

- 3** **14-0192** **File #:** 2013-7240
Location: 610 E. Weddell Drive (APN: 110-28-001) & 520-550 E. Weddell Drive (110-14-190 & 191).
Proposed Project: Discussion and possible actions concerning environmental document prepared for related applications for General Plan Amendments and Rezones for two sites, a 4.04 acre site at 610 E. Weddell Drive and a 12.04 site at 520-550 E. Weddell Drive.
CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT East Weddell Residential Projects
Applicants / Owner: Sares Regis Group (610 E. Weddell Drive) Raintree Partners (520 - 550 E. Weddell Drive)
Environmental Review: An Environmental Impact Report (EIR) has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Ryan Kuchenig, Associate Planner, presented the staff report. He said Amy Skewes-Cox, the primary consultant for preparation of the Environmental Impact Report (EIR), and subconsultants Andrew Kluter with TJKM Transportation Consultants and James Reyff with Illingworth and Rodkin are available to answer technical questions. Mr. Kuchenig said staff received two letters from the Adams, Broadwell, Joseph and Cardozo law firm recommending revisions to the Mitigation Monitoring and Reporting Program (MMRP), and that staff does not object to their recommended changes.

Vice Chair Olevson and Mr. Reyff discussed the modeling software used to test for air quality, and confirmed that the most major risks to air quality occur during construction of projects.

Chair Melton asked if the letters from Adams, et al. have modified the Final EIR, to which Ms. Ryan responded that the letters were clarifying elements of the MMRP and ensuring they become Conditions of Approval (COA) for the project. Chair Melton discussed with Mr. Reyff mitigation efforts as they relate to air quality.

Comm. Durham and Mr. Reyff discussed projections for emissions reduction via higher standards for truck manufacturing.

Comm. Rheume and Mr. Reyff discussed filtration systems for units closer to the highway and requirements for how they would have to be maintained. Trudi Ryan, Planning Officer, added that with rental properties, property owners must assure compliance with these requirements.

Vice Chair Olevson confirmed with Ms. Ryan that only the rezoning request for the property at 550 E. Weddell has been withdrawn.

Chair Melton opened the public hearing.

Ken Busch, with the SARES REGIS group, discussed the group's community outreach efforts, the conversion of the project site from industrial-to-residential (ITR) zoning, the site's proximity to trails and transportation and the project's green point rating and LEED targets.

Rick Price, with Raintree Partners, presented a slide of the site demonstrating the site as surrounded by residential zoning and its proximity to public transportation.

Meghan Quinn, with the Adams, et al. law firm, speaking on behalf of the Sunnyvale Residents for Responsible Development association, said the additional clarification on the MMRP is necessary to ensure the intent of the EIR is fully carried out and enforceable.

Cheryl Pollok, a Sunnyvale resident, spoke in support of certifying the Final EIR.

Jack Jones, a Sunnyvale resident, asked that the Commission approve the EIR with the recommended changes.

Angelo Ricci, a Sunnyvale resident, spoke in support of certifying the Final EIR.

Chair Melton closed the public hearing.

Comm. Simons inquired about the impact of requiring more improved pedestrian access. Mr. Kluter responded that this project includes mitigation to improve pedestrian connections to the Greenbelt and light rail station. Comm. Simons asked if proposed mitigation goes beyond improving these two sites. Jack Witthaus, Transportation and Traffic Manager, said no pedestrian environmental impacts were identified, and discussed pedestrian improvement projects on the site.

Vice Chair Olevson moved to recommend to City Council approval of the Final EIR using Alternative 2 and including the requested changes submitted by the

Adams, et al. law firm. Comm. Simons seconded.

Vice Chair Olevson said these two projects, which are covered by the EIR have done an excellent job of working with the City, and that they have added to area, which, if driven through right now is not necessarily blight, but it comes close to it. He said these projects will substantially enhance the neighborhood, that he is looking forward to having these projects and the EIR approved, and recommends his fellow Commissioners support the motion.

Comm. Simons said he supports this acceptance of the EIR, and that his major concern for the long term is that this is a project predicated on having accessibility to light rail and other amenities, and that right now there is a lot of work to be done for pedestrians and cyclists, who will not be driving in and out of the site to get access to the light rail and the eastern side of John Christian Greenbelt. He said there could be issues with that, which could probably be dealt with, if they have not already, in the COAs if the project goes forward.

Comm. Harrison said she will be supporting the motion, and that she met with the developer a few days ago to get specific questions answered that were raised in the EIR about the walking path and dog walking on the path and other concerns residents had. She said she was able to get those questions answered in terms of where the applicant's responsibility is and the responsibility of the City. She said she agrees that the rest of the area is built out for residential and that this is a good location for it. She also said that she appreciates the low-income and very low-income units that have been included, and she appreciates the attention to mitigating the environmental impacts.

Chair Melton offered a friendly amendment to Vice Chair Olevson to take off the bit about the last changes from the Adams law firm to take this from Alternative 2 to Alternative 1. Vice Chair Olevson asked Chair Melton to explain his rationale. Chair Melton said he heard the representative of the law firm say first that they support the final EIR, then heard there were subsequent modifications. He said he has questions as to whether they were fully vetted with the applicant and staff and is not sure what ultimate purpose they achieve beyond the initial negotiations that took place and led to the certifiable EIR. He said he is uncomfortable with the last minute changes, hence his friendly amendment. Vice Chair Olevson declined the friendly amendment.

Chair Melton said he will support motion, and that what the Commission is here to do is determine the adequacy of the EIR and make a recommendation

to certify the EIR or not to City Council. He said if members of the public wonder how the Commission has so much knowledge about the project it is because it has been seen many times at study session. He said, as Comm. Simons was getting at during his follow-up questions, he thinks there will be lots of questions when projects come back to the Planning Commission about air quality and pedestrian and bicycle movement, but that right now their only job is to recommend certification of the EIR. He said he is going to take the opportunity to opine that he loves the process being followed, and that in the past the Commission dealt with super combined motions where EIR, General Plan Amendment (GPA), Rezone and development agreement were all handled at once. He said he very much likes handling these as separate components, and that their sole job is recommendation of certification of the EIR. He said for those looking ahead on the agenda, it was originally contemplated that the Commission would tackle the rezone and GPA as a separate item tonight, but that it will be handled on another date. He said is a proponent of that, he will be supporting the motion and that clearly a determination of adequacy can be made on it.

FINAL MOTION:

Vice Chair Olevson moved to recommend to City Council approval of the Final EIR using Alternative 2 and including the recommended changes submitted by the Adams, et al. law firm. Comm. Simons seconded. Motion carried by the following vote:

Yes: 7 - Commissioner Durham
Commissioner Harrison
Commissioner Klein
Chair Melton
Vice Chair Olevson
Commissioner Rheaume
Commissioner Simons

No: 0