



FINAL ENVIRONMENTAL IMPACT REPORT

1 Advanced Micro Devices Place Redevelopment Project



SCH No. 2017082043

PREPARED FOR:



City of Sunnyvale
Community Development
Department/Planning Division
456 W. Olive Avenue
Sunnyvale, CA 94086

Gerri Caruso,
Principal Planner

February 2019

**Final Environmental Impact Report
for the**

1 Advanced Micro Devices Place Redevelopment Project
State Clearinghouse No. 2017082043

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February 2019

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LIST OF ABBREVIATIONS

AMD	1 Advanced Micro Devices
APN	Assessor's Parcel Number
CEQA	California Environmental Quality Act
City	City of Sunnyvale
DEIR	Draft Environmental Impact Report
ENGEO	ENGEO International
FEIR	Final EIR
ITE	Institute of Transportation Engineers'
ITR	Industrial-to-Residential
SFRWQCB	San Francisco Bay Regional Water Quality Control Board
SMP	site management plan
TDM	transportation demand management
TIF	Traffic Impact Fee
VMT	vehicle miles traveled

1 INTRODUCTION

This document has been prepared by City of Sunnyvale (City), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CCR Section 15132). This document contains comments received on the draft environmental impact report (DEIR) for the 1 Advanced Micro Devices (AMD) Place Redevelopment Project (project), responses to those comments, and revisions to the DEIR. Together this document, “Responses to Comments Document for the Final Environmental Impact Report-City of Sunnyvale – 1 Advanced Micro Devices Place Redevelopment Project,” and the DEIR constitute the Final EIR (FEIR) for the project.

1.1 PURPOSE AND INTENDED USES OF THIS FEIR

CEQA requires a lead agency that has prepared a DEIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the general public with an opportunity to comment on the DEIR. The FEIR is the mechanism for responding to these comments. This document has been prepared to respond to comments received on the DEIR, which are reproduced in this document; and to present corrections, revisions, and other clarifications and amplifications to the DEIR, including minor project modifications, made in response to these comments and as a result of the applicant’s ongoing planning and design efforts. Together this document, “Responses to Comments Document,” and the DEIR constitute the Final EIR for the project. The FEIR will be used to support the City’s decision regarding whether to approve the project.

This FEIR will also be used by CEQA responsible and trustee agencies to ensure that they have met their requirements under CEQA before deciding whether to approve or permit project elements over which they have jurisdiction. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project or that have jurisdiction over portions of the project.

Public agencies with known permits, other approvals, or jurisdiction by law over resources on the site included, but may not be limited to, the agencies listed below:

1.1.1 Lead Agency

The City of Sunnyvale is the lead agency for this project. Project requested City entitlements include the following:

- ▲ Approval of a rezone to adjust the boundaries of the site’s Industrial to Residential-Medium (MS/ITRR3) and Industrial to Residential-High (MS/ITRR4) zone districts;
- ▲ Approval of a Special Development Permit for site and architectural (i.e. design) review, removal of protected trees, and consideration of deviations from City height standards or other standards as provided for under City Municipal Code Chapter 19.90; and State Density Bonus Law; and
- ▲ Approval of a lot line adjustment and a tentative subdivision map.

The following actions would be taken after entitlement approval:

- ▲ Park improvement plan approval;

- ▲ Issuance of demolition permits for removal of existing buildings and parking lots and building permits for construction of the new project; and
- ▲ Offsite improvement plan, subdivision agreement and final map approvals.

1.1.2 State Responsible Agencies

Project construction activities would include implementation of a proposed site management plan (SMP) in coordination with the San Francisco Bay Regional Water Quality Control Board for the cleanup of existing on-site groundwater and soil contamination.

The project would also be required to comply with the State Water Resources Control Board National Pollutant Discharge Elimination System Stormwater General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities.

1.2 PROJECT LOCATION

The project site consists of three parcels of approximately 34.7 acres located at 1 AMD Place (Assessor's Parcel Number [APN] 20522024 and 20522025) and 975 Stewart Drive (APN 20522028) within the eastern portion of the City of Sunnyvale (see DEIR Exhibit 3-1). The site is north of Stewart Drive, south of Duane Avenue (also referred to as East Duane), and west of the Duane Avenue/Stewart Drive intersection (see DEIR Exhibit 3-2). Vehicular access to the project site is provided along Stewart Drive. The project site is approximately 0.25 mile south of U.S. Highway 101 and 0.10 mile west of Lawrence Expressway.

The project site consists of three office buildings, a utility building, paved parking lots and roads, and landscaping, including grass lawns and mature landscape trees. Residential uses are adjacent to the north, east, and west project boundaries. A public storage facility, and office uses are located south and southeast of the site. Hotel and office buildings (formerly a private university) are located east of the site and southeast of the Duane Avenue/Stewart Drive intersection (see DEIR Exhibit 3-2).

1.3 PROJECT OBJECTIVES

CEQA requires that an EIR include a statement of objectives for the project, and that the objectives include the underlying purpose of the project. These objectives help the lead agency determine the alternatives to evaluate in the EIR (see CEQA Guidelines Section 15124[a]). Taking into consideration the goals of the applicant, the City has identified the following project objectives for the purposes of this EIR:

- ▲ Transition of the site from office uses to creation of a new public park and mix of residential densities that include affordable housing options to address City housing needs;
- ▲ Build a residential community that implements the goals and policies of the General Plan (Land Use and Transportation Element adopted 2017) and the East Sunnyvale Sense-of Place Plan (adopted 2015); and
- ▲ Create a residential community that utilizes adopted City policies and development design guidelines to create residential housing densities and building massing that complements the existing residential densities of adjacent land uses in the project area.

1.4 SUMMARY DESCRIPTION OF THE PROJECT

The project consists of the demolition of three existing buildings and redevelopment of the site as a master-planned residential community of up to 1,074 residential units that would include medium- and high-density residential land uses and related on-site facilities to serve the development. The project site would also include a 6.5-acre public park and extension of Indian Wells Avenue through the site to connect with the Duane Avenue/Stewart Drive intersection (see DEIR Exhibit 3-3).

While the project would not require a General Plan Amendment, it does include a rezone to adjust the boundaries of the MS/ITRR3 and MS/ITRR4 zones to match the proposed land use plan and rezone the proposed public park site to Public Facility (PF) (see DEIR Exhibit 3-4). The base allowable residential density of the site remains as it was adopted in the East Sunnyvale Industrial-to-Residential General Plan Amendment and Planned Development Rezonings (adopted 2007). Any additional density would result from application of California State Housing Density Bonus Law (see also Sunnyvale Municipal Code Section 19.18.025) and the City of Sunnyvale's Green Building Program (Sunnyvale Municipal Code Section 19.39) as described below.

1.5 CEQA PUBLIC REVIEW PROCESS

On November 2, 2018, the DEIR was released for a 45-day public review and comment period. The DEIR was submitted to the State Clearinghouse for distribution to reviewing agencies; posted on the City's website (<http://www.sunnyvale.ca.gov>); and a hard copy of the DEIR is available at the City's One-Stop Permit Center at 456 W. Olive Avenue, Sunnyvale CA, 94086 and the Sunnyvale Public Library at 665 West Olive Avenue, Sunnyvale, CA 94086.

A public hearing was held on November 26, 2018, to receive input from agencies and the public on the DEIR.

As a result of these notification efforts, comments were received from agencies, organizations, and individuals on the content of the DEIR. Chapter 2, "Responses to Comments," identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards (State CEQA Guidelines CCR Section 15088.5).

1.6 ORGANIZATION OF THE FEIR

This document is organized as follows:

Chapter 1, "Introduction," describes the purpose of the FEIR, summarizes the project, provides an overview of the CEQA public review process, and describes the content of the FEIR.

Chapter 2, "Responses to Comments," contains a list of all parties who submitted comments on the DEIR during the public review period, copies of the comment letters received, a copy of the transcript from the October 26th public hearing, and responses to the comments.

Chapter 3, "Revisions to the DEIR," presents revisions to the DEIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by underline where text is added.

Chapter 4, "References," identifies the documents used as sources for the analysis.

Chapter 5, "List of Preparers," identifies the lead agency contacts as well as the preparers of this FEIR.

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2 RESPONSES TO COMMENTS

This chapter contains comment letters received during the public review period for the Draft Environmental Impact Report (DEIR), which concluded on December 17, 2018, including comments received during the November 26, 2018 Sunnyvale Planning Commission public meeting. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the DEIR.

2.1 LIST OF COMMENTERS ON THE DEIR

Table 2-1 presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter.

Table 2-1 List of Commenters		
Letter No.	Commenter	Date
STATE AGENCIES (S)		
S1	State of California Native American Heritage Commission Gayle Totton, Associate Governmental Project Analyst	November 29, 2018
S2	California Department of Transportation (Caltrans) Patricia Maurice, District Branch Chief	December 11, 2018
LOCAL AGENCIES (L)		
L1	County of Santa Clara Roads and Airports Department Ellen Talbo, County Transportation Planner	December 17, 2018
ORGANIZATIONS (O)		
O3	Santa Clara County Residents for Responsible Development Josue Garcia, Director	November 26, 2018
O2	Public Safety Officers Association Frank Bellucci, President	December 13, 2018
O3	Laborers International Union of North America, Local Union 270 Michael Lozeau	December 19, 2018
INDIVIDUALS (I)		
I1	Robert Pimienta	November 6, 2018
I2	Li Zhuoji	November 17, 2018
I3	Mario and Elisa Silva	November 27, 2018
I4	Glen Chambers	December 17, 2018
I5	Jennifer Hellerich	November 30, 2018
PUBLIC HEARING-SUNNYVALE PLANNING COMMISSION (PC)		
PC-1	Josue Garcia, Santa Clara County Residents for Responsible Development	November 26, 2018
PC-2	Raju Dahal	November 26, 2018
PC-3	Sergio Figueroa	November 26, 2018
PC-4	Hector Gomez	November 26, 2018
PC-5	Glen Chambers	November 26, 2018

Table 2-1 List of Commenters

Letter No.	Commenter	Date
PC-6	Jonathan Fishpow	November 26, 2018
PC-7	Zachary Kaufman	November 26, 2018
PC-8	Stephanie Ray	November 26, 2018
PC-9	Commissioner Rheaume	November 26, 2018
PC-10	Commissioner Weiss	November 26, 2018
PC-11	Commissioner Weiss	November 26, 2018
PC-12	Vice Chair Simons	November 26, 2018

2.2 COMMENTS AND RESPONSES

The verbal and written individual comments received on the DEIR and the responses to those comments are provided below. The comment letters and verbal comments made at the public hearing are reproduced in their entirety and are followed by the response(s). Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471

Edmund G. Brown Jr., Governor



Letter
S1

November 29, 2018

Gerri Caruso
City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94086

Re: SCH# 2017082043, 1 AMD Place Redevelopment Project, City of Sunnyvale; Santa Clara County, California

Dear Ms. Caruso:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report (DEIR) prepared for the project referenced above. The review included the Executive Summary; the Introduction and Project Description; and the Environmental Impacts and Mitigation Measures prepared by Ascent Environmental for the City of Sunnyvale. We have the following concerns:

1. While consultation requirements under AB-52 have technically been met, the NAHC recommends that consultation outreach to the tribes on the NAHC list is consistent with Best Practices. We also recommend documenting SB-18 consultation for projects with General Plan Amendments. Please refer to: http://nahc.ca.gov/wp-content/uploads/2015/04/AB52TribalConsultationRequirementsAndBestPractices_Revised_3_9_16.pdf
2. Mitigation for inadvertent finds of Archaeological Resources, Cultural Resources, Tribal Cultural Resources, or Human Remains is missing or incomplete. With the amount of projected excavation, standard conditions and/or mitigation measures should be included in the document. Please refer to Health and Safety Code § 7050.5 and Public Resources Code § 5097.98 for the process for inadvertent finds of human remains. Sample mitigation measures for Tribal Cultural Resources can be found in the CEQA guidelines at http://opr.ca.gov/docs/Revised_AB_52_Technical_Advisory_March_2017.pdf

S1-1

S1-2

The NAHC recommends lead agencies consult with all 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.

S1-3

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3714 if you have any questions.

Sincerely,

Gayle Totton
Gayle Totton, B.S., M.A., Ph.D
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

RECEIVED

DEC 04 2018

PLANNING DIVISION

ADDITIONAL INFORMATION:

The California Environmental Quality Act (CEQA)¹, specifically Public Resources Code section 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.² 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.³ 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 with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).⁴ **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"⁵, that now includes "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."⁶ Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.⁷ Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, 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 1966⁸ may also apply.

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

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

Pertinent Statutory Information:

Under AB 52:

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

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.

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.⁹ and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)."¹⁰

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.¹¹
1. 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.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.¹²

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 sections 6254 (r) and 6254.10.** Any information submitted by a California Native

¹ Pub. Resources Code § 21000 et seq.

² Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15084.5 (b)

³ Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15084 (a)(1)

⁴ Government Code 65352.3

⁵ Pub. Resources Code § 21074

⁶ Pub. Resources Code § 21084.2

⁷ Pub. Resources Code § 21084.3 (a)

⁸ 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

⁹ Pub. Resources Code § 21080.3.1, subds. (d) and (e)

¹⁰ Pub. Resources Code § 21080.3.1 (b)

¹¹ Pub. Resources Code § 21080.3.2 (a)

¹² Pub. Resources Code § 21080.3.2 (a)

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.¹³

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 section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.¹⁴

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.¹⁵

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 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 section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.¹⁶

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 section 21084.3 (b).¹⁷

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 sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 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 section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.¹⁸

This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to local governments and requires them 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. 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
- **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.**¹⁹
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,²⁰ 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 sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.²¹
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
 - o The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or

¹³ Pub. Resources Code § 21082.3 (c)(1)

¹⁴ Pub. Resources Code § 21082.3 (b)

¹⁵ Pub. Resources Code § 21080.3.2 (b)

¹⁶ Pub. Resources Code § 21082.3 (a)

¹⁷ Pub. Resources Code § 21082.3 (e)

¹⁸ Pub. Resources Code § 21082.3 (d)

¹⁹ (Gov. Code § 65352.3 (a)(2)).

²⁰ pursuant to Gov. Code section 65040.2.

²¹ (Gov. Code § 65352.3 (b)).

- o 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.²²

NAHC Recommendations for Cultural Resources Assessments:

- Contact the NAHC for:
 - o 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.
 - o A Native American Tribal Contact 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.
 - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- 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:
 - o If part or the entire APE has been previously surveyed for cultural resources.
 - o If any known cultural resources have been already been recorded on or adjacent to the APE.
 - o If the probability is low, moderate, or high that cultural resources are located in the APE.
 - o If a survey is required to determine whether previously unrecorded cultural resources are present.
- 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.
 - o 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.
 - o The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- o Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- o 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:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
- o 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.
- o 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.²³
- o Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.²⁴

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- o Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.²⁵ 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.
- o 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.
- o 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 section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subs. (d) and (e)) address the processes to be

²² (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

²³ (Civ. Code § 815.3 (c)).

²⁴ (Pub. Resources Code § 5097.991).

²⁵ per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

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.

2.3 AGENCIES

<p>Letter S1</p>	<p>State of California Native American Heritage Commission (NAHC) Gayle Totton, Associate Governmental Project Analyst November 29, 2018</p>
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S1-1 The comment states that the City has met the consultation requirements under AB 52 but recommends consultation outreach be conducted consistent with NAHC. The letter also recommends documenting consultation under SB 18.

DEIR pages 1-3 and 1-4 describes the requirements of AB 52 consultation as well as written request for consultation that was sent by the City on November 17, 2017 to the following tribes: Ohlone/Costanoan Bay Miwok, Plains Miwok and Patwin; Amah Mutsun Tribal Band (Galt, Davis); Amah Mutsun Tribal Band Ohlone/Costanoan Northern Valley Yokuts; Amah Mutsun Tribal Band of Mission San Juan Bautista; Indian Canyon Mutsun Band of Costanoan (Hollister); Muwekma Ohlone Indian Tribe of the SF Bay Area; Ohlone/Costanoan Tribe (Patterson); Ohlone/Costanoan (Seaside, Linden); Ohlone/Costanoan Northern Valley Yokuts and Bay Miwok; Ohlone Indian Tribe Bay Miwok, Plains Miwok and Patwin. To date the City has not receive any response to consult. No further action is required to comply with AB 52.

SB 18 does not apply as the project does not involve an amendment to the City's General Plan.

S1-2 The comment states that the EIR does not provide any mitigation for inadvertent finds of archeological, cultural, or tribal cultural resources.

As described on DEIR pages 1-2 and 1-3, the project site has low potential for undiscovered cultural resources given its developed condition. Consistent with General Plan Policy LT-1,10f, the City is required to condition the project to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered, and retain an archaeologist to determine the significance of the discovery. The policy requires also that mitigation of discovered significant cultural resources shall be consistent with Public Resources Code Section 21083.2 to ensure protection of the resource. No further mitigation in the EIR is required.

S1-3 The comment states that NAHC recommends that the City consult with California Native American tribes that are traditionally and culturally affiliated with the project area.

As described in Response to Comment S1-1, the City has requested consultation with tribes associated with the project area. To date the City has not receive any response to consult.

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
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Letter
S2

*Making Conservation
a California Way of Life*

December 17, 2018

SCH# 2017082043
GTS # 04-SCL-2017-00499
GTS I.D. 6107
SCL – 101 – 43.27

Gerri Caruso
Community Development
City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94086

1 AMD Place Residential Project – Draft Environmental Impact Report

Dear Gerri Caruso:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. In tandem with the Metropolitan Transportation Commission’s (MTC) Sustainable Communities Strategy (SCS), Caltrans’ mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans’ Strategic Management Plan 2015-2020 aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Environmental Impact Report (DEIR).

Project Understanding

The proposed project is located approximately 0.20 miles from the US 101/Lawrence Expressway interchange and in the East Sunnyvale Priority Development Area. The proposed project will include 1,074 multi-family residential units (130 townhomes and 944 apartments) and a 6.5-acre park. The residential units will replace the existing 319,000 square foot office R&D building (1 AMD Place), as well as the 20,000 square foot office building (975 Stewart Drive). A total of 2,097 parking spaces are proposed with the residential development.

Vehicle Trip Reduction

Given the project’s intensification of use and proposed parking, the project should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures are critical to facilitate efficient transportation access to and from the project site and reduce transportation impacts associated with the project. The measures listed below will promote smart mobility and reduce regional VMT.

S2-1

“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”

Gerri Caruso, City of Sunnyvale
December 17, 2018
Page 2

- Lower parking ratios;
- Unbundled parking;
- Project design to encourage walking, bicycling and convenient transit access;
- Subsidize transit passes on an ongoing basis;
- Shuttle service to the Sunnyvale Station;
- Secured bicycle storage facilities located conveniently near entrances to minimize detriment of bicycle use due to weather conditions;
- Fix-it bicycle repair station(s);
- Transportation and commute information kiosk;
- Bicycle route mapping resources and bicycle parking incentives;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with annual Lead Agency monitoring and enforcement.

S2-1
cont.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on nearby State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

Lead Agency

As the Lead Agency, the City of Sunnyvale is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

S2-2

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jannette Ramirez at (510) 286-5535 or jannette.ramirez@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Letter S2	California Department of Transportation (Caltrans) Patricia Maurice, District Branch Chief December 17, 2018
----------------------	---

S2-1 The comment recommends that a robust transportation demand management (TDM) program be included to reduce vehicle miles traveled (VMT) and greenhouse gases. The comment provides recommended measures for the TDM.

The project applicant is in the process of developing the project's TDM consistent with the requirements of City of Sunnyvale Municipal Code Chapter 10.60, Transportation Demand Management. The City will forward these TDM measure recommendations to the applicant.

The project's VMT would be 11.2 miles per resident under existing conditions and 10.8 miles per resident under 2035 conditions. The project's VMT would be below the VMT per capita set forth the City's current Climate Action Plan (11.62 miles) (DEIR page 4.11-28). As identified on DEIR page 3-14, the project would include the following transportation enhancement features that would assist in reducing VMT and greenhouse gases:

- ▲ Electric vehicle charging stations, 12.5 percent pre-wired, 190 total spaces;
- ▲ On-site bicycle connectivity to parks and Sunnyvale trail system;
- ▲ Rideshare pickup/ drop off areas;
- ▲ Covered on-site bike storage for all bicycle types and common area for shared bike tool station and air for inflating tires; and
- ▲ 50 percent shading of all parking lot surface areas.

S2-2 The comment states that the City is responsible for all project mitigation, including any improvements to the state transportation network. The comment also identifies that the project's fair share contribution (i.e., funding, scheduling, and implementation) should be identified in all proposed mitigation measures.

The DEIR recommends implementation of mitigation measures 4.11-1 (Lawrence Expressway/Duane Avenue – Oakmead Parkway improvements), 4.11-4 (modification of metering rate for meters on US 101 Lawrence Expressway Diagonal On-Ramp), 4.11-6 (relocation of Caltrain shuttle stop), 4.11-8 (traffic control plan for construction activities), 6-13a (signalization of Duane Avenue/Duane Court intersection), and 6.13b (funding of City's Intelligent Transportation System Strategies and Projects). Each of these mitigation measures identifies whether the improvement is within the City's jurisdiction, timing for mitigation measures (e.g., before issuance of building permits), required improvement or performance standard to address the impact, and identifies the method of the project's participation in the improvement. Further details of timing and implementation of the mitigation measures will be provided in the project's mitigation monitoring and reporting program that would be adopted if the project is approved. It should be noted that meter facilities on US 101 are under the jurisdiction of Caltrans and the City cannot ensure that Mitigation Measure 4.11-4 would be implemented or its timing.

The following clarification on timing for Mitigation Measure 4.11-4 is provided below.

The following text changes are made to Mitigation Measure 4.11-4 on DEIR page 2-24 and DEIR page 4.11-41. These changes do not alter the conclusions of the DEIR.

Mitigation Measure 4.11-4: Increase Metering Rate at U.S. 101 Lawrence Expressway Diagonal On-Ramp

The metering rates shall be increased to one vehicle every 4 seconds to ensure that the maximum queue does not exceed the ramp storage. The applicant and City will coordinate and agree with Caltrans on the timing and implementation of this improvement prior to the issuance of building permits.

County of Santa Clara
Roads and Airports Department



101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

SENT ELECTRONICALLY

December 17, 2018

Gerri Caruso,
Principal Planner
City of Sunnyvale, Department of Community Development, Planning Division
456 West Olive Avenue
Sunnyvale, CA 94088-3707

SUBJECT: NOA-DEIR for Proposed 1 AMD Place Redevelopment Project (1 AMD Place and 975 Stewart Drive)

Dear Mr. Caruso:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review the Notice of Availability – Draft Environmental Impact Report for Proposed 1 AMD Place Redevelopment Project (1 AMD Place and 975 Stewart Drive). We are submitting the following comments and its attached concept plan:

- 1. Due to the close-proximity of the project location to Lawrence Expressway and Lawrence Expressway/US 101 Ramps, the trip distribution should be higher towards the Lawrence Expressway/Duane intersection. The preferred route would be for vehicles to take Lawrence Expressway to US-101 or CA-237. Prior to issuance of the Final EIR, the County requests that the City to re-evaluate the current percentages shown in the trip distribution and review it accordingly with County Traffic Engineering staff as we believe it to be inaccurate. L1-1
- 2. The improvement of Mitigation Measure 6-13a to add an additional EBL lane at Lawrence Expressway & Duane requires additional realignment and restriping of Lawrence Expressway lanes. County staff has previously met with the City in the past to discuss a restriping concept but prior to the issuance of the Final EIR, the County requests reviewing the attached concept plan to confirm the final striping of Lawrence Expressway. L1-2
- 3. Regarding the fair share contribution for Mitigation Measure 6-13b, the County believes it should not only be limited to ITS projects and be eligible to contribute towards other projects L1-3

as we do not consider signal timing optimization as a solely valid mitigation measure. County intersections with queuing deficiencies should seek additional mitigation measures not limited to ITS upgrades and signal timing optimization. The County requests the Final EIR to further define what Countywide Intelligent Transportation System upgrade project consists of.

L1-3
cont.

4. The County suggests that the TCP includes these additional requirements:
 - a. TCP to show path of construction vehicles from freeway to site. If Lawrence Expressway is used, time should be limited to 9AM-3PM.
 - b. TCP to estimate highest number of vehicle trips generated from project-related activities (including construction and construction workers)
 - c. TCP to identify all staging areas and duration of each stage of construction on the project site and in the vicinity.
5. The Draft Environmental Impact Report states that TDM is required by City of Sunnyvale. The County would like to know if the project has taken any credit for TDM? Also will TDM be submitted and included in the Final EIR?
6. The County asks that Traffix reports for County maintained intersections include the following additional requirements:
 - a. Traffix reports to show date and time of counts
 - b. Traffix reports requires signal timing values that match date of count. Please Contact the County for signal timing information.

L1-4

L1-5

L1-6

If you have any questions or concerns about these comments, please contact me at (408) 573-2482 or ellen.talbo@rda.sccgov.org. To further discuss these comments in detail with our Traffic Engineering staff, please contact Ananth Prasad, County Traffic Engineer, at (408) 494-1342 or Ananth.prasad@rda.sccgov.org.

Sincerely,



Ellen Talbo, AICP
County Transportation Planner

cc: Ananth Prasad, *County Traffic Engineer*

Lawrence Expressway/E Duane Ave to US-101 Concept Plan



2.4 LOCAL AGENCIES

<p>Letter L1</p>	<p>County of Santa Clara Roads and Airports Department Ellen Talbo, County Transportation Planner December 17, 2018</p>
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L1-1 The comment recommends that the City re-evaluate the traffic impact analysis assumptions for trip distribution based on the expectation that project resident’s preferred travel route would be Lawrence Expressway to US 101 or State Route 237.

As identified in the traffic impact analysis in Appendix E of the DEIR, project trip distribution was based on existing traffic count information and the general orientation of population sources to the site. The existing office trips and the proposed project trips were assigned to the network separately, based on the assumed trip distribution. It should be noted that some existing traffic was redistributed to account for the Indian Wells Avenue extension (Appendix E: 36). The commenter provides no countering data or technical analysis that suggests the trip distribution assumptions are incorrect. No modifications to the traffic impact analysis trip distribution is recommended.

L1-2 The comment provides input on the proposed design of mitigation measure for the modification of the Lawrence Expressway/Duane Avenue – Oakmead Parkway. The County suggests a striping plan for Lawrence Expressway (attached to comment letter). The comment also appears to be referring Mitigation Measure 4.11-1 and not Mitigation Measure 6-13a as noted in the comment.

The following text changes are made to Mitigation Measure 4.11-1 on DEIR page 2-23 and DEIR page 4.11-37. These changes do not alter the conclusions of the DEIR.

Mitigation Measure 4.11-1: Make Improvements to Intersection at Lawrence Expressway/Duane Avenue-Oakmead Parkway

Santa Clara County has jurisdiction over the Lawrence Expressway/Duane Avenue-Oakmead intersection. A third left lane will be added to the eastbound approach at the intersection of Lawrence Expressway/Duane Avenue-Oakmead Parkway including one through lane, and one right-turn lane. Signage and pavement striping shall be provided to indicate that the inner first left-turn lane shall be designated for northbound Lawrence Expressway traffic, the middle left-turn lane shall be designated for northbound U.S. 101 traffic, and the outer left-turn lane shall be designated for southbound U.S. 101 traffic. Additional improvements shown on the Lawrence Expressway/E Duane Avenue to US-101 Concept Plan provided by the County of Santa Clara Roads and Airports Department on December 17, 2018, such as modifications to the corners of the intersection, restriping of crosswalks, the northbound lane alignments, the relocation of pedestrian crossing at the U.S. 101 southbound on-ramp, and the extension of the barrier curb, are shown as a concept plan only. These improvements have not been adopted yet and hence, the project is not responsible for these additional improvements.

Additionally, the signal operation and timing at the intersection at Lawrence Expressway/Duane Avenue-Oakmead Parkway shall be adjusted to accommodate the third lane. The project applicant and City of Sunnyvale shall coordinate and agree with the County on the timing and implementation of the improvements prior to issuance of building permits.

These intersection modifications would be within the existing roadway pavement and would not result in any significant environmental impacts. Implementation of Mitigation Measure 4.11-8 (Temporary Traffic Control Plan) would address temporary construction traffic impacts of this improvement.

L1-3

The comment recommends that the fair share contribution under Mitigation Measure 6-13b be eligible for other projects and not limited to the City's Intelligent Transportation System strategies and projects.

Fair share contributions are limited to adopted projects that have identified improvements at affected intersections. Based on the Lawrence Expressway 2040 Study Plan, the relevant improvement project for the affected intersections would be the Lawrence Expressway ITS/Signal System Countywide project. Text changes to Mitigation Measure 6-13b are made below to reflect the Lawrence Expressway ITS/Signal System Countywide project.

The following text changes are made to Mitigation Measure 6-13b on DEIR page 2-27 and DEIR page 6-22. These changes do not alter the conclusions of the DEIR.

Mitigation Measure 6-13b: Contribution to the City's Intelligent Transportation System Strategies and Projects and Lawrence Expressway ITS/Signal System Countywide Project

Under Cumulative Plus Project conditions, the following intersections where impacts occur include constraints to the right-of-way that would require acquisition of private property to construct any physical improvements:

- ▲ #3 – Fair Oaks Avenue / Northbound US 101 Ramps
- ▲ #6 – Fair Oaks Avenue / Duane Avenue
- ▲ #7 – Fair Oaks Avenue / Wolfe Road
- ▲ #26 – Lawrence Expressway / US 101 Southbound Ramps – Oakmead Parkway

Therefore, physical improvements to these intersections that would mitigate the operational impacts under Cumulative Plus Project conditions are not feasible. LOS impacts at these study intersections could be improved through implementation of the City's Intelligent Transportation System (ITS) strategies and projects and the Lawrence Expressway ITS/Signal System Countywide project. Therefore, the project shall pay a fair share towards the ITS projects through the City's TIF and participation in the Lawrence Expressway ITS/Signal System Countywide project.

L1-4

The comment recommends additional measures for Mitigation Measure 4.11-8 (Temporary Traffic Control Plan).

The following text changes are made to Mitigation Measure 4.11-8 on DEIR page 2-25 and 4.11-44. These changes do not alter the conclusions of the DEIR.

Mitigation Measure 4.11-8: Prepare and Implement Temporary Traffic Control Plan

Before building permits are issued and construction begins, the construction contractor shall prepare a temporary traffic control (TTC) plan to the satisfaction of the City of Sunnyvale Division of Transportation and Traffic and subject to review by all affected agencies.

The City of Sunnyvale suggests that the latest edition of the CA MUTCD, Part 6: Temporary Traffic Control, be referred to for guidance on preparing a TTC plan. The TTC

plan shall include all information required on the City of Sunnyvale TTC Checklist and shall conform to the TTC Guidelines of the City of Sunnyvale. At a minimum, the plan shall:

- ▲ provide a vicinity map that shows all the streets in the work zone properly labeled, along with the posted speed limits and a north arrow;
- ▲ identify the path of construction vehicles traveling to the site. If Lawrence Expressway is used, the time of use shall be limited to 9:00 a.m. to 3:00 p.m.;
- ▲ describe the estimated highest number of vehicle trips generated during project construction activities;
- ▲ identify the existing roadway lane and bike lane configurations and sidewalks, including dimensions, where applicable;
- ▲ describe the proposed work zone;
- ▲ describe anticipated detours and/or lane closures (for pedestrians, bicyclists, and vehicles);
- ▲ describe no-parking zones and other parking restrictions;
- ▲ describe appropriate tapers and lengths, signs, and spacing;
- ▲ identify appropriate channelization devices and spacing;
- ▲ describe the buffers;
- ▲ identify work hours and work days;
- ▲ provide the dimensions of the elements and requirements listed above in accordance with CA MUTCD Part 6 and the City of Sunnyvale's Standard Operating Procedure (SOP) for bike lane closures;
- ▲ identify the proposed speed limit changes if applicable;
- ▲ describe the bus stops and signalized and nonsignalized intersections that will be affected by the work;
- ▲ show the plan to address pedestrian, bicycle, and Americans with Disabilities Act requirements throughout the work zone in accordance with CA MUTCD Part 6 and the City of Sunnyvale's SOP for bike lane closures;
- ~~▲ indicate whether phasing or staging is requested and, if so, the duration of each;~~
- ▲ provide details on trucks, including the number and size of trucks involved with construction per day, expected arrival and departure times, and truck circulation patterns;
- ▲ identify all the staging areas on the project site and duration of each stage of construction for the project and any related improvements; and
- ▲ ensure that the contractor has obtained and read the City of Sunnyvale's TTC Guidelines and City of Sunnyvale's SOP for bike lane closures.

L1-5 The comment asks whether the traffic impact analysis took any credit for trip reductions for implementation of a TDM and whether the TDM will be included in the Final EIR.

The traffic analysis did not assume any credit for a TDM program. As described in Response to Comment S2-1, the project is required to prepare a TDM plan consistent with the requirements of City of Sunnyvale Municipal Code Chapter 10.60, Transportation Demand Management. The TDM is under preparation by the applicant, will be submitted to the City, but will not be included in the Final EIR because a traffic reduction credit was not assumed in the traffic impact analysis and the TDM was not required as mitigation.

L1-6 The comment requested that Traffix reports for County maintained intersections include additional information regarding date and time of traffic counts and signal timing values.

Traffix reports has been updated to include the date and time of counts. In addition, analysis for intersections 23 through 29 were updated to reflect signal timing value. This information is provided in Appendix A of this document. These updates did not alter the conclusions of the DEIR traffic analysis.

From: [Josue Garcia](#)
To: [Gerri Caruso](#)
Subject: Re: AMD Project
Date: Monday, November 26, 2018 11:39:26 AM

Letter
01

Thank you, Gerri,
Can you please add my comments below to the record?

My name is Josué García, I am the Director for the Santa Clara County Residents for Responsible Development, an organization that represents members in the community who believe development should ensure we have a livable wage to provide for our families, local hiring, housing we can afford, opportunities for our young people, and healthy neighborhoods.

I am writing to express support of the AMD Project (Irvine Co.) (Agenda Item 2 of the November 26, 2018, Planning Commission meeting). The developer has met the city entitlement process requirement, as well as the requirements to meet and work with members of our community. The project will have a much need park with a community-oriented design that community residents will be able to enjoy with their children, have a picnic or just walk the dogs. The project is also bringing transportation benefits such as traffic-calming measures, near Caltrain (less than 2 miles), and because of its central location, is good for short commutes and great for bike commutes. The project will have much needed affordable housing units for our low-income residents.

01-1

In addition, the developer is willing to provide much-needed community benefits such as hire local people, pay area standard construction wages, and provide apprenticeship opportunities for high school graduates and other members of our community that are looking for good paying jobs in the local region. Finding a developer that is willing to support that local community with good-paying jobs is uncommon in the industry. Please consider this when you make your decision on this important item.

We urge you to support the AMD project.

Please contact me if you have any questions or need additional information,

Thank you,

Josué García
Director
Santa Clara County Residents for Responsible Development
6150 Cottle Road, San Jose, CA 95123
c. 408-687-6883 josue@sccmeps.org

Josué García
Director
Santa Clara County Residents for Responsible Development
6150 Cottle Road, San Jose, CA 95123
c. 408-687-6883 josue@sccmeps.org

From: Gerri Caruso <GCaruso@sunnyvale.ca.gov>
Date: Monday, November 26, 2018 at 10:51 AM
To: Josue Garcia <josue@sccmeps.org>
Subject: RE: AMD Project

Hi Josue,

There will be no decisions made about the EIR tonight. Tonight's agenda item is procedural only to take comments on the draft EIR. The comments from the public tonight, and written responses to them, will be included in the Final EIR when the project hearings occur in early 2019. Certification of the EIR won't be considered until the City Council hearing next year.

If you can't come tonight to make comments you still have time to submit written comments.

Gerri

From: Josue Garcia [mailto:josue@sccmeps.org]
Sent: Monday, November 26, 2018 10:31 AM
To: Gerri Caruso <GCaruso@sunnyvale.ca.gov>
Subject: AMD Project

Hi Gerri,
Is staff recommending approval of the EIR for the AMD project?

Thanks,

Josué García
Director
Santa Clara County Residents for Responsible Development
6150 Cottle Road, San Jose, CA 95123
c. 408-687-6883 josue@sccmeps.org

2.5 ORGANIZATIONS

Letter 01	Santa Clara County Residents for Responsible Development Josue Garcia, Director November 26, 2018
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- 01-1 The comment expresses support for the project and identifies benefits of the project.
 This comment is noted.



Letter
02

December 13, 2018

Gerri Caruso
Principal Planner
City of Sunnyvale, Planning Division
456 W. Olive Ave.
Sunnyvale CA 94086

Delivered via e-mail: gcaruso@sunnyvale.ca.gov

Re: Draft Environmental Impact Report (DEIR) for 1 Advanced Micro Devices Place Redevelopment Project

Dear Ms. Caruso

The Sunnyvale PSOA represents the frontline public safety officers and dispatchers who provide police, fire, emergency medical service and 9-1-1 dispatching services. We write to express our concerns regarding the Draft Environmental Impact Report (DEIR) for the 1 Advanced Micro Devices Place Redevelopment Project (AMD).

Failure to Analyze Emergency Response Times During Peak Traffic Hours

The DEIR fails to consider recent data provided to and accepted by the City of Sunnyvale as it relates to response times and response time capacity specifically for fire and EMS service. The DEIR provides no analysis of response times during peak traffic hours (commute times) which is of particular concern of the PSOA.

In its study of response times and risk assessment, *Comprehensive Community Risk Assessment, Standards Of Cover Study, And Station Location And Deployment Study*, Citygate Associates, LLC provided the City with detailed analysis of the impact of peak traffic hours on response times for EMS and fire response. Citygate found that the process by which the Department of Public Safety measures response time is inaccurate:

Citygate's team members personally observed the current rush-hour traffic congestion in the City. This allowed us to realize that the legacy approach to predict fire apparatus travel times over a street network is insufficient. That approach does not use enough actual fire unit travel time occurrences at peak commute hours to be

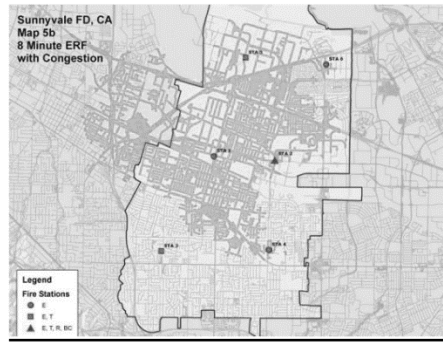
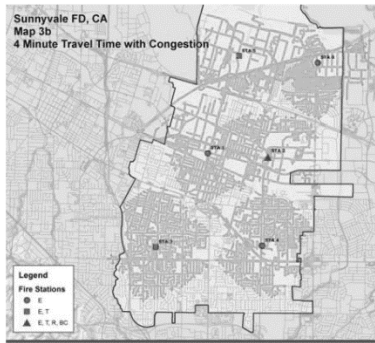
02-1

statistically significant enough to slow down the GIS travel time model during morning and evening commute hours.¹

The DEIR appears to not factor at all the impact on EMS and fire response during commute times. However, Citygate found a negative impact on a significant amount of public streets in Sunnyvale during commute hours:

As a starting point, 91% of the City's public streets are within a 4-minute travel time of a fire station, which is excellent. **Their travel coverage at commute hours is negatively impacted by 30 percent. The multi-unit coverage at commute hours is impacted by 48 percent, as units must travel across large sections of the City (emphasis added).**²

Citygate provided the City of Sunnyvale with coverage maps detailing where traffic congestion impacts the 4-minute travel time response (EMS calls) and 8-minute travel time response (first alarm fire) times. There is significant delay across the city and in the "first due" area near the AMD project site.



02-1
cont.

Adding a substantial number of additional residents to the area will continue to deteriorate emergency response times. Citygate sums up the human impacts to delayed response times:

In a heart attack that stops the heart, a trauma that causes severe blood loss, or in a respiratory emergency, the brain can only live 8-10 minutes without oxygen. In a building fire, a small incipient fire can grow to involve the entire room and in an 8- to 10-minute time frame. If fire service response is to achieve positive outcomes in severe emergency medical situations and in incipient fire situations, **all** responding crews must arrive, assess the situation, and deploy effective measures before brain death occurs or a fire leaves the room of origin (emphasis in original).³

¹ *Comprehensive Community Risk Assessment, Standards Of Cover Study, And Station Location And Deployment Study*, Citygate Associates, LLC, Volume II, pg. 71.

² Ibid.

³ *Comprehensive Community Risk Assessment, Standards Of Cover Study, And Station Location And Deployment Study*, Citygate Associates, LLC, Volume II, pgs. 11-12.

We believe that failure to analyze the impact of response times during commute hours is a flaw under the California Environmental Quality Act (CEQA).

02-1
cont.

DEIR Provides Inaccurate Response Time Data

The DEIR cites data provided by the Department of Public Safety (DPS) as it relates to response times. Unfortunately, those response time metrics are inaccurate in measuring the actual response time performance of DPS. The DEIR references an EMS response time of 6 minutes 3 seconds; a fire emergency of 6 minutes 50 seconds (Page 4.9-20). Citygate, however, found that the actual Call to Arrival response time citywide is 7:30 (Pg. 86). Further, DPS has used “average” response times which fails to factor in outlier responses. As Citygate states, “Average response times as a measurement tool for fire departments is simply not sufficient” (pg. 11).

02-2

Failure to calculate the total time from 9-1-1 call to on-scene arrival is a deficiency in analyzing true impacts to services.

Specific Impacts to Fire Station 2

In its report, Citygate notes specific impacts to who the City staffs Fire Station 2, which is the first due area for the AMD project. Citygate found that because the City, due to budget cuts, staffs the Rescue 42 unit with only one person the following occurs:

- Rescue 42 cannot respond Code 3 (lights siren) to emergency calls for safety reasons.⁴
- A one-person crew for Rescue 42 delays the implementation of specialty tools that are desperately needed at the scene to affect a rescue.
- There’s a 20% reduction in efficiency of work at Station #2;
- Requiring all three ladder trucks in the City to respond to a hazardous materials incident when Station #2 ladder truck training is occurring, leave no ladder trucks available for any other calls in the city, including fires;
- Creates situations where only one hazardous-materials trained person is on duty in the entire city;
- Requires an additional Station #2 apparatus to respond to air contamination monitoring calls (carbon monoxide, natural gas events, etc.);
- Impacts ability to train new hazardous materials and ladder truck trainees at Station #2.

02-3

The DEIR fails to account for any of these limitations in its analysis.

DEIR Uses Budgeted versus Actual Staffing Levels

When looking at the ability of DPS to respond to police, fire and EMS calls, the DEIR relies on “budgeted” positions as opposed to actual sworn staffing strength. While the number of actual sworn employees can fluctuate over the course of a year, simply looking at the budgeted

02-4

⁴ Citygate Associates, LLC, Volume II, pg. 98.

number is misleading and not reflective of actual trends that have occurred over the last ten years.

The DEIR states that the DPS has 201 sworn personnel. However, the DPS has not been at that staffing strength since 2008. Rather, DPS is currently down 18 positions on its roster and has not come near the 201 cited consistently over the last several years. The DEIR should be updated to reflect the actual staffing levels of DPS.

Finally, the PSOA is concerned that the City of Sunnyvale is taking a project-by-project approach to its analysis of development project impacts. There are several major projects either recently approved or in various forms of the planning phases that have not been looked at collectively. We believe that this project follows the same pattern.

We appreciate your attention to our concerns.

Sincerely,



Frank Bellucci
President

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|
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|
|

02-4
cont.

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|

02-5

Letter 02	Public Safety Officers Association Frank Bellucci, President December 13, 2018
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02-1 The comment expresses concerns regarding the DEIR's disclosure of response times during commute times for emergency medical and fire services and provides a summary of information from the *Comprehensive Community Risk Assessment, Standards Of Cover Study, And Station Location and Deployment Study*.

The DEIR asked in Impact 4.9-6 whether the project would "result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives." The DEIR explained that development of the project site would increase demand for fire protection and emergency medical services. However, the applicant would be required to pay applicable City development fees to fund the project's fair share of existing facilities and the project would generate increased tax revenues, which could be used to fund additional personnel and existing facilities. Thus, the projected increase in demand was determined to be less than significant.

Per *City of Hayward v. Board of Trustees of the California State University* (2015) 242 Cal.App.4th 833, CEQA does not require mitigation for service call demands or response time because this is not considered an impact on the physical environment. So long as services can be maintained at an adequate level with an increase in personnel and expansion of facilities that would not adversely affect the environment, there is no impact under CEQA. *Id.* at 847. Because the DEIR's analysis of service levels and potential impacts of the project on public services is consistent with the court's mandate in *City of Hayward*, the analysis is adequate and nothing further is required

The commenter states that the Department of Public Safety's process for measuring response time is inaccurate based on the 2018 report by Citygate Associates, LLC. The commenter quotes from the report, which indicates that the "legacy approach" to predict fire apparatus travel time does not include a statistically significant number of actual fire unit travel time occurrences at peak commute hours. Citygate utilized an alternative model that incorporates real-time traffic data from internet-based traffic map applications. As noted above, the DEIR adequately discloses the impact of the project on demand for fire protection and emergency medical services. However, emergency response times are not considered an impact on the physical environment that requires mitigation under CEQA.

02-2 The comment states that the information provided by the City inaccurately measures actual response times.

This comment is noted. The commenter is referred to Response to Comment 02-1. Data collected by provided by the City regarding response times is considered substantial evidence under State CEQA Guidelines Section 15384.

02-3 The comment identifies specific concerns regarding the operation of Fire Station 2 (closest to the project) that were not considered in the DEIR. These concerns include current staffing size, operation, and equipment.

This comment is noted. The commenter is referred to Response to Comment 02-1. Concerns regarding the operation and staffing of City public safety staff are not considered an impact on the physical environment that requires mitigation under CEQA.

02-4 The comment states that information cited in the DEIR is inaccurate as it uses budgeted staffing and not actual trends.

This comment is noted. The commenter is referred to Response to Comment 02-1. Concerns regarding the operation and staffing of City public safety staff are not considered an impact on the physical environment that requires mitigation under CEQA.

02-5 The comment identifies concerns regarding the City's approach to addressing the analysis of development project impacts for each individual project and not collectively.

This comment is noted. The commenter is referred to Response to Comment 02-1. Impacts to the physical environment associated with build-out of the City was collectively evaluated in the City of Sunnyvale Land Use and Transportation Element Update EIR that was certified in 2017.



T 510.836.4200
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410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
michael@lozeaudrury.com

Letter
03

Via Email and U.S. Mail

December 19, 2018

Gerri Caruso, Principal Planner
Community Development Department
City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94086
GCaruso@sunnyvale.ca.gov

Re: Comment on 1 Advanced Micro Devices Place Redevelopment Project aka SCH2017082043, 2016-8035, and File no.18-0582 Draft Environmental Impact Report and CEQA and Land Use Notice Request

Dear Mr. Caruso:

I am writing on behalf of the Laborers International Union of North America, Local Union 270 and its members living in the City of Sunnyvale ("LiUNA"), regarding the 1 Advanced Micro Devices Place Redevelopment Project aka SCH2017082043, 2016-8035, and File no.18-0582, including all actions related or referring to the demolition of three existing buildings and redevelopment of the site as a master-planned residential community of up to 1,074 residential units that would include medium- and high-density residential land uses and related on-site facilities to serve the development located at 1 AMD Place and 975 Stewart Drive within the eastern portion of the City of Sunnyvale, on APNs: 20522024, 20522025 and 20522028 ("Project").

03-1

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. Commenters request that the City of Sunnyvale Community Development Department, and your staffs address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq., prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

We also hereby request that the City send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to the Project including, but not limited to the following:

03-2

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notice of the availability of any Final EIR prepared pursuant to CEQA.

December 19, 2018
CEQA and Land Use Notice Request and DEIR Comment on 1 Advanced Micro Devices Place Redevelopment
Project aka SCH2017082043, 2016-8035, and File no.18-0582
Page 2 of 2

- Notices of approval and/or determination to carry out the Project.
- Notices of approval or certification of any EIR.
- Any notices of determination.

Please send notice by electronic mail, if possible or U.S. Mail to:

Michael Lozeau
Hannah Hughes
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
510 836-4200
michael@lozeaudrury.com, hannah@lozeaudrury.com, komal@lozeaudrury.com

03-2
cont.

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Michael Lozeau

Letter 03	Laborers International Union of North America, Local Union 270 Michael Lozeau December 19, 2018
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03-1 The comment states that the DEIR fails as an informational document and fails to impose all feasible mitigation measures. The comment further states that the DEIR should be revised and recirculated pursuant to CEQA.

While the commenter asserts that the DEIR is inadequate, the comment letter provides no details or technical analysis to substantiate this claim. The DEIR has been prepared in compliance with CEQA and the 2018 CEQA Guidelines. Its impact analysis and conclusions are supported by technical studies (e.g., water supply assessment, traffic impact analysis, hazards material reports) and computer modeling of air quality, greenhouse gases, and noise effects of the project. No further response can be provided.

03-2 The comment requests that the City provide any public noticing of all actions and hearings related to the project.

The City will include the commenter in all future project noticing.

From: [Roberto Pimienta](#)
To: [Gerri Caruso](#)
Subject: AMD Place Redevelopment Project
Date: Tuesday, November 6, 2018 8:34:10 PM

Letter I1

Hi Gerri,

My name is Roberto; I'm a resident who lives near the AMD Redevelopment Project. In the letter, it writes that the "project would include required landscaping, parking, stormwater management facilities and open space areas" (front page of the letter).

May you specify --- what is meant by required parking? How does the city determine what is required parking? Is there a strategy to ensure that parking does not become an issue and that there will be street parking available to current residents in the neighborhood? I hope that the project won't impact the ability of current residents to access street parking.

I1-1

I appreciate your time. Thank you for reading this.

-Roberto Pimienta

2.6 INDIVIDUALS

Letter I1	Robert Pimienta November 6, 2018
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I1-1 The comment requests clarification about the parking proposed for the project.

DEIR Chapter 3, "Project Description," identifies the project's proposed parking for each of the residential components of the project that would be required to meet Sunnyvale Municipal Code parking requirements. The proposed mid-rise apartment buildings would obtain parking from an on-site parking garage (approximately 1,650 parking spaces). The low-rise apartment site would have approximately 127 on-site parking spaces consisting of private garages, covered parking, and uncovered parking. Approximately 320 parking spaces would be provided for the townhome site. Each townhome unit would have a private, attached two-car garages.

From: [ohime.lee](#)
To: [Geri Caruso](#)
Subject: reject to the new project at AMD Place
Date: Saturday, November 17, 2018 3:43:21 PM

Letter
I2

Hi, governer,

I received Notice of Availabitiy letter, which proposed 1 AMD Place Redevelopment Project. I write this email to reject it. It will make our place more crowded, which when I bought this house that I like it not very crowded. It will also provide more units, but the house market is just that much. It provides more, then existed house value will go down.

I2-1

Thanks
Li Zhuoji

Letter I2	Li Zhuoji November 17, 2018
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I2-1

The comment identifies that the commenter is opposed to the project due to increases in population and property value impacts.

This comment is noted. Pursuant to CEQA, the DEIR evaluates impacts on the physical environment that may be caused by the project. Pursuant to State CEQA Guidelines Section 15131(a) economic or social effects of a project are not treated as significant effects on the environment.

TO: Gerri Caruso, Principal Planner, City of Sunnyvale SENT VIA EMAIL ON 12/10/18
Gcaruso@sunnyvale.ca.gov

Letter
13

RE: Proposed 1 AMD Place Redevelopment Project
Environmental Impact Report Draft
November 27, 2018

Dear Ms. Caruso:

My husband and I attended the Planning Commission Public Hearing on November 26, 2018. After reviewing the EIR draft report, we have comments in addition to our letter submitted to you on 9/11/17.

1. City of Sunnyvale Construction Management Plan

We noted in Sec. 4.11-44 and 3.6 of the EIR draft that it is the City’s responsibility to determine traffic routes. The City should require all construction vehicles for the entire duration of demolition through construction completion to enter and exit on Santa Trinita. This leads directly to Arques Ave. which is a City designated truck route leading to Lawrence Expressway.

This will greatly alleviate the noise and traffic already existing at the Duane/Stewart/AMD Place intersection. We have had to endure caravans of demolition trucks hauling off debris from the Vale project for more than a year now. Then came the cement mixers and all the other construction trade trucks, which still operate today. The trucks roll in at 5:30 am and continue throughout the day. They are loud, smelly and disruptive. Duane Ave. has become a mostly residential street reduced to 2 lanes at the Duane Ct. curve. It would make sense to keep Duane Ave. residential traffic only and reduce the speed limit to 30 mph.

The City should also require this for the upcoming construction for the Marriot Hotel at 1080 Stewart and the mini-storage building at 1060 Stewart. Imagine what a mess the streets will be with all these projects next to each other going on over the next 4 to 5 years.

Sec. 3.6 states:

Construction workers would typically access the site via the two entrances at Stewart Drive. A construction management plan will be required by the City. The City would determine the construction truck routes. The overall site development is anticipated to export approximately 15,000 cubic yards of soil and the import of approximately 13,800 cubic yards of new concrete and 13,400 cubic yards of new asphalt.

Construction staging for materials and equipment would occur on the project site.

I3-1

Sec. 4.11-44 states:

Construction may lead to disruptions to the transportation network near the site, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. Heavy vehicles would access the site and may need to be staged for construction. Construction staging for materials and equipment would occur on the project site. A construction management plan would be required by the City of Sunnyvale, and the City of Sunnyvale would determine the construction truck routes. The duration of construction, number of trucks, truck routing, number of employees, extent of truck idling, number and duration of lane closures, and details regarding a variety of other construction-related activities are not fully known at this time. Construction would be localized and temporary; however, these activities could result in degraded roadway operating conditions. Therefore, this impact would be **potentially significant**.

I3-1
cont.

2. Project Trip Generation

The EIR draft stated in Sec. 4.11-28 that the project will create **4,327** new daily vehicle trips. Sec. 4.2-16 states the additional daily trips generated by the project is **6,670**. Which is the correct number? In either case, it is a lot of added traffic.

There is no mention of the ever increasing use of delivery trucks for Amazon, USPS, UPS, home food delivery services, Uber, Lyft, etc. A total of 1074 new residents will likely be using these delivery services which now operate 24/7. Plus more garbage and recycling trucks and Google/Apple buses will be added.

When the project is finished, there will be more moving vans due to the transient nature of apartment dwelling. With 944 new apartments and 130 new town homes, there can only be a significant increase in traffic, noise and pollution.

Sec. 4.11-28 states:

The 1,074 residential units (maximum development potential) to be included on the project site would generate new vehicles trips. Trips generated by the project were based on the fitted curve for ITE Land Use 220 (Apartment), 230 (Residential Condominium/Townhouse), and the average rate for ITE Land Use 411 (City Park). Table 4.11-10 presents the trip generation for the project. The project would generate approximately 402 net new trips in the a.m. peak hour and 395 net new trips in the p.m. peak hour. The project would result in a total of 4,327 new daily trips. Table 4.11-10 provides a summary of the trip generation characteristics of the project. Further details on the projects trip generation calculations are provided in Appendix E.

I3-2

Sec. 4.2-16 states:

The additional 6,670 daily trips generated by the project are not anticipated to result in any affected intersection experiencing a traffic volume greater than 44,000 vehicles per hour or 24,000 vehicles per hour. Additionally, as explained in Chapter 3.0, "Project Description," the project site would be consistent with the City's Land Use and Transportation Element (LUTE) of its General Plan and is designated as a Planned Development Area (PDA) in *Plan Bay Area 2040*. As such, the project would meet the aforementioned criteria recommended by BAAQMD. Therefore, project operation would not violate a standard or contribute substantially to an existing or projected air quality violation or expose sensitive receptors to substantial CO concentrations. This impact would be **less than significant**.

3. Density

The City should consider reducing the 5-story building heights to 3-story buildings in keeping with the existing Stewart Village apartment homes. Reducing the number of units helps control the explosion of traffic and helps preserve the residential character and disappearing skyline in Sunnyvale. The request from the developer for an exception to the City standard of 55 ft. to increase to 65 ft. should be denied.

13-3

4. Street Improvements

It is not clear from the EIR report how the City will better control traffic converging at the Duane/Stewart/AMD intersection. While the EIR is not meant to address existing conditions, it should be noted there are already significant problems on these streets. Examples include:

- Speeding over the 35 mph limit
- Commercial big rig trucks use E. Duane instead of Arques
- Street car racing and wheelies at intersections
- Very loud, souped up, modified cars and motorcycles day and night
- Extremely loud cars and music blasting from patrons exiting the La Ronda Bar on E. Duane usually starting around 1:30 am on any given night. They stop at the Duane/Stewart light and blast away until the lights change. Then they race out to Lawrence Expressway

13-4

Will there be new traffic control lights? Will the lights have new timing so traffic does not back up? How do you slow down vehicles racing through this intersection? How can this big intersection be made safer for pedestrians? Will the streets be repaved after all the heavy use?

It would be nice to actually have the neighborhood become more residential, enjoyable and peaceful for all. The question is how will Sunnyvale retain a high quality of life?

Conclusion

We remain confident the City and the Irvine Company will help the current neighborhood residents and the future residents with the foregoing issues and concerns. Solutions can actually be attained with good planning and cooperation amongst all involved in this project.

Thank you.

Mario and Elisa Silva
1079 E. Duane Ave.
Sunnyvale, CA 94085

Letter I3	Mario and Elisa Silva November 27, 2018
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- I3-1 The comment requests that project construction traffic access the site using Santa Trinita Avenue.
- This comment is noted. Mitigation Measure 4.11-8 (temporary construction control plan) has been modified to require the travel route for all construction vehicles as well as limit the use of Lawrence Expressway to the hours of 9:00 a.m. to 3:00 p.m. (see Response to Comment L1-4). The City may consider further construction traffic routes as suggested by this comment through the implementation of Mitigation Measure 4.11-8.
- I3-2 The comment requests clarification on what the correct daily trip generation is (4,327 versus 6,670). The comment also expresses concerns regarding traffic generated by delivery trucks, garage trucks, buses, and moving vans and the potential impacts to traffic, noise, and air pollution.
- The 6,670 daily trips is referencing the trips the proposed land uses would generate. Because there are existing offices on the site, a trip credit was taken to account for the trips that would be removed once the existing land uses were demolished resulting in a net new 4,327 daily trips for the traffic impact analysis in DEIR Section 4.11, "Traffic and Circulation." The air quality impact analysis uses the 6,670 daily trips for purposes of air quality modeling for project air pollutant generation. Trip generation for the project is based on data from the Institute of Transportation Engineers' (ITE's) publication *Trip Generation*, ninth edition. This publication is a standard reference used by jurisdictions throughout the country to estimate trip generation potential of projects, which periodically releases new editions to include recent collected data. Trip rates in this resource includes all types of trips associated with a certain land use. For residential land uses this would include both resident trips and non-resident trips such as delivery trucks and solid waste pick-up. Therefore, the trip generation estimates are inclusive of the types of trips that would be experienced in a new development (e.g., moving vans, deliveries, public transit, etc.). This trip generation data was also used in the air quality and noise modeling and impact analysis. Transit and bus traffic in the project area already occurs and provides the benefit of potentially reducing individual vehicle use.
- I3-3 The comment recommends that the project design should be modified to reduce the proposed mid-rise apartment heights from five stories to three stories to be consistent with the existing residential character of the area and reduce traffic.
- The DEIR evaluated potential aesthetic impacts to the visual character of the project area under Impact 4.1-1 on DEIR pages 4.1-11 and 4.1-12. The DEIR identified that proposed heights of the mid-rise apartments (65 feet) would be taller than some of the existing residential and nonresidential buildings in the vicinity that range from 32 to 40 feet in height. However, this variation in height and scale is not substantial to appear out of character with the existing urban and multi-family visual character of the project area as viewed along Stewart Drive and Duane Avenue. The mid-rise apartment building design includes setbacks from Stewart Drive, preservation of the existing mature trees along the site's perimeter, and the architectural design variation that softens the appearance of these buildings consistent with the City's General Plan Land Use and Transportation Element and Community Character Chapter policies. The DEIR concluded that the project would not substantially degrade the existing visual character or quality of the site and its surroundings and this impact would be less than significant.

DEIR Chapter 5, "Alternatives," evaluates two alternatives (Alternative 2 and 3) that would reduce the project's overall height and density (DEIR pages 5-7 through 5-13). These alternatives would reduce traffic volumes compared to the project. However, these alternatives would provide fewer housing opportunities and affordable housing opportunities compared to the project.

I3-4

The comment states that it is unclear how the City will better control existing traffic conditions at the Duane Avenue/Stewart Drive/AMD intersection. Existing traffic concerns for this intersection and associated roadways include speeding, traffic queuing, truck traffic, traffic noise, music from vehicles, and pedestrian safety.

This comment is noted. Pursuant to CEQA, the DEIR evaluates the project's impact on existing transportation facilities and conditions. DEIR tables 4.11-11, 4.11-12, and 6-3 identify that the project would not result in any significant impacts to the function of the Duane Avenue/Stewart Drive/AMD intersection under existing, background, and cumulative traffic conditions. The project would improve this three-way intersection to a four-way intersection associated with the extension of Indian Well Avenue through the site and would be a key component of the overall site plan circulation. The project would provide new pedestrian facilities that include pedestrian access through the site. In addition, a roundabout would be installed on Indian Wells Avenue within the project site to control speeds. Bicycle facilities would be added to Indian Wells Avenue connecting to other facilities on Duane Avenue. The new signal would also be ADA compliant creating safe movements for pedestrians, bicycles, and vehicles.

DEIR impacts 4.8-3 and 6-10 identify that the project would not create new significant traffic noise impacts under existing and cumulative conditions.

From: [Glen](#)
To: [Geri Caruso](#)
Subject: EIR response for 1AMD Place Site #2016-8035
Date: Monday, December 17, 2018 4:08:46 PM

Letter
I4

I wish to strongly object to the proposal to use the current AMD place "driveway" for access to this new residential development. The EIR seems to say that the impact to the current Duane, Steward, AMD Place interchange can not be completely mitigated. Since it can not be mitigated if it is used, it makes sense to abandon that current exit from the property and use the existing South exit which has a light at Steward and Santa Trinity. Any additional traffic could exit on Stewart at the existing driveway and bus stop lane about 300' South of the Duane Steward interchange and East out Indian Wells. By doing this you correct an error made over 50 years ago when the access to the commercial property was placed such that a 3 way interchange was developed with inadequate queuing space for car in modern times. I4-1

The idea that an over congested poorly designed and managed 3 way interchange with inadequate queuing space between its self and Lawrence Ex could be used for traffic from the proposed new project and new thru traffic from a new connection to roads on the East side of the property is irresponsible. The existing light at this interchange is so outdated that if a pedestrian ask to cross AMD Place the light will shut down all traffic on east bound Duane and most other traffic except traffic from North Steward to West Duane. The cross walks on the East and West sides are tied together just like a 2 way light not what is need for a 3 way light I4-2

The traffic on Duane already makes it very difficult to exit the San Miguel neighborhood which does not have any lights on Duane Avenue for access from the north side of the roadway. Now that Duane is a one lane road all traffic is stacked in a continuous single file line with fewer gap than when there was parallel traffic. Adding even more residential units enhances this problem. When offices are replaced with housing such as this project, the mix in the AM of residences going out to work and worker going into their offices is lost. With the new 100% residential along Duane Avenue now all the traffic is going out in the AM and back in the PM. Roughly since the traffic along Duane is going from a balance of outgoing and incoming to all one direction. We need twice the roadway. If the new residential traffic is directed out to the South and West which are still mixed commercial and residential the traffic balance is better preserved. I4-3

Please correct the horrible 3 way interchange at Duane, Stewart, and 1 AMD Place or return it to a 2 way interchange. Now that the property is being redeveloped we should not reuse the terrible traffic design from over 50 years ago. Use this opportunity to make Sunnyvale a better place and actually mitigate this problem. I4-4

Glen Chambers
Sunnyvale CA

Letter I4	Glen Chambers December 17, 2018
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I4-1 The comment identifies objections to the project design of extending Indian Wells Avenue through the site along the alignment of the existing AMD Place main driveway and states that the project's impact to this intersection cannot be mitigated. The comment recommends that the project obtain roadway access from Stewart Drive/Santa Trinita Avenue intersection and other existing driveways along Stewart Drive.

DEIR tables 4.11-11, 4.11-12, and 6-3 identify that the project would not result in any significant impacts to the function of the Duane Avenue/Stewart Drive/AMD intersection under existing, background, and cumulative traffic conditions. The project would improve this three-way intersection to a four-way intersection associated with the extension of Indian Well Avenue through the site and would be a key component of the overall site plan circulation. As shown in DEIR Exhibit 3-3, a portion of the project would obtain access from Stewart Drive.

I4-2 The comment states that the existing poor operation and design of the Duane Avenue/Stewart Drive/AMD intersection and its proximity to Lawrence Expressway make it an irresponsible access point for the project.

This comment is noted. The reader is referred to Response to Comment I4-1 regarding project impacts to this intersection as well as project access to Stewart Drive.

I4-3 The comment identifies existing traffic issues associated with Duane Avenue and recommends that project traffic should be directed west and south.

This comment is noted. Pursuant to CEQA, the DEIR evaluates the project's impact on existing transportation facilities and conditions. DEIR Impact 6-13 identifies significant cumulative plus project traffic impacts on the operation of intersections along Duane Avenue in the project area (Fair Oaks Avenue/Duane Avenue intersection and the Duane Avenue/Duane Court intersection). DEIR Mitigation Measure 6-13a (signalization of the Duane Avenue/Duane Court intersection) would mitigate impacts to the Duane Avenue/Duane Court intersection to less than significant. DEIR Mitigation Measure 6-13b (contribution to the City's Intelligent Transportation System strategies and projects) would assist in reducing overall project traffic impacts but would not mitigate impacts to the Fair Oaks Avenue/Duane Avenue intersection as there are no current ITS projects identified for this intersection. The reader is referred to Response to Comment I4-1 regarding project access to Stewart Drive.

I4-4 The comment requests that the Duane Avenue/Stewart Drive/AMD intersection be corrected with this project.

This comment is noted. The reader is referred to Response to Comment I4-1 regarding project impacts and improvements to this intersection.

Gerri Carusoor
Principal Planner
Planning Division

Letter
I5

My husband and I have lived in the neighborhood for over 10 years and we used to love how quiet the area was and how kind the neighbors are. Recently, Duane was taken from 4 lanes to 2 lanes which has caused quite a back of traffic. Now there is a new townhomes development of 500 units on Duane which is causing more of a backup. Now you want to add an additional 1,000 units at the old AMD complex?

I5-1

I am very concerned that our neighborhood is going from single family quiet homes to townhomes and apartments complexes and unnecessary traffic. I feel this is a huge burden to our neighborhood and the long time residence are going to suffer because of the new proposed constructions of the AMD complex

I5-2

To come home in the evening we take 101 south to the Fair Oaks exit. Usually we would turn on Ahwanee Ave to get to our house but in the evenings we can't make that turn. This requires us to turn on Duane. Duane is backed up because of the school traffic and the lack of lanes. Sometimes we can't turn on Duane due to traffic and must take Stuart Ave to get home. This is already a frustration situation for us, what about the others who live in the same neighborhood and you want to add to it? We understand that the land can and will be developed. All we ask is to add to the neighborhood, add single family homes, promote a quiet neighborhood and lighten traffic in our area.

I5-3

Thank you for your time and I hope you consider the current residence needs and wishes.

Jennifer Hellerich

RECEIVED
NOV 30 2018
PLANNING DIVISION

Letter I5	Jennifer Hellerich December 30, 2018
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- I5-1 The comment identifies that Duane Avenue was recently modified from four lanes to two lanes that is causing traffic to back-up in addition to new development in the area. The comment states concerns about the additional traffic from the project.
- The DEIR identifies that this lane modification is in place and is not a component of the project. The traffic analysis includes the two-lane character of Duane Avenue in its impact analysis. DEIR Impact 6-13 identifies significant cumulative plus project traffic impacts on the operation of intersections along Duane Avenue in the project area (Fair Oaks Avenue/Duane Avenue intersection and the Duane Avenue/Duane Court intersection). DEIR Mitigation Measure 6-13a (signalization of the Duane Avenue/Duane Court intersection) would mitigate impacts to the Duane Avenue/Duane Court intersection to less than significant. DEIR Mitigation Measure 6-13b (contribution to the City's Intelligent Transportation System strategies and projects) would assist in reducing overall project traffic impacts but would not mitigate impacts to the Fair Oaks Avenue/Duane Avenue intersection as are no current ITS projects identified for this intersection.
- I5-2 The comment states concerns regarding conversion of the area to townhomes and apartments and the associated traffic impacts.
- This comment is noted. Development of townhomes and apartments in the area is based on the City's 2007 approval of the East Sunnyvale Industrial-to-Residential (ITR) General Plan Amendment and Rezone. The ITR Project, which included the project site, consisted of conversion of an approximately 130-acre industrial/office area to a combined designation that allows transition to residential uses. DEIR Section 4.11, "Traffic and Circulation," and Section 5.1, "Cumulative Impacts," provides an analysis of the project's expected traffic impacts. The reader is also referred to Response to Comment I5-1 regarding project area traffic impacts along Duane Avenue.
- I5-3 The comment identifies existing traffic issues on Duane Avenue and requests that the project be modified into a single-family residential development project.
- This comment is noted. The reader is also referred to Response to Comment I5-1 regarding project area traffic impacts along Duane Avenue. Modification of the project to provide single-family residential development would conflict with the project objectives of mix of residential densities that include affordable housing options to address City housing needs consistent with the General Plan (Land Use and Transportation Element adopted 2017) and the East Sunnyvale Sense-of Place Plan (adopted 2015).

Chair Howard called the meeting to order at 7:01 PM in the Council Chambers.

Chair Howard led the salute to the flag.

Letter
PC

Roll Call (all present)

Consent Calendar

Commissioner Harrison moved and Commissioner Weiss seconded the motion to approve the revised Planning Commission Meeting Minutes of October 22, 2018. The motion carried by the following vote:

All Yes; Howe Abstained

Commissioner Howe moved and Vice Chair Simons seconded the motion to approve the Planning Commission Meeting Minutes of November 12, 2018. The motion carried by the following vote:

All Yes; Olevson and Harrison Abstained

Item 2

Principal Planner Gerri Caruso presented the staff report.

Pat Angell, representing Ascent Environmental Inc., presented images and information about the proposed project.

Chair Howard opened the Public Hearing.

Josué García, representing the Santa Clara County Residents for Responsible Development, spoke in support of the proposed project and commented on the traffic mitigation measures, affordable housing and public park.

PC-1

Raju Dahal, Sunnyvale resident, spoke in support of the proposed project and commented on the benefits of the proposed public park and the addition of affordable housing.

PC-2

Sergio Figueroa, Sunnyvale resident, spoke in support of the proposed project and commented that it will provide local jobs and school funding.

PC-3

Hector Gomez spoke in support of the proposed project and commented on the benefits of the proposed public park and affordable housing for people employed in the City.

PC-4

Glen Chambers, Sunnyvale resident, discussed his concerns with future site access for the proposed project in relation to shifting traffic patterns and existing intersection signal issues at Duane Avenue and Stewart Drive.

PC-5

Jonathan Fishpow, Sunnyvale resident, spoke in support of the proposed project and commented on the need for housing in the City.

PC-6

Zachary Kaufman commented on information not included in DEIR sections 3.5 and 4.9 and stated an opinion that the value of residential square footage from 2000 is of little to no value since it is adjusted for inflation.

PC-7

Stephanie Ray spoke in support of the proposed project and commented on the need for housing in the northern part of the City. Ms. Ray advocated for the development of a bike lane from the proposed project to the Caltrain station. | PC-8

Chair Howard closed the Public Hearing.

Commissioner Rheume asked staff how the traffic light issue, as mentioned during public comments, will be addressed. Mr. Angell advised that the DEIR contains a traffic analysis section for the intersection operations and impacts. | PC-9

Commissioner Weiss asked staff why only 6% of the units will be reserved for very low-income households. Principal Planner Caruso advised that the number is not an environmental impact, that it is only included as a description of what the applicant is proposing and that 12.5% of the townhomes for ownership will be affordable units. | PC-10

Commissioner Weiss asked about the methodology for collecting plot samples to identify hazardous materials. Mr. Angell provided information about the technical studies and noted that a cleanup program is underway with the San Francisco Bay Region Regional Water Quality Control Board. | PC-11

Vice Chair Simons stated an opinion that the DEIR alternatives related to traffic impacts are not adequate. Vice Chair Simons commented on the traffic impacts associated with egress/ingress at the intersections of East Duane Avenue and San Rafael or San Simeon. Vice Chair Simons recommended the addition of a passive control traffic circle to potentially mitigate these traffic impacts. | PC-12

2.7 NOVEMBER 26, 2018 SUNNYVALE PLANNING COMMISSION MEETING

Comment PC-1	Josue Garcia, Santa Clara County Residents for Responsible Development November 26, 2018
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Comment The commenter expresses support for the project and identifies benefits of the project.

This comment is noted.

Comment PC-2	Raju Dahal November 26, 2018
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Comment The commenter expresses support for the project and identifies benefits of the project.

This comment is noted.

Comment PC-3	Sergio Figueroa November 26, 2018
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Comment The commenter expresses support for the project and identifies benefits of the project.

This comment is noted.

Comment PC-4	Hector Gomez November 26, 2018
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Comment The commenter expresses support for the project and identifies benefits of the project.

This comment is noted.

Comment PC-5	Glen Chambers November 26, 2018
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Comment The commenter identifies objections to the project design of extending Indian Wells Avenue through the site along the alignment of the existing AMD Place main driveway. The commenter recommends that the project obtain roadway access from Stewart Drive.

DEIR tables 4.11-11, 4.11-12, and 6-3 identify that the project would not result in any significant impacts to the function of the Duane Avenue/Stewart Drive/AMD intersection under existing, background, and cumulative traffic conditions. The project would improve this three-way intersection to a four-way intersection associated with the extension of Indian Well Avenue through the site and would be a key component of the overall site plan circulation. As shown in DEIR Exhibit 3-3, a portion of the project would obtain access from Stewart Drive.

Comment PC-6	Jonathan Fishpow November 26, 2018
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Comment The commenter expresses support for the project and identifies benefits of the project.

This comment is noted.

Comment PC-7	Zachary Kaufman November 26, 2018
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Comment The commenter states that DEIR Section 3.5 and 4.9 do not provide the square footage of the residences proposed to determine school facility mitigation fees. The commenter also offered the opinion that the value of square footage from 2000 is of little value.

The 1 AMD Place Redevelopment School Boundary Exhibit (EPTDESIGN 2018) estimates that the project could generate approximately 1,124,400 square feet of residential space. DEIR page 4.9-25 identifies that California Government Code Sections 65995 (h) and 65996 (b) require full and complete school facilities mitigation. Section 65995(h) states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code is deemed to be full and complete mitigation of the impacts for the planning, use, development, or the provision of adequate school facilities. In addition to the payment of these fees, the project applicant has voluntarily agreed to contribute equivalent to 50 percent of the required school impact fees. The funding would be unrestricted for use on items for the District's that may be needed such as classroom space, equipment, computers, and other technology to assist in teaching. Therefore, the project's public school facility impacts would be less than significant.

Comment PC-8	Stephanie Ray November 26, 2018
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Comment The commenter expresses support for the project and identifies benefits of the project.

This comment is noted.

Comment PC-9	Commissioner Rheaume November 26, 2018
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Comment The commenter asks how traffic light issues identified during the public comments will be addressed.

The DEIR traffic impact analysis evaluated 34 intersections under existing, background, and cumulative conditions (see DEIR tables 4.11-11, 4.11-12, and 6-3). The reader is referred to Response to Comment PC-5 regarding impacts to the Duane Avenue/Stewart Drive/AMD intersection operational concerns expressed at the Planning Commission public meeting.

Comment PC-10	Commissioner Weiss November 26, 2018
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Comment The commenter asked why only 6 percent of the units were reserved for very low-income households.

The proposed low-income units would be provided within the proposed apartment units. The project is also proposing that 12.5 percent of the townhomes for ownership would be affordable units.

Comment PC-11	Commissioner Weiss November 26, 2018
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Comment The commenter asks about the methodology used for collecting lot samples to identify hazardous materials.

As described in DEIR Section 4.6, "Hazards and Hazardous Materials," the project site currently has an open file with the San Francisco Bay Regional Water Quality Control Board (SFRWQCB) related to cleanup oversight and site assessment activities (Geotracker ID# T10000009363; SFRWQCB Case #43S1205). Evaluation of on-site soil and groundwater contamination of the project site was conducted in Phase I/Phase II ESA and June 2017 Supplemental Phase II ESA Reports for the 1 AMD Place portion of the project site. ENGEO International (ENGEO) conducted Phase I and Phase II ESAs for the 975 Stewart Drive portion of the project site. Evaluation of underground contamination for the 1 AMD Place portion of the site consisted 20 soil borings, 1 sub-slab soil gas probe, and 22 temporary soil gas probes based on SFRWQCB direction and the consultant's recommended coverage of the site.

Comment PC-12	Vice Chair Simons November 26, 2018
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Comment The commenter states that the DEIR alternatives analysis related to traffic impacts is not adequate. The commenter notes traffic impacts on Duane Avenue and its intersections with San Rafael Street, San Simeon Street, and Duane Court and recommends that the mitigation for the Duane Avenue/Duane Court be the addition of a roundabout/passive traffic control.

It is unclear what alternatives the commenter recommends to be evaluated to address traffic impacts. DEIR Chapter 5, "Alternatives," evaluates two alternatives (Alternative 2 and 3) that would reduce the project's overall density and result in reduced traffic volumes as compared to the project (DEIR pages 5-7 through 5-13); therefore, meeting CEQA's requirements to consider alternatives that reduce or avoid the project's significant effect (CEQA Guidelines Section 15126.6). The DEIR traffic impact analysis only identifies significant cumulative plus project traffic impacts on Duane Avenue in the project area for the intersections of Fair Oaks Avenue/Duane Avenue and Duane Avenue/Duane Court. DEIR Mitigation Measure 6-13a (signalization of the Duane Avenue/Duane Court intersection) would mitigate impacts to the Duane Avenue/Duane Court intersection to less than significant. Along Duane Avenue, there is an existing signal at DeGuigne Drive, and a new signal is proposed at Duane Court under the cumulative conditions. The two signalized intersections would create gaps in the flow on

Duane Avenue for entry from San Rafael Street and San Simeon Street. These streets also have access to a center turn lane when making an eastbound left turn.

DEIR Mitigation Measure 6-13b (contribution to the City's Intelligent Transportation System strategies and projects) would assist in reducing overall project traffic impacts but would not mitigate impacts to the Fair Oaks Avenue/Duane Avenue intersection because there are no current ITS projects identified for this intersection.

City transportation staff currently envisions Duane Avenue/Duane Court intersection improvements to consist of a traffic signal. The project is required to fund its fair share of the improvement as well as payment of the City's Traffic Impact Fee (TIF).

3 REVISIONS TO THE DEIR

This chapter presents specific text changes made to the DEIR since its publication and public review in response to comments and to address the California Supreme Court decision in *Sierra Club v. County of Fresno* (226 Cal.App.4th 704) regarding air quality impacts and public health. The changes are presented in the order in which they appear in the original DEIR and are identified by the DEIR page number. Text deletions are shown in ~~strike through~~, and text additions are shown in underline.

The information contained within this chapter clarifies and expands on information in the DEIR and does not constitute “significant new information” requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

Revisions to Section 4.2, Air Quality

The following text changes are made to the top of DEIR page 4.2-3:

Sierra Club v. County of Fresno

In December 2018, the California Supreme Court issued its decision in *Sierra Club v. County of Fresno* (226 Cal.App.4th 704). The case reviewed the long-term, regional air quality analysis contained in the EIR for the proposed Friant Ranch development. The project is located in unincorporated Fresno County within the San Joaquin Valley Air Basin, an air basin currently in non-attainment for multiple NAAQS and CAAQS, including ozone and PM. The Court ruled that the air quality analysis failed to adequately disclose the nature and magnitude of long-term air quality impacts from emissions of criteria pollutants and precursors “in sufficient detail to enable those who did not participate in its preparation to understand and consider meaningfully the issues the proposed project raises.” The Court noted that the air quality analysis did not provide a discussion of the foreseeable adverse effects of project-generated emissions on Fresno County’s likelihood of exceeding the NAAQS and CAAQS for criteria air pollutants nor did it explain a connection between the project’s emissions and deleterious health impacts. Moreover, as noted by the Court, the EIR did not explain why it was not “scientifically possible” to determine such a connection. The Court concluded that “because the EIR as written makes it impossible for the public to translate the bare numbers provided into adverse health impacts or to understand why such translation is not possible at this time,” the EIR’s discussion of air quality impacts was inadequate.

The following text changes are made to the Thresholds of Significance discussion starting on DEIR page 4.2-11:

THRESHOLDS OF SIGNIFICANCE

BAAQMD adopted thresholds of significance in 2010, but these thresholds were subject to a series of lawsuits, including whether the development of the thresholds was itself a project that should be subject to CEQA evaluation, and whether the thresholds could be used to determine if existing environmental hazards could result in significant impacts to projects exposed to these hazards. None of the lawsuits addressed the merits of the thresholds themselves. As stated on its website, www.baaqmd.gov, the BAAQMD “is no longer recommending that the Thresholds be used as a generally applicable measure of a project’s significant air quality impacts...lead agencies may rely on the Air District’s updated CEQA Guidelines (updated May 2012 [and later in 2017]) for assistance in calculation air pollution emissions, obtaining information regarding the health impacts of air pollutants, and identifying potential mitigation measures...” (BAAQMD 2014). Although these thresholds remain unadopted, they provide the most current evidence upon which to base significance conclusions related to air quality and are used herein as the basis for determining whether a project’s individual emissions would produce a significant impact to air quality within the SFBAABs.

In its June 2010 *Thresholds of Significance Justification Report* (Report), BAAQMD provides evidence to support the development and applicability of its thresholds of significance for project-generated emissions of criteria pollutants and precursors, which may be used at the discretion of a lead agency overseeing the environmental review of projects located within the SFBAAB. As stated in the Report, the “formulation of a standard of significance requires the lead agency to make a policy judgment about where the line should be drawn to distinguish adverse impacts it considers significant from those that are not deemed significant. This judgment must; however, be based on scientific information and other factual data to the extent possible” (BAAQMD 2010:D-5). Notably, CEQA-related air quality thresholds of significance are tied to achieving or maintaining attainment designation with the NAAQS and CAAQS, which are scientifically substantiated, numerical concentrations of criteria air pollutants considered to be protective of human health.

In consideration of new and more stringent NAAQS and CAAQS adopted since 2000, BAAQMD identified numerical thresholds for construction and operational emissions of criteria pollutants and precursors that would determine whether a project’s discrete emissions would result in a cumulative, regional contribution (i.e., significant) to the baseline non-attainment status of the SFBAAB (BAAQMD 2010:D-46). In developing operational thresholds of significance for individual project emissions, BAAQMD also analyzed emissions values against the federal BAAQMD Offset Requirements to ozone precursors, which, when applied, would prevent further deterioration of ambient air quality within the SFBAAB. Operational emissions thresholds for PM₁₀ and PM_{2.5} were adapted from the federal New Source Review Significant Emissions Rate annual limits (BAAQMD 2010:D-47). Using these parameters, BAAQMD has developed quantitative thresholds of significance for project-level CEQA evaluation that may be used to determine the extent to which a project’s emissions of criteria pollutants and precursors would contribute to the regional degradation of ambient air quality within the SFBAAB.

Additionally, through its Community Air Risk Evaluation program, BAAQMD identified high-risk exposure areas within the SFBAAB. Using federal and State guidance pertaining to TACs/HAPs in addition to the findings of several scientific studies, BAAQMD developed cancer risk and non-cancer health hazard thresholds for TAC and PM_{2.5} exposure. Unlike criteria air pollutants, there is no known safe concentration levels of TACs. Moreover, TAC emissions contribute to the deterioration of localized air quality and due to the dispersion characteristics of TACs, emissions do not cause regional-scale air quality impacts. The BAAQMD thresholds are designed to ensure that a source of TACs or PM_{2.5} does not contribute to a localized, cumulatively significant impact to existing or new receptors (BAAQMD 2010:D-34).

As such, fFor the purpose of this project, the following thresholds of significance are used to determine if project-generated emissions would produce a significant localized and/or regional air quality impact such that human health would be adversely affected would be significant. The project would result in a significant impact to air quality if it would (BAAQMD 2017b:2-2 to 2-3):

The following text changes are made in the discussion under Impact 4.2-1 starting on DEIR page 4.2-12:

Multiple activities during project construction would result in emissions of ROG, NO_x, PM₁₀, and PM_{2.5} including demolition, site preparation, grading, utilities installation, the use of off-road equipment, material delivery by haul trucks, and worker commute trips, building construction, asphalt paving, application of architectural coatings, and other miscellaneous activities. Ozone precursors emissions of ROG and NO_x would be associated primarily with exhaust from construction equipment, haul truck trips, and worker trips. ROG would also be emitted during asphalt paving and the application of architectural coatings. Fugitive dust emissions would be associated primarily with site preparation and vary as a function of soil silt content, soil moisture, wind speed, and area of disturbance. Other particulate matter emissions would result from combustion of fuels and from tire and brake wear.

Project construction is anticipated to occur between 2018 and 2022 over the course of five overlapping phases. Phase 1 would span from 2018 to 2020 and would include the demolition of the existing facilities on the project site; Phase 2 would occur from 2019 to 2021 and would involve the construction of three of the low-rise apartment buildings, 22 three-story townhome buildings, site improvements, landscaping, and the backbone infrastructure and roadway improvements for the whole site; Phase 3 would occur between 2019 and 2021 and would involve construction of two of the mid-rise apartment buildings, site improvements, landscaping, and site amenities; Phase 4 would span from 2021 to 2022 and would entail the construction of two of the mid-rise apartment buildings, site improvements, and site amenities; and Phase 5 would occur from 2021 to 2022 and would include construction of the community park.

Maximum daily construction emissions for the project are summarized in Table 4.2-4. The table presents maximum daily emissions of ROG, NO_x, PM₁₀, and PM_{2.5} for each construction year. Refer to Appendix B for a detailed summary of the modeling assumptions, inputs, and outputs.

Table 4.2-4 Summary of Unmitigated Maximum Daily Construction-Generated Emissions of Criteria Air Pollutants and Precursors by Construction Year

Year ¹	ROG (lb/day)	NO _x (lb/day)	PM ₁₀ Exhaust (lb/day)	PM _{2.5} Exhaust (lb/day)
2018	1	11	2	1
2019	10	101	43	25
2020	6	45	6	3
2021	18	88	26	15
2022	14	25	5	2
Threshold of Significance	54	54	82	54

Notes: lb/day = pounds per day; NO_x = oxides of nitrogen; PM₁₀ = respirable particulate matter; PM_{2.5} = fine particulate matter; ROG = reactive organic gases.

¹. Construction would occur over five phases, which would be expected to overlap. As such, maximum daily emission levels are summarized by year.

See Appendix B for detailed input parameters and modeling results.

Source: Modeling conducted by Ascent Environmental in 2018

As shown in Table 4.2-4, the construction-generated emissions of NO_x would exceed the threshold of significance of 54 lb/day in 2019 and 2021 during building construction of the mid-rise apartments and townhomes. This emissions level of NO_x could contribute to an increase in non-attainment days in the SFBAAB for ozone. As summarized in Table 4.2-2, “Sources and Health Effects of Criteria Air Pollutants,” groundborne ozone is a secondary pollutant derived from the oxidation of NO_x and ROG in the presence of sunlight. The SFBAAB is currently in non-attainment for the national and state ozone standards; therefore, project-related construction-generated emissions of NO_x could exacerbate this existing adverse condition.

However, given the high number of factors (e.g., topography, meteorology, emissions sources) that contribute to the formation and dispersion of ozone, it is not scientifically possible to predict the number of days in which ozone concentrations exceed the NAAQS or CAAQS with a high level of accuracy. Current models cannot determine the locations of or the specific concentrations of ozone from NO_x or ROG precursors because of the complex physical factors (e.g., sun, temperature, wind) that contribute to the chemical reactions necessary to convert precursors to ground-level ozone. Nonetheless, because precursor emission levels would exceed BAAQMD’s significance thresholds, it is reasonably foreseeable that construction emissions could contribute to an increase in non-attainment days.

Also summarized in Table 4.2-2, human exposure to ozone may cause acute and chronic health impacts including coughing, pulmonary distress, lung inflammation, shortness of breath, and permanent lung impairment. By evaluating emissions of NO_x against BAAQMD's thresholds of significance, it is foreseeable that the health complications associated with ozone exposure could be exacerbated by project-generated construction emissions.

Table 4.2-4 also shows that construction-generated emissions of ROG, PM₁₀, and PM_{2.5} would not exceed BAAQMD's applicable thresholds; however, if dust control measures are not implemented, fugitive PM₁₀ and PM_{2.5} dust emissions could contribute to localized concentrations of these pollutants that exceed the applicable NAAQS and CAAQS, which could cause localized health impacts to receptors exposed to these pollutants.

Because emissions of NO_x in 2019 would exceed the applicable BAAQMD daily thresholds of significance, project-generated construction emissions could result in an increase in the number of exceedances of the NAAQS and CAAQS for ozone and an increase in the potential for adverse health impacts to occur from ozone exposure. For these reasons, this would be a **significant** impact.

Mitigation Measure 4.2-1a: Apply Tier-4 Emission Standards to all Diesel-Powered Off-Road Equipment

The applicant shall require the construction contractor to only use off-road construction equipment that meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and to comply with the appropriate test procedures and provisions as contained in 40 CFR Parts 1065 and 1068. Tier 3 models can be used if a Tier 4 version of the equipment type is not yet produced by manufacturers. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. The applicant shall demonstrate its plan to fulfill the requirements of this measure in a report or in project improvement plan details submitted to the City prior to the use of any off-road, diesel-powered construction equipment on the site.

Mitigation Measure 4.2-1b: Implement Construction-Related Measures to Reduce Fugitive Dust Emissions

The applicant shall require its construction contractors to implement BAAQMD's Basic Construction Mitigation Measures (BAAQMD 2017b:8-4), including, but not limited to the following. These measures shall be included in project improvement plans.

- ▲ Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- ▲ Cover all haul trucks transporting soil, sand, or other loose material off-site.
- ▲ Remove all visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day (dry power sweeping is prohibited).
- ▲ Limit all vehicle speeds on unpaved roads to 15 miles per hour.
- ▲ Pave all roadways, driveways, and sidewalks as soon as possible, and lay building pads as soon as possible after grading (unless seeding or soil binders are used).
- ▲ Minimize idling times by shutting equipment off when not in use or reducing the maximum idling time to five minutes. The project will provide clear signage for construction workers at access points.

- ▲ Maintain and properly tune all construction equipment in accordance with manufacturers specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- ▲ Post a publicly visible sign with the telephone number and person to contact at the Lea Agency regarding dust complaints. The person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

Significance after Mitigation

Implementation of Mitigation Measure 4.2-1a would reduce NO_x emissions through use of cleaner construction equipment. Table 4.2-5 shows the effectiveness of Mitigation Measure 4.2-1a on reducing ~~on~~ the project’s estimated construction emissions.

Table 4.2-5 Daily Construction-Generated Emissions of NO_x

Year ¹	Construction Phase ²	Maximum Daily NO _x Emissions (lb/day)		
		Unmitigated	Mitigated	Percent Reduction
2018	Phase 1	11	11	0%
2019	Phase 2 and 3	101	13	87%
2020	Phase 2 and 3	45	11	76%
2021	Phase 2, 3, 4, and 5	88	11	87%
2022	Phase 2, 3, 4, and 5	25	12	52%
Thresholds of Significance		54	54	n/a

Notes: lb/day = pounds per day; NO_x = oxides of nitrogen; PM₁₀ = respirable particulate matter; PM_{2.5} = fine particulate matter; ROG = reactive organic gases.

1. Indicates the calendar year in which the maximum daily emissions would occur and does not imply duration of construction activity.

2. In which maximum daily emissions are occurring.

Source: Modeling conducted by Ascent Environmental in 2018

As shown in Table 4.2-5, implementation of Mitigation Measure 4.2-1a would reduce maximum daily NO_x emissions associated with project construction to less than BAAQMD’s significance level of 54 lb/day. Based on the development of the BAAQMD’s thresholds of significance (discussed in greater detail in the “Thresholds of Significance”), the level of NO_x emissions after implementation of Mitigation Measure 4.2-1a would not contribute considerably to a cumulative deterioration of air quality within the SFBAAB from ozone formation. As such, mitigated NO_x emissions would not exacerbate the non-attainment designation of the SFBAAB nor result in deleterious health impacts associated with human exposure to ozone.

Further, implementation of BAAQMD’s Best Management Practices required by Mitigation Measure 4.2-1b would ensure that construction-related emissions of PM₁₀ and PM_{2.5} would not result in a localized exceedance of the NAAQS and CAAQS or associated human health effects for these pollutants. Therefore, implementation of Mitigation Measures 4.2-1a and 4.2-1b would reduce construction impacts to a **less-than-significant** level.

The following text changes are made in the discussion under Table 4.2-6 on DEIR page 4.2-15:

As shown in Table 4.2-6, operation of the project would not result in long-term operational emissions of ROG, NO_x, PM₁₀, or PM_{2.5} that exceed the mass emission thresholds recommended by BAAQMD. Thus, long-term operational emissions of criteria air pollutants and precursors would not violate or substantially contribute to an existing or projected air quality violation or expose sensitive receptors

to substantial pollutant concentrations such that adverse health impacts would occur. As discussed in the “Thresholds of Significance” section, BAAQMD developed these thresholds in consideration of achieving attainment for the NAAQS and CAAQS, which represent concentration limits of criteria air pollutants needed to adequately protect human health. Therefore, the project’s contribution to operational criteria pollutants and precursors would not contribute to the exceedance of the NAAQS or CAAQS in the SFBAAB nor result in greater acute or chronic health impacts compared to existing conditions. Moreover, because the project would be consistent with the current land use designation and zoning, it would also be consistent with regional air quality planning that incorporated this zoning. For these reasons, operational impacts to ambient air quality would be **less than significant**.

Revisions to Section 4.1, Traffic and Circulation

The following text changes are made to Mitigation Measure 4.11-1 on DEIR page 4.11-37:

Mitigation Measure 4.11-1: Make Improvements to Intersection at Lawrence Expressway/Duane Avenue-Oakmead Parkway

Santa Clara County has jurisdiction over the Lawrence Expressway/Duane Avenue-Oakmead intersection. A third left lane will be added to the eastbound approach at the intersection of Lawrence Expressway/Duane Avenue-Oakmead Parkway including one through lane, and one right-turn lane. Signage and pavement striping shall be provided to indicate that the inner first left-turn lane shall be designated for northbound Lawrence Expressway traffic, the middle left-turn lane shall be designated for northbound U.S. 101 traffic, and the outer left-turn lane shall be designated for southbound U.S. 101 traffic. Additional improvements shown on the Lawrence Expressway/E Duane Avenue to US-101 Concept Plan provided by the County of Santa Clara Roads and Airports Department on December 17, 2018, such as modifications to the corners of the intersection, restriping of crosswalks, the northbound lane alignments, the relocation of pedestrian crossing at the U.S. 101 southbound on-ramp, and the extension of the barrier curb, are shown as a concept plan only. These improvements have not been adopted yet and hence, the project is not responsible for these additional improvements.

Additionally, the signal operation and timing at the intersection at Lawrence Expressway/Duane Avenue-Oakmead Parkway shall be adjusted to accommodate the third lane. The project applicant and City of Sunnyvale shall coordinate and agree with the County on the timing and implementation of the improvements prior to issuance of building permits.

The following text changes are made to Mitigation Measure 4.11-4 on DEIR page 4.11-41. These changes do not alter the conclusions of the DEIR.

Mitigation Measure 4.11-4: Increase Metering Rate at U.S. 101 Lawrence Expressway Diagonal On-Ramp

The metering rates shall be increased to one vehicle every 4 seconds to ensure that the maximum queue does not exceed the ramp storage. The applicant and City will coordinate and agree with Caltrans on the timing and implementation of this improvement prior to the issuance of building permits.

The following text changes are made to Mitigation Measure 4.11-8 on DEIR page 4.11-44:

Mitigation Measure 4.11-8: Prepare and Implement Temporary Traffic Control Plan

Before building permits are issued and construction begins, the construction contractor shall prepare a temporary traffic control (TTC) plan to the satisfaction of the City of Sunnyvale Division of Transportation and Traffic and subject to review by all affected agencies.

The City of Sunnyvale suggests that the latest edition of the CA MUTCD, Part 6: Temporary Traffic Control, be referred to for guidance on preparing a TTC plan. The TTC plan shall include all information

required on the City of Sunnyvale TTC Checklist and shall conform to the TTC Guidelines of the City of Sunnyvale. At a minimum, the plan shall:

- ▲ provide a vicinity map that shows all the streets in the work zone properly labeled, along with the posted speed limits and a north arrow;
- ▲ identify the path of construction vehicles traveling to the site. If Lawrence Expressway is used, the time of use shall be limited to 9:00 a.m. to 3:00 p.m.;
- ▲ describe the estimated highest number of vehicle trips generated during project construction activities;
- ▲ identify the existing roadway lane and bike lane configurations and sidewalks, including dimensions, where applicable;
- ▲ describe the proposed work zone;
- ▲ describe anticipated detours and/or lane closures (for pedestrians, bicyclists, and vehicles);
- ▲ describe no-parking zones and other parking restrictions;
- ▲ describe appropriate tapers and lengths, signs, and spacing;
- ▲ identify appropriate channelization devices and spacing;
- ▲ describe the buffers;
- ▲ identify work hours and work days;
- ▲ provide the dimensions of the elements and requirements listed above in accordance with CA MUTCD Part 6 and the City of Sunnyvale's Standard Operating Procedure (SOP) for bike lane closures;
- ▲ identify the proposed speed limit changes if applicable;
- ▲ describe the bus stops and signalized and nonsignalized intersections that will be affected by the work;
- ▲ show the plan to address pedestrian, bicycle, and Americans with Disabilities Act requirements throughout the work zone in accordance with CA MUTCD Part 6 and the City of Sunnyvale's SOP for bike lane closures;
- ~~▲ indicate whether phasing or staging is requested and, if so, the duration of each;~~
- ▲ provide details on trucks, including the number and size of trucks involved with construction per day, expected arrival and departure times, and truck circulation patterns;
- ▲ identify all the staging areas on the project site and duration of each stage of construction for the project and any related improvements; and
- ▲ ensure that the contractor has obtained and read the City of Sunnyvale's TTC Guidelines and City of Sunnyvale's SOP for bike lane closures.

Revisions to Section 6.1, Cumulative Impacts

The following text changes are made to Mitigation Measure 6-13a and b on DEIR page 6-21 and 6-22:

Mitigation Measure 6-13a: Signal Construction at Intersection of Duane Avenue and Duane Court

The intersection of Duane Avenue and Duane Court satisfies the peak hour signal warrant under Cumulative and Cumulative Plus Project conditions but does not meet warrants in any preceding analysis scenario, including Existing conditions. Thus, the project shall pay a fair share towards construction of the signal ~~through the City's TIF at the time of building permit issuance.~~

Mitigation Measure 6-13b: Contribution to the City's Intelligent Transportation System Strategies and Projects and Lawrence Expressway ITS/Signal System Countywide Project

Under Cumulative Plus Project conditions, the following intersections where impacts occur include constraints to the right-of-way that would require acquisition of private property to construct any physical improvements:

- ▲ #3 – Fair Oaks Avenue / Northbound US 101 Ramps
- ▲ #6 – Fair Oaks Avenue / Duane Avenue
- ▲ #7 – Fair Oaks Avenue / Wolfe Road
- ▲ #26 – Lawrence Expressway / US 101 Southbound Ramps – Oakmead Parkway

Therefore, physical improvements to these intersections that would mitigate the operational impacts under Cumulative Plus Project conditions are not feasible. LOS impacts at these study intersections could be improved through implementation of the City's Intelligent Transportation System (ITS) strategies and projects and the Lawrence Expressway ITS/Signal System Countywide project. Therefore, the project shall pay a fair share towards the ITS projects through the City's TIF and participation in the Lawrence Expressway ITS/Signal System Countywide project.

4 REFERENCES

EPTDESIGN 2018. (August). 1 AMD Place Redevelopment School Boundary Exhibit. Prepared for ICAD.

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5 LIST OF PREPARERS

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