



Loma Prieta Chapter serving San Mateo, Santa Clara & San Benito Counties

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Re: City Place Santa Clara Draft Environmental Impact Report comments

Dear Ms. Fernandez,

Thank you for providing the opportunity for the Sierra Club Loma Prieta Chapter Sustainable Land Use Committee to comment on the proposed City Place Project.

The appropriate design of large-scale developments in the Bay Area is a key to the success of the Sustainable Communities Strategy (SCS) set forth in the 2013 Regional Transportation Plan. The Sierra Club is very much in support of the principal objectives of the SCS, which include reducing greenhouse gas (GHG) emissions and particulates from cars and light trucks and the provision of Housing near jobs, as well as the inclusion of affordable housing.

The Project proposes to convert 240 acres of what is currently recreational open space to a high-density mixed-use development, with over 9 million square feet of combined office, retail, hotel, entertainment, and residential uses (as well as millions of square feet of structured parking facilities).

The City Place Project has a stated vision and goals that appear to make it an appealing plan as it has been presented to the City and the public. However, the specifics in the EIR make it clear that the project, as it is proposed to be implemented, has many significant problems.

General Plan

Before addressing issues in the EIR, it should be noted that the proposed development is in direct conflict with policies in the General Plan. Given the magnitude of the impacts on jobs, housing, land use, open space, air quality and other environmental factors, it is clear that the General Plan needs to be revised and updated first, in order for a project of this size to be considered and move forward.

a. Jobs Housing imbalance: The project as proposed would result in approximately 28,720 new jobs and 200 residential units under Scheme B, and 24,760 jobs and 1360 residential units under Scheme A. Santa Clara already has the second worst jobs housing imbalance on the peninsula which the general plan policies seek to improve. This would exacerbate the jobs -housing imbalance. This is in direct conflict with General Plan Policy.

b. Mobility and Transportation : Full build-out of the Project as proposed would result in approximately 28,720 new jobs under Scheme B, and 24,760 jobs under Scheme A without anywhere near a balance of housing on site or on nearby sites zoned for high density housing. This is in conflict with General Plan policy. The potential impacts on regional traffic are of a magnitude that it is clear that regional solutions are required in order for the impacts to be absorbed. It clearly prioritizes the convenience of auto traffic at the

expense of pedestrians, bicyclists and transit. This is in direct contradiction to the policies of the General Plan

c. Will not serve as a City Center for the use of Santa Clara residents: The project site is not included in the General Plan as a focus area. The project site is at the very north edge of Santa Clara, bounded by neighboring communities of San Jose, Alviso and Sunnyvale. It is separated from most of Santa Clara residential communities. Therefore the proposed development is far from most Santa Clara neighborhoods. The project will not serve the majority of residents of the City of Santa Clara.

d. Exacerbate traffic problems: The EIR points out that the area road and freeway network in the area is already at or near capacity and the impacts are of a regional nature. The transportation demands of commercial and retail activity would involve needed upgrades to transit services to handle the increased demand. The project needs to be studied for regional traffic impacts as well as for regional solutions.

Alternatively, as in the case of the City of Mountain View, in order to deal with new traffic generated by proposed development, in North Bayshore, the decision was taken to move forward with a goal of “no net new traffic” and mandatory monitoring to ensure goals are met before new development is authorized. In the case of City Place, if the regional transportation resources are not upgraded, a transportation study may need to examine the need for mandatory goals, for alternative modes of transportation, that would need to be met before any phase of the project should move forward.

e. Parks and Open Space: The loss of over 104 acres of city open space is in direct conflict with general plan policy which states that the already low rate of 2.4 acres per 1000 population shall be maintained or improved as Santa Clara continues to experience growth. The Santa Clara golf course is the largest parcel of available open space for recreational facilities to be developed as funding becomes available. Such a large taking of public open space needs to be done with broad public approval and acceptance. The land provides the potential for improving Santa Clara's active recreational facilities, as well as providing for passive recreational open space as in the very popular Mountain View Shoreline Recreational Area, Palo Alto Baylands and adjacent Sunnyvale Baylands Park. The site has impressive potential for public recreation. The site lies along the Guadalupe River. The Ulistac Natural Area provides an example of passive recreational space and habitat area for wildlife and other natural resources. The city needs to look at the opportunity to create a wide usable linear park and habitat along the river, as many other cities are doing along their waterways, as its contribution to the recreational opportunities in the region rather than relying on open space provided by other cities and the county.

Park space on the golf course land could include both passive and active recreation as well as increased habitat for wildlife and native natural features – hiking trails, soccer fields, ball fields and a surface water system that would provide flood control, resilience for sea level rise and habitat for birds, fish, butterflies and other wildlife as its contribution to the health of the Bay and the bay area.

3.1 Land-use

a. Development on Landfill: Many municipalities are looking for some return on their old, closed landfills and are under increasing developmental pressures to use old landfill properties. However, recreational uses appear to be the best options for maintaining environmental protection, ensuring public safety and for providing a successful alternative use of the landfill property. Closed landfill areas, if disturbed, are a potential hazard to public health, ground water and the environment. Construction of structures over old landfills, especially residential housing, continues to raise concerns and is not recommended.

The potential for old landfills to generate dangerous levels of methane gas over many years must never be ignored or overlooked in any landfill use project. Even when engineering controls are added to a project to

manage the gas, problems can still develop. Even with redundant systems, especially given the history of liquefaction experienced in landfill areas, in the event of seismic activity, the large scale movement of soils can potentially overwhelm and fracture landfill gas and leachate removal systems. See fig. 3.9-4. This would be the largest commercial and residential development on a landfill and failures have been experienced on developments constructed on closed landfills.

While California regulations require owners of former landfills and disposal sites to continuously monitor on site structures for landfill gas migration, this too cannot be ensured as a fail-safe condition. Therefore, it is not advisable to place high occupancy structures with enclosed spaces or housing on landfill sites.

b. Seismic liquefaction: Design and construction of structures over old landfills must face the real possibility of the failure of foundations and structures. The site is in the highest seismically active zone in California and landfill areas often experience liquefaction in seismic events. According to the EIR, settlement of up to 8 feet may occur where the refuse layer is thickest, even under existing normal conditions. EIR, p. 3.9-13. With the addition of the Project buildings, roads, etc., further settlement of as much as 14 feet may occur where the refuse layer is thickest. EIR, p. 3.9-22. This could potentially result in settlement of as much as 22 feet. Seismic liquefaction could add unpredictability to these unstable soil conditions.

c. Phased approvals needed because of housing imbalance: The minimal amount of housing in this location, given the large number of jobs being created, makes it important to consider making approvals for the later phases contingent on appropriate amounts of housing being developed elsewhere in Santa Clara, to keep up with jobs creation. The commercial/office portion of the project may need to be scaled back to lessen the jobs housing imbalance.

d. Retail: Including retail land use in this location, relatively far from a great deal of surrounding housing, is guaranteed to generate the greatest amount of drive alone traffic. Given the traffic problems outlined above, retail is the probably the most difficult land use for implementing TDM measures effectively as it has the most unpredictable transportation patterns.

3.3 Transportation, Traffic and Safety

The greatest negative environmental impact from the development is traffic generated. Given the location of the project and the lack of jobs/ housing balance, mitigation of the anticipated traffic is very difficult. It is possible for the project to do much more to mitigate traffic impact than what is outlined in the EIR.

The EIR projects that the development will reduce daily trips from office use by 4% and peak-hour traffic by 10%, for residential use the EIR projects daily trips reduced by 2% and peak traffic by 4%.

These EIR projections are woefully inadequate given the conditions currently prevalent for traffic in the area. In addition, to be effective, traffic reduction goals need to be transparent and public and have continuous monitoring and reporting in order to be effective in meeting goals. With road networks reaching capacity, the time has come for developments to be required to stay within a threshold that is more in line with traffic that can be accommodated on the existing street network. Additional trips need to be accommodated using alternate modes including transit, both public and private, bicycles and walking.

a. No net new trips: It should be noted that other cities are requiring developers to step up to address regional traffic congestion realities. As an example, the city of Mountain View, for the North Bayshore precise plan area, is requiring developers to meet a target of 45% single occupancy vehicles before new development can be approved. This is in recognition of the fact that Freeway 101, in the area, and main access roads are at capacity now and changes to add capacity to freeways will take a decade.

b. Internal circulation: In addition to the external transportation network, for circulation within the project mitigation should require the following:

- Prioritize mobility uses: The mitigations should require that the developer design the developments to give pedestrians first priority, transit second, bicycles third, and motor vehicles last priority when designing all roads, walkways, streets and intersections within the project.
- Require "Complete Streets": Add mitigation that requires all streets within the project to be designed as "complete streets" to reduce collisions and traffic fatalities.
- In the EIR, transportation demand management requirements are relatively weak and inadequate. While the EIR states it requires a TDM, this provision lacks metrics, goals and accountability provisions.
- In addition the EIR allows the staff to exempt the developer from trip reduction requirements under certain conditions and without public notification. This does not encourage transparency and accountability.
- Monitoring: the developers need to provide funding for oversight to ensure that targets are met. If trip reduction goals are not achieved after initial efforts, financial penalties need to be imposed for exceeding thresholds.

c. Parking

- Paid parking: The EIR should provide for mitigation that requires mandatory "unbundled" parking for all residential and paid parking for all commercial employee parking as well as retail parking. Employees should be required to provide "parking cash-out" to employees to encourage not using a car to get to work.
- Congestion pricing: Congestion based pricing should be utilized to encourage use of transit or other means at peak travel times and discourage auto usage. This helps encourage behavior change and mode shift to other modes of travel.
- Transit passes: With the discounted availability of bulk transit passes, the developer should provide free transit passes to all residential development and all employers should be required to provide the same to employees. Ease and convenience of transit encourages transit use and decreases parking requirements. The savings from reduction of expensive parking structures more than covers the cost of transit passes.
- Transit incentives: The use of transit could be greatly increased by requiring the developer to provide bus and shuttle service connecting to site to the Diridon multimodal transit hub as well as the Santa Clara Caltrain station with additional BART service.

d. Pedestrian and bicycle investments

As in the case of some other cities, Santa Clara needs to establish and require clear priority for bicycle access for this development, so that commuting by bicycle is a realistic option. This means looking at a radius of approximately 5 miles to ensure connected and safe bike access to the project area. This could entail providing bike lanes as well as improving access using trails.

3.4 Air Quality

Currently, in the south bay, cardiovascular events, chronic lower respiratory disease and lung cancer, are among the top 5 leading causes of death for residents; and scientific studies by reputable organizations including the American Heart Association, World Health Organization, and The International Agency for

Research on Cancer, have established a causal relationship between these diseases, and both short and long term exposure to air pollution.

To protect the health of Santa Clara residents in the area and children in the nearby school, who are already significantly burdened by poor air quality, it is clearly imperative that the City incorporate into the EIR, a more robust transportation demand management plan, if it is serious about a mitigation strategy for air pollution. This transportation demand management plan must prioritize and achieve transit, pedestrian and bicycle travel, safety, and connectivity, above cars, using clearly stated and measurable goals for shifting the mode share, and a pro-active program for meeting these goals. These are all currently missing in the proposed plan and associated EIR.

3.5 Greenhouse Gas

a. The proposals for extracting landfill gas will add to the methane and CO₂ load in direct opposition to stated policy in the Climate Action Plan. A growing number of local governments are turning to renewable energy as a strategy to reduce GHGs, improve air quality and energy security, boost the local economy, and pave the way to a sustainable energy future. Local governments can achieve energy, environmental, health, and economic benefits by using landfill gas (LFG) recovered from municipal solid waste landfills as a source of renewable energy. As solid waste decomposes in landfills, a gas is emitted that is approximately 50 percent methane (CH₄) and 50 percent carbon dioxide (CO₂), both of which are GHGs (U.S. EPA, 2011a). LFG energy technologies capture CH₄ to prevent it from being emitted to the atmosphere, and can reduce landfill CH₄ emissions by between 60 and 90 percent (depending on project design and effectiveness) (U.S. EPA, 2011a)

Mitigation should include accepted state-of-the-art strategies to reduce GHG pollution from landfill to meet Climate Action Plan goals and BAAQMD clean air goals¹.

b. SB 375, the Sustainable Communities and Climate Protection Act of 2008 was intended to reduce GHG emissions by aligning regional long-range transportation plans, investments and housing allocations, with local land use planning to reduce VMT and vehicle trips. The Metropolitan Transportation Commission [MTC] has a target 15% per capita GHG (15 MMTCO₂e) emissions reduction for light duty trucks and passenger vehicles from 2005 levels by 2035.

See para in item 3.3 above regarding the importance of requiring a mandatory and robust TDM plan linked to mode share goals, with active monitoring, to address this issue.

3.8 Biological Resources

a. Light pollution: We support Santa Clara Valley Audubon in their comments to protect wild birds from development close to the bay. Light pollution has negative impacts on wildlife and ecosystems, human health, and the human wonder at the beauty of the night sky (<http://darksky.org/light-pollution/>). The potential for significant light pollution at City Place must be mitigated. A project of this size needs to look at impacts on regional light pollution and reduce sky glow, glare, and light trespass especially toward the bay, nearby creeks, and wildlife flight paths. The International Dark-Sky Model Ordinance should be used as a basis for lighting requirements for the Project (<http://darksky.org/our-work/public-policy/mlo/>). Night lighting in such close proximity to the bay and wetlands also interferes with bird flight patterns and causes birds to be attracted like moths to night lighting, resulting in their death from confusion and exhaustion.

¹ http://www3.epa.gov/statelocalclimate/documents/pdf/landfill_methane_utilization.pdf

b. Bird-Safe Design and Reflective glass: The proposed development is on the Pacific Flyway for bird migration. Millions of birds fly through the area on their way to using San Francisco Bay as a rest stop on their annual migrations. In addition, San Francisco Bay and the wetlands adjacent to the area are home to thousands of local birds. Reflective glass surfaces are confusing and detrimental to wild birds and cause thousands of unnecessary deaths. Audubon Society's guidelines for Bird-Safe Design should be incorporated into the mitigation strategies in the EIR.

c. Burrowing Owl Habitat:

The Project site is located within occupied nesting habitat for the western burrowing owl. The proposed Project site is critical to the survival of the local population and loss of these five parcels is a significant impact to western burrowing owl long-term survivability in Santa Clara County. The EIR does not currently include mitigation measures to offset the Project impacts.

In addition, the EIR fails to acknowledge that a portion of the Project site was recommended by the City Council to serve as a burrowing owl mitigation site.

d. Nitrogen Deposition: Given the proximity to SCVHP area, the nitrogen deposition mitigation seems under calculated. It does not seem possible that a project that generates the amount of traffic projected will have an impact that is less than significant. We believe this needs to be reexamined.

3.10 Hydrology Water Quality

a. Groundwater: We agree with the comments submitted by the Committee for Green Foothills on this topic. The greatest concern is the potential for groundwater contamination from landfill leachate when using unproven construction techniques (drilled displacement columns and auger cast-in-place piles). Mitigation should include verification of the techniques – a test pile and test column should be built and impacts studied for several months – so that unknown impacts can be mitigated before large-scale foundation building occurs.

b. Sea Level Rise: There are specific concerns related to sea level rise, coastal flooding, and landfills that are not addressed in the analysis but nonetheless must be considered in relation to the proposed Project. The Adapting to Rising Tides Vulnerability and Risk Assessment Report on sea level rise in Alameda County states that “Contaminated lands are vulnerable to sea level rise and storm events that could flood or cause groundwater intrusion of these sites. Temporary or permanent surface flooding, erosive tidal or wave energy, and elevated groundwater levels could cause the release of hazardous substances with potentially significant consequences on public health and the environment.” Such potentially significant risks must be considered in the approval of the Project whether or not they are included in the EIR.

c. Storm water Pollution: Standard storm water protections are not sufficient for the project due to its location on top of a landfill and adjacent to two creeks. Due to the potential for leachate runoff, wider storm water filtration buffers are needed to protect water and habitat resources. In particular, the roadway proposed along San Tomas Aquino Creek does not provide any setback from the waterway – instead, native plantings (including trees for shading) and other natural storm water filtration mechanisms are needed along the waterway to provide habitat corridors and prevent runoff of pollutants into the creek and the San Francisco Bay. The road and trail should be replaced by such habitat. Similar habitat and storm water filtration improvements are needed along Guadalupe River. A project of this size needs to contribute to the public trust resources in the immediate vicinity.

3.11 Hazards and Hazardous Materials

Construction Waste: The analysis does not address the production of soil and water spoils generated during foundation construction. Due to the landfill, such spoils are likely to be toxic and therefore mitigation measures are needed to correctly handle and dispose of produced water and soil to prevent harm to

construction workers, nearby residents and office workers; and the Guadalupe River, San Tomas Aquino Creek, and the San Francisco Bay Estuary.

3.13 Public services and Recreation

Save open space for park land and recreation: The existing land is currently a publicly owned golf course. Santa Clara is already experiencing a shortage in parks and open space for its population. As it looks forward to a growing population and increased housing, the lack of open land available for parks mandates that it is not advisable to give up this entire site for development. It should be required that the developer provide extensive new recreational facilities as a community benefit and tennis courts be replaced with new tennis courts and added new facilities for residents.

It is also advisable for a significant portion of land to be land banked for future development into usable parks for the residents of Santa Clara in order to meet minimum open space requirements. The National Recreation and Park Association suggests that a park system, at a minimum, be composed of a total of 6.25 to 10.50 acres of developed open space per 1,000 population.

San Francisco, the most densely developed city in our area, provides over 10 acres open space per 1,000 population. Santa Clara currently has a very low ratio of less than 3 acres per thousand. There is no open space left to purchase for parks in Santa Clara. Therefore, giving up the entire amount of the only large tract of public land is not advisable.

3.14 Utilities

a. Energy efficiency: In addition to requiring mandatory LEED equivalency, energy generation on-site, using solar, should be made mandatory.

b. Electric car charging: As the electric car supply of California continues to grow in order to meet state targets, it should be anticipated that electric charging stations are increasingly needed as basic services. It should be made mandatory and the percentage should be increased each year.

c. Low Impact Development (LID): This should normally be made a mandatory requirement within the development to preserve Bay water quality given proximity to the bay. Given the constraints of construction over a capped landfill, the storm water system should be 100% collected and recycled.

4. Water Supply: With respect to General Plan General Plan Policy 5.10.4-P4: Require an adequate water supply and water quality for all new development (pg. 3-14.6), the consistency analysis says “there would be certain supply demand deficits when using highly conservative water demand estimates for the Project and cumulative demand. However, there are available water supplies to meet cumulative demand when taking into account supply conditions as well as existing practices during drought years.”

The Water Supply Assessment was not made available for review so questions remain about the adequacy of this analysis. Does the assessment provide any evidence that that existing practices adopted during the drought will continue? Are cumulative impacts analyzed? Do such assumptions leave room to conserve during the next drought? Unless these questions are answered, the water supply assessment appears to be inadequate.

Furthermore, it is unfortunate that Urban Water Management Plans will be updated in 2015 because the 2005 and 2010 plans used for this project analysis include overly optimistic supply scenarios. The 2015 plan is likely to project lower supplies and more concerns about the addition water supply required by this project.

Additional mitigations for water supply must be implemented for this project, such as requiring onsite water recycling and re-use (as is now required for all construction in the City of San Francisco).

4.4 Cumulative Impacts

The EIR inadequately addresses proposed projects in the pipeline in San Jose and Sunnyvale, both adjoining cities. We believe the EIR needs to be revised to include the traffic impacts of adjacent cities.

Cumulative impacts on water supply also must be analyzed and addressed.

Alternatives

Given the unmitigatable impacts of traffic, as outlined in the EIR, the EIR needs to include

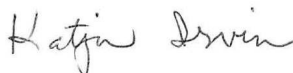
- **a scenario where only phase 1 and 2 are completed and the remaining phases are deleted.**

In that scenario, the remaining open space is developed into usable parks and open space for the residents of Santa Clara and habitat for the health of the wildlife and water quality of the south bay, as a community benefit by the proposed development. Or the land is land-banked for future recreational development.

Respectfully submitted:



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