize the execution of a related Agreement with Santa Clara University; and approve the use of the Electric Department's schedule SL-2 for the University's use of street lights on the abandoned streets. Motion was made by Deto, seconded and unanimously carried; that, per the Director of Public Works

EXTRACT OF CITY COUNCIL MINUTES

DECEMBER 5, 1989

PAGE 1

For Record of the City of  
 Santa Clara, December 5, 1989  
 of the Council Meeting  
 of the City of Santa Clara

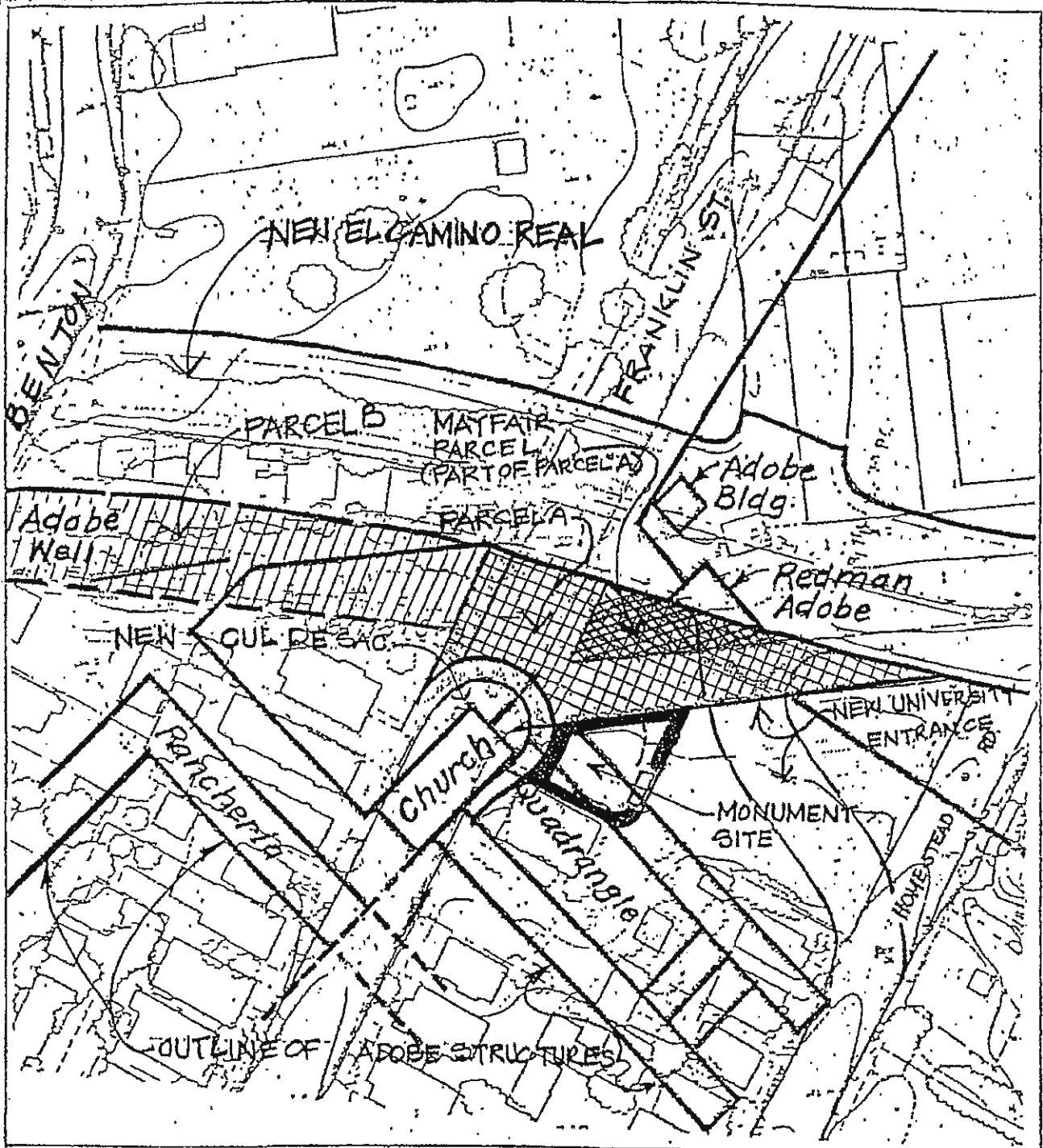
(11/30/89), the Council approve and authorize execution and recordation of an Indenture Quitclaim Deed and Agreement for Conveyance and Maintenance of a portion of the Mission Murguia Site with the University. Motion was made by Deto, seconded, and unanimously carried, that, per the Director of Planning & Inspection (10/25/89), the Council find that the plans for the Santa Clara University Entrance Road are consistent with previously approved plans and the City's water conservation guidelines and approve the plans for construction.".....

I, the undersigned City Clerk of the City of Santa Clara, do hereby certify that the above and foregoing is a true and correct copy of an Excerpt of the Minutes of a meeting of the City Council of the City of Santa Clara, held on

December 5, 1989.

J. E. Bocuyon  
 City Clerk

## EXHIBIT "A"



Legend scale: 1" = 100'

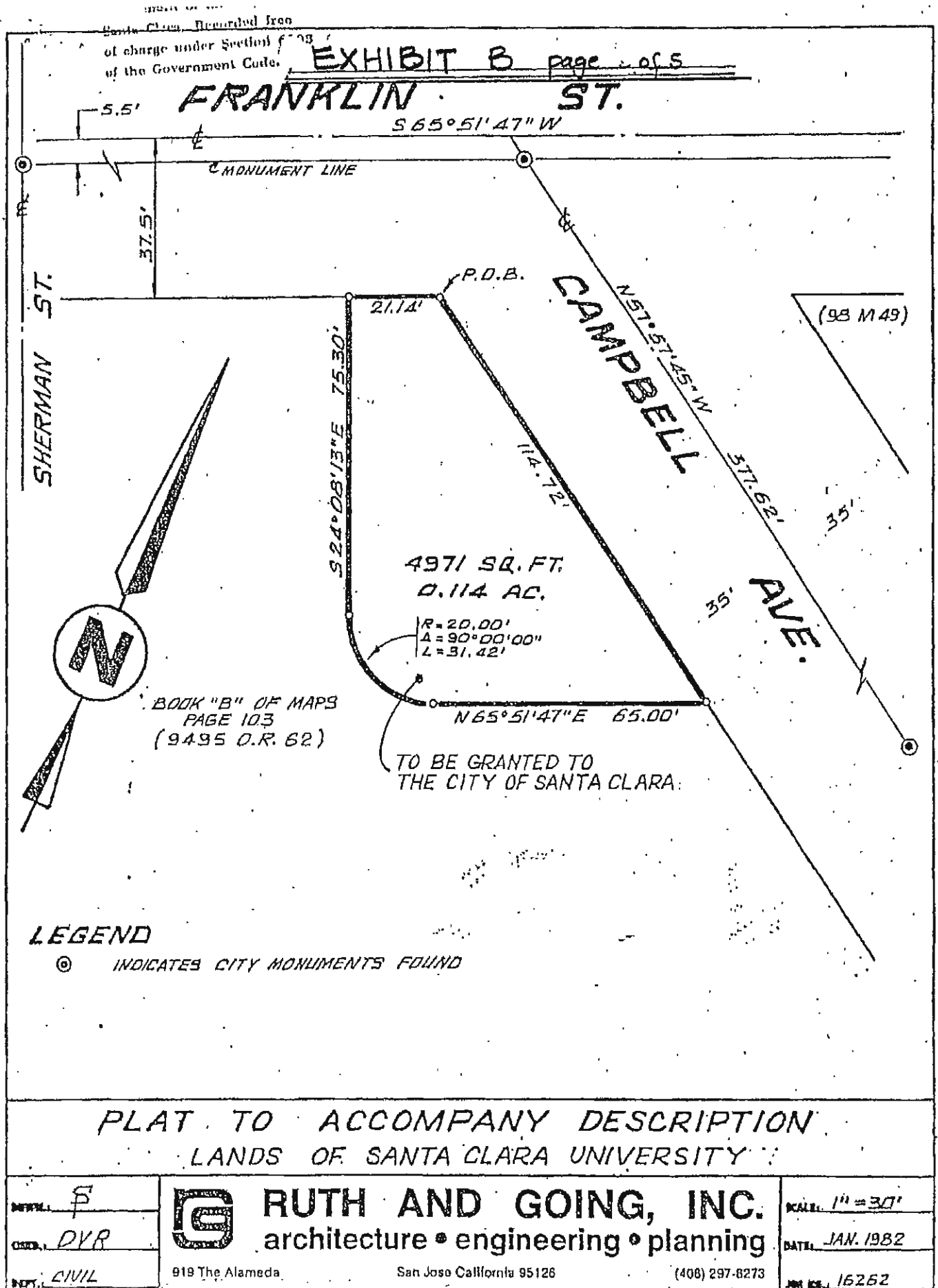
— OUTLINE OF ADOBE STRUCTURES



PARCEL A (MAYFAIR EXCESS  
PARCEL INCLUDED)



PARCEL B





For books of the City of  
Santa Clara. Recorded from  
of records under Section 4100  
of the Civil Code of California.

EXHIBIT B page 4 of 5

# THE CITY OF SANTA CLARA

## CALIFORNIA

OFFICE OF THE  
CITY CLERK

CITY HALL  
1500 WARBURTON AVE.  
SANTA CLARA, CA 95050  
(408) 984-3140

### EXTRACT OF CITY COUNCIL MINUTES OF THE CITY OF SANTA CLARA FOR MEETING HELD ON OCTOBER 28, 1980

....."It was moved by Councilman Texera, seconded by Councilman Martinez, that, pursuant to Staff recommendations (10/24/80), the Council accept a Grant of Easement between the City and the University of Santa Clara to allow the relocation of Mission Cross from its present site in the public sidewalk to University property vicinity of the southwest corner of Franklin Street and Campbell Avenue. The City will be responsible for constructing and maintaining the site. Further, Council authorize necessary signatures on behalf of the City. Motion was approved by the Council.".....

I, A. S. Bellick, City Clerk of the City of Santa Clara, do hereby certify that the above and foregoing is a true and correct copy of an Excerpt of the Minutes of a meeting of the City Council of the City of Santa Clara, held on

October 28, 1980

*A. S. Bellick*

City Clerk

Santa Clara, Recorded free  
of charge under § 106103  
of the Government Code.

Campbell Ave. at Frankl

**EXHIBIT B** 19c 5 of 5

# THE CITY OF SANTA CLARA

## CALIFORNIA

OFFICE OF THE  
CITY CLERK

CITY HALL  
1500 WARBURTON AVE.  
SANTA CLARA, CA 95050  
(408) 984-3140

....."It was moved by Councilman Kiely, seconded by Councilman Barcells, that either the Mayor or City Manager be authorized to accept all grants and/or easements conveying any interest in real property to the City of Santa Clara, and to consent to the recordation of said conveyances. Motion carried by the following vote: Ayes: Councilmen Barcells, Bucher, Kiely, Nicholson, Rebeiro and Mayor Salberg; Noes: None; Absent: Councilman Toledo."

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA ) ss

I, A. S. Bolick, City Clerk of the City of Santa Clara, do hereby certify that the above motion and Resolution was adopted by the City Council of said City on July 20, 1954.

A. S. Bolick  
City Clerk 3/3/82

I, D. R. Von Raesfeld, ~~Mayor~~  
City Manager  
of said City of Santa Clara, do hereby accept the within conveyance on behalf of the City.

D. R. Von Raesfeld

**EXHIBIT**

page 1 of 4

RECORDING REQUESTED BY  
State of CaliforniaWHEN RECORDED RETURN TO  
Department of Transportation  
P. O. Box 7791 - ~~XXXXXXXXXXXX~~ Rincon Annex  
San Francisco, California 94120

Attn: R/W Excess Lands

Bruce Angerson  
City Engineer  
City of Santa Clara  
Santa Clara Ca. 95050

10263909

FILED FOR RECORDS  
AT REQUEST OF

SEP 21 1989 State Calif

SEP 21 11:59 AM '89

OFFICIAL RECORDS  
SANTA CLARA COUNTY  
LAURIE NANE  
RECORDER

NO FEE L102 PAGE 1332

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Stamp Tax: \$0.00

## DIRECTOR'S DEED

AUG 1989 26

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby grant to  
THE CITY OF SANTA CLARA, a municipal corporation

10263909

all that real property in the City of Santa Clara

County of Santa Clara, State of California, described as:

Those portions of the parcels of land conveyed to the  
State of California, by Deed No. 48374, recorded February 8,  
1988 in Book K440, Page 869 and by FINAL ORDER OF  
CONDEMNATION, recorded October 25, 1988, under Recorder's  
Serial No. 9884844, both Official Records of Santa Clara  
County, described as a whole as follows:COMMENCING at the most westerly corner of first said  
parcel (K440 O.R. 869); thence along the northwesterly line  
of said parcels N. 66°54'41" E., 38.04 feet; thence  
S. 36°00'00" E., 52.36 feet; thence along a tangent curve to  
the right with a radius of 20.00 feet, through an angle of  
52°17'32", an arc length of 18.25 feet to the southeasterly  
line of first said parcel (K440 O.R. 869); thence along last  
said line N. 56°54'55" W., 82.09 feet to the point of  
commencement.MAIL TAX  
STATEMENTS TO:

FORM RW 02-19 (REV. 8-82)

DOCUMENTARY TRANSFER TAX \$ 0.00

☐ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR  
☐ COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES  
REMAINING THEREON AT TIME OF SALE.

Signature of declarant or agent determining tax - firm name

CITY OF Santa Clara

☐ Unincorporated

EXHIBIT Cpage 2 of 4

-2-

L102 PAGE 1333

For benefit of the City of  
Santa Monica, California  
of County of Los Angeles 9103  
of the Government 203a

CONTAINING 1,525 square feet, more or less.

The bearings and distances used in the above description are on the California Coordinate System of 1927, Zone 3. Multiply the above distances by 1.0000552 to obtain ground level distances.

The above described parcel will be used exclusively for park or open space purposes, or any other uses which do not involve subsurface disturbance into original ground that may affect the archaeological site. In the event that subsurface work is necessary, a sufficient layer of fill will first be placed upon original ground, and all ground disturbing activities will take place within that layer of imported fill.

**EXHIBIT C**

L102 PAGE 1334

1987 3 of 4  
 Subject to special assessments, any, restrictions, reservations, and easements of record.

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and, in particular, by the Streets and Highways Code.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this 6th day of September, 1987.

STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION

ROBERT K BEST  
 Director of Transportation

APPROVED AS TO FORM AND PROCEDURE

Richard William  
 ATTORNEY  
 DEPARTMENT OF TRANSPORTATION

By

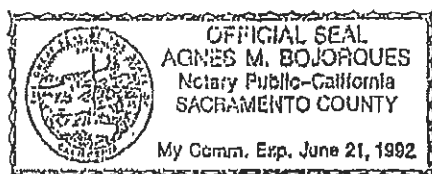
Eugene C Burleson

EUGENE C. BURLESON  
 Attorney in Fact

STATE OF CALIFORNIA }  
 COUNTY OF SACRAMENTO } ss.

On this 6th day of September, in the year 1987, before me AGNES M. BOJORQUES, a Notary Public in and for the State of California, residing therein, duly commissioned and sworn, personally appeared EUGENE C. BURLESON, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument as the Attorney in Fact of ROBERT K BEST, Director of Transportation of the State of California, and that he (she) subscribed the name of ROBERT K BEST as Director of Transportation, and his (her) own name as Attorney in Fact, and that the State of California executed the same.

WITNESS my hand and official seal.



Agnes M. Bojorques  
 Notary Public

THIS IS TO CERTIFY That the California Transportation Commission has authorized the Director of Transportation to execute the foregoing deed at its meeting regularly called and held on the 24th

day of August, 1989, in

the City of Costa Mesa

Dated this 6th day of September, 1989.

Robert I. Remen  
 ROBERT I. REMEN  
 Executive Director

page 1 of 4

$$\Delta = 10^{\circ}03'44''$$
$$L = 282.22'$$

L<sup>e</sup> 273.97'

48321-1

2  
26.26"W. 326.72'

161.05

48322-

$$R = 1452 \text{ m} \quad L = 107.77'$$

2000

6.12.1984 S. 44° 26' 26" E

E·N·T·O·N·L·A·N·E·V

IC TRANS. CO.

3' 12" W

R/W:

 $R = 14.50^\circ$  $\Delta = 12^{\circ}46'30''$ 
$$L = 323.30$$

S 36° 00' 00" E  
95.88'

38.00

39 467-1

R=20'  
Δ=99°16'35"  
L=34.65'

48428-2

70555

$\angle A = 52^\circ 17'$

69'

(A)

$\Delta = 80^\circ 43'$   
 $L = 26.18'$

1

10/1/77

N 250° 5'

11.72

534° 06' 05"

102



For benefit of the City of  
Santa Clara. Transferred from  
of charge to the Section 6103  
of the Government Code.

## EXHIBIT "D"

### LEGAL DESCRIPTION OF PARCEL 1 OF SECTION C OF THE INDENTURE QUITCLAIM DEED AND AGREEMENT (MONUMENT SITE)

All of that certain parcel as described in that document recorded  
in Book G635 of Official Records at page 297, Santa Clara County  
Records, Excepting therefrom the following described area to be  
used for public street purposes:

Beginning at the most northerly corner of said parcel,  
South 65° 51' 47" West, 21.14 feet;

Thence, South 24° 08' 13" East, 15.29 feet;

Thence, North 87° 52' 39" East, 3.34 feet;

Thence, along a tangent curve concave to the northwest;  
having a radius of 47.50 feet, through a central angle  
37° 17' 34", an arc length of 30.92 feet;

Thence, North 57° 57' 54" West, 22.05 feet to the Point  
of Beginning; and,

Containing an area of 516 square feet, more or less,  
leaving a net area of 4456 square feet, more or less, for  
the monument site as hereinabove described.

EXHIBIT "D"



For benefit of the City of  
Santa Clara, County of Santa Clara  
of the State of California  
of the Government of the State of California

## EXHIBIT "E"

LEGAL DESCRIPTION OF PARCEL 2 OF THE INDENTURE  
QUITCLAIM DEED AND AGREEMENT  
(PARCEL A OF MOA)

Beginning at the southeasterly corner of that certain parcel granted to the City of Santa Clara by that deed filed for record in book G635 of Official Records at page 297, Santa Clara County Records;

Thence, from said Point of Beginning, North  $57^{\circ} 57' 45''$  West, 92.66 feet;

Thence, from a tangent bearing North  $50^{\circ} 35' 06''$  East, along the arc of a curve concave to the west, having a radius of 47.50 feet, through a central angle of  $164^{\circ} 43' 19''$ , an arc length of 136.56 feet;

Thence, North  $65^{\circ} 51' 47''$  East, 102.92 feet;

Thence, from a tangent bearing South  $38^{\circ} 20' 02''$  East, along the arc of a curve concave to the southwest, having a radius of 1450 feet, through a central angle of  $1^{\circ} 17' 10''$ , an arc length of 32.55 feet;

Thence, South  $37^{\circ} 02' 52''$  East, 95.88 feet;

Thence, along the arc of a curve concave to the west, having a radius of 20 feet, through a central angle of  $80^{\circ} 43' 25''$ , an arc length of 28.18 feet;

Thence, South  $35^{\circ} 08' 54''$  East, 11.72 feet;

Thence, South  $26^{\circ} 56' 34''$  East, 55.12 feet;

Thence, South  $55^{\circ} 07' 35''$  East, 11.64 feet;

Thence, from a tangent bearing North  $43^{\circ} 40' 33''$  East, along the arc of a curve concave to the south, having a radius of 20 feet, through a central angle of  $99^{\circ} 16' 35''$ , an arc length of 34.65 feet;

Thence, South  $37^{\circ} 02' 52''$  East, 5.98 feet;

Thence, along the arc of a curve concave to the northeast, having a radius of 1050 feet, through a central angle of  $6^{\circ} 52' 32''$ , an arc length of 126.00 feet;

Thence, North  $57^{\circ} 57' 45''$  West, 234.77 feet to the Point of Beginning; and

EXHIBIT "E"

Containing an area of 19,786 square feet, more or less; and reserving therefrom for public utility easement purposes, under, over, and across the entire hereinabove described parcel; and reserving therefrom the following described area for public access purposes:

Beginning at the most northerly corner of the hereinabove described parcel South  $65^{\circ} 51' 47''$  West, 102.92 feet;

Thence, from a tangent bearing North  $65^{\circ} 51' 47''$  East, along a curve concave to the southwest, having a radius of 47.50 feet, through a central angle of  $74^{\circ} 58' 26''$ , an arc length of 62.16 feet to a point of cusp;

Thence, from a tangent bearing North  $39^{\circ} 09' 47''$  West, along a curve concave to the East, having a radius of 20.00 feet, through a central angle of  $105^{\circ} 01' 34''$ , an arc length of 36.66 feet;

Thence, North  $65^{\circ} 51' 47''$  East, 40.22 feet;

Thence, from a tangent bearing North  $37^{\circ} 55' 36''$  West, along the arc of a curve concave to the southwest, having a radius of 1450.00 feet, through a central angle of  $0^{\circ} 24' 26''$ , an arc length of 10.31 feet to the Point of Beginning; and,

Containing an area of 1,074 square feet, more or less.

EXHIBIT "E"

## LINE TABLE:

LINE	BEARING	DISTANCE
L1	N 65°51'47" E	47.20'
L2	N 84°44'57" E	47.06'
L3	S 37°02'52" E	95.88'
L4	S 35°08'54" E	11.72'
L5	S 26°56'34" E	55.12'
L6	S 55°07'35" E	11.64'
L7	S 37°02'52" E	5.98'
L8	S 65°51'47" W	21.14'
L9	N 65°51'47" E	65.00'
L10	N 65°46'04" E	57.09'
L11	N 65°51'47" E	55.72'
L12	N 87°52'39" E	39.18'
L13	S 57°57'47" E	22.05'
L14	S 24°08'13" E	15.20'
L15	S 24°08'13" E	60.01'
L16	N 87°52'39" E	3.34'
L17	S 57°57'47" E	92.86'
L18	N 65°51'47" E	5.81'
L19	S 37°23'32" E	10.27'
L20	N 65°51'47" E	40.22'
L21	N 65°51'47" E	5.67'

## CURVE TABLE:

CURVE	RADIUS	DELTA	LENGTH
C1	30.00'	48°39'29"	25.48'
C2	30.00'	15°42'15"	8.22'
C3	1450.00'	5°14'13"	132.53'
C4	1450.00'	4°15'30"	107.77'
C5	1450.00'	0°52'44"	22.24'
C6	20.00'	80°43'25"	28.18'
C7	20.00'	99°16'35"	34.65'
C8	1050.00'	6°52'32"	126.00'
C9	20.00'	90°00'00"	31.42'
C10	47.50'	37°17'34"	30.92'
C11	8.20'	22°00'52"	3.15'
C12	20.00'	105°01'34"	36.86'
C13	47.50'	74°58'26"	62.16'
C14	47.50'	89°44'53"	74.40'
C15	1450.00'	0°24'26"	10.31'
C16	1450.00'	1°59'37"	50.46'

PARCEL 3 OF SECTION C  
OF INDENTURE  
(PARCEL B OF M.O.A.)

PUBLIC ACCESS EASEMENT  
AREA = 1,074 +/- SQ. FT.

PARCEL 1 OF SECTION C  
OF INDENTURE  
(AREA = 4456 S.F.  
MONUMENT SITE)

PARCEL 2 OF  
SECTION C  
OF INDENTURE  
(PARCEL A OF M.O.A.)  
AREA = 19,786 S.F.



Revised			CITY OF SANTA CLARA	Scale	1"=120'	
Drawn By	ND	12-4-89		PLAT TO ACCOMPANY INDENTURE QUITCLAIM DEED AND AGREEMENT EXHIBITS "D" and "E"	Ref.	SC 16,101
Checked By	BS	12-4-89			Tracing No.	9687-A
Approved By		Date				
BRUCE C. AUGASON CITY ENGINEER						

Escrow No.  
Loan No.

of charge under  
of the Government

**EXPURSED COPY**

1094138 M-38

WHEN RECORDED MAIL TO:

City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, California 95050

REC. FEE	PH
MICRO	
LIEN NOT	
SMPE	

FILED FOR RECORD  
AT REQUEST OF

G 635-297

MAR 4 10 50 AM '82

OFFICIAL RECORDS  
SANTA CLARA COUNTY  
GEORGE A. MAHN  
REGISTRAR RECORDER

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

DOCUMENTARY TRANSFER TAX \$..... **NO TAX DUE**

..... Computed on the consideration or value of property conveyed; OR  
..... Computed on the consideration or value less liens or encumbrances  
remaining at time of sale.

Signature of Declarant or Agent determining tax - Firm Name

## CORPORATION GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

the President and Board of Trustees of Santa Clara College, grantor,

a corporation organized under the laws of the State of California

, does hereby

GRANT to the City of Santa Clara, a municipal corporation,

the real property in the City of Santa Clara  
County of Santa Clara

, State of California, described as

follows:

SEE EXHIBIT "A"

Santa Clara, Recorder  
of charge under Section 610B  
of the Government Code.

EXHIBIT B page 2 of 2

EXHIBIT "A"

A portion of Block 1 South, Range 5 East, as shown upon that certain Map entitled, "Map of the Town and Sub-lots of Santa Clara, Santa Clara County, California, surveyed by J.J. Bowen, County Surveyor, July 1866", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, in Book "B" of Maps, at page 103, and being more particularly described as follows:

BEGINNING at the intersection of the Southeasterly line of Franklin Street (75.00 feet wide) with the Southwesterly line of Campbell Avenue (70.00 feet wide), said intersection being the most Northerly corner of that certain parcel of land conveyed to the President and Board of Trustees of Santa Clara College, a corporation, by Conservator's Deed recorded September 8, 1971, in Book 9495 of Official Records, page 62, Santa Clara County Records; thence from said point of beginning along said Southeasterly line of Franklin Street South  $65^{\circ} 51' 47''$  West 21.14 feet; thence at right angles to said Southeasterly line South  $24^{\circ} 08' 13''$  East 75.30 feet; thence Southeasterly along an arc of a tangent curve to the left with a radius of 20.00 feet;

SUPPLEMENTAL AGREEMENT No. 2

TO MEMORANDUM OF AGREEMENT

BETWEEN CITY, UNIVERSITY AND CALTRANS

This AGREEMENT is entered into this 8<sup>th</sup> day of August, 1989, by and between the City of Santa Clara, a California municipal corporation (herein CITY), Santa Clara College (herein UNIVERSITY) and the State of California, Department of Transportation (CALTRANS).

IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO, as follows:

- A. WHEREAS, CITY, UNIVERSITY and CALTRANS entered into a Memorandum of Agreement (MOA) dated March 21, 1988, which covers the general areas of responsibility for mitigation measures to protect the Mission Murguia Site (CA-SCL-30), an archaeological site adjacent to the Route 82 University bypass, and
- B. WHEREAS, in accordance with the MOA the CITY and UNIVERSITY agree to protect the archaeological resources on the site in consultation with the State Historic Preservation Officer, and
- C. WHEREAS, the Route 82 University bypass has created State excess lands within Parcels A and B which contain portions of the Mission Murguia Site, as shown on Attachment A.



NOW, THEREFORE IT IS HEREBY FURTHER AGREED BY THE PARTIES HERETO, as follows:

① CALTRANS shall convey and CITY shall accept all State excess lands within the Parcels A and B boundaries and compensation therefor shall be the CITY's agreement with the UNIVERSITY to construct and maintain in perpetuity a landscaped archaeological site to protect the underlying archaeological resources. ② The CITY thereafter shall convey subject Parcels A and B to the UNIVERSITY.

E.W. BLACKMER, Chief  
Environmental Analysis

by

  
GEORGE GRAY  
Deputy District Director

DATED: August 4, 89

CITY OF SANTA CLARA

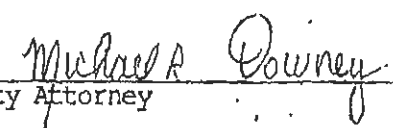
  
Mayor

By   
City Manager

Attest:   
City Clerk

REVIEWED AS TO FORM:

Assistant

  
City Attorney

President and Board of Trustees  
of SANTA CLARA COLLEGE

By   
Paul L. Locatelli, S.J., President



Legend



Site of Adobe Structures

Parcel A

Parcel B

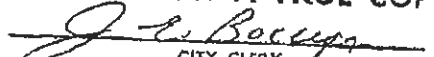
Scale: 1"=10'

CITY CLERK FILE COPY

Approved 4-12-88

MEMORANDUM OF AGREEMENT

CERTIFIED AS A TRUE COPY

  
CITY CLERK  
CITY OF SANTA CLARA

This Memorandum of Agreement (MOA) between the City of Santa Clara (CITY) and Santa Clara College (referred to herein as UNIVERSITY) and the State of California, Department of Transportation (CALTRANS) outlines the general areas of responsibility for mitigation measures to protect the Mission Murguia Site (CA-SCL-30), an archaeological site. The site is adjacent to the proposed project to construct the second phase of the Route 82 University bypass and has been determined to be eligible for the National Register of Historic Places. This MOA constitutes solely a guide to the respective obligations, intentions and policies of the parties involved. It is not intended to authorize funding or project effort.

General

The realignment of a portion of State Route 82 in the City of Santa Clara will result in the creation of an excess parcel of land generally between Franklin Street and Homestead Road which will no longer be required for roadway purposes. The parcel is shown as Parcel A on Attachment A and generally described in paragraph 3, page 7 of the Request for Determination of Effect: Widening and Realignment of State Route 82 in the Cities of Santa Clara and San Jose (4-SCL-82 9.9/12.4). A portion of the Mission Murguia Site lies beneath the parcel.

An adjacent parcel between Benton Street and Franklin Street may be acquired by CITY and/or UNIVERSITY or may become excess as part of a State acquisition of a larger parcel for roadway purposes. If this parcel, shown as Parcel B on Attachment A, is acquired, it also will be subject to the guidelines in this MOA.

City

CITY intends and agrees, at the appropriate time, to vacate its interest and to convey to the UNIVERSITY its portion of the parcel shown as Parcel A on Attachment A.

City and University

CITY and UNIVERSITY agree:

(1) To consult with the State Historic Preservation Officer (SHPO) prior to undertaking any subsurface excavation or ground disturbing activities within the Parcels A and B boundaries.

(2) That the preparation of Parcels A and B for conversion to a park or any other use will be planned by UNIVERSITY, and approved by CITY, in such a way as to avoid subsurface work wherever feasible. For example, fill may be placed over the ground surface and any proposed irrigation lines placed within the fill. Should disturbance of the ground surface, such as removal of the pavement of abandoned Campbell Avenue or any other existing structural improvements become necessary to convert the parcel into other uses at any time, CITY and UNIVERSITY shall consult with the SHPO on the plans for such work and obtain concurrence of the SHPO prior to conducting the work described in the plans.

(3) The CITY will convey and UNIVERSITY will accept the CITY-owned portion of Parcel A, providing that such deed of conveyance shall include restrictive covenants regarding the protection by UNIVERSITY of the archaeological resources on the parcel. Prior to the transfer of the deed of conveyance, the CITY and UNIVERSITY shall consult with the SHPO as to the language of the restrictive covenants.

(4) The UNIVERSITY will consult with the SHPO prior to undertaking any ground-disturbing activities within the Parcels A and B boundaries for the construction of a new campus entrance.


#### State (CALTRANS)

CALTRANS agrees that the SHPO will review and comment on or approve any plans or proposals required to be submitted by CITY or UNIVERSITY under this agreement for consultation. In the event the SHPO does not respond in writing to CITY or UNIVERSITY within thirty (30) calendar days of receipt of a request for comment or approval, the consultation with the SHPO required by this agreement shall be presumed to be satisfactorily completed.

#### All Parties

All parties fully agree to endeavor to incorporate any comments by SHPO into any proposal or plans subject to this agreement, or to resolve with SHPO any comments which cannot be incorporated in the proposal or plans.

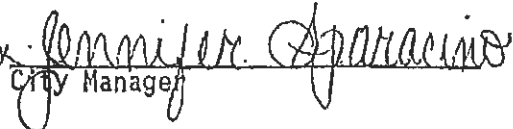
In the event agreement among the SHPO, UNIVERSITY, CITY and CALTRANS cannot be reached, all parties will seek the comments of the Advisory Council on Historic Preservation (ACHP).

  
E. W. BLACKMER, Chief  
Environmental Analysis

DATED: 4-12-88

CITY OF SANTA CLARA

By   
Mayor

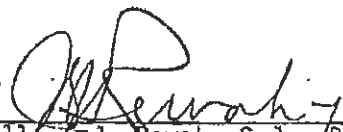
By   
City Manager

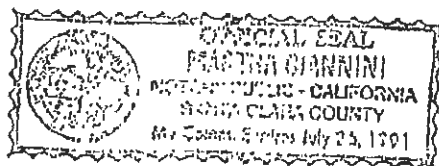
Attest:   
City Clerk

REVIEWED AS TO FORM:

  
City Attorney

President and Board of Trustees  
of SANTA CLARA COLLEGE

By   
William J. Grewak, S.J., President



## SECRETARY'S CERTIFICATE

JOAN M. MURPHY, hereby certifies under penalty of perjury:

She is the Assistant Secretary of THE PRESIDENT AND BOARD OF TRUSTEES OF SANTA CLARA COLLEGE, a corporation;

That at a duly constituted meeting of the Board of Trustees of THE PRESIDENT AND BOARD OF TRUSTEES OF SANTA CLARA COLLEGE, a corporation, the Executive Board of the said corporation was authorized and empowered to execute any and all resolutions concerning the operation of the corporation;

That the Executive Board of THE PRESIDENT AND BOARD OF TRUSTEES OF SANTA CLARA COLLEGE, a corporation, adopted the following resolution:

RESOLVED, that WILLIAM J. REWAK, S.J., President of the Corporation, is hereby authorized and empowered to execute the Memorandum of Agreement between the City of Santa Clara, Santa Clara College and the Department of Transportation, accepting the dedication of land for mitigation measures to protect the Mission Murguia Site (CA-SCL-30), an archaeological site, at the new entrance to Santa Clara University due to the second phase of the Route 82 bypass.

## CORPORATE ACKNOWLEDGMENT

NO. 202

State of California }  
County of Santa Clara } SS.

On this the 21st day of March, 1988, before me,

Martha Giannini

the undersigned Notary Public, personally appeared

William J. Rewak, S. J., President

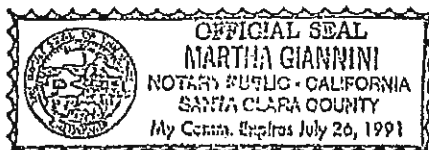
☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

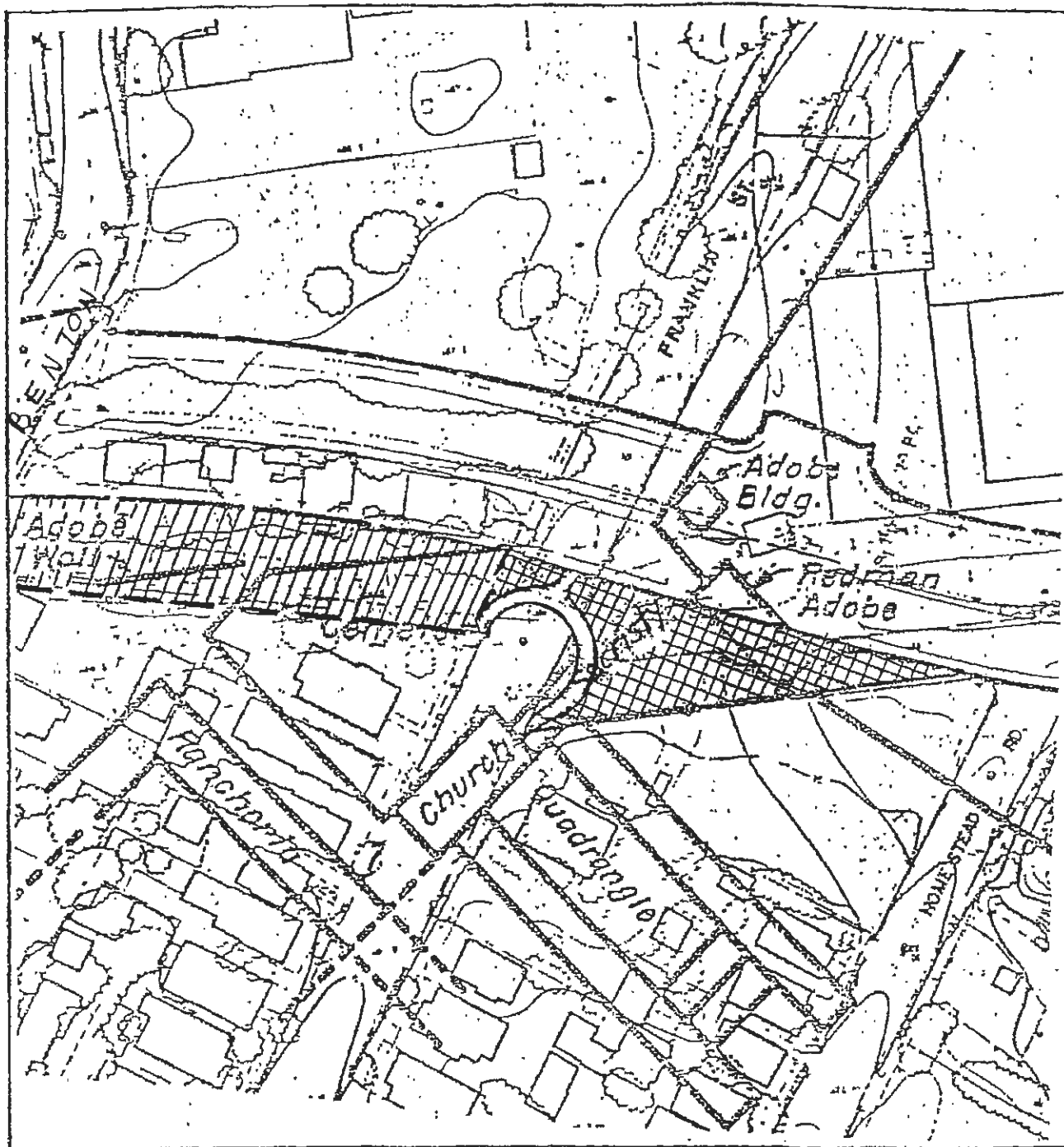
to be the person(s) who executed the within instrument as President or on behalf of the corporation therein

named, and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal.



Martha Giannini  
Notary's Signature



Legend



Site of Adobe Structures

Parcel A


Parcel B

Scale: 1" = 100'



CITY CLERK FILE CO.

Approved 4-12-88

CERTIFIED AS A TRUE COPY  
  
 CITY CLERK  
 CITY OF SANTA CLARA

SUPPLEMENTAL AGREEMENT NO. 1  
TO MEMORANDUM OF AGREEMENT  
BETWEEN CITY, UNIVERSITY, AND CALTRANS

THIS AGREEMENT is entered into this 12 day of April, 1988, by and between the City of Santa Clara, a California municipal corporation (herein "CITY") and Santa Clara College (herein "UNIVERSITY").

IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO, as follows:

- A. WHEREAS, CITY and UNIVERSITY entered into an agreement dated December 10, 1985 involving the El Camino Real "Reroute", (Reroute Agreement), which covers in detail the duties and obligations of the parties in connection, with the properties involved in the Reroute, and
- B. WHEREAS, CITY and UNIVERSITY are executing a Memorandum of Agreement with the State of California, Department of Transportation (CALTRANS) executed by the University on March 21, 1988 (MOA) noting that the CITY intends and agrees to vacate its interests and to convey to the UNIVERSITY its portion of the parcel shown as Parcel A on Attachment A; all of which lies within the street areas delineated in green on Exhibit "A" to Reroute Agreement; and
- C. WHEREAS, with the exception of a sidewalk connection between Franklin Street cul-de-sac and El Camino Real, to be reserved by CITY, it is not the intent of the parties that the MOA change their respective duties with regard to Parcel A from the terms and conditions set forth in the Reroute Agreement, and as to Parcel B on Attachment A to MOA; the CITY's obligations shall be similar, and
- D. WHEREAS, CITY and UNIVERSITY desire to avoid future uncertainties as to CITY's obligation to vacate (abandon), its interests subject to conveyance, and the methods of conveyance under the MOA.

NOW, THEREFORE, IT IS HEREBY FURTHER AGREED BY THE PARTIES HERETO, as follows:

That the MOA does not change the rights or obligations of the parties under the Reroute Agreement except for CITY's reservation

for sidewalk. With regard to Parcel B on Attachment A of MOA, although not covered by the Reroute Agreement, detailed actions to be taken by the CITY in meeting its MOA obligation with respect thereto shall be the same as that taken by the CITY with regard to Parcel A on Attachment A to MOA under the Reroute Agreement.

IN WITNESS WHEREOF said parties have executed this Agreement in duplicate the day and year first above written.

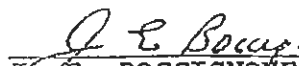
APPROVED AS TO FORM:

CITY OF SANTA CLARA

  
EDWIN J. MOORE  
City Attorney

By:   
EVERETT N. SOUZA  
Mayor

ATTEST:

  
J. E. BOCCIGNONE  
City Clerk

By:   
JENNIFER SPARACINO  
City Manager

PRESIDENT AND BOARD OF TRUSTEES  
OF SANTA CLARA COLLEGE

By:   
WILLIAM J. REWAK, S.J.  
President

From File!

-SCL-82 10.3/12.4  
04274-151141  
Dist. Agmt. No. 4-0976-C  
Document No. SCL-43-5521

### AGREEMENT

THIS AGREEMENT, ENTERED INTO ON DEC 10, 1985, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as STATE, and CITY OF SANTA CLARA, a body politic and a municipal corporation of the State of California, referred to herein as CITY.

### RECITALS

(1) STATE and CITY contemplate widening and relocating State Highway Route 82 (The Alameda/El Camino Real) from Chapman Court to Scott Boulevard to a 6-lane divided highway, referred to herein as "PROJECT"; including, but not limited to installation of new signals and modification of existing signals.

(2) The parties hereto, on April 15, 1965, entered into an agreement (Document No. 43-182884) providing for widening and relocating said Route 82 between New Maple Street and De La Cruz Boulevard; and on December 14, 1971, the parties hereto entered into an agreement (Document No. 43-239772) providing for right of way acquisition for the widening of said Route 82 from De La Cruz Boulevard to Scott Boulevard.

(3) Additional rights of way are required for PROJECT; and CITY has already acquired or may acquire certain properties which include some of those rights of way.

(4) CITY is willing to furnish to STATE, at no cost to STATE, those additional rights of way as shown on the attached

Dist. Agmt. No. 4-0976-C

1 bypassed portion of the The Alameda within the limits of PROJECT  
2 in a state of good repair as required by Section 73 of the Streets  
3 and Highways Code. CITY hereby agrees to accept said  
4 relinquishment.

5 (16) CITY hereby waives all rights to protest provided for  
6 in Section 73 of the Streets and Highways Code with respect to the  
7 aforesaid relinquishment.

8 (17) The execution of this agreement by CITY grants to  
9 STATE the right to enter upon CITY-owned lands to construct the  
10 PROJECT referred to herein.

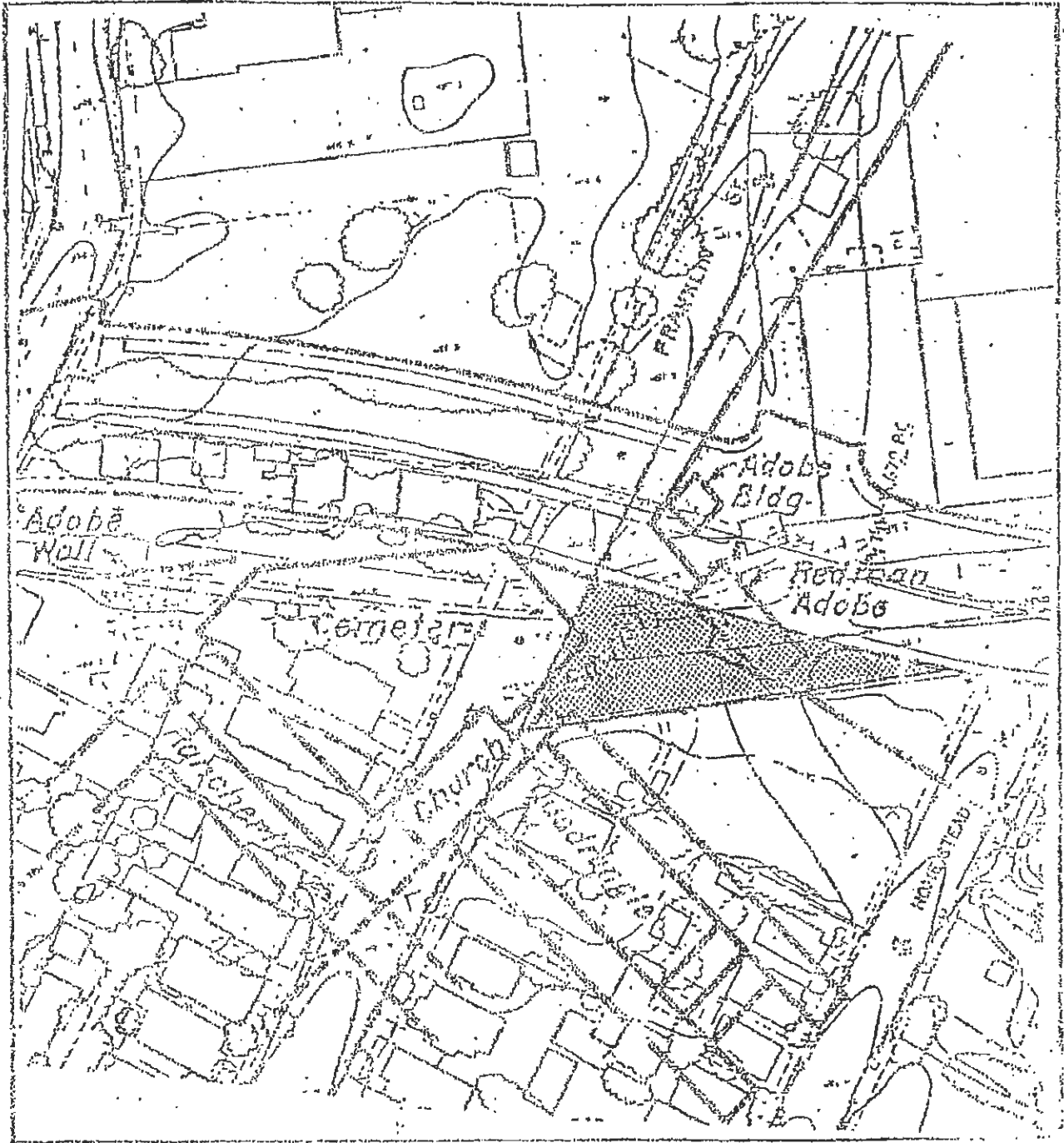
11 (18) CITY shall develop with STATE, in consultation with  
12 the State Historic Preservation Officer, provisions for long-term  
13 protection and preservation of archaeological resources within the  
14 area shown on the attached map marked Exhibit E, which is made a  
15 part of this agreement.

16 (19) In the event that the CITY, the STATE and the State  
17 Historic Preservation Officer are unable to agree on provisions  
18 for long-term protection and preservation of archaeological  
19 resources within the area shown on Exhibit E, the CITY will  
20 request the further comments of the Advisory Council on Historic  
Preservation pursuant to applicable federal laws and regulations.

21 (20) The terms of this agreement concerning the  
22 construction of PROJECT shall terminate upon completion and  
24 acceptance of the third construction contract by STATE currently  
25 estimated to occur in 1990. The terms of this agreement

EXHIBIT B

# HISTORIC PRESERVATION AREA



## Legend

APEI

Adobe Structures

HISTORIC PRESERVATION AREA

Scale: 1"=100'

Dist. Agmt. No. 4-0976-C.

concerning ownership and maintenance and any other terms not referable to the construction of PROJECT, shall remain in effect until terminated or revised in writing by mutual agreement if the PROJECT has been constructed.

(21) Those certain agreements between CITY and STATE, Document No. 43-182884, entered into on April 15, 1965 and Document No. 43-239772, entered into on December 14, 1971, shall, upon execution of this agreement by both parties hereto, become null and void thereafter, and the provisions of this agreement shall supersede and take the place thereof.

(22) It is not the intent of the parties hereto that this agreement confer any rights on third parties to enforce the provisions of the agreement. This agreement can only be enforced by the STATE or CITY or their successors and assigns.

STATE OF CALIFORNIA  
Department of Transportation  
Transportation District 4  
BURCH C. BACHTOLD  
District Director

CITY OF SANTA CLARA

By *Terrell N. Dwyer*  
Mayor

By *Edgar Ann Hansen*  
Deputy District Director

By *W. H. K. K. K.*  
City Manager

APPROVED AS TO FORM  
AND PROCEDURE:

Attest: *J. E. Boucsein*  
City Clerk

*William T. B. B.*  
Attorney, Department of  
Transportation

APPROVED AS TO FORM:

*[Signature]*  
City Attorney

RESOLUTION NO. 5020

## RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, that the City of Santa Clara enter into, and the Mayor and City Manager are hereby authorized and directed on behalf of said City to execute the following described Agreement:

4-SCI-82 10.3/12.4  
4220-151141  
District Agreement No. 4-0976-G  
Document No. SCI-43  
Widening and relocating State  
Highway Route 82 (The Alameda/  
El Camino Real) from Chapman Court  
to Scott Boulevard

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA

CLARA this 10th day of December, 1985, by the following vote:AYES: COUNCILMEMBERS: Ash, Deto, Lasher, Mahan, Nadler, Tobkin and  
Mayor Souza

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ATTEST: J. E. Boccignone

Judy Boccignone  
City Clerk  
City of Santa Clara

I, the undersigned City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

J. E. Boccignone  
City Clerk

AGREEMENT

Please Return to  
She Y. ~~Y. Lin~~. This  
is She Y. ~~Y. Lin~~ file copy.  
2/3/85

THIS AGREEMENT, made and entered into this 10<sup>th</sup> day of December 1985, by and between the PRESIDENT AND BOARD OF TRUSTEES OF SANTA CLARA COLLEGE, a non-profit educational institution, hereinafter called UNIVERSITY, and the CITY OF SANTA CLARA, a municipal corporation of the State of California, hereinafter called CITY;

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO, as follows:

WHEREAS, CITY and UNIVERSITY entered into an original agreement on June 9, 1966, and supplemented by agreements dated April 13, 1976, August 12, 1980, October 27, 1981, and June 26, 1984 in connection with the conveyance by and between the parties hereto of certain lands for the relocation of a portion of State Route 82 (El Camino Real), hereinafter referred to as "Reroute," and certain other CITY streets including the construction of various street improvements; and

WHEREAS, the California Transportation Commission has completed a Final Environmental Impact Report/Statement for State Route 82 between State Route 17 and Scott Boulevard; and

WHEREAS, the California Transportation Commission has allocated certain funding in the State Transportation Improvement Program for upgrading and improving State Route 82 in the City of Santa Clara, thus permitting the State of California and CITY to establish more firmly the time schedules to improve State Route 82, including the acquisition of right of way and construction of Reroute; and



9. CITY engineering and inspection services for the Reroute shall be provided at no cost to UNIVERSITY.

10. The CITY cost, as billed by STATE, to maintain the proposed traffic signal at the intersection of Route 82 and Franklin Street shall be shared equally between CITY and UNIVERSITY.

The cost of maintenance shall include energy consumption and knockdowns; UNIVERSITY shall be billed annually by CITY for its share of maintenance costs.

11. Portions of the Reroute shown on Exhibit "A" are proposed to be 100 foot vehicular right of way with no on-street parking permitted on either side. Should UNIVERSITY desire to have on-street parking abut their frontage at the Reroute in those areas depicted on Exhibit "A" as having less than 120 foot right of way, it shall enter into a separate development agreement with the CITY. Said development agreement will, among other things, provide for the UNIVERSITY'S dedication of the necessary additional right of way to CITY and provide for the additional improvement costs caused by the installation of on-street parking in such areas.

12. CITY and UNIVERSITY shall develop, in consultation with the State Historic Preservation Officer, provisions for long-term protection and preservation of archaeological resources within the shaded triangular area shown on the attached map marked Exhibit "B," which is made a part of this agreement.

13. This agreement shall only affect the respective interests of the

This agreement can only be enforced by the UNIVERSITY or CITY or their successors or assigns.

23. This agreement shall be recorded in the Office of the County Recorder, County of Santa Clara, State of California, by CITY.

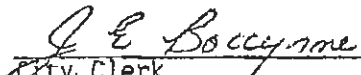
IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first hereinabove written.


President and Board of Trustees of  
SANTA CLARA COLLEGE

By   
William J. Rewak, S.J., President

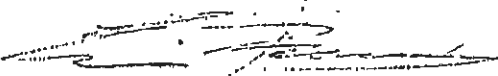
CITY OF SANTA CLARA

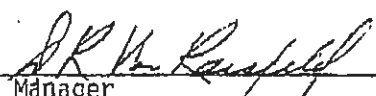
ATTEST:

  
City Clerk

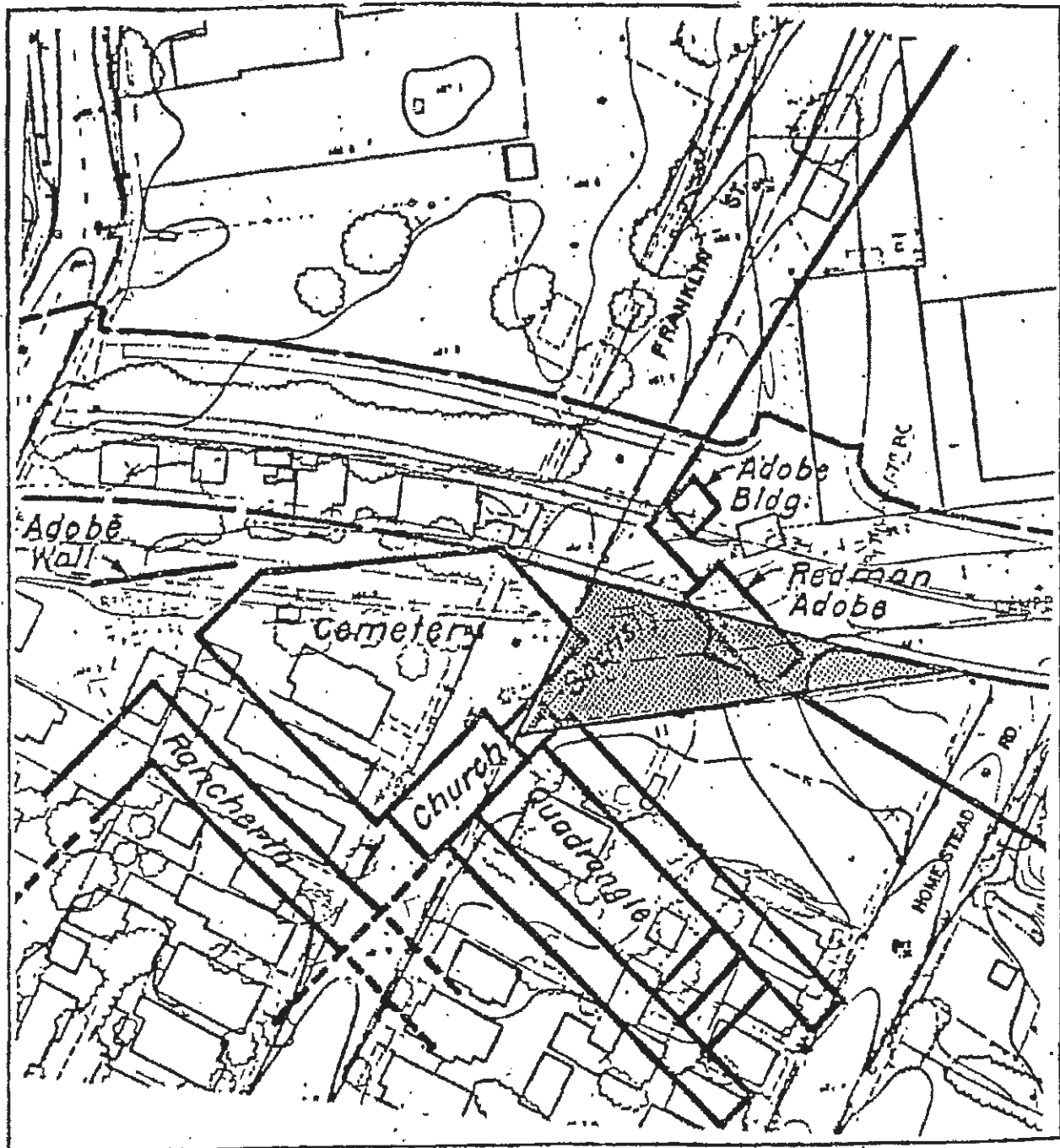
By   
Mayor

APPROVED FOR FORM:

  
City Attorney

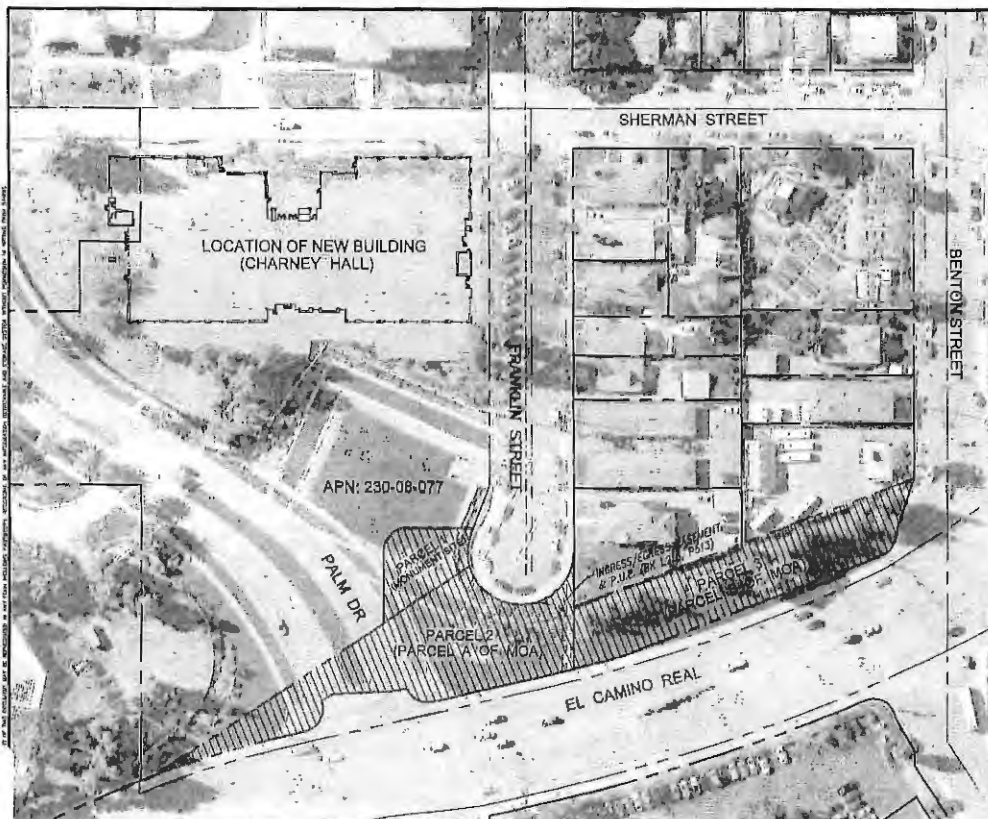
By   
City Manager

# HISTORIC PRESERVATION AREA

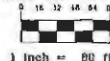


## Legend

- APEI
  - Adobe Structures
  - HISTORIC PRESERVATION AREA
- Scale: 1" = 100"



GRAPHIC SCALE



### LEGEND

- LOCATION OF NEW BUILDING
- PARCELS 1, 2 AND 3
- OTHER PARCEL LINES
- STATE ROW LINES
- CENTERLINE
- MONUMENT LINE
- EASEMENT

### NOTES:

1. THE PARCELS PLOTTED HEREON ARE BASED UPON THE FOLLOWING RECORDED DOCUMENTS FROM SANTA CLARA COUNTY RECORDS:  
 A1000, #10379452, RECORDED ON JANUARY 4, 1990,  
 H1000, #10263908, RECORDED ON SEPTEMBER 21, 1989  
 OF PARCEL MAP BK 700, PAGES 28-29
2. BACKGROUND IMAGE IS USED FOR REFERENCE ONLY. THE IMAGE IS FROM GOOGLE EARTH PRO, DATED 1/31/2016, © 2016 Google © SPOT IMAGE

Attachment 6

**SANDIS** CIVIL ENGINEERING  
SURVEYING  
PLANNING

1500 Elgin Road, Suite 100, San Jose, CA 95128  
P: (408) 293-1100 F: (408) 293-1101 www.sandis.com

DATE: 08/10/16  
BY: [Signature]  
CHECKED: [Signature]  
APPROVED: [Signature]

PROJECT: 815084

PARCEL 1, 2 & 3 FROM MEMORANDUM  
OF AGREEMENT (MOA)

PARCEL EXHIBIT  
SANTA CLARA UNIVERSITY  
SANTA CLARA CALIFORNIA

SHEET  
**1**  
OF 1 SHEET

**8. PUBLIC MEETING ITEMS**

**8.A. Project Title:** **Santa Clara University Five-Year Master Plan**  
**File No.(s):** **PLN2014-10779 / CEQ2014-01184**  
**Location:** 500 El Camino Real, an approximate 97.4 acre project site bounded by Franklin Street to the north, El Camino Real to the east, Market Street to the south, and Lafayette Street to the west. APNs: 230-08-077, 230-10-003, 230-11-040, 230-13-023, 269-23-073 269-38-110 and 269-38-111. Project Site zoned Public, Quasi-Public, and Public Park or Recreation (B)  
**Applicant:** Chris Shay, Santa Clara University  
**Owner:** Santa Clara University  
**Request:** **Review of an Environmental Impact Report; and Use Permit** to amend the Master Development Plan for the Santa Clara University campus. The proposal includes demolition of approximately 269,130 square feet of existing building floor area to construct up to 449,524 square feet of net new classroom, office and student activity space, and 600 new student housing units on the University campus; and Environmental Impact Report  
**CEQA Determination:** Environmental Impact Report  
**Project Planner:** Debby Fernandez, Associate Planner  
**Staff Recommendation:** **Review & Comment and Continue to July 7, 2016 HLC Meeting**

**Notice:** The notice of public meeting for this item was posted within 500 feet of the site and was mailed to property owners within 500 feet.

**Discussion:** Mr. Chen provided a brief introduction to the project. He noted that the City's environmental consultants from David J. Powers & Associates, Inc. and Albion Environmental, Inc. were present to answer questions on the Environmental Impact Report and Cultural Resources Treatment Plan. Chris Shay from Santa Clara University provided a detail presentation on each of the new components proposed in the Master Development Plan. The discussion centered around the proposed School of Law (Charney Hall) and demolition of Bergin Hall within the area of the proposed STEM Center. The proposed Charney Hall was noted to be on piers to limit the impact to the Third Mission Quadrangle. The discussion included incorporating an interpretive floor within the building. Commissioner Standifer noted the uniqueness of Bergin Hall and the need to protect the resource. Commissioner Johns noted the importance to protect the past history. The Commission commented on the importance of maintaining the street grid pattern. Commissioner Mahan commended the University on limiting impacts based on the design of the proposed School of Law. Mr. Chen noted that SHPO had been informed of the project, and it is within their preview to comment on the proposal. Lorie Garcia, Honorary City Historian spoke on the proposed project, and noted that she has not completed her full review of the EIR document. She noted the importance for the Commission to review the comments received on the EIR. Ms. Garcia stated that the Mission site is eligible as a State historic resource. She referred to a 1988 Memorandum agreement for between the State, City and SCU that noted the importance of the site. She noted the importance of protecting the resource. Commissioner Johns questioned whether the Memorandum limited the construction within the area. The Commission requested a copy of the Memorandum for their review. The Commission discussed their duty to protect historic resources. Mr. Shay responded to the Commission concerns. He concurred with Commissioner Cherukuru on the mutual interest to protect City and SCU history.

No comments were received from the public during public comment period.

**Motion/Action:**

Motion was made by Cherukuru, seconded by Johns to continue this item to July 7, 2016 meeting in order to review additional information associated with the project site and to consider the DEIR and comments (6-0-0-1, Estes absent).



**City of  
Santa Clara**  
The Center of What's Possible

AGENDA ITEM #: 8.A.  
**HISTORICAL AND  
LANDMARKS COMMISSION  
STAFF REPORT**

**Meeting Date:** June 2, 2016

**Project Title:** Santa Clara University Five-Year Master Plan  
**File:** PLN2014-10779 / CEQ2014-01184  
**Location:** 500 El Camino Real, an approximate 97.4 acre project site bounded by Franklin Street to the north, El Camino Real to the east, Market Street to the south, and Lafayette Street to the west. APNs: 230-08-077, 230-10-003, 230-11-040, 230-13-023, 269-23-073 269-38-110 and 269-38-111. Project Site zoned Public, Quasi-Public, and Public Park or Recreation (B)  
**Applicant:** Chris Shay, Santa Clara University  
**Owner:** Santa Clara University  
**Request:** **Review of an Environmental Impact Report; and Use Permit** to amend the Master Development Plan for the Santa Clara University campus. The proposal includes demolition of approximately 269,130 square feet of existing building floor area to construct up to 449,524 square feet of net new classroom, office and student activity space, and 600 new student housing units on the University campus; and Environmental Impact Report  
**CEQA Determination:** Environmental Impact Report  
**Project Planner:** Debby Fernandez, Associate Planner

## PROJECT DESCRIPTION

Santa Clara University (SCU) has filed an application to amend the existing campus Use Permit for implementation of a five-year development plan involving the construction of nine building projects, demolition of 11 existing buildings, landscaping and tree replacement, and site improvements within the campus boundaries. Upon completion, the Plan will result in a net increase of 269,193 square feet of new academic space two residence halls to provide campus housing for 600 new students. The plan identifies the location and maximum building footprint, gross floor area and height (in stories) for each building and includes a conceptual landscape plan for the areas surrounding each structure. With the exception of the new law school, the building form and architecture of each is yet to be determined.

The information provided below is to introduce the Commission to the proposal and outline the cultural resources impacts associated with development of the proposed project. A Draft Environmental Impact Report (DEIR) was prepared in accordance with CEQA and was released for 45-day public and agency review beginning on May 16, 2016. A Cultural Resource Treatment Plan for the Master Plan was also prepared. Copies of both were distributed to each of the Commissioners on May 16, 2016. To allow the Commission sufficient time to review both documents, a second Historical and Landmarks Commission meeting will be held on July 7<sup>th</sup> to enable the Commission to formulate comments on the DEIR and provide a project recommendation on the campus development plan to the Planning Commission, which is tentatively set for July 13, 2016.

### School of Law (Charney Hall)

The new law school building is planned to be built within the boundaries of the existing 163 space parking lot located at the southeast corner of Franklin Street and Sherman Street, adjacent to the Murguia Mission (the third Mission Church) site and Palm Drive. The proposed building is three-stories in height and has a building footprint of 50,000 square feet. Gross floor area of the building is 100,000 square feet of gross floor area for classroom use and faculty and staff offices. Charney Hall would replace the existing School of Law located in Bergin Hall and Heafy Law Library. These two building are located on the west side of The Alameda Pedestrian Mall (the "Mall") in the center of campus and are proposed to be demolished for construction of the Science Technology Engineering and Math ("STEM") Center in the five-year plan.

### STEM Center

The STEM Center consists of three separate buildings that would flank the Mall in the center of campus and replace the existing 42,813 square foot Daly Science Center. The new STEM Center would be constructed in phases: Phase 1 (STEM West) would demolish Bergin Hall and the Heafy Law Library, totaling 63,468 square feet on the west side of the Mall, to construct a 83,000 square foot, three-story structure; Phase 2 (STEM South) would demolish Murphy Hall and Bannan Engineering, totaling 38,496 square feet on the east side of the Mall, to construct a 163,400 square foot, four-story building; and Phase 3 (STEM North) would demolish Bannan Hall and Bannan Engineering Labs, totaling 92,497 square feet to construct a 123,500 square foot, three-story building. The combined footprint of the new STEM Center buildings is 98,800 square feet and gross floor area is 369,900 square feet.

### Student Residence Halls

There are two new residence halls proposed for construction at the southern end of campus that would provide a total of 600 beds in two phases. Phase 1 is the construction of a four-story, 350 bed residence hall with a gross floor area of 132,854 square feet over a partial subgrade podium parking structure with 154 spaces on the site of an existing 158 surface parking lot south of Sobrato Hall and west of Casa Italiana (residential facility). This site fronts and is accessed from The Alameda. Phase 2 involves the construction of a four-story, 250 bed residence hall with a gross floor area of 55,800 square feet on the site of the existing 19,000 square foot Fine Arts Building to be demolished. This site is located south of Graham Hall and west of Sobrato Hall fronting The Alameda. Programs associated with the Fine Arts Building will be transferred to the new Art and Art History Building currently under construction at the north end of campus. A historical evaluation report (DPR 523 Form) was prepared separately for the Fine Arts Building and is attached for review.

### Cowell Center

This project involves the replacement of the existing single-story 10,414 square foot Cowell Center located south of the Leavey Center and west of the tennis courts with a new 38,000 square foot, two-story building at the same location. Building footprint of the new structure is 13,299 square feet. Ten parking spaces would be removed from the adjacent surface parking lot (accessed from Accolti Way) to accommodate the replacement structure.

### Benson Center Renovations and Additions

Benson Center is an existing 100,716 square foot two-story building fronting Market Street to the south and The Alameda Pedestrian Mall to the east. This project involves one and two-story additions to the north and west building elevations totaling 21,363 square feet and includes partial renovations of the building interior to accommodate the new additions and create meeting and common space.

### Daly Science Demolition and Site Development

The Daly Science Center consists of three, one-story buildings located immediately north of the De Saisset Museum and south of the Alumni Science Building. Each building has subgrade facilities. The buildings are currently occupied by laboratory and classroom facilities for chemistry, physics, and biology for the STEM program and are proposed to be demolished upon completion of the new STEM Center and replaced with passive open space.

It is anticipated that the sequence for implementation of the five-year development plan would occur in the following order with the construction lay down areas occurring within the footprints of the new buildings and addition areas:

1. School of Law
2. Benson Center Expansion
3. 350-bed Residence Hall
4. STEM Phase 1
5. STEM Phase 2
6. Cowell Center Replacement
7. 250-bed Residence Hall
8. STEM Phase 3
9. Demolition of Daly Science Center

## CULTURAL RESOURCES ASSESSMENT

The DEIR for the Five-Year Master Plan analyzes the potential impacts of project development on cultural and historical resources, and where applicable identifies mitigation measures to reduce impacts to less-than-significant. A significant unavoidable impact is identified with the proposed location of the School of Law for the potential to expose and destroy third Mission period architectural subsurface resources and historic artifacts with construction. The DEIR also identifies a significant unavoidable impact to a California Register of Historical Resource eligible building with the proposed demolition of Bergin Hall for development of the STEM facility. What follows is a summary of the archeological and historical / architectural resources examined in the DEIR for each project site in the Master Plan.

### ARCHEOLOGICAL RESOURCES

Santa Clara University is located within an archeological sensitive area for prehistoric and historic resources. The development sites in the Five-Year Master Plan are known to contain subsurface historic and likely prehistoric artifacts associated with the Santa Clara Mission, post-Mission development, and prehistoric settlements in this area.

The location of the proposed School of Law is a highly sensitive cultural resource area. As such, a preliminary subsurface examination of the site was conducted in accordance with the Master Cultural Resources Treatment Plan for the campus, adopted in 2000 as part of the University's Master Use Permit, to make a more specific determination of the potential artifacts on the site. The exploratory excavations revealed that the site contains Mission period architectural features including remnants of adobe structures (i.e., sandstone cobbles, roof tiles, and floor tiles) that were part of the Third Mission Quadrangle and that some of these features appear to have been previously impacted by American period land use and development. Mission period refuse features (i.e., midden soils and refuse pits containing ash, bone, ceramics, and glass) and American period features (i.e., wire nails, concrete, brick, redwood planks, glass, and domestic refuse) were also found.

The site of the proposed STEM Center is also located in an area of high cultural resource sensitivity. The presence of precolonial Native American ancestral remains; the location of the fourth Mission Church; tanning operations during the Mission period; residential occupation during the Late Mexican period; and development of the site as a college during the American period and use of the site for tannery operations (Eberhard Tannery) in the American period are associated with this area of the campus.

The residence halls are proposed on a location of moderate cultural resource sensitivity. Late American period archeological resources have been encountered in this area with previous development. These recoveries include architectural or industrial refuse deposits. This area was once occupied by industrial warehouses, such as the Pacific Manufacturing, and the railroad along The Alameda. While not documented, this area may also have been used for agricultural purposes during the Mission period.

The Cowell Center site has associations with Mission and American periods and is an area of moderate cultural resources sensitivity. During the Mission period and into the American period this area was occupied by an orchard to serve the third Mission Church as well as a tannery (Eberhard Tannery) through the early 20<sup>th</sup> century. Two American period features previously recovered in the vicinity of this site include redwood flooring possibly associated with the Eberhard Tannery and a partial pig skeleton, which has been associated with Santa Clara College animal husbandry during the early 20<sup>th</sup> century.

The Benson Center project site is a moderately sensitive cultural resource area associated with the Mission, Mexican and American periods. This is due to the proximity of the site to the fourth and fifth Mission complexes, evidence of residential occupation (i.e., domestic refuse pit) during the Mexican period, and resource recovery of American period features (i.e., residential refuse and industrial flooring) at and within the vicinity of project boundaries.

The Daly Center is located in an area of high archeological sensitivity. Mission era and American period archeological resources have been encountered with previous development of the Daly Center site. These resources include a cluster of ladrillos (bricks), refuse pits and architectural features associated with the Indian Rancheria associated with the Mission era and refuse (older trash, brick, cement, and redwood boards) dating from the American period.



## HIISTORIC / ARCHITECTURAL RESOURCES

As outlined in the project description above, 11 buildings are proposed for demolition and one building includes an addition and interior renovation. None of the buildings are currently listed on the City's Historic Preservation and Resource Inventory of architecturally or historically significant properties. A historic report was prepared by Carey & Company to evaluate all the structures in the five year development plan proposed for demolition and 50 years of age or greater and those within 100 feet of a listed resource. This report is provided in Appendix A of the EIR. The table below lists the structures meeting this criteria along with the corresponding campus building number, date of construction for each building, number of stories, eligibility for listing on the California Register of Historical Resources ("CRHR") and eligibility for listing on the City's inventory of Architecturally or Historically Significant Properties. Note that Cowell Center and the Fine Art Building are not included as they did not meet the specified criteria for evaluation.

Building	Date of Construction	# of stories	CRHR	City of Santa Clara Inventory	Proposed for Demolition
Bergin Hall (building 203)	1938	2	Potentially eligible - Criterion 3	Potentially eligible – Historical or Cultural Significance and Architectural Significance	Yes
Heafy Law Library (building 202)	1963	2	Not eligible	Not eligible	Yes
Daly Science Center (buildings 207, 210 & 211)	1966	1	Not eligible	Not eligible	Yes
Murphy Hall (building 402)	1961	2	Not eligible	Not eligible	Yes
Bannan Hall (building 405)	1973	3	Not eligible	Not eligible	Yes
Bannan Engineering Labs (building 403)	1960	1	Not eligible	Not eligible	Yes
Bannan Engineering (building 404)	1986	3	Not eligible	Not eligible	Yes
Benson Center (building 301)	1963	2	Not eligible	Not eligible	No

The analysis prepared by Carey & Company concludes that Bergin Hall is eligible for listing on the CRHR under Criterion 3 as a distinctive example of Mission Revival architecture. The building also appears eligible for listing on the City's Inventory of Architecturally or Historically Significant Properties based on criterions 1, 3, 4, and 6 for historical or cultural significance, in that the building is reflective of a period of the University's development and culture; and criterions 1, 2 4, and 7 for architectural significance in that the building features key architectural details of Mission Revival architecture and was designed by Binder & Curtis, a famous architectural firm.

### Public Notices and Comments

The notice of public meeting for this item was posted at three locations within 500 feet of the project site and was mailed to property owners within 300 feet of the project site. No public comments have been received at the time of preparation of this report.

### STAFF FINDINGS AND RECOMMENDATIONS

Staff recommends that the Historical and Landmarks Commission continue the project to the meeting of July 7, 2016 to enable the Commission to formulate comments on the DEIR and provide a project recommendation on the campus development plan to the Planning Commission.

#### *Documents Related to this Report:*

- 1) *Environmental Impact Report (previously distributed)*
- 2) *Cultural Resources Treatment Plan (previously distributed)*
- 3) *Historical Evaluation Report (DPR 523 Form)*
- 4) *Development Plans*

State of California The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
HRI #  
Trinomial  
NRHP Status Code

Other  
Review Code

Reviewer

Date

Listings

Page 1 of 8 \*Resource Name or #: (Assigned by recorder) 601 Fine Arts Building  
P1. Other Identifier: \_\_\_\_\_

\*P2. Location: ☐ Not for Publication ☒ Unrestricted

\*a. County Santa Clara and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad \_\_\_\_\_ Date \_\_\_\_\_ T \_\_\_\_\_; R \_\_\_\_\_; \_\_\_\_\_ of \_\_\_\_\_ of Sec \_\_\_\_\_; \_\_\_\_\_ B.M.

c. Address 601 The Alameda City Santa Clara Zip 95053

d. UTM: (Give more than one for large and/or linear resources) Zone \_\_\_\_\_, \_\_\_\_\_ mE/ \_\_\_\_\_ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, decimal degrees, etc., as appropriate)

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The two-story, utilitarian style warehouse is irregular in plan. The reinforced concrete section of the building has stucco cladding and a flat roof with a small parapet. Two gable roof portions of the building, attached to the south elevation, feature horizontal wood siding on one section and vertical wood siding on the other. The east elevation is clad in T1-11 siding. The southernmost gable has a substantial eave overhang with exposed wood brackets. Rolled asphalt clads all roof surfaces. Each section of the building features a number of skylights. Wood-sash fixed and sliding aluminum-sash windows are arranged in groups of five on the north and south elevations of the stucco portion of the building. Louvers and air conditioning units replace some of the windows in these ribbon window groupings. Several other fixed and single-hung windows are found around the structure. Multiple doors of various sizes are located around the building.

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



\*P3b. Resource Attributes: (List attributes and codes)

\*P4. Resources Present: ☒ Building  
☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5b. Description of Photo: (view, date, accession #) West elevation, 2016.

Carey & Co. 2016

\*P6. Date Constructed/Age and Source: ☒ Historic ☐ Prehistoric  
☐ Both

c. 1915 - Santa Clara University

\*P7. Owner and Address:

Santa Clara University

601 The Alameda

Santa Clara, CA 95053

\*P8. Recorded by: (Name, affiliation, and address)

Carey & Co., Inc.

460 Bush Street San Francisco, CA

\*P9. Date Recorded:

May 23, 2016

\*P10. Survey Type: (Describe)

Intensive survey

\*P11. Report Citation: (Cite survey report and other sources, or enter "none.")

None.

\*Attachments: ☐ NONE ☒ Location Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record

☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record

☐ Artifact Record ☐ Photograph Record ☐ Other (List): \_\_\_\_\_

State of California The Resources Agency Primary #  
 DEPARTMENT OF PARKS AND RECREATION HRI#  
**BUILDING, STRUCTURE, AND OBJECT RECORD**

\*Resource Name or # (Assigned by recorder) 601 Fine Arts Building

\*NRHP Status Code \_\_\_\_\_

Page 2 of 8

B1. Historic Name: Part of the Pacific Manufacturing Company Complex

B2. Common Name: Fine Arts Building

B3. Original Use: Mill

B4. Present Use: Fine Arts Department

\*B5. Architectural Style: Utilitarian warehouse

\*B6. Construction History: (Construction date, alterations, and date of alterations)

The Pacific Manufacturing Company constructed part of the structure before 1915. The flat roof, two-story portion of the structure was constructed between 1948 and 1956, while the gable roof sections were built pre-1915. By 1987 the majority of the building was demolished with additional portions demolished by 1999 leaving the footprint of the building as it is today.

\*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: \_\_\_\_\_

Original Location: \_\_\_\_\_

\*B8. Related Features: \_\_\_\_\_

B9a. Architect: Unknown

b. Builder: Unknown

\*B10. Significance: Theme \_\_\_\_\_

Area \_\_\_\_\_

Period of Significance \_\_\_\_\_

Property Type \_\_\_\_\_

Applicable Criteria \_\_\_\_\_

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

### History of Santa Clara University

Established on the site of Mission Santa Clara de Asis, Santa Clara College is the oldest operating institution of higher learning in California. Founded by the Society of Jesus, the Catholic school, began operation as a preparatory school. Finding capable teachers for the new school proved to be a problem as a \$100 monthly salary was not enough to keep a good teacher in the classroom. The shortage of Jesuit teachers in California did not allow for them to be moved to the new school, so teachers from Oregon, who were generally older and in poor health, taught at the school during the first few years. Adding to the challenge of opening the school was the ramshackle condition of the mission's adobe buildings. But by May 1851, the first students were admitted to the school – a dozen or so boarding students and several day pupils.<sup>1</sup> "With \$150 in the treasury, the mission buildings, a plot of land 120 feet by 225 feet, two secular teachers, a [...] cook and 'a respectable matron' to take care of the house and the smaller boys, the modest school began."<sup>2</sup> Two years later the school offered its first collegiate ranked courses. By 1875 the student population increased to 275 with a third of the pupils enrolled in college courses.<sup>3</sup>

B11. Additional Resource Attributes: (List attributes and codes) \_\_\_\_\_

(Sketch Map with north arrow required.)

\*B12. References:

See Continuation Sheets.

B13. Remarks:

\*B14. Evaluator: Carey & Co.

\*Date of Evaluation: May 23, 2016

(This space reserved for official comments.)



State of California Natural Resources Agency  
DEPARTMENT OF PARKS AND RECREATION

Primary#  
HRI #  
Trinomial

## CONTINUATION SHEET

Property Name: 601 Fine Arts Building

Page 3 of 8

### \*P3a. Description, Continued:

A small shed roof, supported by wood posts, shelters a door on the west elevation which functions as the main entrance to the building. A larger door, clad in vertical siding, is visible on the west elevation of the southernmost gable structure. Located off the west elevation are various shed roof canopies. The east elevation, at the flat roof area of the building and the gable roof sections, shows where earlier portions of the building were removed. The concrete foundation and roof modifications display remnants of where the building was removed. A chain link fence encloses these structures and most of the west elevation. The overall condition of the warehouse-like building is good.

### \*B10. Significance, Continued:

#### **Development of the Campus, 1900-1920s**

In the heart of Santa Clara the college, like the rest area, experienced growth over the next few decades and in 1912 officially became "The University of Santa Clara." During this time the schools of law and engineering were established. Beginning the previous year, under the leadership of priest and former student James P. Morrissey, construction on the campus commenced. Morrissey thought the campus had greatly deteriorated since he was a student five years earlier. The first of twelve new buildings, an administration building, was constructed. The next structure to be added to the campus was Senior Hall at a cost of \$95,000. These reinforced concrete structures greatly contrasted with the older brick and wood buildings on campus. President Morrissey added numerous other buildings to the campus during his tenure and all structures reflected the Mission Revival style of architecture giving the campus a more cohesive appearance.<sup>4</sup>

Between 1910 and 1922 plans for the original Quadrangle developed. Bound by The Alameda, Franklin Street, Lafayette Street, and Santa Clara Street, the Quadrangle is also the site of the Santa Clara Mission. The first plan by architect William D. Shea in 1910 was the initial attempt by the school to have the campus thoughtfully developed. By 1922 architect John J. Donovan oversaw the creation of a master plan for the school. While Donovan retained much of Shea's massing and layout, but limited the use of bell towers, his plan retained the Mission Revival style and extended new buildings along Franklin and Santa Clara streets. By 1937, much of Donovan's plan had been accomplished. After the formal plans for the Quadrangle were developed, many of the structures were realized, but not all. Buildings have been added to the Quadrangle over the years.<sup>5</sup>

In 1921, Father Zach Maher took over as president and continued with a new energy. Building plans that were side tracked in the late 1910s began again. He felt the University could not "meet the needs and opportunities of 1922 with the buildings and equipment of 1852."<sup>6</sup> Under Maher's leadership the construction of the Alumni Science Hall and Kenna Hall became a priority. By 1925, the high school which was housed in the newly finished Kenna Hall moved off campus. In 1926, the recently established Leavey School of Business received one of the nation's first accreditations for business schools. A new president named Father McCoy had grand visions for a four-story dormitory. Many thought the building a mistake as it was likely to not be fully occupied for years. For this reason, when constructed in 1930, the upper floor was left unfinished.<sup>7</sup>

#### **Academic and Athletic Expansion**

Academics were the focus of the University's administration, while athletics became an important money maker for the school. During the late 1930s, the football team dominated the game on a national level

State of California Natural Resources Agency  
DEPARTMENT OF PARKS AND RECREATION

Primary#  
HRI #  
Trinomial

## CONTINUATION SHEET

Property Name: 601 Fine Arts Building

Page 4 of 8

### \*B10. Significance, Continued:

making it to the Sugar Bowl twice (1936 and 1937). The revenue from ticket sales for sporting events went towards nonathletic pursuits. Made possible by funds from football ticket sales, the School of Law's Bergin Hall rose on the campus in 1938. The notoriety of the University grew because of its athletic success and caused enrollment applications to increase rapidly.<sup>8</sup>

Due to World War II, little construction took place on the campus over the next decade. President Gianera focused on balancing the budget rather than a comprehensive master plan for the campus. However, under his leadership, in 1948, several structures were added to the University with funds donated by alumnus James E. Walsh's widow, Delia – the James E. Walsh Dormitory and the Delia L. Walsh Administration Building. At the time, the administration building was much larger than necessary, but Gianera had a vision for increased enrollment. Isabel de Saisset bequeathed money to the University for the construction of an art gallery in honor of her brother Ernest de Saisset. Ernest attended the school in the 1870s.<sup>9</sup>

With The Alameda running directly through the heart of the campus, pedestrians crossing from one side of campus to the other constantly faced danger while negotiating the street. Under president Donohoe, in 1958, an attempt was made to re-route the road around the campus. Donohoe tasked alumnus Jack Going with moving the road. Going gave up his position at his firm, Ruth & Going, Inc., a civil engineering company, to work for the University.<sup>10</sup>

### Expansion During the 1960s

After 110 years of an all-male student body, women were finally accepted into undergraduate programs in 1961. Santa Clara became the first coeducational Catholic university in the state. Over the coming decade, the number of enrolled students tripled as did the size of the faculty. This resulted in the University undertaking a large building campaign resulting in eight residence halls, an athletic stadium and the student union. Opened in 1963, the University's first all-female residence quickly reached capacity. Also, during this period, the long awaited student center, Benson Memorial Center, became a reality. The School of Engineering grew rapidly during the 1960s adding structures named for faculty and alumni – George L. Sullivan and Dr. James D. Murphy. Outgrowing Bergin Hall, the School of Law constructed a new law library in 1963 – Heafey Law Library. Three years later, the Daly Science Center opened.<sup>11</sup>

A second, less extensive, wave of construction took place during the 1970s. A building campaign was launched with \$10.5 million needed to complete a long list of projects. The Berchman A. Bannan Building, dedicated in 1973, housed classrooms and offices for the School of Law. Completed several years later the Leavey Activities Center, Colwell Health Center and Mayer Theater altered the landscape of the campus. A large addition to the Heafey Law Library finished during this period increasing the size of the library. By 1976 enrollment reached 7,000. The school officially changed its name to Santa Clara University in 1985. After thirty-one years and \$25 million, The Alameda was officially re-routed around the campus in 1989.<sup>12</sup>

Today the 106 acre campus features 50 buildings, many designed in the campus' iconic Mission Revival style. Just over 9,000 students, both undergraduate and graduate, attend the University with over a third enrolled in the College of Arts and Sciences.<sup>13</sup>

State of California Natural Resources Agency  
DEPARTMENT OF PARKS AND RECREATION

Primary#  
HRI #  
Trinomial

## CONTINUATION SHEET

Property Name: 601 Fine Arts Building  
Page 5 of 8

### \*B10. Significance, Continued:

#### **Pacific Manufacturing Company**

James P. Pierce purchased the Enterprise Mill in 1877, changing the name to Pacific Manufacturing Company. The small operation was established to meet the lumber needs of the growing town of Santa Clara. Pierce had a solid business background and had previously sold his ownership in the Empire Gold Mine located in Grass Valley for \$150,000 in profit. Soon the newly minted Pacific Manufacturing Company purchased land in the Santa Cruz Mountains and constructed a mill to process lumber in Ben Lomond. The Company established a sawmill in Ash Creek at the foot of Mt. Shasta. The business expanded regionally and beyond, even supplying the Hawaiian Islands with lumber and goods. Business at the Pacific Manufacturing Company excelled after the 1906 fire in San Francisco.<sup>14</sup> "The company ranks high among the sash and door factories of the state. However, its specialty is fine, hardwood, interior furnishings, and the quality of the work it turns out in this line is recognized by different architects throughout California as being unsurpassed. The company maintains a mill and lumber yard at Santa Clara, covering an area of twenty acres, and a private switch connects with the Southern Pacific Railroad, so as to facilitate the handling of its large output, and for receiving lumber and raw materials. In a recent interview W. F. Hayward, the popular representative of the Santa Clara office, said that his company had been doing a capacity business for some time past, which necessitated the employment of between 500 and 600 people. During the war [World War I], the Pacific Manufacturing Company made a specialty of airplane parts, and received much praise from the Government on the quality of the finished work. Pioneers in their line, the Pacific Manufacturing Company are always in a position to render excellent service, and all work turned out by them is known only as the best."<sup>15</sup> Pacific Manufacturing Company ceased operations in the 1960s.<sup>16</sup>

#### **CRHR Evaluation**

##### *Criterion 1*

Building 601, the Fine Arts Building, does not appear to be eligible for listing under Criterion 1. The building is not associated with an event that made a broad contribution to patterns of history. Adapted for the Art Department, the building expanded the department's footprint on the campus. While the building is likely part of a Pacific Manufacturing Company structure, the majority of the structure was demolished around 1998. Building 601 was not part of the initial campus design, but was only occupied by university departments once the needs of the campus changed. Additionally, all other buildings associated with the mill have been demolished, therefore, the context has been lost.

##### *Criterion 2*

The building does not appear eligible for listing under Criterion 2 for association with the lives of persons significant to our past. While the structure is associated with the Pacific Manufacturing Company founded James P. Pierce, a prominent member of the Santa Clara community, the building's loose association with a single notable person from this earlier company is not significant.

##### *Criterion 3*

No prominent architecture firm or architect is associated with this utilitarian building. The structure was built for the Pacific Manufacturing Company as part of the lumber mill that operated on the site. The overall design of the building and the style of the structure is

State of California Natural Resources Agency  
DEPARTMENT OF PARKS AND RECREATION

Primary#  
HRI #  
Trinomial

## CONTINUATION SHEET

Property Name: 601 Fine Arts Building

Page 6 of 8

### \*B10. Significance, Continued:

nondescript with little ornamentation or character. Additionally, only a fraction of the original structure remains. Therefore, the building is not eligible for the CRHR under Criterion 3.

#### *Criterion 4*

This building/site was not evaluated for its potential to yield information that is significant to history or prehistory.

#### *Integrity*

The building maintains integrity of location as it has not been moved, but does not retain integrity of setting as the lumber mill complex that once surrounded it has been demolished. Building 601 does not retain the majority of integrity of design, materials and workmanship as over two-thirds of the pre-1940s structure has been demolished. Integrity of association and feeling are compromised as the building can no longer be associated with the Pacific Manufacturing Company for which the structure was purposely built.

### Endnotes:

<sup>1</sup> Santa Clara University, "Santa Clara's History," <http://www.scu.edu/about/history.cfm> (accessed May 24, 2015) and Gerald McKevitt, *The University of Santa Clara: A History, 1851-1977*, Stanford, Calif: Stanford University Press, 1979, p 25.

<sup>2</sup> Gerald McKevitt, *The University of Santa Clara: A History, 1851-1977*, Stanford, Calif: Stanford University Press, 1979, p 27.

<sup>3</sup> Gerald McKevitt, *The University of Santa Clara: A History, 1851-1977*, Stanford, Calif: Stanford University Press, 1979, pp 167-168 and Santa Clara University, "Santa Clara's History," <http://www.scu.edu/about/history.cfm> (accessed May 24, 2015).

<sup>4</sup> Santa Clara University, "Santa Clara's History," <http://www.scu.edu/about/history.cfm> (accessed May 24, 2015).

<sup>5</sup> John W. Snyder, Caltrans, "University of Santa Clara Quadrangle," Department of Parks and Recreation – Historic Resource Inventory, State of California, 1981.

<sup>6</sup> Gerald McKevitt, *The University of Santa Clara: A History, 1851-1977*, Stanford, Calif: Stanford University Press, 1979, pp 194-195.

<sup>7</sup> Gerald McKevitt, *The University of Santa Clara: A History, 1851-1977*, Stanford, Calif: Stanford University Press, 1979, pp 201-202, 204, and 214 and Santa Clara University, "Santa Clara's History," <http://www.scu.edu/about/history.cfm> (accessed May 24, 2015).

<sup>8</sup> Gerald McKevitt, *The University of Santa Clara: A History, 1851-1977*, Stanford, Calif: Stanford University Press, 1979, pp 253-257.

<sup>9</sup> Gerald McKevitt, *The University of Santa Clara: A History, 1851-1977*, Stanford, Calif: Stanford University Press, 1979, pp 269-271.

<sup>10</sup> Santa Clara University – School of Engineering, "Jack Going '49" Moving the Alameda," <http://www.scu.edu/engineering/centennial/jack-going.cfm> (accessed May 24, 2015).

<sup>11</sup> Gerald McKevitt, *The University of Santa Clara: A History, 1851-1977*, Stanford, Calif: Stanford University Press, 1979, pp 288-291 and Santa Clara University, "Santa Clara's History," <http://www.scu.edu/about/history.cfm> (accessed May 24, 2015).

<sup>12</sup> Gerald McKevitt, *The University of Santa Clara: A History, 1851-1977*, Stanford, Calif: Stanford University Press, 1979, pp 302-304, Santa Clara University, "Santa Clara's History," <http://www.scu.edu/about/history.cfm> (accessed May 24, 2015) and Santa Clara University – School of Engineering, "Jack Going '49" Moving the



## Conditions of Approval

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

### **GENERAL**

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the Developer's new improvements, then the cost of said relocation shall be borne by the Developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

### **ATTORNEY'S OFFICE**

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of Developer's project.

### **PLANNING AND BUILDING INSPECTION**

Developer shall not demolish Bergin Hall.

- P1. Demolition of Bergin Hall is not approved as part of this Use Permit.
- P2. Developer shall employ green building standards and materials in the site design and construction in accordance with Build It Green measures for new construction of each building.
- P3. Submit plans for Architectural Committee review and approval for each new building and building additions approved in the Five Year Master Plan, prior to issuance of the demolition and/or building permits for each building project. Said plans to include site plans, floor plans, elevations, landscaping, and lighting. Include color palette and materials board. The plan submittal shall also include an updated parking analysis for each building project.
- P4. Submit complete landscape plans, including irrigation plan and composite utility and tree layout overlay plan, for Architectural Committee review and approval prior to the issuance of demolition permits for the Daly Center buildings and building permits for each of the remaining building projects. The overlay plan is to show the location of all utilities, storm drains, catch basins, sewer mains, joint trenches, building footprints, driveways, walkways, and trees. Trees are required to be ten (10) feet from public water, storm and sewer facilities unless a City approved Tree Root Barrier (TRB) is used. If a City approved TRB is used the TRB must be a minimum of five (5) feet from the public water, storm and sewer facility with the tree behind the TRB, and specified on the plan.
- P5. Landscape plan to include type and size of proposed trees. Type and size of tree placement on project site shall be at the direction of the City Arborist and require Planning review and approval. Type and location of street trees to be reviewed and approved by City Arborist. Coordinate with the City Arborist for the type, location, installation and maintenance of street trees fronting the project site along the public right-of-way. Installation of root barriers and super-soil may be required with the installation of trees where electric, water and sewer utilities are in proximity.
- P6. Installation of approved landscape and irrigation shall be performed prior to issuance of occupancy permit for each building and immediately following demolition of the Daly Science buildings.



## Conditions of Approval

- P7. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. The Developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A stormwater pollution prevention plan is also required with the NOI.
- P8. It shall be the Developer's responsibility through his engineer to provide certification to certify that the drainage design for the subject property will prevent flood water intrusion in the event of a storm of 100-year return period. The Developer's engineer shall verify that the site will be protected from off-site water intrusion by designing the on-site grading and stormwater collection system using the 100-year hydraulic grade line elevation provided by the City's Engineering Department or the Federal Flood Insurance Rate Map, whichever is more restrictive. Said certification shall be submitted to the City Building Official prior to issuance of building permits.
- P9. The project will be required to comply with the City's Urban Runoff Pollution Prevention Program, including best management practice measures for construction and post-construction activity, including reducing runoff to public storm drain facilities from rooftops and paved surfaces. Third-party verification of compliance with applicable criteria shall be provided as part of the architectural review application.
- P10. The Developer shall send written notification of the construction schedule to all tenants and property owners within 500 feet of the project site prior to the start of construction.
- P11. The project site is located in Seismic Hazard Zone as identified by the State Geologist for potential hazards associated with liquefaction, pursuant to the Seismic Hazard Mapping Act (Div.2 Ch7.8 PRC), and the Developer shall prepare and submit a geotechnical hazards investigation report acceptable to the City of Santa Clara Building Official prior to issuance of permits.
- P12. Prior to issuance of a demolition permit, Developer shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.
- P13. Construction activity not confined within a building shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and not permitted on Saturdays for projects within 500 feet of a residential use. Construction activity confined within a building shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 500 feet of a residential use. Construction activity shall not be allowed on recognized State and Federal holidays.
- P14. A tree protection plan shall be included with drawings submitted for demolition, grading or other earthwork in the vicinity of existing trees on the site.
- P15. The project shall comply with the mitigation measures identified in the Environmental Impact Report and the Cultural Resources Treatment Plan for the Project.
- P16. The Developer shall submit a truck hauling route for demolition, soil, debris and material removal, and construction to the Director of Planning and Inspection for review and approval prior to issuance of any demolition or building permit.

**ENGINEERING**

## Conditions of Approval

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at Developer's expense.
- E4. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E5. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E6. All work with the El Camino Real right-of-way will require an Encroachment Permit from Caltrans.
- E7. Property owner will be required to dedicate a sidewalk easement for the sidewalk and driveway portions within private property and pay the easement preparation fee. For more information regarding the easement dedication process and fee please call Nelson Damian of our staff at (408) 615-3046.
- E8. Proposed trees shall be five (5) feet minimum clear of sidewalks. Provide root barrier if trees are planted such that the drip line of the mature trees covers the sidewalk. Root barriers shall be 12' long x 2' deep, and centered on trees.
- E9. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or ten (10) feet clear of the tree trunk whichever is greater, to the satisfaction of the Public Works Director.
- E10. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and issuance of building permits.
- E11. Show and comply with City's driveway and intersection vision triangle requirements. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and intersections in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3000 for further information.
- E12. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk per City Standard Detail ST-12.
- E13. All driveways shall be ADA compliant driveways per City standards.
- E14. Provide ADA walkway connecting the proposed buildings to the public sidewalks.

## Conditions of Approval

- E15. Dedicate, as required on-site easements for new public utilities and/or sidewalk by means of a parcel/Final map or approved instrument at time of development.
- E16. Submit as-built on-site plans prepared by a registered civil engineer showing all utilities serving the subject property.
- E17. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, through Engineering Department, and pay all appropriate fees, prior to start of construction.
- E18. File and record Final map for proposed development and pay all appropriate fees prior to Building Permit issuance.
- E19. Provide Class I and Class II bicycle parking for all new buildings per VTA bicycle parking requirements.
- E20. The applicant shall comply with the mitigations identified in the EIR/TIA.

### **ELECTRICAL**

- EL1. Electric load fees may be applicable in the event that the University's on-site electric demand exceeds its purchased service capacity.
- EL2. The Electric Department has determined that no other conditions apply as the University operates its own private distribution system throughout the campus. The only SVP facilities that are on-site are along the campus entrance at Palm Drive and along the perimeter of the campus.

### **WATER**

- W1. Prior to the issuance of Building or Grading Permits, the applicant must indicate the disposition of all existing water services on the plans. The applicant must properly abandon all existing water services on the property that will not be used per Water & Sewer Utilities standards.
- W2. Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as-built" drawings of the on-site public water utility infrastructure prepared by a registered civil engineer to the satisfaction of the Director of Water & Sewer Utilities.
- W3. Prior to issuance of building permits, the applicant shall submit a composite utility plan showing all utilities (including electrical) and landscaping (trees/shrubbery) so that the Water Department can verify conflicts for proposed water services. Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area.
- W4. Applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain 12 inches of vertical clearance at water service crossing with other utilities, and all required horizontal clearances from water services: ten (10) feet from sanitary sewer utilities, eight (8) feet from storm drain utilities, five (5) feet from fire and other water utilities, five (5) feet from gas utilities, and ten (10) feet from existing and proposed trees. If applicant installs root barriers, clearance from tree reduces to five (5) feet (clearance must be from the edge of tree root barrier to edge of water facilities).
- W5. Prior to issuance of Building Permits, the applicant shall submit plans for independent water service to each individual parcel connected to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities. Additionally, different

## Conditions of Approval

- types of water use (domestic, irrigation, fire) shall be served by individual water services.
- W6. The applicant shall bear the cost of any relocation of existing Water Department facilities required for project construction to the satisfaction of the Director of Water and Sewer Utilities.
  - W7. Prior to issuance of Building Permits, the applicant shall submit plans showing a clean out at the property line for each sanitary sewer lateral to the satisfaction of the Director of the Water & Sewer Utilities.
  - W8. Applicant is advised that applicant must design and install adequate plumbing for the proposed development and the affected building, or reduced residual water pressure may be experienced due to added water demand.
  - W9. RPDA backflow prevention device(s) are required on all potable water services, fire services, and irrigation services. Prior to City's issuance of building permits, the applicant shall submit plans showing the location of the RPDA backflow prevention device(s) to the satisfaction of the Director of Water & Sewer Utilities.
  - W10. Prior to the issuance of building permits, the applicant shall provide fixture unit counts so the Water Division can verify the appropriate size of all proposed water meters.
  - W11. Applicant must work with Compliance group on the proposed modified landscape service plans for the sites that are being fed by recycled water source.
  - W12. Applicant must provide water line easement around water services and meters along with backflow preventers for the ones that will be installed on the private side of the property. The easement must be provided with minimum 5-foot clearance around the water service.

**FIRE**

- F1. At time of Building Permit Application, provide documentation that the minimum required fire-flow for the building shall be based on the construction type and square footage of the building in accordance with the California Fire Code, Appendix B, Table B105.1. A maximum reduction of 50% in fire-flow is allowed with the installation of an automatic fire sprinkler systems designed in accordance with California Fire Code § B105.2. The resulting fire-flow shall not be less than 1,500 gallons per minute for the prescribed duration.
- F2. At time of building permit application, the required number, location and distribution of fire hydrants for the building shall be based on the California Fire Code, Appendix C, Table C105.1. The required number of fire hydrants shall be based on the fire-flow before the reduction.
- F3. Prior to the Start of Construction Fire protection water supplies shall be installed and made serviceable prior to and during the time of construction or prior to combustible materials being moved onsite, unless an approved alternative method of protection is approved by the Fire Prevention and Hazardous Materials Division.
- F4. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, portions of buildings, are hereafter constructed or move into or within the jurisdiction. Hydrants shall be located such that no part of any commercial building hereafter constructed is more than 250 feet nor any single family residential building hereafter constructed is more than 300 feet from a fire hydrant along an accessible route. Fire hydrants shall be located at least 40 feet from the building(s) to be protected.

## Conditions of Approval

- F5. At time of building permit application, construction documents for the Fire Department apparatus access roads are required to be submitted to the Fire Prevention and Hazardous Materials Division. Access roadways shall be provided to comply with all of the following requirements:
- a. Fire apparatus access roadways shall be provided for every facility, building, or portion of a building hereafter constructed or moved when any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building.
  - b. Fire apparatus access roadways shall have a “minimum” width of a fire apparatus access roadway for Engines is 20 feet. The “minimum” width of roadways for aerial apparatus is 26 feet. Aerial access roadways shall be located a minimum of 15 feet and a maximum of 30 feet from the protected building, and positioned parallel to one entire sides of the building. The side of the building shall be approved by the Fire Prevention and Hazardous Materials Division.
  - c. Fire access roadways shall have a “minimum” unobstructed vertical clearance of not less than 13 feet 6 inches. Aerial apparatus access roads may require additional vertical clearance.
  - d. Fire access roadways shall be an all-weather surface designed to support the imposed load of fire apparatus with a gross vehicle weight of 75,000-pounds.
  - e. Fire apparatus access roadways shall have a “minimum” inside turning radius for fire department access roadways shall be 36 feet or greater and the outside turning radius shall be 48 feet or greater.
  - f. Dead-end fire apparatus access roadways in excess of 150 feet in length shall be provided with approved provisions for the turning around.
  - g. The grade for emergency apparatus access roadways shall not exceed 10 percent to facilitate fire-ground operations.
  - h. Buildings or facilities exceeding 30 feet or three stories in height shall have at least three means of fire apparatus access for each structure. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roadways. When multiple fire apparatus access roadways are required the roadways shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
  - i. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. When multiple fire apparatus access roadways are required the roadways shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
- F6. When fire apparatus access roads are required to be installed, such improvements shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are approved by the Fire Prevention and Hazardous Materials Division.
- F7. Traffic calming devices are not permitted on any designated fire access roadway, unless approved by the Fire Prevention and Hazardous Materials Division.

## Conditions of Approval

### **POLICE**

- PD1. Provide a minimum illumination of one-foot candle in carport, parking areas and in all common pedestrian or landscaped areas of the development. The illumination should be deployed in fixtures that are both weather and vandal resistant.
- PD2. Any required enclosure fencing (trash area, utility equipment, etc.) if not see through, should have a six (6) inches opening along the bottom for clear visibility. Any gates or access doors to these enclosures should be locked.
- PD3. Landscaping shall be of the type and situated in locations to maximize visibility from the street while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows.
- PD4. Public Safety Radio Systems Guidelines have been established by the City of Santa Clara Communications Department for radio signal penetration during emergencies. The Developer is advised that the project may be required to install equipment for adequate radio coverage for the City of Santa Clara Radio Communications System, including but not limited to Police Department and Fire Department emergency services. The Developer should contact the Director of Communications at (408) 615-5571.

### **STREET**

- ST1. Submit copy of complete landscape and automatic irrigation plans for review and comment by City staff. Plans are to include all existing trees with four (4) inches or larger diameter (measured 30 inches above ground) on development property and adjacent property if they may be impacted. Trees are to be correctly labeled with specie name and correctly plotted as to exact location on the plans. Trees are to be noted as to whether they are proposed to be saved or removed. City tree preservation specifications are to be included on all plans where existing trees are to be saved during construction. A copy of these specifications can be obtained from the City Arborist at 408-615-3080.
- ST2. No cutting of any part of City trees, including roots, shall be done without following City tree preservation specifications and securing approval and direct supervision from the City Arborist at 408-615-3080.
- ST3. No cutting of any part of private trees, including roots, shall be done without direct supervision of a certified arborist (Certification of International Society of Arboriculture).
- ST4. Since this project involves disturbing a land area of one-acre or more, the Developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State Construction General Permit (Order No. 2009-0009-DWQ) prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A stormwater pollution prevention plan is also required with the NOI. Special Urban Runoff Stormwater Pollution Prevention requirements apply. Set up meeting with the Street Department to discuss requirements. Contact Dave Staub at 408-615-3080.
- ST5. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the

## Conditions of Approval

- Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
- ST6. Applicants must have third party verification of storm water management plan, conduct inspection of stormwater treatment devices within 45 days of installation, and enter into an Inspection and Maintenance Agreement with the Street Division (City will provide boilerplate). Document must be printed single-sided and be notarized. For more information, call 408-615-3080
- ST7. Any stormdrains on private property shall be marked with appropriate stormwater pollution prevention message such as “no dumping – flows to bay”. Developer is responsible to add these markings upon construction.
- ST8. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
- ST9. The applicant shall provide a site plan showing all proposed locations of solid waste containers, enclosure locations and street/alley widths to the Street Department. Applicant to comply with City Development Guidelines for Solid Waste Services as specified by development type.
- ST10. All trash enclosures should be constructed to drain to the sanitary sewer.
- ST11. Decorative water features such as fountains and ponds shall be designed and constructed to drain to sanitary sewer only. No discharges allowed to storm drain.
- ST12. Applicant to comply with City Code Section 8.25.285 and recycle or divert at least fifty percent (50%) of materials generated for discards by the project during demolition and construction activities. No building, demolition or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. After completion of project, applicant shall submit a construction and demolition debris recycling report as stipulated by ordinance, or be subject to monetary, civil, and/or criminal penalties. This may be done for through our online tracking tool at <http://santaclara.wastetracking.com/>.

I:\PLANNING\Current Planning\2011-2014\2014\Project Files Active\PLN2014-10779 500 El Camino Real - SCU Master Use Permit\PC\CoA Exhibit.doc

# SANTA CLARA UNIVERSITY

## Cover Sheet

### Index of Drawings

Sheet	Title
P1	Cover Sheet and Index of Drawings
P2	Project Locations and Project Descriptions
P3	New Law School Existing and New Site Plans
P4	New Law School Plan and Elevations
P5	New Law School Plan and Elevations
P6	STEM Existing and New Site Plans
P7	Student Housing Existing and New Site Plans
P8	350 Bed Student Housing Plans and Elevation
P9	Cowell Center Replacement Existing and New Plans
P10	Benson Center Additions Plans And Elevations
P11	Benson Center Perspective
P12	Demolish Daly Science Existing And New Site Plans
P13	SCU Parking Plan and Data
P14	SCU Transportation and Demand Management
P15	Construction Lay Down Areas and Schedule
C1	Stormwater Management Site Plan
C2	New Law School Stormwater Mitigation Plan
C3	STEM West Stormwater Management Requirements Exhibit
C4	STEM North and STEM South Stormwater Management Requirements Exhibit
C5	Benson Center Additions Stormwater Management Requirements Exhibit
C6	New Cowell Center Stormwater Management Requirements Exhibit
C7	New 350 Bed Residence Hall Stormwater Management Requirements Exhibit
C8	New 250 Bed Residence Hall Stormwater Management Requirements Exhibit

### Project Description

Santa Clara University has filed an application with the City of Santa Clara to amend The Master Use Permit to allow construction of new facilities on the University campus.

The scope of this proposal includes one new building, replacement of seven existing buildings, additions to one existing building, removal of three existing buildings, site improvements, and landscaping.



**Santa Clara University Area Map**

CAMPUS DEVELOPMENT PLAN

**P1**

4.5.2016



# SANTA CLARA UNIVERSITY

## New Projects



**New Projects Location Plan**

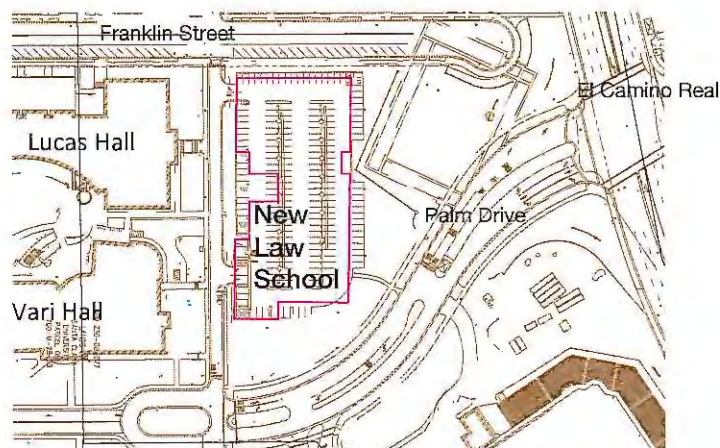
MAJOR PROJECTS	NEW	DEMO	NET
LAW SCHOOL	100,000	-0-	100,000
STEM West	83,800	(37,9763)	23,897
STEM South	163,400	(38,496)	124,904
STEM North	123,500	(92,497)	31,003
350 Bed Residence Hall	132,854	-0-	132,854
250 Bed Residence Hall	55,800	(19,000)	36,800
Cowell Replacement	38,000	(10,414)	27,586
<b>SECONDARY PROJECTS</b>			
Benson Center Expansion	21,363	(6,000)	15,363
Daly Science Removal	-0-	(42,813)	(42,813)
<b>TOTALS</b>	<b>718,717</b>	<b>(269,193)</b>	<b>449,524</b>

**Total Area Added to Campus 449,524 GSF**

**CAMPUS DEVELOPMENT PLAN**

# SANTA CLARA UNIVERSITY

## New Law School



### Existing Site Plan with new Footprint

- Existing parking lot with 163 spaces to be removed
- 24 existing trees to be removed (5" diameter average)
- Existing impervious surface area 52,500 SF



### Location and Landscape Concept Plan

- Located adjacent to Lucas Hall (Leavey School of Business)
- Building footprint 50,000 SF
- New impervious surface area 61,890 SF
- Total building area 100,000 GSF
- One to three stories
- Height at roof eaves 45'-0" maximum 59'-6" at roof ridge
- Construction summer 2016-fall 2017



# SANTA CLARA UNIVERSITY

## New Law School



**View 1** Entering campus on Palm Drive



**View 2** Palm Drive nearing Sherman Street



CAMPUS DEVELOPMENT PLAN

# SANTA CLARA UNIVERSITY

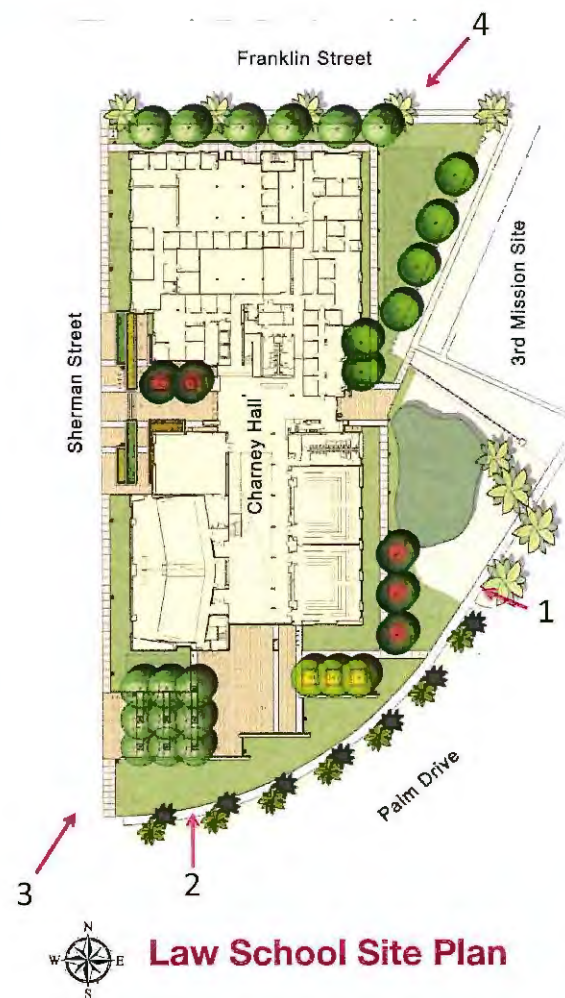
## New Law School



View 3 from Sherman Street and Palm Drive



View 4 from east end of Franklin Street



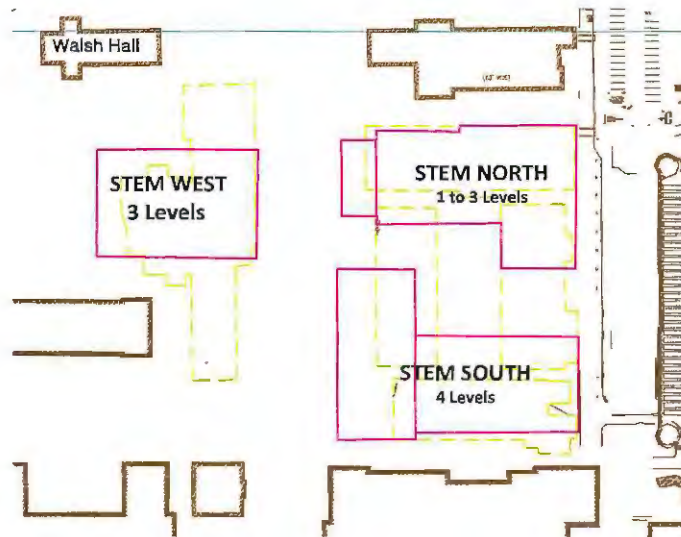
Law School Site Plan

CAMPUS DEVELOPMENT PLAN



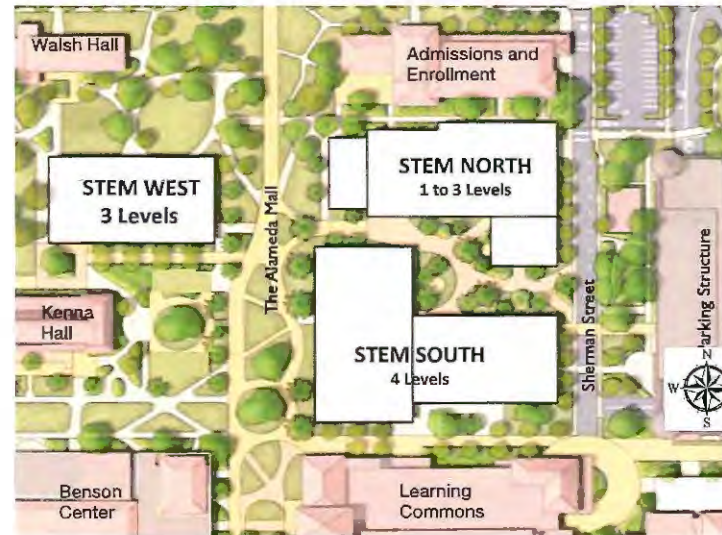
# SANTA CLARA UNIVERSITY

## STEM Science Technology Engineering and Math



### Existing Site Plan with new Footprint

- No parking spaces to be removed
- 42 existing trees to be removed
- Existing impervious surface area 80,344 SF
- Total building area to be demolished 190,966 GSF



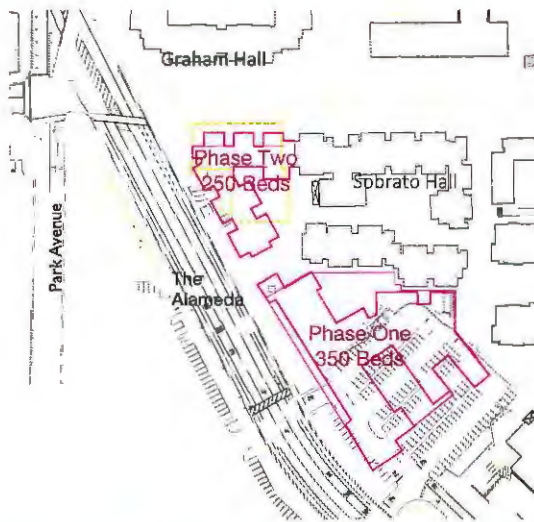
### Location and Landscape Concept Plan

- Strategically located in center of campus
- New building total footprints 98,800 SF
- New total impervious surface area 119,381 SF
- Total new building area 370,000 GSF
- One to four stories in height
- Phased construction January 2018-September 2024

CAMPUS DEVELOPMENT PLAN

# SANTA CLARA UNIVERSITY

## New Student Housing



### Existing Site Plan with new Footprints

- 158 parking spaces to be removed in Phase One
- 7 parking spaces to be removed in Phase Two
- 45 trees to be removed in Phase One
- 15 trees to be removed in Phase Two
- Existing impervious surface area Phase One 25,460SF
- Existing impervious area Phase Two 19,000SF
- Total building area to be demolished 19,000 GSF



### Location and Landscape Concept Plan

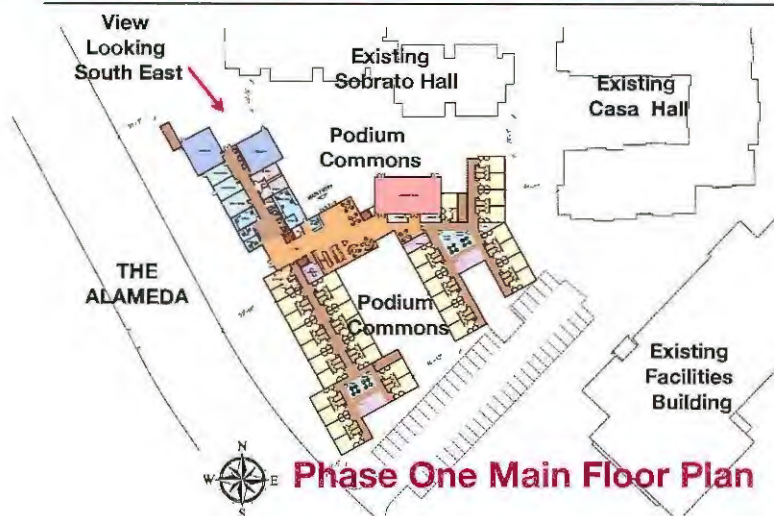
- Located Adjacent to Sobrato Hall and Casa Italiana Hall
- Total new building area 188,654 GSF four stories in height
- Building footprints 33,000 GSF and 13,950 GSF
- New impervious areas: Phase One 32,603 SF Phase Two 14,648 SF
- Phase One 350 beds with 154 car parking under podium
- Vehicle entrance uses existing driveway
- Phase Two 250 beds
- Phase One construction June 2018-June 2019
- Phase Two construction June 2019-June 2020

CAMPUS DEVELOPMENT PLAN



# SANTA CLARA UNIVERSITY

## New Student Housing



**Phase One Main Floor Plan**



**Phase One Parking Plan**

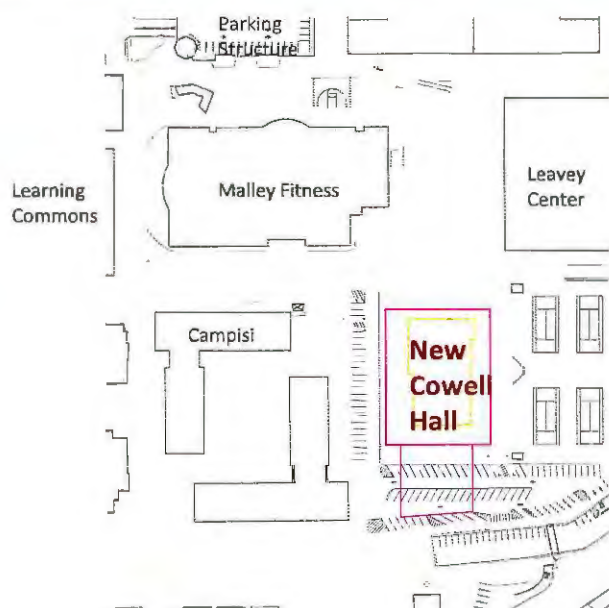


**Phase One Main Entry Elevation  
Looking South East**

CAMPUS DEVELOPMENT PLAN

# SANTA CLARA UNIVERSITY

## Cowell Center Replacement



### Existing Site Plan with new Footprint

- 10 parking spaces to be removed
- 30 trees to be removed
- Total building area to be demolished 10,414 GSF
- Existing impervious area 10,414 SF



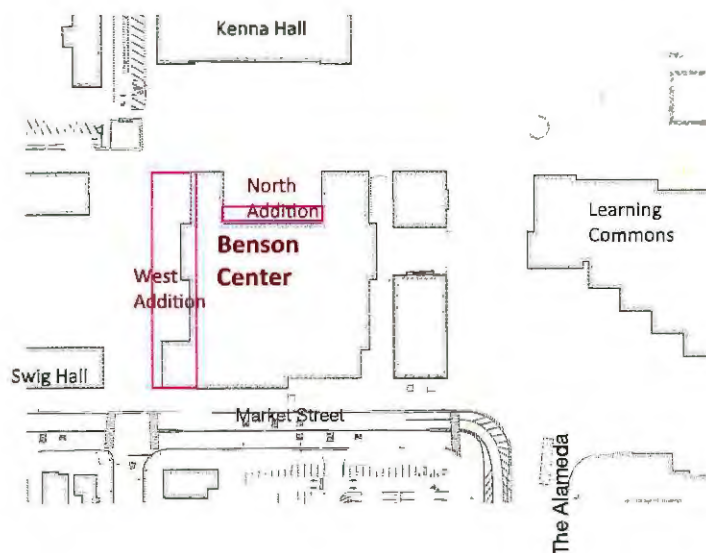
### Location and Landscape Concept Plan

- Replaces existing Cowell Center on the same site
- New health center and athletic practice and recreation space
- Total building area 38,000 GSF
- Two stories in height
- New impervious area 13,299 SF
- Construction summer 2018-summer 2019



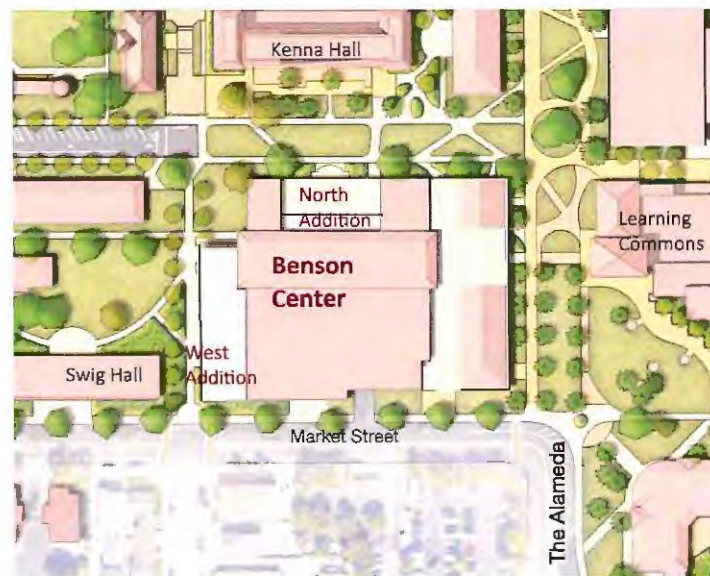
# SANTA CLARA UNIVERSITY

## Benson Center Renovations and Additions



**Existing Site Plan with new Footprint**

- -0- parking spaces to be removed
- 24 Trees to be removed
- Existing impervious surface area -0- SF



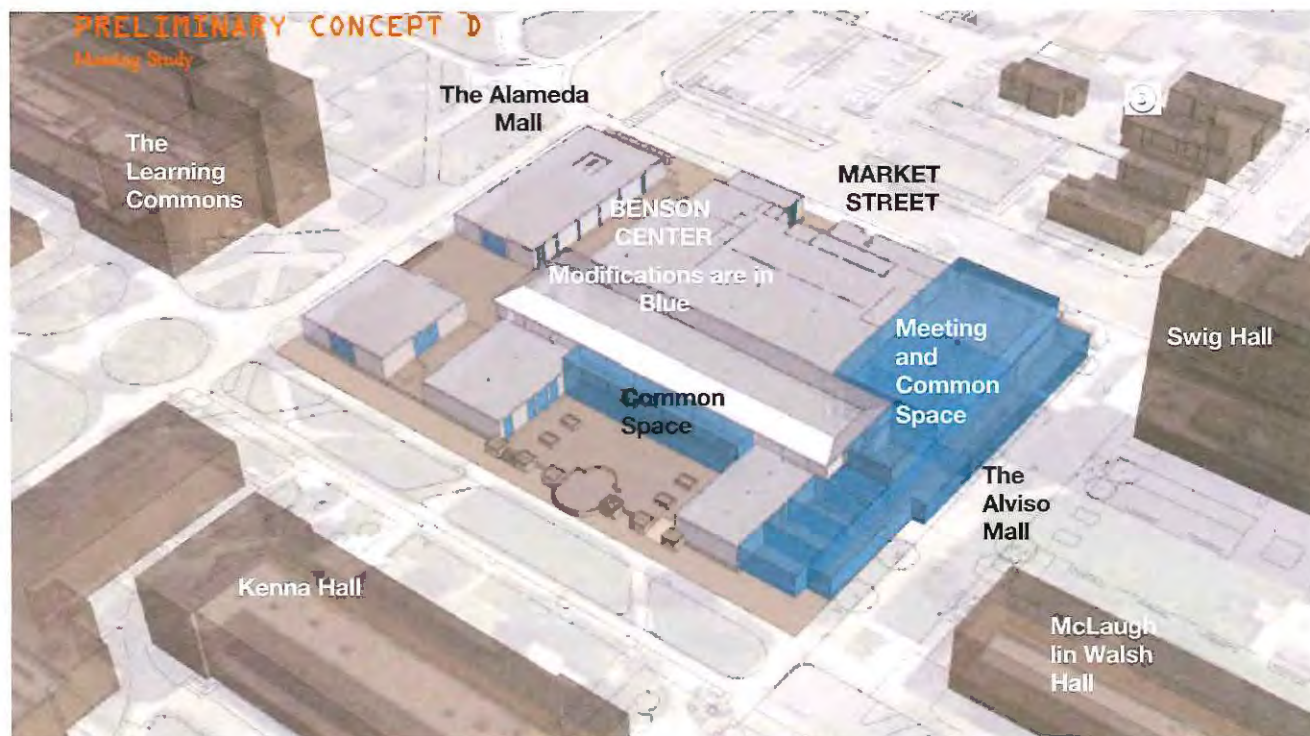
**Location and Landscape Concept Plan**

- New meeting space and common areas
- Partial interior renovations of existing areas
- Total new building area 21,363 GSF
- New impervious surface area 16,126 SF
- Construction summer 2018-fall 2019

CAMPUS DEVELOPMENT PLAN

# SANTA CLARA UNIVERSITY

## Benson Center Renovations and Additions



Location and Massing STUDY

CAMPUS DEVELOPMENT PLAN

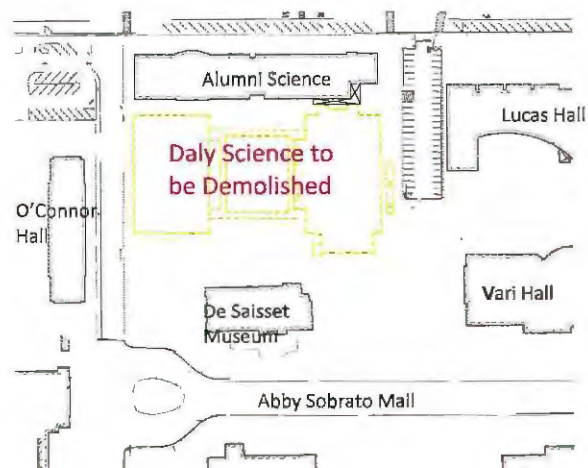
P11

4.5.2016



# SANTA CLARA UNIVERSITY

## Daly Science Demolition and Site Development



### Existing Site Plan

- -0- parking spaces to be removed
- -0- trees to be removed
- Existing impervious area 50,000 SF
- Total building area to be demolished 42,813 GSF



### Location and Landscape Concept Plan

- Total new building area 0 GSF
- Estimated new impervious paving area 5,000 SF
- Demolition and site improvements summer 2022

CAMPUS DEVELOPMENT PLAN

P12

4.5.2016

# SANTA CLARA UNIVERSITY

## SCU Parking



SCU Online Interactive Parking Map

### Parking Data

- Total current SCU parking available 3,175 spaces
- All spaces are by permit including visitor spaces
- On average, 59% of spaces are occupied at peak period
- Free 2 hour visitor permit parking 6 AM- 8 PM
- Visitors who want to park on campus on weekdays from 8 PM to 6 AM or on the weekends are able to park in B, E, or F spots in the Parking Structure or otherwise without a permit, as long as that section has not been specifically closed off.

### Parking Impacts by Project

Project	Net Gain Or Loss	Totals
Existing Parking	3175	3175
Law School	-163	3012
Dunne Hall Addition	0	3012
STEM Phase 1	0	3012
STEM Phase 2	0	3012
STEM Phase 3	0	3012
186 Bed Residence Hall	-7	3005
414 Bed Residence Hall	0	3005
Cowell Replacement	-3	3002
Malley Additions	0	3002
Benson Center Additions	0	3002
Demolish Daly Science	0	3002



# SANTA CLARA UNIVERSITY

## Transportation and Demand Management



American universities are often hubs of innovation and technology and SCU is third overall leading the nation in Electric Vehicle Charging Stations

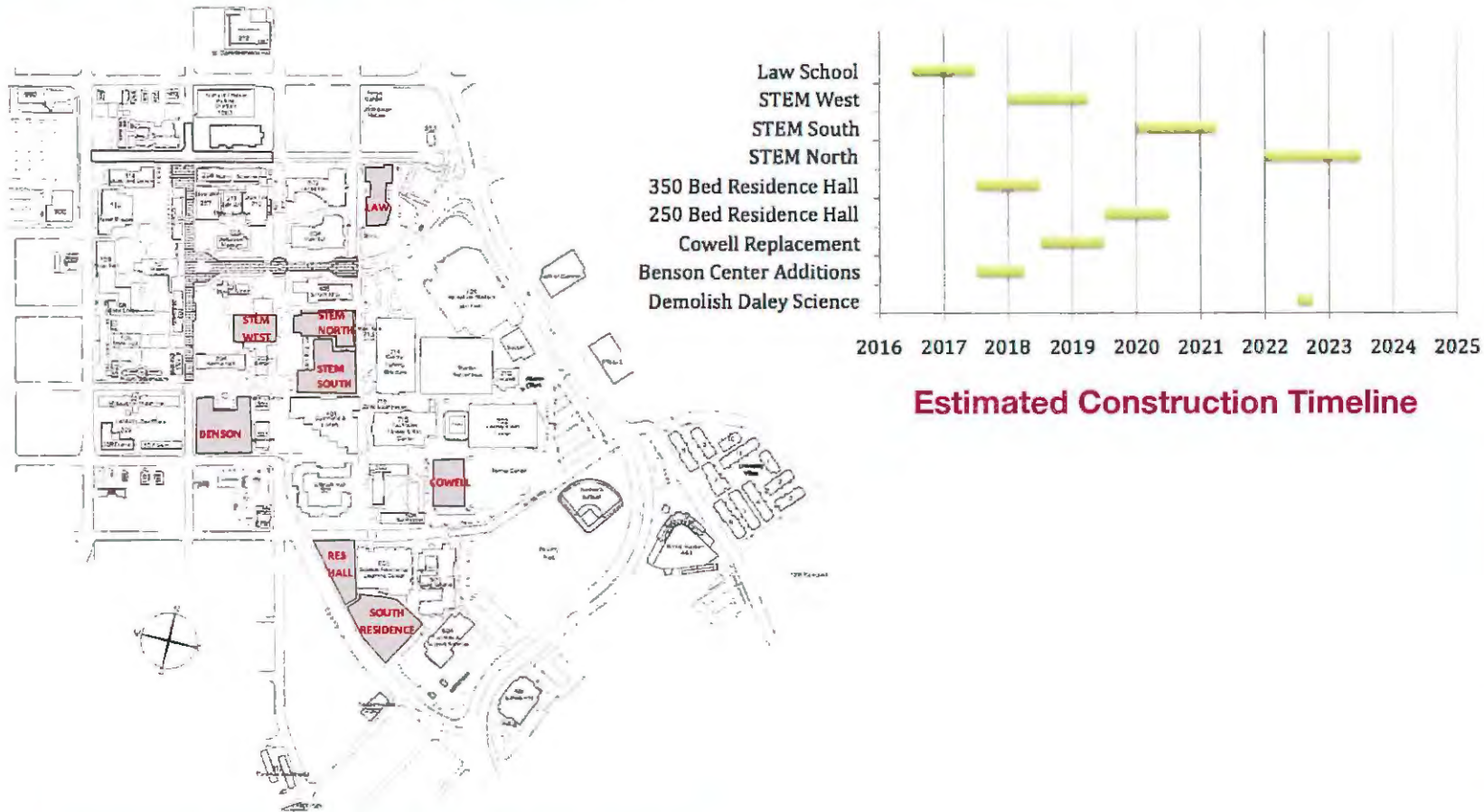


### SCU Transportation Services

- ACE - Alamont Corridor Express
- Carpool - Faculty, Staff and Student Parking Incentives
- Derozap - Bicycle Commuter Program & Dero Fixit Stations
- SCU Shuttle Services – SCuttle
- Transit - Discount Program for Faculty and Staff
- Zagster - Bicycle Sharing Program
- Zimride - Carpool and Ridesharing Community
- Zipcar Rental Partner
- Bike Shares
- MuV and SCOOP Ridesharing Partners
- 32 Electric Vehicle Charge Ports in 17 locations
- Santa Clara CalTrain/VTA Transit Station one block away
- Faculty and Staff Discounted Transit Tickets

# SANTA CLARA UNIVERSITY

## Construction Locations and Schedule



Estimated Construction Timeline

Estimated Construction Lay Down Areas

CAMPUS DEVELOPMENT PLAN

P15

4.5.2016