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**Agenda Item 5**

June 13, 2018

**VIA EMAIL & HAND DELIVERY**

Chair Ikezi and Planning Commissioners  
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Jennifer Yamaguma  
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**Re: Comments on the Addendum to the Mission Town Center  
Final Environmental Impact Report for the 575 Benton Street  
Project by Prometheus Real Estate Group (No. 18-252)**

Dear Chair Ikezi, Planning Commissioners, Ms. Sciara and Ms. Yamaguma:

On behalf of **Santa Clara Residents for Responsible Development** (“Santa Clara Residents”), we submit these comments on the City of Santa Clara’s (“City”) Addendum (“Addendum”) to the Mission Town Center Final Environmental Impact Report (“FEIR”) prepared pursuant to the California Environmental Quality Act

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(“CEQA”)<sup>1</sup> and its implementing Guidelines,<sup>2</sup> for the 575 Benton Street Project (“Project”) proposed by Prometheus Real Estate Group. On May 23, 2018, the Planning Commission continued the public hearing to June 13, 2018 where it will consider the following, collectively “Resolutions”:

1. Adopt a resolution recommending to the City Council adoption of an Addendum#1 to the Mission Town Center Final Environmental Impact Report (FEIR).
2. Adopt a resolution recommending to the City Council approval of the General Plan Amendment (GPA) from Santa Clara Station High Density Residential to Santa Clara Station Very High Density Residential.
3. Adopt a resolution recommending to the City Council approval of the rezoning from Light Industrial (ML), Single-Family (R1-6L), Duplex (R2-7L) and Thoroughfare Commercial (CT) to Planned Development (PD) to allow the development of 355 apartment units, 24,000 to 27,000 square feet of retail space including retail in proximity at the northeast corner of The Alameda and Benton Street, and approximately 6,000 square feet of amenity and leasing space, and thereby increasing the amount of retail space from 19,985 square feet.
4. Adopt a resolution recommending to the City Council adoption of an Ordinance to approve the Development Agreement.
5. Adopt a resolution recommending to the City Council that the proposed vacation of portions of Fremont Street and Sherman Street would be consistent with the General Plan.

For the reasons discussed in further detail below, the Planning Commission must not adopt any Resolution until the Project fully complies with CEQA by disclosing, analyzing, and mitigating the Project’s direct, indirect, and cumulatively significant

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<sup>1</sup> California Environmental Quality Act, Pub. Resources Code (hereinafter “PRC”) § 21000 *et seq.*

<sup>2</sup> CEQA Guidelines, 14 Cal. Code Regs. (hereinafter “CCR”) § 15000 *et seq.*

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effects.<sup>3</sup>

We reviewed these comments with the assistance of air quality engineer, Phyllis Fox, Ph.D., PE and traffic and transportation expert, Dan Smith, PE of Smith Engineering & Management. Dr. Fox's and Mr. Smith's comments and curriculum vitae are incorporated by reference as if fully set forth herein and are attached as **Exhibit A**<sup>4</sup> and **Exhibit B**<sup>5</sup>, respectively.

## I. STATEMENT OF INTEREST

Santa Clara Residents is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety standards and environmental impacts associated with Project development. Santa Clara Residents includes the International Brotherhood of Electrical Workers Local 332, Plumbers & Steamfitters Local 393, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483, and their members and families, and other individuals that live and/or work in the City of Santa Clara and Santa Clara County.

Individual members of Santa Clara Residents and the affiliated labor organizations live, work, recreate and raise their families in the City of Santa Clara and Santa Clara County. They would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. Accordingly, they will be first in line to be exposed to any health and safety hazards that exist onsite. Santa Clara Residents have a strong interest in enforcing the State's environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live there.

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<sup>3</sup> Santa Clara Residents reserves the right to supplement these comments at later hearings and proceedings on this Project. Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

<sup>4</sup> **Exhibit A.** Letter from Phyllis Fox to Linda Sobczynski (June 13, 2018) RE: Addendum to Mission Town Center Project FEIR (hereinafter "Fox Comments").

<sup>5</sup> **Exhibit B.** Letter from Dan Smith to Linda Sobczynski (June 13, 2018) Subject: Mission Town Center FEIR Addendum (575 Benton Project) (hereinafter "Smith Comments").

## II. THE CITY MUST PREPARE A SUBSEQUENT OR SUPPLEMENTAL EIR FOR THIS PROJECT.

CEQA has two basic purposes, neither of which is satisfied by the Project's Addendum. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental impacts of a project before harm is done to the environment.<sup>6</sup> The EIR is the "heart" of this requirement.<sup>7</sup> The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."<sup>8</sup>

To fulfill this function, the discussion of impacts in an EIR must be detailed, complete, and "reflect a good faith effort at full disclosure."<sup>9</sup> An adequate EIR must contain facts and analysis, not just an agency's conclusions.<sup>10</sup> CEQA requires an EIR to disclose all potential direct, indirect, and cumulative significant environmental impacts of a project.<sup>11</sup>

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring imposition of mitigation measures and by requiring the consideration of environmentally superior alternatives.<sup>12</sup> If an EIR identifies potentially significant impacts, it must then propose and evaluate mitigation measures to minimize these impacts.<sup>13</sup> CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures.<sup>14</sup> Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon the EIR to meet this obligation.

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<sup>6</sup> 14 CCR § 15002(a)(1) ("CEQA Guidelines"); *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

<sup>7</sup> *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84.

<sup>8</sup> *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

<sup>9</sup> 14 CCR, § 15151; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 721-722.

<sup>10</sup> *See Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568.

<sup>11</sup> PRC, § 21100(b)(1); 14 CCR, § 15126.2(a).

<sup>12</sup> 14 CCR, § 15002(a)(2) and (3); *Berkeley Jets*, 91 Cal.App.4th at 1354; *Laurel Heights Improvement Ass'n v. Regents of the University of Cal.* (1998) 47 Cal.3d 376, 400.

<sup>13</sup> PRC, §§ 21002.1(a), 21100(b)(3).

<sup>14</sup> *Id.*, §§ 21002-21002.1.

Under CEQA, an EIR must not only discuss measures to avoid or minimize adverse impacts, but must ensure that mitigation conditions are fully enforceable through permit conditions, agreements or other legally binding instruments.<sup>15</sup> A CEQA lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility.<sup>16</sup> This approach helps “insure the integrity of the process of decision by precluding stubborn problems or serious criticism from being swept under the rug.”<sup>17</sup>

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Following preliminary review of a project to determine whether an activity is subject to CEQA, a lead agency is required to prepare an initial study to determine whether to prepare an EIR or negative declaration, identify whether a program EIR, tiering, or other appropriate process can be used for analysis of the project’s environmental effects, or determine whether a previously prepared EIR could be used with the project, among other purposes.<sup>18</sup> CEQA requires an agency to analyze the potential environmental impacts of its proposed actions in an EIR except in certain limited circumstances.<sup>19</sup> A negative declaration may be prepared instead of an EIR when, after preparing an initial study, a lead agency determines that a project “would not have a significant effect on the environment.”<sup>20</sup>

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When an EIR has previously been prepared that could apply to the Project, CEQA requires the lead agency to conduct subsequent or supplemental environmental review when one or more of the following events occur:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major

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<sup>15</sup> 14 CCR, § 15126.4(a)(2).

<sup>16</sup> *Kings County Farm Bur. v. County of Hanford* (1990) 221 Cal.App.3d 692, 727-28 (a groundwater purchase agreement found to be inadequate mitigation because there was no record evidence that replacement water was available).

<sup>17</sup> *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.

<sup>18</sup> 14 CCR, §§ 15060, 15063(c).

<sup>19</sup> *See, e.g.*, PRC, § 21100.

<sup>20</sup> *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597; Pub. Resources Code § 21080(c).

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revisions in the environmental impact report; or

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.<sup>21</sup>

The CEQA Guidelines explain that the lead agency must determine, on the basis of substantial evidence in light of the whole record, if one or more of the following events occur:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or

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<sup>21</sup> PRC, § 21166.  
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alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.<sup>22</sup>

Only where *none* of the conditions described above calling for preparation of a subsequent or supplemental EIR have occurred may the lead agency consider preparing a subsequent negative declaration, an Addendum or no further documentation.<sup>23</sup> For Addendums specifically, CEQA allows Addendums to a previously certified EIR if minor changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.<sup>24</sup> The City's decision not prepare a subsequent EIR must be supported by substantial evidence.<sup>25</sup>

Here, the City lacks substantial evidence for its decision not to prepare a subsequent EIR because at least one of the triggering conditions in Section 15162 has occurred. There is new information of substantial importance that has become available since the certification of the Mission Town Center EIR that shows the Project will have new or more severe impacts than shown in the previous EIR. Specifically, the City failed to include a relevant, reasonably foreseeable (and now approved) project in its cumulative impact analysis. Omitting this project from the cumulative impacts analysis has rendered the Addendum's air quality, public health and transportation conclusions underestimated, unreliable and not supported by substantial evidence.

Whereas the City lacks substantial evidence to support its conclusion that there are no new or more severely significant air quality, public health and transportation impacts than previously analyzed in the Mission Town Center EIR, Dr. Fox and Mr. Smith provide substantial evidence, based on expert opinion, that the Project will result in new significant or more severely significant air quality,

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<sup>22</sup> 14 CCR, § 15162(a)(1)-(3).

<sup>23</sup> 14 CCR, § 15162(b).

<sup>24</sup> 14 CCR, § 15164.

<sup>25</sup> *Id.* §§ 15162 (a), 15164(e), and 15168(c)(4).

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public health, and transportation impacts than previously analyzed in the Mission Town Center EIR.

Accordingly, Dr. Fox's and Mr. Smith's substantial evidence, and the City's lack thereof, requires that the City prepare a subsequent or supplemental EIR to adequately address the Project's cumulatively significant air quality, public health and transportation impacts.<sup>26</sup>

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**a. New information has become available since the certification of the Mission Town Center EIR.**

The Addendum asserts that there are “no changes in circumstances in which the proposed project would be undertaken. No new information has become available....since the certification of the Mission Town Center EIR that would alter the previous analysis and change the conclusions...”<sup>27</sup> The Addendum lacks substantial evidence to make this assertion. In fact, there is new information that has become available since the certification of the Mission Town Center EIR.

The Mission Town Center FEIR was certified in February 2016. Since that time, a new project, Phase II of the BART Extension Project (“Phase II Project”), has undergone CEQA review and has been approved. In April 2018, the Santa Clara Valley Transportation Authority (“VTA”) Board of Directors certified the Final Subsequent Environmental Impact Report (“SEIR”) and approved VTA’s BART Silicon Valley Phase II Extension Project.<sup>28</sup> As a result of the Phase II Project’s extensive construction and ongoing operational impacts, the VTA made findings that the Phase II Project would have significant and unavoidable transportation, air quality, greenhouse gas, and noise impacts.<sup>29</sup> The VTA’s findings, facts in support of findings, and statement of overriding considerations for the Phase II Project’s significant impacts are included as **Exhibit C**. Part of the Phase II Project involves

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<sup>26</sup> 14 CCR, § 15162 (“no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one of more of the following [triggering actions has occurred]”); § 15164 (“The [agency’s] explanation [to not prepare a subsequent EIR pursuant to Section 15162] must be supported by substantial evidence.”).

<sup>27</sup> See, e.g., Addendum, pp. 37, 48, 53, 65, 68, 72 103.

<sup>28</sup> VTA Phase II Environmental, <http://www.vta.org/bart/environmentalphaseII>.

<sup>29</sup> **Exhibit C**. VTA’s BART Silicon Valley – Phase II Extension Project: Findings, Facts in Support of Findings, and Statement Overriding Considerations (Mar. 2018) [http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site\\_Content/bod\\_040518\\_Findings.pdf](http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/bod_040518_Findings.pdf)

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construction at the Santa Clara Station, a mere 400 feet from this Project site

Additionally, it was not until just last week, on June 4, 2018, that the Federal Transit Authority issued its Record of Decision which “puts [the VTA] in a strong position to secure the final federal funding necessary to extend BART all the way to Downtown San Jose and Santa Clara.”<sup>30</sup>

As shown above, the Phase II Project postdated the Mission Town Center EIR and the Phase II Project’s contributions to air quality, public health, and transportation were not included in the Mission Town Center EIR. The list of past, present and reasonable foreseeable future projects that were used to evaluate cumulative impacts are in section 4.0.3.5 of the Mission Town Center DEIR.<sup>31</sup> There is no mention of the Phase II Project. Upon certifying the FEIR, the City did not revise the list or the analysis.<sup>32</sup> The Addendum also does not provide any analysis of the Phase II Project.<sup>33</sup>

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Thus, contrary to the statement in the Addendum, the Phase II Project is new information that has become available since the certification of the Mission Town Center EIR. Furthermore, as described below, the inclusion of the Phase II Project in the cumulative impacts analysis changes the previous analysis, because impacts are newly significant or more severely significant than previously analyzed. The City is therefore required to prepare a subsequent EIR to disclose, analyze and mitigate significant cumulative air quality, public health, and transportation impacts from constructing this Project at the same time the Phase II Project is planned to be constructed.<sup>34</sup>

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<sup>30</sup> VTA Receives Federal Record of Decision for BART Silicon Valley Phase II Extension Project (June 4, 2018) <http://www.vta.org/News-and-Media/Connect-with-VTA/VTA-Receives-Federal-Record-of-Decision-for-BART-Silicon-Valley-Phase-II-Extension-Project#.WyA7Se4vxhG>

<sup>31</sup> Mission Town Center Draft EIR, p. 4.0-3.

<sup>32</sup> Mission Town Center Final EIR, pp. 3.0-1-8 (revisions to DEIR); *see also* Fox Comments, p. 2, Smith Comments, p. 2.

<sup>33</sup> Fox Comments, p. 2, Smith Comments, p. 2.

<sup>34</sup> Construction of the Phase II Projects is set to begin around 2020 and proceed through 2024. <http://www.vta.org/bart/timeline#phaseIItimeline>. The Addendum states that “Site demolition work is expected to begin in mid-summer 2018, followed by site grading and utility infrastructure work in mid-fall 2018. Construction of residential units is expected to commence in winter 2019 with full occupancy by the early spring 2021.” See Addendum, p. 30.

**b. In omitting the Phase II Project from its cumulative impact analysis, the City lacks substantial evidence to support the Addendum’s cumulative impacts conclusions.**

The Addendum does not contain an adequate cumulative air quality, health risk, or transportation impact analysis.<sup>35</sup> Instead the Addendum relies on the Mission Town Center EIR, which did not include the contribution to air quality, public health, or transportation impacts from the Phase II Project. Thus, the City lacks substantial evidence to support its conclusions regarding cumulative air quality, public health, and transportation impact.

CEQA requires a cumulative impacts analysis to assess whether the project’s incremental effect combined with the effects of other projects is cumulatively considerable.<sup>36</sup> The City must support its conclusions about the significance of cumulative impacts with substantial evidence. An adequate cumulative impacts analysis is necessary for a legally adequate environmental review document. In *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 168 the Court invalidated an environmental review document for its failure to consider cumulative impacts. The Court directed the lead agency to redo its cumulative impact analysis:

“In formulating its list of probable future projects for review as to cumulative effects the lead agency should reasonably interpret the guidelines to afford the fullest possible protection of the environment. (See *Friends of Mammoth v. Board of Supervisors, supra.*, 8 Cal.3d at p. 259; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 74 [198 Cal.Rptr. 634].) There is a “... need for regional environmental consideration at the earliest stage of a planned development before it gains irreversible momentum.” (*Bozung v. Local Agency Formation Com., supra.*, 13 Cal.3d at p. 284, fn. 28.)”

By omitting the Phase II Project from the City’s cumulative impacts analysis, the Addendum lacks support for its assertion that air quality, public health and transportation impacts were all adequately analyzed in the Mission Town Center EIR.<sup>37</sup> Moreover, the City lacks substantial evidence to support its conclusion that

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<sup>35</sup> Fox Comments, p. 3.

<sup>36</sup> 14 CCR, § 15130(a).

<sup>37</sup> See Fox Comments, p. 2; Smith Comments, p. 2.  
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cumulative air quality and public health impacts are less than significant and that some cumulative transportation impacts could be mitigated to less than significant.<sup>38</sup> The Addendum is not supported by substantial evidence, legally inadequate and cannot be used to adopt the resolutions and approve the Project.

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**c. The City cannot rely on the Addendum for Project approval because the Project will result in new or more severe significant air quality and public health impacts that were not identified in the Mission Town Center EIR.**

The Addendum’s conclusion that cumulative air quality impacts were fully analyzed in the Mission Town Center EIR and are less than significant is unsupported.<sup>39</sup> Dr. Fox provides substantial evidence that there are new or more severe cumulatively significant impacts than were not previously analyzed in the Mission Town Center EIR. She comments that the “increase in criteria pollutants and hazardous air pollutants from the construction and operation of the [Phase II Project] adjacent to the Project site would be sufficient to result in significant cumulative air quality and public health risk impacts during both construction and operation of the project.”<sup>40</sup>

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More specifically, Dr. Fox explains that the oxides of Nitrogen (“NOx”) impacts from constructing components of the Phase II Project, a mere 400 feet from this Project site, are *significant and unavoidable*. And, since construction of the Project and the Phase II Project may overlap, the cumulative NOx impacts for this Project would be potentially significant. Dr. Fox’s comment provides substantial evidence that “[t]his is a new significant air quality impact not disclosed in the Addendum.”<sup>41</sup>

Accordingly the City must prepare a subsequent EIR pursuant to Public Resources Code Section 15162. As indicated above, the City lacks substantial evidence to support the Addendum’s cumulative air quality and public health impact conclusion.<sup>42</sup> The Phase II Project constitutes new information of substantial importance that was made available after the Mission Town Center EIR was

<sup>38</sup> Addendum, p. 108; Smith Comments, p. 2; Fox Comments, p. 4.

<sup>39</sup> Mission Town Center Final EIR, at p. 1.0-7.

<sup>40</sup> Fox Comments, p. 4.

<sup>41</sup> Fox Comments, p. 4.

<sup>42</sup> Addendum, pp. 48-49.

certified. And, Dr. Fox provides substantial evidence that the cumulative air quality and public health impacts are new significant and more severely significant impacts than previously analyzed.

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**d. The City cannot rely on the Addendum for Project approval because the Project will result in new, significant traffic impacts that were not identified in the Mission Town Center EIR.**

Mr. Smith also provides expert comments about the City's failure to consider the BART Phase II Extension Project.<sup>43</sup> The Mission Town Center EIR concluded that some cumulative transportation impacts would be less than significant with mitigation.<sup>44</sup> In turn, the Addendum found that all transportation impacts were adequately analyzed in the Mission Town Center EIR.<sup>45</sup>

Mr. Smith comments that if the contribution to transportation impacts from the Phase II Project are included in the cumulative impacts analysis for this Project, "it is in my expert opinion that the transportation impacts would be more severely significant than previously analyzed in the Mission Town Center EIR."<sup>46</sup>

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Thus, the City must prepare a subsequent EIR pursuant to Public Resources Code Section 15162. As noted above, the Phase II Project constitutes new information of substantial importance that was made available after the Mission Town Center EIR was certified. Mr. Smith provides substantial evidence that the cumulative transportation impacts are more severely significant impacts than previously analyzed.

In addition to the flaws in the cumulative impact analysis, Mr. Smith comments that the City lacks substantial evidence to support its traffic analysis. Mr. Smith identifies two flaws in the Addendum's trip generation analysis that result in underestimated transportation impacts.<sup>47</sup> Mr. Smith explains that the lower number of net new trips is a result of inconsistent analysis methodology.<sup>48</sup>

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<sup>43</sup> Smith Comments, p. 1.

<sup>44</sup> Smith Comments, p. 2.

<sup>45</sup> Smith Comments, p. 2.

<sup>46</sup> Smith Comments, p. 2.

<sup>47</sup> Smith Comments, p. 2.

<sup>48</sup> Smith Comments, p. 2.

The Addendum also fails to adequately support its shopping centers trip generation rates because it fails to account for the fact that shopping centers trip generation rates vary substantially with center size.<sup>49</sup> Mr. Smith indicates that the trip generation of the proposed Project are understated, “masking the significance of impacts.”<sup>50</sup>

### III. CONCLUSION

The City may not rely on the Addendum to adopt the Resolutions and approve the Project. Substantial evidence shows that there is new information of substantial importance showing that the Project will result in new and more severe significant impacts. As a result, CEQA mandates that the City prepare a subsequent EIR that adequately discloses, analyzes and mitigates the cumulative impacts of this Project in relation with the Phase II Project. The Resolutions cannot be adopted and the Project cannot be approved until a subsequent EIR is prepared and circulated for public review.

Thank you for your consideration.

Sincerely,



Linda Sobczynski

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Exhibits

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<sup>49</sup> Smith Comments, p .3.

<sup>50</sup> Smith Comments, p .3.

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