



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 14-0037, Version: 1

REPORT TO COUNCIL

SUBJECT

File #: 2013-7240

Location: 610 E. Weddell Drive (APN: 110-28-001) and 520-550 E. Weddell Drive (110-14-190 and 191).

Proposed Project: Consideration of an environmental document prepared for related applications for development of 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 (FEIR) East Weddell Residential Projects

Applicants / Owner: Sares-Regis Group (610 E. Weddell Drive) and 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.

REPORT IN BRIEF

General Plan: Industrial

Existing Zoning:

- 610 E. Weddell Drive: M-S/PD (Industrial and Service / Planned Development)
- 520 E. Weddell Drive: M-S/POA (Industrial and Service / Place of Assembly)
- 550 E. Weddell Drive: M-S/ITR/R-3/PD (Industrial and Service / Industrial to Residential/Medium Density Residential/ Planned Development)

Proposed Zoning:

- 610 E. Weddell Drive and 520 E Weddell Drive: R-4/PD
- 550 E. Weddell Drive: No change

Existing Site Conditions: Vacant - Industrial Light Manufacturing

Surrounding Land Uses

North: Mobile Home Park and PG&E Substation

South: Multi-Family Residential across Highway 101

East: Multi-Family Townhomes

West: Industrial (under consideration for Residential)

Issues: Land Use Compatibility, Density

Planning Commission Recommendation: Certify the Environmental Impact Report with modifications to the Mitigation Monitoring and Reporting Program (MMRP) as requested in a letter

Staff Recommendation: Certify the Environmental Impact Report, and Approve the Resolution of Findings and Adopting the MMRP for 610 E. Weddell Drive and the Resolution of Findings and Adopting the MMRP for 520 E. Weddell Drive, including four modifications to the MMRP.

PROJECT DESCRIPTION

The purpose of this report is to provide an overview of an Environmental Impact Report (EIR) that was prepared for related applications for General Plan Amendment and Rezone for 610 E. Weddell Drive and General Plan Amendment and Rezone for 520 E. Weddell Drive. An evaluation of each of the proposed General Plan Amendment and Rezoning requests is included in a separate staff report (See Planning Projects 2013-7081 and 2013-7132). The Special Development Permit applications for each development proposal will be considered separately at a later date if the EIR is certified and the General Plan and Zoning Amendments are approved. The two site-specific projects will be considered separately, although the same EIR will serve as the legally required environmental documentation for those projects. For purposes of the EIR document, descriptions of the proposed developments are also provided although project approval(s) of the development proposals is not being considered with this RTC. Once it was determined that detailed environmental review was required for these projects, staff selected one of the City's on-call environmental consultants to prepare the necessary environmental documentation. Amy Skewes-Cox is the primary consultant for the preparation of the EIR and was assisted by a team of qualified sub-consultants. City staff have overseen the preparation of the document and managed the consultant contract.

Description of Project Analyzed for the EIR: The EIR provides analysis for the following proposals:

- 1) A General Plan Amendment for two sites, including a 4.04 acre site (one parcel) that would be developed with 205 dwelling units, and 5.17 acres of a larger 12.04 acre site that would be developed with 465 units;
- 2) Rezoning for two General Plan Amendment sites (610 E. Weddell Drive and 520 E. Weddell Drive) associated with the two different projects. The EIR also evaluates rezoning of the remaining 6.87 acres at 550 E. Weddell Drive, however the applicant has withdrawn this request and modified the project to include affordable units and a State housing density bonus to achieve the same total number of units;
- 3) Two separate Special Development Permits, including a proposal for a four-story building consisting of 205 development units (610 E. Weddell Drive) and multiple three and four story buildings consisting of 465 dwelling units (520-550 E. Weddell Drive);
- 4) Potential Vesting Tentative Maps for each project;
- 5) Modifications to the Tasman/Fair Oaks Area Pedestrian and Bicycle Circulation Plan; and
- 6) San Francisco Public Utilities Commission (SFPUC) approval of improvements to the John W. Christian Greenbelt.

In addition to the densities requested by the applicant for each site, the EIR includes an analysis of "Very High Density," for purposes of comparative analysis although the project specific applications contemplate less than full build out for each site. This scenario is described as a "full buildout scenario" with the maximum available density bonuses that can be requested.

BACKGROUND

Previous Actions on Each Site and the Vicinity

In July 2012, a General Plan Amendment Initiation study was approved for 520 E. Weddell Drive. The City Council authorized study of the site for a range of residential densities from Medium to Very High Density. The applicants submitted formal applications that requested a General Plan Designation of High Density Residential.

Until the subject proposal, no formal application had been reviewed to redevelop 520-550 E. Weddell Drive with a residential use. The City amended the General Plan and rezoned the northern parcel to Industrial to Residential Medium Density (ITR/R-3) in 1993. In 2002 the General Plan was amended for the larger Tasman/Fair Oaks area to a land use designation of Residential Medium to High. Several use permits for various industrial and commercial uses have been granted on each property.

A General Plan Amendment Initiation study was approved for 610 E. Weddell Drive in November 2012. The City Council authorized studying this site for a range of residential densities from Medium to Very High Density and combining this study with the previously approved request at 520 E. Weddell Drive. The applicant subsequently submitted an application that requests a General Plan designation of High Density Residential.

Prior to the current development on 610 E. Weddell Drive, established in 1984, a residential project was considered for the site in 1982. The project consisted of 168 dwelling units and was recommended for approval by the Planning Commission, but was ultimately denied by the City Council. Subsequently, the industrial office building was approved and constructed at the site.

In 2004 the City adopted the Tasman/Fair Oaks Area Pedestrian and Bicycle Circulation Plan. A few years later, when Sense of Place improvements were installed, the area was named Tasman Crossing.

Planning Commission Study Sessions

Three study sessions were held with the Planning Commission. On August 5, 2013, both of the development applications were reviewed because of the contemporaneous requests by two separate applicants for each of the two sites. More discussion of the study sessions will be included in the staff reports of the Special Development Permits. On September 9, 2013, a Study Session with the Planning Commission was held regarding the Draft EIR (DEIR). This study session introduced and noted the primary topics of analysis in the document. Discussion at the Study Session related to traffic, noise and the general document format. On February 24, 2014, a study session was held to introduce the projects to the four new Planning Commissioners.

Planning Commission Public Hearing

A public hearing was held with the Planning Commission on March 3, 2014. Five members of the public spoke in support of certification of the EIR, including a representative from the Adams Broadwell Joseph Cardozo law firm. The representative noted that the Final EIR adequately addresses the concerns raised in the Draft EIR; modifications to the Mitigation Monitoring and Reporting Program (MMRP) were requested. Two letters, which address each of the projects, were submitted to the Planning Commission for consideration on the day of the Planning Commission hearing (Attachments 8 and 9).

After a quick review prior to the hearing, staff indicated to the Planning Commission that there was no objection to the requested revisions to the MMRP, as they did not appear to substantively change the

mitigation measures and primarily added clarifying language. Since the Planning Commission hearing, staff and the Office of the City Attorney have reviewed the requests; comments on each of the requests are set forth in Attachment 10.

The Minutes of the Planning Commission public hearing are included as Attachment 11.

Environmental Impact Report (EIR)

The California Environmental Quality Act (CEQA) requires that all state and local government agencies consider the environmental consequences of projects for which they have discretionary authority. The EIR is an informational document that describes the significant environmental effect of the project, identifies possible ways to minimize the significance of the effects and discusses reasonable alternatives to the project to avoid, reduce or minimize environmental impacts. The purpose of this review is to determine if the analysis in the EIR is adequate. It is not the purpose of the EIR to recommend either approval or denial of either project.

When the applicant made the General Plan Amendment Initiation request for 610 E. Weddell Drive, a similar application had been previously made for nearby industrial properties at 520 E. Weddell Drive by a separate applicant. Due to their proximity, the City determined that the environmental impact analysis should be combined. While the EIR is defined as the two separate development projects, separate development applications are processed for each project and decisions on the General Plan amendment and rezoning request can be independent of each other. The combined impacts of the two applications are evaluated in the cumulative impacts analysis section of the EIR.

As part of a study issue examining the General Plan Amendment process, the City Council adopted policies to require separate review of development applications associated with General Plan Amendment requests. As a result, the Special Development Permits associated for the sites will be reviewed separately at a later date if the General Plan Amendment and Rezoning applications are approved. Specific details of the project will be discussed at that time; however, site plans are provided for reference in Attachment 3. The EIR cites specific details of each project and associated mitigation measures that address design measures to reduce impacts. These measures would be incorporated into the project approval if the General Plan Amendments and Rezoning applications are approved.

On May 3, 2013, a Notice of Preparation for the EIR was prepared and mailed to neighboring cities, the State, and other public agencies, and surrounding property owners and residents requesting their input on the scoping of the EIR. The Notice of Preparation and letters responding to the Notice of Preparation are found in Appendix A of the DEIR. The DEIR can be accessed at [EastWeddell.inSunnyvale.com <http://eastweddell.insunnyvale.com>](http://eastweddell.insunnyvale.com)

Milestone	Dates
Notice of Preparation	<i>May 3 to June 1, 2013</i>
EIR Scoping Meeting	<i>May 22, 2013</i>
Notice of Availability of DEIR (Required 45-day public review period)	<i>September 9, 2013 to October 23, 2013</i>
Planning Commission Public Hearing for Comments on DEIR	<i>October 21 2013</i>

Final EIR minimum 10-day public review	<i>February 20, 2013 to March 3, 2014</i>
Planning Commission Public Hearing	<i>March 3, 2014</i>
City Council Public Hearing	<i>March 25, 2014</i>

Areas of potential impact analyzed in the EIR include the following:

Aesthetics	Noise
Air Quality	Public Services
Biological Resources	Recreation
Greenhouse Gas Emissions	Transportation
Hazards and Hazardous Materials	Utilities and Service Systems
Land Use and Planning	Energy

The DEIR was issued for public review and comment on September 9, 2013. The EIR was mailed to appropriate agencies and neighborhood groups. Copies were placed at the Sunnyvale Library, the One-Stop Permit Center and the Community Center. Notices of availability were mailed to property owners within 300 feet of the project area. During the 45-day review period that followed, public agencies and members of the public submitted written comments on the DEIR. The public review period and comment period closed on October 23, 2013.

Two letters were received from public agencies and 28 letters were received from the general public during the review period, including one letter that was 58 pages with a 70 page attachment. One person submitted six of the letters. Four members of the public, including two Planning Commissioners commented on the DEIR during the public hearing on October 21, 2013.

The EIR under consideration at this public hearing includes the DEIR document and the Final EIR (FEIR) document that includes the comments written and received during the 45-day review period and at the Planning Commission public hearing for Comments, responses to the comments, and any clarifications or corrections to the document. Comments received from the public are fully addressed in the FEIR document and summarized later in this report.

Significant Impacts Identified in the EIR: The EIR does not identify any significant unavoidable project-level impacts. Certain identified impacts can be mitigated to a less-than-significant level with the implementation of the recommended mitigation measures. The EIR also addresses less than significant impacts for which mitigation measures are not needed. The EIR also evaluated cumulative impacts and alternatives analysis, which is discussed below.

Impacts and Mitigation

The EIR determined that the project would or could potentially cause significant impacts in these areas:

- Aesthetics
- Air Quality
- Biological Resources
- Hazards and Hazardous Materials
- Noise
- Transportation

- Utilities and Services
- Cultural Resources
- Geology

Many of the impacts are temporary impacts due to construction and demolition related activities. The EIR found potential environmental impacts in all areas to be significant; however, each impact would become less than significant with the implementation of mitigation measures. Detailed discussion of these impacts and mitigation measures are located in the EIR and summarized in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment 4). All other impacts have been determined to have either no impact or are less than significant.

Key Topics

Transportation/Traffic Impact Analysis

The Traffic Impact Analysis (TIA) evaluated each proposed project as each relates to current and future conditions, impacts on existing roadways and consistency with adopted congestion management programs. The TIA evaluated 16 intersections in the City. The TIA also takes into consideration approved and pending projects. The TIA analyzed specific freeway segments along State Route 237 and Highway 101. A Level of Service system (LOS) is used to measure and describe intersection and freeway segments. In addition, the TIA takes into consideration existing bicycle and pedestrian and transit opportunities. The analysis also takes into account traffic volumes for cumulative conditions which consist of existing traffic volumes of the combined projects at the two sites multiplied by an annual growth factor derived from the City of Sunnyvale travel demand model, plus traffic generated by approved developments in the study area that are not yet built or occupied.

Each of the evaluated impacts was considered less than significant under each scenario with the exception of emergency access and pedestrian and bicycle facilities. Mitigation measures require that fire department access standards are ensured to be met through approval of the final plans by the Fire Marshal. Pedestrian improvements are required to integrate with existing facilities at each site to accommodate the increased pedestrian activity. If the SFPUC does not allow improvements within its right-of-way, site plan adjustments may be needed to the Sares-Regis site plan. Preliminarily, an alternative layout that allows for public access on the Sares-Regis development has been discussed in case such improvements are not approved by the SFPUC. Public sidewalk improvements are already planned to be installed for the Raintree development. Lastly, mitigation measures are required for traffic impacts during construction. Each project applicant is required to prepare a construction truck traffic program. Each program will include City-designated truck routes during peak commute periods in order to avoid impacts on the local roadway system and also to avoid residential neighborhoods.

Aesthetics

The aesthetic analysis considered construction effects for each site and aesthetic of light or glare of the completed project. The EIR concluded that the impacts would be less than significant with mitigation including: location of construction equipment toward the middle of the sites; on-site staging areas that are clear of trash, weeds and debris; construction fencing with screening materials; locations and positioning of lighting away from other properties; low path lighting wherever possible; shielded lighting in the garages; maximum lighting levels; prevention of over-lighting and provision of full-cut off fixtures to minimize light pollution and trespass.

Air Quality

As stated in the EIR, the air quality analysis considered both operational and construction effects for each site. The focus of the air quality analysis is the evaluation of future project-related emissions of each site on regional air quality as well as existing sources of air pollution near the project sites that could affect the new sensitive receptors. A refined health risk analysis was also conducted for emissions from temporary construction at both sites. This analysis was conducted using the guidelines provided by the Bay Area Air Quality Management District (BAAQMD). Several mitigation measures aim to reduce dust and exhaust emissions during the construction phase of the project.

Air Quality-Construction Impacts: The analysis identifies significant impacts during the construction phase of each site that can be mitigated through the use of certain equipment and potential measures that phase construction of the projects.

Air Quality-Operational Impacts: Certain mechanical ventilation and filtration systems further mitigate impacts from the nearby roadways. The air quality analysis could be considered conservative as it does not consider the existing sound wall, vegetation, and proposed parking structure that would buffer many of the proposed units. The analysis notes that studies have been done that included measurements behind sound walls that indicate lower concentrations of air pollution due to the presence of the obstruction/barrier. Impacts from existing stationary sources in the area near the projects sites were determined to be less than significant. Further mitigation includes a requirement that lease agreements provide information to tenants on appropriate cleaning and maintenance of the filtration equipment. A mitigation measure also requires verification of these measures that reduce air pollution conditions by an authorized air pollutant consultant prior to building occupancy for each site.

Noise

Goals and policies in the Safety and Noise Element of the Sunnyvale General Plan and vibration guidelines established by State agencies address vibration issues and regulations in the Sunnyvale Municipal Code establish local noise standards.

Specific site layout design and construction methods are used for mitigation to ensure levels fall below thresholds for each site. Verification of final construction plans by an acoustic consultant is also required for compliance at each site. During construction, a logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints are required to be in place prior to the start of construction for each site. These measures would be implemented during construction to reduce noise impacts on neighboring residents and other uses.

Hazards & Hazardous Materials

The EIR focuses on potential public health and safety impacts related to hazardous materials and proximity to public airports. No significant impacts from public airports were identified.

As stated in the EIR, each project site has previously been used for agricultural and light industrial purposes; contamination from those past uses could potentially present a health risk to future construction workers and residents. Several state agencies regulate hazardous materials and waste that may occur on or around the project sites including the Department of Toxic Substances Control

(DTSC), State Water Resources Control Board (SWRCB), and the California Air Resources Board (CARB). Local agencies include the San Francisco Bay Regional Water Quality Control Board (RWQC), Bay Area Air Quality Management District (BAAQMD), Santa Clara County Department of Environmental Health (SCCDEH) and the Sunnyvale Department of Public Safety (DPS) Hazardous Materials Unit.

Based on soil samples containing potential hazardous substances on each site, as more fully described in the EIR, mitigation measures include remediation as well as certain regulatory oversight during construction. Additionally, during demolition and construction at each site, a risk management plan is required to be developed which includes measures for evaluating, handling, storing, testing and disposal of materials.

Utilities

The EIR identifies two significant impacts related to utilities and service systems. The projects combined would require upsizing of the sewer main in North Fair Oaks Avenue immediately northeast of the Raintree Partners site. As part of the proposed projects, the project applicants are required to replace the existing 8-inch sewer main in N. Fair Oaks Avenue with a 10-inch main, in accordance with the Department of Public Works requirements. This measure reduces the impact to a less than significant level. An additional mitigation requires that the developers address solid waste disposal during demolition and construction. A Waste Management Plan is required to be prepared for City approval prior to demolition activity. The details of this plan are further described in the mitigation measure. A report confirming implementation is also required upon completion of the project.

EIR Mitigation Monitoring

A mitigation monitoring and reporting program for significant impacts is required by CEQA to ensure implementation of all mitigation measures. A monitoring program identifies the mitigation measure, who is responsible for implementation, monitoring schedule and who is responsible to do the monitoring for each site. All of the monitoring responsibilities for the General Plan Amendment and related two developments will be handled by the City of Sunnyvale through its Community Development, Public Works, and Public Safety Departments. The mitigation monitoring and reporting program can be found as Attachment 4 to this report and will be incorporated into the Recommended Conditions of Approval under the Environmental Mitigation Measures section of future Special Development Permits associated with the two sites.

Alternatives

CEQA requires that an EIR identify alternatives to the Project as proposed. The CEQA Guidelines specify that an EIR identify alternatives that “would feasibly attain the most basic objectives of the project but would avoid or substantially lessen many of the significant environmental effects of the project.” Chapter 5 of the DEIR provides further analysis of the alternatives. This section of the DEIR considers the following three alternatives.

Alternative 1: No Project

This alternative assumes that the proposed projects are not implemented and there is no change from existing conditions. The approval of this alternative would eliminate potentially significant (but mitigatable) impacts of each of the proposed projects (in both the Applicant Proposed Scenario and Full Buildout Scenario) as no change from existing conditions would occur. This alternative continues the current General Plan designation of “Industrial” and zoning of “Industrial and Service/Planned Development (M-S/PD)”; for 610 E. Weddell Drive. It continues the Industrial General Plan land use

designation and “Industrial and Service/Place of Assembly” (MS/POA) for 520 E. Weddell Drive. (southern parcel) and the current residential General Plan and zoning for the northern parcel at 550 E. Weddell Drive.

Alternative 2: R-3 Zoning Alternative

This alternative assumes that each of the two sites would be zoned as Residential Medium Density (R-3) that would allow 24 units per acre. Under this zoning, both sites together would have a maximum 542 units which would be 128 fewer than what the applicants have proposed under the Applicant Proposed Scenario, and 274 units fewer than what would be allowed under R-4 zoning (through State and green building density bonuses). The areas of development on each site are assumed to be similar to the proposed projects.

Alternative 3: Mitigated Alternative

The Mitigated Alternative considers an Office (O) Zoning District for 610 E. Weddell Drive. and R-4 Zoning for 550 E. Weddell Drive. described as Parcel A in the EIR document. 520 E. Weddell Drive. (Parcel B) would remain M-S/POA, or possibly be rezoned to an Office (O) or Commercial district such as C-1 to allow neighbor-serving retail uses. The subject site would allow for professional and administrative office use. In addition, a thick planting of trees would occur along the south side of Parcel B (see Figure 5-1) as a way to mitigate potential air toxic contaminants per BAAQMD recommendations.

This alternative recognized that both project sites are exposed to vehicle emissions due to their proximity to U.S. Highway 101. The level of diesel particulate matter (DPM) at the Sares-Regis site was significant throughout the site, while the level of DPM at the Raintree site was found to be significantly less at Parcel A, the northern parcel. The EIR included mitigation measures for reducing the potentially significant toxic air contaminants but this alternative was developed as a means of eliminating the need for complex air filtration systems for both projects. At the same time, this alternative would help to mitigate potential noise impacts.

Significant New Information

Testimony is sometimes received during the public review process relating to “significant new information.” For the purpose of an EIR, new information is considered “significant” when the following would apply:

- A substantial environmental impact resulting from the project is identified;
- A substantial increase in the severity of an environmental impact is identified;
- A new feasible project alternative or mitigation measure is identified which the project proponent refuses to adopt; and
- The Draft EIR is so fundamentally and basically inadequate and conclusory in nature that the public comment of the draft was, in effect, meaningless.

To date, no significant new information has been received from the public or other public agencies.

Comments on the Draft EIR

Comments on the Draft EIR were provided by residents, businesses, legal counsel for Raintree Partners, and other persons with an interest in the development proposal. Some of the comments were focused on the desirability of the project and not on the adequacy of the environmental review.

A lengthy letter was received from the Adams Broadwell Joseph Cardozo law firm that raised a number of questions about the air quality analysis. These questions were responded to and an entirely new section on Air Quality was prepared to provide additional analysis and clarify the information previously presented. No new mitigation measures were needed to address impacts (i.e. all previous mitigation measures still resulted in a less than significant finding).

Concerns raised by the public note increased traffic that would result from each of the proposed developments. The TIA concluded that no significant impacts are expected in each scenario, including the proposed and full buildout. The analysis considered combined impacts of both developments as well as cumulative traffic in the area. Further concerns regarding traffic safety and increased collisions were raised. As noted in the FEIR, studies regarding collisions found a low rate and no historical pattern in the area.

Public comment cited concerns about existing hazardous materials and substances in the soil that could affect construction workers and the surrounding neighborhood. These issues are addressed through specific clean-up measures and oversight by regulatory agencies. Concerns were raised regarding the location of the projects within a liquefaction hazard zone and special flood zone area. If approved, the recommendation from the geotechnical studies for each project would be implemented as a condition of approval. The project sites are not within a FEMA-mapped flood hazard zone.

Potential impacts on paramedic response and capacity were raised in one comment letter. The EIR concluded that there would be an increase in demand for fire protection and police services, but no new or physically altered fire stations or police facilities would be necessary. This impact was considered less than significant. The traffic analysis further evaluated that the project traffic should not affect police response times.

With respect to concerns regarding impacts to schools, the EIR notes that increased enrollment within local school districts will not be significant for each site. If approved, each project applicant will be required to pay standard school impact fees that are imposed to offset impacts on school services.

Determination of Adequacy

The “rule of reason standard” is applied to judicial review of EIR contents. This standard requires that an EIR show that an agency has made an objective, good-faith attempt at full disclosure. The scope of judicial review does not extend to correctness of an EIR’s conclusion, but only the EIR’s sufficiency as an informative document for decision-makers and the public. Legal adequacy is characterized by:

- All required contents must be included;
- Objective, good-faith effort at full disclosure;
- Absolute perfection is not required;
- Exhaustive treatment of issues is not required;
- Minor technical defects are not necessarily fatal; and
- Disagreement among experts is acceptable.

Environmental Review Staff Comments: Staff believes that the proposed FEIR, consisting of the Draft EIR (incorporated by reference), comments received on the Draft EIR, response to comments received on the Draft EIR, and a list of persons and public agencies commenting on the Draft EIR, meets the requirements of CEQA both in content and format. The Draft and Final EIR documents and

technical appendices can be viewed online at EastWeddell.inSunnyvale.com <<http://eastweddell.insunnyvale.com>>. Should it be determined that the EIR is not adequate, the Planning Commission or City Council may state those areas of discussion where the document is deficient and recommend that additional analysis be prepared prior to certification.

Any changes to the mitigation measures in the EIR may affect the accompanying determination of significance. The deletion or alteration of a mitigation measure may result in a determination of a significant unavoidable impact where a less than significant impact was determined as originally mitigated. If a mitigation measure is changed that creates a significant unavoidable impact, a Statement of Overriding Considerations will be required and a new hearing will have to be conducted.

No project related actions shall be taken until the FEIR is certified. As noted earlier, certification of the EIR does not approve or deny any element of the project or related development proposals.

Environmental Public Contact: All public notification procedures for the EIR were followed. The Notice of Preparation (NOP) of the EIR, responses to the NOP and the notice for the public scoping meeting are included in Appendix A. The EIR was distributed to the State Clearinghouse and other required and adjacent agencies on September 9, 2013 for a required 45-day public review period. A Notice of Availability of the EIR was sent to property owners within 500 feet of each project area on September 9, 2013. A public hearing on the Draft EIR was held with the Planning Commission on October 21, 2013.

FISCAL IMPACT

Certifying the EIR has no fiscal impact as this is an information document and does not approve any applications or commit the City to any action.

PUBLIC CONTACT

Notice of Availability of the Draft EIR and Planning Commission Public Hearing to accept comments

- Published in the *Sun* newspaper
- Posted on the site
- 1,342 notices were mailed to property owners and tenants within 1,000 ft. of the project site as shown on Attachment 1
- Provided to the State Clearing House and regional agencies
- Notices were emailed to the following Neighborhood Associations: Lakewood, Morse Park, SNAIL, and San Miguel

Notice of Public Hearings on the Final EIR

- Published in the *Sun* newspaper
- Posted on the sites
- 1,342 notices were mailed to property owners and tenants within 1,000 ft. of the project site as shown on Attachment 1
- Notices were emailed to the following Neighborhood Associations: Lakewood, Morse Park, SNAIL, and San Miguel

Staff Report

- Posted on the City of Sunnyvale's Web site

- Provided at the Reference Section of the City of Sunnyvale's Public Library

Agenda

- Posted on the City's official notice bulletin board
- Posted on the City of Sunnyvale's Web site

A letter from Caltrans, commenting on the Final EIR was received on March 13, 2014. The letter is Attachment 12. Staff and the EIR consultant will provide a response at the City Council hearing.

ALTERNATIVES

The following alternatives will be presented for Council consideration and possible action:

1. Certify the Environmental Impact Report and Approve two Resolutions of Findings and Adopting the MMRP for 610 E Weddell Avenue and 520-550 E. Weddell Drive (Attachments 6 and 7).
2. Accept the modifications to the MMRP requested in the March 3, 2014 letters from Adams Broadwell et al (Attachments 8 and 9).
3. Identify areas that are found deficient and direct staff to make adjustments to the EIR and recirculate the document if required.
4. Take no action.

RECOMMENDATION

Alternative 1: Certify the Environmental Impact Report and Approve two Resolutions of Findings and Adopting the MMRP for 610 E. Weddell Drive and 520-550 E. Weddell Drive (Attachments 6 and 7). Staff finds that the Final EIR complies with the requirements of the California Environmental Quality Act and meets the standards for legal adequacy. Staff makes no recommendation on the requested modifications requested by Adams Broadwell et al.

The Planning Commission Recommendation recommends certification of the Environmental Impact Report and incorporation of the requested modifications in the letter from Adams Broadwell et al.

Prepared by: Ryan Kuchenig, Associate Planner

Reviewed by: Trudi Ryan, Planning Officer

Reviewed by: Hansom Hom, Director, Community Development

Approved by: Robert A. Walker, Interim City Manager

1. Vicinity and Mailing Radius Map
2. Final EIR
3. Reference Site Plans for Sares-Regis and Raintree Development Projects.
4. Mitigation Monitoring and Reporting Program (MMRP)
5. Resolution Certifying the EIR
6. Resolution Making Findings Required by CEQA and Adopting the Mitigation and Monitoring Reporting Program for the 520-550 E. Weddell Residential Project (Raintree)
7. Resolution Making Findings Required by CEQA and Adopting the Mitigation and Monitoring Reporting Program for the 610 E. Weddell Residential Project (Sares-Regis)
8. Letter from Adams Broadwell Joseph & Cardozo with Recommended Changes to the MMRP for the Sares-Regis project, dated March 3, 2014

9. Letter from Adams Broadwell Joseph & Cardozo with Recommended Changes to the MMRP for the Raintree Partners project, dated March 3, 2014
10. Requested Modifications to MMRP and Staff Comments
11. Planning Commission Minutes, dated March 3, 2014
12. Caltrans FEIR Letter 3-13-14