

2016-8035
1 AMD Place Redevelopment Project

Summary of Environmental Impacts

Overview of Impacts

There are different levels of impacts identified in an EIR, including the following:

- Significant unavoidable
- Significant the can be mitigated
- Less than significant
- No impact

If an impact is shown to be significant and unavoidable, then in order to approve the project, the decision-making body certifying the EIR, in this case the City Council, must adopt a Statement of Overriding Considerations, which is a statement that the ultimate benefits of the project outweigh the environmental impacts.

Significant Impacts Identified in the EIR

The EIR determined that the project would or could potentially cause significant impacts in these areas:

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions and Climate Change
- Create Potential Human Hazards from Exposure to Existing On-Site Hazardous Materials
- Noise
 - Short-term Construction Noise Levels
 - Exposure to Construction Vibration
- Traffic and Transportation
 - Impacts on Intersection Operating Conditions
 - Impacts on Freeway Ramp Queuing
 - Impact on Transit Facilities
 - Construction-related Impacts on Traffic

Mitigatable Impacts

Most significant impacts of the proposed project would be reduced to a less than significant level with the implementation of mitigation measures identified in the EIR and the Mitigation Monitoring and Reporting Program (MMRP – Attachment 12 to Report).

Following preparation of the Final EIR, the applicant requested minor edits to clarify three of the mitigation measures identified in the EIR (Attachment 20 to Report, Errata-Minor Edits to MMRP). These modifications will not result in new significant environmental impacts or substantially increase the severity of the environmental impacts identified in the EIR; therefore, recirculation of the EIR is not required. The Mitigation Monitoring and Reporting Program has been updated to reflect the changes. Mitigation measures will be incorporated into each phase of the project and will be monitored by staff throughout the construction of the project.

Significant and Unavoidable Impacts

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the project is implemented as it is proposed. There are three impacts identified in the EIR as significant and unavoidable:

- Short-term Construction Noise Levels
- Impacts on Intersection Operating Conditions
- Impacts on Freeway Ramp Queuing

Short-term Construction Noise

Project construction activities would involve the use of heavy-duty construction equipment. Construction noise impacts would occur over a four-year period for off-site sensitive receptors with the highest level of noise being generated in Phase 1 of construction. Mitigation measures include noise reducing enclosures around stationary noise-generating equipment, requiring properly maintained construction equipment with noise-reduction mufflers and engine shrouds, self-adjusting back-up alarms on construction equipment, designation of a disturbance coordinator and temporary noise curtains. Even with these mitigation measures, construction noise levels are still likely to exceed standards at the nearest sensitive receptor during daytime hours. The impact would remain significant and unavoidable.

Impacts on Intersection Operating Conditions

In the Background-Plus-Project traffic study scenario critical delays at the Lawrence Expressway/Duane Avenue-Oakmead Parkway intersection would experience a significant impact. A third left lane will be added to the eastbound approach. Appropriate signage and pavement striping will be provided and signal operation and timing will be adjusted to accommodate the third lane. Santa Clara County has jurisdiction over this intersection. County concurrence and approval are required for implementation of this mitigation measure. The applicant and the City of Sunnyvale will coordinate with Santa Clara County; however, because final approval is outside the jurisdiction and control of the City of Sunnyvale, there is no guarantee that the mitigation measure would be implemented. Therefore, the impact is identified as significant and unavoidable.

Impact on Freeway Ramp Queuing

Traffic generated by the project would result in the lengthening of queues under the Existing-Plus-Project conditions at the U.S. 101/Lawrence Expressway diagonal on-ramp (ramp to southbound U.S. 101 from northbound Lawrence Expressway). Metering rates could be increased to ensure that the maximum queue does not exceed ramp storage. The project applicant and the City of Sunnyvale will coordinate with Caltrans and VTA on implementation of this mitigation measure. However, because the final approval of the proposed ramp metering modification is outside the jurisdiction and control of the City of Sunnyvale, there is no guarantee that this mitigation will be implemented. Therefore, this impact is identified as significant and unavoidable.

Cumulative Impacts

The EIR also includes analysis of cumulative impacts. As defined by CEQA, cumulative impacts refer to two or more individual effects, which when combined, are considerable or which compound or increase other environmental impacts.

The EIR identifies significant and unavoidable cumulative effects on traffic. Mitigation measures include the following:

- Signal construction at the intersection of Duane Avenue and Duane Court
- Contribution to the City's Intelligent Transportation System

Intersection of Duane Avenue and Duane Court

The intersection of Duane Avenue and Duane Court satisfies the peak hour signal warrant under the Cumulative-Plus-Project scenario but does not meet warrants in any other EIR scenario analysis, including Existing Conditions. The project will be required to pay a fair share towards construction of a signal at this location.

Contribution to the City's Intelligent Transportation System

Under the Cumulative-Plus-Project traffic study scenario, the following intersections would experience impacts:

- Fair Oaks Avenue/Northbound U.S. 101 Ramps
- Fair Oaks Avenue/Duane Avenue
- Fair Oaks Avenue/Wolfe Road
- Lawrence Expressway/U.S. 101 Southbound Ramps
- Lawrence Expressway/Duane Avenue-Oakmead Parkway

To mitigate the impacts, road widening would require acquisition of private property to construct physical improvements and is considered infeasible. Impacts to these intersections could improve through the implementation of the City's Intelligent Transportation System (ITS) strategies and projects. The project will pay its fair share towards the ITS projects through the City's TIF. These impacts are identified as cumulatively considerable and significant and unavoidable.

Statement of Overriding Considerations

The City Council's approval of the 1 AMD Place development plan would result in environmental impacts that cannot be substantially lessened or avoided. While mitigation measures would reduce these impacts, they would remain significant and unavoidable.

Section 15093 of the CEQA Guidelines requires the decision-making agency to balance the economic, legal, social, technological, or other benefits of the proposed project against its significant and unavoidable environmental impacts. Adoption of the project requires that the City Council must state in writing the reasons in support of its action based on the FEIR and the information in the record. The Statement of Overriding Considerations is supported by substantial evidence in the record. The Statement of

Overriding Considerations and CEQA Findings to be adopted are in Attachment 6 to the Report.

The Statement of Overriding Considerations includes a list of factors and policies that support the public benefits of the project. These include:

- the objectives of the Sunnyvale General Plan and East Sunnyvale Sense-of-Place Plan;
- the City's critical housing shortage and need for affordable housing;
- the public benefits of redeveloping a vacant industrial site;
- the fact that the site has a general plan land use designation of residential and is already zoned residential;
- the importance of residential infill development near Caltrain stations (the route to the proposed project to Lawrence Station is about 1.5 miles, considered an easy biking distance); and,
- the creation of the 6.5-acre public park that will preserve open space and reduce the need for nearby residents to drive elsewhere for recreation.

EIR Mitigation Monitoring

A Mitigation Monitoring and Reporting Program (MMRP) is required by CEQA to ensure implementation of all mitigation measures. A monitoring program identifies the mitigation measure, who is responsible for implementation, the monitoring schedule and who is responsible to do the monitoring for each measure. All the monitoring responsibilities for the project will be handled by the City through its Community Development, Public Works, and Public Safety Departments. The MMRP is incorporated as an attachment to the Recommended Conditions of Approval after the project is adopted.

EIR Alternatives

CEQA also requires the consideration of Project Alternatives to reduce the impacts of the project. The CEQA Guidelines specify that an EIR identify alternatives that "would feasibly attain the most basic objectives of the project but would avoid or substantially lessen many of the significant environmental effects of the project." Section 5 of the DEIR provides further analysis of the alternatives. The DEIR considers the following three alternatives.

1. **CEQA Alternative 1: No Project – No Development:** The site currently contains two developed industrial sites; a 20,867-square foot office/research and development building is in the southwest corner of the project site (975 Stewart Drive) and two buildings totaling approximately 205,523 square feet of office/research and development uses located in the remainder of the project site (1 AMD Place). These buildings are currently vacant but could be re-used for office in the future. This alternative would reduce the impacts of the proposed development in all resource areas, but it would not meet any of the project objectives.

2. **CEQA Alternative 2: No Project – Residential Development Consistent with East Sunnyvale Industrial-to-Residential Project:** Alternative 2 would consist of a similar development with fewer units at the project site and would be consistent with the existing zoning and subarea development assumptions under the East Sunnyvale Industrial-to-Residential General Plan Amendment and its EIR Analysis (2007). This alternative would consist of 884 residential units and a 3-acre public park. Alternative 2 would not make use of the State Density Bonus Law for inclusion of affordable units. Like the proposed project, Alternative 2 would include the extension of Indian Wells Avenue through the site. This alternative would reduce impacts on energy, greenhouse gas emissions, public services and utilities, and traffic and circulation; however, the impacts to traffic and construction noise would still be significant and unavoidable.

3. **CEQA Alternative 3: Reduced Development:** Alternative 3 would reduce the overall density of the site development consistent with R-3 zoning (approx. 24 dwelling units per acre) and would be developed as townhomes. This would result in 646 dwelling units. This alternative would include a 6.5-acre public park and the extension of Indian Wells Avenue through the site. This alternative would reduce impacts on energy, greenhouse gas emissions, public services and utilities, and traffic and circulation; however, the impacts to traffic and construction noise would still be significant and unavoidable.

Each of the above noted alternatives are described in more detail in the DEIR.

Project Adoption Process if an EIR Alternative is Selected

If Council selects any of the alternatives, all have reduced impacts and no further environmental review is required.

Environmentally Superior Alternative

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative other than the “no project” alternative. Based on the analysis, the environmentally superior alternative is CEQA Alternative 3. With Alternative 3, impacts to energy, greenhouse gas emissions, public services and utilities, recreation and traffic will be reduced, when compared to the project. Because Alternative 3 would result in reduced environmental impacts than the proposed project, it would be considered environmentally superior. This alternative would also meet most of the project’s objectives. Although not environmental impacts, this project would, however, provide fewer housing opportunities and affordable housing opportunities compared to the project.

Significant New Information

Testimony is sometimes received during the public review process relating to “significant new information.” For an EIR, new information is considered “significant” when the following would apply:

- A substantial environmental impact resulting from the project is identified;

- A substantial increase in the severity of an environmental impact is identified;
- A new feasible project alternative or mitigation measure is identified which the project proponent refuses to adopt; and
- The DEIR is so fundamentally and basically inadequate and conclusory in nature that the public comment of the draft was, in effect, meaningless.

As of the end of the comment period on the DEIR, no significant new information has been received from the public or other public agencies.

Comments on the DEIR

Staff received 11 written comments regarding the DEIR including three from public agencies and eight comments from the public and other associations. These comments with responses are included in the FEIR.

Two public agencies (Caltrans and Santa Clara County) submitted comments regarding the Traffic Impact Analysis (TIA). Clarifications have been provided in the FEIR that address questions and comments about the TIA scope, data, and mitigation required for the project.

Additional concerns were raised by the Sunnyvale Public Safety Officers Association about impacts to emergency response times. The FEIR addresses the comments and determines that, although some concerns were raised, there were no new CEQA impacts identified.

A letter was received from the State of California Native American Heritage Commission with recommendations for best practices to meet consultation requirements under SB52 and for documenting and mitigating inadvertent finds cultural resources. These measures are included in the recommended Conditions of Approval.

Written comments from the public include concerns with local traffic, problems with proposed access to the project to and from local streets, existing significant traffic conditions on local streets near the project and problems with the trip generation assumptions in the TIA. Other comments submitted included anticipated impacts of construction traffic and about the overcrowding of the neighborhood and the related impacts to housing prices. These comments are also addressed in the FEIR.

Oral comments on the DEIR were received at the Planning Commission hearing on November 26, 2018. Eight members of the public and three Planning Commissioners commented on the DEIR. These oral comments are addressed in the FEIR.

In addition, staff received a lengthy comment letter a day before the originally advertised Planning Commission meeting. The letter is included as Attachment 17 to the Report. The letter included over 600 pages of exhibits which are available at the following link: <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?t=50437.17&BlobID=26361>.

Determination of Adequacy

The “rule of reason standard” is applied to judicial review of EIR contents. This standard requires that an EIR show that an agency has made an objective, good-faith attempt at full disclosure. The scope of judicial review does not extend to correctness of an EIR’s conclusion, but only the EIR’s sufficiency as an informative document for decision-makers and the public. Legal adequacy is characterized by:

- All required contents must be included;
- Objective, good-faith effort at full disclosure;
- Absolute perfection is not required;
- Exhaustive treatment of issues is not required;
- Minor technical defects are not necessarily fatal; and
- Disagreement among experts is acceptable.

Environmental Review Recommendation

Staff believes that the proposed FEIR, consisting of the DEIR (incorporated by reference), comments received on the DEIR, response to those comments, and a list of persons and public agencies commenting on the DEIR, meets the requirements of CEQA both in content and format. The DEIR and FEIR documents and technical appendices can be viewed online at <https://sunnyvale.ca.gov/business/projects/amd.htm>.

A draft resolution certifying the EIR is in Attachment 6 to the Report.

Should it be determined that the EIR is not adequate, the Planning Commission and/or City Council may state those areas of discussion where the document is deficient and recommend that additional analysis be prepared prior to certification. Any changes to the mitigation measures in the EIR may affect the accompanying determination of significance. The deletion or alteration of a mitigation measure may result in a determination of a significant unavoidable impact where a less than significant impact was determined as originally mitigated. If a mitigation measure is changed that creates a significant unavoidable impact, a Statement of Overriding Considerations will be required and a new hearing must be conducted.

No project related actions shall be taken until the FEIR is certified. As noted earlier, certification of the EIR does not approve or deny any element of the project or related development proposals.

Environmental Public Contact

All public notification procedures for the EIR were followed, as required by CEQA. The Notice of Preparation (NOP) of the EIR and comments received are in Appendix A of the DEIR.

The EIR was distributed to the State Clearinghouse on November 2, 2018 for a required 45-day public review period. A Notice of Availability of the EIR was also sent to and other required and adjacent agencies and property owners within 2000 feet of the project area on November 2, 2018. The Notice of Availability included a link to the City’s

web site and the DEIR. A public hearing on the DEIR was held with the Planning Commission on November 26, 2018. Comments on the DEIR and responses are in the FEIR (Attachment 11 to the Report).