

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CERTIFYING REVIEW AND CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE EAST WEDDELL RESIDENTIAL PROJECTS, AND MAKING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the California Environmental Quality Act (Public Resources Code Sections 21000 *et seq.*, ("CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations, Sections 15000 *et seq.*) (the "CEQA Guidelines") require local agencies to consider environmental consequences of projects for which they have discretionary authority; and

WHEREAS, applications for General Plan Amendments and Rezones for residential development were received by the City from two unrelated applicants for residential development projects located in close proximity to the other, one located at 610 East Weddell Avenue and the other located at 520-550 East Weddell Avenue, in the City of Sunnyvale, and the City determined to study the individual environmental effects of each project separately and the combined environmental impacts in a single environmental document for the East Weddell Residential Projects; and

WHEREAS, a Draft Environmental Impact Report ("DEIR") and a Final Environmental Impact Report ("FEIR", collectively, the "EIR") have been prepared for and by the City of Sunnyvale for the two separate applicant proposed scenarios (i) the Sares Regis Applicant Proposed Scenario, and (ii) the Raintree Applicant Proposed Scenario (collectively the "East Weddell Residential Projects") to study the requested proposals, as well as the (iii) Sares Regis Full Buildout Scenario and (iv) the Raintree Full Buildout Scenario to study impacts at higher intensities than the applicants have proposed, pursuant to CEQA and the CEQA Guidelines; and

WHEREAS, the EIR addresses the environmental impacts of the East Weddell Projects; and

WHEREAS, on May 3, 2013, in conformance with CEQA, the City of Sunnyvale, acting as the lead agency under CEQA, published the 30-day Notice of Preparation (NOP) and the City of Sunnyvale initiated work on the DEIR for the East Weddell Projects; and

WHEREAS, the City of Sunnyvale held a public scoping meeting on May 22, 2013; and

WHEREAS, the City of Sunnyvale completed the DEIR and circulated it for the required 45-day public comment period from September 9, 2013 through October 23, 2013; and

WHEREAS, the general public was advised of the availability of the DEIR on the City's website, and property owners within 500 feet of the two East Weddell Residential Projects' sites were notified by mail, and public agencies and interest groups were also notified by mail; and

WHEREAS, a public hearing to consider the DEIR was held before the Planning Commission on October 21, 2013; and

WHEREAS, the City of Sunnyvale prepared the FEIR for the East Weddell Projects by incorporating the DEIR; comments received about the DEIR and the City's responses to those comments; and changes, clarifications and corrections to the DEIR; and

WHEREAS, as required by CEQA, the FEIR was mailed to those public agencies that commented on the DEIR, as well as all of the other commentors; and

WHEREAS, the EIR is incorporated by this reference in this Resolution; and

WHEREAS, by motion adopted on March 3, 2014, the Sunnyvale Planning Commission recommended to the City Council the certification of the EIR; and

WHEREAS, on March 25, 2014, a public hearing was held by the City Council, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto were heard, and the City Council reviewed and considered the FEIR in order to satisfy state and local requirements governing the City's environmental review, analysis, and conclusions pertaining to the East Weddell Projects pursuant to CEQA; and

WHEREAS, the Sunnyvale City Council has reviewed the EIR for the East Weddell Projects; and

WHEREAS, by this Resolution, the City Council, as the lead agency under CEQA for preparing the EIR, desires to comply with the requirements of CEQA and the CEQA Guidelines for consideration, certification, and use of the EIR for the Analyzed Projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sunnyvale as follows:

A. Compliance with CEQA Requirements: The Sunnyvale City Council, acting as lead agency under CEQA Guidelines § 15090, has received, reviewed and considered the EIR and other substantive and procedural components of CEQA compliance for the East Weddell Projects. The EIR prepared for the East Weddell Projects, and review procedures required by CEQA for a lead agency, have been completed in conformance with CEQA as set forth in the recitals to this Resolution.

Pursuant to CEQA, including without limitations CEQA Guidelines § 15090, the City Council hereby finds, determines and certifies that the City of Sunnyvale has complied with all of its duties as a lead agency for the EIR, that the EIR was presented to the City Council and the City Council has reviewed and considered

the information contained in the EIR. Further, the City Council finds that the EIR was completed in compliance with CEQA.

Specifically:

1. that a Notice of Preparation was published on May 3, 2013, giving public agencies and citizens until May 23, 2013 to review and respond to the proposed scope of the East Weddell Projects EIR, and that a copy of such notice was mailed to every property owner within 500 feet of the East Weddell Residential Projects' sites, as well as surrounding cities and other public agencies; and a public scoping session was held on May 22, 2013;
2. that the DEIR was prepared in compliance with CEQA Guidelines § 15120 through § 15132;
3. that the DEIR was published on the City's website and circulated for public review and comment from September 9, 2013 to October 23, 2013, thus complying with the 45-day review period, and as part of this review period a Notice of Availability was posted and mailed to all property owners within 500 feet of the East Weddell Residential Projects' sites, to all parties who had previously expressed interest to be notified about the matter and to all surrounding cities and public agencies;
4. that the FEIR has been prepared, consisting of the comment letters received; the response to written comments; the response to oral comments received at the October 21, 2013 public hearing; response to comments received after the close of the public comment period; and a comprehensive list of changes, clarifications and corrections to the DEIR.

B. The EIR reflects the lead agency's independent judgment and analysis. The City Council hereby finds that the EIR, as certified, reflects the independent judgment and analysis of the City Council and the City of Sunnyvale. By these findings, the City Council ratifies, clarifies, and/or makes insignificant modifications to the EIR and resolves that these findings shall control and are determinative of the significant impacts of the East Weddell Project. The City Council specifically finds that at this time, the FEIR for the East Weddell Projects accurately and completely presents adequate information upon which to base future environmental decisions about the East Weddell Projects and there is no need to prepare a subsequent or supplemental EIR to evaluate the information and comments received about the DEIR, changes in circumstances, or new information presented to the City during the DEIR public comment period. The City Council further finds that no new information of substantial importance showing new significant environmental effects or a substantial increase in the severity of previously identified significant environmental effects beyond those effects analyzed in the DEIR for the East Weddell Projects were identified during the public comment period or during the preparation of the EIR.

AND BE IT FURTHER RESOLVED, that the Sunnyvale City Council hereby certifies the EIR for the East Weddell Projects pursuant to CEQA Guidelines § 15090.

Adopted by the City Council at a regular meeting held on _____, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney