

**NOTICE OF PREPARATION
OF AN ENVIRONMENTAL IMPACT REPORT FOR THE
SANTA CLARA DOWNTOWN PRECISE PLAN**

Date of Distribution: January 19, 2022

As the Lead Agency, the City of Santa Clara will prepare an Environmental Impact Report (EIR) for the above-referenced project and would like your views regarding the scope and content of the environmental information to be addressed in the EIR. This EIR may be used by your agency when considering approvals for this project.

The project description, location, and probable environmental effects which will be analyzed in the EIR for the project are identified in the attached materials.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible.

To respond in writing, agencies should identify a contact person. Please send your response to:

City of Santa Clara
Attn: Lesley Xavier
1500 Warburton Avenue
Santa Clara, CA 95050
Phone: (408) 615-2484
Email: LXavier@SantaClaraCA.gov

Andrew Crabtree

Director of Community Development

Date: January 19, 2022

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SANTA CLARA DOWNTOWN PRECISE PLAN**

January 19, 2022

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitment of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts.

Project Location

The project area is 25 acres in size and is bounded by Lafayette Street to the east, Homestead Road to the south, Madison Street to the west, and Benton Street to the north (see Figures 1 and 2). The Santa Clara Downtown Precise Plan (SCDPP) area is adjacent to Santa Clara University (SCU) and the Caltrain corridor. The SCDPP area includes up to 44 parcels and is currently developed with residential, office, and commercial uses, as well as a SCU educational center.

Project Background

Development within the Downtown Core is currently comprised of approximately 350,000 square feet retail and office space and 190 residential units. The City of Santa Clara 2010-2035 General Plan, adopted November 2010, envisions revitalizing the Downtown Core with a mix of residential and commercial development. The foundation of the SCDPP has been laid through the completion of a series of planning workshops between October 2015 and November 2017 by all interested community members.

Over the course of the SCDPP planning process thus far, the planning team has gotten feedback from community members and stakeholders in the following ways:

- 24 Downtown Community Task Force (DCTF) meetings. Details of each meeting, including meeting materials and summaries can be found under the Task Force page of the SCDPP website.
- A virtual workshop on streets, public spaces, buildings, programming, art and culture on October 12, 2021.
- Two online surveys on the topics of Land Use Concepts during May 2020 and Placemaking in October 2021.
- Two “Meeting in a Box” activities distributed to the community in January/February 2020 and June 2020.
- A lunchtime student engagement workshop at Santa Clara University on January 29, 2020.
- Downtown Retail 101 Community Workshop on January 16, 2020.
- Meetings with stakeholders and technical advisors from January through March 2020.

Summaries of all the community engagement activities can be found on the SCDPP website at: <https://www.santaclaraca.gov/downtown>

Project Description

The purpose of the SCDPP is to provide guidance for new development within the Downtown (as identified in the City’s General Plan) and to meet the needs of the community. The proposed land use alternative selected by the City to be studied includes approximately 1,317,600 square feet of housing (up to 1,326 residential units), 669,500 square feet of office/hotel, 197,900 square feet of retail/retail ready/and entertainment, and 44,300 square feet of public space. Buildings in the SCDPP area would range from three stories (approximately 33 feet) to nine stories (approximately 124 feet). The SCDPP would maintain the existing roadway network and vehicular connections from the surrounding streets and re-establish the street grid with distinct experiences for different street types.

The SCDPP area consists of three General Plan designations (e.g., Community Mixed-Use, Downtown Core, and Low-Density Residential) and five zoning districts (e.g., Downtown Commercial, Community Commercial, Public of Quasi Public, Planned Development, and General Office). A General Plan Amendment and rezoning are proposed.

Potential Environmental Impacts of the Project

The EIR will identify the significant environmental effects anticipated to result from build out of the proposed SCDPP. The EIR is intended to be a program-level document that will analyze the broad environmental effects of the project. No specific development projects are being considered. Rather, the analysis will focus on the reasonably foreseeable direct and indirect physical environmental effects that could result from implementation of the land use and policies envisioned for the SCDPP. The EIR will include the following specific environmental categories as related to the proposed project:

1. Aesthetics

Visual issues resulting from implementation of the proposed project would include any significant adverse impacts resulting from building mass, height, lighting, and possible glare to adjacent land uses. The EIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project. The EIR will also discuss possible light and glare issues from the proposed development. Mitigation measures will be identified for significant impacts, as warranted.

2. Air Quality

The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's impacts to local and regional air quality according to the 2017 Bay Area Air Quality Management District (BAAQMD) guidelines and thresholds.

3. Biological Resources

Habitats in the project area are low in species diversity and include predominately urban adapted birds and animals. The EIR will discuss the project's impacts to trees and impacts to birds that may be nesting in trees on or adjacent to the plan area during future construction of individual parcels. Mitigation measures to reduce significant impacts will be identified, as appropriate.

4. Cultural Resources

There are seven potentially eligible historic structures located within the boundaries of the SCDPP area which include 945 Madison Street, 1059 Madison Street, 1075 Madison Street, 1390 Madison Street, 1200 Franklin Mall, 906 Monroe Street, and 930 Monroe Street.¹ The EIR will include a discussion of potential impacts to cultural and archaeological resources that could result from implementation of the SCDPP. Appropriate mitigation measures will be identified and implemented, in the event cultural resources, including subsurface resources, are encountered during future construction of individual parcels within the plan area.

5. Energy

Future development under the SCDPP would likely result in an increased demand for energy on-site. The Draft EIR will examine whether energy use would be wasteful, inefficient, or unnecessary, or would conflict with an applicable plan for renewable energy or energy efficiency.

6. Geology and Soils

The project site is located within the most seismically active region in the United States. The EIR will discuss possible geological impacts associated with seismic activity and the existing soil condition on-site. Mitigation measures will be identified for significant impacts, as warranted.

¹ City of Santa Clara. "8.9 Historic Preservation and Resource Inventory." Accessed December 15, 2021. <https://www.santaclaraca.gov/Home/ShowDocument?id=3743>.

7. Greenhouse Gas Emissions

Future development under the SCDPP would contribute to regional and global greenhouse gas emissions (GHG). This analysis will evaluate whether or not emissions would conflict with emissions reduction goals and plans.

8. Hazards and Hazardous Materials

The EIR will summarize hazardous materials conditions within and adjacent to the SCDPP area and identify any potential contamination that could impact construction workers and/or future site users. Mitigation measures will be identified for significant impacts, as warranted.

9. Hydrology and Water Quality

According to the FEMA Flood Insurance Rate Maps (FIRM),² the entire plan area is located in Flood Zone X which is designated as areas of 0.2 percent annual chance flood, areas of one percent annual chance flood with average depths of less than one foot or with drainage areas of less than one square mile, and areas protected by levees from one percent annual chance floods. There are no City floodplain requirements for Flood Zone X.

The EIR will address the possible flooding issues within the plan area as well as the effectiveness of the storm drainage system and the potential water quality impacts of redevelopment activities in the project area under the SCDPP consistent with the requirements of the Regional Water Quality Control Board. The EIR will also discuss the preliminary stormwater management plan for the SCDPP area.

10. Land Use

The project site is located in an urbanized area surrounded by residential, retail, and office land uses, as well as a SCU educational center. The EIR will describe the existing land uses within, and in the vicinity of, the proposed SCDPP area, and will discuss the project's conformance with relevant land use plans, policies, and regulations.

11. Noise

The primary noise source in the area is vehicular traffic. The EIR will discuss the plans effect on ambient noise levels from full build out of the plan as well as potential construction noise impacts on nearby sensitive receptors and the project's compliance with the City code and General Plan.

12. Population and Housing

This section will analyze the potential for future development under the SCDPP to displace existing people or housing, and whether implementation of the SCDPP would lead to unplanned population growth.

² Federal Emergency Management Agency. "FEMA Flood Map Service Center." Accessed December 14, 2021. <https://msc.fema.gov/portal/search?AddressQuery>.

13. Public Services

Implementation of the SCDPP would likely increase the daytime employee and resident population of the City compared to existing conditions. The increase in daytime employees and City population could result in an increased demand on public services, including police and fire protection and recreational facilities. The EIR will address the availability of public facilities and service systems and the potential for the project to require the construction of new facilities.

14. Transportation and Circulation

Based on the City of Santa Clara's requirements, the Transportation Impact Analysis (TIA) will focus on the operations of key intersections and freeway segments in the vicinity of the plan area. The study will include an analysis of AM and PM peak hour traffic conditions using the City's significance criteria as well as the criteria used by other jurisdictions for that agency's facilities. The project's impact on pedestrian, bicycle, and transit services and the potential for the project to reduce vehicles miles travelled (VMT) will also be discussed in the EIR.

15. Utilities

Implementation of the SCDPP would result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will examine the impacts of the project on public facilities, including utilities such as sanitary and storm drains, water supply, and solid waste management.

16. Alternatives

The EIR will examine alternatives to the proposed plan including a “No Project” alternative and one or more alternative plan scenarios depending on the impacts identified. Other alternatives that may be discussed could include reduced development alternatives (e.g., smaller project site or reduced density alternatives). Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed plan while achieving most of the identified objectives.

17. Significant Unavoidable Impacts

The EIR will identify those significant impacts that cannot be avoided, if the plan is implemented as proposed.

18. Cumulative Impacts

The EIR will include a Cumulative Impacts section that will address the potentially significant cumulative impacts of the plan when considered with other past, present, and reasonably foreseeable future projects in the area.

19. Other Required Analyses

In conformance with the CEQA Guidelines, the EIR will also include the following sections: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant

irreversible environmental changes, 4) references and organizations/persons consulted, and 5) EIR authors.



NATIVE AMERICAN HERITAGE COMMISSION



January 25, 2022

Lesley Xavier
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Re: 2022010282, Santa Clara Downtown Precise Plan Project, Santa Clara County

Dear Ms. Xavier:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

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AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

Lesley Xavier

From: Jan Wittman <teachart4@hotmail.com>
Sent: Tuesday, February 8, 2022 10:29 AM
To: Lesley Xavier
Subject: EIR report (Downtown Precise Plan)

Dear Lesley,

I was present for the Zoom meeting last week. I am concerned about increased traffic, noise and possible lack of included parking in this plan. Nowadays, it is my understanding that new residential developments include less than two parking spaces per unit (especially near transit centers). I have enjoyed living on quiet Main Street for many years. I am less than two blocks away from the old downtown. I don't want overflow parked cars in front of my house because there was not enough planned parking in this plan. The plan seems very dense in terms of buildings, even though you said that some parking would be underground. Also, as I live on Main Street, I wouldn't want it to go through to Homestead. We have been spoiled with a quiet street for these many years!

I would also side with the person who spoke at the meeting who would only wish for retail in our new downtown. We have enough new residential units that have recently been built in the Old Quad Area. When they all get filled up with tenants or owners, the increased traffic will be such that I won't be able to easily get out of my street!

Please don't crowd our new downtown with a great number of tall buildings! The plan is very dense with very little public space.

Jan Wittman, Main Street, Santa Clara

Lesley Xavier

From: Jourdan Alvarado <JAlvarado@valleywater.org>
Sent: Thursday, February 17, 2022 9:10 AM
To: Lesley Xavier
Cc: Colleen Haggerty; Michael Martin
Subject: NOP Comments for the Downtown Precise Plan

Dear Lesley Xavier:

The Santa Clara Valley Water District (Valley Water) has received the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed Santa Clara Downtown Precise Plan (SCDPP), received by Valley Water on January 19, 2022. The SCDPP area is bounded by Lafayette Street to the east, Homestead Road to the south, Madison Street to the west, and Benton Street to the north.

There is no Valley Water right of way or facilities within the SCDPP area; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for future development at the subject site.

Valley Water has the following comments regarding the NOP and SCDPP:

1. According to the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) 06085C0227H, effective May 18, 2009, the entire site is located within Zone X (shaded), representing areas of 0.2% annual chance flood.
2. Valley Water records do not show any wells on the subject site; however, it is always possible that a well exists that is not in Valley Water records. Abandoned or unused wells can provide a vertical conduit for contaminants to pollute groundwater. To avoid impacts to groundwater quality, any wells found on-site that will not be used must be properly destroyed in accordance with Ordinance 90-1 (which requires issuance of a well destruction permit) or registered with Valley Water and protected during construction. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.
3. The proposal would allow a substantial net increase in residential dwelling units and commercial space; therefore, a Water Supply Assessment (WSA) is required to be prepared by the City of Santa Clara (City) and incorporated into the EIR. Valley Water requests the opportunity to review the draft WSA to comment on the consistency with countywide water supply planning efforts; especially if future growth will be relying on the groundwater basin, which is managed by Valley Water.
4. Re-development of the site provides opportunities to minimize water and associated energy use by using recycled water, incorporating on-site reuse for both storm and graywater, and requiring water conservation measures above State standards. To reduce or avoid impacts to water supply, the City and applicant should consider implementing measures from the Model Water Efficient New Development Ordinance, which include:
 - Hot water recirculation systems

- Graywater dual distribution plumbing
 - Alternate water sources collection (like cisterns) and recycled water connections as feasible
 - Pool and spa covers
 - Encourage non-potable reuse of water like recycled water, graywater and rainwater/stormwater in new development and remodels through installation of dual plumbing for irrigation, toilet flushing, cooling towers, and other non-potable water uses.
 - Require dedicated landscape meters where applicable.
 - Require installation of separate submeters to each unit in multi-family developments and individual spaces within commercial buildings to encourage efficient water use.
 - Weather- or soil-based irrigation controllers
5. The SCDPP area is known to have shallow groundwater. If new development includes basements or underground parking, dewatering may be required during construction. Impacts to shallow groundwater quality and quantity should be evaluated. Future development that involves dewatering should be designed such that the volume and duration of dewatering are minimized to the greatest extent possible, and underground structures be designed for waterproofing that avoids the need for permanent dewatering after construction is complete.

We appreciate the opportunity to comment on the NOP and would also appreciate the opportunity to review the EIR document when it becomes available. If you have any questions, or need further information, you can reach me at (408) 596-4364, or by e-mail at JAlvarado@valleywater.org. Please reference Valley Water File No. 34625 on future correspondence regarding the SCDPP.

Sincerely,

JOURDAN ALVARADO, CFM

ASSISTANT ENGINEER II – CIVIL (TEMP)

Community Projects Review Unit

jalvarado@valleywater.org

Tel. (408) 596-4364 CPRU Hotline (408) 630-2650



SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

Clean Water · Healthy Environment · Flood Protection



February 18, 2022

City of Santa Clara Planning Department
1500 Warburton Avenue
Santa Clara, CA 95050

Attn: Lesley Xavier
By Email: lxavier@santaclaraca.gov

Dear Lesley,

VTA appreciates the opportunity to comment on the Notice of Preparation for the Downtown Precise Plan. VTA has reviewed the document and has the following comments:

People-Focused Development and Access

VTA appreciates the Existing Conditions Report's focus on people within the project area and the surrounding neighborhoods. A downtown precise plan should strive to create spaces that encourage people to linger and that means allowing people to escape the noise, danger, and visual disruption that fast-moving cars bring. A primary objective of the plan should make accessing downtown by car less convenient, slower, and safer. We support any strategies that make pedestrian crossings shorter and safer (curb extensions, directional curb cuts, high-visibility crosswalks, and signalized crossings). Street treatments that discourage fast travel should be considered on Benton Street, Monroe Street, Homestead Road, and Lafayette Street such as raised or signalized crossings where they are absent today:

- Lafayette Street & Franklin Street
- Monroe Street & Franklin Street
- Homestead Road & Jackson Street
- Homestead Road & Main Street
- Benton Street & Main Street
- Benton Street & Jackson Street

Additionally, high-visibility crosswalks should be added on both sides of an intersection where they are lacking today:

- Monroe Street & Franklin Street
- Homestead Road & Jackson Street
- Homestead Road & Main Street
- Homestead Road & Washington Street
- Lafayette Street & Franklin Street
- Benton Street & Washington Street
- Benton Street & Main Street

Transportation Demand Management

This plan should aim to reduce the vehicular trips through travel demand management measures, enhancements to transit operations, and enhancements to other non-motorized modes including implementing the Bicycle Master Plan Update 2018.

Transit Impacts

VTA operates three bus lines in the plan area (Routes 22, 60, and Rapid 522). Please include the following Congestion Management Program intersections in the traffic assessment: El Camino Real & Lafayette Street, El Camino Real & Lincoln Avenue, and El Camino Real & Monroe Street. The traffic assessment should determine the potential impacts (e.g., delay) to the surrounding transit services around the project area. If the development impacts any of the signalized intersections along El Camino Real and are required to modify these signals, the development should be required to replace the transit signal priority (TSP) equipment. TSP must be always operational for the VTA's Rapid 522 service.

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at 408-321-5830 or lola.torney@vta.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lola Torney', written over a light blue horizontal line.

Lola Torney
Transportation Planner III

SC2201