

# Buchalter

January 24, 2022

**VIA E-MAIL (JDAVIDSON@SANTACLARACA.GOV)**

John Davidson  
Senior Planner  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Re: Patrick Henry Drive Specific Plan and Final EIR (SCH # 2019120515)

Dear Mr. Davidson:

As you know, O2Micro owns the parcel located at 3118 Patrick Henry Drive, Santa Clara, California ("O2Micro Property") in the southern portion of the Patrick Henry Drive Specific Plan (the "PHD Specific Plan") area. The City of Santa Clara ("City") included various stakeholders in its planning process and identified O2Micro as Stakeholder #6 for the Specific Plan review process. Buchalter, a Professional Corporation, represents O2Micro as land use counsel for the development of the O2Micro Property.

Thank you for forwarding the City's Final Environmental Impact Report ("Final EIR") addressing some of our comments on the Draft Environmental Impact Report ("Draft EIR") for the PHD Specific Plan. We understand that the City also recently released the Final Specific Plan in January, 2022<sup>1</sup>. As we have advised you previously, O2Micro remains concerned with the Specific Plan's proposed roadway connection across the O2Micro Property to Mission College Boulevard on the Mission College Campus (the "Road Connector"). This concern has not changed.

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<sup>1</sup> It appears that the City released a version of the Final Specific Plan as a "full draft" Specific Plan. For purposes of our comments, we have referred to the Specific Plan as the "final."

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**The Final PHD Specific Plan and Final EIR should be revised to eliminate the Road Connector Option Because Mission College Rejected It.**

The City released for public review the Final PHD EIR on January 12, 2022. Unfortunately, however, the Final EIR and the Final PHD Specific Plan fail to accurately and consistently depict the circulation network in light of the recent action of the West Valley-Mission Community College District Board of Trustees (the “Board of Trustees”). As you know, the Board of Trustees governs development on the Mission College Campus. At the December 21, 2021 meeting of the Board of Trustees, the Board unanimously rejected the PHD Specific Plan Road Connector option described in the Specific Plan and Draft EIR. Although the Final EIR acknowledged that the Road Connector cannot be constructed if rejected by “Mission College” (i.e. the Board of Trustees), the Final EIR failed to report that the Board of Trustees *already rejected* the Road Connector option. (See PHD Specific Plan Final EIR, pp. 3-10, 3-25, 3-46.) Since the Road Connector cannot be constructed without Mission College’s consent, the Road Connector option is infeasible. Thus, the City’s only option is to remove the Road Connector option from the Final PHD EIR and Specific Plan and eliminate the Road Connector from O2Micro’s Property.

To continue depicting the Road Connector across the O2Micro Property in the EIR and Specific Plan is confusing, misleading and meaningless given the rejection by the Board of Trustees. It is confusing because the Final PHD Specific Plan and the Final EIR flipped the preferred option so it is now the alternative option but they both still show an option with the Road Connector even though the Board of Trustees rejected the Road Connector. Any Road Connector from the southern portion of the Specific Plan area through Mission College as shown in the Final EIR and Specific Plan (be it the preferred land plan or the option) would result in a proverbial “road to nowhere.” It is misleading and meaningless because the agency responsible for approving it has rejected this option. Therefore, it is not a feasible option and the Road Connector and any references to “potential future vehicle connection” should be eliminated from the Specific Plan and EIR as an alternative for the land plan circulation system.

**The Final PHD Specific Plan and Final PHD EIR No Road Connector Option should be revised so that the open space on the O2Micro Property equals the open space on the adjacent Summerhill Property.**

We appreciate the City’s replacement of the Road Connector option with the No Road Connector option as the preferred land plan in light of the Board of Trustee’s denial of the Road Connector through the Mission College campus. We request that the City size the proposed open space depicted along the eastern boundary of the O2Micro Property so that it is equivalent to the open space on the Summerhill property next door. This would be a fair and equitable

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distribution of open space and public amenities consistent with the development contemplated on both properties.

**The Final EIR and Final Specific Plan Exhibits should be revised to remove the Road Connector.**

At this point, and given the Board of Trustee's rejection of the Road Connector, the City's sole option is to eliminate the roadway across the O2Micro Property from the Specific Plan and the EIR, rather than continuing to show it in the Specific Plan and the EIR. By retaining this "road to nowhere" (as it is still shown on the preferred Land Use Plan in Figure 3.6 of the EIR) creates confusion.

Given the Board of Trustee's rejection of the Road Connector, the PHD Specific Plan can only remain consistent with the Final EIR if the City removes the Road Connector from the O2Micro Property. Given the concerns O2Micro has raised in writing on numerous occasions<sup>2</sup>, which are incorporated herein by reference, we respectfully request that the City revise the PHD Specific Plan and the Final EIR to make the documents consistent and remove this "road to nowhere" on the O2 Micro Property. Specifically, this includes, but is not limited to, removal of references to the Road Connector or "potential future vehicle connection" from the following exhibits in the Final PHD Specific Plan and Final EIR:

- Final PHD Specific Plan:
  - Figure 4.2-ALT (Urban Design Framework);
  - Figure 4.3A-ALT (Land Use Plan);
  - Figure 4.3B-ALT (Ground Floor Activation);
  - Figure 4.3C-ALT (Building Height);
  - Figure 4.5-ALT (Parks and Greenways);
  - Figure 4.6.2-ALT (Circulation);
  - Figure 4.6.2.1A-ALT (Street Types and Existing Easements);
  - Figure 4.6.2.1B-ALT (Vehicular Network);
  - Figure 4.6.2.2-ALT (Pedestrian and Bicycle Network);
  - Key map on page 125; and
  - Key map on page 130;
- PHD Specific Plan Final EIR:
  - Figure 3.6 (Land Use Plan);
  - Figure 3.7 (Urban Design Framework); and
  - Figure 3.8 (Building Height)

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<sup>2</sup> Letters from O2Micro or Buchalter on O2Micro's behalf dated 3/1/2021, 3/31/2021, 9/13/2021, 12/21/2021 and 12/22/2021.

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It may be easier and result in less confusion to simply delete all exhibits illustrating the Road Connector Option including Figures 3.6, 3.7 and 3.8 on pages 134, 136 and 138 of the Final EIR. This change could be explained in the Text Revisions chapter in the Final EIR.

Similarly, the following figures showing the No Road Connector option also should be revised to illustrate equal size of the open space on the O2Micro and Summerhill Properties:

- Figure 4.2 (Urban Design Framework);
- Figure 4.3A (Land Use Plan);
- Figure 4.3B (Ground Floor Activation)
- Figure 4.3C (Building Height);
- Figure 4.5 (Parks and Greenways);
- Figure 4.6.2 (Circulation);
- Figure 4.6.2.1B (Vehicular Network);
- Figure 4.6.2.2 (Pedestrian and Bicycle Network);

**The Final EIR and Final Specific Plan should be revised to change the 8,000 square feet of retail use to flex space.**

O2Micro requests that the City revise the Specific Plan and Final EIR to change the retail use to flex use per our prior comments on the Draft EIR. The following figures should be revised, accordingly:

- Final PHD Specific Plan and Final PHD EIR, Figure 4.2 (Urban Design Framework);
- Final PHD Specific Plan and Final PHD EIR, Figure 4.2-Alt (Urban Design Framework);
- Final PHD Specific Plan and Final PHD EIR, Figure 4.3B (Ground Floor Activation);
- Final EIR, Figure 4.3B-Alt (Ground Floor Activation);
- Final EIR, Figure 3.7 (Urban Design Framework); and
- Final EIR, Figure 3.7-A (Urban Design Framework – No Connection to Mission College Blvd).

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We hope to work with the City on a mutually acceptable plan that meets the community's interests without imposing greater impacts to O2Micro. We look forward to the City's certification of the Final EIR and approval of the Final PHD Specific Plan.

Sincerely,

BUCHALTER  
A Professional Corporation

By 

Alicia Guerra

AG:nj

cc: Xander Abbe  
Reena Brilliot  
Lynn Lin  
Yimin Zimmerer  
Jane Zhang