CIVIC CENTER FAMILY HOUSING PROJECT
RESPONSE TO COMMENTS

The Civic Center Family Housing Project Initial Study/Mitigated Negative Declaration (MND) was prepared and evaluated in compliance with the requirements of the California Environmental Quality Act (CEQA) and the City of Santa Clara. The Initial Study/MND was circulated for 30 days from June 13 to July 12, 2022. The City received eight comment letters during the public comment period:

Comment Letters Received by the City from State, County, or Local agencies:

A.	Department of Toxic Substances Control	July 8, 2022
B.	Valley Water	July 8, 2022
C.	Santa Clara Valley Transportation Authority	July 12, 2022
C.	Sneha Shah	July 6, 2022
D.	Keyhan Sinai	July 6, 2022
F.	Jamie Lau	July 11, 2022
G	Jean Song	July 12, 2022
H.	David Bayto	July 12, 2022

This memo responses to public comments on the Initial Study/MND as they relate to the potential environmental impacts of the project under CEQA. Numbered responses correspond to comments in each comment letter. Copies of all comment letters are attached.

Comment Letter A: Department of Toxic Substances Control – July 8, 2022

Comment A-1: The Department of Toxic Substances Control (DTSC) received a Notice of Availability of a Mitigated Negative Declaration (MND) for the Civic Center Drive Family Housing Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

1. The MND should acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. In instances where releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. Section 4.9 *Hazards and Hazardous Materials* of the Draft Initial Study prepared by the City of Santa Clara dated June 2022 makes reference to a Phase II Subsurface Investigation prepared by Professional Service Industries, Inc. in February 2022, but the data presented therein is not available for review as this document does not appear to be included in the Draft Initial Study. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

Response A-1: DTSC is correct that the Phase II was not included in the distributed materials. The document has been provided to DTSC for review and posted to the State Clearinghouse. The findings of the Phase II are, however, summarized on page 81 of the Initial Study. As stated in the Initial Study:

> "A total of 10 soil borings were taken on the project site with soil samples taken at one and four feet bgs. Groundwater was not encountering in any soil borings. The samples were tested for chlorinated pesticides and one sample was found to have a measurable concentration of DDE at 0.054 milligrams per kilogram (mg/kg). The RWQCB Environmental Screening Levels (ESLs) for residential land uses have a threshold of 0.65 mg/kg. The level of contamination documented on-site is below the ESL residential threshold."

Furthermore, as explained on page 82 of the Initial Study, no off-site releases have impacted the project site. The analysis concluded that construction and operation of the proposed project would have a less than significant hazards and hazardous materials impact. Furthermore, the project was found to be consistent with all applicable City policies pertaining to potential safety risks for future site residents and hazardous materials. Therefore, no mitigation or oversight is required.

Comment A-2: 2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL)being deposited in and alongside roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found under some existing road surfaces due to

past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to preforming any intrusive activities for the Project described in the MND.

Response A-2: As a Condition of Approval, the City will require soil sampling for lead prior to issuance of a grading permit.

Comment A-3: 3. If buildings or other structures are to be demolished on any project sites including in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.*

Response A-3: Page 81 of the Initial Study addresses the potential for lead-based paint and asbestos containing materials to be on-site due to the age of the existing building. Page 86 of the Initial Study outlines the Conditions of Project Approval required by the project to address these contaminants consistent with Cal/OSHA and Bay Area Air Quality Management District regulations. The Phase I did not identify polychlorinated biphenyls or mercury as an environmental condition.

Comment A-4: 4. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 201 Information Advisory Clean Imported Fill Material.*

Response A-4: The commenters recommendation to require sampling of imported fill (if any is required) consistent with *DTSC's 201 Information Advisory Clean Imported Fill Material* will be provided to the decision-makers during consideration of the proposed project.

Comment A-5: 5. If any sites included as part of the proposed Project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision).*

Response A-5: As discussed in Response A-1, 10 soil borings were taken on the project site and tested for chlorinated pesticides. Only one sample was found to have a measurable concentration of DDE at 0.054 mg/kg, which is below the ESL residential threshold.

Comment A-6: DTSC appreciates the opportunity to comment on the MND. Should you need any assistance with an environmental investigation, please visit DTSC's Site Mitigation and Restoration Program page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at DTSC's Brownfield website.

Response A-6: This comment is noted.

Comment Letter B: Valley Water – July 8, 2022

Comment B-1: Valley Water has reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) for the Civic Center Drive Family Housing Project, received on June 10, 2022. Valley Water has the following comments on the subject IS/MND document:

1. Section 4.10.1.1- Municipal Regional Permit Provision C.3 should note that the Regional Water Quality Control Board (RWQCB) has renewed the Municipal Regional Stormwater NPDES Permit on May 11, 2022 (Order No. R2-2022-0018, NPDES Permit No. CAS612008).

Response B-1: This edit is incorporated into the Initial Study/MND by reference. See the attached errata sheet.

Comment B-2: 2. Section 4.10.1.1- Water Resources Protection Ordinance and Well Ordinance, the text should also include: "Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program."

Response B-2: This edit is incorporated into the Initial Study/MND by reference. See the attached errata sheet.

Comment B-3: 3. Section 4.10.1.1- Water Resources Protection Ordinance and Well Ordinance, the language under this section should be revised to clarify that well construction and deconstruction permits, including borings 45 feet or deeper, are required under Valley Water's Well Ordinance 90-1. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain encroachment permits.

Response B-3: This edit is incorporated into the Initial Study/MND by reference. See the attached errata sheet.

Comment B-4: 4. Section 4.10.1.1- 2016 Groundwater Management Plan, this section includes a subsection on Valley Water's 2016 Groundwater Management Plan. The subsection should be updated to reference Valley Water's updated 2021 Groundwater Management Plan which was adopted by the Board of Directors on November 21, 2021. The updated plan can be found at https://s3.uswest2.amazonaws.com/assets.valleywater.org/2021_GWMP_web_version.pdf.

Response B-4: This edit is incorporated into the Initial Study/MND by reference. See the attached errata sheet.

Comment B-5: 5. Section 4.10.1.2- Storm Drain System, states that the project site drains to a vegetated channel based on Valley Water's Storm Drain Catchment Map. Valley Water's catchment map notes the site drains to the Guadalupe River; however, it is not clear from the discussions in the MND if the drainage from the site is directed to storm drains that discharge to the Guadalupe River or San Tomas Creek. Please revise the document for consistency and accuracy.

Response B-5: The Initial Study/MND will be edited to correct the reference to Guadalupe River. See the attached errata sheet.

Comment B-6: 6. Section 4.10.1.2- Stormwater Drainage, states that "all stormwater enters Guadalupe River through the existing stormwater discharge system" which conflicts with Section 4.10.1.2 on page 93 which states that "all stormwater enters the San Tomas Aquino Creek through the existing stormwater drainage system". The discussion about drainage at the site should be consistent throughout the document.

Response B-6: Refer to Response B-5.

Comment B-7: 7. Section 4.10.1.2- Dam Failure and Section 4.10.2- Impact HYF-4, describes the project as within both the Lexington Dam and Anderson Dam failure inundation zones; however, the project site is only located within the James J. Lenihan Dam on Lexington Reservoir failure inundation zone. Anderson Dam should be removed from the discussion.

Response B-7: The Initial Study/MND is correct as written. Page 94 and 99 of the Initial Study/MND specifically state that the site is outside the Anderson Dame inundation zone.

Comment B-8: 8. Section 4.21- Cumulative Hydrology Impacts, states "the geographic area for the cumulative hydrology and water quality impacts is the San Tomas Aquino Creek Watershed". This should be corrected to the Guadalupe River Watershed.

Response B-8: This edit is incorporated into the Initial Study/MND by reference. See the attached errata sheet.

Comment B-9: 9. The buildout of the project will increase water use by an estimated 36 acre-feet per year. Although the MND concludes that the project can be accommodated by existing and planned water sources, given regional and state-wide challenges with water supply, water use should still be reduced to the greatest extent possible. Potential opportunities to minimize water and associated energy use include requiring water conservation measures from the Model Water Efficient New Development Ordinance, which include:

- Hot water recirculation systems.
- Require installation of separate submeters to each unit in multi-family developments and individual spaces within commercial buildings to encourage efficient water use - studies have shown that adding submeters can reduce water use by 15 to 30 percent.
- Graywater dual distribution plumbing.
- Encourage non-potable reuse of water like recycled water, graywater, and rainwater/stormwater in new development and remodels through the installation of dual plumbing for irrigation, toilet flushing, cooling towers, and other non-potable water uses.
- Require dedicated landscape meters where applicable.
- Weather- or soil-based irrigation controllers.

If you have any questions, you may reach me at (408) 630-2479, or by e-mail at LBrancatelli@valleywater.org. Please reference District File No. 34738 on future correspondence regarding this project.

Response B-9: The commenter's recommendations for reducing water usage on-site will be provided to the decision-makers. This comment does not speak to the adequacy of the Initial Study/MND, and no text edits are required.

Comment Letter C: Santa Clara Valley Transportation Authority – July 12, 2022

Comment C-1: VTA appreciates the opportunity to comment on the IS/MND for the Civic Center Drive Family Housing Project at 1601 Civic Center Drive. VTA has reviewed the document and has the following comments:

Pedestrian Improvements
This project is located one block from El Camino Real, VTA's highest ridership roadway. VTA recommends this project install or upgrade existing crosswalks at the Civic Center Drive/Lincoln Street intersection to high visibility to facilitate more comfortable crossings at this intersection. As this intersection is also skewed, VTA suggests the long crossings be shortened through curb extensions with to help tighten the turning radii and slow drivers down in the area. Installing a curb extension at the northwest corner of the intersection would provide room for new ADA-compliant directional curb ramps that would serve both crosswalks. This should enhance the proposed improvements in the city's Pedestrian Master Plan for the intersection of Lincoln Street/El Camino Real, one block south.

> **Response C-1:** The commenter's recommendations for pedestrian improvements will be provided to the decision-makers. This comment does not speak to the adequacy of the Initial Study/MND, and no text edits are required.

Comment C-2: Bicycle Improvements
VTA appreciates the project including a bicycle storage room for residents. VTA recommends the project increase the number of available spaces to at least match 1 space per unit (108 spaces) to meet VTA's recommended bicycle parking guidance in Chapter 10 of our Bicycle Technical Guidelines. This can be accessed at https://www.vta.org/sites/default/files/2022-03/vta_bicycle_technical_guidelines_complete_1.pdf.

The Revised Development Plans from May 2022 show that the bicycle room is located on the east side of the building. VTA recommends the access from the room directly out to Lincoln Street be removed to reduce the risk of theft. Doing so will allow for more wall space to fit more bicycle spaces. VTA also recommends that the door into the room from the garage have ADA-compliant kick plates to automatically open. Industrial strength sliding doors are recommended over swinging doors as the closing of the door can be timed for ADA compliance while also helping to prevent unwanted people from tailgating behind users. The path of travel should be well lit. Any elevators for the project should accommodate multiple large bicycles.

> **Response C-2:** The commenter's recommendations for bicycle improvements will be provided to the decision-makers. This comment does not speak to the adequacy of the Initial Study/MND, and no text edits are required.

Comment C-3: AHSC Grant Potential
VTA believes this project would be highly competitive for the Affordable Housing and Sustainable Communities (AHSC) Grant administered by the California Department of Housing and Community Development. The AHSC Grant funds land-use, housing, transportation, and land preservation projects to support infill and compact development that reduce greenhouse gas emissions. VTA would like to begin working with the City and the developer to strategize for an AHSC application because this project proposes a high number of affordable housing units near Route 22 and Rapid 522 routes that are major bus corridors and frequent (15 minute) routes. Close collaboration between

developer, City of Santa Clara and VTA can make for a highly competitive application. VTA has had two calls to date with the developer and their technical assistance provider Enterprise Community Partners. VTA has experience working on five AHSC applications to date, include two awards in 2019 in partnership with the City of San Jose and one award in 2021 for a VTA project in San Jose at Tamien Station.

Potential El Camino Real Qualifiable AHSC Improvements
• Transit signal priority upgrades
• Bus stop enhancements
• ADA improvements near bus stops
• Protected bikeway enhancements
• Intersection safety enhancements
• Sidewalk improvements

Santa Clara Station Qualifiable AHSC Improvements
Recent discussions and briefings have occurred between the BART Silicon Valley II program team and VTA planning about future coordination of bicycle and pedestrian station amenity improvements at the Santa Clara Station. Qualifiable AHSC improvements could be included in a 1601 Civic Center Drive AHSC grant at this location because Route 22 and Rapid 522 both serve the station. Potential improvements could include the following:
• Bicycle ramps
• Escalator installation or improvements
• Bus stop enhancements
• Real-time information signs
• Marketing or advertising signs
• Gateway, signage or customer wayfinding enhancements

> **Response C-1:** If the project is approved and the grant opportunities are sought, the City will coordinate with the VTA. This comment does not speak to the adequacy of the Initial Study/MND, and no text edits are required.

Comment Letter D: Sneha Shah – July 6, 2022

Comment D-1: I am greatly concerned and absolutely condemn the new construction proposed by Charities Housing at 1601 Civic Center Dr, Santa Clara. They are not ethical and have provided no due diligence to the property and are an absolute nuisance as a neighbor.

Their environmental study of the project is an example of their bad ethics and lack of diligence. Our neighbors have the following concerns that should be addressed, otherwise we feel the city and council have failed us.

- Transportation Study recommends the project to have only one driveway entrance to reduce pedestrian and traffic safety risk. The project currently plans to have two driveways – one on Civic Center Drive adjacent to Triton Court, another one on Lincoln Street. Our community requests to have the driveway on Lincoln Street only and away from existing homes on Civic Center Drive. The developer was unable to accommodate it.

Response D-1: While the traffic study recommends one driveway, the City has concluded that two driveways are necessary due to site constraints and for distribution of traffic and to reduce noise.

Comment D-2: The security risks of the open parking lot adjacent to Triton Court are not considered in the environmental study. The open parking lot is currently not designed with any security gate and is out of sight from the main street. This can become a hidden alley for dumping, car break-ins and other criminal activities. Even if it is designed with a secured gate, according to posted tenant comments from other CH properties, broken security gates are not fixed promptly.

Response D-2: All proposed projects in the City undergo review by the Santa Clara Police Department (SCPD). The SCPD did not identify any issues with the proposed design. The driveway and parking lot would be visible at all times by the residents of the project site. Furthermore, the proposed driveway and associated parking lot on Civic Center Drive has better visibility from publicly accessible viewpoints than the adjacent driveway and parking lot located between the church and Triton Court.

The commenter provided no documentation regarding the purported comments from other CH properties. As such, no evaluation of these comments can be made by the City and no response is possible.

Comment D-3: Transportation Study did not consider the sight distance for drivers coming out of Triton Court with the new driveway at Civic Center Drive from the project. Both driveways are very close together and may be a safety risk if the drivers from both driveways are coming out simultaneously.

Response D-3: The transportation study did address the potential conflicts from the proposed location of the driveways on-site. As discussed on Page 4 of the transportation study, drivers must be able to see 200 feet in both directions to be able to safely enter/exit the proposed driveways. The project would meet this criterion. The project drive on Civic Center Drive would also be approximately 100 feet from cars exiting Triton Court. Given the site distances and the distance between exiting cars at both driveways, the proposed project would not create a safety risk for persons exiting Triton Court.

Comment D-4: Parking study was not considered as part of the environmental study. Project's less than 1:1 parking space to unit ratio will burden the existing street parking situation. Also, the project may eliminate many street parking along its frontage at Civic Center Drive as it could be red-zoned for sight clearance, while some for white-zoned for loading as recommended by the Transportation Study.

Response D-4: Parking or lack thereof is not considered a physical effect under the California Environmental Quality Act (CEQA) and is, therefore, not addressed. A project need only meet the City's parking requirements. The potential loss of street parking is also not a physical effect under CEQA. Per the Santa Clara Fire Department and Public Works, the City will allow a loading zone and will require the red curbs as recommended by the traffic report.

Comment D-5: Shadow study was not considered at all, though there is a negative impact to the adjacent family homes.

Response D-5: The City of Santa Clara does not have a threshold by which to address increased shading by any project. Therefore, shading was not addressed in the Initial Study.

Comment D-6: Noise Study uses a noise threshold (90 dBA) from a 2018 Federal Transit Administration (FTA) assessment as a criteria to determine construction noise impact to residential homes. The FTA assessment noted its criteria is not meant as construction standards for all, but CH's noise study decided to use that on a residential project study. FTA projects are mostly construction for transportation projects like train stations and rail lines in populated areas, the guidelines are therefore likely to have a higher noise threshold. This standard may not be suitable for the 1601 Civic Center site. The noise study should have used residential construction guidelines from similar projects in kind, and considered the delta to existing ambient noise instead. The study has used 90 dBA as a threshold and that's equivalent to a lawn mower.

Response D-6: The noise study was commissioned by the environmental consultant under direction by City staff. The project applicant has no authority over the analysis in the Initial Study/MND or the methodologies used in the analysis.

The commenter mischaracterized the language in the FTA manual. Chapter 7, page 172 of the PDF document (https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf) specifically states:

> "Generally, local noise ordinances are not very useful for evaluating construction noise impact. They usually relate to nuisance and hours of allowed activity, and sometimes specify limits in terms of maximum levels, but are generally not practical for assessing the impact of a construction project. Project construction noise criteria should take into account the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land uses. While it is not the purpose of this manual to specify standardized criteria for construction noise impact, the following guidelines can be considered reasonable criteria for assessment. If these criteria are exceeded, there may be adverse community reaction."

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Santa Clara does not have adopted construction noise thresholds. As such, the City and the noise consultant concluded that the FTA thresholds represent reasonable criteria to quantify construction noise impacts, consistent with other local jurisdictions. This is an accepted industry standard, in the absence of local criteria. Therefore, the thresholds and methodology used to assess construction noise impacts from the proposed project are appropriate.

Comment D-7: The permanent noise impact study did not consider the scenario when a car with loud exhaust and building fire alarms can affect permanent noise level of adjacent homes. Also, delivery trucks and moving trucks coming in and out frequently on the Civic Center Driveway were not considered.

Response D-7: Both car exhaust and building fire alarms are temporary noise events. In order for either of these events to result in a permanent increase in ambient noise levels, these events would have to occur non-stop over an extended time period (multiple hours) every day. This is not an accurate or reasonable representation of a residential project. CEQA does not allow for speculative analysis (Section 15145).

It is not clear what the commenter considers frequent with regard to delivery trucks and moving trucks, but it would be speculative to assume that the proposed project would have any greater frequency of these types of events than other types of housing as this is not temporary housing.

Comment D-8: The environmental study did not consider the project's architectural aesthetic to the surrounding due to being an affordable high-density housing. In some neighbor's opinions, The 5-story building does not fit in with the adjacent 2-story homes, or surrounding homes.

Response D-8: As discussed on page 19 of the Initial Study, the project side is located in a transit priority area as designated by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). Consistent with state law, residential in-fill projects in transit priority areas shall not be considered to have a significant aesthetic impact on the environment. Furthermore, while the houses immediately adjacent to the project site are two-story, there are three-story townhouses and a seven-story apartment complex in the immediate vicinity (Civic Center Drive and Warburton). As a result, a five-story building would be consistent with the mix of residential densities in this area.

Comment D-9: The project is not close to a transit hub like a BART or Caltrain station. There's only bus stops nearby with infrequent services unless it's peak hours. Public transportation is not a reliable option for daily commute for work or school at this site. There is no bus route going to Buchser Middle School and Santa Clara High School.

Response D-9: The project site is within 1,000 feet of two bus stops which are served by Bus 22, the most active bus line in the County which runs from Palo Alto to East San José. Also, within 2,000 feet (standard transit access walking distance) are Routes 32, 59, and Rapid 522 (see page 142-143 of Initial Study). Bike lanes are also planned on El Camino Real. As such, the site is well suited for the proposed project as it is also within walking or biking distance to shopping and services on El Camino Real.

Comment D-10: The schools' existing capacity in the Initial Study was sourced from a 2017 data, which is about 5 years old. The Santa Clara High School enrollment is already operating over capacity according to the study with the old data. Also, to a neighbor's knowledge, Busher Middle School has no more space for newcomers as it does not accept a second round of enrollment for 2022, indicating operating at capacity. The school impact study may not be accurate due to old data being used. The mitigation for school impact is for the project to pay fees to the school district to offset the impact, but will the schools be able to implement changes to provide adequate spaces to neighborhood students?

Response D-10: Existing capacity is the number of students that can be reasonably accommodated by a school. None of the schools analyzed have been expanded or modified since 2017, so the existing capacity numbers provided by the school district are valid. Current enrollment numbers were provided by the California Department of Education and represent the best available data at the time the analysis was completed. As the commenter noted, the mitigation for additional students is to pay the school impact fee. School impact fees are discussed on Pages 129 and 134 of the Initial Study/MND. As noted on Page 129, "Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b])."

Each school utilizes the monies as necessary to accommodate any additional students. As this is deemed appropriate and adequate mitigation by the state, no further mitigation is required.

Comment D-11: The project does not have underground parking as encouraged by City's General Plan guidelines.

Response D-11: General Plan Policy 5.3.2-P3 encourages but does not require below-grade or structured parking, so the proposed parking is not inconsistent with this policy.

Comment D-12: The general plan amendment and rezone from commercial to residential for 1601 Civic Center will permanently remove the commercial land use that was designated to serve the planned residential areas surrounding the location, as City Hall, church and medical building lots' planned use until 2035 is residential. The amendment and rezone of site in question does not align with City's General Plan and is shortsighted.

Response D-12: Changing a land use from commercial to residential in a mixed-use area with adjacent residential is not inconsistent with the existing development in the area. Furthermore, the City has a jobs/housing imbalance (Page 126 of the Initial Study/MND) and must continue to build housing to meet state mandated housing requirements. Currently, the City must build 11,632 new housing units by 2031 under the Association of Bay Area Governments Regional Housing Needs Allocation (RHNA). The RNHA is mandated by state law.

Comment Letter E: Keyhan Sinai – July 6, 2022

Comment E-1: I hereby strongly and formally object to the "mitigated negative declaration " or MND prepared pursuant to CEQA, for the proposed 1601 Civic Center Drive project.

I believe there is not adequate mitigation for the problems below.

My home at 1691 Triton Ct. is identified as RED on page 36 of the MND report, and is wall-to-wall with 1601 Civic Center Drive. As I understand my home will be exposed to dangerously high cancer-causing agents from the construction site equipment for an extended period of time. We do not believe the mitigation measures proposed will reduce the risk of exposure to cancer and other toxic agents adequately or mitigate the risk of accidents and malfunctions. We do not feel safe breathing the air in our home if/when this project starts.

Response E-1: This comment is noted. Please see responses to specific comments below.

Comment E-2: Please note the following points:

1. Charities Housings Credit History of mitigation efforts is terrible. Their mitigation measures (a $2000 perimeter fence) came too late and exposed our homes for 13 months to petty crime and blight a few yards from our property line culminating in dumping of a toilet tank full of human feces within a few yards of our home which took them 4 days to clean. We suffered 4 days of intolerable odors and exposure to airborne bacteria and viruses from the dumped human feces during the peak of the Covid-19 crisis. Charities Housing was nowhere to be seen during any part of our 13 month ordeal to take any mitigation steps. FYI The dumping of feces was reported by us not them. Stating that we "did not know" makes matters worse (how can you not know for 13 long months?) and is proof of negligence, lack of accountability and a cavalier attitude towards neighbors' safety and well being. We have no reason to believe Charities Housing will take responsibility for the hazards and nuisance it has imposed or will impose upon its neighbors in

the future. Hiding under the cover of a "mitigated negative declaration" does not absolve them of responsibility and does not address the true actual risks to us neighbors, with my home being one of the most impacted.

Response E-2: As stated on Page 1 of the Initial Study, the City of Santa Clara is the Lead Agency for this project and prepared the Initial Study/MND in accordance with CEQA, the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Santa Clara, California. Project applicants are not involved in the preparation of the CEQA documents and are required through permitting processes and regulatory oversight to properly implement the mitigation measures and conditions of approval identified in the Initial Study/MND.

The intent and purpose of the Initial Study/MND is to provide the public and decisions-makers with an accounting of the physical environmental effects which may result from construction and implementation of the proposed project. The law does not allow for the CEQA analysis to address current operational issues of a property.

Comment E-3: 2. Absent 24/7 3rd-party monitoring of construction equipment we have no reason to believe we are safe from exposure to cancer causing agents. However, considering how cost sensitive (i.e. cheap) Charities Housing has been in the past, they will figure ways of making short cuts to the cost of preserving our safety and security. Even with a stringent monitoring regime the risks are too high as stated below:

3. Even with effective 24/7 3rd-party monitoring there is a high risk of industrial accidents, malfunctions, power loss or interruption in monitoring that will result in dangerously high exposure for finite periods of time with unpredictable and potentially horrendous long term effects.

Response E-3: It is assumed that the commenter is referring to the toxic air contaminants (TAC) analysis in the air quality report. As noted by the commenter in Comment E-1, Figure 1 of Appendix A shows the commenters house with a red circle on it. This denotes that this house would experience the highest concentration of emissions during construction on the project. As discussed on Pages 35-37 of the Initial Study/MND, the project will be required to implement mitigation measures to reduce emission impacts to this receptor and all other nearby receptors to a less than significant level. This means below the thresholds established by the Bay Area Air Quality Management District (BAAQMD).

While the air quality analysis did identify an impact which would exceed the BAAQMD thresholds, the BAAQMD thresholds are based on a 70-year exposure to the emissions, so the actual risk is far less than what is calculated for project construction. Construction is estimated to be 18 months. Also, the cancer risk impact is based on the respiratory rates of infants, which are different than children and adults. The analysis did not find an impact to children or adults.

The threshold established by BAAQMD for cancer risk is 10 cancer cases per one million people exposed. With mitigation the infant cancer risk is reduced to 5.99 cases per million people based on a 70-year exposure. For annual $PM_{2.5}$ emissions, the BAAQMD threshold is 0.3 micrograms per cubic meter ($\mu g/m^3$). With mitigation, the $PM_{2.5}$ emissions would be reduced to 0.15 $\mu g/m^3$. Therefore, with implementation of the identified mitigation measure on Page 36 of the Initial Study/MND, the proposed project would have a less than significant construction air quality impact on all adjacent and nearby sensitive receptors.

The mitigation would be enforced by the City. Furthermore, as noted on Page 33 of the Initial Study/MND (under Conditions of Approval), a publicly visible sign will be posted on-site

with the numbers for the on-site project superintendent and the Air District to ensure compliance with applicable regulations.

Comment E-4: 4. In addition, there will be 90db noise from the construction site a few yards away from our fence. The City code for maximum noise level in residential areas is 55db from 7am-10pm and 50db at night. Why are we being asked to put up with 90db noise a few yards from our home when the City noise code mandates significantly less noise levels by orders of magnitude? The Table below shows the difference in power (loudness) between 55db and 90db is more than 10000 times!

Response E-4: Refer to Response D-2.

Comment E-5: In addition the noise from fire trucks and fire drills, which are often conducted at mid night to emulate real-time conditions, will deprive us of sleep, with fire trucks running their engines right behind our homes. We have repeatedly asked not to place a fire lane or parking access behind our homes and to block access from Civic Center Drive to the 1601 site along the Triton Ct. property line. This is based on our actual experience during 13 months with problems associated with such access.

Response E-5: This is a housing project and like all other multi-family housing projects in Santa Clara, the Fire Department would not be conducting fire drills at this location. Any and all use of the fire lane by first responders would be for actual emergencies. It would be speculative to assume that emergency calls to this site would be substantially greater than for any other multi-family residential property in the City.

Comment E-6: Is our actual experience and observations over 13 months not more relevant than a hypothetical study based on potentially incomplete models? So far our request for blocking access from Civic Center Drive along Triton Ct.'s property line has been ignored. Noise from traffic and fire trucks are a major environmental nuisance. Suffering sleep deprivation due to noise for an extended period of time as we did during our 13 month ordeal has long term health and economic adverse consequences. Many of us still work from home and will not be able to do so because of noise levels.

dB	Power ratio	Amplitude ratio
100	10000000000	100000
90	1000000000	31623
80	100000000	10000
70	10000000	3162
60	1000000	1000
50	100000	316.2

40	10000	100
30	1000	31.62
20	100	10
10	10	3.162
6	3.981 ≈ 4	1.995 ≈ 2
3	1.995 ≈ 2	1.413 ≈ $\sqrt{2}$
1	1.259	1.122
0	1	1
−1	0.794	0.891
−3	0.501 ≈ ½	0.708 ≈ $\sqrt{½}$
−6	0.251 ≈ ¼	0.501 ≈ ½
−10	0.1	0.3162
−20	0.01	0.1
−30	0.001	0.03162
−40	0.0001	0.01
−50	0.00001	0.003162
−60	0.000001	0.001
−70	0.0000001	0.0003162

−80	0.00000001	0.0001
−90	0.000000001	0.00003162
−100	0.0000000001	0.00001

Response E-6: Based on the Community Crime Map for the City of Santa Clara (https://communitycrimemap.com/) there have been no calls for service to the project site between January 1, 0221 and July 12, 2022. Fire Department data is not available on-line. As noted in Response E-2, the intent and purpose of the Initial Study/MND is to provide the public and decisions-makers with an accounting of the physical environmental effects which may result from construction and implementation of the proposed project. The law does not allow for the CEQA analysis to address current operational issues of a property. The current commercial operation of the site is not equivalent to the proposed project and the current conditions on-site cannot be extrapolated into the analysis of future operations of a housing development.

As discussed on Pages 117-118 of the Initial Study/MND, operation of the proposed project would not result in a substantial permanent increase in ambient noise levels from either traffic or building operations and would have a less than significant impact. While construction noise would occur during allowable construction hours (Monday through Friday 7:00am to 6:00pm) for a period of 18 months, a noise control plan is required as a condition of approval.

Comment E-7: 5. As you are aware we have objected to the shadow study and statement in the FAQs posted on the City Project web site that " there is no additional shadow line impact on the neighboring properties when comparing the existing two-stories office building with a 10 ft setback ..."

The above statement is simply false: If you carefully examine Charities Housing's own shadow analysis it clearly shows there is no shadow from the existing building onto my home most of the year (Spring, Summer, Fall). I take issue with the only image showing some shadow during the Winter. I live in this home and currently have no building in my line of sight casting a shadow or blocking my view of the sky. How can a comparison of shadows cast onto my property with the existing building be correct?

I respectfully request a correction to the FAQ.

Response E-7: The shade and shadow study provided by the applicant shows the property at 1691 Triton Court as being cast in varying degrees of shadow from the proposed building in the morning hours throughout the year. The shade and shadow study shows the property at 1691 Triton Court to only be in shadow during the morning winter months under existing conditions. As a result of the applicant's shade and shadow study, an increase in shading on the commenter's property from the project is shown. No change to the diagram is necessary. This comment does not speak to the environmental analysis.

Comment E-9: Conclusion: The primary reason these risks are magnified and don't lend themselves to adequate mitigation is the density of the project and its proximity to our homes. The mitigation models are not incorporating the effect of actual risks. How are the risks of a malfunction or accident

modelled? How are the effects of long term ambient noise on our health, sleep, and sanity modelled? We therefore strongly object to the project which poses a long-term health hazard even after mitigations, and emphatically ask that Charities Housing relocate its project to a more suitable location with less adverse impact upon their neighbors, and do so before they cause more damage to their wall-to-wall neighbors than they already have.

Response E-9: Refer to Responses E-2 through E-7.

Comment Letter F: Jamie Lau – July 11, 2022

Comment F-1: Earlier on 6/24 I have submitted questions for the 1601 Civic Center Initial Study. Please don't take those as public comments. They are interim questions for the public outreach meeting and some of them have been answered, leading my final comments.

Please use below for my final public comments instead:

1. The 5-story high-density tall building does not fit in with the adjacent 2-story single family homes, this is a significant discount of aesthetics and property value to the adjacent family homes. This consideration should be included for the approval process.

Response F-1: While the houses immediately adjacent are two-story, there are three-story townhouses and a seven-story apartment complex in the immediate vicinity (Civic Center Drive and Warburton). So, a five-story building would be consistent with the mix of residential densities in this area. For additional reference, the proposed building would be setback 67 feet from the shared property line with the adjacent two-story residences and Civic Center Drive is 50 feet wide.

Comment F-2: City of Santa Clara has the opportunity to implement inclusive planning to mandate percentage of affordable housing units with any new regular market rate homes. There are also vacant lots elsewhere in the City more suitable for high-density affordable housing with less social and environmental impact to the surrounding. The site selection at 1601 Civic Center Drive is not suitable for the community in many ways.

Response F-2: This comment does not speak to the adequacy of the Initial Study/MND, and no text edits are required.

Comment F-3: 2. High-density of concentrated low income housing contradicts the City's planning policies that affordable housing units should be dispersed throughout the City to avoid a concentration in any neighborhood. This Project will bring over 100 units in a small parcel of land - it is concentrated in one neighborhood. I understand the need of building more housing to solve homelessness, but such high-density affordable housing should be planned on a busy street away from quiet residential neighborhood for lesser social and environmental impact, and closer to a transit hub, such as a CalTrain or BART station for mobility. This project is neither.

Response F-3: The intent of the City's policy is to avoid having all affordable units within one neighborhood or area of the City. Dispersal means throughout all neighborhoods. Relative to the number of affordable units the City has and still needs to build, having 106 units in this area is not inconsistent with the policy. For reference, the City needs to build 4,525 affordable units by 2031. This project represents two percent of the total new units

required Citywide. When added to the existing and approved affordable units, the project represents less than two percent of the total affordable units Citywide.

City policy also states "Encourage higher-density residential development in transit and mixed-use areas and in other locations throughout the City where appropriate. This site meets both criteria. The project site is within 1,000 feet of two bus stops which are served by Bus Route 22, the most active bus line in the County which runs from Palo Alto to East San José. Also, within 2,000 feet (standard transit access walking distance) are Routes 32, 59, and Rapid 522 (see page 142-143 of Initial Study). The Santa Clara Transit Station is easily accessible from the project site using Bus Route 22 which runs 24 hours per day with buses running every 15 minutes. Bike lanes are also planned on El Camino Real. As such, the site is well suited for the proposed project as it is also within walking or biking distance to shopping and services on El Camino Real.

Comment F-4: 3. The plan amendment and rezoning of 1601 Civic Center is shortsighted. It is the only designated neighborhood commercial planned use outside of El Camino Real for the Civic Center community in City's General Plan. The planned commercial land use can be local services that neighbors can safely walk to. We do not want to lose the only land that can serve as a commercial use to Civic Center neighbors in the years to come, considering all surrounding parcels will be planned for residential use in City's General Plan. Please use common sense and considerations for existing neighbors when determining the plan amendment approval.

Response F-4: This comment does not speak to the adequacy of the Initial Study/MND, and no text edits are required.

Comment F-5: 4. In the construction noise impact analysis, the study opted to use a guideline from FTA noise assessment, which is intended for transportation projects like trains stations/lines in populated areas. The assessment stated the guidelines are not meant as industry standards for all projects. The noise threshold of 90 dBA is especially high for a quiet residential neighborhood like Civic Center's. Study should consider the delta from existing ambient noise and construction noise in determining impact level.

Response F-5: See Response D-6.

Comment F-6: 5. The project-generated permanent noise study did not consider scenario of cars with loud exhaust in the open parking lot.

Response F-6: See Response D-7.

Comment F-7: 6. The Project plans an open parking lot located adjacent to existing Triton Court single family homes. First, open at-grade parking lot design is not encouraged by City's planning policies. Secondly, as the parking lot being situated discreetly away from a main street, it will attract crimes and dumping. As a consideration to the community's safety and social impact, the Project should be designed with an underground parking lot and secured gate. The developer expressed no intent to build an underground parking structure due to cost.

Response F-7: See Responses D-2 and D-11.

Comment F-8: 7. Project's planned 5-story building will have shadow impact to adjacent existing homes. It was evident in Developer's initial project info. However, shadow impact was not discussed in the Initial Study. The shadow impact should be properly investigated.

Response F-8: See Response D-5.

Comment F-9: 8. The Transportation Study from Appendix F recommended only one entrance should be planned for the Project, but it currently plans two entrances - one on Civic Center Dr and another one on Lincoln Street. The recommendation is to reduce pedestrian and traffic safety incidents, as more entrances increases risks of collisions. The Project should follow the study's recommendation to keep only one entrance, and that entrance should be on Lincoln Street.

Response F-9: This comment does not speak to the adequacy of the Initial Study/MND, and no text edits are required.

Comment F-10: 9. The Transportation Study from Appendix F did not mention there is no bus route from Project site going to Buscher Middle School and possible transit modes to the school. Only Santa Clara High School and Scott Lane Elementary School are discussed for the topic.

Response F-10: The transportation analysis acknowledges all three schools that would serve the project site and their distance from the site. In addition, the analysis outlines the available pedestrian and bicycle routes. Because the analysis provides a description of all transit access currently available to the three schools, it can be inferred that there is no transit access readily available to the middle school. It is acknowledged that most students are expected to be driven or will drive to school.

Comment F-11: 10. The Transportation Study from Appendix F recommended the Project to have white-lined zone and red-lined zones along the Project's frontage on Civic Center Drive. This will remove street parking on Civic Center and burden the already tighten parking situation.

Response F-11: See Response D-4.

Comment F-12: 11. No where on the development plan indicating the Project's parking will be assigned or not. The plan should list that as a design commitment on the design plan.

Response F-12: This comment does not speak to the adequacy of the Initial Study/MND, and no text edits are required.

Comment F-13: 12. The Project Listing summary page should accurately reflect the total number of units as 108 instead of 106 without the two management units.

Response F-13: The total number of units proposed is 108, with 106 rental units and two manager units. For the purposes of CEQA and the environmental analysis, the composition of the 108 units is not relevant as each residential unit is treated the same with regard to traffic generation, utility usage, public services usage (including student generation), etc.

Comment F-14: 13. School enrollment impact study uses data from 2017, that's about 5 years old. The Santa Clara High School is already reaching capacity per the 2017 data. To my knowledge, Buscher Middle School is also reaching capacity as it does not accept second round of open enrollment; the study shows no impact to Busher Middle School, which is likely false. The mitigation for school enrollment impact is for the developer to pay a fee to the district. The study should involve the school district to provide current enrollment status and if the district is able to mitigate the problem with fees paid. The report does not show the school district was involved in the study.

Response F-14: See Response D-10.

Comment F-15: 14. Appendix D indicates Charities Housing did not return the User Questionnaire per EPA, therefore, environmental liens and activity and use limitations are not evaluated. Should these be evaluated for the study?

Response F-15: The lack of a user questionnaire does not invalidate the Phase I Environmental Site Assessment or the analysis in the Initial Study/MND. While these are helpful to gather information on a specific site, the analysis is reliant on a site reconnaissance completed by the hazardous materials consultant and a review of all available regulatory databases.

Comment F-16: 15. Sanitary Sewer Study from Appendix G indicates a sewer pipe will reach 82.2% capacity with the development. Did City of Santa Clara sanitary department review this finding and consider that's an acceptable number?

Response F-16: The Sanitary Sewer Study is commissioned by the City and reviewed for accuracy prior to being provided to the environmental consultant. Had the study identified any capacity issues resulting from the project, the project would be conditioned by the City to make the necessary improvements. The City did not identify any capacity issue which would require an upgrade to the current infrastructure by the project applicant. As discussed on Page 156 of the Initial Study/MND, City staff concluded that there is sufficient capacity to serve the proposed development.

Comment Letter G: Jean Song – July 12, 2022

Comment G-1: This is Jean, a resident of the Civic Center Drive neighborhood. I read the environmental report and read the reviews of existing Charities Housing (CH) in the bay area. The more I read and learned, the more I'm concerned about this project.

I'm afraid CH barely cares about the living conditions of their residents. Hardly does CH show respect to the neighbors. I'll write in the aspects of transportation, safety and security, amenities and construction impacts.

Response G-1: Responses to specific comments are provided below.

Comment G-2: 1) Transportation
They plan to build 108 units with only 82 parking spaces at most. Note that the average car ownership in Santa Clara county is 2 cars per household. That means, 134 cars of the residents of CH are expected to do street parking. But the current parking in the neighborhood is already overcrowded. You can find _zero_ parking spot after 4pm in Civic Center Dr. I can't imagine what the residents can do after they come back from work but can't find a parking spot.

Response G-2: See Response D-4. A project need only meet the applicable parking requirements. The City of Santa Clara parking ratios are not derived from average car ownership. Parking requirements are based on land use type and take into account mitigating factors such as mixed use, affordable housing, proximity to transit, and the Density Bonus law (when applicable) as noted by the commenter. Per Assembly Bill 2345, 100 percent affordable housing projects within one-half miles of a major transit stop are only required to provide 0.5 spaces per unit. By state law (Government Code Section 65915), the project is required to provide 54 parking spaces, but is proposing 82.

Comment G-3: According to the outreach meeting organized by CH, their focus of this project is the people who make 30-50% AMI. These are working people who need to commute every day. With the poor transportation nearby (no caltrain, no VTA light rail, only 2 bus routes to Palo Alto and Baypointe station), the residents have to commute mostly by cars.

I also learned that 25% of the residents would be those who have risks to become homeless. They either recently lost their jobs, or have some medical conditions. These people either have to look for jobs actively, or need to commute to hospitals frequently. In either case, they need cars to commute.

82 parking spaces are absolutely far from enough. However, CH refused to provide enough parking space to their residents. They rejected the suggestion to build underground parking. I don't understand why they can't accommodate, but they don't seem to care about their residents, let alone the burden that will be posed upon the neighborhood.

> **Response G-3:** See Responses D-4 and D-9.

Comment G-4: 2) Safety and security
According to the reviews of other CH locations in the Bay Area, there're many car break-ins. This poses a big risk to the neighborhood. Is CH prone to attract crimes? Does CH do any security or background check to the future residents? As someone living within 2-min walk from the proposed location, I'm really worried about the change that would be brought by the project. Will it be safe to walk in the neighborhood any more? Will there be break-ins to cars and even houses? How could we protect our fences?

> **Response G-4:** This comment does not speak to the environmental analysis. The intent and purpose of the Initial Study/MND is to provide the public and decisions-makers with an accounting of the physical environmental effects which may result from construction and implementation of the proposed project. The law does not allow for the CEQA analysis to address speculative future scenarios.

Comment G-5: The proposed project creates an entry driveway along the wall with Triton Ct, and their proposed parking lot just faces Triton Ct. How much impact would be on the existing residents?

> **Response G-5:** It is unclear what potential impacts the commenter is referring to. With regard to parking lots, the primary issues under CEQA are noise and lighting. Both were addressed in the Initial Study/MND. Light and glare is discussed in Section 4.1.2 (Page 19) of the Initial Study/MND. Operational noise is discussed on Pages 117-118 of the Initial Study/MND.

Comment G-6: 3) Amenities
Lots of CH residents complain that the places are full of bed bugs and roaches. How CH manages the places is a big question. CH isn't willing to treat these bugs before the move-in of new residents. Again, this shows how little CH cares about their residents.

> **Response G-6:** The intent and purpose of the Initial Study/MND is to provide the public and decisions-makers with an accounting of the physical environmental effects which may result from construction and implementation of the proposed project. The law does not allow for the CEQA analysis to address current operational issues of properties that are not part of the proposed project.

Comment G-7: One reason that CH selected this location is the Warburton medical plaza. However, that plaza only offers urgent care and treatment for sport injuries. If the residents have any other medical conditions, such as diabetes, COVID, or cancer, they have to drive to big hospitals to get treatment. CH's claim of walking distance to hospitals doesn't really hold.

Response G-7: This comment does not speak to the environmental analysis.

Comment G-8: Additionally, the schools in the neighborhood are almost full. With the high density that the proposed CH will bring, how the schools can accommodate more kids is another big question. If overflow happens, parents have to drive even farther to send and pick up their kids. As discussed above about the transportation, this would be very hard for both the CH residents and the neighbors.

Response G-8: See Response D-10.

Comment G-9: 4) Construction impacts
According to the environmental report, the noise from the construction will be up to 90 dB. This is absolutely inappropriate to a neighborhood with so many residents. 90 dB is mostly used to build airports and railways, absolutely not for houses. The construction will also bring lots of dusts, such as PM2.5 and PM10. The proposed location is just one wall against Triton Ct. This will bring great inconvenience and risks to the existing residents. I'm really pathetic about the situation.

Response G-9: A noise study was commissioned by the environmental consultant under direction by City staff. The Initial Study/MND concluded that with implementation of the identified measures, the temporary construction noise impacts would be less than significant (see Pages 116-117 of the Initial Study/MND).

An air quality analysis was also commissioned by the environmental consultant under direction by City staff which addressed dust and other air pollutants that would be generated during construction. The Initial Study/MND concluded that with implementation of the conditions of approval and mitigation measures identified, the temporary construction air quality impacts would be less than significant (Pages 31-33 and 34-37).

Comment G-10: In summary, this project will bring extremely negative impacts on both the future CH residents and the existing neighbors. I know the housing crisis in the bay area is urgent. But please, please do it good instead of evil. Please treat all the people, both low-income and high-income, with respect. Please protect the neighborhood with improved safety and security. Please provide the necessary amenities and healthy living environment to the residents.

There're other locations in Santa Clara that might tolerate 90 dB construction noise, such as those near commercial zones. These locations could be big enough to build more parking spaces. They can also have better transportation, be closer to hospitals, and have less crowded school enrollment than the proposed location. I hope you could consider my petition and cancel this project.

Response G-10: This comment does not speak to the environmental analysis. Please see previous responses.

Comment Letter H: David Bayto – July 12, 2022

Comment H-1: Below are my comments, opinions and recommendations related to Charities Housing (CH) environmental review documents (Mitigated Negative Declaration "MND").

I am opposed to the rezoning of the 1601 Civic Drive property from commercial to high density residential housing zoning as currently proposed. If the zoning change is approved, then the following recommendations should be adapted prior to approved zoning changes.

Comments, Opinions, and Recommendations related to Charities Housing (CH) environmental review documents.

Summary:

- **Issue**: At what point are the legal rights of the project developers to overshadow the rights and quality of life of the current residences of the Civic Center neighborhood?
- **Issue**: The financial impact of the proposed development has not been provided for public review and discussion.
  - What is the financial burden for the citizen of Santa Clara, City of Santa Clara, County of Santa Clara, and the State of California?
  - What is the financial interest of the project stakeholders such as the Limited Partnership(s) involved in the proposed development?

Response H-1: Section 15131 of the CEQA Guidelines states that "economic or social effects of a project shall not be treated as significant effects on the environment". The Initial Study/MND can only address impacts as they relate to the checklist questions which are intended to address the physical environmental effects of the project. As a result, the Initial Study/MND did not address any economic or social effects of the project.

Comment H-2: Issue: The traffic study of Charities Housing (CH) environmental review documents does not address the current neighborhood parking issue. There is a significant lack of street parking to support the current neighborhood requirements.

- **Issue**: The proposed 1601 Civic Center Drive project would require an additional 134 street parking spaces to be available to service the 1601 Civic Center Drive residence causing an adverse effect on the current parking issues on Civic Center Drive.

Response H-2: See Response D-4.

Comment H-3: Issue: CH's project design does not include the Transportation Study's recommendations for 1.) Site Access, 2.) Passenger Loading and 3.) Sight Distance at Project Driveways.

Response H-4: See Responses D-1, D-3, and D-4.

Comment H-5: Issue: The project does not have underground parking as encouraged by City's General Plan guidelines.

Response H-5: See Response D-11.

Comment H-6: Issue: The proposed five (5) story structure architectural does not conform to the El Camino Corridor heigh limits and the adjacent 2-story homes, or surrounding homes.

Response H-6: See Response F-1. The proposed General Plan designation is intended for mid-rise buildings. Mid-rise buildings are typically defined as five to 12 stories.

Comment H-7: Recommendation: Provide a financial impact study for transparency and public review prior to change in rezoning.

Response H-7: See Response H-1.

Comment H-8: Recommendation: Provide no less than two parking space per unit or 216 parking spaces. (108 units x 2 cars)

- Based on the potential 480 occupancy rate and
- Based on 2 car per household is average number for California would require 216 spaces (108 units x 2 cars). Thus, 82 space per unit would appear to be unreasonable.
- Based on the need to address the current lack of parking during peak hours and weekends.

- **Recommendation**: All parking should be under the proposed structure either in a garage and/or underground parking lot. Underground parking is both feasible and particle.
  - 1364 El Camino development has both under building structure parking and an underground parking lot Thus, it can be done.
  - 1690 Civic Center Drive has an underground parking lot. Thus, it can be done.
  - The marginal cost for an underground parking lot structure would be amortized over a 55-year period based. Thus, minimizing the issues that it is not cost effective to build underground parking.

Response H-8: The intent and purpose of the Initial Study/MND is to provide the public and decisions-makers with an accounting of the physical environmental effects which may result from construction and implementation of the proposed project. The law does not allow for the CEQA analysis to address current operational issues of a property or surrounding area. See Response D-4.

It should be noted that the excavation required for underground parking would result in a longer construction timeframe and, due to the extended use of heavy equipment, increase construction noise and air pollutant emissions compared to the current proposal.

Comment H-9: Recommendation: Eliminate all surface parking on the west side of the proposed project that impact the quality of life for the residence on Triton Court.

Response H-9: It is not clear what quality of life issues the commenter believes would occur as a result of the surface parking lot. See Responses D-2, D-7, and G-5 for responses to specific issues raised by other commenters regarding the proposed surface lot.

Comment H-10: Recommendation: The project should provide only one driveway to access the site on Lincoln Street per Transportation Study's recommendations

- **Recommendation**: The project should include a loading zone per the per Transportation Study's recommendations

Response H-10: See Response D-4.

Comment H-11: Analysis and Comments:
Parking
This development, as proposed will provide up to **82 parking spaces which may conform to the Density Bonus law but conflict with the car California ownership data indicating that the average car ownership in California is 2 cars per household.** The number of parking space should be 216 (108 units x 2 cars per household. Thus, the proposed 82 parking spaces will contribute to have an adverse effect on the existing the current parking issues on Civic Center Drive. Therefore, based on the California average rate of 2 car per household and CH's proposed 82 parking would require an additional 134 street parking spaces to be available to service 1601 Civic Center Drive residence

Response H-11: See Response G-2.

Comment H-12: Occupancy:
How Many is too Many? Limits on Unit Occupancy Explained. The total number occupants for the proposed project could be as high as **480** based on Charities Housing's (CH) occupancy data, and the "California's Department of Fair Employment and Housing (DFEH) policy for regulating occupancy, which is known as the "two plus one" formula.

Based on

Unit Size	**# Units**		**Max**
Studio (1-2 occupants)	28		56
1BR (1-3 occupants)	24		72
2BR (2-4 occupants)	26		104
3BR (3-6 occupants)	26		156
3BR (3-6 occupants)	2		12
			400
		Total	**480**

Is it reasonable to assume that occupancy rate in combination with the 2 car average per household would requirement more parking than the 82 spaces assuming 2 car per household is average number for California. Thus, there should be 216 parking spaces (108 units x 2) instead of the 82 proposed parking spaces

Response H-12: See Response G-2.

Comment H-13: Transportation Study's Recommendation

Site Access - Recommendation: The project should provide only one driveway to access the site. The project would increase the number of driveways accessing the site from one to two driveways. Because the project would generate a low number of project trips, it is not necessary to provide two access points to the site for access and circulation. Increasing the access points would increase the conflicts between pedestrians/bicycles and vehicles. Therefore, the project should maintain only one driveway to access the site.

Passenger Loading - Recommendation: The project should provide a passenger loading zone on Civic Center Drive near the entrance to the building lobby or within the surface parking lot or parking garage.

Sight Distance at Project Driveways - Recommendation: The curb segments next to the project driveways on Civic Center Drive should be painted red for 15 feet to prohibit parking and ensure adequate sight distance for outbound traffic.

Response H-13: See Responses D-1, D-3, and D-4.

CIVIC CENTER FAMILY HOUSING PROJECT
TEXT EDITS

This section contains revisions to the text of the Civic Center Family Housing project dated June 2022. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~. None of the text revisions shown below change the conclusion of the IS/MND and no recirculation is required.

Page 91 Section 4.10.1.1, the following footnote will be **ADDED** to the description of the Municipal Regional Permit Provisions C.3:

The RWQCB renewed the MRP on May 11, 2022 (Order No. R2-2022-0018, NPDES Permit No. CAS612008).

Page 91 Section 4.10.1.1, the Water Resources Protection Ordinance and District Well Ordinance description will be **REVISED** as follows:

Valley Water operates as the flood control agency and the wholesale water supplier for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration (including borings 45 feet or deeper), and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance 90-1. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain encroachment permits.

Page 92 Section 4.10.1.1, the footnote reference for the 2016 Groundwater Management Plan will be **REVISED** as follows:

Valley Water. *2016 Groundwater Management Plan, Santa Clara and Llagas Subbasins.* November ~~2016~~2021.

Page 93 Section 4.10.1.2, the first paragraph under Storm Drainage System will be **REVISED** as follows:

The City of Santa Clara owns and maintains the storm drainage system which serves the project site. There is no overland release of stormwater directly into any creek from the project site; all stormwater enters the ~~San Tomas Aquino Creek~~ Guadalupe River through the existing stormwater drainage system.

Page 167 Section 4.21, the Cumulative Hydrology Impacts discussion will be **REVISED** as follows:

The geographic area for cumulative hydrology and water quality impacts is the ~~San Tomas Aquino Creek~~ Guadalupe River watershed. Cumulative developments within the watershed would have similar hydrological and urban runoff conditions. All projects occurring within Santa Clara would be required to implement the same standard measures/BMPs related to construction water quality as the proposed project (including preparation of a SWPPP if disturbance is greater than one-acre). In addition, all cumulative projects that would disturb more than one-acre of soil or replace/add more at least 10,000 square feet of impervious surfaces would be required to meet applicable San Francisco RWQCB requirements and the City's SWCP requirements on a project-specific basis. For these reasons, the cumulative projects, including the proposed project, would not result in significant cumulative hydrology or water quality impacts. **(Less than Significant Cumulative Impact)**