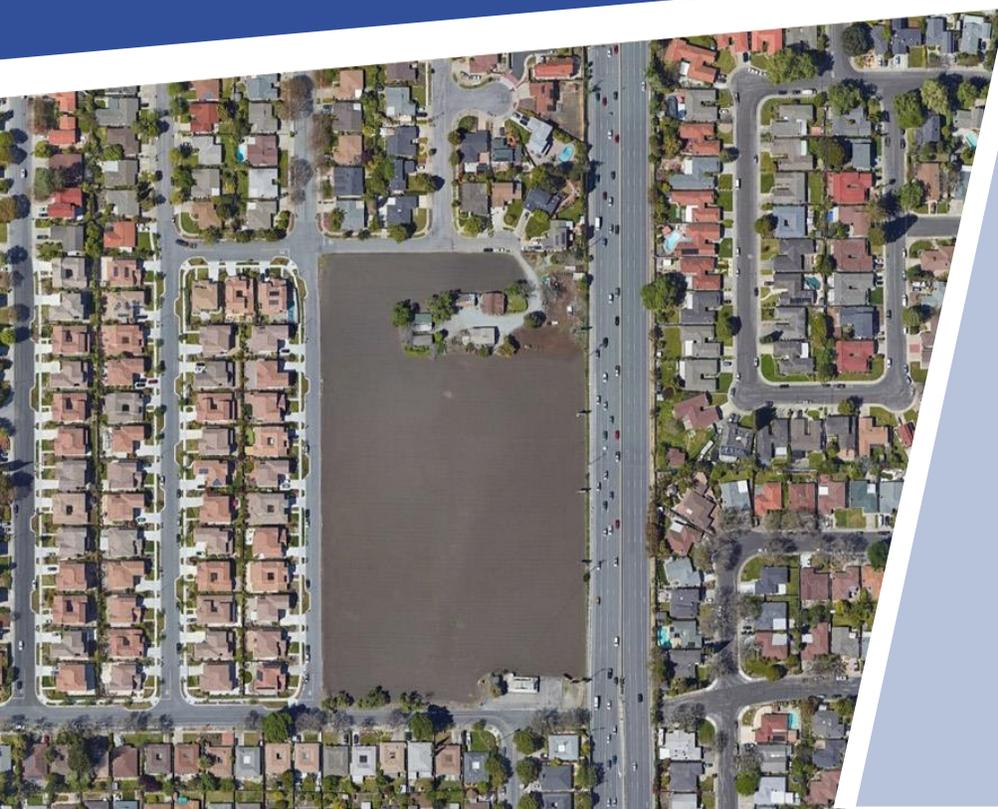




FINAL ENVIRONMENTAL IMPACT REPORT FOR THE

City of Sunnyvale - Corn Palace Residential Development Project

State Clearinghouse No. 2018042040



Sunnyvale

PREPARED FOR:
City of Sunnyvale
Community Development
Department/Planning Division
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Contact: Shétal Divatia,
Senior Planner

MARCH 1, 2019

Final Environmental Impact Report
for the
City of Sunnyvale - Corn Palace Residential Development Project

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Community Development
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650 West Olive Avenue
Sunnyvale, California 94086
Contact: Shétal Divatia, Senior Planner

PREPARED BY

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March 1, 2019

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LIST OF ABBREVIATIONS

City of Sunnyvale (City)
California Environmental Quality Act (CEQA)
draft environmental impact report (DEIR)
Corn Palace Residential Development Project (project)
Final Environmental Impact Report (FEIR)

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 (California Code of Regulations, Section 15132). This document contains comments received on the draft environmental impact report (DEIR) for the Corn Palace Residential Development Project (project), responses to those comments, and revisions to the DEIR. Together, this document, “Responses to Comments Document for the Final Environmental Impact Report (FEIR) -City of Sunnyvale – Corn Palace Residential Development Project,” and the DEIR constitute the 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 FEIR 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

- ▲ City of Sunnyvale: overall project approval, including certification of the adequacy of this EIR.

1.1.2 State Responsible Agencies

- ▲ California Department of Fish and Wildlife (consideration of special-status species and species of special concern)

1.1.3 Local Responsible Agencies

- ▲ City of Sunnyvale (related to water and sewer service, park maintenance, and potential roadway improvements)
- ▲ Bay Area Air Quality Management District (authority to construct)

- ▲ Santa Clara County Department of Environmental Health (completion of case closure procedures associated with the Feasibility Study/Remedial Action Workplan; and approval of a human health risk assessment and site-specific Health and Safety Plan)
- ▲ Santa Clara Valley Water District (onsite well closure)
- ▲ Santa Clara County Roads and Airports Department (review and approval of improvement plans that are associated with Lawrence Expressway right-of-way)

1.2 PROJECT LOCATION

The project site is located along the City's eastern boundary with the City of Santa Clara on an 8.8-acre site (Assessors Parcel Number 213-12-001). The project site is bounded by Dahlia Drive to the north, Lawrence Expressway to the east, Lily Avenue to the south, and Toyon Avenue to the west. Surrounding land uses are comprised of single-family residential developments and Lawrence Expressway. Refer to Exhibit 1-1 for an aerial view of the project site and surrounding vicinity.

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]). The following is a list of objectives for the project:

- ▲ Create a residential community offering two-story single-family detached homes for sale in an area with low, new home availability.
- ▲ Provide housing located within close proximity to major regional transit and several large private tech employers.
- ▲ Meet and/or exceed Green Building Standards.
- ▲ Create a project that will set aside a 2-acre public park on site for future residents and surrounding neighborhoods.
- ▲ Create a residential community that makes efficient use of land while offering lower densities and building masses that compliment existing residential developments of adjacent land uses in the project area.
- ▲ Create a residential development that is consistent with the City's vision and goals for sustainable growth and economic development.

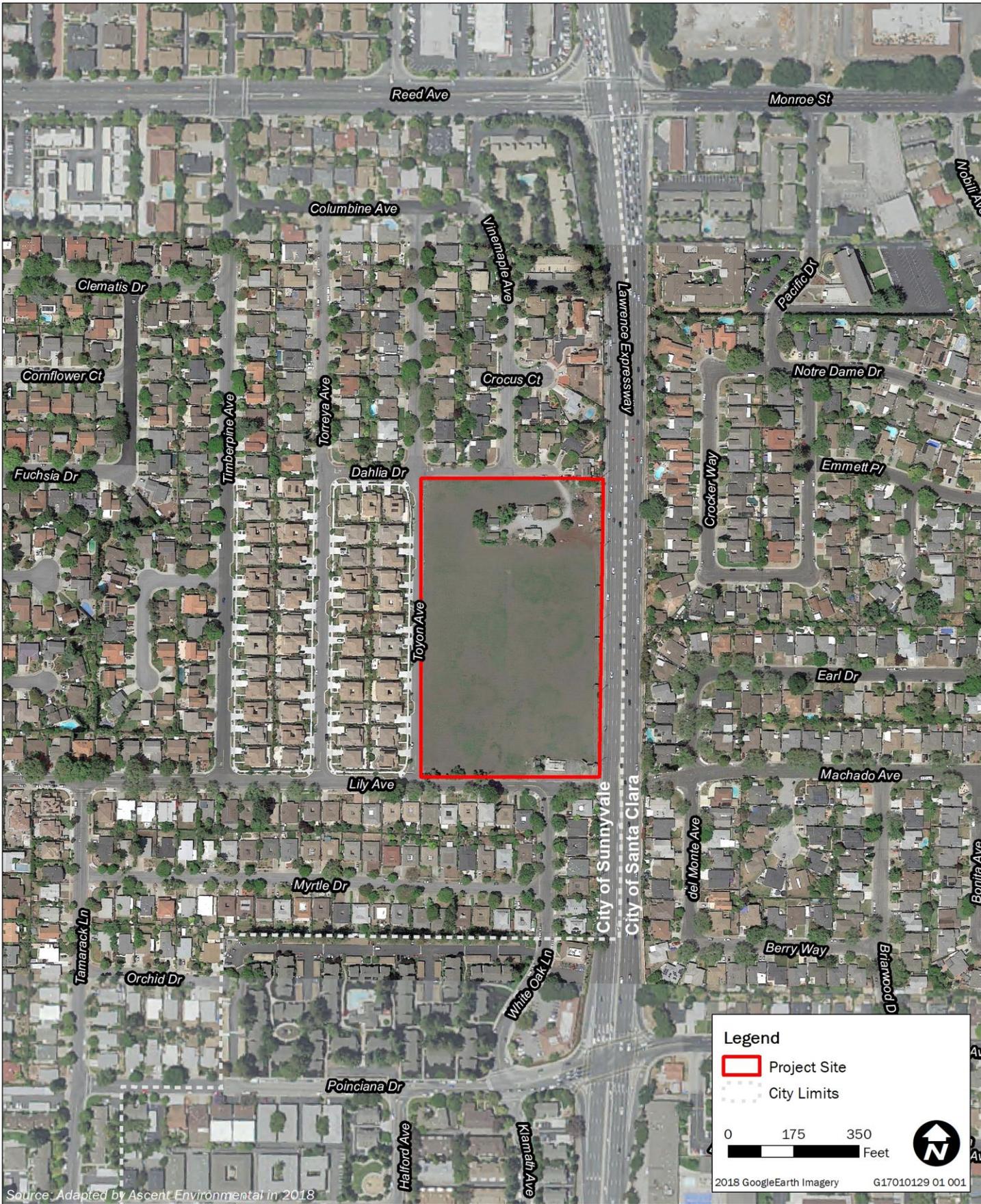


Exhibit 1-1

Project Vicinity



1.4 SUMMARY DESCRIPTION OF THE PROJECT

The project is the proposed demolition of a farm stand, associated paved parking area, three homes, outbuildings and sheds, and redevelopment of the project site as a master-planned residential community of 58 single-family residential homes on 6.1 acres, a public park on up to 2 acres, and 0.7 acre to be dedicated for public facilities and roadway area improvements (Exhibit 1-2). As discussed above, the project site is currently designated as Low-Medium Density Residential in the City of Sunnyvale General Plan LUTE and the LSAP. The project site is also zoned as Low-Medium Density Residential with a Planned Development combining zoning district (R1.5/PD). The project would be consistent with the current land use designation and zoning.

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 (<https://sunnyvale.ca.gov/business/projects/cornpalace.htm>); and hard copies were made available for public review at the Sunnyvale Public Library (665 West Olive Avenue, Sunnyvale, CA 94086), City of Sunnyvale One-Stop Permit Center (456 West Olive Avenue, Sunnyvale, CA 94086) and the City of Sunnyvale Community Center (550 E Remington Drive, Sunnyvale, CA 94087).

A public meeting was held on December 10, 2018, to receive input from agencies and the public on the DEIR. In addition, input on the Historic and Unique Archeological Resources section of the Draft EIR was received at the Heritage Preservation Commission public meeting on December 5, 2018.

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 California Code of Regulations, Section 15088.5).

1.6 ORGANIZATION OF THE FEIR

This document is organized as follows:

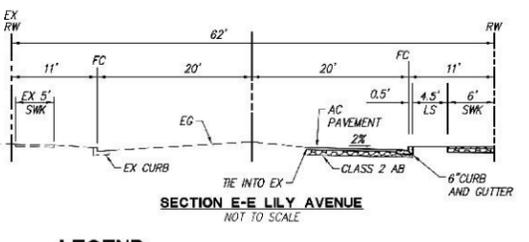
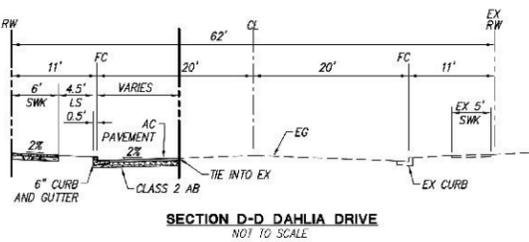
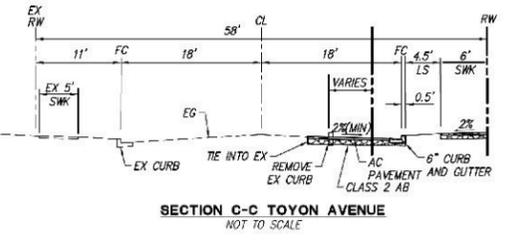
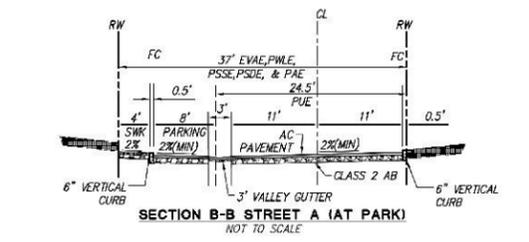
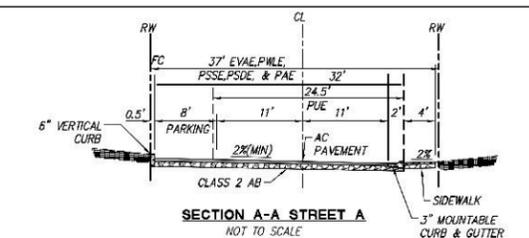
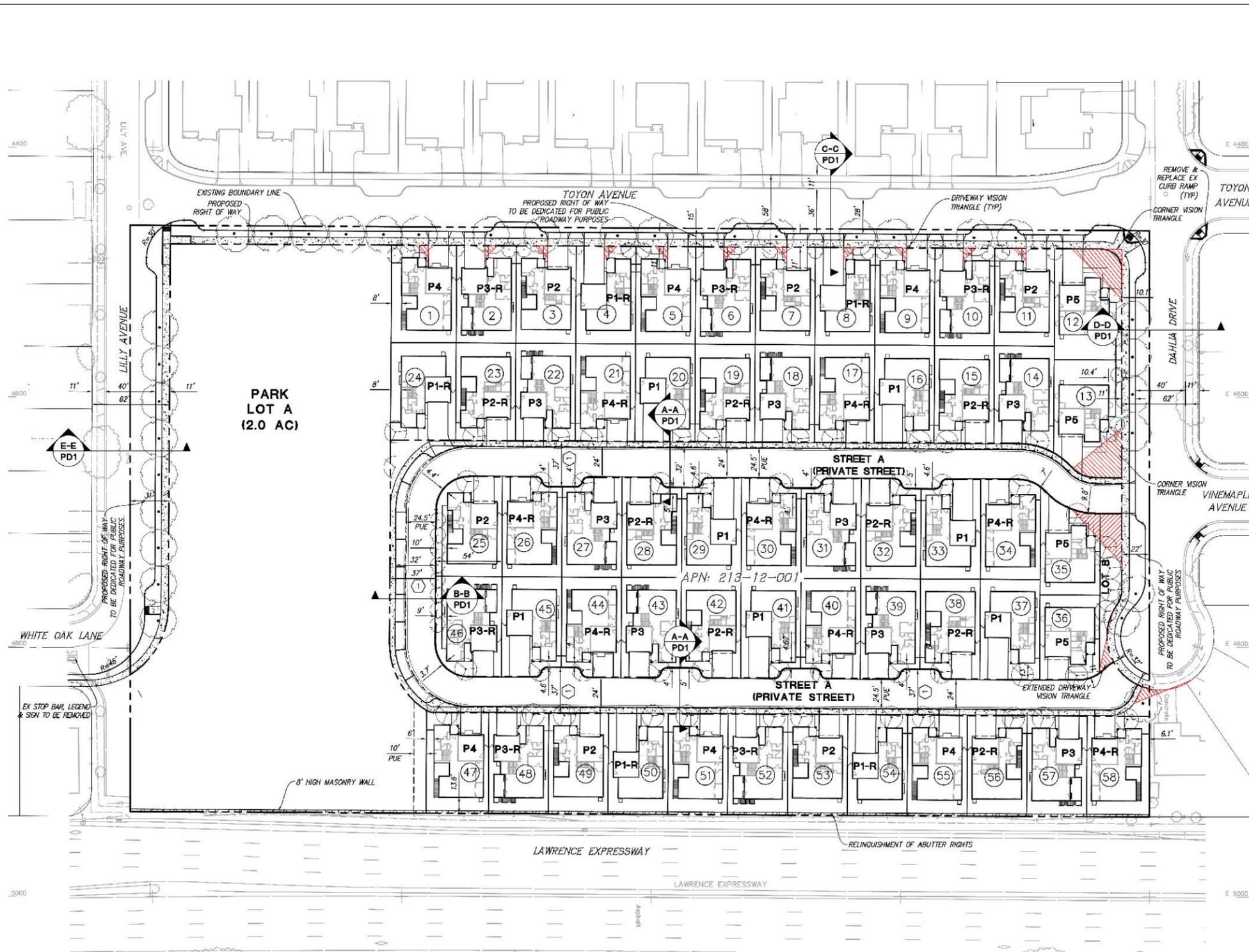
Chapter 1, "Introduction," describes the purpose of the FEIR, summarizes the project, provides an overview of the CEQA public review process, and describes the content of the FEIR.

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 summary of oral comments from the December 5th and December 10th public meetings, 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.

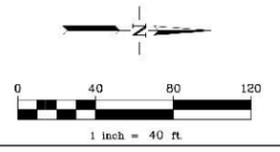
Chapter 5, "List of Preparers," identifies the lead agency contacts as well as the preparers of this FEIR.



LEGEND
 (1) EVAE, PAE, PSDE, PSSE, AND PWLE

ABBREVIATIONS
 EVAE EMERGENCY ACCESS EASEMENT
 PAE PUBLIC ACCESS EASEMENT
 PUE PUBLIC UTILITY EASEMENT
 PSDE PRIVATE STORM DRAIN EASEMENT
 PSSE PRIVATE SANITARY SEWER EASEMENT
 PWLE PRIVATE WATER LINE EASEMENT

NOTES:
 1. TYPICAL LOT SIZE IS 48' x 78'.
 2. SEE SHEET P02 FOR TYPICAL SETBACK DIMENSIONS AND SIDE DATA SUMMARY.



Source: Image provided by Trumark Homes in 2018

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Acronyms/Abbreviations updated 1/18 gl

- City of Sunnyvale (City
- California Environmental Quality Act (CEQA
- draft environmental impact report (DEIR
- Final Environmental Impact Report (FEIR

Citations

Yellow = confusing (sequential lettering doesn't match, years don't match, misspellings, etc.)

Green = matched reference

Aqua = missing full reference

Pink = no citation in text

none

References

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. Comments include oral comments received during a public meeting held on December 5, 2018 for the City of Sunnyvale (City) Heritage Preservation Commission and a public meeting held on December 10, 2018 for the City Planning Commission. 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 or oral comment received, the author of the comment letter or oral comment, and the date of the comment letter or oral comment.

Table 2-1 List of Commenters		
Comment No.	Commenter	Date
STATE AGENCIES (S)		
S1	State of California Native American Heritage Commission Gayle Totton, B.S., M.A., Ph.D., Associate Governmental Project Analyst	November 29, 2018
LOCAL AGENCIES (L)		
L1	Santa Clara Unified School District Michal Healy, Director of Facility Development and Planning	December 3, 2018
L2	Santa Clara Unified School District Michal Healy, Director of Facility Development and Planning	December 3, 2018
INDIVIDUALS (I)		
I1	Adriana Hartley	December 17, 2018
I2	Andrea Haro	December 17, 2018
I3	Andrew Liu	November 15, 2018
I4	Anita Clemetson	December 17, 2018
I5	Barbara Gasdick	December 17, 2018
I6	Barbara Lietzan	December 17, 2018
I7	Beth Stannard	December 17, 2018
I8	Bob Chupp	December 14, 2018
I9	Bonnie Montgomery	December 17, 2018
I10	Carl Blankenship	December 13, 2018
I11	Carrie Levin	December 17, 2018
I12	Charles lh	December 17, 2018
I13	Christopher Au	November 11, 2018
I14	Colleen Yamada	December 17, 2019
I15	Corn Palacio Amigos	Unknown
I16	Elizabeth Ball	December 17, 2018

Table 2-1 List of Commenters

Comment No.	Commenter	Date
I17	Ellen	December 17, 2018
I18	Eric Wilcox	December 17, 2018
I19	Gary and Valerie Kenaley	December 17, 2018
I20	Gayle Gleim	December 17, 2018
I21	Gordon Markley	December 17, 2018
I22	Inder Sabharwal	December 17, 2018
I23	Jagdeep Sahni	December 17, 2018
I24	Jeff Chyu	December 17, 2018
I25	Jennifer Hoppe	December 17, 2018
I26	Jill Croft	December 17, 2018
I27	Juan Carlos Huezo Fuentes	December 18, 2018
I28	Julia Graham	December 17, 2018
I29	Kaiwen Gu	December 17, 2018
I30	Karissa Huang	December 17, 2018
I31	Kelly Younger	December 17, 2018
I32	Linda Feeney	December 17, 2018
I33	Marc Ketzal	December 17, 2018
I34	Marc S Kriedler	December 19, 2018
I35	Marcell Campano	December 17, 2018
I36	Margherita Lai	December 17, 2018
I37	Maria Micae	December 17, 2018
I38	Marion Boos	December 18, 2018
I39	Mark Peysakhovich	December 17, 2018
I40	Meenakshi Gulrajani	December 17, 2018
I41	Megan Kacholia	December 17, 2018
I42	Neighbors of Corn Palace	December 11, 2018
I43	Niki Stalder-Skarmoutsos	December 17, 2018
I44	Pat Calhoun	December 17, 2018
I45	Purna Mohanty	December 17, 2018
I46	Ramya Sridharan	December 17, 2018
I47	Ray Crump	December 17, 2018
I48	Richard Talburt	December 17, 2018
I49	Sharon King	December 17, 2018
I50	Sharon McGil	December 17, 2018
I51	Sidney Seidenstein	December 17, 2018
I52	Stephanie Tsao	December 17, 2018
I53	Stephen Yanofsky	December 17, 2018
I54	Tejomayi	December 17, 2018

Table 2-1 List of Commenters

Comment No.	Commenter	Date
I55	Trang Q. Le	December 17, 2018
I56	V Prakash	December 17, 2018
I57	Vijayalakshmi Prakash	December 17, 2018
I58	Wendy Levine	December 17, 2018
I59	Wun Mark	December 18, 2018
I60	Ying Ma	December 17, 2018
PUBLIC MEETING – SUNNYVALE HERITAGE PRESERVATION COMMISSION (HPC)		
HPC-1-5	Commissioner	December 5, 2018
HPC-6	Bonnie Montgomery	
HPC-7-9	Commissioner Chair	
HPC-10-12	Commissioner	
PUBLIC MEETING-SUNNYVALE PLANNING COMMISSION (PC)		
PC-1-2	John Cordes, Commissioner, Bicycle and Pedestrian Advisory Committee Member, Chair	December 10, 2018
PC-3	Sue Harrison, Planning Commissioner	
PC-4	David Simons, Planning Commissioner Vice Chair	
PC-5-6	Carol Weiss, Planning Commissioner	
PC-7	Ken Rheaume, Planning Commissioner	
PC-8	Sue Harrison, Planning Commissioner	
PC-9-10	Daniel Howard, Planning Commissioner Chair	
PC-11-14	Richard Mehlinger, Bicycle and Pedestrian Advisory Committee Member	

2.2 MASTER RESPONSES

Several comments raised similar issues. Rather than responding individually, master responses have been developed to address the comments comprehensively. Master responses are provided for the following topics: project description, traffic, and cumulative impacts. A reference to the master response is provided, where relevant, in responses to the individual comment.

2.2.1 Master Response 1: Project Description

Several comments expressed concern that the project description was being changed to accommodate high-density development and would develop more than the 58 units proposed by the project and identified in the DEIR. A few comments, particularly stemming from commenters expressing interest in more units at the site during a Planning Commission public meeting on December 10, 2018, questioned the environmental impacts of changing the project description to maximize density or to increase density to accommodate additional units.

An increase in the number of units from that which was described in Chapter 3, “Project Description,” of the DEIR is not being considered at this time by the project applicant. A maximum of 58 units are proposed onsite. While the idea of changing the density of the site and increasing the number of units was discussed by some of the Planning Commissioners and other commenters during the public meeting on December 10, 2018, neither the project applicant nor the City has taken steps to change the project.

Additionally, several comments noted that a message was distributed via the local Nextdoor website alerting neighbors of a change in density and increase in units to more than 100. Many comments expressed frustration with the perceived change to the project during the public review process and opined that there should be additional public review time to respond to the rumored change. As discussed above, no such changes have occurred and the project maintains a proposal of 58 residential units as set forth in Chapter 3, “Project Description,” of the DEIR.

As proposed and evaluated in the DEIR, the project would develop 58 residential units consistent with the zoning and designation of the site for Low-Medium Density Residential in the Lawrence Station Area Plan (LSAP) and the City’s Land Use and Transportation Element (LUTE) of its General Plan. The proposed park is consistent with LSAP policies related to parks and open space for the project site (LSAP Policy OSP-1 and Chapter 6 Urban Design – Southern Residential Subarea). The project site is also zoned as Low-Medium Density Residential with a Planned Development combining zoning district (R1.5/PD). The Sunnyvale Municipal Code Section 19.18.020(b) states that the R1.5 zoning allows for no more than 10 residential units per acre. Section 19.32.020 limits the height of residential structures in the R1.5 zoning to no more than two stories. As stated on page 3-3 of the DEIR, the project would be consistent with the current land use designation and zoning.

Land uses surrounding the project site are predominantly residential. Exhibit 4.1-1 of the DEIR shows existing single-family residential structures adjacent to the project site, many of which are two stories in height. Further out from the project site, there are single-family and multi-family residential units. As described on page 4.1-1 of the DEIR, the project would be consistent with surrounding uses, General Plan LUTE policies, and LSAP Design Guidelines.

A comment received during the December 10, 2018 Planning Commission meeting suggested a higher density alternative be considered as it could potentially reduce environmental impacts of the project as the increased unit count could reduce vehicle miles traveled (VMT). Section 15126.6(f) of the CEQA Guidelines states that an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project. While a reduction in VMT may or may not be realized from a unit increase, the additional units would result in additional vehicle trips, demand for services, traffic congestion, and noise. With the exception of construction traffic impacts, no significant traffic impacts were identified for the project at 58 units. Thus, it is unlikely that an alternative considering more units would substantially reduce environmental impacts.

Changes to the project to increase density prior to project approval would require re-evaluation of environmental impacts identified in the DEIR and potentially recirculation of the DEIR if new or substantially more severe environmental impacts (i.e., significant new information) are identified pursuant to State CEQA Guidelines Section 15088.5. If changes are made to the project design after project approval, the City would be required to evaluate those changes and determine whether those changes would result in new or substantially more severe impacts than those described in the EIR and potentially prepare additional environmental documentation, consistent with the requirements of CEQA Guidelines Section 15162–15164. It is unknown what potentially significant environmental impacts an increase in the number of units onsite would cause without conducting an evaluation of those impacts. But, in general, a more intense development would result in greater air quality, GHG, noise, and transportation impacts as compared to the project.

2.2.2 Master Response 2: Traffic

Several comments raised issues regarding existing traffic congestion in the area and expressed concern about how additional development would worsen the situation. Most of the comments were general observations and did not raise specific concerns regarding the adequacy of the DEIR’s traffic analysis.

Traffic impacts of the project were addressed in Section 4.7, "Transportation and Circulation," of the DEIR, which concluded that operational traffic impacts would be less than significant and temporary construction-related traffic impacts would be reduced to less than significant with incorporation of mitigation. To support the DEIR's analysis, a transportation operation analysis (TOA) was prepared for the project and is included as Appendix C of the DEIR.

Identification of the study area in the TOA considered the project's expected travel characteristics, including number of vehicle trips, the directionality of those vehicle trips, and primary travel routes to/from the project area. Intersections were selected for analysis using Santa Clara Valley Transportation Authority (VTA) Traffic Impact Analysis (TIA) Guidelines (October 2014) criteria thresholds, engineering judgement, and coordination with City staff. Intersections that may experience operational deficiencies from the project, based on a preliminary trip generation and distribution, were included in the study area. Per Section 2.2.1 VTA TIA Guidelines, an intersection that has been designated as part of the VTA congestion management program (CMP) shall be included in a traffic study if the proposed development is expected to add 10 or more peak hour vehicles per lane to any movement at that intersection. In total, 11 intersections were selected for inclusion in the TOA.

As discussed on page 4.7-1 of the DEIR, the TOA evaluated the following scenarios:

1. Existing Conditions – the baseline condition against which project impacts are measured.
2. Existing Plus Project Conditions – reflects changes in travel conditions associated with implementation of the project under Existing Conditions.
3. Background Conditions - represents existing conditions plus approved but not yet constructed or occupied within an in the vicinity of the project site. This scenario reflects a near-term future condition could reasonably represent study area conditions at the time of project completion.
4. Background Plus Project Conditions - reflects the transportation and traffic effects associated with implementation of the project under Background Conditions.

The evaluation of existing conditions at the study intersections (see Table 4.7-3 on page 4.7-9 of the DEIR) shows that intersection level of service (LOS) ranges from LOS A (characterized by free-flow conditions with negligible to minimal delays) to LOS E (congested conditions with significant delays). Background conditions include trips generated by nearby approved but not constructed projects added to the existing conditions traffic volumes (see Table 4.7-4 beginning on page 4.7-14 of the DEIR) and show a range from LOS A to LOS E. Thus, both existing and background conditions include congestion and delays, which is consistent with the conditions described in several comments.

Impact 4.7-1 beginning on page 4.7-30 of the DEIR evaluates the project's impacts on intersection operating conditions. As shown in Tables 4.7-8 and 4.7-8, all study intersections are projected to operate at acceptable LOS (LOS D or better for City of Sunnyvale intersections and LOS E or better for regionally significant intersections) under Existing Plus Project and Background Plus Project a.m. and p.m. peak-hour conditions. Thus, project impacts related to intersection operation conditions was determined to be less than significant. While area residents may feel frustration with existing levels of congestion, the analysis in the DEIR demonstrates that additional traffic from the project would not cause intersections to fall below acceptable levels of service established by the City and VTA.

Impact 4.7-5 beginning on page 4.7-35 of the DEIR evaluated the potential for construction-related impacts from the project. Such impacts may include temporary lane closures, street closures, sidewalk closures, and bikeway closures. In order to ensure that construction-related traffic impacts would not be significant, Mitigation Measure 4.7-5 requires preparation and implementation of a temporary traffic control plan (TTC). The TTC shall include all information required by the City's TTC Checklist and conform to the City's TTC Guidelines. Because construction-related traffic impacts would be localized and temporary and alleviated

with implementation of the TTC as required by MM 4.7-5, the DEIR concluded that project impacts from construction activities would be less than significant.

While many residents may experience congestion in the area, the data and calculations of the TOA and DEIR demonstrate that while congestion exists and will continue, LOS conditions under the project would be within the City's range of acceptability. No technical analysis or data has been provided that counters the conclusions of the TOA. Furthermore, while the project would add vehicles to roadways, the addition would not be significant as it would not cause intersections to operate an unacceptable LOS.

2.2.3 Master Response 3: Cumulative Impacts

Several comments remarked on the number of residential units already approved for development in the project vicinity and expressed concerns regarding the cumulative impacts of approved development and development of the project, particularly related to traffic impacts. Similar to comments regarding traffic congestion, most of the comments regarding cumulative impacts were general in nature and did not raise specific questions or concerns regarding the adequacy of the cumulative analysis in the DEIR.

The State CEQA Guidelines Section 15355 defines a cumulative impact as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. The evaluation of the cumulative setting, cumulative impacts, and the project's contribution to cumulative impacts appears in Section 6.1, "Cumulative Impacts," of the DEIR.

CEQA Guidelines Section 15130 identifies two basic methods for establishing the cumulative environment in which a project is considered: the use of a list of past, present, and probable future projects or the use of adopted projections from a general plan, other regional planning document, or a certified EIR for such a planning document. The cumulative analysis in the DEIR uses a combination of the "list" approach and the "projections" approach to identify the cumulative setting. Table 6-2 (pages 6-3 through 6-6) of the DEIR provides a list of probable future projects that are within a two-mile radius of the project site and have the possibility of interacting with the project to generate cumulative impacts.

As described on page 6-13 of the DEIR, the cumulative context for transportation and circulation considers transportation conditions for the region and the City at buildout of the LSAP and the City's LUTE. The regional assumptions include projected roadway and state highways operating conditions for Alameda, Santa Clara, and San Mateo counties. At buildout, the LSAP area (the project is located within the LSAP) is currently planned to result in 3,523 residential dwelling units and 3.8 million square feet (sf) of commercial, office, and industrial uses, while the City would have 72,100 residential dwelling units and 59.8 million sf of commercial, office, and industrial uses. The cumulative traffic impacts under both the adopted LSAP and LUTE Update were evaluated in their associated EIRs (LSAP EIR State Clearinghouse No. 2013082030 and LUTE Update EIR State Clearinghouse No. 2012032003). These EIRs also identified significant cumulative traffic impacts.

Impact 6-10 beginning on page 6-14 of the DEIR evaluated cumulative traffic impacts and discussed the project's contribution. The discussion noted that the LSAP Final EIR identified that buildout of the LSAP area (which includes the development project site at a density consistent with the project) in combination with buildout of the City under the LUTE Update and regional growth would result in significant traffic operations impacts to several intersections, highway segments, and roadway segments within the City and surrounding jurisdictions. Because the project's contributions to these traffic operation impacts were already disclosed in the LSAP Final EIR and would not result in a substantial increase in the severity of these previously identified impacts, the project's contribution to this significant cumulative impact would not be cumulatively considerable. Thus, there is nothing specific about the project that would affect cumulative traffic conditions that were not previously considered during the evaluation of the LSAP Final EIR.

As many of the comments referencing cumulative impacts are general comments regarding development trends in Sunnyvale and the Bay Area, they do not change the setting or conclusions of the cumulative analysis in the DEIR.

2.3 COMMENTS AND RESPONSES

The oral and written individual comments received on the DEIR and the responses to those comments are provided below. The comment letters are reproduced in their entirety and are followed by the response(s). Oral comments made at the public meetings are summarized and followed by 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.

2.3.1 State Agencies

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



November 29, 2018

Shètal Divatia
 City of Sunnyvale
 456 W. Olive Avenue
 Sunnyvale, CA 94086

Re: SCH# 2018042040, Corn Palace Residential Development 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. In the Regulatory Setting section, State subsection, the description of Public Resources Code § 5097 is incomplete. Please include the statutes from § 5097.98 regarding the process for discovery of human remains. S1-1
2. Mitigation Measure Impact 4.3-2 states that the archaeologist on the project will make the determination that an inadvertent find is a Tribal Cultural Resource. Tribes should determine if something is or is not a Tribal Cultural Resource. This measure also states that the archaeologist would determine which tribes to consult for finds of Tribal Cultural Resources. The archaeologist does not make this determination. If the lead agency has consulted with tribes prior to the beginning of construction, interested tribes should be contacted for inadvertent finds. If no consultation has taken place (which is problematic if the first contact is for an inadvertent find), then the NAHC can provide a contacts list to the lead agency of tribes that are traditionally and culturally affiliated to the project area. S1-2
3. Mitigation Measure Impact 4.3-4 incorrectly state the responsibilities of the NAHC. The Coroner determines if human remains are Native American. The NAHC does not identify remains. The Most Likely Descendant (MLD) makes recommendation on the handling and disposition of Native American human remains. The NAHC does not make recommendations. S1-3

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. S1-4

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".

S1-4
cont.

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 15064.5 (b)

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

S1-4
cont.

- 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. | S1-4 cont.

Letter S1	State of California Native American Heritage Commission Gayle Totton, B.S., M.A., Ph.D., Associate Governmental Project Analyst November 29 2018
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S1-1 The comment states that the description of Resources Code section 5097 in incomplete and needs to include the statutes from Section 5097.98 as it relates to the process for discovery of human remains.

Per the commenters request, the City will modify the description of Resources Code Section 5097 to include a description of Section 5097.98. Therefore, as shown in Chapter 3, “Corrections and Revisions to the Draft EIR,” Section 4.3, Archaeological, Historic, and Tribal Cultural Resources, has been amended to include a description of Section 5097.98. Text deletions are shown in ~~strike through~~, and text additions are shown in underline. The text has been modified as follows. This change does not alter the conclusions of the DEIR.

Public Resource Code, Section 5097

PRC, Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the Code states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate pale ontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

Section 5097.98 of the Code states the following regarding the process for discovery of human remains:

(a) Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

(b) Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

(1) The descendants' preferences for treatment may include the following:

(A) The nondestructive removal and analysis of human remains and items associated with Native American human remains.

(B) Preservation of Native American human remains and associated items in place.

(C) Relinquishment of Native American human remains and associated items to the descendants for treatment.

(D) Other culturally appropriate treatment.

(2) The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the project area, providing a basis for additional treatment measures.

S1-2 The comment explains that Mitigation Measure 4.3-2 should indicate that tribes will determine if something is a tribal cultural resource, such determination will not be made by an archaeologist.

The commenter is correct; a tribe is the entity that determines what is a tribal cultural resource. However, it is standard practice that an archaeologist familiar with the area would be aware of local tribes, their interests, and the appropriate tribal contact person to consult in the event of a prehistoric inadvertent discovery. Ultimately, consultation with the appropriate tribe would result in the determination of whether the inadvertent find would be a tribal cultural resource. Per the commenters request, the City will modify the text of Mitigation Measure 4.3-2 To better clarify that tribes are the entity that determine what is a tribal cultural resource. Therefore, as shown in Chapter 3, "Corrections and Revisions to the Draft EIR," Mitigation Measure 4.3-2 has been amended in Chapter 2, "Executive Summary," Table 2-1, page 2-7, and Section 4.3, Archaeological, Historic, and Tribal Cultural Resources, page 4.3-14, of the DEIR. Text deletions are shown in ~~strikethrough~~, and text additions are shown in underline. The text has been modified as follows. This change does not alter the conclusions of the DEIR.

Mitigation Measure 4.3-2: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a professional archaeologist, qualified under the Secretary of the Interior's Professional Qualification Standards, shall be retained to assess the significance of the find. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or tribal artifact. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or a tribal ~~artifacultural resource~~. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to the City of Sunnyvale regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal ~~artifacultural resource~~, the City of Sunnyvale shall provide a reasonable opportunity for input from representatives of any tribe or tribes the professional archaeologist believes may be associated with the resource. The tribal representative will determine whether the artifact is considered a tribal cultural resource, as

defined by PRC Section 21074. The City shall implement such recommended measures if it determines that they are feasible in light of project design, logistics, and cost considerations.

- S1-3 The comment states that Impact 4.3-4 incorrectly states responsibilities of the Native America Heritage Commission (NAHC) related to identification of human remains.

Because there is no mitigation measure for Impact 4.3-4, it is assumed that the commenter is referring to language used under Impact 4.3-4. The City agrees that the description of NAHC responsibilities could be better clarified under this impact. As shown in Chapter 3, "Corrections and Revisions to the Draft EIR," Section 4.3, "Archaeological, Historic, and Tribal Cultural Resources," has been amended to better clarify NAHC's responsibilities. Text deletions are shown in ~~striketrough~~, and text additions are shown in underline. The text in the second-to-last paragraph of Impact 4.3-4 on page 4.3-16 of the DEIR has been revised as follows. This change does not alter the conclusions of the DEIR.

These statutes require that, if human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the Santa Clara County coroner ~~and NAHC~~ shall be notified immediately, in accordance with to PRC Section 5097.98 and Section 7050.5 of California's Health and Safety Code. If the remains are determined ~~by NAHC~~ to be Native American, the NAHC will be contacted within 24 hours and the guidelines of the coroner NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the archaeologist, the NAHC-designated Most Likely Descendant, and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

- S1-4 The comment recommends consultation with tribes in the geographic area of the project and provides a summary of portions of AB 52 and SB 18.

As described under Impact 4.3-3 of the DEIR, the City of Sunnyvale sent notification for AB 52 consultation on the project to 16 tribes on August 14, 2018. No responses from contacted tribes were received during the 30-day response period for AB 52 as defined in PRC Section 21074. As described on page 4.3-1 of the DEIR, SB 18 would not be applicable to this project because there is not a General Plan amendment associated with the project.

2.3.2 Local Agencies



1889 Lawrence Road
 Santa Clara, CA
 95051
 408-423-2000

December 3, 2018

Letter
L1

Heritage Preservation Commission
 City of Sunnyvale
 456 W. Olive Avenue
 Sunnyvale, CA 94086

Subject: Santa Clara Unified School District Letter of Support for the Corn Palace Residential Project by Trumark Homes LLC.

Dear Members of the Heritage Preservation Commission:

The Santa Clara Unified School District (District) is pleased to support the Corn Palace Residential Project (Development), located along the City of Sunnyvale's (City) eastern boundary with the City of Santa Clara. In good faith and with great interest in the surrounding community, Trumark Homes LLC (Trumark) has agreed to contribute a Voluntary Community Benefit to the Santa Clara Unified School District. This contribution is in addition to the Statutory Developer Fee mandated by SB 50 for Residential Construction, and will help the District in facilitating much needed upgrades and improvements to existing schools.

The elementary age students coming out of the Development are within the attendance boundary for Ponderosa Elementary School. Ponderosa's students, parents, and community have spent the last 3 years raising money for a new all-inclusive playground. The all-inclusive playground will help in meeting the growing needs of our diverse special needs population and their extended families. Trumark has allotted part of their Voluntary Community Benefit for Ponderosa Elementary School to incorporate additional features in the proposed playground design. This contribution will help the District to complete this improvement for Ponderosa's students and community.

The District has an 11-acre farm located in the City of Sunnyvale. Students from all over the District visit the farm on field trips to learn about farming and nutrition. Trumark has allotted part of their Voluntary Community Benefit to help fund the installation of electricity and a sound system in the existing barn. The barn will serve as a future learning center for students visiting on field trips and when the farm is open to the community.

The District is very grateful for the community partnership with Trumark Homes LLC and looks forward to working together on the above mentioned projects to provide much needed improvements for the District, our students, and the community.

Sincerely,

Michal Healy
 Director, Facility Development and Planning
 Ph. 408.423.2085

L1-1

Letter L1	Santa Clara Unified School District Michal Healy, Director of Facility Development and Planning December 3, 2018
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- L1-1 The comment states their support for the project and explains that Trumark Homes LLC has agreed to contribute a voluntary community benefit (VBC) to the Santa Clara Unified School District in addition to the required developer fee.

This comment is noted.



1889 Lawrence Road
 Santa Clara, CA
 95051
 408-423-2000

December 3, 2018

Letter
L2

Chairperson Daniel Howard and Members of the Planning Commission
 City of Sunnyvale
 456 W. Olive Avenue
 Sunnyvale, CA 94086

Subject: Santa Clara Unified School District Letter of Support for the Corn Palace Residential Project by Trumark Homes LLC.

Dear Chairperson Howard and Members of the Planning Commission:

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The District has an 11-acre farm located in the City of Sunnyvale. Students from all over the District visit the farm on field trips to learn about farming and nutrition. Trumark has allotted part of their Voluntary Community Benefit to help fund the installation of electricity and a sound system in the existing barn. The barn will serve as a future learning center for students visiting on field trips and when the farm is open to the community.

The District is very grateful for the community partnership with Trumark Homes LLC and looks forward to working together on the above mentioned projects to provide much needed improvements for the District, our students, and the community.

Sincerely,

Michal Healy
 Director, Facility Development and Planning
 Ph. 408.423.2085

L2-1

<p>Letter L2</p>	<p>Santa Clara Unified School District Michal Healy, Director of Facility Development and Planning December 3, 2018</p>
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L2-1 The comment letter is identical to Letter L1 but is addressed to City of Sunnyvale Planning Commissioners.

This comment is noted.

2.3.3 Individuals

**Letter
I1**

Shetal Divatia

From: Adriana Hartley [REDACTED]
Sent: Monday, December 17, 2018 6:54 PM
To: Shetal Divatia
Subject: Vote for Corn Palace Low density housing

Hi there,

We have lived in the Ponderosa Neighborhood for 18 years. Over the past few years, we can hardly move through our city because of the traffic woes. I 11-1

Please consider our vote in restricting the level of housing being developed at the Corn Palace location. I 11-2

We are worried for the quality of life including school utilization being overpopulated, road infrastructure not being able to handle the throughput, long lines and wait times at Costco and grocery stores in the surrounding neighborhoods. I 11-3

Sunnyvale used to be a quiet, safe, charming city and now it feels like a big, oversized city that is not so quaint and family friendly. I 11-4

Thank you for your consideration.

The Hartley Family

Letter I1	Adriana Hartley December 17, 2018
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- 11-1 The comment expresses concern regarding increased traffic in the City over the past few years.
Please refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts.
- 11-2 The comment requests that the level of housing developed at the project site be restricted.
Please refer to Master Response 1: Project Description.
- 11-3 The comment expresses concern related to quality of life in the surrounding neighborhoods, including overpopulated schools, inadequate road infrastructure to handle increased traffic volumes, and the project’s impact on lines and wait times at local stores.

Public service impacts were addressed in Chapter 1, “Introduction,” of the DEIR. Regarding traffic concerns, please refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts. Pursuant to State CEQA Guidelines Section 15131(a) economic or social effects of a project (i.e., quality of life concerns) are not treated as significant effects on the environment and, therefore, are not evaluated in the DEIR. The comment offers no evidence that would alter the analysis or conclusions of the DEIR; therefore, no further response can be provided.
- 11-4 The comment states that Sunnyvale used to be quiet, safe, and charming, but now feels like a big city.

This comment is noted. Pursuant to State CEQA Guidelines Section 15131(a) economic or social effects of a project (i.e., quality of life concerns) are not treated as significant effects on the environment, and, therefore, not evaluated in the DEIR.

Letter
I2

Shetal Divatia

From: Andrea Haro <[REDACTED]>
Sent: Monday, December 17, 2018 6:45 PM
To: Shetal Divatia
Subject: corn palace development

City of Sunnyvale, Corn palace development, please do not accept more than originally purposes 58 units housing. Traffic congestion is already so bad on Lawrence expressway!
Thank you for attention

I2-1

Letter I2	Andrea Haro December 17, 2018
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I2-1 The comment requests that the number of project units not be expanded beyond the 58 units proposed and states that Lawrence Expressway traffic is already bad.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Regarding traffic concerns, please refer to Master Response 2: Traffic.

Letter
I3

From: Andrew Liu <[REDACTED]>
Sent: Thursday, November 15, 2018 10:09 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: FW: Corn Palace Development

Dear City staff

Here are a few of my request for Corn Palace development.

1, Please request builder (Trumark) build on streets first, such as Toyon, Lily and Dahilia to minimize disruption, nuisance, noise and dust.

I3-1

2, After people move in to their new houses there will be even more traffic in the area. Please add a stop sign on the West direction of Poinciana Dr (intersection of White Oak Ln) or maybe make it a four way stop.

As people try to make their left turn from White Oak Ln on to Lawrence, it is very hard to see traffic coming from West of Poinciana Dr, especially in the morning when a lot of cars park on the street blocking the view. Also traffic making the right turn from Lawrence do not have stop sign and they usually come fast, so watch both sides of traffic getting very challenge.

In the morning, I've seen some people, instead of wait for the traffic light on Lawrence, they make a right turn on to Poinciana Dr, U-turn and turn right on to Lawrence to avoid the wait for the traffic light. 3, Make Toyon street wider.

I3-2

Thanks
Andrew

Letter I3	Andrew Liu November 15, 2018
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- I3-1 The comment requests that the developer start building near existing streets (Toyon, Lily, and Dahlia) first to minimize disruption, nuisance, noise, and dust.

This comment is noted. As described in Section 4.2, “Air Quality,” page 4.2-13 of the DEIR, implementation of Mitigation Measure 4.2-1 would reduce fugitive PM₁₀ and PM_{2.5} dust emissions during project-related construction to a less-than-significant level. The analysis concluded that all other air quality issues would result in a less-than-significant impact. As discussed in Section 4.9, “Noise,” of the DEIR, implementation of Mitigation Measure 4.9-1 would provide some reductions in levels of construction noise exposure at noise-sensitive receptors. However, construction activities could occur approximately 50 feet from existing residential uses to the south, west, and north of the project site. Although noise reduction would be achieved with implementation of Mitigation Measure 4.9-1, it is likely that noise levels would exceed 60 energy-equivalent noise levels (the City’s daytime noise standard) at the nearest sensitive receptors during daytime hours. Therefore, this impact would remain significant and unavoidable. The developer has indicated that the new homes would generally be constructed in batches of four to eight homes and that it’s their intention to construct homes adjacent to Toyon Avenue first. While it may be feasible for the contractor to complete home construction closest to Toyon Avenue first, it would not change the significance conclusions of the DEIR for air quality and noise impacts as these impacts would still occur in proximity to sensitive receptors.

- I3-2 The comment states that project operation will result in more area traffic and requests a stop sign or four-way stop at the intersection of Poinciana Drive/ White Oak Lane and widening of Toyon Street.

As described in Section 4.7, “Transportation and Circulation” of the DEIR, White Oak Lane is identified as a key roadway within the project study area and the intersection of Poinciana Drive/Klamath Avenue-White Oak Lane and Poinciana Drive-Cabrillo Avenue/Lawrence Expressway are two of 11 study intersections that were included in the project analysis (refer to page 4.7-3 of the DEIR). As stated on page 4.7-22 of the DEIR, the existing intersection of Lily Avenue/White Oak Lane would be modified to operate as an uncontrolled curve between the south and west legs of the intersection by removing the stop-control on the northbound approach, reducing the road width to better channelize vehicles through the curve, and removing existing short east leg of the intersection. However, the DEIR did not identify a significant impact with implementation of the project that would require additional project improvements at the Poinciana Drive/Klamath Avenue-White Oak Lane intersection. The commenter does not explain why Toyon Street should be widened. The need to widen Toyon Avenue was not identified in the DEIR traffic analysis. Potential traffic impacts of the project were adequately addressed in Section 4.7 and Section 6.1, “Cumulative Impacts,” of the DEIR, which concluded that operational traffic impacts would be less than significant and temporary construction-related traffic impacts would be reduced to a less-than-significant level with incorporation of mitigation.

Letter
14

Shetal Divatia

From: Anita [REDACTED]
Sent: Monday, December 17, 2018 3:17 PM
To: Shetal Divatia
Subject: Comments re: Corn Palace Project
Attachments: Corn Palace Development Letter Dec 2018.docx

Hi Shetal,
I have attached a Word doc with my comments following the recent Planning Commission meeting. I hope my concerns (and those of my neighbors) will make a difference to the Commission.

Please let me know if you have any difficulty accessing the document.

Thanks,
Anita Clemetson
[REDACTED]

I
I4-1

Shetal Divatia, Senior Planner (sdivatia@sunnyvale.ca.gov)

Dear Shetal,

When my neighbors and I left the Public Scoping meeting in May, we were left with the (mistaken) understanding that the development plan of 58 two-story houses was a “done deal” but there could be some tweaking of the details (such as whether Dahlia Court would become a through-street – a detail very important to us) and might be somewhat modified as a result of the various required studies.

14-2

I am submitting this document as a follow-up to my attendance at the recent Planning Commission meeting to evaluate the environmental impact of the Corn Palace development. We now realize that the project is still in flux. Needless to say, we were stunned to hear that some of the Planning Commission members are suggesting that it would be better to have even more houses, possibly even changing it to high-density zoning for this project. I can’t state strongly enough how much I disagree with this! I’m not very comfortable speaking in front of large groups, but I wish I had pushed myself to speak up so that the Commission could understand how important this is. My neighbors expressed similar regrets as we left.

14-3

The growth in the area along Lawrence Expressway is already unbelievable. Within one mile of our houses (and the proposed Corn Palace development) we have the Monticello site with 825 units, the Nuevo site with 994 units, the Gateway Village development with 476 units, and the AMD project with more than 1,000 units. These approved projects represent nearly 3,300 units of housing, all within ONE mile!! This is only the development along Lawrence Expressway -- I shudder to think about all the additional people and cars with the redevelopment along El Camino in this area. How much is too much? The traffic is already horrendous. It’s unrealistic to think that suddenly all these new residents will decide to utilize our sadly lacking transit system and leave their cars behind. The environmental impact of noise, vibration and air pollution by adding even more housing along this corridor has to be significant. If the rumored developments of Lawrence Square and Peninsula Building Materials happen, this impact is even more critical.

14-4

It’s interesting to note that despite the “housing crisis” and the reported lack of housing, the Monticello complex is not only under-occupied; they are currently offering monetary bonuses to encourage people to live there! Crisis?

14-5

We already have constant noise and pollution from the Expressway running behind our houses; please don’t create another traffic/pollution/noise issue and eyesore in our front yards by squeezing in even more housing than the proposed 58 houses. I am retired after working and living in Sunnyvale for more than 40 years, so the impact of this is significant to me since I spend most of my time at home and in the yard.

14-6

I understand the motivation to allow/encourage mega-companies like Amazon, Apple and Google to come into our neighborhoods, but it shouldn’t make us responsible for squeezing housing into every square inch to accommodate them. Let’s show some regard for our current residents and the quality of their lives and not just for people who haven’t even come to the area yet.

14-7

Thank you for your consideration.

Anita Clemetson (1151 Dahlia Ct. (408) 984-2616)

Letter 14	Anita Clemetson December 17, 2018
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14-1 The comment provides prefatory remarks to more detailed remarks stated later in the letter.

Please refer to Response to Comments 14-2 through 14-7.

- I4-2 The comment refers to the public scoping meeting for Corn Palace DEIR that left her with the understanding that 58 units were proposed and that there could be some tweaks made to street details based on studies.

The project is proposed for 58 residential units. Page 3-4 of the DEIR provides a description of proposed site access, and Exhibit 3-2 (page 3-5) of the DEIR shows the proposed private street, project frontage, and interior roadway cross-sections.

- I4-3 The commenter states she was stunned to find that some members of the City Planning Commission were interested in more units or higher density zoning onsite and states her opposition to an increase.

This comment is noted. The design of the project has not changed since the Planning Commission meeting on December 10, 2018. Please refer to Master Response 1: Project Description.

- I4-4 The comment states that nearly 3,300 units of approved housing are located within one mile of the project site and expresses concern at how additional people and cars associated with redevelopment along both Lawrence Expressway and El Camino will impact traffic problems.

Please refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts for responses to these concerns.

The commenter adds that it's unrealistic to think new residents will decide to use transit instead of their cars and that the addition of all of these developments is sure to result in significant impacts related to noise, vibration, and air pollution, particularly if developments at Lawrence Square and Peninsula Building Materials were to occur. Consistent with methods described in the Santa Clara VTA TIA Guidelines, Institute of Transportation Engineers Trip Generation Manual rates were used to estimate project trip generation and does not assume project residents would use transit. Please refer to pages 4.7-22 and 4.7-23 of the DEIR for more information related to project trip generation. As analyzed and discussed in Section 6.1 of the DEIR (pages 6-9, 6-15, and 6-15), the project's potential contribution to noise, vibration, and air pollution impacts would not be cumulatively considerable.

- I4-5 The comment describes a housing complex in the area and its lack of occupation despite the housing crisis.

This comment is not related to the project and does not address the adequacy of the DEIR as an informational document. No further response is required.

- I4-6 The comment references existing traffic, pollution, aesthetic, and noise issues associated with Lawrence Expressway in the project area and requests that this not be exacerbated by squeezing more houses on the site than currently proposed.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Traffic, pollution, aesthetic, and noise impacts were adequately addressed in, Section 4.7, "Transportation and Circulation," Chapters 1, "Introduction" (aesthetics), and Section 4.9, "Noise and Vibration," of the DEIR.

- I4-7 The comment expresses the opinion regarding housing developments in the project area.

This comment does not address the adequacy of the DEIR. The comment is noted and will be provided to the decisionmakers during review/consideration of the project.

**Letter
I5**

Shetal Divatia

From: Barbara Gasdick [REDACTED]
Sent: Monday, December 17, 2018 3:28 PM
To: Shetal Divatia
Subject: Limit Housing Development

Dear Planner Divatia,

I learned that at the most recent Planning Commission meeting, there was a push to change the remaining Corn Palace area from a low/medium density project to a high-density with approx 100+ units.

Within a mile of the proposed Corn Palace development, there's the Monticello site with 825 units, the Nuevo site (by Costco) with 994 units, the Gateway Village development (Kohl's site) with 476 units, and the AMD project with more than 1,000 units. These approved projects represent nearly 3,300 units of housing, all within ONE mile!!

I'm sure you know how to multiply this total number of housing units by the number of people and cars that would also come with them. This is totally unacceptable for the current residents who moved here long ago and have supported Sunnyvale and its government for many years. In addition I pay Santa Clara school taxes since I am in their district and do much of my shopping and chores in Santa Clara.

I urge you to limit any further development in this area and certainly not to increase it beyond the planned 58 units. I'm interested in your feedback on this.

Sincerely,

Barbara Gasdick
 1132 Myrtle Drive
 Sunnyvale CA 94086

I5-1

Letter I5	Barbara Gasdick December 17, 2018
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I5-1 The comment expresses concern regarding statements at the Planning Commission public meeting to provide 100 or more units onsite. The commenter also explains that congestion from nearby planned developments is unacceptable. The commenter encourages the City to not increase housing at the site beyond 58 units.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Regarding congestion from planned developments, please refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts.

**Letter
I6**

-----Original Message-----
From: Blietzan [REDACTED]
Sent: Monday, December 17, 2018 1:39 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: Corn palace development

Please keep the density of that development to the original 58 residential units. I have lived in my home on Evelyn Avenue for over 37 years. Obviously I have seen many changes to the valley. Evelyn is the route for many more commuters. The rush hours traffic speed is controlled by the commuters at a reasonable rate. During off hours, it is a race track. The logic for these drivers is: What speed can I reach driving from Wolfe Avenue to Reed Avenue? This is particularly true when the light at Aster and Evelyn is green. Then, they have to slam on the brakes if the light at Reed is Yellow or Red. I have seen numerous cars run the yellow and God forbid if another car is in the intersection on Reed. I appreciate you taking my input. Please keep the original development at 58 units.

I
I6-1

Barbara Lietzan
1056 East Evelyn Ave

Letter I6	Barbara Lietzan December 17, 2018
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I6-1 The comment requests no more than 58 units at the project site and describes her observation and opinions regarding the traffic speeds of commuters in the project vicinity.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Regarding traffic speeds, this comment reflects the commenters observations and opinion, which are noted for consideration. The comment does not raise any issues with the analysis provided in the DEIR. Please refer to Section 4.7, "Transportation and Circulation," and Master Response 2: Traffic of the DEIR for a discussion of the project's impacts.

Letter
17

Shetal Divatia

From: Beth Stannard [REDACTED]
Sent: Monday, December 17, 2018 9:41 PM
To: Shetal Divatia
Subject: Corn Palace Development

Hello,

As a 12 year resident of Santa Clara, residing near Lawrence and Monroe, I am writing to express my desire to keep the Corn Palace to 58 single family homes.

There is too much high density housing going up, not enough space for all the people, too much traffic back up on Lawrence, and Santa Clara is suffering.

Please so not allow any more than the currently planned 58 homes to go in at Corn Palace.

Sincerely,
Beth Stannard
3545 Notre Dame Dr
Santa Clara, CA 95051

17-1

**Letter
17**

Beth Stannard
December 17, 2018

17-1 The comment expresses a desire to keep housing units at Corn Palace to 58 and expresses concern related to too much high-density housing, a lack of space for the people, traffic back-up on Lawrence Expressway, and the opinion that Santa Clara is suffering as a result.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Regarding the commenters other concerns, these comments express the commenter’s opinion but do not address the adequacy of the DEIR. Please refer to Section 4.7, “Transportation and Circulation,” of the DEIR and Master Response 2: Traffic for a discussion of the project’s impacts.

Letter
18

From: Bob Chupp [REDACTED]
Sent: Friday, December 14, 2018 2:49 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: Corn Palace parcel

Hi Shetal,

My name is Bob Chupp and I have a home on Dahlia Ct near the Corn palace. I attended the recent City Council meeting and heard some of the suggestions to make more housing available beyond the 58 private homes. You can probably guess what concerns I have, but I just wanted to comment on a few of the reasons suggested for adding to the original 58. One person mentioned that is was important for Sunnyvale to provide more housing availability. My thought is that maybe that isn't what Sunnyvale should be doing. Because of all the current congestion on our streets and the strain on infrastructure, perhaps it's time to actually reduce the demand for housing. I understand this means that, for some people, it may mean, not moving to the area in the first place. If we're ever going to get housing prices (and rents) back to a reasonable level, beginning by not encouraging people to come here might be a way to start.

18-1

It was suggested that the Corn Palace property was fairly close to public transportation. Number one, it's not really that close to Caltrain, and even if it were, the mass transportation in the area needs a great deal more work before it's anywhere close to being a realistic way of getting people out of their cars. Adding yet additional traffic by building more homes will only mean more cars.
If we have to lose the Corn Palace open land, then let's seriously consider building the least amount of homes we can.

18-2

Thanks very much for listening.

Bob Chupp
Business Technology Solutions: Core Banking Applications
First Tech Federal Credit Union

[REDACTED]
[REDACTED]
firsttechfed.com

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**Letter
18****Bob Chupp**
December 14, 2018

-
- I8-1 The comment expresses concern regarding statements to develop more than 58 homes at the project site and provides reasons to consider reducing housing demand in the City (i.e., existing traffic congestion and strain on infrastructure).

Please refer to Section 4.7, "Transportation and Circulation," of the DEIR and Master Response 2: Traffic for a discussion of the project's impacts. Regarding reasons to reduce housing demand in the City, this comment is not related to the project and does not address the adequacy of the DEIR as an informational document. No further response is required.

- I8-2 The comment expresses an opinion on housing and rental prices.

This comment is not related to the project and does not address the adequacy of the DEIR as an informational document. No further response is required.

The comment also expresses the opinion that a lot of mass transportation improvements would be needed to get more people out of their cars. A description of existing transit services in the project area is provided on page 4.7-15 and shown in Exhibit 4.7-5 of the DEIR. As shown in Exhibit 4.7-5 of the DEIR, the nearest Caltrain station is Lawrence Station and is located approximately 0.5 mile from the project site. As described in Impact 4.7-3 of the DEIR (pages 4.7-33 through 4.7-34), the analysis concludes that transit facilities in the vicinity of the project are adequate to accommodate the increase in transit demand generated by the project, and the project would not adversely affect existing or planned transit service. The comment expresses an opinion and does not address the adequacy of the DEIR. No further response is required.

Letter
19

From: Bonnie Montgomery [REDACTED]
Sent: Monday, December 17, 2018 11:07 AM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Cc: Dscwu [REDACTED]
Subject: Comments on DEIR for Corn Palace Project

Dear Shetal,

I was pleased to make your acquaintance at the December 5th Sunnyvale Heritage Preservation Commission meeting. After the presentation on the Corn Palace Project, I told you that I would send you my comments on Carey & Company's Historic Resource Evaluation. Finally, just under the wire, here they are.

The Carey & Company evaluation of the Corn Palace farm stand and 8.8 acres of cropland is inadequate, in that it does not trace the history of the site before 1926. I have since learned that even Carey & Company's claim that Michael Francia purchased the 20-acre tract in 1926 is incorrect. Perhaps the Francia family rented the land from the owners as early as 1926, but I find that the Francia brothers did not purchase the tract until April 2, 1952. Laura I. Brown deeded an approximately 10-acre parcel that bordered Lawrence Expressway to Ben and Jennie Francia (Santa Clara County Official Records [SCC OR] Book 2393, Page 199). Ms. Brown deeded another approximately 10-acre parcel to Joseph Francia on the same date (SCC OR Book 2393, Page 200). The brothers agreed between themselves to share a well and pumping plant that already stood on Joseph Francia's land when he took title (SCC OR Book 2393, Page 469).

The Francia brothers purchased portions of Lot 13 of the Jackson tract, original a 26.5-acre tract. The subdivision map was recorded on February 11, 1885, and can be found in Santa Clara County Recorded Maps Book B, Page 18. The assessor's parcel map (Book 213, Page 12) shows the entirety of Lot 13. Attached is a 1990 APN map that shows the 20 acres divided between two parcels.

Thus far I have traced the ownership of the western 6.5 acres of Lot 13 as far back as May 1936, when Louis Gustave Lauret took out on a mortgage on the property which was secured by his sister and brother-in-law, Rachel Lauret Chauvaud and Edward Marie Chauvaud (SCC OR Book 772, Page 226). Louis Lauret sold his 6.5-acre ranch to Rose Hyde on December 9, 1942 (SCC OR Book 1123, Page 245).

The Jackson tract was named for Abram Jones Jackson, who settled in Santa Clara County in the latter half of 1849, according to a biographical sketch published after his death (H. S. Foote, *Pen Pictures from the Garden of the World* [Chicago: Lewis Publishing Company, 1888], 535). Jackson married Amanda Senter on March 20, 1851, in Santa Clara. Amanda was the daughter of Isaac Newton Senter, who became in 1852 the first chair of the Santa Clara County Board of Supervisors. An auditorium adjacent to the Supervisors' Chambers is named for him.

On January 10, 1868, A. J. Jackson received a patent on 160 acres of land from the U.S. General Land Office. It was the southwest corner of Section 32, Township 6 South, Range 1 West. The 1853 survey of the Section shows the southwest corner already fenced. Given that A. J. Jackson married Amanda Senter in 1851 and that her father owned an adjacent homestead, A. J. Jackson likely occupied this area from the early 1850s and erected that fencing.

Mr. Jackson died in 1871 at the age of 40, leaving his widow Amanda and six children under the age of 18. Mrs. Jackson claimed the northerly 60 acres for her own homestead and lived in a house near Lawrence Station. The southerly 100 acres was kept in Mr. Jackson's estate for fourteen years, presumably until his minor children came of age. It is that 100 acres that was subdivided into the Jackson tract in 1885. The owner of Lot 13 in December 1885 was J. D. Gove, according to a survey of the Lawrence Station area by Henry A. Brainard.

I can provide full documentation for the title of the Jackson ranch between the 1850s and 1885. The gap between 1885 and 1952 should be researched before any history of the Corn Palace is placed in a local archive. The last farmland left in Sunnyvale deserves such documentation.

Sincerely yours,

Bonnie Montgomery
421 N 5th St, San Jose, CA 95112
408-439-9073

19-1

Response to Draft EIR for Corn Palace Project
APN 213-12-001

History of Southwest Quarter of Section 32, Township 6 South, Range 1 West
Patented to A. J. Jackson, 1868

19-2

Bonnie Montgomery, Historical Consultant
421 N 5th St
San Jose, CA 95112
bmontgom@mac.com
408-439-9073

December 15, 2018



Figure 1. Section 32 Original Survey.

The farmland on which the Corn Palace stands is outside the boundaries of the Mexican-period land grants. To the northeast was Rancho Pastoria de las Boregas, granted to Francisco M. Estrada in 1842. To the south was Rancho Quito, granted to José Noriega and his father-in-law, José Zenon Fernandez, in 1841. The Treaty of Guadalupe Hidalgo ended the Mexican-American War of 1846 to 1848 and transferred ownership of California to the United States of America. Following the admission of California as a state in 1850, the U.S. Surveyor General planned the mapping of the public lands outside of the claims of Mexican landowners and pre-1848 American settlers. A meridian was established from the peak of Mount Diablo in 1851, and the township boundaries surveyed the same year.

The subject property is in Township 6 South of the Mount Diablo Meridian, and in Range 1 West of the meridian. Surveyors mapped the section lines of the township in 1853. The subject property is in the southwest quarter of Section 32. Figure 1 shows Section 32 on the original township survey plat. The southwest quarter of 160 acres shows a white oak in the northwest corner, which served as a surveying landmark, and fencing at the southern boundary.¹

Abram Jones Jackson purchased the southwest corner of Section 32 and received his patent from the General Land Office in San Francisco on January 10, 1868. Based on a biographical sketch published after his death, A. J. Jackson appears to have claimed those 160 acres by the time of the 1853 survey and caused the mapped fencing to be erected. Born in 1827, Jackson was a veteran of the Seminole War in Florida and the Mexican-American War, serving in Mexico. Mustered out in Ohio in 1848, Jackson embarked for California that year by way of Panama. He spent time in the Gold Country before settling in Santa Clara County in the latter part of 1849.²

19-2
cont.

¹ The complete township map may be viewed at U.S. Department of the Interior, Bureau of Land Management, U.S. General Land Office Records, https://glorerecords.blm.gov/details/survey/default.aspx?dm_id=380646&sid=g1lrs0um.51m (accessed December 14, 2018). Portions of the two Mexican land grants are visible, and Section 32 is at the township’s southern border. Andro Linklater presents an account of the surveying of California in his book *Measuring America* (New York: Walker & Company, 2002), 219–223.

² Patent of A. J. Jackson, U.S. Department of the Interior, Bureau of Land Management, U.S. General Land Office Records, https://glorerecords.blm.gov/details/cdi/default.aspx?doc_id=1238905&sid=dl45b22d.w2t (accessed December 14, 2018). H. S. Foote, *Pen Pictures from the Garden of the World* (Chicago: Lewis Publishing Company, 1888), 535.

On March 20, 1851, A. J. Jackson married Amanda Senter, a daughter of Judge Isaac Newton Senter and his wife Rebecca. I. N. Senter came overland to California with his family in 1849 and settled “three miles west of Santa Clara” in 1850, engaging in farming at the “Senter Homestead.” This description corresponds to the 147.5 acres belonging to I. N. Senter in Figure 2, a portion of the 1876 Thompson & West *Historical Atlas of Santa Clara County*. Senter’s land met Jackson’s at the northwest and southeast corners, further suggesting that Jackson had settled in the area by 1851. Isaac Newton Senter was a notable personage in Santa Clara County, serving in 1852 as the first chair of the Santa Clara County Board of Supervisors. He became a county judge in the 1860s. An auditorium adjacent to the Santa Clara County Board of Supervisors chambers is named for him. A. J. Jackson’s neighbors were also early settlers: Albert C. Lawrence settled on his 80-acre ranch to the north in 1852. James Enright purchased his 600-acre ranch to the east in 1847, which is why its boundaries do not conform to the later township and range grid imposed by the U.S. government.³

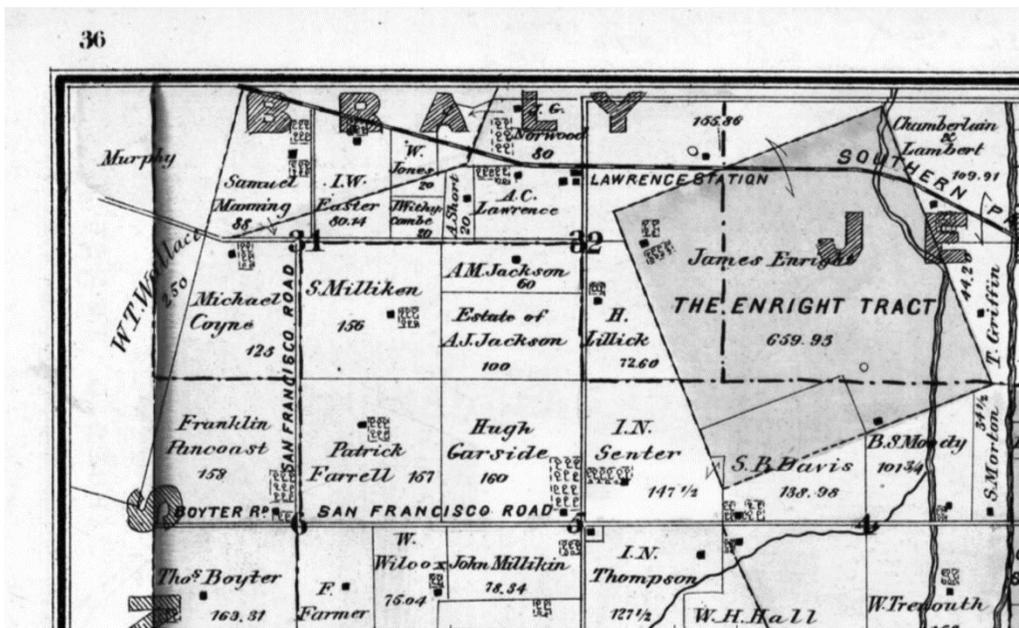


Figure 2. Southwest quarter of Section 32, belonging to Amanda Jackson and the estate of her late husband, A. J. Jackson, 1876.

A. J. Jackson and his wife Amanda had three children by the time of the 1860 federal census: Franklin, Edith Eda, and Newton. His oldest son was then eight years old. Jackson farmed his 160 acres with the assistance of two white male farmhands in their twenties. His neighbors likewise used white male labor to farm their wheat ranches. In Figure 2, a black square at the

³ Foote, *Pen Pictures*, 479–480, 535, 575–576; Glory Anne Laffey and Robert G. Detlefs, *County Leadership: Santa Clara County Government History* (San Jose: County of Santa Clara Historical Heritage Commission, 1995), 120; Thompson & West, *Historical Atlas Map of Santa Clara County* (San Francisco, 1876), 36.

19-2
cont.

ranch's northern boundary represents the Jackson farmhouse. During the Civil War, A. J. Jackson returned to military service to keep "the State of California loyal to the government." He joined the State Militia as a captain, achieving the rank of Colonel in 1864. He was stationed in San Francisco and honorably discharged on October 15, 1865. During his time away in the military, the San Francisco and San Jose Railroad began service to San Jose on January 16, 1864. Lawrence Station, seen in Figure 2, was named for A. C. Lawrence, on whose ranch it stood. The surveyor's line bisecting Section 2 from north to south became Lawrence Station Road.⁴

In the 1870 census, A. J. Jackson and his 11-year-old son Newton were living at the Jackson ranch, while Amanda Jackson was living at the "Senter Homestead" with her mother and father and three of her children, Franklin, now age 16, Charles, age 7, and Clara, age 6. Although not enumerated, her youngest son, Wilbur, was then age 3. Edith Eda Jackson, age 15, was a student boarding at St. Catherine's Convent and School in Benicia, CA.

Abram Jones Jackson died January 11, 1871, at the age of 40. His will, filed January 21, 1871, stated that his wife owned half of his estate. He left the remaining half to his three older children, Franklin, Edith Eda, and Newton, but made "no provision of any kind" for his three younger children, Charles Edgar, Clara Amelia, or Wilbur. A codicil provided for all of his children equally. At a probate hearing on August 19, 1871, Amanda Jackson was awarded a homestead of 60 acres, the northerly portion of the southwest corner of Section 32. Besides his real estate, A. J. Jackson left five head of horses, a buggy and harness, along with ploughs, harrows, and cultivators, all suggestive of grain cultivation on his ranch.⁵

The southerly 100 acres appeared on the 1876 atlas map of Santa Clara County (Figure 2) as belonging to the "Estate of A. J. Jackson." Perhaps because Jackson's children were ages 3 through 18 when he died, the estate was holding the land for them until they all reached majority. This tract was finally subdivided and recorded on February 11, 1885 (Figure 3). Jackson Avenue (now called Lily Avenue) bisected the parcel. Ten lots were five acres each, and two lots were around 12 acres. The largest, Lot 13, was 26.5 acres. The subject property is a portion of Lot 13.⁶

The Jackson tract was representative of many larger ranches in the Santa Clara Valley that were subdivided in the 1880s. As the railroads increased their capacity to ship fruit and vegetables all over the country, and as canning technology improved, wheat farms were no longer the most profitable way to use the land. Smaller tracts could sustain new settlers who planted orchards or truck gardeners. Santa Clara County booster H. S. Foote began a periodical called *Santa Clara*

19-2
cont.

⁴ "Grand Celebration of the Opening of the San Jose Railroad," *Daily Alta California*, January 17, 1864 (accessed December 14, 2018, at UCR Center for Bibliographical Studies and Research, California Digital Newspaper Collection, <http://cdnc.ucr.edu>).

⁵ A. Jones Jackson Probate Records, File No. 74 15860-74 15875 (accessed December 14, 2018, at *California, Wills and Probate Records, 1850-1953*, <http://search.ancestry.com/search/db.aspx?dbid=8639>).

⁶ Thompson & West, *Historical Atlas Map of Santa Clara County* (San Francisco, 1876), 36; Plat of the Subdivision of the Jackson Tract, Santa Clara County Recorded Maps Book B, Page 18, February 11, 1885.

Valley in 1885 that mapped the new farmlands and documented the success of farmers, orchardists, and viticulturists. Foote hired Henry A. Brainard to survey and map the county. In December 1885, *Santa Clara Valley* published a map of the Lawrence Station area, which shows the Jackson Tract (Figure 4). Four of the five-acre tracts had sold during the course of 1885, as well as Lot 13, which listed J. D. Gove as the owner. Gove may have been an absentee landlord, since his or her presence is not listed in local directories of the period.⁷

The history of Lot 13 still needs to be written beyond 1885. Thus far I have traced the ownership of the western 6.5 acres of Lot 13 as far back as May 1936, when Louis Gustave Lauret took out on a mortgage secured by his sister and brother-in-law, Rachel Lauret Chauvaud and Edward Marie Chauvaud. Louis Lauret sold his 6.5-acre ranch to Rose Hyde on December 9, 1942. This ranch was subdivided into 31 house lots and recorded as Tract 5580, Kentwood Estates, on April 1, 1975.⁸

A search of county official records does not support Carey & Company's claim that Michael Francia was granted the easterly 20 acres of Lot 13 in 1926. Rather, the Francia brothers purchased it on April 2, 1952. Laura I. Brown deeded an approximately 10-acre parcel that bordered Lawrence Expressway to Ben and Jennie Francia. Ms. Brown deeded another approximately 10-acre parcel to Joseph Francia on the same date. The brothers agreed between themselves to share a well and pumping plant that already stood on Joseph Francia's land when he took title.⁹

Figure 5 is a county APN map issued in 1990 shows the three divisions of Lot 13. The westernmost 6.5 acres was developed as housing in 1975. The middle parcel belonging to Joseph Francia, which was subdivided into 40 house lots as Tract 10101, The Estates at Sunnyvale, on July 10, 2012. The easternmost parcel, the subject property, was the portion of Ben Francia and his wife Jennie.¹⁰

19-2
cont.

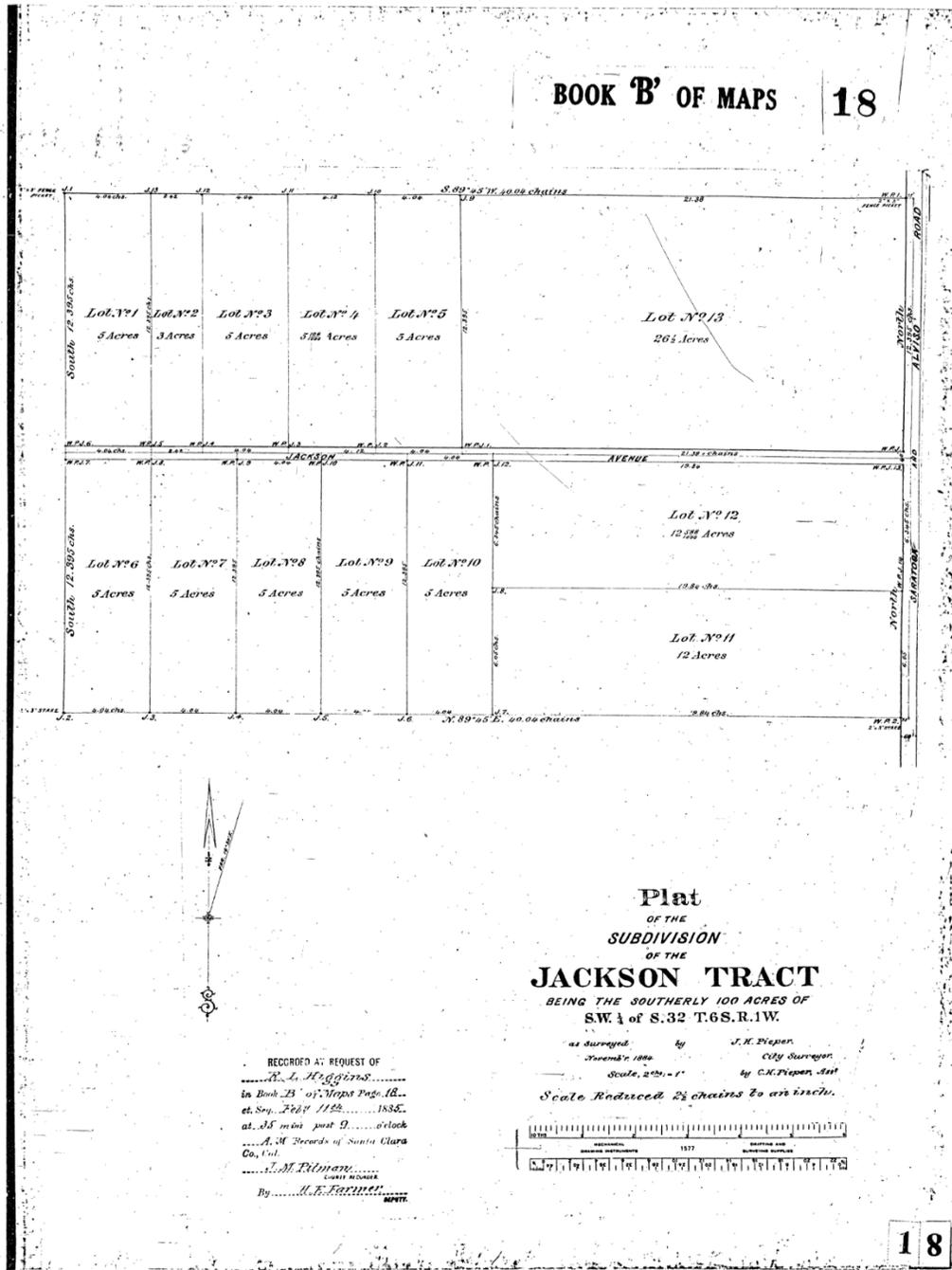
⁷ *Santa Clara Valley*, No. 10, December 1885. Facsimile available at the California Room, San Jose Public Library and online at <http://digitalcollections.sjlibrary.org/cdm/ref/collection/sjplmaps/id/83>.

⁸ Santa Clara County Official Records Book 772, Page 226; Santa Clara County Official Records Book 1123, Page 245; Santa Clara County Recorded Maps Book 353, Pages 31–32.

⁹ Santa Clara County Official Records Book 2393, Pages 199, 200, 469

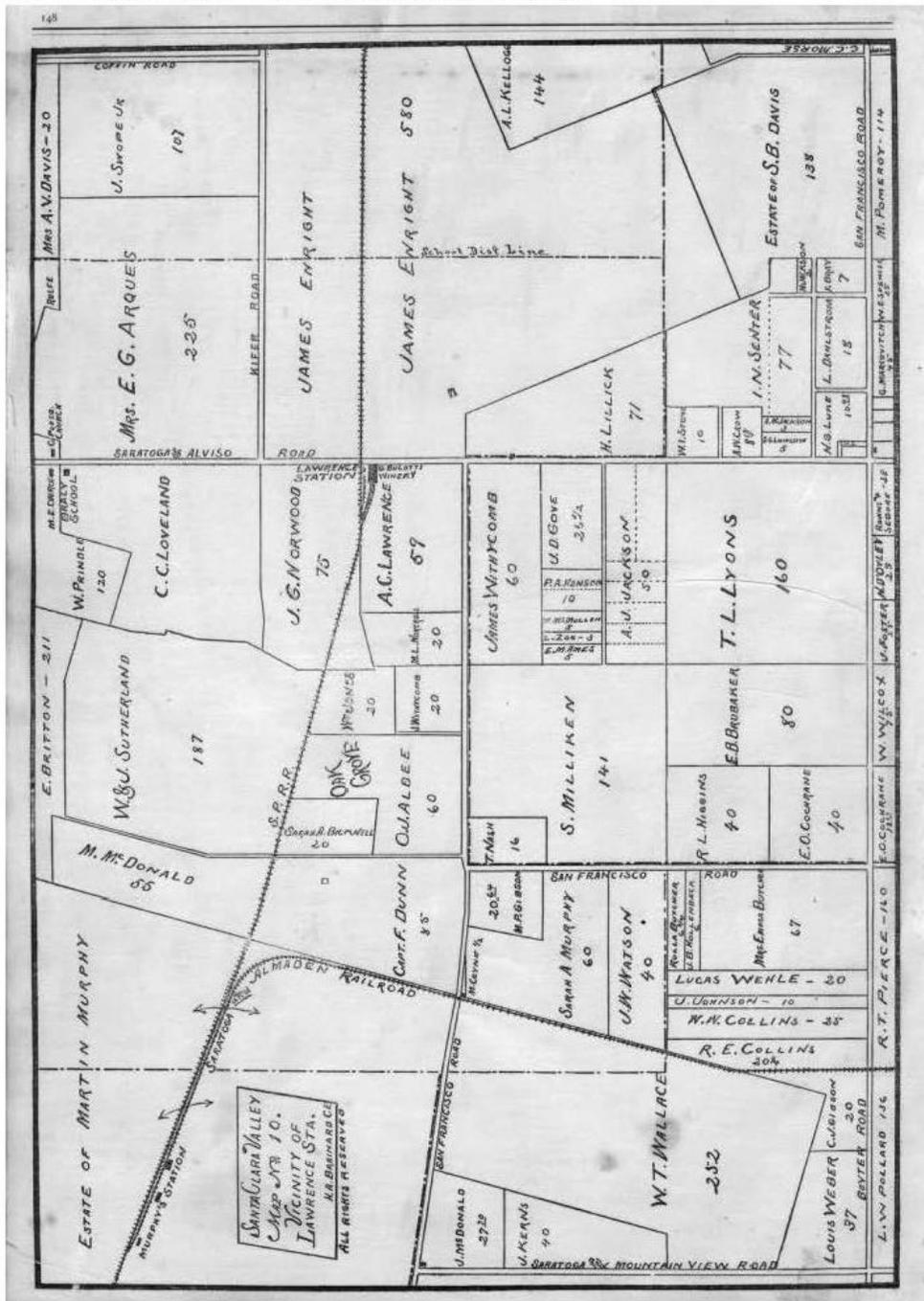
¹⁰ Santa Clara County Assessor's Parcel Map Book 213, Page 12; Santa Clara County Recorded Maps Book 854, Pages 8–13.

Figure 3. Jackson Tract, February 11, 1885 (Maps Book B, Page 18).



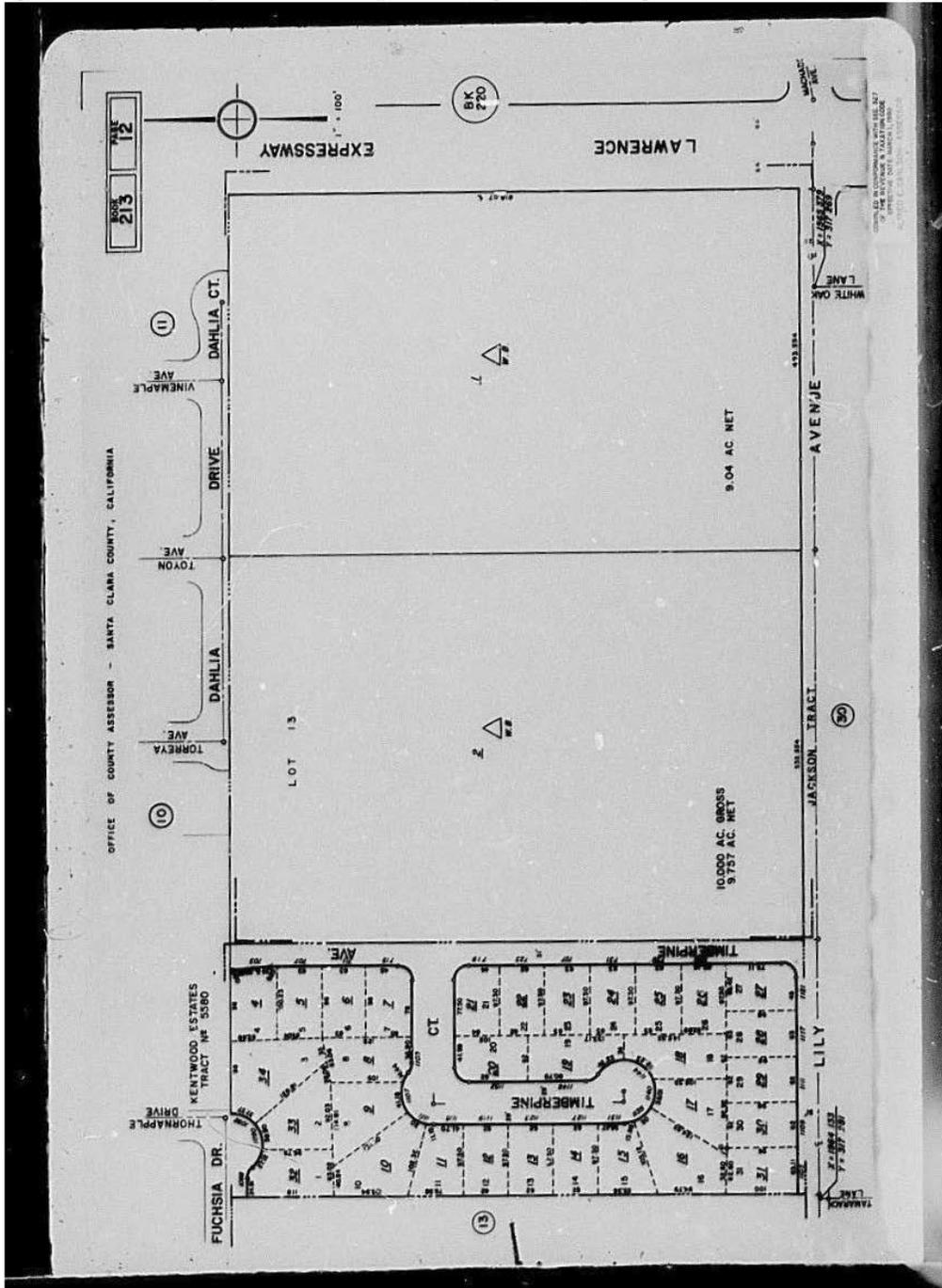
19-2
cont.

Figure 4. H. A. Brainard Map of Vicinity of Lawrence Station, December 1885.



19-2 cont.

Figure 5. Santa Clara County Assessor's Parcel Map, Book 213, Page 12, 1990, showing Lot 13 of the Jackson tract.



19-2
cont.

Letter I9

Bonnie Montgomery
December 17, 2018

- I9-1 The comment states that the Carey & Company historic evaluation of the project site is inadequate as it has some technical errors and because it does not trace the history of the site prior to 1926. The commenter also refers to a gap of historical information on the site between 1885 and 1952 that should be researched before history of the site is placed in a local archive.

As described in the Draft EIR, TreanorHL (formerly Carey & Co., Inc.) prepared a Historic Resource Evaluation for Corn Palace at 1142 Dahlia Court, Sunnyvale in May 2017. The property was evaluated for its eligibility for the California Register of Historical Resources (CRHR) and found eligible for listing under Criterion 1 (Events), and for listing as a heritage resource on the City of Sunnyvale's Heritage Resource Inventory under criteria a, f, and j for its association with the agricultural history of Sunnyvale and Santa Clara County. As described in the Draft EIR, the site is one of a very few remaining agricultural lands in Sunnyvale and a rare survivor of a family farm from the period when agriculture dominated the local economy.

On January 29, 2019, TreanorHL conducted research at County of Santa Clara, Office of the County Clerk-Recorder and verified the property purchase information provided in the commenter's letter. The subject lot was sold to Joseph Francia, and Ben and Jennie Francia in 1952. Additionally, TreanorHL attempted to find supporting documentation for the date of purchase noted in their May 2017 report (1926 as told in Lawrence Station Road: an interview of Ben and Joe Francia of the Corn Palace video), but were unable to locate any verifying evidence.

With this new information provided by the commenter and additional research completed in January 2019, TreanorHL believes the Francia family purchased the property in 1952. This new information, however, does not alter the reason the property is significant. The site still appears eligible for listing for its association with the region's agricultural history. Based on the commenters research, the agricultural use of the property dates back to at least the 1860's. Therefore, the period of significance would begin ca. 1860 and extend to 1969 (following the 50-year rule), encompassing the years the site was used for agricultural purposes. The information about agricultural use of the property provided by the commenter and TreanorHL's research is corroborated by historical aerial photos from 1948 to 2016.

The commenter states that "The history of Lot 13 still needs to be written beyond 1885" and the City agrees. However, it should be noted that additional details related to previous property ownerships would not affect the finding that the property is eligible for listing in the CRHR property does not need to meet all four criteria for listing. In this case, the property was found eligible under Criterion 1, its association with events, as described in Section 4.3 of the DEIR. As shown in Chapter 3, "Corrections and Revisions to the Draft EIR," Mitigation Measure 4.3-1b has been amended in Chapter 2, "Executive Summary," Table 2-1, pages 2-6 and 2-7 and Section 4.3, "Archaeological, Historic, and Tribal Cultural Resources", pages 4.3-13 and 4.3-14, has been revised as follows. Text deletions are shown in ~~strikethrough~~, and text additions are shown in underline. This change does not alter the conclusions of the DEIR.

Mitigation Measure 4.3-1b: Create an Interpretive Program, Exhibit, or Display

The project applicant shall prepare a permanent exhibit/display of the history of the Corn Palace property including, but not limited to, historic and current photographs, interpretive text, drawings, video, interactive media, and oral histories. The exhibit shall include information related to historic agricultural uses of the site, dating back to at least the 1860's. The exhibit/display shall be developed in consultation with the City of Sunnyvale, local historical organizations, and those with an interest in the history of the Corn Palace property and/or agricultural history within the City of Sunnyvale. The exhibit/display shall be displayed in a

location at the proposed park, adjacent to the housing development, that is accessible to the public and may be incorporated into the interpretive exhibit.

This comment letter includes historical maps of the site and identifies property owners of the site dating back to the 1800s. This additional historic information is noted and is now included in City and project records. During implementation of this mitigation measure, an opportunity for interested parties to consult with the City on what should be included in the permanent exhibit/display will be provided. The conclusions of the DEIR as they relate to project impacts to historic resources would remain significant and unavoidable.

I9-2 The comment provides history of the project area and information on different owners of the site dating back to the 1800s.

This comment is noted. Please refer to Response to Comment I9-1.

-----Original Message-----

From: Carl Blankenship [REDACTED]

Sent: Thursday, December 13, 2018 6:23 PM

To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>

Subject: Corn palace

I believe the neighborhood has the largest concern being more traffic in an increasingly high number of vehicles already present.

God Bless you and yours,

Carl n Del

**Letter
I10**

I10-1

**Letter
I10**

**Carl Blankenship
December 13, 2018**

I10-1 The comment expresses concern with traffic in the neighborhood.

Potential traffic impacts of the project were addressed in Section 4.7, "Transportation and Circulation," and Section 6.1, "Cumulative Impacts," of the DEIR, which concluded that operational traffic impacts would be less than significant and temporary construction-related traffic impacts would be reduced to a less-than-significant level with incorporation of mitigation. The comment does not raise any specific inadequacies in the DEIR; therefore, no further response can be provided.

Letter
I11

Shetal Divatia

From: Carrie Levin [REDACTED]
Sent: Monday, December 17, 2018 7:51 PM
To: Shetal Divatia
Subject: No High Density on Corn Palace property!!

TO: Shetal Divatia

No more development. No more high density housing. Given the severe traffic congestion, this valley is overcrowded, over developed and over priced. Higher housing density equates to more people, more traffic, more headaches that we no longer need in this area. Stop the nonsense. Sunnyvale is over-saturated with development, over-saturated with hotels, and over-saturated with unaffordable housing. Time to stop and tell the developers to go elsewhere.

I11-1

I urge you to not increase Corn Palace property from medium to high density housing.

Please let me know you got this email and advise status of this public input.
Concerned resident,
Carrie Levin
1149 Tangerine Way, Sunnyvale, CA 94087

**Letter
I11**

Carrie Levin
December 17, 2018

I11-1 The comment expresses opposition to additional development and requests that the project does not include high density housing.

Regarding cumulative development in the area, please refer to Master Response 3: Cumulative Impacts. The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I12

Shetal Divatia

From: Charles Ih [REDACTED]
Sent: Monday, December 17, 2018 4:07 PM
To: Shetal Divatia
Subject: Corn Palace Development project

Dear Shetal Divatia,

Please do not let people push the Corn Palace Development project into high density residential area. The nearby areas are already very crowded and also with already approved more than 3000 units within one mile area. There are also several hotels already approved to be built soon within the same one mile area. The changing to high density of this project will cause severe traffic conjunction and environmental damage.

I12-1

Sincerely your,

Charles Ih
903 Sunrose Terrace
Sunnyvale, Ca. 94086

**Letter
I12**

**Charles Ih
December 17, 2018**

I12-1 The comment requests that the project not become high-density residential and expresses concern with traffic congestion and environmental damage.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

**Letter
I13**

From: Chris Au [REDACTED]
Sent: Thursday, November 08, 2018 5:27 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: Re: Corn Palace DEIR Comment

Hi Shetal,

I have reviewed the Corn Palace DEIR; thank you for posting it. The City needs to re-evaluate its conclusions in Section 4.7.2 with respect to Intersection #3 (Poinciana / Klamath / White Oak), which is a TWSC.

Given all the new development, I strongly believe this intersection needs to be a Four-Way-Stop-Control. Coming from the Corn Palace on White Oak Lane toward this intersection, there are already often long delays before a car is able to turn East onto Poinciana. This is only going to get worse with more housing in the neighborhood.

There is another anomaly that occurs at this intersection. We frequently encounter cars from Cabrillo who cross Lawrence to head West on Poinciana only to make a U-Turn at the Poinciana/Klamath/White Oak intersection. These cars do this in order to go South on Lawrence. They find this faster than waiting for the green arrow from Cabrillo to Lawrence.

I urge the city to take another look at this intersection. A FWSC is an easy solution at this problematic intersection.

Thank you.

Christopher Au
Toyon Avenue, Sunnyvale resident

I13-1

**Letter
I13**

Chris Au
November 11, 2018

I13-1 The comment requests that the City reevaluate its conclusions related to Intersection #3 (Poinciana Drive/Klamath Avenue-White Oak Lane) in Section 4.7.2 of the DEIR and provides the opinion that the intersection needs a four-way stop. The comment indicates that cars coming from Cabrillo Avenue who cross Lawrence Expressway and head west on Poinciana Drive make a U-turn at Intersection #3 because drivers find this faster than waiting for the green arrow to turn left from Cabrillo onto Lawrence.

The DEIR TOA did not identify a significant impact with implementation of the project that would require additional project improvements at the Poinciana Drive/Klamath Avenue-White Oak Lane intersection (see DEIR Table 4.7-7 and 4.7-8). The commenter provides no technical analysis or data that counters the conclusions of the TOA. Existing drivers use of this intersection for U-turns is not a traffic impact associated with the project.

Letter
I14

Shetal Divatia

From: Colleen Yamada [REDACTED]
Sent: Monday, December 17, 2018 10:15 PM
To: Shetal Divatia
Subject: Corn Palace Development comments

Dear Ms. Divatia,

While it is very sad to see our last bit of open space consumed by housing, at the very least, it was good to know it was destined to be single-family homes of a reasonable size and density. I just learned that there is a proposal to change the plan from 58 homes to possibly double that quantity. Dense housing right in the middle of a neighborhood of single-family homes is misguided and serves only to line someone's pocketbooks at the expense of the established neighborhood and residents. Please do not recommend this option! There is plenty of high-density housing within a mile of this small patch of land. Monticello seems to constantly have vacancies, which leads me to believe the housing shortage is not a true shortage. In fact, it is a shortage of affordable housing. No new development will be "affordable", so this does not improve the housing situation, it merely diminishes the quality of life of those nearby.

I14-1

The developers of the Corn Palace land planned single family homes with yards and any change to that is just greed. Listen to those of us that will live in the neighborhood into the future. It is easy for others moving in to see what is already there, but those of us that have lived here a long time seem helpless to stop these projects popping up as the landscape changes around us. Please do not let this happen! Corn Palace's 20 acres should be single family homes that blend in with the rest of the neighboring streets.

Best regards,
Colleen Yamada
Resident of Ponderosa neighborhood since 1970
[REDACTED]

**Letter
I14**

Colleen Yamada
December 17, 2019

I14-1 The comment expresses opposition to increasing the number of units or changing the type of housing proposed. The comment also provides an opinion as to why denser housing on the site would negatively impact existing neighbors and the affordable housing situation.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. The comment expresses an opinion and does not address the adequacy of the DEIR. No further response is required.

Letter
115

Planner of Sunnyvale,

The House Project for Corn Palace,
is too, too much - SHRINK it down
to less houses - maybe 20, or less
single story, larger yardage, how @
more open SPACES of PARKS,
no strate RODES thru our
Streets with so many Headlights!!

All our neighbors have single story
houses, no one looking in your privacy of
a backyard. That is nice. Worth to keep.

Don't approve that plan by whoever
[redacted] up the end of Torrey + Toyon onto
lily and columbine, with those monster
out of place, 2 story debauchery things called
homes. Fix it.



Gracias,
CORN PALACIO Amigos

115-1

Letter
115

Corn Palacio Amigos
Unknown

115-1 The comment requests that the proposed number of houses onsite be reduced to 20 or fewer single-story homes. The comment also expresses opposition to project plans for adjacent streets.

The requests and opinions in this comment will be forwarded to decisionmakers for consideration. The comment does not address the analysis in the DEIR. No further response is required.

Letter
I16

Shetal Divatia

From: Beth Crockett Ball <[REDACTED]>
Sent: Monday, December 17, 2018 9:55 PM
To: Shetal Divatia
Subject: Corn Palace development

Please do not increase the density of housing for this site. We live in the neighborhood and would encourage the accepted proposal of 58 units and a park. There are already nearly 3,000 new units in progress or being planned within a couple of square miles. Too much!

I16-1

Thank you,
Elizabeth Ball
Homeowner, 30 years in a Sunnyvale

Letter
I16

Elizabeth Ball
December 17, 2018

I16-1 The comment requests that density of housing onsite not be increased.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I17

Shetal Divatia

From: Ellen [REDACTED]
Sent: Monday, December 17, 2018 4:02 PM
To: Shetal Divatia
Subject: project of Corn Palace

To whom it may concerned,

I heard that the original plan of corn palace which is about 58 single house units will be changes to more than 100 unite instead.

I strongly object this changes, as we will already have so many high capacity units around our neighborhood.

Thank you for your attention.

Regards, Ellen

Sent from Ellen's iPhone.

(Please excuse the brevity & typos of this iPhone message.)

I17-1

**Letter
I17**

Ellen
December 17, 2018

I17-1 The comment expresses opposition to increasing the units onsite above 58 units.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

-----Original Message-----
From: Eric Wilcox [REDACTED]
Sent: Monday, December 17, 2018 1:28 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: Corn palace development

**Letter
I18**

Shetal Divatia
Community Development Department

Shetal,

I just wanted let you know that I'm of the opinion that any high density housing development on this land would negatively impact this neighborhood. The traffic on Lily and Timberpine has increased significantly over the past few years. This has definitely lowered the quality of life living here in Sunnyvale.

There at least 3 new high density developments in progress very nearby that will provide need housing in the area, along with increased traffic.

I'm strongly opposed to any increase in the number of homes proposed for this property.

Sincerely,
Eric Wilcox
[REDACTED]

I18-1

**Letter
I18**

Eric Wilcox
December 17, 2018

I18-1 The comment states that high-density housing on the project site would negatively impact the neighborhood and expresses opposition to any increase in the number of homes proposed for the project site. The comment also expresses concern related to significant increases in traffic on Lily Avenue and Timberpine Avenue in the past few years and states that three nearby high-density developments will provide needed housing in the area, as well as increase traffic.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Potential traffic impacts of the project were addressed in Section 4.7, "Transportation and Circulation," and Section 6.1, "Cumulative Impacts," of the DEIR, which concluded that operational traffic impacts would be less than significant and temporary construction-related traffic impacts would be reduced to a less-than-significant level with incorporation of mitigation. Please also refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns. The comment does not address the adequacy of the DEIR as an informational document. No further response is required.

Letter
I19

Shetal Divatia

From: Gary Kenaley [REDACTED]
Sent: Monday, December 17, 2018 4:54 PM
To: Shetal Divatia
Cc: Gary Kenaley; 'Valerie Kenaley'
Subject: Please limit development at the Corn Palace to 58 houses plus a Park

Please limit development at the Corn Palace to 58 houses plus a Park.
The area and traffic are already horribly overcrowded.

I 119-1

Thanks you,

Gary and Valerie Kenaley (30 year residents)
973 Lantana Drive
Sunnyvale, CA 94086

**Letter
I19**

Gary Kenaley
December 17, 2018

I19-1 The comment refers to traffic and overcrowding in the area and requests that development at Corn Palace be limited to 58 units and a park.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Potential traffic impacts of the project were addressed in Section 4.7, "Transportation and Circulation," and Section 6.1, "Cumulative Impacts," of the DEIR, which concluded that operational traffic impacts would be less than significant and temporary construction-related traffic impacts would be reduced to a less-than-significant level with incorporation of mitigation. Please also refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns. The comment does not address the adequacy of the DEIR. No further response is required.

**Letter
I20**

Shetal Divatia

From: Gayle Gleim [REDACTED]
Sent: Monday, December 17, 2018 4:33 PM
To: Shetal Divatia
Subject: Corn Palace Development

We have enjoyed our 50 years of residency in the Ponderosa area of Sunnyvale, and overall have been pleased with the City's considered and responsible development of our neighborhood.

In the last few years, however, due to the jobs-housing imbalance, there has been a movement to building extremely high-density housing on both sides of Lawrence Expressway near the Monroe (Santa Clara)/Reed (Sunnyvale) intersection. The completion of the 800+ unit Monticello development on Monroe (that isn't even at full capacity yet!) is having an extremely adverse effect on our quality of life. Currently, the commute traffic on Evelyn and Reed/Old San Francisco Road has become a nightmare--especially since previous years' "road diet" re-striping projects have removed a lane of traffic--and most evenings traffic approaching the Monroe/Reed intersection at Lawrence comes to a standstill at the Reed/Evelyn and Reed/Timberpine intersections because of backed-up traffic. Add to this situation a future that includes the planned 900+ units at the Nuevo development near Costco and the AMD project with more than 1,000 units, and northeast Sunnyvale is heading to complete gridlock.

Now we understand, the City is considering increasing the number of units in the Corn Palace development from 58 low-density housing to 100+ high density housing. This DOUBLING of the density in this development is likely to be the final straw that "breaks the camel's back!" Isn't it time the City of Sunnyvale take a good, long look at what is happening to our perfectly good neighborhood of current mixed-use/mixed density? We suggest a compromise for the Corn Palace development is in order where of a **few** high-density units directly backing onto Lawrence Expressway could be approved with the remainder of the development staying low-density, as originally planned.

As the Planning Department considers new housing developments in east Sunnyvale, please value equally the quality of life for current residents of Sunnyvale as well as the need for housing of new residents.

Bill and Gayle Gleim
 1005 Aster Ave.
 Sunnyvale

I20-1

I20-2

I20-3

**Letter
I20**

Gayle Gleim
 December 17, 2018

I20-1 The comment expresses an opinion related to jobs-housing imbalance and a movement towards developing high density housing in the project area.

The comment expresses an opinion and does not address the adequacy of the DEIR. No further response is required.

I20-2 The comment states that commute traffic on Evelyn Avenue and Reed Avenue/Old San Francisco Road is bad and will be made worse by planned developments.

Traffic impacts of the project were addressed in Section 4.7, "Transportation and Circulation," of the DEIR, which concluded that operational traffic impacts would be less than significant and temporary construction-related traffic impacts would be reduced to less than significant with incorporation of mitigation. Cumulative impacts of the project and projects in the cumulative setting were evaluated in Section 6.1, "Cumulative Impacts," of the DEIR. Impact 6-10 of the DEIR (pages 6-14 and 6-15)

concluded that the project’s contributions to traffic operations impacts would not be cumulatively considerable. Please also refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns.

I20-3 The comment expresses opposition to consideration of 100 or more units onsite and suggests a potential compromise that would allow some high-density units onsite.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter I21

Shetal Divatia

From: Gordon Markley >
Sent: Monday, December 17, 2018 4:41 PM
To: Shetal Divatia
Cc: Gordon Markley
Subject: Corn Palace Development

To: Shetal Divatia

I am in favor of single dwelling houses for the Corn Palace development and not a development of 100 + units. Our schools are crowded now and traffic is bad. I live half way between the big Apple campuses on Wolfe Ave. Traffic on Wolfe Ave. and Lawrence Express Way during commute hours is very slow.

I21-1

From Ponderosa Nextdoor:

“Within one mile of the proposed Corn Palace development we have the Monticello site with 825 units, the Nuevo site (by Costco) with 994 units, the Gateway Village development (Kohl's site) with 476 units, and the AMD project with more than 1,000 units. These approved projects represent nearly 3,300 units of housing, all within ONE mile!! This is only the development along Lawrence Expressway -- I shudder to think about all the additional people and cars with the redevelopment along El Camino in this area! It's interesting to note that the Monticello development is currently offering big move-in bonuses because they are under-occupied! Housing crisis?...Lack of housing? Hmmm.”

I21-2

Respectfully,

Gordon Markley
946 Lantana Drive
Sunnyvale

Letter I21

Gordon Markley
December 17, 2018

I21-1 The comment supports the project as proposed and opposes development of 100 or more units at the project site. The comment also expresses concern over crowded schools and slow traffic during commute hours on Wolfe Avenue and Lawrence Expressway.

As discussed in Section 4.7, “Transportation and Circulation,” and Appendix C of the DEIR, the roadway study area for the project generally extends along Lawrence Expressway between El Camino Real and Reed Avenue-Monroe Street, along Reed Avenue between Timberpine Avenue and Lawrence Expressway, along Timberpine Avenue between Columbine Avenue and Reed Avenue, along White Oak Lane between Poinciana Drive and Lily Avenue, along El Camino Real between Halford Avenue and Lawrence Expressway, and along Toyon Avenue, Lily Avenue, Dahlia Drive, and Dahlia Court fronting the project site (Wood Rodgers 2018: 4).

Identification of the study area considered the project's expected travel characteristics, including number of vehicle trips, the directionality of those vehicle trips, and primary travel routes to/from the project area. Intersections were selected for analysis using Santa Clara VTA TIA Guidelines (October 2014) criteria thresholds, engineering judgement, and coordination with City staff. Intersections that may experience operational deficiencies from the project, based on a preliminary trip generation and distribution, were included in the study area. Per Section 2.2.1 VTA TIA Guidelines, an intersection that has been designated as part of the VTA CMP shall be included in a traffic study if the proposed development is expected to add 10 or more peak hour vehicles per lane to any movement at that intersection. Wolfe Avenue was not included as a study area roadway in the DEIR (Wood Rodgers 2018: 4). However, the TOA completed for the project does include Reed Avenue, which is a four-lane residential collector that runs east-west from Wolfe Road, where it becomes Old San Francisco Road, to Lawrence Expressway, where it turns into Monroe Street (see Appendix C of the DEIR, page 12). Traffic impacts of the project were addressed in Section 4.7, "Transportation and Circulation," of the DEIR and cumulative impacts of the project were addressed in Section 6.1, "Cumulative Impacts," of the DEIR.

Page 1-6 of the DEIR identifies that the project would be required to pay developer fees in compliance with the requirements of SB 50 and California Government Code Section 65995(b) that provide mitigation of school facilities. Thus, the project would have no impact to public schools. As described in Letter L1, the applicant has also agreed to contribute a VBC to the Santa Clara Unified School District in addition to the required developer fee.

- I21-2 The comment provides a quote from the Ponderosa Nextdoor website that identifies planned developments within one mile of the project site, expresses concern related to additional people and cars in the area, and questions the lack of housing in the area due to vacancies in Monticello development.

Please refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns and anticipated development in the project area. It should be noted that the Monticello project was included in the cumulative projects list of the cumulative analysis for this project (see Section 6.1, "Cumulative Impacts," page 6-6 of the DEIR). This comment does not address the adequacy of the DEIR. The comment is noted and will be provided to the decisionmakers during review/consideration of the project.

Letter
I22

Shetal Divatia

From: inder sabharwal [REDACTED]
Sent: Monday, December 17, 2018 5:30 PM
To: Shetal Divatia
Subject: protest about corn place development

Shetal,

I received a note today that the Corn Palace project will revert back to a high density project. This is a big surprise since the builder held a session at the Ponderosa park building a month or so ago to tell us about the new project that had 58 single family homes. This seemed like as good a proposal as any, but it sounds like something changed and the project is now back at a high density project with over 100 homes.

I22-1

I am not sure how much time you have spent around this area, but the roads leading to the corn palace are problematic. This is not the same as the Monticello or Gateway Village projects that are sitting on major access roads. Access to the corn palace requires driving through residential areas, with roads that are already a problem. In fact, White Oaks is a road just waiting for a catastrophic accident.

I22-2

I am very disappointed that we were presented with a new plan, and now this project has reverted to high density. To add insult to injury, with a deadline for comments of today while the community has never received a formal notification of the change in the project.

I22-3

Regards,
Inder Sabharwal

[REDACTED]

**Letter
I22**

Inder Sabharwal
December 17, 2018

I22-1 The comment states that they understand the project is now proposing 100 or more units instead of 58-units.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

I22-2 The comment explains that access to the project site requires driving through residential areas with problematic roadways. The comment also states that White Oaks Lane is waiting for a catastrophic accident.

Please refer to Master Response 2: Traffic for a discussion of project traffic impacts. Regarding concerns related to White Oak Lane, please refer to Response to Comment I3-2 and I13-1. Please note that the commenter provides no technical analysis or data that counters the DEIR TOA's traffic impact analysis.

I22-3 The comment expresses disappointment in the project reverting to a higher density of homes without the community receiving notification of the change.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter I23

Shetal Divatia

From: Jagdeep Sahni [REDACTED]
Sent: Monday, December 17, 2018 3:18 PM
To: Shetal Divatia
Cc: Jagdeep Sahni
Subject: Comments on corn palace development

Hello Ms Divatia,

As a long time Sunnyvale resident, I am writing to formally express my concern about any high density housing plans being considered in the Corn Palace development plot near Lawrence and reed.

I support single family homes that blend with the neighborhood.

Thanks in advance for recognizing my concern

Regards

Jagdeep Sahni

Sent from my iPhone
Please excuse brevity and typos.

I23-1

**Letter
I23**

Jagdeep Sahni
December 17. 2018

I23-1 The comment expresses concern about high-density housing being considered at the Corn Palace site and provides support for single-family homes that blend with the existing neighborhood.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I24

Shetal Divatia

From: [Redacted]
Sent: Monday, December 17, 2018 7:59 PM
To: Shetal Divatia
Subject: Corn Palace Abrupt Plan Change Comment

Hi Shetal

I heard about the sudden change in the Corn Palace from planned 58 units to high density today. I understand that today is the last day to comment on this project. My family has lived on Torrey Avenue, Sunnyvale for 5+ years. My family supports the 58 units plan as it was presented to the neighborhood at Ponderosa Park a couple of months ago.

But we are very disappointed that City abruptly changed the plan to high density residential project without any notice to the neighborhood. This so called high density project was never presented to us at Ponderosa Park as an alternative to the original plan. The City should have at least notified the same group of neighborhood mail recipients and present with the revised high density plan for further public comment.

I24-1

Regards,

Jeff Chyu and family
727 Torrey Avenue
Sunnyvale, CA 94086
[Redacted]

Letter
I24

Jeff Chyu
December 17, 2018

I24-1 The comment states the project will change from 58 units to a higher density and expresses support for the 58-unit project proposal. The comment also expresses disappointment about the community not being notified about the project change.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I25

Shetal Divatia

From: Jennifer Hoppe [Redacted]
Sent: Monday, December 17, 2018 5:28 PM
To: Shetal Divatia
Subject: corn palace project density

I am a 9 year resident of the Ponderosa Neighborhood. I'm writing to express my strong desire to keep the Corn Palace project development at the low/medium density of 58 homes plus a park. Please do not bring high density housing to this part of the neighborhood. Our roads and schools cannot support this.

I25-1

Sincerely,
Jennifer Hoppe
731 Silver Pine Ct
Sunnyvale

**Letter
I25**

Jennifer Hoppe
December 17, 2018

I25-1 The comment expresses support for the proposed 58-unit project and opposition to a higher density project that the roads and schools cannot support.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Please also refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns. Page 1-6 of the DEIR identifies that the project would be required to pay developer fees in compliance with the requirements of SB 50 and California Government Code Section 65995(b) that provide mitigation of school facilities. Thus, the project would have no impact to public schools. As described in Letter L1, the applicant has also agreed to contribute a VBC to the Santa Clara Unified School District in addition to the required developer fee.

**Letter
I26**

Shetal Divatia

From: Jill Croft [REDACTED]
Sent: Monday, December 17, 2018 5:02 PM
To: Shetal Divatia
Subject: Corn Palace development

To Whom It May Concern,

I am writing to let you know that I reject the idea of high density development on this plot of land, and that it should be kept to 50-60 single family homes.
We live on Sweetbay Drive, just a few blocks from this location, and do not feel that a high density development fits in our quiet neighborhood.
Additionally, there is high density housing going up all around us (I can think of 4 in a mile radius from us), that will surely bring much more traffic than this area can handle.
Thank you,
Jill Croft

I26-1

**Letter
I26**

Jill Croft
December 17, 2018

I26-1 The comment expresses opposition to a high-density development at the project site and requests no more than 50 to 60 single-family homes on the site. The comment states concern that a high-density development won't fit in with the neighborhood and references planned developments within one mile of the project area that will bring more traffic to the area.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Please also refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns.

Letter
I27

Shetal Divatia

From: Juan Carlos Huevo Fuentes [REDACTED]
Sent: Tuesday, December 18, 2018 8:46 PM
To: Shetal Divatia
Subject: Concern for the new housing developing areas

Little by little Sunnyvale is changing his personality and turning into San Francisco housing areas. So ugly and close each other without think about increase of traffic and the parking spaces available to all the new comers that will over flow the area with theirs cars. I am not sure If that is the Sunnyvale I want to keep leaving any more. Beside all this just be witness of how many low income families need to move out because all those buildings offers no options than move out. Hopefully all their housing projects doesn't and the pace and beautiful Sunnyvale I move in many years ago. And turn into a crowded San Francisco copy

I27-1

**Letter
I27**

Juan Carlos Huevo Fuentes
December 18, 2018

I27-1 The comment expresses the opinion that Sunnyvale is becoming similar to San Francisco with ugly housing, homes that are too close together, and newcomers that are increasing traffic and creating a lack of parking spaces. The comment also states that low income families leave due to lack of options.

Please also refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns. The project includes on-site parking and garages with each dwelling units (see DEIR Exhibit 3-7). The comment expresses an opinion about Sunnyvale and does not address the adequacy of the DEIR. No further response is required.

Letter
I28

Shetal Divatia

From: Julia Graham [REDACTED]
Sent: Monday, December 17, 2018 2:31 PM
To: Shetal Divatia
Subject: Corn Palace property development

Ms. Divatia,

This was recently posted on Nextdoor:
"As most people know, the Sunnyvale has proposed a development project for the Corn Palace property that will have 58 houses and a small park. At the most recent Planning Commission meeting, there was a push to change it from a low/medium density project to possibly changing it to high-density with approx 100+ units." Is this true?

If this is true, I am very disappointed to hear that there is talk to change the promised low/medium density development on the Corn Palace property. I have lived in this neighborhood for over 11 years now, and the talk of the development for that area has always been low/medium density. Please keep the development for the Corn Palace property at 58 houses and small park.

There has been a lot of high density housing recently developed and in construction along Lawrence Expressway.

Thank you for your time.

Sincerely,
Julia Graham
1086 Hedera Ct.
Sunnyvale, CA 94086

I28-1

**Letter
I28**

Julia Graham
December 17, 2018

I28-1 The comment provides text from a post on the Nextdoor website about a push at the Planning Commission meeting to change the project to high-density.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. This comment provides text from an online post and does not address the adequacy of the DEIR as an informational document. No further response is required.

Letter
I29

Shetal Divatia

From: Kaiwen Gu [REDACTED]
Sent: Monday, December 17, 2018 3:47 PM
To: Shetal Divatia
Cc: Mita Yun
Subject: Corn Palace Development

Hi Shetal,

We are on Toyon street directly adjacent to the development and was wondering what the latest plans are for this? Is it true that this development is turning from the original 58 units to 100 unit high density housing?

If this is the case, I would like to file a request to keep the original single family housing style.

Thank you
kaiwen

I29-1

**Letter
I29**

Kaiwen Gu
December 17, 2018

I29-1 The comment asks for the latest project plans and whether it is true that the project is now proposing 100 or more units. The comment also expresses the preference for the originally proposed 58 single-family homes.

The project is described in Chapter 3, "Project Description," of the DEIR, and the preliminary site plan is shown in Exhibit 3-2 (page 3-5) of the DEIR. The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I30

Shetal Divatia

From: Karissa Huang [REDACTED]
Sent: Monday, December 17, 2018 8:54 PM
To: Shetal Divatia
Subject: EIR (Environmental Impact Report) for the Corn Palace redevelopment

Please stick to the 58 houses planned for the Corn Palace and NO MORE!

There are about 3300 units planned within this mile of Lawrence Expressway already and traffic has been horrible. It will only get worse. While we claim of a housing crisis, why aren't the Monticello Units nearby even filled?!!

We cannot and do NOT want more high density homes in the Corn Palace!

I30-1

Sincerely,

Karissa Huang
776 Sequoia Dr
Sunnyvale, CA 94086

**Letter
I30**

Karissa Huang
December 17, 2018

I30-1 The comment requests that the number of project units not expand beyond the 58 units proposed and states that traffic congestion on Lawrence Expressway is already bad. The comment also questions why the nearby Monticello development is not yet filled.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Regarding traffic concerns, please refer to Master Response 2: Traffic. The Monticello development was included in the cumulative projects list (see page 6-6 of the DEIR) and it was noted that the project is still under construction. This comment does not address the adequacy of the DEIR but is noted and will be provided to the decisionmakers during review/ consideration of the project.

Letter
I31

Shetal Divatia

From: Kelly Younger [REDACTED]
Sent: Monday, December 17, 2018 2:28 PM
To: Shetal Divatia
Subject: Corn palace development

I am a current resident near the corn palace and I feel the proposed project of 58 housing units is plenty. We have too much housing developing going on currently in this area. I'm sure no one has really done a traffic impact report or school impact report for this let alone the increase that is being discussed. We are trying to be a bike friendly city but adding more cars and overall traffic to the area is doing just the opposite. Traffic on Lawrence already backs up both in the morning and evening so I can only imagine how bad it will be with the proposed building and other building that is almost finished. Please keep the proposed plan of 58 units and a small park. This city doesn't need any more high density housing. If we have to have more housing we need houses. I hope you can understand where all the current residents are coming from. Thanks

I31-1

Kelly

Letter I31	Kelly Younger December 17, 2018
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I31-1 The comment states that the proposed 58 units are sufficient and opposes a higher-density development. The comment also expresses the opinion that a traffic impact report or school impact report has likely not been prepared to evaluate the proposed project or a higher density development at the site.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Please refer to Master Response 2: Traffic for a discussion of potential project impacts related to traffic were evaluated in Section 4.7, "Transportation and Circulation," of the DEIR. The cumulative traffic setting and potential cumulative impacts were analyzed in Section 6.1, "Cumulative Impacts," of the DEIR, beginning on page 6-13. As discussed on page 4.7-1 of the DEIR, a TOA was prepared for the project and is included as Appendix C of the DEIR.

Impacts of the project related to schools were discussed on page 1-6 of the DEIR, where it was determined that public services for development of the project site were addressed as part of the LSAP and that development within the LSAP, including the project, would be required to pay developer fees in compliance with the requirements of SB 50 and California Government Code Section 65995(b). As described in Letter L1, the applicant has also agreed to contribute a VBC to the Santa Clara Unified School District in addition to the required developer fee

Letter
I32

Shetal Divatia

From: lfeen47 [REDACTED]
Sent: Monday, December 17, 2018 3:27 PM
To: Shetal Divatia
Subject: Corn Palace

Enough already! Keep the total units to 58!

I32-1

Linda Feeney
 40 year resident

Letter I32	Linda Feeney December 17, 2018
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I32-1 The comment expresses the opinion that the project should be limited to 58 units.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I33

Shetal Divatia

From: Marc Ketzel [REDACTED]
Sent: Monday, December 17, 2018 3:54 PM
To: Shetal Divatia
Subject: Corn Palace Development Input

Hi Shetal,

I wanted to provide feedback on the Corn Palace development. I encourage the city not to ramp up the density. So many residents I have spoken to support some development, but fear we are moving too aggressively. Please promote smart growth, and keep Sunnyvale a livable city that we can continue to be proud of.

I33-1

Marc — 30 plus year resident of SV

Letter I33	Marc Ketzel December 17, 2018
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I33-1 The comment expresses opposition to increasing unit density at the site.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

From: Marc Kreidler [REDACTED]
Sent: Wednesday, December 19, 2018 12:20 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: Corn Palace

**Letter
I34**

Please do **not** consider the high density alternative plan. If the City needs extra money that bad, let them pass a tax. don't destroy our community.
 Marc S Kreidler
 645 E McKinley Ave, Sunnyvale, CA 94086
 (35 year resident)

I34-1

**Letter
I34**

Marc S Kriedler
 December 19, 2018

I34-1 The comment urges the City to reject a high-density plan for the project site and states that the City should pass a tax if it needs extra money.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. The comment expresses an opinion regarding the City’s finances and does not address the adequacy of the DEIR. The comment is noted and will be provided to the decisionmakers during review/consideration of the project.

**Letter
I35**

Shetal Divatia

From: Marcell Campano [REDACTED]
Sent: Monday, December 17, 2018 6:25 PM
To: Shetal Divatia
Subject: Corn Palace development project

Hello,
 It has come to our attention that the Corn Palace development project is considering revising its original plan of low/medium density housing to become high density housing. I am against this change and urge you and your office to please reject this plan. There are already a number of considerable large high density projects along Lawrence Expressway that are and will add to the congestion along this route.
 As a long time resident of Sunnyvale, I’m disappointed in present trajectory of the building of high rise mixed-use buildings along Lawrence Expressway, El Camino Real, and other major traffic routes. I understand the need for improvement but not the path the city council seems to be heading in allowing huge projects to take away the small town feel and community that Sunnyvale had once embodied and that we were all proud to represent.
 Again, I would hope that you stand by us “old-timers” in keeping the original intent of this project.

I35-1

I35-2

Thank you very much.
 Regards,
 Marcell Campano

**Letter
I35**

Marcell Campano
December 17, 2018

I35-1 The comment expresses disagreement with changing the project to a high-density development.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

I35-2 The comment expresses disagreement with the current trend of high-rise mixed-use buildings that take away the small town feel of Sunnyvale.

This comment expresses the commenter’s opinion regarding general development in the City and does not address the adequacy of the DEIR. No further response is required.

**Letter
I36**

Shetal Divatia

From: Margherita Chang [REDACTED]
Sent: Monday, December 17, 2018 4:11 PM
To: Shetal Divatia
Cc: Jon Lai
Subject: Concerns about Corn Palace development

Hi Shetal,

I saw some discussion on Nextdoor about the Corn Palace development and I wanted to share my concerns.

My husband and I (along with our 2 daughters) live on Clematis Drive, in the Ponderosa neighborhood. I have been aware of the plans to develop out the remainder of the Corn Palace fields. I learned that there might be a conversion from the original single-family home plan to denser development.

I36-1

That change from single-family to denser development concerns me. As a Ponderosa resident, with 2 small children, I am worried about the impact to our neighborhood by having more development than our neighborhood can handle. I don't believe that our neighborhood infrastructure is designed to accommodate 100+ units. In addition to the obvious traffic concerns, I am also concerned about the impact to our local schools.

I36-2

My oldest daughter is currently a 1st grader at Ponderosa Elementary. When she started Kindergarten last year, there were 5 Kindergarten classrooms, the most ever. And the school had an enrollment of 600+ students - the highest enrollment in the school history. The school space is stretched thin, and has limited capacity to continue to take in more children as more people move into the neighborhood.

I36-3

Thank you for your time.

Regards,
Margherita Lai

1089 Clematis Dr
Sunnyvale, CA 94086
[REDACTED]

**Letter
I36****Margherita Lai**
December 17, 2018

I36-1 The comment states that she learned that the project may be changed to a denser development.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

I36-2 The comment expresses concern that the neighborhood infrastructure is insufficient to accommodate over 100 units on the project site, including traffic and school capacity.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. The DEIR evaluated the impacts of 58 residential units, including the effects on traffic and public services, including schools on DEIR pages 1-6 and 1-7. Please refer to Master Response 2: Traffic for discussion of traffic impacts. School-related impacts of the project are discussed on page 1-6 of the DEIR. As described in Letter L1, the applicant has also agreed to contribute a VBC to the Santa Clara Unified School District in addition to the required developer fee.

I36-3 The comment expresses concern that school space is already stretched thin and that additional development would add to capacity issues.

Please refer to Response to Comment I36-2.

Letter
I37

Shetal Divatia

From: maria micae [REDACTED]
Sent: Monday, December 17, 2018 4:29 PM
To: Shetal Divatia
Subject: Corn Palace

Hello,

I am also a resident in the corn palace community and with such short notice I don't have time to craft an original email but wanted to echo Pat C's email to you below. I object the plans for high density housing. We have so many high density housing developments in the area recently and the morning traffic is horrible. As it is, Lawrence Expressway is a parking lot in the morning and I have resorted to maneuvering through residential streets to get to work.

I received a note today that the Corn Palace project will revert back to a high density project. This is a big surprise since the builder held a session at the Ponderosa park building a month or so ago to tell us about the new project that had 58 single family homes. This seemed like as good a proposal as any, but it sounds like something changed and the project is now back at a high density project with over 100 homes.

I am not sure how much time you have spent around this area, but the roads leading to the corn palace are problematic. This is not the same as the Monticello or Gateway Village projects that are sitting on major access roads. Access to the corn palace requires driving through residential areas, with roads that are already a problem. In fact, White Oaks is a road just waiting for a catastrophic accident.

I am very disappointed that we were presented with a new plan, and now this project has reverted to high density. To add insult to injury, with a deadline for comments of today while the community has never received a formal notification of the change in the project.

Many thanks,
mm

I37-1

**Letter
I37**

Maria Micae
December 17, 2018

I37-1 The comment expresses opposition to higher-density housing at the project site and other high-density development that causes traffic issues in the area. The comment also expresses frustration that the project changed during the review period.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I38

Shetal Divatia

From: marion boos [REDACTED]
Sent: Tuesday, December 18, 2018 8:51 AM
To: Shetal Divatia
Subject: corn palace property

I do wish to add my horror at a proposed high-density housing plan instead of the already designated single-family housing project for the Corn Palace property. I am definitely AGAINST the high-density there. It would aesthetically ruin the neighborhood, there's enough high-density projects all around this area, the ensuing traffic would be a nightmare. Unless of course, you want to build something useful and needed...all low-income/senior housing. Marion Boos, 47 year resident of Sunnyvale, El Camino Real between Wolfe and Lawrence Expressway.

I38-1

Letter
I38

Marion Boos
December 18, 2018

I38-1 The comment expresses disagreement with high-density housing on the project site, citing concerns about aesthetics and traffic.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I39

From: Peysakhovich, Mark [REDACTED]
Sent: Monday, December 17, 2018 1:14 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: Corn palace development.

Hi,

There is no infrastructure for high density development in this place. We already takes 10 minutes to get just from Timberpine to Lawrence in the rush hour. Don't please go this way. It's not what we voted for and not what kind of people we've voted for in Sunnyvale!

I39-1

Thank you,

Mark P.
[REDACTED]

**Letter
I39**

Mark Peysakhovich
December 17, 2018

I39-1 The comment expresses the opinion that there is no infrastructure for high-density development on the project site and that area traffic is already bad.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Potential traffic impacts of the project were adequately addressed in Section 4.7 of the DEIR. Please also refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns. This comment does not address the adequacy of the DEIR. No further response is required.

**Letter
I40**

Shetal Divatia

From: Meenakshi Gulrajani [REDACTED]
Sent: Monday, December 17, 2018 8:57 PM
To: Shetal Divatia
Subject: Change in Corn Palace Development

Hello,

As a long term resident of City of Sunnyvale, I want to register my discontent about the number of construction projects that are underway within one square mile of Costco. The traffic on Lawrence Expressway is already a problem and one can only imagine the outcome of bringing in more people into the city. It is definitely going to harm the environment!

Urge all city members to not be guided by greed, but exercise care and caution so both current and future residents can comfortably live in this city!

Regards
Meenakshi Gulrajani

I40-1

**Letter
I40**

Meenakshi Gulrajani
December 17, 2018

I40-1 The comment expresses discontent with the number of construction projects in the area, references existing traffic problems on Lawrence Expressway, and questions the impacts of bringing more residents to the area.

Please refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns. The comment does not address the adequacy of the DEIR. No further response is required.

Letter
I41

Shetal Divatia

From: Megan Kacholia [REDACTED]
Sent: Monday, December 17, 2018 4:23 PM
To: Shetal Divatia
Subject: Problematic Corn Palace project changes

Hi Shetal,

I received a note today that the Corn Palace project will revert back to a high density project - this is a huge surprise and incredibly disappointing. Only a month or two back we were informed the project would be 58 single family homes. But now I am hearing that something changed and the project is now back at a high density project with over 100 homes! This is completely unexpected, and wrong that we were not informed.

In addition, I do not believe the roads or infra in place would support this - our area would become hugely congested, and this just feels like a problem that would explode.

I am very disappointed with the changes here. In addition, it feels like there is no time at all for us to comment on this! Please response and let the community know what is going on here, and do not proceed in such a fast and hasty manner on a project that was not portrayed to us, the residents, in this way.

Regards,
Megan Kacholia
703 Torreya Ave, Sunnyvale, CA 94086

I41-1

**Letter
I41**

Megan Kacholia
December 17, 2018

I41-1 The comment expresses concern with rumored changes to the project that would allow more than 100 units.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter 142

Attn: S Divatia, Planner

Dec 11, 2017
page 1 of 2

This is a letter of mitigation for the
Corn Palace Housing Plan #2017-7451.

We have lived in this neighborhood near
this proposal for over 60 years, in homes that
are >90% single story affordable, smaller scale
dwellings. The proposal by Trumark is too large
in scope and scale, compromising our vintage
neighborhoods on Vinemapple (which your map exclude
Lily, Dahlia, Columbine, White Oak, Toyon and Torreya.
We ask for some compromising measures:

- 1) Double or Triple the size of the park - it has
been an open area always.
- 2) Cut the number of houses to 1/2. only 25
- 3) Houses should be "single story", not McMansion
- 4) All houses should have SOLAR on ROOF.
- 5) All houses should be affordable with low flow
water features (Drought!)
- 6) Streets impacted should have rolling dip to
(ie. Toyon) slow the increased traffic flux.
- 7) Sewage should flow a new direction, instead of
taxing the older system in place in older
neighborhoods, and flooding downhill sewers.
- 8) Make new streets, in new homes' area curvaceous
or cul de sacs, or courts, or avenues - not lin
ugly, high-speed streets endangering our pet
and pedestrians.
- 9) Grow a windbreak of drought tolerant trees (eucaly
pine, cypress etc) along Lawrence Expressway. 7

142-1

would create some beauty as well as greenery. (ie. O₂)

These measures to ammend the plan will respect our neighborhoods long in place here. (Dahlia, Vinemaps, White Oak, Lily, Toyon, Columbine, Torreya)

New planning should truly include respect for the past, in designing for the future. Choose affordable single story, right size green constructions for families without over-building. Our neighborhoods have been great for many, many years before the over-built homes on Torreya and Toyon. Let's not repeat that negative design format.

A revision of Trumark's proposals, to a more conscious design and scale would be true progress for Sunnyvale. Let's ammend before law-suit and remediation measures.

We hope this process of soliciting our comments on the Environmental Impacts to all of us here are heard and considered. As if you yourself live here, consider rejecting the proposed plan as it stands. Change it. Change it for the better. Stand for us. Please.

Thank you,

ALL Neighbors here
on Lily White Oak Dahlia Vinen
Torreya Columbine Toyon.

RECEIVED

DEC 17 2018

PLANNING DIVISION

I42-1
cont.

**Letter
I42**

Neighbors of Corn Palace
December 11, 2018

I42-1 The comment expresses the opinion that the project is too large in scope and scale and suggests several project modifications (i.e., a larger park, single-story houses, solar panels on all roofs, low flow water features, changes to the City sewer system, road modifications, and a windbreak of drought tolerant trees along Lawrence Expressway.

Regarding the size and scope of the development, please refer to Master Response 1: Project Description. Energy saving features of the project, including solar and water efficiency, were adequately addressed in Section 4.5, “Energy” of the DEIR. As discussed in Chapter 1, “Introduction” of the DEIR (pages 1-6 and 1-7), the LSAP FEIR concluded that development within the LSAP area, including the project site, would not require new water or wastewater treatment infrastructure, new or expanded water or wastewater entitlements to serve development under the LSAP, or result in wastewater that would exceed treatment. Traffic-related impacts of the project were adequately addressed in Section 4.7 of the DEIR, which concluded that operational traffic impacts would be less than significant and temporary construction-related traffic impacts would be reduced to less than significant with incorporation of mitigation. The commenter provides no technical analysis or data that counters the DEIR analysis. As discussed in Chapter 3, “Project Description” of the DEIR, landscaping of the project site would include planting of a variety of trees along internal streets and the north, south, and west perimeter of the project site (see Exhibit 3-6a of the DEIR). And all landscape plant materials and irrigation would comply with the California Landscape Model Water Efficiency Landscape Ordinance and City Municipal Code Chapter 19.37 (Landscaping, Irrigation, and Useable Open Space). The comment expresses a preference for a larger park and single-story homes on the project site and does not address the adequacy of the DEIR. The comment is noted and will be provided to the decisionmakers during review/consideration of the project.

Letter
I43

Shetal Divatia

From: Niki [REDACTED]
Sent: Monday, December 17, 2018 7:52 PM
To: Shetal Divatia
Subject: Corn Palace proposals

Hello,
 I am writing in support of only the original 58 unit townhomes and a community park. I've heard about new proposals that are high density 100+units. Given all the new high density development in just a one mile radius and on Lawrence I truly hope you consider the impact allowing so many more units would have on the community, schools are already overloaded, roads/traffic, air quality with the added traffic, police are also already stretched thin, and for nearby residents (for which I am one!).
 Thank you for your time and consideration in this matter,
 Niki Stalder-Skarmoutsos

I43-1

**Letter
I43**

Niki Stalder-Skarmoutsos
December 17, 2018

I43-1 The comment expresses support for the original proposal of 58 units and expresses concern that more than 100 units would impact overcrowded schools, traffic problems, and police services that are being stretched too thin.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Refer to Response to Comment I31-1 for project impacts on schools (page 1-6 of the DEIR). Potential impacts of the project on traffic (Section 4.7, "Transportation and Circulation," of the DEIR), air quality (Section 4.2, "Air Quality," of the DEIR), and police services (Chapter 1, "Introduction," page 1-6 of the DEIR), were adequately addressed in the DEIR. Please also refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns. The comment does not address the adequacy of the DEIR. No further response is required.

**Letter
I44**

Shetal Divatia

From: Pat calhoun [REDACTED]
Sent: Monday, December 17, 2018 4:11 PM
To: Shetal Divatia
Subject: Corn Palace project

Shetal,

I received a note today that the Corn Palace project will revert back to a high density project. This is a big surprise since the builder held a session at the Ponderosa park building a month or so ago to tell us about the new project that had 58 single family homes. This seemed like as good a proposal as any, but it sounds like something changed and the project is now back at a high density project with over 100 homes.

I am not sure how much time you have spent around this area, but the roads leading to the corn palace are problematic. This is not the same as the Monticello or Gateway Village projects that are sitting on major access roads. Access to the corn palace requires driving through residential areas, with roads that are already a problem. In fact, White Oaks is a road just waiting for a catastrophic accident.

I am very disappointed that we were presented with a new plan, and now this project has reverted to high density. To add insult to injury, with a deadline for comments of today while the community has never received a formal notification of the change in the project.

PatC

I44-1

**Letter
I44**

Pat Calhoun
December 17, 2018

I44-1 The comment expresses frustration that the project was changed to a higher-density during the review period with no change in deadline or formal notification. The comment also remarks about roadway congestion in the area.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Regarding traffic concerns, please refer to Master Response 2: Traffic.

Letter
I45

Shetal Divatia

From: Purna Mohanty [REDACTED]
Sent: Monday, December 17, 2018 3:35 PM
To: Shetal Divatia
Subject: Corn Place Development

Hi

We heard the plan has changed from 58 SFH to 100+ high density housing. If this piece of info is true, We would like to protest this change for traffics and noise reasons.

I45-1

If this true, why were we not communicated earlier?

Regards
Purna Mohanty

Letter
I45

Purna Mohanty
December 17, 2018

I45-1 The comment asks if the project has been modified from 58 units to more than 100 units and expresses opposition to the change.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I46

From: Ramya Sridharan [REDACTED]
Sent: Monday, December 17, 2018 1:04 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: Don't make Corn Palace Development Project High Density

Hi,

I am a Sunnyvale resident for over 10 years and I would like to record my objection to changing the Corn Palace Development to a high density project. The original proposal was for 58 houses and it should remain at that. We don't need more cars/congestion on my street. I live on Lily Ave and there's plenty of rash driving and heavy traffic flowing through it. The high density housing at Monticello and Kohls lot is already causing concerns. I urge the City to not ruin the quality of life for existing residents in your eagerness to please new ones!

I46-1

Regards,
Ramya

Letter
I46

Ramya Sridharan
December 17, 2018

I46-1 The comment expresses objection to project changes and support for the 58-unit project.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I47

Shetal Divatia

From: Ray Crump <[REDACTED]>
Sent: Monday, December 17, 2018 4:11 PM
To: Shetal Divatia
Subject: CORN PALACE project

The project appears to be a reasonable use in an existing SFR neighborhood. While all traffic to reach these homes will travel thru existing low density neighborhoods the style (2 story) does match the development of the first half of the corn palace land. The inclusion of a park does lower the impact to the neighborhood of this higher density development.
Any higher density would create a SERIOUS NEGATIVE impact on existing neighborhoods!

I47-1

Ray Crump, Sunnyvale resident

**Letter
I47**

Ray Crump
December 17, 2018

I47-1 The comment expresses satisfaction with the originally proposed project and expresses concern that a higher-density development on the project site would create additional negative impacts.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I48

Shetal Divatia

From: Richard Talburt <[REDACTED]>
Sent: Monday, December 17, 2018 2:45 PM
To: Shetal Divatia
Subject: Corn Palace Development

Hi Shental:

It's my understanding that Sunnyvale is considering a high density development for the Corn Palace development. I live on Thornapple Dr. in Sunnyvale and am totally against this proposal. Given all the nearby Sant Clara mega developments I feel adding even more people we be a BIG negative for our neighborhood.

I48-1

Don't make an already busy neighborhood even worse

Richard Talburt

**Letter
I48**

Richard Talburt
December 17, 2018

I48-1 The comment expresses opposition to a high-density development on the project site.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

**Letter
149**

-----Original Message-----

From: sharon king [REDACTED]
Sent: Monday, December 17, 2018 1:52 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: CORN PALACE NOT HAVING MORE THAN 58 HOUSES AND IT WOULD BE BETTER TO HAVE HOUSING FOR LOW TO MODERATE INCOME

I DONT WANT TO SEE MORE HOUSING, ESPECIALLY MORE THAN 58 HOUSES.

I WOULD RATHER SEEING LOW TO MODERATE INCOME HOUSES PROVIDED FOR PEOPLE IN THE COMMUNITY.

SHARON KING
RESIDENT OF SUNNYVALE

|
149-1
|

**Letter
149**

Sharon King
December 17, 2018

149-1 The comment expresses opposition to adding more than 58 units to the site and expresses support for adding low to moderate income units to the project.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Pursuant to State CEQA Guidelines Section 15131(a), economic or social effects of a project (ex., affordability of units) are not treated as significant effects on the environment, and, therefore, not evaluated in the DEIR. The comment is noted and will be provided to the decisionmakers during review/consideration of the project.

**Letter
150**

From: sharonmcgill [REDACTED]
Sent: Monday, December 17, 2018 1:50 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: Corn Palace building

We live 3 blocks from the Corn Palace. It is difficult to get out of the neighborhood to Lawrence Exp now. To have more than 58 units would overload the local streets more than they already are. You have to count on at least 2 cars per house. If twice as many units are put in, that's over 200 cars. How will they get out of the neighborhood without idling for a long time? Think about more pollution! Also where are the children going to school? The schools nearby are full. Will there be buses? I doubt it. -- the schools don't have enough money to bus or build.

There are just some places we can't overbuild. This is one of them.
Sharon McGill

|
150-1
|
150-2
|

**Letter
150**

Sharon McGill
December 17, 2018

150-1 The comment references traffic congestion on Lawrence Parkway and concern as to how traffic will be impacted by adding more than 58 units to the project. The comment states that 200 additional cars on the road should be assumed for more than 100 units.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Please refer to Master Response 2: Traffic for concerns related to traffic impacts of the project. The comment expresses an opinion and does not address the adequacy of the DEIR. No further response is required.

I50-2 The comment also states that schools are full and questions where new students would go to school and asks whether there will be buses.

Please refer to Impact I31-1 for impacts of the project related to schools. The developer would be required to pay developer fees in compliance with the requirements of SB 50 and California Government Code Section 65995(b). Thus, the project would pay fees that could help pay for additional school facilities. As described in Letter L1, the applicant has also agreed to contribute a VBC to the Santa Clara Unified School District in addition to the required developer fee.

**Letter
I51**

-----Original Message-----

From: Seidenstein Sidney [REDACTED]
Sent: Monday, December 17, 2018 1:19 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: Unrestrained housing growth

While the Corn Palace development project is small, its the tip of an iceberg which will pack approximately 3300 housing units, and perhaps 5000 vehicles in the area of Lawrence Expressway from Reed to El Camino. Developments along Evelyn, and El Camino have already considerably changed the makeup of Sunnyvale. While all these projects go through a public review process its rare that most of the public realizes what is happening. its the developers who have a financial interest who pay attention. In addition most of the new housing is south of Central Expressway, and most of the jobs are north. Certainly an impact on our community but not the responsibility of any single developer. Try driving from Lawrence to Bernardo during the ever widening rush hours.

I51-1

Sid Seidenstein
475 Senna Ct.
Sunnyvale, Ca.

**Letter
I51**

**Sidney Seidenstein
December 17, 2018**

I51-1 The comment states concern related to the project’s cumulative impacts that may not be recognized by the public and traffic congestion in the area.

Cumulative impacts are those that can result from individually minor but collectively significant projects taking place over a period of time. Section 6.1, “Cumulative Impacts,” of the DEIR described the cumulative setting and evaluates the potential for the Corn Palace project in conjunction with impacts from other projects in the area (see Table 6-2 of the DEIR) to result in cumulative impacts. Beginning on page 6-8 of the DEIR, cumulative impacts and the project’s contribution to cumulative impacts are evaluated for each of the environmental topics included in the DEIR. For a specific discussion regarding cumulative traffic impact analysis, Please refer to Master Response 3: Cumulative Impacts.

Letter
I52

Shetal Divatia

From: Stephanie Tsao [REDACTED]
Sent: Monday, December 17, 2018 3:24 PM
To: Shetal Divatia
Subject: Re: Corn Palace Development

Hi Shetal

Is it true that the 58 single family home plan on corn palace is being changed to 100+ high density homes? If so, I would like to file a request to keep it at the 58 single family home plan as that is more consistent with the zoning of the neighborhood. Please note the currently Lily ave during rush hour is already dangerous to drive as it is already very crowded and there is no stop sign to let in traffick turning on toyon, torreya and timberpine.

I52-1

Also has the park plan taken into account putting the children’s play area in a safer location away from traffic? The original plan had the children’s playground right next to high traffic.

**Letter
I52**

Stephanie Tsao
December 17, 2018

I52-1 The comment asks whether it is true that the project has been changed to include more than 100 units and expresses a preference to limit the project to 58 units. The comment also discusses existing traffic congestion in the neighborhood and suggests relocation of the children’s play area to a location away from high traffic volume.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Regarding traffic congestion, traffic impacts of the project were addressed in Section 4.7, “Transportation and Circulation,” of the DEIR and identified no significant traffic safety issues associated with design or pedestrian and bicycle use (see DEIR pages 4.7-33 and 4.7-34). The park site would be separated from Lawrence Expressway with a sound wall that would avoid children from accidentally entering the roadway. The project would include new sidewalk facilities. The commenter provides no technical analysis or data that counters the DEIR analysis.

Letter
I53

Shetal Divatia

From: Stephen Yanofsky [redacted]
Sent: Monday, December 17, 2018 4:10 PM
To: Shetal Divatia
Subject: Proposed development of Corn Palace site

Hi Shetal: I just want to voice my opinion regarding the proposed development of 58 homes on the Corn Palace Site. I think that the current proposal would fit best with the neighborhood and not have too much of an impact regarding traffic and other congestion issues. While I do agree that much more housing is needed in this area, I feel that higher density housing should be concentrated adjacent to public transit lines such as along El Camino or close to Caltrain stations. The Corn Palace site is a long walk from either of these, and I'm sure that almost all buyers will need to travel to work etc by using their own cars. I don't believe that this site is a good fit for high density development.

I53-1

Sincerely, Stephen Yanofsky
1143 Dahlia Ct, Sunnyvale, CA 94086

Letter
I53

Stephen Yanofsky
December 17, 2018

I53-1 The comment expresses a preference for the proposal of 58 residential units over a high-density housing development and recommends placing high-density development closer to public transit.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I54

From: Tej k [redacted]
Sent: Monday, December 17, 2018 1:19 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Cc: Sreedhar rao <sreerao@hotmail.com>
Subject: Corn Palace redevelopment - NO NO NO high-density development

Hello Sheetal

I live right across Corn Palace, and strongly oppose the idea of converting the development into high density. The neighborhood already faces terrible traffic on Lawrence Expressway right till 10 am and again from 3.30. The schools are over crowded. Very limited shopping options with Kohls, JC penny closing their locations in Santa Clara and Sunnyvale. It is already a night mare. Please do not approve high-density development., The original plan of 58 houses and a small park is the most realistic option. Thank you.

I54-1

Regards
Tejomayi
lives on Lily Ave, Sunnyvale

**Letter
I54****Tejomayi**
December 17, 2018

- I54-1 The comment expresses the opinion that the proposed project is a realistic option for the site and expresses opposition to high-density development at the site. The commenter also expresses concern related to overcrowded schools and limited shopping options in the area.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Regarding school concerns, Please refer to Response to Comment I31-1. The amount of shopping options in the area is unrelated to the environmental impacts of the project.

<p>Letter I55</p>

From: Trang Q. Le [REDACTED]
Sent: Monday, December 17, 2018 1:48 PM
To: Shetal Divatia <SDivatia@sunnyvale.ca.gov>
Subject: Corn place development project

Hi,

We live in Tamarack Ln. We'd like to keep the number of the project to 58 houses.

Thank you

--

Trang

I I55-1

**Letter
I55****Trang Q. Le**
December 17, 2018

- I55-1 The comment expresses support for maintaining the project at 58 units.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I56

Shetal Divatia

From: Prakash V [redacted]
Sent: Monday, December 17, 2018 4:52 PM
To: Shetal Divatia
Subject: Fwd: Corn palace development

Hi

I am not sure if this is true but if this has changed from the original proposal of single family homes, I would like to register my protest.

Kind regards

prakash

Sent from my iPhone

Begin forwarded message:

From: Stephanie Tsao <[redacted]>
Date: December 18, 2018 at 12:16:08 PM GMT+13
To: Chris Au <[redacted]>
Cc: Akshay Aanabathula <[redacted]>, Andrew Liu <[redacted]>, Anjini Ananya <[redacted]>, Christina Chow <[redacted]>, Elli Bosworth <[redacted]>, Gary Wu <[redacted]>, Gloria Chang <[redacted]>, Jennifer Lin <[redacted]>, Kaiwen Gu <[redacted]>, Leo Lee <[redacted]>, Megan Kacholia <[redacted]>, Michelle Wang <[redacted]>, Namrata Sabharwal <[redacted]>, Pat Calhoun <[redacted]>, Prakash V <[redacted]>, Purna Mohanty <[redacted]>, Sushma Dutta <[redacted]>, Swaroop Dutta <[redacted]>, "Tim Lan (neighbor)" <[redacted]>, Tom Ross <[redacted]>, Veera Veeraprakash <[redacted]>, Vijayalakshmi Prakash <[redacted]>, Ying Liu <[redacted]>, Yu Meng Lim <[redacted]>, [redacted], [redacted], chen zhao <[redacted]>, [redacted], inder sabharwal <[redacted]>, [redacted], maria micao <[redacted]>, [redacted], [redacted], [redacted]
Subject: Corn palace development

I56-1

Hi everyone

Apologies for using an old thread, I'm on the road at the moment. A thread on Nextdoor just said that the Corn Palace development has changed plans from being 58 single family units to 100+ high density units. It said today is the last day to submit a protest to this change. I don't know how true this is but wanted to pass along the information as this is a big change from what they presented to us previously if it is true. If you would like to file a protest please send to:

5. This happens to be located at an intersection that is already extremely dangerous since there is a blind turn and no stop sign. Since people cut through gas stations to avoid waiting for red lights, this will just add to the traffic accidents in the area.

6. On top of all that, this one wants to do liquor sales. We've already had problems with the customers of the prior liquor store throwing glass bottles and leaving shards all over our lawns, not to mention increased related criminal activity.

This proposal is a great concern to the health and safety of the residents in our neighborhood. We appreciate your attention to this matter.

I56-1
cont.

**Letter
I56**

V Prakash
December 17, 2018

I56-1 The comment expresses opposition to changing the project from 58 single-family units to a high-density development.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I57

Shetal Divatia

From: Vijayalakshmi Prakash [redacted]
Sent: Monday, December 17, 2018 4:54 PM
To: Shetal Divatia
Subject: Fwd: Corn palace development

If the plan is to change to high density homes I protest

Vijayalakshmi Prakash

Sent from my iPhone

Begin forwarded message:

From: Vijayalakshmi Prakash <[redacted]>
Date: December 18, 2018 at 1:52:01 PM GMT+13
To: "sDivatia@sunnyvale.ca.gov" <sDivatia@sunnyvale.ca.gov>
Subject: Fwd: Corn palace development

Sent from my iPhone

Begin forwarded message:

From: Megan Kacholia <[redacted]>
Date: December 18, 2018 at 1:45:40 PM GMT+13
To: Pat calhoun <[redacted]>
Cc: Akshay Aanabathula <[redacted]>, Andrew Liu <[redacted]>, Anjini Ananya <[redacted]>, Chris Au <[redacted]>, Christina Chow <[redacted]>, Elli Bosworth <[redacted]>, Gary Wu <[redacted]>, Gloria Chang <[redacted]>, Jennifer Lin <[redacted]>, Kaiwen Gu <[redacted]>, Leo Lee <[redacted]>, Michelle Wang <[redacted]>, Namrata Sabharwal <[redacted]>, Prakash V <[redacted]>, Purna Mohanty <[redacted]>, Stephanie Tsao <[redacted]>, Sushma Dutta <[redacted]>, Swaroop Dutta <[redacted]>, "Tim Lan (neighbor)" <[redacted]>, Tom Ross <[redacted]>, Veera Veeraprakash <[redacted]>, Vijayalakshmi Prakash <[redacted]>, Ying Liu <[redacted].com>, Yu Meng Lim <[redacted]>, chen zhao <[redacted]>, inder sabharwal <[redacted]>, maria micae <[redacted]>

**Letter
I57**

Vijayalakshmi Prakash
December 17, 2018

I57-1 The comment expresses opposition to the project changing from 58 single-family units to a high-density development.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description.

Letter
I58

Shetal Divatia

From: Wendy Levine <[REDACTED]>
Sent: Monday, December 17, 2018 4:04 PM
To: Shetal Divatia; MayorAndCouncil@santaclaraca.gov
Subject: Against high density housing at the Corn Palace site

I am writing to make my opinion known that I am against all high density housing. I do not agree to high density housing at the Corn Palace site. Driving on Lawrence Expressway during rush hour is nearly impossible. No more high density housing. Follow the plan.
 Wendy Levine

I58-1

**Letter
I58**

Wendy Levine
December 17, 2018

I58-1 The comment expresses opposition to high-density housing at the project site and expresses concern about traffic congestion.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Please also refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns.

Letter
I59

Shetal Divatia

From: Wun Mark [REDACTED]
Sent: Tuesday, December 18, 2018 4:21 AM
To: Shetal Divatia
Subject: NO MORE!!

Please NO MORE high density housing/buildings in Sunnyvale and surrounding Santa Clara County cities!

The City Council people and planning depts have RUINED this valley with high cost of living , horrendous traffic situations and increased crime! This needs to STOP immediately! The long time citizens and native born original families of Santa Clara County are being DRIVEN OUT of their homes and towns that their tax dollars built over many decades. All because of greed for the almighty dollar. The Seniors especially! That in itself is a crime!

I59-1

No more buildings more than three stories, esp. in residential areas. The excessively high buildings in many areas block the view of the beautiful mountains that surround the valley. Government complain, complain, complain about excessive landfill (Garbage!). Have they ever given thought to how high density housing with multiple families sharing a single unit (caused by excessively high rent) impacts our landfill, not to mention future possible water shortage and air quality?!

I59-2

I59-3

How about this thought...too many tall buildings with lots and lots of glass reflecting the sun could perhaps affect the air temperature to change for the worst. I foresee the "negative" impact list caused by high density housing growing daily. What has been mentioned so far is only the beginning of more to come.

I59-4

If you love living here...STOP approving the construction of high density buildings. Why not think about the "quality" of life we are losing daily. STOP allowing the sweet talking money grubbing developers convince you that what they want to do is WONDERFUL for the community, that they will build "affordable" housing. They have been lying about that promise for decades! I say it is a bunch of BALONEY!!

Great example is the ongoing fiasco of Downtown Sunnyvale. It's UGLY! I have archives of false promises for a better DT Sunnyvale that I would be happy to share with The City. I've lived in this valley for approximately 40 years. Seen and heard too many false promises from developers who have created a financial fiasco for long time citizens.

I59-5

Santa Clara valley is a suburb. A place where people wanted to live to escape the dirty, dingy, no sunshine cities and high rises. Growth can be good, but I see it going in the wrong direction here in Santa Clara County with the UNAFFORDABLE housing driving people out, high cost of living, traffic congestion. I suggest getting rid of carpool lanes. It makes traffic congestion worse vs solving problems. Get rid of it! "Managing" traffic would be a better alternative.

These are just a few of my opinions watching the "death" of Santa Clara Valley. It was predicted back in the 1970's that the housing and traffic situation would be worse than Los Angeles. It is coming to pass....unfortunately.

Regards,
M. Messenger.

**Letter
I59**

**Wun Mark
December 18, 2018**

I59-1 The comment urges the rejection of high-density development in Sunnyvale and surrounding areas. The comment also expresses the opinion that the high costs of living, traffic congestion, and crime drive people out of their homes.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. Please also refer to Master Response 2: Traffic and Master Response 3: Cumulative Impacts regarding traffic concerns. The comment expresses an opinion regarding the general direction of development in the area and does not address the adequacy of the DEIR.

159-2 The comment urges no more than three-stories in residential areas as they block views.

Consistent with the character of residential development in the project area, the project proposes two-story homes. No further response is required.

159-3 The comment questions whether evaluations have been done regarding the impacts of multiple families sharing a single unit, particularly impacts related to landfills, water, and air quality.

As units are designed to accommodate single families (i.e., single-family residential units) or multiple families (i.e., multi-family units such as apartments), standard rates based on the number of persons or the type of unit are used to estimate solid waste generation, water demand, and air quality impacts. Project's impacts to solid waste, water supply, and air quality are addressed in Chapter 1, "Introduction," and Section 4.2, "Air Quality" of the DEIR. The analysis in the DEIR is based on the number of residential units and the anticipated number of residents for the project. Any assertion of multiple families occupying a single unit is speculative and not included in the DEIR.

159-4 The comment questions whether the proliferation of tall buildings with lots of glass reflecting the sun could affect air temperature.

The comment expresses an opinion related to glare from tall buildings and is not related to the project or the adequacy of the DEIR. In Section 4.1, "Aesthetics" of the DEIR (page 4-18), light and glare impacts are assessed. No further response is required.

159-5 The comment urges decisionmakers to stop approving high-density buildings as they are negatively affecting the quality of life.

The project is proposed for 58 residential units; please refer to Master Response 1: Project Description. This comment expresses an opinion about high-density developments and does not address the adequacy of the DEIR as an informational document. No further response is required. No further response is required. Pursuant to State CEQA Guidelines Section 15131(a) economic or social effects of a project (i.e., quality of life concerns) are not treated as significant effects on the environment.

Letter
I60

Shetal Divatia

From: Ying Ma [REDACTED]
Sent: Monday, December 17, 2018 10:21 PM
To: Shetal Divatia
Subject: Again Corn Place develop project

While the Corn Palace development project is small, its the tip of an iceberg which will pack approximately 3300 housing units, and perhaps 5000 vehicles in the area of Lawrence Expressway from Reed to El Camino. Developments along Evelyn, and El Camino have already considerably changed the makeup of Sunnyvale. While all these projects go through a public review process its rare that most of the public realizes what is happening. its the developers who have a financial interest who pay attention.. In addition most of the new housing is south of Central Expressway, and most of the jobs are north. Certainly an impact on our community but not the responsibility of any single developer. Try driving from Lawrence to Bernardo during the ever widening rush hours.

I60-1

Regards,
Ying

Bellevue, WA
[REDACTED]
Email: [REDACTED]

Send from Ying's iPhone

**Letter
I60**

Ying Ma
December 17, 2018

I60-1 The comment states that while the Corn Palace project is small, there are many other projects in the area and the combined effect of all development are likely not recognized by the public. The comment further remarks about traffic congestion in the area.

Please refer to Response to Comment I51-1.

Letter
HPC

**Summary of comments on the Corn Palace Draft EIR received at the December 5th, 2018, City of Sunnyvale
(City) Heritage Preservation Commission (HPC) Public Hearing**

HPC Commissioner:

- Has staff considered some of the archaeological pits that could be on the farmland and have we considered trying to find those and dig them up before construction were to start? HPC-1

HPC Commissioner:

- Under Alternative 3, could the farm stand be relocated instead of demolished? HPC-2
- How will the farm stand be preserved under Alternative 3? Will it be maintained or continue to be operated as a store? Unless you do something with it to make it prettier, it would be an eye sore with new housing around it. HPC-3
- Under Alternative 1 and 2, would the farmstand be demolished? HPC-4

HPC Commissioner:

- Under Alternative 3, we would like to understand how we can maintain that farmstand and its historical significance to the property. HPC-5

Bonnie Montgomery:

- The historic report only goes back to 1926 and there is no report on earlier land uses or owners so I consider it incomplete. HPC-6

HPC Commissioner, Chair:

- How long is duration of construction? I'm thinking in terms of construction noise. HPC-7
- Section 3.4.2 of the DEIR shows 8 trees with a diameter of more than 12 inches that would be removed. And in Section 4.4.2, the EIR refers to 4 large walnut trees along the southern border. Are these included in the 8 trees to be removed? We are very sensitive to protection of these trees. HPC-8
- On p.134, Mitigation Measure 4.3-1a of the EIR refers to mitigation for removal of historic buildings. The mitigation doesn't show how soon documentation will be completed, who will store those documents, and the historical background of the site. Where will documentation be kept and how soon will documentation be completed? HPC-9

HPC Commissioner:

- In the EIR, eligibility for a historical inventory listing is discussed. How do we get the site added to the inventory list? HPC-10

HPC Commissioner:

- The Commission encourages the City Planning Commission and City Park Staff to consider options to retain and maintain the farmstand within the park. HPC-11

HPC Commissioner:

- Would City staff consider, similar to the heritage orchard, a working farm as part of the park? HPC-12

HPC	City of Sunnyvale (City) Heritage Preservation Commission (HPC) Public Meeting December 5, 2018
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HPC-1: The commenter asks if project staff have considered archaeological pits onsite and digging them up before construction starts.

A cultural resource inventory for the site was completed on August 21, 2018 by NIC. NIC completed an intensive-level pedestrian survey of the site on August 7, 2018. Based on a literature search and survey of the site, NIC concluded that the sensitivity of the project area for the presence of undisturbed historic-era hollow-core features, such as privies, and trash pits is low and that the potential for discovery of prehistoric archaeological deposits, including buried archaeological deposits, materials, or features on the project site was also considered low due the disturbed condition of the site and its recent agricultural use. As discussed on page 4.3-14 of the DEIR, implementation of Mitigation Measure 4.3-2 would reduce impacts associated with project-related ground-disturbing activities that could result in discovery or damage of yet undiscovered subsurface unique archaeological resources.

HPC-2: The commenter asks if the farm stand can be relocated under Alternative 3.

The farm stand could be relocated under Alternative 3. However, by relocating the stand under Alternative 3, the conclusions of the DEIR as they relate to project impacts to historic resources would remain significant and unavoidable. Please refer to Section 4.3, "Archaeological, Historic, and Tribal Cultural Resources" of the DEIR. This comment is noted and will be provided to the decisionmakers during review/consideration of the project.

HPC-3: The commenter asks how the farm stand would be preserved and maintained or operated?

This comment is referring to an alternative to the project that was analyzed in Chapter 5, "Project Alternatives" of the DEIR (Alternative 3). As described in Chapter 5 of the DEIR, the California Code of Regulations (CCR) Section 15126.6(a) (State CEQA Guidelines) requires EIRs to describe "... a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. The State CEQA Guidelines require that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but in less detail than the significant effects of the project as proposed (State CEQA Guidelines Section 15126.6[d]). Consistent with CEQA guidelines, the alternatives analyzed in this EIR do not discuss mitigation of potential impacts.

The City has not commenced design of the park site and has not determined whether the farm stand could be retained. Park site design would occur after project approval when the City obtains ownership of the park site.

HPC-4: The commenter asks if the farm stand would be demolished under Alternative 1 and 2.

As described in Chapter 5 of the DEIR, Alternative 1 would result in no development of the site and Alternative 2 assumes no project, but that General Plan buildout of the site would result in similar development of the project site. Therefore, Alternative 1 would result in no demolition of the farm stand and Alternative 2 would likely result in eventual demolition of the farm stand as a result of similar development onsite (the project site has been designated as Low-Medium Density Residential with a Planned Development combining zoning district (R1.5-PD) under the City's Zoning Ordinance).

HPC-5: The commenter states that they would like to understand how the farm stand and its historical significance to the property would be maintained under Alternative 3.

As discussed in Section 4.3, “Archaeological, Historic, and Tribal Cultural Resources” of the DEIR, implementation of Alternative 3 would result in the loss of significant features of the Corn Palace historical site similar to the project but would retain the Corn Palace Farm Stand to partially mitigate this impact. However, the impact to historic resources would remain significant and unavoidable. Like the project, this alternative could result in potentially significant impacts to undiscovered archaeological resources. Relative to the project, impacts would be of lesser magnitude under Alternative 3 because it retains the Corn Palace Farm Stand. Please refer to Response to Comment HPC-3.

HPC-6: The commenter states that the historic report for the project only goes back to 1926 and expresses her opinion that the report is incomplete because it does not include earlier land uses or owners.

Please refer to Response to Comment I9-1.

HPC-7: The commenter asks what duration of construction would be.

As described on pages 3-35 and 3-36 of the DEIR, construction activities are anticipated to occur between October 2019 and May 2021.

HPC-8: The commenter asks if four large walnut trees along the southern border of the site would be removed and states the omission is very sensitive to protection of these trees.

The project would result in removal of the walnut trees. Please refer to Impact 4.4-4 in Section 4.4, “Biological Resources” of the DEIR. Implementation of Mitigation Measure 4.4-4 would reduce impacts related to removal of protected trees onsite to a less-than-significant level by requiring that the project comply with the City of Sunnyvale Tree Preservation Ordinance.

HPC-9: The commenter states that Mitigation Measure 4.3-1a (see page 4.3-13 of the DEIR) of the EIR doesn't show how soon historical documentation of the site will be completed and stored.

As stated in Mitigation Measure 4.3-1a, the project applicant shall complete documentation of the buildings present on the Corn Palace property before any construction/demolition work is conducted at the project site. The documentation shall be prepared by an architectural historian, or historical architect as appropriate, meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The documentation shall be submitted to the City of Sunnyvale. In addition to historical documentation of the site that is required under Mitigation Measure 4.3-1a of the DEIR, documentation was also completed in 2017 by a qualified professional architectural historian/historian and includes the history of the property and photo-recording. The completed DPR forms and the accompanying Historic Resource Report by Carey & Co. were filed with the Northwest Information Center, a branch of the California Historical Resources Information System, at Sonoma State University in Rohnert Park (NIC 2018).

HPC-10: The commenter asks how the project site can be added to the historical inventory list and whether the site has been fully documented on California Department of Parks and Recreation series 523 forms.

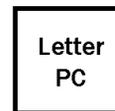
Please refer to Response to Comment HPC-9.

HPC-11: The commenter states that the Heritage Preservation Commission encourages the City Planning Commission and City Park Staff to consider options to retain and maintain the farm stand within the park.

This comment is noted. The City will consider this suggestion in the subsequent design of the park site.

HPC-12: The commenter asks if City staff would consider a working farm as part of the park.

This comment is noted. The City will consider this suggestion in the subsequent design of the park site.



Summary of comments on the Corn Palace Draft EIR received at the December 10th, 2018, City of Sunnyvale (City) Planning Commission (PC) Public Meeting

Commissioner John Cordes, Bicycle and Pedestrian Advisory Committee Member, Chair:

- A new law goes into effect in 2020 requiring all new housing to include solar panels. I would like to see the EIR consider that and require implementation on this project instead of waiting until 2020. PC-1
- Would like to see some ingress/egress off of Lawrence Expressway to the site instead of having a solid sound wall all the way around. PC-2

Planning Commissioner Sue Harrison:

- During a study session, the original project proposal looked at 95 units and now the EIR looks at fewer. During that session, the Commission had given feedback to the Applicant that more units of a smaller size would be preferred and more in line with what the City originally asked for. The proposed project offers fewer units. If the project changes now, what would be the effect to the EIR? PC-3

Planning Commissioner David Simons, Vice Chair :

- If minor changes to the project are made that are not related to the space allotted to housing, roads, or park, is the EIR flexible enough to accommodate those changes without a major modification to the EIR? In study session, a number of comments were made about the placement of minor changes. For example, changes to the road layout and pedestrian/bicycle access). PC-4

Planning Commissioner Carol Weiss:

- This is a seismically active area subject to liquefaction and liquefaction-induced settlement. There are a lot of uncertainties associated with assessing the risks and consequences of this based on a study done in December 2016 for the National Academy of Sciences, Engineering, and Medicine, which calls for improved methods to assess earthquake-caused soil liquefaction. Please have more than one study done on the geotechnical feasibility of the site because there is too much uncertainty associated with just one study since it's not perfect. Redundancy is a good thing. PC-5
- Commenter requests resolving the impact on migratory and wintering birds. The DEIR did not say anything about wintering or migratory birds. Can that be examined? PC-6

Planning Commissioner Ken Rheaume:

- Roughly, how many additional units beyond 58 would trigger an additional EIR. PC-7

Planning Commissioner Sue Harrison:

- Would this EIR consider 61 units instead of 58? PC-8

Planning Commissioner Daniel Howard, Chair:

- An alternative scenario for the project in the EIR could be buildout of maximum density of the site. PC-9
- Is it possible for higher density development to reduce environmental impact? For example, would higher density reduce VMT because you get to a density that requires more public transport? PC-10

Richard Mehlinger, Bicycle and Pedestrian Advisory Committee Member:

- The site is some of the last open land in the City which makes it a tremendously precious resource. It is close to bus routes on Lawrence Expressway and the Lawrence Caltrains station where a considerable amount of transit-oriented development is occurring as part of the LSAP. The site is a comparable distance to the Lawrence Station apartments near either the 101 or 237. PC-11
- It is disturbing to see such a low density development in such a high potential area on some of the last open land in the City. We are facing a housing crisis of monumental proportions and the 58 units will be housing for the one percent. These houses will go on sale for 1.4 million a pop, if not more. That will not do much to help the housing crisis. We could do so much more with this site. Even townhouse density would be a considerable improvement. PC-12
- My understanding is that with the State density bonus, the developer could get 90-something units with the 12.5% BMR units that we require if they choose to do that at a low income level. That would get them 75 units. Even that would be a considerable improvement over what we're looking at right now. I would urge Planning Commission to look at denser options as part of this EIR and look at how we can make sure we are getting the most that we can out of this land. PC-13
- Now I know that despite the siting there are some difficulties. The County is unwilling to provide direct access for this site to Lawrence Expressway which does limit the amount that you can put there practically but we can do better than 58 executive homes in the midst of this soaring affordability crisis we're facing. I would urge the Planning Commission to do whatever is within your power to get us more homes on this site. Especially more affordable homes. PC-14

PC	City of Sunnyvale (City) Planning Commission (PC) Public Meeting December 10, 2018
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PC-1: The comment states a new law goes into effect in 2020 requiring all new housing to include solar panels and that the EIR should consider requiring implementation of this law on this project instead of waiting until 2020.

This comment is referring to the prescriptive requirements for use of photovoltaic solar panels for residential buildings as mandated by the 2019 Title 24, Part 6, Building Energy Efficiency Standards (California Energy Code), which takes effect on January 1, 2020. As discussed in Chapter 3, "Project Description," Sections 4.5, "Energy," and 4.8, "Greenhouse Gas Emissions," construction of project buildings is expected to commence in 2020. Because construction is anticipated to start in 2020, the requirements of the 2019 California Energy Code would apply to project construction, regardless of when the CEQA document is certified. The discussion of operational greenhouse gas emissions on page 4.8-8 of the DEIR stipulates that the project will comply with the requirements of the 2019 California Energy Code including the use of onsite solar for residential buildings. Moreover, as discussed on page 4.8-12 of the DEIR, Mitigation Measure 4.8-1 contains a requirement that "all buildings shall include rooftop solar photovoltaic systems to supply electricity to the buildings," which serves to reduce anticipated greenhouse gas emissions associated with the energy sector.

PC-2: The comment requests ingress/egress at Lawrence Expressway to the site instead of having a solid sound wall around the site.

This comment expresses a project design preference, and does not address the adequacy of analysis of impacts in the DEIR. Creating a gap in the proposed sound wall could expose project residents and park users to existing traffic noise from Lawrence Expressway. This comment is noted.

- PC-3: The comment explains that at a previous study session, the original project proposal looked at 95 units but the DEIR evaluated 58 units. The comment also states that the Planning Commission had given feedback to the Applicant that additional units of a smaller size would be preferred and would be consistent with the City's original request, yet the proposed project offers fewer units than originally discussed. The comment asks what the effect to the DEIR would be if the project were changed.

The comment is correct that the number of units proposed at the project site and analyzed in the DEIR has been reduced to 58 units since the original project proposal. As stated on page 1-5 of the DEIR, the project as proposed is consistent with proposed buildout of the area as identified in the City of Sunnyvale General Plan LUTE and the LSAP. Also, the project is consistent with the current land use and designations in the General Plan LUTE, LSAP, and Zoning Code. The site's R1.5 zoning designation allows for construction of up to 10 residential units per acre. Thus, under existing zoning, the 6.1-acre site (this number reflects the land for dwelling units and does not count the acreage that would be designated for a park) could accommodate up to 61 units. The provision of a park site is consistent with LSAP policies related to parks and open space for the project site (LSAP Policy OSP-1 and Chapter 6 Urban Design – Southern Residential Subarea). Regarding effect on the DEIR if project changes were made, please refer to Master Response 1: Project Description.

- PC-4: The comment questions whether the DEIR can accommodate minor changes without a major modification to the DEIR.

Please refer to Master Response 1: Project Description for a discussion of the implications of minor project changes prior to certification of an EIR.

- PC-5: The comment explains that the area is seismically active and subject to liquefaction as well as liquefaction-induced settlement. The comment requests that more than one geotechnical feasibility study be completed for the site due to potential uncertainty.

Seismic Hazards were assessed in Chapter 1, "Introduction," page 1-3 of the DEIR. As described therein, the geotechnical feasibility study for the project site (Cornerstone Earth Group 2016) found that the site would be subject to seismic hazards from liquefaction and liquefaction-induced settlement and concluded the potential for lateral spreading to affect the project site is low. The project site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no known active or potentially active faults exist on the project site. Therefore, the risk of surface rupture from a known active fault is considered low (Cornerstone Earth Group 2016). The City's Municipal Code adopts the California Building Code (CBC) by reference in Chapter 16.16.020, with changes and modifications providing a higher standard of protection. All new development and redevelopment are required to comply with the City's Municipal Code and the current adopted CBC, which includes design criteria for seismic loading and other geologic hazards. Compliance with these regulations would minimize hazards associated with seismic activity by requiring seismic building design, engineering, and construction techniques reflective of the seismic risk area of the site. No aspects of the project would increase the potential for seismic activity or the inherent risks associated with such activity. Adherence to the City's Municipal Code and compliance with the CBC would reduce potential impacts associated with developing on potentially unstable soils. All project components would be required to comply with the seismic design standards of the CBC. The project would not exacerbate existing seismic hazards and no impact associated with seismic hazards would result.

It is assumed the commenter is referring to a report titled, "State of the Art and Practice in the Assessment of Earthquake-Induced Soil Liquefaction and Consequences"

(<http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=23474>). The comment does not provide any information or evidence as to why the geotechnical feasibility study for the project site would need to be redone.

It is also important to note that the California Supreme Court decision (California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369, 377) has clarified CEQA with regard to the effects of existing environmental conditions on a project's future users or residents. The effects of the environment on a project are generally outside the scope of CEQA unless the project would exacerbate these conditions. The project would not alter geologic conditions in the area to the extent that it would exacerbate existing geologic hazards.

PC-6: The comment requests that the DEIR examine and resolve impacts on migratory and wintering birds and states that the DEIR did not say anything about wintering or migratory birds.

Regarding wintering birds, there are some special-status birds in California for which wintering habitat is protected. However, none of those could occur at Corn Palace as there is no annual grassland, marsh, or wetland habitat onsite. Impact 4.4-3 on page 4.4-14 of the DEIR states that project implementation could result in the disturbance or loss of nesting raptors, special-status birds, and other birds, if present, through removal of trees and vegetation. The term 'other birds' refers to native, migratory birds and the City agrees that this could be better clarified. Therefore, as shown in Chapter 3, "Corrections and Revisions to the Draft EIR," Therefore, as shown in Chapter 3, "Corrections and Revisions to the Draft EIR,"

Impact 4.4-3 and Mitigation Measure 4.4-3 are amended in Chapter 2, "Executive Summary," Table 2-1, page 2-11 through 2-12, and Section 4.4, Biological Resources," page 4.4-14, of the DEIR. Text deletions are shown in strikethrough, and text additions are shown in underline. The text has been modified as follows. This change does not alter the conclusions of the DEIR.

Impact 4.4-3: Disturbance to or Loss of White-Tailed Kite, Nesting Raptors, and Other Birds

Project implementation could result in the disturbance or loss of nesting raptors, special-status birds, and other native, migratory birds without special status, if present, through removal of trees and vegetation. This would be a **potentially significant** impact.

White-tailed kite is fully protected under California Fish and Game Code. The project site contains isolated large trees (e.g., walnut) and other large landscape trees are present in the neighborhoods surrounding the project site. These trees may provide suitable nesting habitat for white-tailed kite and other tree-nesting raptors (e.g., red-tailed hawk [*Buteo jamaicensis*], red-shouldered hawk [*Buteo lineatus*]). The nests of oOther native, migratory non-special-status birds are protected by California Fish and Game Code, and there birds could nest within trees on the project site as well.

Tree removal and ground disturbing activities, including grading, trenching, or vegetation removal within the project site, could result in the disturbance or direct loss of white-tailed kite, and other nesting raptors and other native, migratory birds if present on the project site, potentially resulting in nest abandonment, nest failure, or mortality of chicks or eggs. This would be a **potentially significant** impact.

Mitigation Measure 4.4-3: Protection Measures for Nesting Raptors and Other Birds

The applicant shall impose the following conditions before, and during, construction:

- ▲ To minimize the potential for loss of nesting raptors and other native, migratory birds, tree removal activities will only occur during the nonbreeding season (September 1-

January 31). If all suitable nesting habitat is removed during the nonbreeding season, no further mitigation will be required.

- ▲ Before removal of any trees or other vegetation, or ground disturbing activities between February 1 and August 31, a qualified biologist will conduct preconstruction surveys for nesting raptors and other birds and will identify active nests within 500 feet of the project site. The surveys will be conducted before the beginning of any construction activities between February 1 and August 31.
- ▲ Impacts to nesting raptors will be avoided by establishing appropriate buffers around active nest sites identified during preconstruction surveys. Activity will not commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer will not likely result in nest abandonment. Typical buffers are 500 feet for raptors, but the size of the buffer may be adjusted if a qualified biologist, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during construction activities may be required if the activity has potential to adversely affect the nest.
- ▲ Trees will not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree.

Significance Conclusion

Implementation of Mitigation Measure 4.4-3 would reduce impacts on white-tailed kite, nesting raptors, and other native, migratory birds to a **less-than-significant** level because preconstruction surveys would be conducted, and active raptor and other bird nests would be protected from construction activities.

PC-7: The comment asks how many additional units beyond 58 would trigger an additional EIR.

Please refer to Master Response 1: Project Description for a discussion of the implications of project changes prior to certification of an EIR.

PC-8: Would this EIR consider 61 units instead of 58?

Please refer to Response to Comment PC-3. Regarding effect on the DEIR if project changes were made, please refer to Master Response 1: Project Description.

PC-9: The comment suggests that the EIR consider a project alternative that considers buildout of the project site at the maximum density.

Please refer to Master Response 1: Project Description for a response to this comment.

PC-10: The comment questions whether it is possible for higher density development to reduce environmental impacts, particularly because of the potential reduction in vehicle miles traveled (VMT).

While reduced VMT may be one co-benefit of increasing development density, there are many environmental factors to consider. Increased density of development may reduce VMT, which would likely reduce greenhouse gas (GHG) and air pollutant emissions. Project impacts associated with greenhouse gases and VMT are addressed in Section 4.8, "Greenhouse Gases" of the DEIR and air pollutants from mobile emissions are addressed in Section 4.2, "Air Quality" of the DEIR. These impacts were mitigated to a less-than-significant level. There may be increased environmental impacts such as increased demand for water, electricity, schools, police, parks, fire, and other public services. The DEIR evaluated the potential environmental impacts of the proposed 58-unit project,

as well as three potential alternatives to the project (see Chapter 5, “Alternatives,” of the DEIR). Trying to determine whether increased density would reduce the project’s environmental impacts would be speculative unless detailed comparisons were made between the project and a higher density alternative.

PC-11: The comment offers general statements about the site’s location and proximity to transportation infrastructure.

The comment does not address the adequacy of the DEIR. No further response is required.

PC-12: The comment expresses general opposition to the project as currently designed and suggests a denser development would be appropriate.

This comment is noted. Please refer to Master Response 1: Project Description.

PC-13: The commenter urges the Planning Commission to look at denser options as part of this DEIR and suggests use of the density housing bonus.

The comment is referring to the State of California Affordable Housing Density Bonus which allows a city, county, or city and county to provide a housing developer with a density bonus and other incentives or concessions for the production of lower income housing units or the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents. The use of density bonus opportunities are not required by a housing project. Regarding evaluation of denser development options, please refer to Master Response 1: Project Description.

PC-14: The comment expresses opposition to the project and urges the Planning Commission to evaluate denser development options.

The commenter’s opposition is noted. Regarding evaluation of denser development options, please refer to Master Response 1: Project Description.

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File Contents

2 **RESPONSES TO COMMENTS**..... **2-1**

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Acronyms/Abbreviations **updated 1/18 gl**

- congestion management program (CMP)
- Land Use and Transportation Element (LUTE)
- Lawrence Station Area Plan (LSAP)
- level of service (LOS)
- Native America Heritage Commission (NAHC)
- Natural Investigations Company (NIC)
- Santa Clara Valley Transportation Authority (VTA)
- square feet (sf)
- temporary traffic control plan (TTC)
- Traffic Impact Analysis (TIA)
- transportation operation analysis (TOA)
- vehicle miles traveled (VMT)
- voluntary community benefit (VBC)

Citations **updated 1/18 gl**

- Yellow** = confusing (sequential lettering doesn't match, years don't match, misspellings, etc.)
- Green** = matched reference
- Aqua** = missing full reference
- Pink** = no citation in text

References

3 REVISIONS TO THE DEIR

This chapter presents specific text changes made to the DEIR since its publication and public review. 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

In the wake of the California Supreme Court decision *Sierra Club v. County of Fresno* 226 Cal.App.4th 704 published in December 2018, the following text changes have been made on pages 4.2-12 and 4.2-13 of the DEIR. These changes do not alter the conclusion of the DEIR.

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):

- ▲ Cause daily average construction-generated criteria air pollutant or precursor emissions to exceed 54 pounds per day (lb/day) of ROG, 54 lb/day of NO_x, 82 lb/day of PM₁₀ exhaust, or 54 lb/day of PM_{2.5} exhaust, or substantially contribute to emissions concentrations (e.g., PM₁₀, PM_{2.5}) that exceed the applicable NAAQS or CAAQS;
- ▲ Cause daily long-term regional criteria air pollutant or precursor emissions to exceed 54 lb/day of ROG, 54 lb/day of NO_x, 82 lb/day of PM₁₀ exhaust, or 54 lb/day of PM_{2.5} exhaust; or substantially contribute to emissions concentrations (e.g. PM₁₀, PM_{2.5}) that exceed the applicable NAAQS or CAAQS.
- ▲ not implement BAAQMD's Basic Construction Mitigation Measures for dust emissions (e.g., PM₁₀ and PM_{2.5});
- ▲ result in, or contribute to, concentrations of CO that exceed 9.0 parts per million (ppm) over an 8-hour average or 20.0 ppm over a 1-hour average;
- ▲ generate TAC emissions that would expose sensitive receptors to an incremental increase in cancer risk that exceeds 10 in one million and/or a chronic or acute hazard index of 1; and/or
- ▲ create objectionable odors affecting a substantial number of people (i.e., one confirmed complaint per year averaged over 3 years).

Revisions to Section 4.3, Archaeological, Historic, and Tribal Cultural Resources

In response to comment S1-1, text has been added to the end of the description of Public Resources Code, Section 5097, page 4.3-5 of the DEIR. These changes do not alter the conclusion of the DEIR.

Public Resource Code, Section 5097

PRC, Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the Code states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate pale ontological site,

including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

Section 5097.98 of the Code states the following regarding the process for discovery of human remains:

(a) Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

(b) Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

(1) The descendants' preferences for treatment may include the following:

(A) The nondestructive removal and analysis of human remains and items associated with Native American human remains.

(B) Preservation of Native American human remains and associated items in place.

(C) Relinquishment of Native American human remains and associated items to the descendants for treatment.

(D) Other culturally appropriate treatment.

(2) The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the project area, providing a basis for additional treatment measures.

In response to comment I9-1, Mitigation Measure 4.3-1b has been amended to specify inclusion of available history dating back to at least the 1860's. The text of Mitigation Measure 4.3-1b has been amended in Section 4.3, Archaeological, Historic, and Tribal Cultural Resources, p. 4.3-13 and 4.3-14 of the DEIR as follows. This change does not alter the conclusions of the DEIR.

Mitigation Measure 4.3-1b: Create an Interpretive Program, Exhibit, or Display

The project applicant shall prepare a permanent exhibit/display of the history of the Corn Palace property including, but not limited to, historic and current photographs, interpretive text, drawings, video, interactive media, and oral histories. The exhibit shall include information related to historic

agricultural uses of the site, dating back to at least the 1860's. The exhibit/display shall be developed in consultation with the City of Sunnyvale, local historical organizations, and those with an interest in the history of the Corn Palace property and/or agricultural history within the City of Sunnyvale. The exhibit/display shall be displayed in a location at the proposed park, adjacent to the housing development, that is accessible to the public and may be incorporated into the interpretive exhibit.

In response to comment S1-2, Mitigation Measure 4.3-2 has been modified to better clarify that tribes are the entity that determine what is a tribal cultural resource. Mitigation Measure 4.3-2 has been amended in Section 4.3, Archaeological, Historic, and Tribal Cultural Resources, page 4.3-14, of the DEIR. Text deletions are shown in strikethrough, and text additions are shown in underline. The text has been modified as follows. These changes do not alter the conclusion of the DEIR.

Mitigation Measure 4.3-2: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a professional archaeologist, qualified under the Secretary of the Interior’s Professional Qualification Standards, shall be retained to assess the significance of the find. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or tribal artifact. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or a tribal ~~artifacts~~cultural resource. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to the City of Sunnyvale regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal artifact~~cultural resource~~, the City of Sunnyvale shall provide a reasonable opportunity for input from representatives of any tribe or tribes the professional archaeologist believes may be associated with the resource. The tribal representative will determine whether the artifact is considered a tribal cultural resource, as defined by PRC Section 21074. The City shall implement such recommended measures if it determines that they are feasible in light of project design, logistics, and cost considerations.

In response to comment S1-3, text has been revised in the second to last paragraph of Impact 4.3-4, page 4.3-16 of the DEIR as follows. These changes do not alter the conclusion of the DEIR.

These statutes require that, if human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the Santa Clara County coroner ~~and NAHC~~ shall be notified immediately, in accordance with to PRC Section 5097.98 and Section 7050.5 of California’s Health and Safety Code. If the remains are determined ~~by NAHC~~ to be Native American, the NAHC will be contacted within 24 hours and the guidelines of the coroner ~~NAHC~~ shall be adhered to in the treatment and disposition of the remains. Following the coroner’s findings, the archaeologist, the NAHC-designated Most Likely Descendant, and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Revisions to Section 4.4, Biological Resources

In response to comment PC-6, Impact 4.4-3 and Mitigation Measure 4.4-3 of the DEIR has been modified to clarify that native, migratory birds are included in this impact and mitigation measure. Therefore, as shown in Chapter 3, “Corrections and Revisions to the Draft EIR,” Impact 4.4-3 and Mitigation Measure 4.4-3 are

amended in Chapter 2, “Executive Summary,” Table 2-1, page 2-11 through 2-12, and Section 4.4, “Biological Resources,” page 4.4-14, of the DEIR. Text deletions are shown in strikethrough, and text additions are shown in underline. The text has been modified as follows. These changes do not alter the conclusion of the DEIR.

Impact 4.4-3: Disturbance to or Loss of White-Tailed Kite, Nesting Raptors, and Other Birds

Project implementation could result in the disturbance or loss of nesting raptors, special-status birds, and other native, migratory birds ~~without special status~~, if present, through removal of trees and vegetation. This would be a **potentially significant** impact.

White-tailed kite is fully protected under California Fish and Game Code. The project site contains isolated large trees (e.g., walnut) and other large landscape trees are present in the neighborhoods surrounding the project site. These trees may provide suitable nesting habitat for white-tailed kite and other tree-nesting raptors (e.g., red-tailed hawk [*Buteo jamaicensis*], red-shouldered hawk [*Buteo lineatus*]). The nests of other native, migratory non-special-status birds are protected by California Fish and Game Code, and these birds could nest within trees on the project site as well.

Tree removal and ground disturbing activities, including grading, trenching, or vegetation removal within the project site, could result in the disturbance or direct loss of white-tailed kite, and other nesting raptors and other native, migratory birds if present on the project site, potentially resulting in nest abandonment, nest failure, or mortality of chicks or eggs. This would be a **potentially significant** impact.

Mitigation Measure 4.4-3: Protection Measures for Nesting Raptors and Other Birds

The applicant shall impose the following conditions before, and during, construction:

- ▲ To minimize the potential for loss of nesting raptors and other native, migratory birds, tree removal activities will only occur during the nonbreeding season (September 1-January 31). If all suitable nesting habitat is removed during the nonbreeding season, no further mitigation will be required.
- ▲ Before removal of any trees or other vegetation, or ground disturbing activities between February 1 and August 31, a qualified biologist will conduct preconstruction surveys for nesting raptors and other birds and will identify active nests within 500 feet of the project site. The surveys will be conducted before the beginning of any construction activities between February 1 and August 31.
- ▲ Impacts to nesting raptors will be avoided by establishing appropriate buffers around active nest sites identified during preconstruction surveys. Activity will not commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer will not likely result in nest abandonment. Typical buffers are 500 feet for raptors, but the size of the buffer may be adjusted if a qualified biologist, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during construction activities may be required if the activity has potential to adversely affect the nest.
- ▲ Trees will not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree.

Significance Conclusion

Implementation of Mitigation Measure 4.4-3 would reduce impacts on white-tailed kite, nesting raptors, and other native, migratory birds to a **less-than-significant** level because preconstruction

surveys would be conducted, and active raptor and other bird nests would be protected from construction activities.

Revisions to Section 4.5, Energy

Due to an error, 2008 building energy consumption for the City of Sunnyvale was overestimated in the DEIR. The following text changes have been made on page 4.5-6 of the DEIR. These changes do not alter the conclusion of the DEIR.

Energy Types and Sources

In 2017, the total energy consumption in the U.S. was about 97.7 quadrillion British thermal units (Btu), 18 percent of which occurred within the U.S. Fossil fuels provide approximately 80 percent of the energy used in the U.S., nuclear power provides about 8.5 percent, and renewable energy provides approximately 9.8 percent (EIA 2018, Barr 2001). California is the most populous state in the U.S., and its energy consumption is second only to Texas; however, California has the lowest per capita energy consumption rate in the U.S. California relies on a regional power system comprised of a diverse mix of natural gas, renewable, hydroelectric, and nuclear generation resources.

In 2008, residential, commercial, and industrial building energy consumption was approximately 5.5 trillion ~~4.3 quadrillion~~ Btu in the City (City of Sunnyvale 2014). PG&E-owned generation and power purchases is comprised of a largely renewable mix of generation sources. Renewable energy (including biomass, geothermal, small hydroelectric, solar, and wind) accounts for 33 percent of the company's energy generation, large hydroelectric and nuclear account for an additional 36 percent, and natural gas accounts for 17 percent. The remaining 14 percent of the company's energy generation comes from coal burning or other unspecified sources (i.e. energy purchased from separate generation companies for which generation source is untraceable) (PG&E 2016). SVCE-owned generation and power is comprised entirely of renewable and zero-carbon generation sources. Renewable energy accounts for 55 percent of SVCE's energy generation, while large hydroelectric accounts for the remaining 45 percent (SVCE 2018)

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File Contents

3 REVISIONS TO THE DEIR 3-1

Appendices

Figures

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Tables

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Acronyms/Abbreviations updated 1/18 gl

Citations updated 1/18 gl

Yellow = confusing (sequential lettering doesn't match, years don't match, misspellings, etc.)

Green = matched reference

Aqua = missing full reference

Pink = no citation in text

References

4 REFERENCES

City of Sunnyvale. 2018. Final Transportation Operations Analysis for 1142 Dahlia Court (Corn Palace). Prepared by Wood Rodgers, Pleasanton, CA.

Natural Investigations Company. 2018 (August 21). *Cultural Resources Inventory for the Corn Palace Residential Development Project, City of Sunnyvale, Santa Clara County, California.*

Santa Clara Valley Transportation Authority. 2014, October. Santa Clara Valley Transportation Authority Traffic Impact Analysis Guidelines. Available at: < <http://www.vta.org/cmp/tia-guidelines>>. Accessed on February 15, 2019.

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