

Attachment 9

General Plan Consistency Findings

Attachment to Development Agreement Ordinance and Rezoning Resolution
(City Place Santa Clara)

Between the City of Santa Clara
And
Related Santa Clara LLC

Purpose of This Attachment

Applicant Related Santa Clara LLC (Related) proposes to convert approximately 240 acres of property owned by the City of Santa Clara (City) to a new use: a multi-phased, mixed-use development called City Place Santa Clara (the Project). If approved by the City Council and regulatory agencies, the Project would demolish the existing buildings and on-site features and establish a new mixed-use City neighborhood with a defined center to serve as a focal point for a pedestrian-oriented “live, work, and play” environment. The Project would include up to 9.16 million gross square feet of office buildings, retail and entertainment facilities, residential units, and hotel rooms, and would also include surface and structured parking facilities. Parkland development and the provision of open space within the project site boundaries are included with Project implementation. In addition, the Project would include: large, shared gathering spaces throughout the Project site; new pedestrian and vehicular entrances and roadway networks; new roads; new, upgraded, and expanded infrastructure; and new utilities, with improvements to off-site connections.

Construction of the Project will proceed in phases in accordance with the above-identified Development Agreement between the City and Related. This Development Agreement and its associated Enacting Ordinance, along with a General Plan Amendment and rezoning of the site, constitute Project approvals that will be duly considered by the City Council when it exercises its discretion to approve the Project, disapprove the Project or approve the Project with modifications. Section 17.10.180 of the Santa Clara City Code (the City Code) provides that: “[b]efore the City Council may approve a development agreement with or without modifications, it must find that its provisions are consistent with the general plan and any applicable specific plans and relevant City policies and guidelines for development.”

In Accordance with Sections 17.10.180, 18.56.040(a) and 18.56.060 of the City Code, this Attachment documents, based on substantial evidence contained in the whole of the record of proceedings, the Project’s consistency with Major Strategies, Prerequisite Goals and Policies, and Individual Goals and Policies of the City General Plan.¹

¹ The Project site is not located within any City Specific Plan Area or City Focus Area. Therefore, the goals and policies of the City’s Specific Plan and Focus Areas are not applicable to the Project and are not further discussed.

Applicable Legal Standard

The ultimate finding of General Plan consistency for the purpose of project approval does not require that a project be entirely consistent with each individual General Plan policy. The law is clear that that no project could completely satisfy every policy stated in a general plan, and that state law does not impose such a requirement.² This is so because “policies in a general plan reflect a range of competing interests, [and] the [city] must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.”³ Consequently, once a general plan is in place, it is the province of elected city officials to examine the specifics of a proposed project to determine whether it would be “in harmony” with the policies stated in the plan. *Id.*

A proposed project can have an overarching consistency with a general plan even though the project may not promote every single applicable goal and policy within that general plan. A project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.⁴ Project consistency can take at least two forms: (1) a project can be “actively consistent” with a general plan policy or goal where a project feature responds directly to that policy or goal; and (2) a project can be “passively consistent” with a general plan policy or goal where the project does not obstruct fulfillment of the policy or goal.

There are some minor discrepancies between the conclusions reached in this document and the land use discussion in the Draft Environmental Impact Report (DEIR). However, the DEIR is an informational document, whereas this is a decisional document. Further analysis, reflection, and determinations with respect to General Plan consistency have informed these findings.

Organization of This Attachment

The General Plan identifies three classes of objectives that will guide City development through 2035 as follows: (1) Major Strategies; (2) Prerequisite Goals and Policies; and (3) Individual Goals and Policies. Accordingly, this attachment first documents the Project’s consistency (active and passive) with all applicable strategies, goals and policies. Thereafter, the attachment also identifies the goals and policies that do not apply to the Project and the reason(s) such goals and policies do not apply. Finally, this attachment identifies those goals and policies that the Project does not necessarily promote.

General Plan Consistency Findings

Major Strategies – Project Consistency

The Project is consistent with all seven of the Major Strategies defined in the General Plan. Major Strategies form the “foundation for [the City’s] civic priorities and a framework for

² *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.

³ See also, *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1510–1511; *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 816

⁴ *Clover Valley Foundation v. City of Rocklin*, 197 Cal. App. 4th 200, 238.

decisions that shape the future growth and development of the City of Santa Clara.” (General Plan, page 4-1) The seven Major Strategies are as follows:

Major Strategy 1 Enhance the City’s High Quality of Life.

Major Strategy 2 Preserve and Cultivate Neighborhoods.

Major Strategy 3 Promote Sustainability.

Major Strategy 4 Enhance City Identity.

Major Strategy 5 Support Focus Areas and Community Vitality.

Major Strategy 6 Maintain the City’s Fiscal Health and Quality Services.

Major Strategy 7 Maximize Health and Safety Benefits.

The Project will create mixed-use, transit-oriented development that will contribute to the City both economically and socially. Specifically, the Project will establish a new mixed-use City neighborhood with a defined center to serve as a focal point for a pedestrian-oriented “live, work, and play” environment complete with office buildings, retail and entertainment facilities, residential units, and hotel rooms. Thus, the Project will provide the City with a significant, new source of revenue and will create a place for City residents to work and socialize. Improving the City’s fiscal health improves the kinds of services and amenities the City can provide to residents, which in turn improves their quality of life. Likewise, provision of a space where residents can gather, socialize and obtain a variety of goods and services also improves quality of life in the City overall.

The Project will not impair the preservation of existing neighborhoods. To the contrary, the Project will create a new, mixed-use urban neighborhood where none currently exists. As a mixed use project that includes office and retail uses, the Project will fit appropriately within the nearby commercial uses (Tasman East, Levi’s Stadium and the City Convention Center). (Project EIR at 2-2.)

The Project will further the City’s sustainability goals in numerous ways. The Project will construct bicycle and pedestrian pathways throughout to promote the use alternative forms of transportation. (Project EIR at 2-18.) The Project will pursue Leadership in Energy and Environmental Design (LEED) construction certification for the Project, including Neighborhood Development certification for the proposed City Center, LEED Gold certification for the proposed commercial buildings, and LEED Silver for the proposed residential buildings. (Project EIR at 2-20.) On-site solar is proposed as part of the Project design and it is expected that this will reduce electricity consumption by 10 percent. (Project EIR at 2-21.) The Project would also include water reduction strategies, such as the use of low-flow fixtures for faucets, water closets, and urinals. In addition, water for landscaping on the Project site would be irrigated by recycled water and the plants would be drought tolerant. Recycled water could also be considered for use in water features, mechanical cooling systems, and toilet flushing. The combined implementation of water conservation strategies could reduce indoor water demand by 10 percent and outdoor water demand by 20 percent. It is anticipated that on-site composting

and recycling programs would divert at least 50 percent of Project waste from regional landfills. (Project EIR at 2-21.) Thus, the Project will incorporate a multitude of features that will promote sustainability in water consumption, energy consumption, transportation and waste generation.

The Project will enhance City identity and vitality. The Project will create a unique entertainment space that will complement the other entertainment and destination centers in the immediate area (Levi's Stadium, the Convention Center, Great America, etc.) The Project could employ up to 29,230 people at buildout and would also provide venues for those employees and other City residents to enjoy food, beverages and entertainment during and after regular business hours. Thus, the Project site would facilitate sustained activity for large numbers of people year-round. The Project would enhance the City's image as a thriving metropolitan hub in the greater Silicon Valley where people can obtain high-quality goods and services and partake in a variety of leisure activities.

The Project will provide a new and significant source of lease and tax revenues for the City, thereby promoting its fiscal health and its capability to provide quality public services to its residents.

The Project will maximize health and safety benefits by implementing state of the art landfill protection systems and promoting a multi-modal environment for workers, residents, and those seeking recreation.

Prerequisite Goals and Policies – Project Consistency

The Project is consistent with the majority of the General Plan's Prerequisite Goals and Policies. Prerequisite Goals and Policies support the Major Strategies and generally recognize the importance of planning from the "big picture" perspective. They are intended to take into account the availability of public resources and infrastructure in order to enable the development identified in each phase of the Plan in the long-term, and not overburden existing community resources, such as schools, parks and utilities, in the short-term. The applicable Prerequisite Goals and Policies are identified below, and an explanation of Project consistency is provided.

Prerequisite Goal 5.1.1-G1 Cohesive, integrated planning that restrains premature development prior to the necessary supportive infrastructure has been programmed for each phase of the Progressive General Plan.

Prerequisite Goal 5.1.1-G2 General Plan policies that address changing community conditions or values.

Prerequisite Goal 5.1.1-G3 Adequate planning and implementation of infrastructure, services, amenities and public facilities for new neighborhoods and intensified development.

The Project will construct and/or fund upgraded transportation, utility, water and wastewater infrastructure to support all proposed development. For example, the Project will fund its fair share of the cost to upgrade City wastewater delivery system infrastructure to adequately accommodate all wastewater generated by the Project. (Project EIR at 3.14-28 to 3.14-30.) The Project will likewise fund and/or construct other upgrades and/or improvements to City utilities

and service systems so as not to overburden existing City infrastructure. (*See generally* Project EIR Section 3.14.) Thus, the Project will not create a situation where existing infrastructure is inadequate to serve the needs of new development. The Project will also set aside land within the project boundaries and provide funding for a new public park amenity on Parcel 3. The Project will construct streets, bike paths and walkways that will permit Project employees, Project visitors and members of the public to freely access the park.

The Project is responsive to, and consistent with the City's vision of the Project site and surrounding area as supporting a variety of entertainment uses. The uses in close proximity to the Project site include the Great America amusement park, the Levi's Stadium football, concert and event venue as well as the Convention Center and hotels. (Project EIR 2-2.) A portion of the Project is being designed as an entertainment district that will offer a variety of leisure activities (such as movie theaters and live entertainment venues), which will complement and support the surrounding entertainment venues.

Prerequisite Goal 5.1.1-G4 Development of a multimodal transportation system that reduces the reliance on owning and driving single-occupant vehicles.

The Project will support development and use of multi-modal transportation systems. The Project will provide bicycle facilities, bike paths, bike lanes and bike routes throughout the Project site to encourage the use of this mode of transportation over the use of the single-occupant vehicle. (*See* Project EIR Figure 3.3-28.) The Project will also be located within walking distance of Great America VTA light rail station, and the multi-modal Great America station served by the ACE commuter rail line and the AMTRAK Capitol Corridor commuter rail line. The Project is located within walking distance of the connecting terminal for eight different ACE public shuttle routes. (Project EIR at 3.3-169.) The Project will also make enhancements to the public transit station facilities, including capital improvements to the light rail station (Project EIR at 3.3-193) and signal improvements to support rapid shuttle bus facilities (Project EIR at 3.3-195). The fact that visitors to the Project and Project employees will have easy access to myriad forms of alternative transport will reduce the need for single-occupancy vehicle transport to and from the Project site.

Prerequisite Policy 5.1.1-P1 Prior to the implementation of Phase III of the General Plan, evaluate appropriate measures to maintain a parkland ratio of between 2.53 to 3.0 acres per 1,000 residents, consistent with City regulations.

Prerequisite Policy 5.1.1-P2 Prior to the implementation of Phase III of the General Plan, update and adopt the applicable Housing Element, in accordance with State law.

Prerequisite Policy 5.1.1-P3 Prior to the implementation of Phase III of the General Plan, undertake a comprehensive assessment of water, sanitary sewer conveyance, wastewater treatment, solid waste disposal, storm drain, natural gas, and energy demand and facilities in order to ensure adequate capacity and funding to implement the necessary improvements to support development in the next phase.

Prerequisite Policy 5.1.1-P4 Prior to the implementation of Phase III of the General Plan, evaluate the fiscal health and potential for a balanced budget in order to ensure ongoing adequate public services for existing, as well as for new, development.

Prerequisite Policy 5.1.1-P5 Prior to the implementation of Phase III of the General Plan, evaluate appropriate measures to maintain emergency response time standards.

Prerequisite Policy 5.1.1-P6 Prior to the implementation of Phase III of the General Plan, identify bicycle, pedestrian and transit improvements that could off-set at least ten percent of anticipated vehicle miles traveled from development assumed in that phase.

Prerequisite Policy 5.1.1-P24 Prior to the implementation of Phase III, the City will include a Community Risk Reduction Plan (“CRRP”) for acceptable Toxic Air Contaminant (“TAC”) concentrations, consistent with the Bay Area Air Quality Management District (“BAAQMD”) CEQA Guidelines, including risk and exposure reduction targets, measures to reduce emissions, monitoring procedures, and a public participation process

The Project will not obstruct any of the above-described pre-Phase III implementation and evaluation activities. Moreover, the Project will promote a number of these policies in specific ways. The “Enhanced Open Space” Project variant will retain Parcel 3 as parkland, which the City did not include in its parkland inventory when it established its parkland dedication requirements, fees in lieu of parkland dedication, and parkland-to-resident ratio of 2.53:1000. Therefore the addition of Parcel 3 to the City’s parkland inventory would significantly increase this ratio of parkland to residents, which supports Prerequisite Policy 5.1.1-P1. As already discussed above, the Project will fund and/or construct all utility and service infrastructure needed for its operation. (*See generally*, Project EIR at Section 3.14.) Thus, the Project will do its fair share to “ensure adequate capacity and funding to implement the necessary improvements to support development” in accordance with 5.1.1-P3 above. The Project will create a new, significant tax and revenue base, which furthers the City’s policy of maintaining fiscal health (5.1.1-P4). The Project will construct a bicycle network throughout the Project site and connecting to offsite facilities in furtherance of Policy 5.1.1-P6 (Project EIR at Figure 3.3-28). Finally, the Project will provide for the hiring of additional firefighting personnel at the onsite Fire Station 10 or, alternatively, expand and modernize that fire station, either in its current position or elsewhere within the vicinity of the Project Site, in furtherance of Policy 5.1.1-P5. (Project EIR at 3.13-15 to 3.13.-17.)

Prerequisite Policy 5.1.1-P10 Prior to 2023, update the City’s Climate Action Plan in order to continue to implement the City’s sustainability and environmental quality Goals and Policies, including any necessary health impact assessment.

Prerequisite Policy 5.1.1-P11 Prior to 2023, update the City’s Urban Water Management Plan and continue to encourage reduction in consumption.

Prerequisite Policy 5.1.1-P12 Prior to 2023, implement a mechanism to provide options for alternate vehicular Level of Service standards or other substantiated threshold as a City-wide criteria for streets and intersections under the City's jurisdiction, with exemptions for new development in Focus Areas identified in Section 5.4 for transit, pedestrian and/or bicycle priority.

Prerequisite Policy 5.1.1-P13 Prior to 2023, implement level of service standards for transit, bicycle and pedestrian facilities that support the vehicular level of service standard.

Prerequisite Policy 5.1.1-P14 ***Prior to 2023***, complete, adopt, and regularly update a Regional Transportation Plan to address the Sustainable Community Strategy goals of AB32 (2006) and SB 375 (2008) by continuing to work with the Valley Transportation Authority and other responsible agencies.

Prerequisite Policy 5.1.1-P15 ***Prior to 2023***, update the Bicycle and Pedestrian Master Plan to support the City's vision for improving walkability and pedestrian safety, including identification of potential funding opportunities for implementation.

Prerequisite Policy 5.1.1-P17 Prior to 2023, identify measures and funding opportunities for transportation services that connect transit stations to major attractions, hotels, commercial services, employment centers and residential neighborhoods within the City of Santa Clara.

Prerequisite Policy 5.1.1-P18 Prior to 2023, evaluate the potential effects of climate change trends and identify any available mechanisms to address sea level rise, if any.

Prerequisite Policy 5.1.1-P20 Prior to 2023, identify the location for new parkland and/or recreational facilities to serve employment centers and pursue funding to develop these facilities by 2035.

Prerequisite Policy 5.1.1-P21 Prior to 2023, identify and secure adequate solid waste disposal facilities to serve development in Phase III.

Prerequisite Policy 5.1.1-P23 ***Prior to 2023***, complete a Parks and Open Space Needs Assessment (Parks Master Plan), or similar planning effort, to implement General Plan park and recreation policies, including potential adjustment to the parks/population ratio as well as identification of potential funding opportunities for new parkland and/or recreational facilities.

The Project will not obstruct the above pre-2023 identification, evaluation or updating activities. Moreover, the Project furthers several of the above policies in specific ways. The Project will create an extensive bike and pedestrian network throughout the Project site which will promote walkability to and from and well as across the site in furtherance of Policy 5.1.1-P15. (Project EIR Figure 3.3-28.) The Project will utilize a host of water reduction strategies including low-flow faucets and toilets as well as recycled water for all landscaping in furtherance of Policy 5.1.1-P11. (See Project EIR Chapter 2, Project Description; 3.14-25, fn 65.) The Project is

being constructed on a site that is within walking distance of three commuter rail lines, a light rail commuter line and a depot serving eight public shuttle routes (Project EIR 3.3-169.) in furtherance of Policy 5.1.1-P17. The Project will also make enhancements to the public transit station facilities, including capital improvements to the light rail station (Project EIR at 3.3-193) and signal improvements to support rapid shuttle bus facilities (Project EIR at 3.3-195). The Project will create a new park on Parcel three that will serve the Project employees and residents, as well as the public at large in furtherance of Policy 5.1.1-P20. The addition of this parkland to the City's inventory of parks will also significantly increase the ratio of parkland to residents, in furtherance of Policy 5.1.1-P23.

Individual Goals and Policies – Project Consistency

The General Plan contains individual goals and policies pertaining to: (1) land uses generally; (2) mixed uses specifically; (3) neighborhood compatibility generally; (4) mobility and transportation generally; (5) public facilities and services generally; and (6) environmental quality generally. The Project is consistent with the majority of the applicable individual goals and policies in each of these categories, as explained below.

Land Use Goals and Policies

Land Use Goal 5.3.1-G1 Reduced dependence on the single-occupant automobile

Land Use Goal 5.3.1-G3 Development that minimizes vehicle miles traveled, capitalizes on public investment in transit and infrastructure, and is compatible with surrounding uses.

As discussed above, the Project will support development and use of multi-modal transportation systems. The Project will provide bicycle facilities, bike paths, bike lanes and bike routes throughout the Project site to encourage the use of this mode of transportation over the use of the single-occupant vehicle. (See Project EIR Figure 3.3-28.) The Project will also be located within walking distance of Great America VTA light rail station, and the multi-modal Great America station served by the ACE commuter rail line and the AMTRAK Capitol Corridor commuter rail line. The Project is located within walking distance of the connecting terminal for eight different ACE public shuttle routes. (Project EIR at 3.3-169.) The Project will also make enhancements to the public transit station facilities, including capital improvements to the light rail station (Project EIR at 3.3-193) and signal improvements to support rapid shuttle bus facilities (Project EIR at 3.3-195). The fact that visitors to the Project and Project employees will have easy access to myriad forms of alternative transport will reduce the need for single-occupancy vehicle transport to and from the Project site. Although some Project visitors and employees will nevertheless elect to travel to and from the Project by car, which would incrementally increase overall vehicle miles traveled, the adjacency of the Project to numerous forms of public transit, as well as the Project's construction of infrastructure to support alternative forms of transportation makes the Project consistent with Goals 5.3.1-G1 and 5.3.1-G3.

Land Use Goal 5.3.1-G2 Consistency between new development, the General Plan, Zoning Ordinance, Capital Improvements Program and other implementing regulations.

The Project site is well situated within an area hosting a variety of entertainment venues and business-related facilities including the Hyatt Regency Hotel, the Hilton Hotel, the Convention Center, Great America Amusement Park, and the Santa Clara Gateway office complex and Levi's Stadium.⁵ (Project EIR at Figure 2-1.) The surrounding land is zoned to accommodate these uses. The Project proposes uses similar to those surrounding it, including office uses, retail and entertainment uses and hotel uses. (Project EIR at 2-1.) As part of the Project approval process the General Plan will be amended and the Project site will be rezoned for "Urban Center/Entertainment District" uses within the Mixed-Use land use classification. The Project will not only be consistent with the General Plan and applicable zoning regulations, but will also be consistent with the types of uses surrounding it.

Land Use Goal 5.3.1-G4 Opportunities for public participation in the review process for new development and other related planning efforts.

Land Use Policy 5.3.1-P2 Encourage advance notification and neighborhood meetings to provide an opportunity for early community review of new development proposals.

Land Use Policy 5.3.1-P26 Support a community-initiated planning process so that existing neighborhoods can participate in developing more detailed plans for street, landscape and pedestrian facility improvements.

Members of the public were able to participate in the Project review process in accordance with the State CEQA statutes and guidelines. An NOP for Parcel 5 was published on July 10, 2014, for a 30-day review period, with a public scoping meeting on July 31, 2014. An NOP for Parcels 1-4 was released on July 30, 2014, and the public scoping meeting was held on August 12, 2014. The comments received during the NOP comment periods have been considered and addressed throughout the Draft EIR, which was released for a 60-day public review period from October 9, 2015 to December 8, 2015, during which time public participation and comment was strongly encouraged. Comments received during that period were addressed in the Final EIR, which was released to the public for review on April 19, 2016. Members of the public were given 20 days to review and comment on the Final EIR.

Notice of public meetings on the Project were delivered to all properties and neighborhoods located in proximity to the Project site. Meetings related to Project development and environmental review were advertised in the local City newspaper. In addition to the EIR public review process, public participation will also occur throughout Project development, including at public hearings for Project entitlement approvals and design review. (Project EIR at 3.1-22.) Moreover, in addition to the public hearings before the Planning Commission and City Council

⁵ The Project is separated from residential uses to the East by the Guadalupe River.

to consider the Project Approvals, the City conducted five study sessions, during which members of the public were given an opportunity to participate.

Land Use Policy 5.3.1-P1 Preserve the unique character and identity of neighborhoods through community-initiated neighborhood planning and design elements incorporated in new development.

Land Use Policy 5.3.1-P3 Support high quality design consistent with adopted design guidelines and the City's architectural review process.

Land Use Policy 5.3.1-P4 Encourage new development that meets the minimum intensities and densities specified in the land use classifications or as defined through applicable Focus Area, Neighborhood Compatibility or Historic Preservation policies of the General Plan.

Land Use Policy 5.3.1-P5 Implement a range of development densities and intensities within General Plan land use classification requirements to provide diversity, use land efficiently and meet population and employment growth.

Land Use Policy 5.3.1-P6 Allow planned development only if it is consistent with General Plan land use density and intensity requirements and provides a means to address unique situations to achieve high community design standards that would otherwise not be feasible.

Land Use Policy 5.3.1-P8 Work with property owners to improve or redevelop underutilized and vacant properties.

Land Use Policy 5.3.1-P19 Maximize opportunities for the use and development of publicly-owned land to achieve the City's economic development objectives and to provide public services and amenities.

Land Use Policy 5.3.1-P20 Encourage uses and development on City-owned and leased land that is consistent with the General Plan land use classification or applicable Focus Area, Neighborhood Compatibility or Historic Preservation Policies.

Land Use Policy 5.3.1-P25 Provide gateway signage at key entries into the City of Santa Clara, if feasible.

Project buildings, as seen from residential neighborhoods across the Guadalupe River and south of Tasman Drive, would not be a significant feature. Because of distance and intervening river, structures and vegetation, views of the buildings from existing neighborhoods would be largely blocked. (See generally, Project EIR section 3.2.) The proposed buildings would reflect an architectural design that would be similar to that of existing compatible development in the area. Moreover, the Master Community Plan for the Project will include design guidelines and development standards for site planning, architectural character, landscaping, signage, and lighting. Individual parcel development would be required to adhere to the design guidelines in the Master Community Plan adopted by the City for the Project. Therefore, the Project would not

change the unique character or identity of neighborhoods and will necessarily construct high quality, visually pleasing structures consistent with design guidelines. (*Id.*)

As discussed above, the Project will be consistent with the General Plan's Mixed-Use sub classification of Urban Center/Entertainment District that will apply to the Project site and development density, intensity and diversity will be consistent with this land use classification. (*See also*, Project EIR at 3.1-17 to 3.1-18.) As also noted above, the Project site is not within a Focus Area or Future Focus Area and therefore those specific policies are not applicable to the Project. As discussed below, the Project site does not contain any historic resources and will therefore not impair any policies pertaining to their preservation.

The City owns the land on which the Project will be constructed and operated. The land currently generates little revenue for the City as compared to the lease and tax revenues that will be generated once the Project's high-quality office, retail and entertainment uses are constructed on this City land. Thus, the Project will improve and redevelop underutilized City property to provide the City with increased revenue so that it can provide improved services to City residents.

Under the Master Community Plan, the Project is obligated to provide major gateway signage in accordance with Policy 5.3.1-P25. The purpose of such signage is to enhance Project identity and establish a welcoming point of arrival.

Land Use Policy 5.3.1-P9 Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.

As discussed above, the Project will fund and/or construct all utility and services infrastructure necessary to serve it. The Project also will provide extensive amenities as part of the City Center retail/entertainment district.

Land Use Policy 5.3.1-P10 Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.

Construction and operation of the Project would necessarily result in removal of trees at the Project site in order to provide updated landfill monitoring systems and the construction of project infrastructure. However, the Project will replace removed trees at a 2:1 ratio. Therefore, the Project would plant approximately 2,810 trees, either at the Project site or off-site in accordance with Policy 5.3.1-P10. (Project EIR at 3.1-23.)

Land Use Policy 5.3.1-P11 Encourage new developments proposed within a reasonable distance of an existing or proposed recycled water distribution system to utilize recycled water for landscape irrigation, industrial processes, cooling and other appropriate uses to reduce water use consistent with the CAP.

The Project site is currently connected to a recycled water system for irrigation of the golf course. The Project site would be irrigated with recycled water, which may also be considered

for use in water features, mechanical cooling systems, and toilet flushing. The San José/Santa Clara Water Pollution Control Plant's South Bay Water Recycling facility is located northeast of the Project site. The proposed recycled water distribution system for the Project site would be designed so that each parcel would have its own internal distribution system. The recycled water system for each parcel would have two points of connection to maintain recycled water service at all times. (Project EIR at 3.1-23.)

Land Use Policy 5.3.1-P12 Encourage convenient pedestrian connections within new and existing developments.

Land Use Policy 5.3.1-P13 Support high density and intensity development within a quarter-mile of transit hubs and stations and along transit corridors.

As discussed above, the Project will construct and maintain a complete bike and pedestrian pathway network throughout the Project site. As discussed above, the Project is located within walking distance of light rail commuter transit, commuter train transit and public shuttle transit.

Land Use Policy 5.3.1-P14 Encourage Transportation Demand Management strategies and the provision of bicycle and pedestrian amenities in all new development greater than 25 housing units or more than 10,000 non-residential square feet, and for City employees, in order to decrease use of the single-occupant automobile and reduce vehicle miles traveled, consistent with the CAP.

Transportation Demand Management (TDM) strategies will be required for the Project in accordance with Mitigation Measure TRA-1.1 and would help reduce the number of vehicle trips to/from the Project site. On-site design measures may include secured bicycle facilities and preferred carpool and vanpool parking. Participation by major employers in programs that would reduce VMT would be encouraged, potentially including efforts that would promote private commuter bus service, carpooling, vanpooling, ridesharing, parking management, subsidized transit passes for employees, telecommuting, and flexible work schedules. Additionally, bicycle and pedestrian connections and amenities would be constructed throughout the Project site to encourage alternate modes of transportation. With an amendment to the Climate Action Plan (CAP), as discussed in Section 3.5, *Greenhouse Gas Emissions*, it is considered feasible for the Project to meet the VMT reductions called for by CAP Measure 6.1. (Project EIR at 3.1-24.)

Land Use Policy 5.3.1-P15 Require new developments and major public infrastructure projects to include adequate rights-of-way to accommodate all modes of transportation.

A new on-site street network, composed of both public and private streets, and improvements to some of the off-site roadways and intersections outside of the Project site would be constructed to serve the Project. Refer to Policy 5.3.1-P12 for a discussion of pedestrian amenities. The proposed bicycle facilities are described in Chapter 2, *Project Description*. Adequate rights-of-way would be provided to accommodate all modes of transportation. (Project EIR at 3.1-24.)

Land Use Policy 5.3.1-P16 Consolidate curb cuts with new development on arterial roadways to minimize pedestrian/vehicle conflicts at driveway locations and improve traffic flow.

New driveways/vehicular access points would be provided on Great America Parkway (from the Convention Center and, potentially, from Santa Clara Gateway), Lafayette Street, and Tasman Drive (via Tasman East). The Project would install signalized intersections and appropriate pedestrian facilities at these new access points on the existing arterial roadways, as described in Chapter 2, *Project Description*. Therefore, the pedestrian/ vehicle conflicts at driveway locations would be minimized, and traffic flow would most likely be minimally affected. (Project EIR at 3.1-24.)

Land Use Policy 5.3.1-P17 Promote economic vitality by maintaining the City's level of service for public facilities and infrastructure, including affordable utilities and high quality telecommunications.

As discussed above, the Project will fund and/or construct all utility and services infrastructure necessary for Project operation so as not to burden existing City infrastructure.

Land Use Policy 5.3.1-P24 Coordinate sign programs for commercial uses to promote continuity, improve streetscape design and reduce visual clutter.

Signage installed at the Project site would be required to adhere to the design guidelines in the Master Community Plan for the Project to be adopted by the City Council. Individual parcel development would be required to adhere to the design guidelines in the Master Community Plan and Development Area Plan for each parcel. (Project EIR at 3.1-25.)

Land Use Policy 5.3.1-P27 Encourage screening of above-ground utility equipment to minimize visual impacts.

The Project would include screening of aboveground utility equipment to minimize visual impacts. Screening would be consistent with the design guidelines adopted for the Project in the Master Community Plan for the Project and Development Area Plan for each parcel. (Project EIR at 3.1-25.)

Land Use Policy 5.3.1-P29 Encourage design of new development to be compatible with, and sensitive to, nearby existing and planned development, consistent with other applicable General Plan policies.

As discussed above, Project development would be required to adhere to the design guidelines and development standards in the Master Community Plan for the Project. Adherence to the design guidelines in the Master Community Plan for the Project and Development Area Plan for each parcel would integrate the Project with nearby development, which includes Levi's Stadium, the Convention Center, Santa Clara Gateway, and other nearby developments. (Project EIR at 3.1-25.)

Land Use Policy 5.3.1-P30 Resolve any conflicts between proposed development, plans or funding for improvements and the Land Use Diagrams, Transportation and Mobility Diagrams or text through a General Plan Amendment in order to evaluate the implications of the proposal as well as to ensure the required internal consistency for the Plan.

As discussed above, the Project approval proposal includes amendment of the General Plan land use designation for the Project site to ensure Project consistency with the applicable General Plan Land Use Diagrams, Transportation and Mobility Diagrams and text such that the Project will be consistent with Policy 5.3.1-P30.

Land Use Policy 5.3.1-P33 Implement, and regularly update, the City's adopted Climate Action Plan to reduce greenhouse gas emissions and meet the established goals consistent with State regulations.

As discussed in Section 3.5, *Greenhouse Gas Emissions*, with implementation of Mitigation Measure GHG-1.2 and the Climate Action Plan amendment, the Project would be consistent with all of the required CAP measures for new development. Please refer to the discussion in Impact GHG-3 in Section 3.5, *Greenhouse Gas Emissions*.

Mixed Use Goals and Policies

Mixed Use Goal 5.3.4-G1 Mixed-use development that is located and designed to support high quality uses and the City's economic development.

Mixed Use Goal 5.3.4-G2 Mixed-use development of a scale and character that is compatible with surrounding neighborhoods.

Mixed Use Goal 5.3.4-G3 Mixed-use development that maximizes accessibility to alternate transportation modes and integrates pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers.

Mixed Use Goal 5.3.4-G4 Commercial uses that provide a pedestrian-oriented streetscape, with residential uses either above or behind.

Mixed Use Policy 5.3.4-P13 Encourage pedestrian linkages in mixed-use areas through measures such as enhanced lighting, curb bulb-outs, mid-block pedestrian crossings, pedestrian "refuge" areas in planted medians and pedestrian-oriented building frontages.

Mixed Use Policy 5.3.4-P14 Provide a network of streets and pedestrian connections in large mixed-use developments.

Mixed Use Policy 5.3.4-P15 Maximize opportunities to connect streets, bicycle facilities and pedestrian pathways to improve accessibility between mixed-use development and surrounding neighborhoods, parks, open spaces, transit and public amenities. Provide clear signage, high visibility, adequate lighting and special paving to enhance pedestrian and bicycle facilities.

Mixed Use Policy 5.3.4-P11 Foster active, pedestrian-oriented uses at the ground level, such as retail shops, offices, restaurants with outdoor seating, public plazas or residential units with front stoops, in mixed-use development.

As discussed above, the Project will boast a variety of uses that will provide a significant, new source of revenue for the City. As discussed above, Project compliance with the Master Community Plan is mandatory and will ensure that Project development and character is compatible with the surrounding uses. As discussed above the Project will construct a robust bicycle and pedestrian network throughout the site to create a pedestrian-oriented streetscape and promote alternative modes of transportation.

As already discussed above, the Project will construct internal streets throughout the Project as well as pedestrian and bicycle pathways. These thoroughfares will connect Project visitors to the City operated park on Parcel three as well as to the adjacent entertainment, office and commercial uses. As already discussed above, the Project is within walking (and biking) distance from multiple forms of public transit. Although the Project is not adjacent to any neighborhood, residents in the neighborhoods east and south of the Project site and across the Guadalupe River could access the Project by bike or by foot via river overcrossings and public streets and paths.

Mixed Use Policy 5.3.4-P2 Encourage mixed-use development in proximity to employment centers and residential neighborhoods throughout the City.

Mixed Use Policy 5.3.4-P4 Require mixed-use development to meet the density and intensity specified in the land use classifications.

The Project will be located in an area that functions as an employment center (e.g. adjacent office uses and hotel uses employ a number of people full-time), but will also, in and of itself, create an employment center because it include proposed office, retail and hotel uses. The Project also proposes construction of residential units, and those residential units would be in very close proximity to the Project employment uses. Although not directly adjacent to the Project site, there are residential uses to the south of the Project that would be in general proximity to the employment opportunities offered by the Project in conformance with Policy 5.3.4-P2.

The Project site will be rezoned as an Urban Center/Entertainment District mixed use location. Master planned projects such as this Project are encouraged in Urban Center/Entertainment District areas because this zoning designation is meant to accommodate a higher density urban form that includes a variety and mix of commercial activities serving residents, businesses and visitors from the local community and surrounding region. (Project EIR 3.1-17 to 3.1-18). Because the Project proposes to establish a density of uses specified in this land use classification, the Project is consistent with Policy 5.3.4-P4.

Mixed Use Policy 5.3.4-P5 Encourage mixed-use development site planning and design to implement the elements illustrated in Figures 7.3-2 and 7.3-3, including street tree planting along all streets.

Mixed Use Policy 5.3.4-P6 Locate a neighborhood square or plaza within large mixed-use developments.

Mixed Use Policy 5.3.4-P7 Use design techniques, such as stepping down building heights, and siting incompatible activities, such as loading and unloading, away from residential uses.

Mixed Use Policy 5.3.4-P8 Encourage building heights of up to five stories in large mixed-use developments along arterial street frontages, with the potential for taller buildings north of the Caltrain corridor.

Mixed Use Policy 5.3.4-P9 Encourage ground-level windows and building entries that support a visual connection to activities.

Mixed Use Policy 5.3.4-P10 Require parking to be substantially below-grade or in structures with active uses along streets.

Mixed Use Policy 5.3.4-P12 Prioritize pedestrian-oriented streetscape and building design in mixed-use development, including features such as wider sidewalks, street furniture, specialty planters, signage, public art, street trees, special paving materials, decorative awnings, enhanced entrances, colors, variety of materials and textures and distinctive building massing and articulation.

As discussed above, compliance with the Master Community Plan for the Project is required. The Master Community Plan for the Project includes design guidelines and development standards for site planning, architectural character, landscaping, signage, and lighting. Compliance with the Master Community Plan will ensure that the Project is consistent with the foregoing policies.

Commercial and Residential Goals and Policies

Residential Goal 5.3.2-G1 Equitable housing opportunities within the community for persons of all economic levels, regardless of religion, gender, sexual orientation, marital status, national origin, ancestry, familial status, race, color, age, source of income or mental or physical disability.

Residential Goal 5.3.2-G2 A variety of housing types, sizes, location and tenure in order to maintain social and economic diversity in the City.

Residential Goal 5.3.2-G3 Affordable housing units dispersed throughout the City to avoid a concentration in any one neighborhood.

Residential Goal 5.3.2-G4 Respect for the existing character and quality of adjacent neighborhoods from new residential development and redevelopment.

Residential Goal 5.3.2-G5 Compliance with all State and federal regulations related to housing opportunities and the prevention of discrimination.

Residential Policy 5.3.2-P1 Encourage the annual construction of the housing units necessary to meet the City's regional housing needs assessment by reducing constraints to housing finance and development.

Residential Policy 5.3.2-P2 Encourage higher-density residential development in transit and mixed-use areas and in other locations throughout the City where appropriate.

Residential Policy 5.3.2-P3 Encourage below-grade parking and parking structures for development in Medium Density and High Density designations.

Residential Policy 5.3.2-P4 Encourage indoor and outdoor private and common spaces as part of all new residential developments, including clustering of units to maximize open space opportunities where appropriate.

Residential Policy 5.3.2-P6 Provide adequate choices for housing tenure, type and location, including higher density, and affordability for low- and moderate-income and special needs households.

Residential Policy 5.3.2-P7 Construct and preserve affordable housing for low- and moderate-income households through the use of public subsidies, regulatory incentives and flexible development standards.

Residential Policy 5.3.2-P8 Require new residential development to comply with applicable regulations for the provision of affordable housing.

Residential Policy 5.3.2-P9 Encourage senior and group residential facilities, and affordable housing developments near neighborhood retail, support services and transit facilities.

Residential Policy 5.3.2-P10 Create opportunities for affordable housing and housing to support special needs populations, including Extremely Low Income households.

Residential Policy 5.3.2-P11 Maintain the existing character and integrity of established neighborhoods through infill development that is in keeping with the scale, mass and setbacks of existing or planned adjacent development.

Residential Policy 5.3.2-P12 Participate in housing programs that provide support services to residents in need.

Residential Policy 5.3.2-P13 Participate in local, regional, State and federal programs that support affordable, transitional and permanent housing.

Residential Policy 5.3.2-P14 Foster public outreach efforts to inform residents and potential developers of available City housing programs.

Residential Policy 5.3.2-P15 Ensure that developments receiving public subsidies maintain an equitable distribution of unit types between market rate and affordable units.

Residential Policy 5.3.2-P16 Continue to evaluate and provide programs that encourage upkeep and investment of residential properties throughout the City.

Residential Policy 5.3.2-P17 Provide code enforcement support for residential neighborhoods in conformance with City regulations.

Residential Policy 5.3.2-P21 Encourage new housing developments to incorporate design features, programs and incentives for increased transit ridership and decreased parking demand.

Residential Policy 5.3.2-P22 Allow residential gardens to be credited toward development landscaping requirements where appropriate

The Project would not obstruct the implementation of the foregoing goals and policies and will specifically further several of the foregoing policies.

As discussed above, the Project will construct residential housing units in a high-quality, mixed-use entertainment venue project within walking distance of myriad forms of public transportation consistent with Policy 5.3.2-P2. The Project proposes underground parking on parcels not located above the landfill and a parking structure for the mixed uses on site consistent with Policy 5.3.2-P3. (Project EIR at 3.1-26.) The Project will construct a park on Parcel three and will also contain a number of outdoor plazas for Project residents to enjoy consistent with Policy 5.3.2-P4. (Project EIR at 2-35.)

Views of the Project site are largely blocked from nearby residential neighborhoods in Santa Clara (to the south), San José (to the north and east), and Sunnyvale (to the west). However, because of the building heights proposed, some buildings might be visible at a distance. The Project buildings would appear integrated and visually consistent with surrounding development in the overall landscape. In addition, individual parcel development would be required to adhere to the design guidelines and development standards in the Master Community Plan and Development Area Plan for each parcel, which would integrate the Project with nearby residential development consistent with Goal 5.3.2-G4.

The Project would include mixed-use development that would be compatible in scale and character with surrounding buildings and surrounding uses, including Levi's Stadium and the Convention Center, and the Santa Clara Gateway office complex. Because of distance and intervening vegetation and structures, the Project site is separated from surrounding residential neighborhoods. Individual parcel development would be required to adhere to the design guidelines and development standards in the Master Community Plan and Development Area Plan for each parcel, which would allow for the Project to be similar to existing or planned adjacent development with respect to scale, mass, and setbacks, consistent with Policy 5.3.2-P11.

Housing tenure on the project site will be limited to rental tenancy insofar as the underlying land remains in City ownership. Should rental units be converted to owner-occupancy units in the future, such conversion would be subject to all applicable affordable housing regulations in accordance with Policy 5.3.2-P8 as documented in the Development Agreement for the Project.

The Project would include appropriate design features and incentives for increased transit ridership, such as pedestrian connections to nearby transit stops and decreased parking demand. The residential units would be located within walking distance (i.e., 5 to 10 minutes)

of several local and regional transit facilities, which would encourage their use. In addition, the Project Developer would be required to implement a TDM plan, which would help increase transit ridership consistent with Policy 5.3.2-P21.

Commercial Goal 5.3.3-G1 A variety of retail, commercial and neighborhood office uses throughout the City, consistent with the intensities defined in the commercial land use classifications.

Commercial Goal 5.3.3-G2 Quality commercial uses throughout the City, particularly along key transportation corridors.

Commercial Goal 5.3.3-G3 Sufficient commercial services for residents and businesses that are accessible using alternate transportation modes.

Commercial Goal 5.3.3-G4 New commercial uses that respect surrounding neighborhoods and are sited to reduce potential land use conflicts.

Commercial Policy 5.3.3-P1 Provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from the greater region.

Commercial Policy 5.3.3-P2 Promote the consolidation of retail uses at key locations in order to increase the synergy with existing businesses and attract new complementary establishments.

Commercial Policy 5.3.3-P3 Encourage all commercial development to include neighborhood-oriented stores and amenities.

Commercial Policy 5.3.3-P4 Promote community events, such as farmers' markets and street festivals within the public right-of-way and on City-owned land, in order to support economic development, business retention, and healthy food options within the City.

Commercial Policy 5.3.3-P5 Encourage public amenities and active uses in commercial centers and along commercial corridors.

Commercial Policy 5.3.3-P6 Encourage neighborhood retail uses within a ten-minute walk of residential uses throughout the City.

Commercial Policy 5.3.3-P7 Encourage adequate protection of adjacent residential uses from incompatible commercial activities, such as loading, unloading and trash storage areas.

Commercial Policy 5.3.3-P8 Require quality design for new and redeveloped commercial uses to support the City's economic development objectives.

Commercial Policy 5.3.3-P9 Encourage below-grade parking in higher intensity commercial centers.

Commercial Policy 5.3.3-P10 Encourage new grocery stores near residential neighborhoods to provide Santa Clara residents with access to fresh and healthy food options.

Commercial Policy 5.3.3-P11 Encourage the addition of cultural and entertainment uses and mid-sized grocery stores to the City's retail mix, particularly in Neighborhood, Community and Regional Commercial designations.

Commercial Policy 5.3.3-P12 Support the continued tourist-oriented commercial uses in the Bayshore North area, including lodging, entertainment, sports facilities, recreation and retail uses.

Commercial Policy 5.3.3-P13 Provide opportunities for commercial businesses, particularly in pedestrian oriented development, to increase outdoor activities, such as dining or public plazas within adjacent on-street parking areas

Commercial Policy 5.3.3-P14 Allow convenience commercial uses and service stations, existing as of January 1, 2010, to conform to General Plan classification of Neighborhood Commercial, Community Commercial and Regional Commercial. New convenience commercial uses and service stations are restricted to the Community Commercial and Regional Commercial designations.

Commercial Policy 5.3.3-P15 Discourage auto-oriented uses, such as repair shops and service stations, from properties abutting residential uses and in areas with a pedestrian or mixed-use emphasis.

The Project will not obstruct the implementation of the foregoing policies and will specifically further the majority of these policies.

As discussed above, the Project will provide a variety of retail, and office uses throughout the City, consistent with the Urban Center/Entertainment District land use Designation in furtherance of Goal 5.3.3-G1. These amenities and service are intended to attract regional visitors from across Silicon Valley in furtherance of Policy 5.3.3-P12.

The Project will provide quality commercial uses adjacent to VTA light-rail service, local bus routes, and a regional train station that is served by Amtrak, Capital Corridor, and ACE consistent with Goal 5.3.3-G3.

The Project will create a complete pedestrian network throughout the Project that will also link to pedestrian networks beyond the Project site. Thus, the Project will make it possible for pedestrians to easily access the commercial, retail and office uses the Project proposes to construct in furtherance of Policy 5.3.3-P13.

Retail and commercial uses on the site would be accessible for bicyclists and pedestrians with the construction of new sidewalks and bicycle paths. Additionally, because density would be increased, retail and commercial uses would be more concentrated on the site and, therefore, more accessible to alternate transportation modes consistent with Policy 5.3.3-P13.

New commercial (retail) uses would be concentrated mainly in the southern portion of the Project site (Parcels 2, 4, and 5), which would help reduce potential land use conflicts by concentrating retail uses in areas that would be most accessible by alternate modes of transit. This would encourage a reduction in the amount of vehicle traffic generated from the new retail uses on the Project site by diverting vehicle traffic to alternate modes of transit. In addition, the retail uses would be easily accessible from the neighborhoods to the south of Tasman Drive. Regardless, the Project site would be visually and physically separated from the surrounding residential neighborhoods. Office uses would be distributed throughout the Project site, with the largest concentration in the northern parcels. These commercial uses would still be accessible to local and regional public transit and located away from neighborhoods to reduce land use conflicts consistent with Goal 5.3.3-G4 and Policy 5.3.3-P2.

Office and Industrial Land Use Goals and Policies

Office and Industrial Goal 5.3.5-G1 A City that continues to be a major employment center in Silicon Valley.

Office and Industrial Goal 5.3.5-G2 Sufficient industrial land that meets the demand for local employment and retains the City's economic base.

Office and Industrial Goal 5.3.5-G3 Higher-intensity employment centers located near major transit services and major transportation corridors to reduce vehicle miles traveled.

Office and Industrial Goal 5.3.5-G4 Heavy and Light Industrial areas that reduce exposure to hazardous materials by precluding sensitive receptors and places of assembly.

Office and Industrial Policy 5.3.5-P1 Work with existing Santa Clara businesses to retain and expand employment opportunities and strengthen the existing tax base.

Office and Industrial Policy 5.3.5-P2 Encourage existing businesses that may be displaced by new development to relocate within Santa Clara.

Office and Industrial Policy 5.3.5-P3 Encourage industrial development to participate in the identification and funding of 25 acres for park and recreational facilities to serve employment centers north of the Caltrain railroad tracks.

Office and Industrial Policy 5.3.5-P4 Allow Office/Research and Development uses existing as of January 1, 2010, to conform to the General Plan intensity provisions of either the Low Intensity classification or High Intensity Office/Research and Development classification, regardless of the designation of the property.

Office and Industrial Policy 5.3.5-P5 Allow the development of Office/Research and Development uses in varied configurations and intensities to meet the needs of existing and new businesses.

Office and Industrial Policy 5.3.5-P6 Encourage innovative design of new office space to promote higher-intensity new development and on-site expansion of existing uses.

Office and Industrial Policy 5.3.5-P7 Require building heights to conform to the requirements of the Federal Aviation Administration, where applicable.

Office and Industrial Policy 5.3.5-P8 Encourage the provision of services and amenities as part of larger developments in employment areas that cater to lunchtime and service needs, such as dry cleaners, to reduce vehicle miles traveled.

Office and Industrial Policy 5.3.5-P10 Encourage employee-serving amenities, such as restaurants, cafes and supporting commercial uses, to meet the needs of employees in High Intensity Office/Research and Development areas by excluding such uses from the Floor Area Ratio for development.

Office and Industrial Policy 5.3.5-P12 Promote development, such as manufacturing, auto services and data centers, in Light and Heavy Industrial classifications to compliment employment areas and retail uses.

Office and Industrial Policy 5.3.5-P13 Prohibit development on Heavy Industrial designated properties from exceeding the intensity or including uses beyond those defined in the land use classification.

Office and Industrial Policy 5.3.5-P14 Prohibit Data Centers from properties designated High Intensity Office/Research and Development except as support to the primary use on the property.

Office and Industrial Policy 5.3.5-P15 Require a comprehensive and cumulative analysis of the potential effects on the City's economic development objectives for any proposed conversion of industrially designated land to nonindustrial uses, except those designated as Future Focus Areas on the Land Use Diagram.

Office and Industrial Policy 5.3.5-P16 Protect the industrial land use designations from incompatible uses in order to maintain the City's strong fiscal health and quality services that are supported by new businesses and technologies and retention of well-established existing businesses.

Office and Industrial Policy 5.3.5-P17 Prohibit places of assembly, such as religious institutions, schools and uses catering predominately to sensitive receptors, such as children and the elderly, as well as entertainment uses south of U.S. Highway 101, such as clubs, theaters and sports venues, from sites designated as Light or Heavy Industrial and in areas designated High or Low Intensity Office/Research and Development outside the Exception Areas.

The Project would not obstruct the implementation of the foregoing goals and policies, and would specifically further several of the goals and policies.

As discussed above the project will construct office uses within walking distance of a numerous forms of public transit consistent with Goal 5.3.5-G3. The Project will create thousands of permanent jobs consistent with Goal 5.3.5-G1.

As discussed above, compliance with the Master Community Plan for the Project is required. The Master Community Plan for the Project includes design guidelines and development standards for site planning, architectural character, landscaping, signage, and lighting. Compliance with the Master Community Plan will ensure the office space is constructed using innovative designs and a variety of configurations in furtherance of Policies 5.3.5-P5 and 5.3.5-P6.

Project building heights would not exceed 219 feet above msl, which is consistent with FAA hazard height limits at SJC consistent with Policy 5.3.5-P7.

At a minimum, lunchtime and service needs would be provided at Parcels 4 and 5 to reduce VMT during the workday. In addition, retail and restaurant services on Parcel 4 would be easily accessible for employees at Parcels 1, 2, 3, and 5, consistent with Policy 5.3.5-P8 and Policy 5.3.5-P10. (Project EIR at 3.1-29.)

The Project would include a 34.8 acre park encompassing all of Parcel 3 and Parcel 3 would be reserved exclusively for park uses in furtherance of Policy 5.3.5-P3.

Neighborhood Compatibility Goals and Policies

Neighborhood Compatibility Goal 5.5.2-G1 High quality, enjoyable and livable neighborhoods

Neighborhood Compatibility Goal 5.5.2-G2 Preservation of the character of individual neighborhoods.

Neighborhood Compatibility Policy 5.5.2-G3 New development that is compatible with adjacent existing and planned residential neighborhoods.

As discussed above, the Project will construct a high quality mixed-use development with hotel, retail, office and entertainment uses similar to those surrounding the Project site to ensure Project compatibility with adjacent uses.

Neighborhood Compatibility Policy 5.5.2-P1 Require that new development incorporate building articulation and architectural features, including front doors, windows, stoops, porches or bay windows along street frontages, to integrate new development into existing neighborhoods.

Neighborhood Compatibility Policy 5.5.2-P2 Implement design review guidelines for setback, heights, materials, massing, articulation and other standards to support Transition Policies and promote neighborhood compatibility.

Neighborhood Compatibility Policy 5.5.2-P9 Improve pedestrian amenities, including sidewalks and bicycle paths, to promote neighborhood compatibility.

Neighborhood Compatibility Policy 5.5.2-P10 Encourage below-grade parking to accommodate parking demand in order to reduce overall building height and massing in transition areas.

Neighborhood Compatibility Policy 5.5.2-P11 Restrict loading, trash and noise-generating activities to protect adjacent residential uses.

Neighborhood Compatibility Policy 5.5.2-P12 Screen loading and trash areas to preclude visibility from off-site and public streets.

As discussed above, compliance with the Master Community Plan for the Project is required. The Master Community Plan for the Project includes design guidelines and development standards for site planning, architectural character, landscaping, signage, and lighting. Compliance with the Master Community Plan will ensure that the Project is consistent with the foregoing policies. For example, compliance with the Master Community Plan would ensure that trash collection areas and loading areas were properly screened from public streets and the residences constructed on the Project site. (Project EIR at 3.2-29.)

Neighborhood Compatibility Policy 5.5.2-P3 Implement site design solutions, such as landscaping and increased building setbacks, to provide a buffer between non-residential and residential uses.

Neighborhood Compatibility Policy 5.5.2-P5 Require that new development provide an appropriate transition to surrounding neighborhoods

No residential uses are adjacent to the Project site. Residential uses to the east are separated from the Project site by the Guadalupe River. As discussed above, because of distance and intervening river, structures and vegetation, views of the buildings from existing neighborhoods would be largely blocked, creating a visual buffer. (See generally, Project EIR section 3.2.)

With respect to the surrounding, similar office and entertainment venue uses, the Project's compliance with the Master Community Plan will ensure that all Project buildings would reflect an architectural design that would be similar to that of existing surrounding development

Neighborhood Compatibility Policy 5.5.2-P13 Offer opportunities for developed neighborhoods to initiate planning efforts to provide a vision for future streetscape design and neighborhood character.

As discussed above, if the Project is approved, all members of the public, including those residing in nearby neighborhoods will have the opportunity to participate in the subsequent entitlement and design review processes for the Project.

Archeological and Cultural Resources Goals and Policies

Archeological and Cultural Resources Goal 5.6.3-G1 Protection and preservation of cultural resources, as well as archaeological and paleontological sites.

Archeological and Cultural Resources Goal 5.6.3-G2 Appropriate mitigation in the event that human remains, archaeological resources or paleontological resources are discovered during construction activities.

Archeological and Cultural Resources Policy 5.6.3-P1 Require that new development avoid or reduce potential impacts to archaeological, paleontological and cultural resources.

Archeological and Cultural Resources Policy 5.6.3-P2 Encourage salvage and preservation of scientifically valuable paleontological or archaeological materials.

Archeological and Cultural Resources Policy 5.6.3-P3 Consult with California Native American tribes prior to considering amendments to the City's General Plan.

Archeological and Cultural Resources Policy 5.6.3-P4 Require that a qualified paleontologist/archaeologist monitor all grading and/or excavation if there is a potential to affect archeological or paleontological resources, including sites within 500 feet of natural water courses and in the Old Quad neighborhood.

Archeological and Cultural Resources Policy 5.6.3-P5 In the event that archaeological/paleontological resources are discovered, require that work be suspended until the significance of the find and recommended actions are determined by a qualified archaeologist/paleontologist.

Archeological and Cultural Resources Policy 5.6.3-P6 In the event that human remains are discovered, work with the appropriate Native American representative and follow the procedures set forth in State law.

The majority of the project construction and operation will take place on highly disturbed landfill soil. Nevertheless, the Project has proposed comprehensive mitigation measures to ensure that, in the unlikely event that archeological or paleontological resources are discovered, those resources will be adequately protected. (Project EIR 3.7-16 to 3.7-20.)

Likewise, the Project has imposed adequate mitigation measures to ensure that, if human remains are discovered, those remains will be dealt with appropriately. (Project EIR at 3.7-20 to 3.7-21.)

The City has engaged in consultation with the California Native American Tribes in accordance with Policy 5.6.3-P3. (Project EIR at 3.7-15; Project EIR Appendix 3.7.)

Transportation-Related Goals and Policies

General Mobility and Transportation Goal 5.8.1-G1 Transportation networks that support the General Plan Major Strategies as well as the Goals and Policies for Prerequisites, Land Use, Focus Areas, Neighborhood Compatibility, Public Services and Environmental Quality.

General Mobility and Transportation Goal 5.8.1-G2 Transportation networks that provide a safe, efficient, convenient and integrated system to move people and goods.

General Mobility and Transportation Goal 5.8.1-G3 Transportation networks that promote a reduction in the use of personal vehicles and vehicle miles traveled.

General Mobility and Transportation Policy 5.8.1-P1 Create accessible transportation network systems to meet the needs of all segments of the population, including youth, seniors, persons with disabilities and low-income households.

General Mobility and Transportation Policy 5.8.1-P2 Link all City transportation networks, including pedestrian and bicycle circulation, to existing and planned regional networks.

General Mobility and Transportation Policy 5.8.1-P8 Support efficient and effective use of revenue sources to adequately meet all transportation modes and needs.

Roadway Network Goal 5.8.2-G1 A street system that supports the safe and efficient movement of people, goods and services.

Roadway Network Goal 5.8.2-G2 Roadway design, construction, operation and maintenance that supports the goals for “Full-Service Streets” throughout the City.

Roadway Network Goal 5.8.2-G3 A roadway network designed to accommodate alternate transportation modes in addition to vehicles.

Roadway Network Goal 5.8.2-G4 Technological advances applied to the roadway infrastructure to maximize the use of the existing roadway and support efficient traffic flow.

Roadway Network Policy 5.8.2-P10 Support roadway improvements that add missing links or correct non-standard design features for safety.

As discussed above, the Project will construct a complete roadway, bike path and pedestrian sidewalk network throughout the Project site. The new roadways, bicycle paths, and sidewalks throughout the site would connect to existing transit options that are currently within walking distance of the site. VTA operates three local, one limited-stop, and two express bus routes at the Old Ironsides/Great America stop located south of the Project site. VTA operates several light-rail stops along Tasman Drive, south of the Project site, including Champion Station, Lick Mill Station, and Great America Station. Amtrak, Capitol Corridor, and ACE operate in the UPRR right-of way and provide service to the Project area at the heavy-rail Great America Station. Construction of minor arterials, collector roads, and local streets with sidewalks and bike paths that connect to existing major arterials would allow greater access to the Project site and greater access to different modes of transit. (Project EIR at 3.1-31.)

With respect to pedestrian and bicycle paths specifically, the Project proposes constructing new pedestrian paseos and sidewalks throughout the Project site. These new pedestrian facilities would connect the Project site to regional bus and rail systems, including VTA, Amtrak, Capitol Corridor, and ACE. New bicycle networks would also be constructed throughout the Project site, linking major north-south and east-west arterials. Proposed bicycle lanes would connect SR 237 to Tasman Drive in the north-south direction as well as Great America Parkway to Lick Mill Boulevard in the east-west direction. Other bike lanes would be constructed within the Project site as well, which would also connect to regional rail systems.

Thus, the Project would expand transportation options and improve alternate modes of transit, which would help reduce GHG emissions by constructing new bicycle lanes, paths, and routes as well as new pedestrian paseos and sidewalks. A dense, compact bicycle and pedestrian network that links to the bus and rail system south and east of the Project site would allow greater flexibility and transportation choices.

General Mobility and Transportation Policy 5.8.1-P3 Identify opportunities to connect people to supportive services, public amenities and transit.

General Mobility and Transportation Policy 5.8.1-P4 Expand transportation options and improve alternate modes that reduce greenhouse gas emissions.

General Mobility and Transportation Policy 5.8.1-P5 Work with local, regional, State and private agencies, as well as employers and residents, to encourage programs and services that reduce vehicle miles traveled.

General Mobility and Transportation Policy 5.8.1-P6 Implement Level of Service standards that support increased transit ridership, biking and walking, in order to decrease vehicle miles traveled and reduce air pollution, energy consumption and greenhouse gas emissions.

General Mobility and Transportation Policy 5.8.1-P7 Explore options to apply traffic fees toward bicycle, pedestrian, transit and roadway improvements in order to implement a circulation system that optimizes travel by all modes.

General Mobility and Transportation Policy 5.8.1-P9 Adopt a Capital Improvement Program that includes mobility and transportation improvements consistent with the City's General Plan.

Roadway Network Policy 5.8.2-P11 Implement street standards that remove barriers and increase accessibility.

The Project will not obstruct any of the foregoing future City traffic planning activities. In fact, the Project specifically furthers many of these planning and implementation policies. As discussed above, the Project will construct a comprehensive bike and pedestrian network throughout the site that connects the site to adjacent, similar uses and public transit hubs. This promotes the use of transit modes that will reduce use of single occupancy vehicles and thereby reduce pollution and greenhouse gasses in furtherance of Policies 5.8.1-P4 and 5.8.1-P5. As discussed above, the Project will create a robust street, sidewalk, and pedestrian/bicycle network

throughout the Project site that also connects to exterior street networks for increased access in accordance with Policy 5.8.2-P11.

Roadway Network Policy 5.8.2-P1 Require that new and retrofitted roadways implement “Full-Service Streets” standards, including minimal vehicular travel lane widths, pedestrian amenities, adequate sidewalks, street trees, bicycle facilities, transit facilities, lighting and signage, where feasible.

Roadway Network Policy 5.8.2-P2 Discourage widening of existing roadway or intersection rights-of-way without first considering operational improvements, such as traffic signal modifications, turn-pocket extensions and intelligent transportation systems.

Roadway Network Policy 5.8.2-P3 Encourage undergrounding of utilities and utility equipment within the public right-of-way and site these facilities to provide opportunities for street trees and adequate sidewalks.

Roadway Network Policy 5.8.2-P4 Facilitate the implementation of the street system based on the roadway classifications and illustrated in the Roadway Diagram in Figure 5.7-1.

Roadway Network Policy 5.8.2-P5 Support “traffic calming” and other neighborhood traffic management techniques to enhance the quality of life within existing neighborhoods and to discourage through-traffic on local streets.

Roadway Network Policy 5.8.2-P6 Interconnect and coordinate traffic signals to maximize vehicle flow on the City’s roadway network to reduce the need for roadway widening.

Roadway Network Policy 5.8.2-P7 Concentrate through traffic on major streets and encourage traffic distribution that maximizes the efficiency of the existing roadway network.

Roadway Network Policy 5.8.2-P8 Minimize disruption of traffic flow resulting from truck traffic and deliveries, particularly during commute hours.

Roadway Network Policy 5.8.2-P9 Require all new development to provide streets and sidewalks that meet City goals and standards, including new development in employment areas.

Roadway Network Policy 5.8.2-P12 Coordinate transportation planning with emergency service providers to ensure continued emergency service operations and services.

All new roadways constructed by the Project would implement full service street standards and include minimal vehicular travel lane widths, pedestrian amenities, adequate sidewalks, street trees, bicycle facilities and lighting and signage. Sidewalks would be constructed on both sides of each new street and non-motorized pedestrian paseos would be constructed to connect Stars and Stripes Drive and Parcel 5 to the majority of Parcel 4 and the Proposed City Place Parkway.

All pedestrian and bike facilities would connect to the offsite facilities surrounding the site. Bicycle paths, lanes and routes would bisect the Project site and conform to the City's standards (Project EIR at 3.1-32.)

New intersections on- and off-site would be constructed with implementation of the Project, and traffic signals would be coordinated to maximize vehicle flows. It is currently anticipated that the Project would not require existing roadway widening. (Project EIR 3.1-33.)

Truck deliveries to the Project would be timed so as not to interfere with commute hours. (Project EIR at 3.1-33.)

The Project would include construction of new roadways, sidewalks, and bicycle lanes that would connect to public amenities and destinations. The new streets and sidewalks would meet City goals and standards. The design guidelines in the Master Community Plan would require Project streets to include detached sidewalks with planting strips or wider attached sidewalks with tree wells to encourage pedestrian use and safety. Individual parcel development would be required to adhere to the design guidelines and development standards in the Master Community Plan for the Project and Development Area Plan for each parcel. (Project EIR at 3.1-33.)

The existing Fire Station 10 is within the Project site and the optional replacement Fire Station 10 would be located either on the Project site or immediately adjacent. Therefore response times to emergencies on the Project site would not be affected by traffic. (Project EIR at 3.1-33.)

Transit Network Goal 5.8.3-G1 Transit services that are accessible to all segments of the City's population.

Transit Network Goal 5.8.3-G2 A transit network that supports a reduction in automobile dependence for residents, employees and visitors.

Transit Network Goal 5.8.3-G3 Transit options that are available to provide commuter services throughout the City.

Transit Network Policy 5.8.3-P1 Support a coordinated regional transit system that circles the South Bay and the Peninsula, including existing and planned Bay Area Rapid Transit, Amtrak, Altamont Commuter Express, Caltrain, Valley Transportation Authority and High Speed Rail facilities.

Transit Network Policy 5.8.3-P2 Support continued and upgraded Caltrain, Valley Transportation Authority, Altamont Commuter Express, and Capitol Corridor transit facilities and services.

Transit Network Policy 5.8.3-P3 Support transit priority for designated Bus Rapid Transit, or similar transit service, through traffic signal priority, bus queue jump lanes, exclusive transit lanes and other appropriate techniques.

Transit Network Policy 5.8.3-P4 Encourage the continued efforts by other agencies to provide transit services that are accessible and meet the needs of all segments of

the population, including youth, seniors, persons with disabilities and low-income households.

Transit Network Policy 5.8.3-P5 Facilitate implementation of the transit system defined in the transit network classifications and illustrated on the Transit Network Diagram in Figure 5.7-2.

Transit Network Policy 5.8.3-P6 Encourage additional multimodal transit centers and stops in order to provide convenient access to commuter rail, buses, shuttle and taxi services.

Transit Network Policy 5.8.3-P7 Provide transit stops at safe, efficient and convenient locations to maximize ridership, including near employment centers, higher-density residential developments and Downtown.

Transit Network Policy 5.8.3-P8 Require new development to include transit stop amenities, such as pedestrian pathways to stops, benches, traveler information and shelters.

Transit Network Policy 5.8.3-P9 Require new development to incorporate reduced onsite parking and provide enhanced amenities, such as pedestrian links, benches and lighting, in order to encourage transit use and increase access to transit services.

Transit Network Policy 5.8.3-P10 Require new development to participate in public/private partnerships to provide new transit options between Santa Clara residences and businesses.

Transit Network Policy 5.8.3-P11 Encourage feeder services to carry commuters to transit stations, including shuttle connections from businesses, residences, and attractions to bus and rail services.

Transit Network Policy 5.8.3-P12 Improve the existing public transit system and support expanded services to increase ridership.

Transit Network Policy 5.8.3-P13 Advocate for frequent, direct transit service to all points in Santa Clara, particularly between residential and employment centers, as well as along the El Camino Real and Stevens Creek Boulevard corridor.

Transit Network Policy 5.8.3-P14 Changes made to transit services which do not require associated infrastructure are deemed consistent with the Transit Network Diagram.

As discussed above, the Project would include construction of new roadways, sidewalks, and bicycle lanes that would connect to the transit network south of the Project site. With the proposed pedestrian paseos, Parcels 2, 4, and 5 would be a 5-minute walk from the heavy-rail Great America Station on the UPRR right-of-way. All parcels would be a 10-minute walk from

the Great America Station and Lick Mill VTA Station. Parcels 4 and 5 would be a 10-minute walk from the Great America VTA Station. (Project EIR 3.1-34.)

The Project would include parking, as allowed for within the proposed Urban Center/Entertainment District. Pedestrian access to transit would be provided throughout the Project site to increase access to transit services. Benches and lighting would also be provided on all of the parcels to facilitate pedestrian access. (Project EIR at 3.1-34.)

As part of the TDM plan required per Mitigation Measure TRA-1.1, the Project would be required to reduce Project office-generated daily traffic by a minimum of 4 percent and peak-hour traffic by a minimum of 10 percent, compared with the traffic estimates used in this EIR, with an overall target of reducing Project residential-generated daily traffic by a minimum of 2 percent and peak-hour traffic by a minimum of 4 percent, compared with the traffic estimates used in this EIR. The TDM Plan shall also include and implement TDM BMPs for retail uses. Section 3.3, *Transportation/Traffic*, outlines possible TDM measures, which could include public/private partnerships to provide new transit options for residents and businesses. On-site design measures may include preferred carpool and vanpool parking. Participation by major employers in programs that would reduce the amount of driving would be encouraged, potentially including efforts that would promote private commuter bus service, carpooling, vanpooling, ridesharing, parking management, subsidized transit passes for employees, telecommuting, and flexible work schedules. (Project EIR at 3.1-34 to 3.1-35.)

Although the public transit stations are within walking distance of the Project site, the TDM plan for the Project required by Mitigation Measure TRA-1.1 also proposes a shuttle service to/from the nearby transit stations and the on-site businesses and residences. This would further promote the use of public transportation for those who may not be able to walk even the short distance to the transit stops.

Bicycle and Pedestrian Network Goal 5.8.4-G1 Pedestrian and bicycle connections that are accessible throughout the City to all segments of the population.

Bicycle and Pedestrian Network Goal 5.8.4-G2 A bicycle and pedestrian network that provides links from neighborhoods to public amenities and destinations.

Bicycle and Pedestrian Network Goal 5.8.4-G3 Walking and bicycling as alternatives to driving to reduce vehicle commute and non-commute trips, and to improve community health and reduce vehicle use.

Bicycle and Pedestrian Network Policy 5.8.4-P1 Provide a comprehensive, integrated bicycle and pedestrian network that is accessible for all community members.

Bicycle and Pedestrian Network Policy 5.8.4-P2 Provide a system of pedestrian and bicycle friendly facilities that supports the use of alternative travel modes and connects to activity centers as well as residential, office and mixed-use developments.

Bicycle and Pedestrian Network Policy 5.8.4-P3 Link City pedestrian and bicycle circulation to existing and planned regional networks.

Bicycle and Pedestrian Network Policy 5.8.4-P4 Facilitate implementation of the bicycle and pedestrian classifications as illustrated on the Bicycle and Pedestrian Network Diagram in Figure 5.7-3.

Bicycle and Pedestrian Network Policy 5.8.4-P5 Design streets to include detached sidewalks with planting strips or wider, attached sidewalks with tree-wells to encourage pedestrian use and safety, as well as to remove barriers and increase accessibility.

Bicycle and Pedestrian Network Policy 5.8.4-P6 Require new development to connect individual sites with existing and planned bicycle and pedestrian facilities, as well as with on-site and neighborhood amenities/services, to promote alternate modes of transportation.

Bicycle and Pedestrian Network Policy 5.8.4-P7 Require new development to provide sidewalks, street trees and lighting on both sides of all streets in accordance with City standards, including new developments in employment areas.

Bicycle and Pedestrian Network Policy 5.8.4-P8 Require new development and public facilities to provide improvements, such as sidewalks, landscaping and bicycling facilities, to promote pedestrian and bicycle use.

Bicycle and Pedestrian Network Policy 5.8.4-P9 Encourage pedestrian- and bicycle-oriented amenities, such as bicycle racks, benches, signalized mid-block crosswalks, and bus benches or enclosures.

Bicycle and Pedestrian Network Policy 5.8.4-P10 Encourage safe, secure and convenient bicycle parking and end-of-trip, or bicycle “stop” facilities, such as showers or bicycle repair near destinations for all users, including commuters, residents, shoppers, students and other bicycle travelers.

Bicycle and Pedestrian Network Policy 5.8.4-P11 Provide pedestrian crossings that are well-marked using measures, such as audio/visual warnings, bulb-outs and median refuges, to improve safety.

Bicycle and Pedestrian Network Policy 5.8.4-P12 Include pedestrian and bicycle facilities when making improvements or modifications to railroad crossings, grade separations, interchanges and freeways.

Bicycle and Pedestrian Network Policy 5.8.4-P13 Promote pedestrian and bicycle safety through “best practices” or design guidelines for sidewalks, bicycle facilities, landscape strips and other buffers, as well as crosswalk design and placement.

Bicycle and Pedestrian Network Policy 5.8.4-P14 Promote bicycling and walking through education, safety publications, and information about health and environmental benefits.

Bicycle and Pedestrian Network Policy 5.8.4-P15 Work with school districts to implement a “Safe Routes to Schools” program to encourage children to walk to school.

As discussed at length above, the Project will create a robust pedestrian and bike network throughout the Project site that connects to the surrounding uses as well as public transit hubs. (Project EIR at 3.1-35.) For example, Project bike and pedestrian paths would connect to public amenities and destinations, such as the Guadalupe River Trail, the San Tomas Aquino Creek Trail, the Convention Center, nearby open spaces and parks. (*Id.*)

All new roadways associated with the Project would contain appropriate pedestrian facilities. Additionally, bicycle lanes would be constructed along City Place Parkway, Avenue A, 2nd Street, Lick Mill Boulevard, and around the plazas on Parcels 1 and 2 within the Project site. (Project EIR at 3.1-36.)

The design guidelines in the Master Community Plan would require Project streets to include detached sidewalks with planting strips or wider attached sidewalks with tree wells to encourage pedestrian use and safety. Individual parcel development would be required to adhere to the design guidelines and development standards in the Master Community Plan for the Project and Development Area Plan for each parcel. (Project EIR at 3.1-36 to 3.1-37.)

Well-marked pedestrian crossings would be provided at all interior streets. To improve safety, the crossings could include audio/visual warnings, consistent with Americans with Disabilities Act (ADA) standards; bulb-outs; and median refuges. (Project EIR 3.1-37.) The Project would promote bicycle and pedestrian safety at the Project site, consistent with City requirements. Individual parcel development would be required to adhere to the design guidelines and development standards in the Master Community Plan for the Project and Development Area Plan for each parcel. The design standards for the Project site would provide guidelines for sidewalks, bicycle facilities, and landscape strips and other buffers as well as guidelines for crosswalk design and placement. The adopted design guidelines would promote bicycle and pedestrian safety. (*Id.*)

Although the Project would not include improvements or modifications to existing railroad and freeway infrastructure, new interchanges and grade separations would be constructed. Bicycle and pedestrian facilities would be included in the new streets and on the new Urban Interchange/City Place Parkway. (Project EIR 3.1-37.)

Transportation Demand Management Goal 5.8.5-G1 Transportation demand management programs for all new development in order to decrease vehicle miles traveled and single occupant vehicle use.

Transportation Demand Management Goal 5.8.5-G2 Transportation demand management programs that promote an increase in vehicle occupancy and a decrease in vehicle trips during commute hours.

Transportation Demand Management Policy 5.8.5-P1 Require new development and City employees to implement transportation demand management programs that

can include site-design measures, including preferred carpool and vanpool parking, enhanced pedestrian access, bicycle storage and recreational facilities.

Transportation Demand Management Policy 5.8.5-P2 Require development to offer on-site services, such as ATMs, dry cleaning, exercise rooms, cafeterias and concierge services, to reduce daytime trips.

Transportation Demand Management Policy 5.8.5-P3 Encourage all new development to provide on-site bicycle facilities and pedestrian circulation.

Transportation Demand Management Policy 5.8.5-P4 Encourage new development to participate in shuttle programs to access local transit services within the City, including buses, light rail, Bay Area Rapid Transit, Caltrain, Altamont Commuter Express Yellow Shuttle and Lawrence Caltrain Bowers/Walsh Shuttle services.

Transportation Demand Management Policy 5.8.5-P5 Encourage transportation demand management programs that provide incentives for the use of alternative travel modes to reduce the use of single-occupant vehicles.

Transportation Demand Management Policy 5.8.5-P6 Encourage transportation demand management programs that include shared bicycle and autos for part-time use by employees and residents to reduce the need for personal vehicles.

Transportation Demand Management Policy 5.8.5-P7 Promote programs that reduce peak hour trips, such as flexible work hours, telecommuting, home-based businesses and off-site business centers, and encourage businesses to provide alternate, off-peak hours for operations.

Transportation Demand Management Policy 5.8.5-P8 Encourage local events that connect employees and residents with local transit providers and ridesharing options.

Transportation Demand Management Policy 5.8.5-P9 Promote transportation demand management programs that provide education, information and coordination to connect residents and employees with alternate transportation opportunities

As discussed above, The Project would implement a TDM plan, per Mitigation Measure TRA-1.1 to reduce the number of vehicle trips per each development parcel and/or Project site. On-site design measures may include preferred carpool and vanpool parking. Participation by major employers in programs that would reduce the amount of driving would be encouraged, potentially including efforts that would promote private commuter bus service, carpooling, vanpooling, ridesharing, subsidized transit passes for employees, secure bicycle facilities, telecommuting, and flexible work schedules. (Project EIR at 3.1-38.)

The Project site would include on-site services. Although the exact types of services are currently unknown, it is likely that the Project site would include ATMs, dry cleaning facilities, exercise rooms, cafeterias, and concierge services. Providing such services on-site would reduce the number of daytime vehicular trips. (Project EIR at 3.1-39.)

As already discussed above, A TDM plan is required for the Project per Mitigation Measure TRA-1.1 and will ensure that the Project is developed to provide residents and employees with information regarding alternate transportation opportunities. Participation by major employers in programs that would reduce the amount of driving would be encouraged, potentially including efforts that would promote private commuter bus service, carpooling, vanpooling, ridesharing, parking management, subsidized transit passes for employees, secure bicycle facilities, telecommuting, and flexible work schedules. (Project EIR at 3.1-40.)

Parking Goal 5.8.6-G1 Parking provided for new development and along public streets that does not exceed average demands.

Parking Goal 5.8.6-G2 A parking supply that encourages the use of alternate transportation modes.

Parking Goal 5.8.6-G3 Flexible parking standards that address unique development types and locations within the City.

Parking Policy 5.8.6-P1 Allow alternate parking standards for mixed-use development, development that meets specified transportation demand management criteria, and senior/group and affordable housing developments, as well as in the Downtown and areas within one-quarter mile of transit centers and stops.

Parking Policy 5.8.6-P2 Identify parking supply standards that promote economic development, neighborhood compatibility, environmental quality and public safety, while reducing dependence on the automobile.

Parking Policy 5.8.6-P3 Encourage flexible parking standards that meet business and resident needs as well as avoid an oversupply in order to promote transit ridership, bicycling and walking.

Parking Policy 5.8.6-P4 Encourage shared, consolidated and/or reduced parking in mixed-use centers and within one-quarter mile of transit centers and stops.

Parking Policy 5.8.6-P5 Allow alternative parking techniques, such as parking lifts, automated and tandem parking, in order to reduce the land area devoted to parking.

Parking Policy 5.8.6-P6 Provide direct access or offer clear signage to connect local streets with parking supplies.

Parking Policy 5.8.6-P7 Encourage private property owners to share underutilized off-street parking resources with the general public.

Parking Policy 5.8.6-P8 Prohibit on-site parking space reservations for individual tenants in commercial centers.

Parking Policy 5.8.6-P10 Support time limits for on-street parking to encourage alternate transportation modes to access destinations, such as Downtown, parks and libraries.

Parking Policy 5.8.6-P11 Encourage development to “unbundle” parking spaces from leases and purchases to provide greater choices

Parking Policy 5.8.7-P12 Encourage below-grade or structured parking with active uses along street frontages.

Parking Policy 5.8.6-P13 Restrict lighting and noise generation associated with surface and structured parking from intrusion into adjacent residential neighborhoods.

Parking Policy 5.8.6-P14 Require new multi-family residential and non-residential development to accommodate electric vehicle charging stations in parking lots.

Parking Policy 5.8.6-P15 Require new parking lots to be surfaced with materials to reduce heat gain, consistent with the Building Code and CAP.

The Project will comply with new parking ratios provided for the Urban Center/Entertainment District. Therefore, the parking supply needed at these parcels would be less than the existing City Code requirements for other zoning designations. The Master Community Plan parking supply rates are informed by the City Code parking supply rates, with adjustments for the shared use nature of a mixed-use development. Parking would not exceed average demands. (Project EIR at 3.1-40.)

A new parking standard would be provided for the Urban Center/Entertainment District in the Master Community Plan. Because of the opportunity for shared parking at the Project site, parking ratios would be lower than the City Code requirements that would otherwise have been applicable. The Project is being designed to meet, but not exceed, these minimum parking requirements. By not providing excess parking, and by implementing a TDM plan, as required per Mitigation Measure TRA-1.1 in Section 3.3, *Transportation*, the Project would encourage the use of alternative travel modes to reduce the number of single-occupant vehicles. (Project EIR at 3.1-40.)

As a mixed-use development, the Project would include alternate (i.e., shared) parking standards. A flexible and shared parking approach is contemplated by the Urban Center/Entertainment District and new parking standards are called for in the PD-MC ordinance governing the MCP. The Project site is within 0.25 mile of local and regional transit stops and, therefore, easily accessible from public transportation. (Project EIR at 3.1-40.)

The Master Community Plan parking supply rates are informed by the City Code parking supply rates, with adjustments for the shared use nature of a mixed-use development. By not providing excess parking, and by implementing a TDM plan, the new parking supply requirements consider potential economic development at the Project site, neighborhood compatibility, environmental quality, and public safety. (Project EIR at 3.1-41.) By not providing excess parking, and by implementing a TDM plan, as required per Mitigation Measure

TRA-1.1, the Project would encourage the use of alternative travel modes to reduce the number of single-occupant vehicles. (Project EIR at 3.1-41.)

The Project would include parking below street level (in non-landfill areas) and in parking structures to reduce the amount of land area devoted to parking. Alternative parking techniques, such as parking lifts, automated parking, and tandem parking, could be considered (but may not ultimately be implemented) in the context of Development Area Plans for the Project. (Project EIR at 3.1-41.)

The Project would create a mixed-use development. Residential uses would be located on Parcels 4 and 5, along with commercial and retail development. Neighborhood parking programs, such as permit-only and timed parking zones, would be considered (but may not ultimately be implemented) in the context of Development Area Plans for the Project. There are no existing neighborhoods that would be affected by Project parking; all parking would be provided at the Project site. (Project EIR at 3.1-41.)

Lighting for surface parking lots and parking structures is essential for security and safety purposes; therefore, it will be provided as part of Project design. The Project would include trees and hedges in the surface parking lots that would minimize light from fixtures and vehicle headlights. In addition, implementation of Mitigation Measure AES-2.4 (see Section 3.2, *Aesthetics*) would obstruct glare from vehicle headlights in the proposed garages. There are no existing adjacent residential neighborhoods that would be affected by light and noise from the proposed surface parking lots and parking structures. Regarding noise, the closest residential neighborhoods to the Project site are located approximately 500 feet east of Parcels 1 and 2 (measured conservatively from the eastern boundary of these parcels). Future parking areas could be located more than 500 feet from adjacent neighborhoods. Typical parking operations on the Project parcels would involve passenger cars for office workers and retail users and occasional large trucks for deliveries and loading. Typical day-to-day operations on Parcels 1 and 2 would not generate vehicle noise that would be uncommon in office parking areas. Given this, as well as the distance between potential parking areas and residential neighborhoods, the Project would be consistent with Policy 5.8.6-P13. (Project EIR at 3.1-42.)

Electric vehicle charging locations will be identified in the Master Community Plan and Development Area Plans for the Project in accordance with Policy 5.8.6-P14. (Project EIR at 3.1-42.) Project mitigation measure GHG-1.2, as outlined in Section 3.5 implements CAP strategies and mandates the use of light-colored pavement for uncovered parking lots or spaces, per CAP Measure 7.2 in accordance with Policy 5.8.6-P15. (Project EIR at 3.1-42.)

Public Facilities and Services Goals and Policies

Parks, Open Space and Recreation Goal 5.9.1-G1 Ample facilities for physical activities that promote community health.

Parks, Open Space and Recreation Goal 5.9.1-G2 Parks, trails and open space located within a ten-minute walk to residential neighborhoods and employment centers.

Parks, Open Space and Recreation Goal 5.9.1-G3 New parks, open space and recreation provided with new development so that existing facilities are not overburdened.

Parks, Open Space and Recreation Goal 5.9.1-G4 Park, trail and open space facilities that are accessible and provide connections to destination points and activity centers within the City.

Parks, Open Space and Recreation Policy 5.9.1-P1 Develop additional parkland in the City so that it is integrated into neighborhoods and meets the standards for size, amenities and location to serve residents and employees.

Parks, Open Space and Recreation Policy 5.9.1-P2 Develop new parks to serve the needs of the surrounding community based on the criteria defined on Table 5.9-1.

Parks, Open Space and Recreation Policy 5.9.1-P3 Provide trails along creeks and other rights-of-way to link parks, open spaces, bicycle facilities and transit services with residential neighborhoods and employment centers.

Parks, Open Space and Recreation Policy 5.9.1-P4 Provide connections between private and public open space through publicly accessible trails and pathways and by orienting open spaces to public streets.

Parks, Open Space and Recreation Policy 5.9.1-P5 Encourage public visibility for all parks, trails and open spaces.

Parks, Open Space and Recreation Policy 5.9.1-P6 Support construction of trails within the City of Santa Clara that connect to the Bay Trail, the Saratoga/San Tomas Aquino Creek and the Guadalupe River trails.

Parks, Open Space and Recreation Policy 5.9.1-P7 Allow new parks in the general locations shown on the Land Use Diagram in all General Plan designations, except in areas designated for Light and Heavy Industrial uses.

Parks, Open Space and Recreation Policy 5.9.1-P8 Encourage the extension of the San Tomas Aquino Creek Trail with new development, where feasible. If it is not physically or environmentally feasible to extend the trail along the creek, utilize adjacent or near-by City right-of-way to accommodate an extension.

Parks, Open Space and Recreation Policy 5.9.1-P9 Support access to local food sources by providing opportunities for community gardening and farmers' markets.

Parks, Open Space and Recreation Policy 5.9.1-P10 Explore opportunities to partner with local private non-profits and public agencies, such as school districts, to provide community gardens and opportunities for community socialization in the City.

Parks, Open Space and Recreation Policy 5.9.1-P11 Encourage the shared use of open space resources, such as school grounds, for neighborhood recreation to maximize public accessibility.

Parks, Open Space and Recreation Policy 5.9.1-P13 Encourage public and quasi-public agencies to provide public access onto their property for trails and other appropriate recreational purposes.

Parks, Open Space and Recreation Policy 5.9.1-P14 Encourage publicly accessible open space in new development.

Parks, Open Space and Recreation Policy 5.9.1-P15 Provide opportunities for private maintenance of publicly accessible open space and trails.

Parks, Open Space and Recreation Policy 5.9.1-P16 Encourage non-residential development to contribute toward new park facilities to serve the needs of their employees.

Parks, Open Space and Recreation Policy 5.9.1-P17 Foster site design for new development so that building height and massing do not overshadow new parks and plazas.

Parks, Open Space and Recreation Policy 5.9.1-P18 Promote open space and recreation facilities in large-scale developments in order to meet a portion of the demand for parks generated by new development.

Parks, Open Space and Recreation Policy 5.9.1-P20 Promote the continuation of a parks per population ratio of 2.4 per 1,000 residents and explore the potential to increase the ratio to 3.0, based on the Parks and Recreation Needs Assessment (Parks Master Plan), referenced in Plan Prerequisite 5.1.1-P24.

Parks, Open Space and Recreation Policy 5.9.1-P21 Explore options for incorporating an outdoor theater within one of the City's neighborhood parks

The Project site would be a 10-minute walk from the Guadalupe River Trail and San Tomas Aquino Creek Trail. The Project site would provide direct connections to these resources. In addition, the Ulistac Natural Preserve and Fairway Glen Park would be a 10-minute walk from Parcels 4 and 5. Therefore, residents and employees at the Project site would have access to existing parks, trails, and open space. In addition, the Project site would include open space areas and spaces for active and passive recreation. (Project EIR at 3.1-43)

The Project site would include open space areas and spaces for recreation. At buildout, approximately 74.1 acres would be devoted to usable public open space and would include at-grade plazas, greens, parkways, and similar shared outdoor spaces that would be suitable for formal and informal gatherings, pedestrian-friendly streetscapes, upper-/podium-level courtyards and terraces, and public and private rooftop gardens. (Project EIR at 3.1-44) On-site open space would be accessible from trails, pathways, streets, and sidewalks. (Project EIR at 3.1-44)

The Project site would include linkages to the regional Guadalupe River Trail and San Tomas Aquino Creek Trail. Given the proposed new land use designation, open spaces and landscape features that would enhance the public realm and meet the recreational needs of multiple users would be incorporated throughout the Project site. (Project EIR at 3.1-43 to 3.1-44)

The Project would also include 34.8 acre park encompassing all of Parcel 3. After the initial public release of the Draft Master Community Plan, the Project Master Developer proposed an additional land use scheme, referred to as the Enhanced Open Space (“EOS”) Variant, in contrast to Scheme A and Scheme B as they are described in Chapter 3.2. Under the EOS Variant, Parcel 3 would be set aside by the developer for the City and reserved for park uses, as depicted in Exhibit S-2 1 (the “City Place Park”), instead of being developed by the Master Developer for up to 720,000 square feet of office building uses and associated parking. The 720,000 square feet of office that had been planned for Parcel 3 would be reallocated to other Project parcels as further described in the Master Community Plan Supplement.

Building heights would range from one to 17 stories and could overshadow some new parks and plazas. However, individual parcel development would be required to adhere to the design guidelines and development standards in the Master Community Plan and Development Area Plans for the Project. This would prevent building height and massing to overshadow new parks and plazas to the maximum extent feasible. (Project EIR at 3.1-44)

The Project would also School and Community Facilities Goal 5.9.2-G1 Schools and community facilities that meet the needs of all segments of the population

School and Community Facilities Goal 5.9.2-G2 Appropriate arts, cultural, recreational, schools and other community facilities in concert with new development.

School and Community Facilities Policy 5.9.2-P1 Provide a diverse range of community, art, cultural and recreational facilities to meet the varying needs of residents in the City, including youth and seniors.

School and Community Facilities Policy 5.9.2-P2 Periodically evaluate library services and facilities in order to respond to changing community demands.

School and Community Facilities Policy 5.9.2-P3 Provide library services that are accessible and of adequate size to serve community residents, particularly for Future Focus Areas, north of the Caltrain corridor.

School and Community Facilities Policy 5.9.2-P4 Work with the school districts as part of the planning process for Future Focus Areas.

School and Community Facilities Policy 5.9.2-P5 Coordinate with Santa Clara Unified School District, Santa Clara University and Mission College to develop mutually supportive long range plans for school facilities.

School and Community Facilities Policy 5.9.2-P6 Coordinate with local school districts to share school district-owned facilities during non-school hours.

School and Community Facilities Policy 5.9.2-P7 Support efforts by school districts to maintain, improve and expand educational facilities and services, to meet the demands of new development.

School and Community Facilities Policy 5.9.2-P8 Cooperate with local school districts in collecting fees for development projects as required by State regulations.

School and Community Facilities Policy 5.9.2-P9 Prohibit new public and quasi-public facilities on land designated for Light or Heavy Industrial uses on the Land Use Diagram, excluding public utility facilities.

The Project will not obstruct the City's implementation any of the foregoing School and Community Facilities policies. The Project will further the provision of high quality school services and facilities within the City by paying all required school impact fees in accordance with SB 50 and Government Code section 65996. (Project EIR at 3.13-18 to 3.13-19.)

Public Service Goal 5.9.3-G1 A safe and secure environment for people and property in the community.

Public Safety Goal 5.9.3-G2 Public safety response-time goals met throughout the City.

Public Safety Goal 5.9.3-P1 Encourage design techniques that promote public and property safety in new development and public spaces.

Public Safety Policy 5.9.3-P1 Encourage design techniques that promote public and property safety in new development and public spaces.

Public Safety Policy 5.9.3-P2 Provide police and fire services that respond to community goals for a safe and secure environment for people and property.

Public Safety Policy 5.9.3-P3 Maintain a City-wide average three minute response time for 90 percent of police emergency service calls.

Public Safety Policy 5.9.3-P4 Maintain a City-wide average three minute response time for fire emergency service calls.

Public Safety Policy 5.9.3-P5 Maintain emergency traffic preemption controls for traffic signals.

Public Safety Policy 5.9.3-P6 Maintain the fire and hazardous materials mutual aid agreements with surrounding jurisdictions.

Public Safety Policy 5.9.3-P7 Encourage property maintenance and pursue appropriate code enforcement to reduce crime associated with blight.

As discussed above, Fire Station 10 is located on the Project Site, and the fire station will be replaced and upgraded, either in its current position or elsewhere within the vicinity of the Project Site. Thus, with construction and operation of the Project, emergency response time will

be maintained. The Project will promote a secure environment and discourage blight by developing a high-end mixed use entertainment area with modern amenities. (See Project EIR Chapter 2.0.) The Project would include exterior lighting for added security. (Project EIR at 3.2-26 to 3.2-27.) As discussed above, the Project will implement a Master Community Plan, which will obligated the project to design buildings, thoroughfares gathering spaces in accordance with City regulations and in ways that promote community security goals and policies.

Environmental Quality Goals and Policies

Conservation Goal 5.10.1-G1 The protection of fish, wildlife and their habitats, including rare and endangered species.

Conservation Goal 5.10.1-G2 Conservation and restoration of riparian vegetation and habitat.

Conservation Goal 5.10.1-G3 Adequate solid waste disposal capacity through effective programs for recycling and composting.

Conservation Goal 5.10.1-G4 Adequate wastewater treatment and conveyance capacities.

Conservation Policy 5.10.1-P1 Require environmental review prior to approval of any development with the potential to degrade the habitat of any threatened or endangered species.

Conservation Policy 5.10.1-P2 Work with Santa Clara Valley Water District and require that new development follow the “Guidelines and Standards for Lands Near Streams” to protect streams and riparian habitats.

Conservation Policy 5.10.1-P3 Require preservation of all City-designated heritage trees listed in the Heritage Tree Appendix 8.10 of the General Plan.

Conservation Policy 5.10.1-P5 Encourage enhancement of land adjacent to creeks in order to foster the reinstatement of natural riparian corridors where possible.

Conservation Policy 5.10.1-P6 Require adequate wastewater treatment and sewer conveyance capacity for all new development.

Conservation Policy 5.10.1-P7 Encourage the use of local recycling facilities to divert waste from landfills.

Conservation Policy 5.10.1-P8 Increase to 80 percent reduction for solid waste tonnage by 2020, or as consistent with the CAP.

Conservation Policy 5.10.1-P9 Encourage curbside recycling and composting of organic and yard waste.

Conservation Policy 5.10.1-P10 Promote the reduction, recycling and safe disposal of household hazardous wastes through public education and awareness and through an increase in hazardous waste collection events.

Conservation Policy 5.10.1-P11 Require use of native plants and wildlife-compatible non-native plants, when feasible, for landscaping on City property.

Conservation Policy 5.10.1-P12 Encourage property owners and landscapers to use native plants and wildlife-compatible nonnative plants, when feasible.

The Project will take several steps to protect listed or threatened species and their habitat. With respect to the burrowing owl, the Project will implement Mitigation Measures BIO-2.1 and BIO-2.2, which will reduce impacts to this species. The Retention Basin and drainage swale, golf course ponds, San Tomas Aquino Creek, and the Guadalupe River could provide habitat for the western pond turtle. Although this species could be affected during construction, implementation of Mitigation Measure BIO-3.1 would reduce impacts. Mitigation Measure BIO-C.1 would reduce impacts on serpentine grasslands as well as Bay checkerspot butterfly and other rare species that are dependent on serpentine grasslands. In addition, the Guadalupe River is used as a migratory route for central California coast steelhead and Central Valley fall-run Chinook salmon to upstream spawning habitat. Critical habitat for steelhead is present in the Guadalupe River. Although these species could be affected during Project construction and operation, compliance with the Stormwater Pollution Prevention Plan (SWPPP), San Francisco Bay Municipal Separate Storm Sewer Systems Permit, Provision C.3, Stormwater Technical Guidance (SF Bay MS4 Permit), and Mitigation Measure BIO-4.1 would reduce the impacts. (Project EIR at 3.1-45.)

There is currently no riparian or other sensitive vegetation on the Project site. In addition, there are no other sensitive land cover types on the Project site, other than the wetland areas on and surrounding the site. The ponds, wetlands, and drainage ditch on the Project site total 6.4 acres. Roadway construction and bridge footings could affect the Retention Basin and San Tomas Aquino Creek. In addition, the internal golf course pond would be removed. As such, the Project could result in the loss of wetlands; however, Mitigation Measure BIO-5.2 would reduce the impacts on wetlands. (Project EIR at 3.1-45)

During construction, it is expected that 100 percent of demolition material would be recycled or reused during all phases, except for Phase 2 on Parcel 4. Only approximately 40 percent of demolition material from the existing buildings at Parcel 4 would be recycled. The majority of demolition material from the Project site would be recycled at the Zanker Material Processing Facility. Organic materials removed during clearing and grubbing would be re-used on-site in landscaped areas. During operation, the Project would reduce the amount of operational waste that goes to landfills by 50 percent by implementing strategies that involve purchasing policies, container/bag programs for the proposed retail and entertainment facilities, grease collection/recycling for off-site biofuel conversion, and triple-chute waste collection in residential/hotel buildings. (Project EIR 3.1-45 to 3.1-47.)

Rehabilitation and expansion of existing sanitary sewer systems (i.e., pipes and both of the sanitary sewer pump stations) would be required with implementation of the Project. The

systems are proposed as a looped system to provide redundancy, as required by the City. A new sanitary sewer system would be required for each development parcel. Parcels 1 and 2 would connect to the existing gravity sewer in Lafayette Street. Parcels 3 and 4 would connect to the existing gravity sewers between the two sites. Parcel 5 would connect to the Stars and Stripes Drive system. (Project EIR at 4.1-46.)

This Draft EIR represents the environmental review for the Project. Section 3.8, *Biological Resources* discusses the Project's potential to degrade the habitat of any threatened or endangered species. Although burrowing owl, western pond turtle, Bay checkerspot butterfly, central California coast steelhead, and Central Valley fall-run Chinook salmon could be affected as a result of the Project, Mitigation Measures BIO-2.1, BIO-2.2, BIO-3.1, BIO-4.1, and BIO-C.1 would reduce the impacts on these species. (Project EIR at 3.1-46.)

The Project Developer has coordinated the preliminary Project plan with the Santa Clara Valley Water District (SCVWD) and will continue to coordinate as the plan evolves. As required, the Project Developer would follow the Guidelines and Standards for Lands Near Streams to protect streams and riparian habitats. (Project EIR at 3.1-46.)

The proposed sanitary sewer system for the Project would connect to the existing City gravity trunk sewers between Parcels 3 and 4. Parcels 1 and 2 would connect to the existing gravity sewer in Lafayette Street. Parcel 3 would connect to the sewer located between Parcels 3 and 4, which would connect to the existing gravity sewers between the two sites. Parcel 5 would connect to the Stars and Stripes Drive system. The Stars and Stripes Drive system would need to be completely replaced to accommodate the proposed below-grade parking structures. The system is proposed as a looped system to provide redundancy, as required by the City. Because the Project would contribute to peak flows at the existing sanitary sewer pump stations and, therefore, would contribute considerably to the need for additional off-site wastewater delivery systems related to future insufficient pumping capacity, the Project would contribute to a portion of the improvement costs. (Project EIR at 3.1-47.)

The goal to reduce solid waste by 80 percent is a citywide goal. The Project would contribute to this goal by diverting the majority of construction waste that normally goes to landfills. Although operation of the Project would occur after 2020, waste reduction strategies and recycling would reduce the projected amount of landfill waste by approximately 50 percent. Operation of the Project would include curbside recycling and waste reduction strategies, such as an on-site composting program. (Project EIR at 3.1-47.)

The Project would include the use of small quantities of commercially available hazardous materials, such as household cleaning and landscaping supplies, as well as diesel fuel for backup generators. The relatively low toxicity and small quantities of these kinds of hazardous materials do not generally pose a threat to human health or the environment. The management of larger quantities of hazardous materials is subject to laws and regulations, particularly the Unified Program administered by the Santa Clara Fire Department (SCFD). The Unified Program ensures that facilities properly manage and disclose information regarding the hazardous materials they use to minimize the risk of a hazardous materials

release and improve emergency response actions in the event of a release. Compliance with existing regulations is mandatory. (Project EIR 3.1-47 to 3.1-48.)

Under the Project, the Project site would continue to be owned by the City but leased to the Project Developer. Current Project site plans do not include information regarding landscaping materials and species types. However, the Master Community Plan for the Project site includes design standards that would require the Project to use native plants and wildlife-compatible nonnative plants, when feasible, on City property. (Project EIR at 3.1-48.)

The current Project site plan does not include information regarding landscaping materials and species types. However, the Master Community Plan and Development Area Plans for the Project site would include their own design standards, which would require landscapers to use native plants and wildlife-compatible nonnative plants, when feasible. (Project EIR 3.1-48.)

Air Quality Policy 5.10.2-P1 Support alternative transportation modes and efficient parking mechanisms to improve air quality.

Air Quality Policy 5.10.2-P3 Encourage implementation of technological advances that minimize public health hazards and reduce the generation of air pollutants.

Air Quality Policy 5.10.2-P4 Encourage measures to reduce greenhouse gas emissions to reach 30 percent below 1990 levels by 2020.

Air Quality Policy 5.10.2-P5 Promote regional air pollution prevention plans for local industry and businesses.

Air Quality Policy 5.10.2-P6 Require “Best Management Practices” for construction dust abatement.

The Project site would support the alternative transportation modes and efficient parking mechanisms outlined for the new land use designation to improve air quality. New bicycle and pedestrian facilities proposed for the Project site would connect it to regional bus and rail systems, including VTA, Amtrak, Capitol Corridor, and ACE. With the proposed pedestrian connections, Parcels 2, 4, and 5 would be a 5-minute walk from the heavy-rail Great America Station on the UPRR right-of-way. All parcels would be a 10-minute walk from the Great America Station and Lick Mill VTA Station. Parcel 4 would be a 10-minute walk from the Great America VTA Station. Easy connections and accessibility to public transportation stations would help reduce the number of vehicle trips and air quality emissions. In addition, the Project could include electric vehicle charging stations in the surface parking lots and/or parking structures. (Project EIR 3.1-49.)

Mitigation Measure GHG-1.2, requires the implementation of technological advances to reduce the generation of air pollutants. These technological advances include purchasing green power, energy efficiency, on-site solar energy, electric landscaping equipment, and electric vehicle charging stations. In addition, the Project Developer would pursue Leadership in Energy & Environmental Design (LEED) for Neighborhood Development (LEEDND) certification for the

proposed City Center, LEED v2009 Gold for the proposed commercial buildings, and LEED v2009 Silver for the proposed residential buildings. (Project EIR at 3.1-50.)

As discussed in Section 3.5, *Greenhouse Gas Emissions*, the BAAQMD's efficiency -based thresholds, which are derived from the AB 32 target of reducing global warming emissions to 1990 by 2020. (Project EIR 3.1-50.)

Mitigation Measure AQ-2.3, as presented in Section 3.4, *Air Quality*, requires measures to reduce construction-related dust emissions. The Project Developer would require all construction contractors to implement these measures to reduce fugitive dust emissions. The measures include, but are not limited to, watering to retain soil moisture, installing wind breaks, and suspending work when wind speeds exceed 20 mph. (Project EIR 3.1-50.)

Energy Goal 5.10.3-G1 Energy supply and distribution maximizes the use of renewable resources.

Energy Goal 5.10.3-G2 Implementation of energy conservation measures to reduce consumption.

Energy Goal 5.10.3-G3 Adequate energy service to residents, businesses, and municipal operations.

Energy Policy 5.10.3-P1 Promote the use of renewable energy resources, conservation and recycling programs.

Energy Policy 5.10.3-P4 Encourage new development to incorporate sustainable building design, site planning and construction, including encouraging solar opportunities.

Energy Policy 5.10.3-P5 Reduce energy consumption through sustainable construction practices, materials and recycling.

Energy Policy 5.10.3-P6 Promote sustainable buildings and land planning for all new development, including programs that reduce energy and water consumption in new development.

Energy Policy 5.10.3-P7 Encourage installation of solar energy collection through solar hot water heaters and photovoltaic arrays.

Energy Policy 5.10.3-P8 Provide incentives for LEED certified, or equivalent development.

Energy Policy 5.10.3-P9 Incorporate criteria for sustainable building and solar access into the City's ordinances and regulations.

Energy Policy 5.10.3-P10 Maintain the City's level of service for high quality utilities and telecommunications infrastructure.

Energy Policy 5.10.3-P11 Continue innovative energy programs to develop cost effective alternative power sources and encourage conservation.

Energy Policy 5.10.3-P15 Explore opportunities for alternative energy “fueling stations” and promote participation in shuttle services that use new technology vehicles to reduce greenhouse gas emissions.

The Project includes on-site photovoltaic solar system to meet 10 percent of electricity demand. In addition, as part of Mitigation Measure GHG-1.2, as included in Section 3.5, *Greenhouse Gas Emissions*, the Project would obtain renewable energy electricity corresponding to 29 percent of on-site electricity demand by 2030 through a combination of on-site solar, purchase of renewable energy, or other measures. This would increase the use of renewable resources and add to the on-site energy supply. (Project EIR at 3.1-50.)

The Project Developer would obtain LEED certification as part of the Project. The Project Developer will pursue LEED-ND certification for the proposed City Center, LEED v2009 Gold for the proposed commercial buildings, and LEED v2009 Silver for the proposed residential buildings. The Project would reduce electricity use by 10 percent. The energy reduction strategies that would be implemented include energy efficiency measures for the building envelope, HVAC, and lighting. (Project EIR at 3.1-50.)

The Project would include an on-site solar photovoltaic system. The energy reduction strategies that would be implemented include energy efficiency measures for the building envelope, HVAC, and lighting. In addition, the Project would implement recycling and composting programs to reduce the amount of operational waste that goes to the landfill by 50 percent. (Project EIR at 3.1-50.)

Compliance with LEED certification standards, as described above, would help to achieve the desired electrical and natural gas efficiencies. LEED certification is part of the Project. Mitigation Measure GHG-1.2, as presented in Section 3.5, *Greenhouse Gas Emissions*, would require that the Project energy efficiency shall be 15 percent better than the 2013 Title 24 requirements, per CAP Measure 2.1. (Project EIR 3.1-51.)

Compliance with the LEED certification standards, as described above, and inclusion of an on-site solar photovoltaic system would help to achieve the desired sustainable building design, site planning, and construction practices. (Project EIR at 3.1-51.) Compliance with the LEED certification standards associated with sustainable construction practices, material selections, and recycling would help reduce energy consumption. Compliance with the LEED certification standards, as described above, would include incorporating sustainable planning and building features, which would reduce both energy and water consumption. The Project would reduce indoor water use from the City baseline by 10 percent and outdoor water use from the City baseline by 20 percent. The Project would incorporate features to reduce per capita water use, such as low-flow fixtures and native, drought-resistant plants. The Project would include an on-site solar photovoltaic system. To meet the proposed LEED certification standards, the Project Developer is considering solar water heaters. These systems could be included at the Project site. (Project EIR at 3.1-51.)

The Project would consider effective alternate means of energy generation, including the use of the methane gas produced by the landfill and potential geothermal advantages associated with the planned pile system for the proposed buildings. The energy reduction strategies that would be implemented include energy efficiency measures for the building envelope, HVAC, and lighting. (Project EIR at 3.1-52.)

It is expected that four new 600-amp, 12-kilovolt feeder lines would be needed to serve Parcels 4 and 5. Two more feeder lines would be required for Parcel 2, one for Parcel 1, and one for Parcel 3, for a total of eight new feeders. The Project Developer would be responsible for trenching and installing all new SVP conduits and substructures. Once these are installed, the energy distribution facilities would meet the demand generated by the Project. (Project EIR at 3.1-52.)

If the total expected gas loads of the Project are large enough, PG&E may require the installation of a new gas regulator station to serve the Project. PG&E gas mains would typically be extended in a joint trench with SVP electric facilities. The Project Developer is responsible for all trenching and has the option to install gas facilities. Once the needed infrastructure is installed, an adequate supply of natural gas would be provided to meet the demand generated by Project. (Project EIR at 3.1-52.)

Water Goal 5.10.4-G1 A reliable, safe supply of potable water adequate to meet present and future needs.

Water Goal 5.10.4-G2 High water quality maintained throughout the City.

Water Goal 5.10.4-G3 A reduction in the demand and consumption of water resources.

Water Policy 5.10.4-P1 Promote water conservation through development standards, building requirements, landscape design guidelines, education, compliance with the State Water Conservation Landscaping Ordinance, incentives, and other applicable City-wide policies and programs.

Water Policy 5.10.4-P2 Expand water conservation and reuse efforts throughout the City in order to meet the conservation goals in the City's adopted Urban Water Management Plan and CAP to reduce per capita water use by 2020.

Water Policy 5.10.4-P3 Promote water conservation, recycled water use and sufficient water importation to ensure an adequate water supply.

Water Policy 5.10.4-P4 Require an adequate water supply and water quality for all new development.

Water Policy 5.10.4-P5 Prohibit new development that would reduce water quality below acceptable State and local standards.

Water Policy 5.10.4-P6 Maximize the use of recycled water for construction, maintenance, irrigation and other appropriate applications.

Water Policy 5.10.4-P7 Require installation of native and low-water-consumption plant species when landscaping new development and public spaces to reduce water usage.

Water Policy 5.10.4-P8 Require all new development within a reasonable distance of existing or proposed recycled water distribution systems to connect to the system for landscape irrigation.

Water Policy 5.10.4-P12 Encourage diversion of run-off from downspouts, and replacement of hardscapes to landscaped areas and permeable surfaces.

Each development parcel would include a combined domestic and fire water system, which would be a looped network with multiple points of connection to the existing system. Connections to the public system, provided by Santa Clara Water and Sewer Utilities, would be at existing lines along Great America Parkway, Stars and Stripes Drive, Tasman Drive, and Lafayette Street. Each connection to the existing public water system would require a master meter and backflow preventer to keep water from flowing from the Project back into the public system. Current State Water Resources Control Board Division of Drinking Water regulations would restrict the construction of public water mains over a landfill, unless the department grants the City a waiver. Specific water utility materials, methods of construction, locations of appurtenances such as valves, and meters backflow devices must be approved by the City. When taking into account other approved development and Project water demand along with existing demand, there is adequate projected water supply to provide water out to 2035 under normal-year, single-dry-year, and multiple-dry-year scenarios. There are also available water supplies to meet cumulative demand when taking into account supply conditions as well as existing practices during drought years. As such, there is a safe supply of potable water for present and future needs. (Project EIR at 3.1-53.)

Scheme A would result in a total water demand of 1,911 acre-feet per year (afy), which represents an increase of 1,599 afy compared with existing water demand on the Project site (311 afy). Scheme B would result in a total water demand of 1,921 afy, which represents an increase of 1,610 afy compared with existing water demand on the Project site (311 afy). The Project would reduce indoor water use from the City baseline by 10 percent and outdoor water use from the City baseline by 20 percent. The Project would incorporate features to reduce per capita water use, such as low-flow fixtures and native, drought-resistant plants. In addition, the Project site would be irrigated with recycled water, which may also be used to meet indoor flushing and cooling demands. (Project EIR at 3.1-53.)

The Project would reduce indoor water use from the City baseline by 10 percent and outdoor water use from the City baseline by 20 percent. The Project would incorporate features to reduce per capita water use, such as low-flow fixtures and native, drought-resistant plants. In addition, the Project would be required to comply with applicable development standards, building requirements, landscape design guidelines, the State Water Conservation Landscaping Ordinance, and City policies and programs. (Project EIR at 3.1-53.)

In addition, the Project site would be irrigated with recycled water, which may also be used to meet indoor flushing and cooling demands. As such, the Project would include

conservation and reuse efforts that would comply with the water conservation goals in the 2010 Urban Water Management Plan and the CAP. (Project EIR at 3.1-54.)

The Project site is currently connected to a recycled water system for irrigation of the golf course. The recycled water distribution system for the Project site would be designed so that each parcel would have its own internal system. The recycled water system for each parcel would have two points of connection to maintain recycled water service at all times. (Project EIR at 3.1-54 to 3.1-55.)

As explained above, there are available water supplies to meet cumulative demand when taking into account supply conditions as well as existing practices during drought years. As such, there is adequate water supply for all new development. The Project would be designed and maintained in accordance with City, County, and San Francisco Bay Regional Water Quality Control Board water quality requirements. (Project EIR at 3.1-54.)

To prevent construction impacts on water quality, the Project would be designed to comply with the requirements of the Construction General Permit, the SF Bay MS4 Permit, and City of Santa Clara requirements. A SWPPP to address the construction impacts would be prepared, implemented, and enforced. The Project would be designed and maintained in accordance with City, County, and San Francisco Bay Regional Water Quality Control Board water quality requirements. Therefore, the Project will not reduce water quality below acceptable State and local standards. (Project EIR at 3.1-54.)

The Project will adhere to the design guidelines and development standards in the Master Community Plan and Development Area Plans for the Project. This would require native and low-water-consumption plant species to be installed when landscaping to reduce water use. (Project EIR at 3.1-55.)

Implementation of the Project foundation support systems within the landfill area would reduce any potential adverse impacts related to aquifers and subsidence. The Project applicant will work with SCVWD in installing and maintaining the Project support systems. (Project EIR 3.1-55.)

The Project would install a storm drainage system that will include an underground gravity network of pipes, catch basin, manholes, water quality treatment measures and other appurtenances. The Project would also be required to comply with San Francisco Bay MS4 Permit Provision C.3, Stormwater Technical Guidance. The Project's stormwater drainage system shall employ technologies to reduce and divert runoff to permeable surfaces including, Rainwater Harvesting and Reuse, Green Roofs, Green Streets (with bioretention, impermeable liner, and underdrain) and Pervious Pavements. (Project EIR at 3.10-27 to 3.10-29.)

Safety Goal 5.10.5-G1 Protection of life, the environment and property from natural catastrophes and man-made hazards.

Safety Goal 5.10.5-G2 Adequate emergency preparedness plans.

Safety Goal 5.10.5-G3 Availability of emergency services in the event of a disaster.

Safety Goal 5.10.5-G4 City codes and regulations that are consistent with applicable regional, State and federal regulations for safety.

Safety Policy 5.10.5-P1 Use the City's Local Hazard Mitigation Plan as the guide for emergency preparedness in Santa Clara.

Safety Policy 5.10.5-P4 Identify appropriate evacuation routes so people can be efficiently evacuated in the event of a natural disaster.

Safety Policy 5.10.5-P5 Regulate development, including remodeling or structural rehabilitation, to ensure adequate mitigation of safety hazards, including flooding, seismic, erosion, liquefaction and subsidence dangers.

Safety Policy 5.10.5-P6 Require that new development is designed to meet current safety standards and implement appropriate building codes to reduce risks associated with geologic conditions.

Safety Policy 5.10.5-P7 Implement all recommendations and design solutions identified in project soils reports to reduce potential adverse effects associated with unstable soils or seismic hazards.

Safety Policy 5.10.5-P10 Support efforts by the Santa Clara Valley Water District to reduce subsidence.

Safety Policy 5.10.5-P11 Require that new development meet stormwater and water management requirements in conformance with State and regional regulations.

Safety Policy 5.10.5-P12 Continue to participate in the National Flood Insurance Program and encourage all property owners within flood hazard areas to carry flood insurance.

Safety Policy 5.10.5-P13 Require that development complies with the Flood Damage Protection Code.

Safety Policy 5.10.5-P14 Coordinate with the Federal Emergency Management Agency to ensure appropriate designation and mapping of floodplains.

Safety Policy 5.10.5-P15 Require new development to minimize paved and impervious surfaces and promote on-site Best Management Practices for infiltration and retention, including grassy swales, pervious pavement, covered retention areas, bioswales, and cisterns, to reduce urban water run-off.

Safety Policy 5.10.5-P16 Require new development to implement erosion and sedimentation control measures to maintain an operational drainage system, preserve drainage capacity and protect water quality.

Safety Policy 5.10.5-P17 Require that grading and other construction activities comply with the Association of Bay Area Governments' Manual of Standards for Erosion

and Sediment Control Measures and with the California Stormwater Quality Association (CASQA), Stormwater Best Management Practice Handbook for Construction.

Safety Policy 5.10.5-P18 Implement the Santa Clara Valley Nonpoint Source Pollution Control Program, Santa Clara Valley Urban Runoff Pollution Prevention Program and the Urban Runoff Management Plan.

Safety Policy 5.10.5-P19 Limit development activities within riparian corridors to those necessary for improvement or maintenance of stream flow.

Safety Policy 5.10.5-P20 Maintain, upgrade and replace storm drains throughout the City to reduce potential flooding.

Safety Policy 5.10.5-P21 Require that storm drain infrastructure is adequate to serve all new development and is in place prior to occupancy.

Safety Policy 5.10.5-P22 Regulate development on sites with known or suspected contamination of soil and/or groundwater to ensure that construction workers, the public, future occupants and the environment are adequately protected from hazards associated with contamination, in accordance with applicable regulations.

Safety Policy 5.10.5-P23 Require appropriate clean-up and remediation of contaminated sites.

Safety Policy 5.10.5-P24 Protect City residents from the risks inherent in the transport, distribution, use and storage of hazardous materials.

Safety Policy 5.10.5-P28 Continue to require all new development and subdivisions to meet or exceed the City's adopted Fire Code provisions.

Safety Policy 5.10.5-P29 Continue to refer proposed projects located within the Airport Influence Area to the Airport Land Use Commission.

Safety Policy 5.10.5-P30 Review the location and design of development within Airport Land Use Commission jurisdiction for compatibility with the Airport Land Use Compatibility Plan.

Safety Policy 5.10.5-P32 Encourage all new projects within the Airport Influence Area to dedicate an aviation easement.

Safety Policy 5.10.5-P33 Limit the height of structures in accordance with the Federal Aviation Administration Federal Aviation Regulations, FAR Part 77 criteria.

Safety Policy 5.10.5-P34 Implement minimum setbacks of 500 feet from roadways with average daily trips of 100,000 or more and 100 feet from railroad tracks for new residential or other uses with sensitive receptors, unless a project-specific study identifies measures, such as site design, tiered landscaping, air filtration systems,

and window design, to reduce exposure, demonstrating that the potential risks can be reduced to acceptable levels.

Safety Policy 5.10.5-P35 Establish minimum buffers between odor sources and new residential or other uses with sensitive receptors, consistent with BAAQMD guidelines, unless a project-specific study demonstrates that these risks can be reduced to acceptable levels.

During construction, material would be disturbed; this could expose soil and buried refuse, resulting in a significant impact related to soil erosion. However, Mitigation Measure GEO-1.1, as presented in Section 3.9, *Geology and Soils*, would reduce potential erosion impacts. Because the Project site is located on a landfill, settlement beneath buildings and other improvements could occur, which could result in man-made hazards. The placement of new structures, including residential and commercial buildings, in areas that would be subject to liquefaction could expose people to injury or death and result in substantial damage to physical improvements. Project features could also be damaged by expansive and corrosive soils. Implementation of Mitigation Measures GEO-2.1 through GEO-2.5 would reduce these hazards to less than significant. Project construction and excavation could expose construction workers to constituents of potential concern (COPCs) in the soil; however, implementation of Mitigation Measure HAZ-2.1, as included in Section 3.11, *Hazards and Hazardous Materials*, would reduce this impact. In addition, the Project is located on a landfill where subsurface hazardous materials could pose a significant hazard to human health. Mitigation Measures HAZ-4.1 through HAZ-4.6 would reduce these impacts to less than significant. (Project EIR at 3.1-56.)

The Project would be required to comply with the City's Local Hazard Mitigation Plan, which would serve as a guide for emergency preparedness at the Project site. (Project EIR at 3.1-56.)

Because the landfill is elevated above its surroundings, the majority of the Project site would not be subject to flooding. Therefore, the Project site (including Parcel 5) would be outside of the FEMA-designated 100 year flood zone. (Project EIR at 3.1-56.)

With respect to seismic activity, all Project structure will meet the design parameters of the California Building Code (CBC), as enforced by the City Building Official. Though the Project site could also be subject to erosion, liquefaction, and subsidence, but implementation of Mitigation Measures GEO-2.1 through GEO-2.5 would reduce these impacts. (Project EIR at 3.1-56 to 3.1-57.)

The Project would require implementation of Mitigation Measure GEO-2.4 (Section 3.9, *Geology and Soils*). Final Project design plans that cover both the Project site and off-site areas would be submitted to the City Building Department. Project site structures would be designed to accommodate predicted ground settlement, as determined in the design-level geotechnical investigation for the Project improvements. In addition, Project site buildings and improvements shall be constructed in accordance with the CBC, at the time of development, as required by the Santa Clara City Code. Preliminary geotechnical investigations have been prepared for Parcels 1 through 5. However, Mitigation Measure GEO-2.1, which calls for a design-level geotechnical investigation, would require further field exploration. Mitigation Measure GEO-2.2 requires a final geotechnical report that includes

measures to address issues related to unstable soils and seismic hazards. These design solutions would reduce potential adverse effects associated with these hazards. (Project EIR at 3.1-57.)

The Project would comply with Santa Clara Valley Urban Runoff Pollution Prevention Plan (SCVURPPP) Provision C.3 requirements through the incorporation of low-impact development (LID) measures into the design to reduce stormwater runoff. The SCVURPPP Hydromodification Management Plan (HMP) complies with the SF Bay MS4 permit. The HMP delineates areas where increases in runoff are most likely to affect channel health and water quality and provides management options to maintain pre-project runoff patterns. The Project would also be designed to comply with the requirements of San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit Order R2-2009- 0074, NPDES Permit No. CAS612008; SCVURPPP; and City requirements. (Project EIR at 3.1-57.)

All proposed structures on Parcels 1-4 would be constructed on top of the landfill mounds, which are at higher elevations than their surroundings. Therefore, the Project would not place housing or structures within a 100-year flood hazard area, as mapped on a flood insurance rate map (FIRM). The Project design would use the 1 percent (100-year flood) water surface elevations for the Guadalupe River and San Tomas Aquino Creek to ensure that waterways would not be affected. Therefore, the Project site (including Parcel 5) would be outside of the FEMA-designated 100-year flood zone. (Project EIR at 3.1-58.)

As listed in Section 3.10, *Hydrology and Water Quality*, the following stormwater treatment measures and best management practices (BMPs) would be considered as part of the design: bioretention areas (with underdrain), flow-through planters, tree well and media filters, infiltration trenches, rainwater harvesting and reuse, green roofs, green streets (with bioretention and underdrain), and pervious pavements (with underdrain). BMPs would be implemented to prevent soil erosion. During construction, these measures would include installing erosion and sediment control devices, such as silt fences, staked straw wattles, and geofabric, to prevent silt runoff to storm drains and waterways. Post-project runoff would not exceed estimated pre-project rates and/or durations or result in increased potential for erosion. (Project EIR at 3.1-58.)

Project construction activities will comply with the Association of Bay Area Governments' Manual of Standards for Erosion and Sediment Control Measures and with the California Stormwater Quality Association (CASQA), Stormwater Best Management Practice Handbook for Construction. (Project EIR at 3.1-58.)

The Project would be required to comply with SCVURPPP (formerly known as the Santa Clara Valley Nonpoint Source Pollution Control Program) Provision C.3 Stormwater Technical Guidance because it would involve the creation of an impervious surface area equal to 50 percent or more of the pre-project impervious surface area. The Project would reduce total runoff rates through the implementation of LID measures and, therefore, would be in compliance with Provision C.3. (Project EIR at 3.1-59.)

A new bridge would be constructed over San Tomas Aquino Creek, connecting Great America Parkway and the Convention Center to Parcel 4. Therefore, impacts on San Tomas Aquino Creek would occur because of in-stream work and new bridge footings in the creek. However, Mitigation Measure BIO-5.1 would reduce impacts on this area. (Project EIR at 3.1-59.)

The Project would include new stormwater collection and conveyance infrastructure on all parcels as part of the overall Stormwater Management Plan, which would include stormwater treatment measures to satisfy NPDES Municipal Regional Permit Provision C.3. A complete storm drain study for the 10-year and 100-year storm events would be prepared and submitted for review and approval by the City. (Project EIR at 3.1-59.)

The Eastside Retention Basin and pump station has the capacity to serve the Project. However, depending on the final configuration of the on-site stormwater management and drainage system for Parcel 3, improvements to the ditch and some of the City storm drain system through the existing commercial property to the north may be required. The drainage swale that connects the Tasman lift station to the Retention Basin would need to be upgraded to allow for sufficient conveyance. In addition, the Golf Course Storm Pump Station would most likely be abandoned and removed. A complete storm drain study for the 10-year and 100-year storm events would be prepared and submitted for review and approval by the City. (Project EIR at 3.1-59.)

According to a conceptual site model prepared as part of the site investigation and environmental risk assessment, the potential receptors who could be exposed to soil contamination on Parcels 1, 2, 3, and 4 were identified as groundskeepers and construction workers. Project construction and excavation could expose construction workers to COPCs in the soil; however, implementation of Mitigation Measure HAZ-2.1, as included in Section 3.11, *Hazards and Hazardous Materials*, would reduce this impact. In addition, the majority of the Project site (with the exception of Parcel 5) is located on a landfill where subsurface hazardous materials could pose a significant hazard to human health. Mitigation Measures HAZ-4.1 through HAZ-4.6 would reduce these impacts to less than significant. Project construction would also disturb the existing leachate collection and removal systems and, as a result, create a significant impact related to groundwater quality. Mitigation Measure HAZ-5.1 would reduce the impact. (Project EIR at 3.1-59 to 3.1-60.)

The Project site is located at a former landfill. As discussed in Section 3.11, *Hazards and Hazardous Materials*, although landfill gas control systems are included in the Project design and are regulatory requirements for post-closure landfill management under 27 CCR, the design requirements for these systems focus primarily on the mitigation of explosion hazards associated with methane gases and not health risks associated with the inhalation of toxic air contaminants. As a result, the Project could have a significant impact on the health of residents and commercial workers who could be exposed to volatile COPCs in indoor air. However, Mitigation Measures HAZ-4.1 through HAZ-4.6 would promote appropriate cleanup and remediation of the Project site to reduce impacts on on-site residents, workers, and visitors. (Project EIR at 3.1-60.)

Project construction activities would include the routine transport, use, or disposal of hazardous materials, such as motor fuels, oils, solvents, and lubricants. These construction

activities would take place at both the Project site and in off-site areas. The Project would include residential (Parcels 4 and 5 only), commercial, office, hotel, and entertainment land uses (all parcels). Therefore, small quantities of commercially available hazardous materials, such as household cleaning and landscaping supplies, as well as diesel fuel for backup generators, would routinely be handled and used. If rebuilt, Fire Station 10 would use hazardous materials similar to those used at the existing fire station. However, because compliance with existing regulations would be mandatory, the routine transport, use, or disposal of hazardous materials during Project construction and operation would have a less-than-significant impact on the public or the environment. (Project EIR at 3.1-60.)

As detailed in Section 3.10, *Hydrology and Water Quality*, the SWPPP requires implementation of BMPs related to hazardous materials. The BMPs pertain to storage and soil stockpiles, inspections, maintenance, training of employees, and containment of releases to prevent runoff into existing stormwater collection systems and waterways. Because compliance with existing regulations is mandatory, the routine transport, use, or disposal of hazardous materials during Project construction and operation would have a less-than-significant impact on the public or the environment. (Project EIR at 3.1-61.)

The buildings that are currently located on the Project site were constructed after 1980. Therefore, lead-based paint and asbestos are not expected to be present in existing buildings that are to be demolished. Regardless, demolition of the existing buildings would be conducted in compliance with all applicable regulations. (Project EIR 3.1-61.)

The Project Developers have coordinated with SCFD regarding site plans and the design of the Project. Consultation with SCFD will continue throughout the development process. All new structures as well as open space, circulation, and site access areas would meet or exceed City fire code regulations. (Project EIR at 3.1-61.)

The Project has been reviewed by the ALUC for compatibility with the Airport Land Use Compatibility Plan, per the requirements of this policy. The residential part of the Project was deemed inconsistent with ALUC noise policies because of the proposed location of residential uses within the 65 dBA CNEL. Regardless, review by the ALUC has occurred. (Project EIR 3.1-61.)

The Project's tallest building is approximately 17 stories, or a maximum of 190 feet above the future on-site street grade. Project building heights would not exceed 219 feet above msl, which is consistent with FAA hazard height limits at SJC. (Project EIR at 3.1-61.)

Potential odor sources from Project operations would include diesel exhaust from weekly trash pick-up and the use of architectural coatings during routine maintenance; limited odors may also result from residential cooking appliances. When compared to existing odor sources in the surrounding area, which include commercial and residential uses, odor impacts from Project operation would be similar. Accordingly, Project operation is not expected to result in odor impacts that exceed BAAQMD thresholds. Finally, potential odors from the disturbance of landfill soil would be controlled through Mitigation Measure HAZ-2.1, as presented in Section 3.11, *Hazardous Materials*, which includes on-site odor monitoring during excavation. (Project EIR at 3.1-61.)

Noise Goal 5.10.6-G3 Land use, development and design approvals that take noise levels into consideration.

Noise Policy 5.10.6-P1 Review all land use and development proposals for consistency with the General Plan compatibility standards and acceptable noise exposure levels defined on Table 5.10-1.

Noise Policy 5.10.6-P2 Incorporate noise attenuation measures for all projects that have noise exposure levels greater than General Plan “normally acceptable” levels, as defined on Table 5.10-1.

Noise Policy 5.10.6-P3 New development should include noise control techniques to reduce noise to acceptable levels, including site layout (setbacks, separation and shielding), building treatments (mechanical ventilation system, sound-rated windows, solid core doors and baffling) and structural measures (earthen berms and sound walls).

Noise Policy 5.10.6-P4 Encourage the control of noise at the source through site design, building design, landscaping, hours of operation and other techniques.

Noise Policy 5.10.6-P5 Require noise-generating uses near residential neighborhoods to include solid walls and heavy landscaping along common property lines, and to place compressors and mechanical equipment in sound-proof enclosures.

Noise Policy 5.10.6-P6 Discourage noise sensitive uses, such as residences, hospitals, schools, libraries and rest homes, from areas with high noise levels, and discourage high noise generating uses from areas adjacent to sensitive uses.

Noise Policy 5.10.6-P7 Implement measures to reduce interior noise levels and restrict outdoor activities in areas subject to aircraft noise in order to make Office/Research and Development uses compatible with the Norman Y. Mineta International Airport land use restrictions.

Noise Policy 5.10.6-P10 Encourage transit agencies to develop and apply noise reduction technologies for their vehicles to reduce the noise and vibration impacts of Caltrain, Bay Area Rapid Transit, future High Speed Rail, light rail and bus traffic.

Mitigation Measure NOI-1.3, as included in Section 3.6, *Noise*, would require a Noise Control Plan.⁶ This plan would be developed by an acoustical design professional. Design features and treatments would be identified to ensure that exterior and interior noise levels at proposed uses would be in compliance with the noise standards and mitigation measures are effective. The Project would be designed to reduce noise levels to the maximum amount feasible. (Project EIR at 3.1-62.)

⁶ Although NOI-1.3 is termed a “Mitigation Measure” in the DEIR, the FEIR converted NOI-1.3 to a Condition of Approval.

The Project EIR reviews the Project's consistency with General Plan compatibility standards and acceptable noise exposure levels in the City. Section 3.6, *Noise*, discusses the noise impacts associated with the Project. (Project EIR 3.1-62.)

Section 3.6, *Noise*, includes mitigation measures to reduce noise levels. Mitigation Measure NOI-1.1 addresses construction noise impacts, Mitigation Measure NOI-1.2 addresses off-site noise, and Mitigation Measure NOI-1.3 reduces noise impacts on noise-sensitive uses. (Project EIR at 3.1-63.)

The Project would be required to implement a Noise Control Plan, per Mitigation Measure NOI-1.3 and as outlined in Section 3.6, *Noise*. This mitigation measure would require, but not be limited to, the construction of enclosures around noise-generating equipment, the use of setbacks, and the installation of high-performance windows as well as sound-rated exterior walls, doors, roofs, and ceilings. This would reduce interior noise impacts from roadway, heavy-rail, and light-rail noise for on-site residences, hotels, and office/commercial land uses. However, exterior noise levels, such as from balconies or open areas, would not be mitigated because of the inability to shield exterior levels from all adjacent traffic and rail noise. Because sound walls (or other solid noise barriers) are not considered feasible to fully mitigate on-site impacts, the Project is inconsistent with this policy. (Project EIR at 3.1-63.)

Noise from non-transportation sources would include on-site noise generated by residences; commercial and other non-residential uses, primarily HVAC; and minor building-related sources. Implementation of Mitigation Measure NOI-1.3 would ensure that potential noise impacts would be addressed through design (i.e., enclosures around noise-generating equipment, setbacks to maximize distances to residences, and noise-reducing treatments in new buildings), which would reduce this impact to a less-than-significant level. (Project EIR at 3.1-63.)

The Project site is located 2.7 miles north of SJC and included in the CLUP for the airport. Mitigation Measure NOI-1.3, as presented in Section 3.6, *Noise*, would reduce interior noise levels. This would allow the office component of the Project to be compatible with the CLUP. (Project EIR 3.1-64.)

The Project has been reviewed by the ALUC for compatibility with the Airport Land Use Compatibility Plan. The residential part of the Project was deemed inconsistent with ALUC noise policies because of the proposed location of residential uses within the 65 dBA CNEL. Implementation of Mitigation Measure NOI-1.3 would not adequately reduce exterior noise from aircraft noise for residential areas. However, the Project Developer would continue to work with SJC to reduce aircraft noise to the fullest extent possible. (Project EIR 3.1-64.)

Housing Goals and Policies

Goal A Create and maintain high-quality, livable, and unique residential neighborhoods and preserve established single-family neighborhoods.

Policy A1 Maintain and improve the quality of residential neighborhoods, eliminate housing deficiencies and prevent future blight through the encouragement of ongoing maintenance, rehabilitation and conservation of existing housing stock.

Policy A3 Promote compatibility between neighborhoods while Respecting differences in neighborhood character.

Policy A4 Promote consensus with City Design Guidelines

Goal B Manage growth in the City by designating suitable vacant or underutilized sites for new residential development and ensuring compatibility with community goals and existing neighborhoods.

Policy B1 Disperse affordable housing units throughout the City to Avoid a concentration in any one neighborhood.

Policy B2 Encourage the building of higher density housing on appropriate vacant or underutilized sites.

Policy B3 Encourage the annual construction of the number of housing units necessary to meet the City's regional housing needs determination through housing finance and reducing development constraints.

Policy B4 Promote compatibility between neighborhoods while respecting differences in neighborhood character.

Policy B5 Work towards the mitigation of jobs/housing ratio impacts created by developments with significant employment.

Policy B6 Encourage higher density residential development in transit oriented and mixed use areas where appropriate.

Policy B7 Encourage a mix of unit types and sizes in new housing development.

Goal C Provide housing within the community for persons of all economic levels, regardless of religion, gender, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or mental or physical disability.

Policy C1 Construct and preserve affordable housing for lower and moderate income households through the use of public subsidies, regulatory incentives and flexible development standards.

Policy C2 Participate in local, regional, State and federal programs that support affordable, transitional, supportive and permanent housing.

Policy C3 Create opportunities for affordable housing and housing to support special needs populations and extremely low income households.

Policy C4 Ensure equitable housing opportunities for all residents.

Goal D Provide an adequate variety of individual choices of housing tenure, type and location, including higher density where possible, especially for low and moderate income and special needs households.

Policy D1 Promote a variety of housing types, in different locations to maintain social and economic diversity in the City.

Policy D2 Participate in programs that provide support services to residents in need.

Policy D3 Increase public outreach efforts to inform residents and potential developers of available City housing programs.

Policy D4 Encourage early participation from residents and other stakeholders in development of long range plans and review of new development proposals.

Policy D5 Ensure compliance with all State and federal regulations relating to housing opportunities and the prevention of discrimination.

The Project will not obstruct any of the foregoing housing policies. Although the Project site has not been previously designated as a site for residential development, the 240 acres are currently underutilized. The proposed General Plan designation and zoning for the Project site would allow the Project to be compatible with City goals and policies (i.e., promoting new residential development on currently underutilized sites). Up to 1,680 dwelling units are proposed on Parcels 4 and 5 of the Project site. These units would increase density on the Project site, which is currently underutilized compared with adjacent development. (Project EIR at 3.1-65.) The Project Site was not included in the inventory of available sites for residential housing development when the City adopted its most recent housing element, and so the potential addition of the 1,680 dwelling units will further the City's goal of meeting its regional housing needs allocation, in furtherance of Policy B3. As also discussed above, the Project is physically and visually separated from residential neighborhoods and instead abuts properties that house similar office and entertainment uses. Therefore the Project would be compatible with and in character with surrounding neighborhoods. The Project would include up to 1,680 units in a mixed-use development that would be adjacent to major local and regional transit lines. The Project site is currently within walking distance of two VTA light-rail stations and the heavy-rail Great America Amtrak Station. (Project EIR at 3.1-66.)

Policy B5 obligates the City to explore ways to alleviate a jobs/housing imbalance created by the Project, and the City is presently fulfilling its obligations under this policy. Per the General Plan Housing Element, the City will carry out Policy B5 by complying with the terms of Housing Element Implementation Action #13. Implementation Action #13 directs the City to:

- Continue to require housing impact studies as part of project-related environmental reviews for new developments or businesses that generate a high number of jobs.

- Continue to require Housing Impact Studies through development agreements with new projects, to address the impact on the affordable housing supply.
- Consider, in 2015-2016, establishing an affordable housing mitigation fee for office and industrial developments that propose a significant square footage of area where persons are to be employed.

The Draft EIR contains the required housing impacts study in the form of the jobs/housing balance analysis and resulting impact conclusions. The City has taken the steps necessary to establish an affordable housing mitigation fee for office development. On October 27, 2015, the City Council authorized the City Manager to enter into an MOU with the Silicon Valley Community Foundation to fund a multi-jurisdictional effort to develop a nexus study for an affordable housing impact fee. The City Manager signed the final agreement on April 12, 2016. In accordance with the terms of the Development Agreement between the City and the Developer, the Developer has agreed to set aside 10% of its residential units as affordable units at a moderate affordability level or below. In the event that residential development is either not allowed on Parcel 4 (Phases 2 and 3) or proves infeasible on Parcel 4 as a result of the environmental regulatory agency controls on the landfill, then the Developer will pay an in lieu fee to satisfy the 10% housing commitment for housing provided on Parcel 5 (Phase 1). In sum, Housing Policy B5 does not prohibit the construction of projects that worsen the jobs/housing ratio or render such project inconsistent with Policy B5. Rather the policy obligates the city to take a series of steps to mitigate any ratio imbalance created. The City has taken such steps and the Project is therefore consistent with Housing Policy B5.

With respect to affordable housing, the Project Master Developer has agreed in the Development Agreement to construct 10% of its residential units as affordable units at a moderate affordability level or below. In the event that residential development is either not allowed on Parcel 4 (Phases 2 and 3) or proves infeasible on Parcel 4 as a result of the environmental regulatory agency controls on the landfill, then the Developer will pay an in lieu fee to satisfy the 10% housing commitment for housing provided on Parcel 5 (Phase 1). This agreement supports Housing Policy C2 above.

Goals and Policies Not Implicated by the Project

Some General Plan goals and policies are simply not implicated by the Project. For example, goals and policies relating to the preservation of historic resources are not implicated by the Project because no historic resources exist on or near the Project site. General Plan goals and policies that do not apply to the Project are identified below and an explanation of their inapplicability is provided.

Prerequisite Goals and Policies Not Implicated

Prerequisite Goal 5.1.1-G5 A balanced community in terms of jobs, housing, supporting infrastructure and public services.

Prerequisite Policy 5.1.1-P9 Prior to the implementation of any net new industrial or commercial development beyond that identified as “Approved/Not Constructed and Pending Projects” on Figure 2.3-1,⁷ establish a mechanism to meter development, consistent with the assumptions in Appendix 8.6: General Plan Land Use Assumptions, in order to maintain the City’s projected jobs/housing balance and ensure adequate infrastructure and public services.

The Project will be identified as one of the “Approved/Not Constructed and Pending Projects” upon project approval. (General Plan at Figure 2.3-1.) Thus, the Project will not be within the scope of Prerequisite Policy 5.1.1-P9. Likewise, Prerequisite Goal 5.1.1-G5 is not implicated.

Prerequisite Policy 5.1.1-P7 Prior to the implementation of Phase III of the General Plan, initiate the planning process for one or more of the Future Focus Areas included in that Phase.

Prerequisite Policy 5.1.1-P8 Prior to approval of residential development for Phase III in any Future Focus Area, complete a comprehensive plan for each area that specifies:

Land Uses, with the location of residential, retail, mixed-uses, public facilities, schools and parks.

Street System, with the location of neighborhood circulation elements, connections to existing roadways, pedestrian and bicycle amenities, and access to alternate transportation modes.

Community Design, with appropriate design guidelines for private development, public facilities, streetscapes and transitions to adjacent land uses.

Infrastructure and Utilities, with provisions for sufficient storm drain, sanitary sewer conveyance, wastewater treatment, water, solid waste disposal and energy capacity.

Public Services, with provisions that new development: does not have adverse impacts on libraries; arts, cultural and community facilities; police services; and fire and life safety services; and avoids impacts on schools and requires mitigation consistent with State regulations.

Fiscal Health, with an evaluation of projected costs and revenues associated with implementation of the Future Focus Area development and its potential effects on the City’s budget.

Public Participation, with opportunities for community input at each stage of the planning process.

⁷ The General Plan currently contains a misprint listing this Figure as 2.1.1, which does not exist in the General Plan. This misprint will be corrected as a part of the General Plan Amendment.

The Project is not within a Future Focus Area and thus, the above goals and policies applicable to such areas are not implicated by the Project.

Prerequisite Policy 5.1.1-P16 Prior to 2023, work with Valley Transportation Authority to implement a transit loop for Downtown from the Santa Clara Transit Station

Prerequisite Policy 5.1.1-P19 Prior to 2023, if the Downtown Core has not developed in accordance with the Downtown Focus Area plan, complete a planning study to determine the feasibility of civic uses.

Prerequisite Policy 5.1.1-P22 Prior to 2023, comprehensively update the City's list of Architecturally or Historically Significant Properties (Appendix 8.9), including evaluation of historic significance and statement of historic context for historic resources.

The Project does not implicate the City's work within the Downtown loop and Downtown Core areas as the Project is not located in these areas. The Project does not implicate any update of the list of Historic Resources because the Project site does not contain any historic resources.

Individual Goals and Policies Not Implicated

Land Use Goals and Policies

Land Use Policy 5.3.1-P18 Meter net new industrial and commercial development excluding "Approved/Not Constructed and Pending Projects" identified on Figure 2.1-1 so as not to exceed 2.75 million square feet in Phase I, 5.5 million square feet in Phase II and 5.5 million square feet in Phase III in order to maintain the City's jobs/housing balance and ensure adequate infrastructure and public services.

Because the Project will be included on the list of "Approved/Not Constructed and Pending Projects" (see General Plan at Figure 2.3-1.), this land use policy is not implicated.

Land Use Policy 5.3.1-P7 Work with State and regional agencies to ensure that their plans and projects are consistent with the City's General Plan.

Because the Project does not a State or Regional agency project, this land use policy is not implicated.

Land Use Policy 5.3.1-P21 Allow Public/Quasi Public uses, including places of assembly such as places of worship, schools, emergency shelters and convalescent homes, in all General Plan designations, provided that access is from a Collector or larger roadway, and that they are compatible with planned uses on neighboring properties and other applicable General Plan policies. Such uses not associated with government operations are prohibited in areas designated Light Industrial or Heavy Industrial, and in areas designated High or Low Intensity Office/Research and Development outside the Exception Area.

Because the Project does not propose any public uses such as places of worship, schools, emergency shelters and convalescent homes, this land use policy is not implicated.⁸

Land Use Policy 5.3.1-P22 Encourage conveniently located child care and other family support services in the community, except in areas designated for Light and Heavy Industrial Uses.

Because the Project does not propose any child care or family support services facilities, this land use policy is not implicated.

Land Use Policy 5.3.1-P23 Maintain adequate separation between Specified Regulated Businesses and existing and planned residential and school uses, and other Specified Regulated Businesses.

Land Use Policy 5.3.1-P32 Prohibit new, and expansion of existing, Specified Regulated Businesses, as defined under this General Plan, in all land use designations, unless the new or expanded use is replacing an existing, legal, similar business and is located in a commercial land use designation, and meets all other applicable General Plan policies.

Because the Project does not propose any Specified Regulated Businesses on site and is not located near any such businesses, the above land use policies are not implicated.

Land Use Policy 5.3.1-P28 Encourage undergrounding of new utility lines and utility equipment throughout the City.

Because the Project will not be constructing above-ground utility equipment, this land use policy is not implicated.

Land Use Policy 5.3.1-P31 Allow emergency shelters in the light industrial land use designation.

Because the Project is not located in a light industrial zone, this land use policy is not implicated.

Land Use Policy 5.3.1-P34 Annually review those areas of the General Plan that are subject to flooding identified by the floodplain mapping prepared by the Federal Emergency Management Agency or the State Department of Water Resources, and amend the Plan, as appropriate to reflect any changes.

Because the Project is not located in an area identified by the Federal Emergency Management Agency as subject to flooding, this land use policy is not implicated.

Mixed Use Goals and Policies

⁸ The Project proposes to include a city-operated park located on parcel three, and access to the park will be provided via a larger roadway. (Project EIR at Figure 2-12.)

Mixed Use Policy 5.3.4-P1 Transform underutilized commercial centers into new mixed-use destinations, consistent with applicable land use classifications.

Because the Project does not propose to construct on an underutilized commercial site, this policy is inapplicable.

Mixed Use Policy 5.3.4-P3 Prohibit single-use development in mixed-use classifications unless allowed under Focus Area or Neighborhood Compatibility Policies.

Because the Project does not propose to construct single-use development, this policy is inapplicable.

Mixed Use Policy 5.3.4-P16 Discourage auto-oriented uses, such as drive-through retail establishments, auto repair, and service stations in mixed-use designations, except under certain circumstances within the Community Mixed-Use designation in the El Camino Real Focus Area.

Mixed Use Policy 5.3.4-P17 For Neighborhood and Community Mixed Use properties under one-half acre, allow mixed-use development of entirely residential uses or development of entirely commercial or community serving office uses in order to facilitate development on smaller lots, consistent with the required density and intensity ranges as well as other applicable General Plan policies.

Mixed Use Policy 5.3.4-P18 Prohibit Specified Regulated Businesses, as defined under this General Plan, in all developments in Mixed-Use designations that include residential uses.

The foregoing three policies are not applicable because: (1) the Project does not propose drive-through and auto repair establishments; (2) the Project site is not less than one-half acre; and (3) the Project does not propose to construct any Specified Regulated Uses.

Residential Use Goals and Policies

Residential Policy 5.3.2-P5 Allow development of second units in single-family neighborhoods, provided that the development complies with the General Plan Transition policies and that it is compatible with surrounding neighborhoods

The Project will not be constructed in a single-family neighborhood; therefore this policy is not applicable.

Residential Policy 5.3.2-P18 Promote Santa Clara University stewardship to provide adequate management oversight of off-campus student housing.

Residential Policy 5.3.2-P19 Work with Santa Clara University to provide adequate student housing on-site or contiguous to the University facilities, including a potential student housing district, and to facilitate adoption of University standards for property owner compliance with housing operations and conditions.

Residential Policy 5.3.2-P20 Encourage expansion of Santa Clara University's residency opportunities and its enforcement of minimum standards for off-campus housing as a requirement for undergraduate and graduate student enrollment.

The Project does not implicate the City's coordination with Santa Clara University; therefore, the foregoing two policies are not applicable.

Office and Industrial Goals and Policies

Office and Industrial Policy 5.3.5-P19 Restrict the use and storage of hazardous materials for industrial uses within 500 feet of existing residential uses.

Office and Industrial Policy 5.3.5-P20 Prohibit Specified Regulated Businesses from all office/industrial designated properties.

The foregoing two policies are not applicable because: (1) the Project does not propose to act as a storage site for hazardous materials; and (2) the Project does not propose to construct any Specified Regulated Businesses.

Office and Industrial Policy 5.3.5-P9 Allow additional square footage of up to ten percent, but not less than 2,500 square feet, of a proposed Office/R&D Development for commercial uses provided that such commercial uses have the potential to reduce daytime vehicle trips.

The amendment to the General Plan designating the Project site as Urban Center/Entertainment District renders this policy inapplicable.

Office and Industrial Policy 5.3.5-P11 Construct sidewalks in industrial areas, with priority along streets served by existing or planned transit services.

The Project will not be located in an industrial area (but will construct sidewalks for its interior streets). Therefore, this policy is inapplicable.

Office and Industrial Policy 5.3.5-P18 Allow residential uses existing as of January 1, 2010, located between the Caltrain corridor and Richard Avenue, within 500 feet of Lafayette Street, as a conforming use in the Light Industrial classification, with the requirement that any future redevelopment or intensification on those properties conform to the provisions in the Light Industrial land use classification.

There are no pre-existing residential uses on the Project site; therefore this policy is not applicable.

Neighborhood Compatibility Goals and Policies

Neighborhood Compatibility Policy 5.5.2-P4 Provide adequate separation between incompatible land uses in order to minimize negative effects on surrounding existing and planned development.

Neighborhood Compatibility Policy 5.5.2-P6 Adjust new building height, scale and massing along the site perimeter abutting planned lower-intensity uses.

Neighborhood Compatibility Policy 5.5.2-P7 For buildings of three stories or greater, increase the setback of upper stories where they abut lower-intensity residential uses.

Neighborhood Compatibility Policy 5.5.2-P8 Encourage enhanced streetscape design and reduced building mass for non-residential uses located across the street from lower-intensity residential neighborhoods.

The foregoing policies are not applicable because: (1) the Project is adjacent to similar uses, not incompatible uses; (2) the Project is not adjacent to low-intensity uses; (3) the Project will not abut residential uses; add (4) the Project is not situated across from low-intensity residential uses.

Transportation Goals and Policies

General Mobility and Transportation Policy 5.8.1-P10 Resolve conflicts between any plans, construction or funding for improvements and the Transportation and Mobility Diagrams or text, including those that alter the classification of a transportation facility, through a General Plan Amendment in order to evaluate the broader implications of the proposal and maintain internal consistency of the Plan.

Because the Project does not create a conflict with the Transportation Mobility Diagram, this policy is inapplicable

Parking Policy 5.8.6-P9 Consider neighborhood parking programs, such as “permit-only” and timed parking zones, to minimize parking intrusion on residential streets.

The foregoing policy does not apply because: (1) the Project does not propose construction of residential-only streets and is not located near residential streets; and (2) the Project is not adjacent to residential neighborhoods.

Parks, Open Space and Recreation Goals and Policies

Parks, Open Space and Recreation Policy 5.9.1-P12 Promote the preservation of open space and recreational areas on existing and closed school sites.

Parks, Open Space and Recreation Policy 5.9.1-P19 Encourage comparable parkland outside the City, near jurisdictional boundaries, that is accessible to City residents and employees, and allow it to contribute to the 2.4 acres per 1,000 population standard if controlled, or partially controlled, by the City.

The foregoing policies do not apply because: (1) the Project will not be constructed on a closed school site; and (2) the Project proposes construction of park space within the Project site and outside the City or near City boundaries.

Environmental Quality Goals and Policies

Energy Policy 5.10.3-P2 Transition away from using coal as an energy source to renewable resources by replacing coal in Silicon Valley Power's portfolio, exploring City owned property for renewable energy projects, developing solar projects, and incentivizing solar projects for residents and businesses, consistent with the CAP.

Energy Policy 5.10.3-P3 Maximize the efficient use of energy throughout the community by achieving adopted electricity efficiency targets and promoting natural gas efficiency, consistent with the CAP.

The Project does not implicate the City's ability to transition away from coal as an energy source or the City's adoption of electricity efficiency targets. Therefore, these policies are not applicable.

Energy Policy 5.10.3-P12 Work with Silicon Valley Power to implement adequate energy distribution facilities to meet the demand generated by new development.

Energy Policy 5.10.3-P13 Work with the City of San Francisco to explore opportunities to share the Hetch-Hetchy right-of-way for electrical facilities.

Energy Policy 5.10.3-P14 Work with Pacific Gas and Electric to ensure an adequate supply of natural gas to meet the demand generated by new development.

Water Policy 5.10.4-P9 Work with Santa Clara Valley Water District to improve the Santa Clara Distributary.

Water Policy 5.10.4-P10 Work with Santa Clara Valley Water District to minimize undesirable compaction of aquifers and subsidence of soils.

The Project does not implicate the City's ability to work with energy providers, water districts or other cities; therefore these policies do not apply.

Water Policy 5.10.4-P11 Require that any unused wells be abandoned properly.

Because there are no wells on the Project site, this policy is not applicable:

Safety Policy 5.10.5-P31 Discourage schools, hospitals, sensitive uses and critical infrastructure, such as power plants, electric substations and communications facilities, from locating within specified safety zones for the Airport as designated in the Airport Comprehensive Land Use Plan.

Safety Policy 5.10.5-P2 Work with school districts and other public/quasi-public building owners to use facilities as shelters in the event of emergencies.

Safety Policy 5.10.5-P3 Require that special occupancy buildings, and other structures that support protection of community health and safety, remain operative during emergencies.

Safety Policy 5.10.5-P8 Encourage property owners to retrofit potentially hazardous structures, such as unreinforced masonry buildings, and to abate or remove structural hazards.

Safety Policy 5.10.5-P9 Encourage all hospitals, schools and other public buildings to adequately retrofit for seismic shaking in accordance with State regulations.

Safety Policy 5.10.5-P25 Use Best Management Practices to control the transport of hazardous substances and to identify appropriate haul routes to minimize community exposure to potential hazards.

Safety Policy 5.10.5-P26 Survey pre-1980 buildings and abate any lead-based paint and asbestos prior to structural renovation and demolition, in compliance with all applicable regulations.

Safety Policy 5.10.5-P27 Locate hazardous waste management facilities in areas designated as Heavy Industrial on the Land Use Diagram if compatible with surrounding uses and consistent with the County Hazardous Waste Management Plan.

The foregoing policies do not apply to the Project because: (1) the Project does not propose to construct schools or hospitals; (2) the Project developer is not a school district or quasi-public building owner; (3) the Project does not propose to construct special occupancy buildings; (4) the Project does not contain hazardous structures or pre-1980 structures; (5) the Project does not propose construction of public buildings; and (6) the Project does not propose construction of a hazardous waste management facility.

All Focus and Future Focus Area Goals and Policies

As discussed above, the Project is not located in a Focus Area or Future Focus Area. Therefore, Future Focus Area Goals 5.4.7-G1 through 5.4.7-G3 and Future Focus Area Policies 5.4.7-P1 through 5.4.7-P10 are not implicated.

All Historic Resource Goals and Policies

There are no historic resources located on or near the Project site. Therefore Historic Preservation Goals 5.6.1-G1 through 5.6.1-G3 and Historic Preservation Policies 5.6.1-P1 through 5.6.1-P10 are not implicated. Likewise, Historic Sensitivity Goals 5.6.2-G1 through 5.6.2-G2 and Historic Sensitivity Policies 5.6.2-P1 through 5.6.2-P6 are not implicated.

All Rail and Freight Goals and Policies

The Project does not propose any rail or freight uses. Therefore, Rail and Freight Goals 5.8.7-G1 through 5.8.7-G2 and Rail and Freight Policies 5.8.7-P1 through 5.8.7-P7 are not implicated.

All Discretionary Use Goals and Policies

The Project does not propose an alternate land use classification as compared to the General Plan land use designation for the Project site. The General Plan was amended to designate the Project site as Mixed-Use, Urban Center/Entertainment District. The Project proposes uses permitted under this land use classification. Thus, Discretionary Use Goals 5.5.1-G1 through 5.5.1-G2 and Discretionary Use Policies 5.5.1-P1 through 5.5.1-P17 are not implicated.

Housing Goals and Policies

Policy A2 Provide code enforcement support for residential neighborhoods in conformance with City Code and Zoning Ordinance regulations.

The Project does not implicate the City's ability to enforce its laws; therefore this policy is not applicable.

Goals and Policies Not Fully Promoted by the Project

Conservation Policy 5.10.1-P4 Protect all healthy cedars, redwoods, oaks, olives, bay laurel and pepper trees of any size, and all other trees over 36 inches in circumference measured from 48 inches above-grade on private and public property as well as in the public right-of-way.

Air Quality Goal 5.10.2-G1 Improved air quality in Santa Clara and the region.

Air Quality Goal 5.10.2-G2 Reduced greenhouse gas emissions that meet the State and regional goals and requirements to combat climate change.

Air Quality Policy 5.10.2-P2 Encourage development patterns that reduce vehicle miles traveled and air pollution.

Noise Goal 5.10.6-G1 Noise sources restricted to minimize impacts in the community.

Noise Goal 5.10.6-G2 Sensitive uses protected from noise intrusion.

Noise Policy 5.10.6-P8 Continue to encourage safe and compatible land uses within the Norman Y. Mineta International Airport Noise Restriction Area.

Noise Policy 5.10.6-P9 Work with the City of San José Norman Y. Mineta International Airport to implement mitigation from aircraft noise to the fullest extent possible.

Noise Policy 5.10.6-P11 Develop and include noise reduction measures with improvements and extensions of City streets.