

RESPONSES TO COUNCIL QUESTIONS REGARDING 1/13/15 AGENDA

CONSENT CALENDAR:

Item 1.G.

Why was work done in excess of the approved contract? Why wasn't a contract amendment sought before the contract maximum was exceeded instead of after? If I'm reading this correctly, the contract maximum was exceeded by 15% before approval was requested. By exceeding the contract before an increase was requested, this has effectively taken that decision out of the hands of Council.

Staff Response: The contractor and staff erroneously approved work that exceeded the contract amount. Both parties focused primarily on not exceeding funds allocated in the operating budget and didn't monitor the contract amount appropriately.

The RTC says that the work was done at an accelerated pace, and this accelerated pace increased the cost of the contract. That implies that a conscious decision was made for the contractor to work faster than originally proposed, and that this cost more. If so, then I don't understand why the increased contract cost was not recognized long before the maximum was hit, and in plenty of time for Council to consider this change.

Staff Response: Funds for the contract were initially utilized as a capital project starting in FY 12/13. Over \$200,000 was not utilized because the contract started late in the fiscal year and these funds were carried over to FY13/14 and placed into the operating budget. In FY 14/15 the work was accelerated because of the carry over funds which led to using the contract amount faster than anticipated. However, staff and the contractor failed to properly monitor the contract amount.

Is the final sentence in the Discussion section ("Parks staff is implementing...") an acknowledgement that this shouldn't have happened, and steps are being taken to ensure it doesn't happen again?

Staff Response: That is correct, it shouldn't have happened and a contract amendment should have been sought from Council by staff before the contract amount was exceeded. Monitoring processes have been implemented at the program level to ensure this doesn't happen again.

PUBLIC HEARING/GENERAL BUSINESS:

Item #2

Executive Summary

ES.4

"...(SCC) is expected to experience substantial growth in the next 30 years....transportation infrastructure,...is planned to increase by only 5-6%." What is the ballpark % or projections for growth in the next 30 years for the region and for Sunnyvale?

Staff Response: Using Data from Plan Bay Area (2013, ABAG/MTC) and Projections 2009 (2009, ABAG) these are the numbers:

(Note that population numbers do not reflect the current Sunnyvale General Plan, however they are similar to the draft update to the LUTE.)

Summary Regional and Sunnyvale Growth 2010-2040

Percent Growth 2010-2040

	Bay Area Region	Sunnyvale
Jobs	33%	28%
Housing Units	24%	34%
Households	27%	36%
Population	30%	26%

ES.4.1.5 Schedule

"...Project will take approximately 2 years to complete." Really? Two years to complete 17+ miles seems really short.

Staff Response: Staff has not seen the detailed construction schedule for the project, however a two-year range does not seem unreasonable for typical roadway type improvements.

And in the Environmental impacts table:

ES-18, Impact TRA-7b, it states, "...unavoidable impacts under Build Alternatives 3a and 3b in 2040." and "...Build Alternative 4b in 2040." Which also seems a very long time out to experience the impacts at key intersections.

Staff Response: The EIR includes a 2018 and 2040 scenario however most of the impacts occur only under the 2040 scenario. Per discussions with VTA, the 2040 impacts are based on traffic generated from future land use growth. The comment letter does include a number of questions regarding the technical analysis and level-of-service that could change the results for both the 2018 and 2040 analysis.

Diversion to other east-west corridors. I am wondering in general terms whether the DEIR is adequate with regard to impacts to:

homestead-to-foothill

fremont-to-foothill

california-to-central, and central generally

While these involve local streets, Central and Foothill represent regional concerns. There are LOS F intersections affected by these diversions. What is the substantial evidence supporting the claim that these impacts are not significant? I have inquired on the matter of Foothill with colleagues in Los Altos and Palo Alto, as they too are having a discussion Tuesday night on this. Similarly for 101, 280, 85, all LOS F, is the analysis adequate? I don't know how to do the arithmetic $LOS\ F + X\% = ?$

Staff Response: Staff believes the east-west and north-south corridors require more analysis. The comment letter includes the following comments under General Comments- Traffic Analysis:

As part of the dedicated lanes alternatives, the traffic analysis states that current traffic on El Camino will divert to other routes within Sunnyvale. These routes include Central Expressway, US 101, I-280, Fremont Avenue, Remington Drive, Evelyn Avenue, and Maude Avenue. Please address the following comments:

- The report does not provide LOS for all the diversion routes such as US-101 and Central Expressway. Please disclose LOS for all diversion routes and analyze possible impacts by diverted traffic.
- The project has significant impacts along Evelyn and Fremont. Will this traffic use other streets instead of corridors that become congested?

- Please explain why vehicles would choose to divert to congested routes such as Evelyn, Fremont, US-101, and Central expressway if the analysis shows that El Camino Real within Sunnyvale would still function at an acceptable LOS.
- Disclose what North-South corridors diverted traffic will use and provide the LOS analysis. Mathilda should be included as part of this analysis.
- If the diversion does not occur as modeled, what will be the LOS for intersections along El Camino?

I wonder if it would be helpful to incorporate by reference to VTA or County Roads or MTC or Caltrans documents that themselves highlight the conditions of these east-west corridors, or that provide analysis of situations with LOSF + X% and reach a conclusion of significant impact, in other contexts. I know that the CMP documentation indicates clearly the condition of the freeways, and the need for VTA to report on these conditions annually, if not actually to fix them. If the VTA has a legal requirement to report on or fix these conditions --- as it seems to under the CMP mission for VTA --- how is that met by further impairment of them? How is that impairment of them is not significant, if they are already so bad that there is a law requiring VTA to do something about them.

Staff Response: Staff agrees that all corridors, both north-south and east-west, should be analyzed as part of the EIR per staffs comments under General Comments – Traffic Analysis. Staff also agrees that the EIR is required to analyze them per the VTA guidelines and commented that an explanation is required as to “why the VTA TIA guidelines are not followed.”

At a minimum the corridors should be analyzed and any impacts should be disclosed. As part of the EIR the VTA board could propose to mitigate or override impacts.

Should the street closures on Taaffe and Frances plus the parking permit areas near Caltrain (and the assumption that we may do more of that to protect neighborhoods if necessary) be explicitly mentioned as examples of why VTA should not assume that residential parking is available? It seems like we're telling VTA not to make that assumption without explaining why not.

Staff Response: Per the comment letter VTA should complete a block by block analysis to determine parking issues. This would completely change the parking analysis in the EIR. Residential parking should not be assumed for commercial use. This is not a standard approach and VTA will either need to modify accordingly or explain why it's a reasonable assumption.

Without having looked it up myself, can the argument be made that the loss of trees being proposed runs counter to elements of the Precise Plan, or the Grand Boulevard Initiative? If so, we should. Making the argument that it runs contrary to the intended look and feel of the GBI, rather than just running contrary to "what Sunnyvale wants" might be more effective. In general, we need to make sure that the EIR doesn't make assumptions that run contrary to the GBI or Precise Plan, and to quote those documents in our arguments whenever possible. I don't see either mentioned in our response.

Staff Response: As part of the comments staff does provide specific language regarding the Precise Plan for El Camino Real and the station locations and alternatives considered. The removal of trees is a broad subject that affects a number of City goals and policies. As such, the staff comment letter states that the “EIR needs to be revised to determine the effect the loss of trees will have on the aesthetics and visual quality of the corridor through Sunnyvale.” VTA needs to provide adequate analysis regarding the loss of 130 trees.