



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Adopt a Resolution for the Certification of the Environmental Impact Report, Adoption of the Mitigation Monitoring and Reporting Program for the Fair Oaks Avenue Overhead Bridge Rehabilitation Project and Approval to Proceed with Project

BACKGROUND

The Fair Oaks Avenue Overhead Bridge (bridge) is located on Fair Oaks Avenue between Kifer Road and Evelyn Avenue. The bridge crosses over Hendy Avenue, railroad tracks owned by the Peninsula Corridor Joint Powers Board (Caltrain), and is adjacent to an apartment community. A Location Map is included as Attachment 1.

The bridge was constructed in 1967 and was seismically retrofitted in both 1981 and 1993. Caltrans regularly inspects the bridge, and evaluates structural integrity and functionality. As of May 2013, Caltrans records indicate that the bridge has severe deck cracking and spalling; as well as inadequate sidewalk width, barriers and approach railings. The bridge is considered safe for driving but in need of a substantial rehabilitation.

The Fair Oaks Avenue Overhead Bridge Rehabilitation Project (project) will rehabilitate the bridge to address several identified structural deficiencies and will expand bicycle and pedestrian amenities. The rehabilitated bridge will maintain its current automobile capacity of two travel lanes in each direction, however, the project will widen existing bicycle lanes from 5 feet to 6 feet and will add a sidewalk on the east side of the bridge. Currently, the bridge does not have a sidewalk and pedestrians use the pedestrian overcrossing (POC) structure over the Caltrain tracks. The project proposes to remove the POC, which itself has several inadequacies. The ramps on the POC are too steep to comply with the Americans with Disabilities Act (ADA) and the southern entry point to the POC can be challenging for pedestrians to locate. The obscurity of the POC and its access points has made the POC an "attractive nuisance" for graffiti and improper disposal of garbage/waste.

The project will also construct improvements to the intersections at the northern and southern ends of the bridge. These improvements are intended to improve the safety of drivers, pedestrians, and bicyclists using the bridge and its connecting roadways. The project includes improvements to the portion of Hendy Avenue running beneath the bridge by reducing the curvature of the roadway and thereby improving visibility for drivers.

The project cost is estimated at \$22 million for preliminary engineering, right-of-way work, and bridge construction. Federal grant funding will account for 88% of the total cost, with the remaining 12% funded by the City.

Construction is anticipated to begin in the spring of 2016. As noted in Section 3.6 of the Draft

Environmental Impact Report (EIR), included as Attachment 2, the City proposes to phase the construction over approximately 16 months. During this time, temporary lane reductions on the bridge and brief bridge closures may be required. In addition, the portion of Hendy Avenue beneath the bridge would be closed for up to several months. The extent of the temporary Hendy Avenue closure would not include either of the public driveways into the Home Depot or any other intersection. The anticipated construction method does not assume the use of pile driving, which substantially reduces the potential for disruptive noise and vibration effects.

EXISTING POLICY

General Plan, Chapter 3, Policy LT-5.4 - Maintain Roadways and traffic control devices in good operating condition and;

General Plan, Chapter 3, Policy LT-5.8 - Provide a safe and comfortable system of pedestrian and bicycle pathways.

ENVIRONMENTAL REVIEW

The project requires both federal and state environmental reviews. The federal review was completed as of January 6, 2015. Completion of the state review is an action before the Council this evening.

National Environmental Policy Act (NEPA): The City is receiving federal funding to underwrite the bridge rehabilitation work through the Federal Highway Administration's (FHWA) Highway Bridge Program. The use of federal money entailed the need to perform environmental analysis under the National Environmental Policy Act (NEPA). To fulfill NEPA requirements, the City coordinated with the Caltrans Office of Local Assistance (OLA) to which FHWA has delegated its authority to prepare and certify NEPA documentation for certain qualifying projects. Caltrans OLA effectively served as lead agency for the NEPA review of the project; the City was a responsible agency.

On January 6, 2015, Caltrans OLA signed a Categorical Exclusion (CE) for the project, effectively completing the NEPA documentation process. The CE for the project includes several environmental commitments that are very similar to mitigation measures included in the Draft EIR (discussed below).

California Environmental Quality Act (CEQA): The City is the lead agency for the CEQA review of the project and has prepared a Draft EIR which has been circulated for public review and comment. The Draft EIR evaluates the potential environmental impacts that would occur if the project were approved, constructed, and put into use. The Draft EIR identifies the following:

1. Mitigation measures to reduce significant impacts
2. Significant impacts that cannot be avoided (None were identified)
3. Growth-inducing impacts
4. Effects found not to be significant
5. Cumulative impacts in combination with past, present and future
6. Alternatives to the proposed project

The Draft EIR, together with the Response to Comments on the Draft EIR, constitutes the final EIR for the project. Accordingly, this final EIR is provided for review and consideration for certification by the City as complete and adequate under CEQA.

DISCUSSION

A Notice of Preparation (NOP) for the EIR was issued on April 23, 2013. The NOP was distributed to

the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending to May 23, 2013. On May 9, 2013, the City held a project scoping meeting for the public to provide information about the proposed project and ask community members to provide input on the scope of the environmental analysis. Topics of potential concern that were raised during public review and at the scoping meeting included construction related effects, particularly noise and traffic.

The City held a second public meeting on February 19, 2014, to provide a project update about next steps in the environmental review, project approval, and construction processes. The meeting was attended by 7 community members. Questions from the public related to construction impacts, traffic issues and tree removals were responded to by the design team.

The Draft EIR was circulated to applicable public agencies and interested parties and made available to the general public for a 45-day review extending from September 29, 2014 to November 12, 2014. The Draft EIR analyzed the project for potential environmental effects associated with both the construction and operation of the rehabilitated bridge. Since the rehabilitated bridge will have essentially similar operating characteristics as the existing bridge, no significant effects were identified. However, construction of the bridge will result in a number of short-term environmental effects. The Draft EIR identified feasible mitigation measures for each of these effects and the proposed mitigation measures render each of these effects to a less-than-significant level. Therefore, the project will not result in any significant and unavoidable environmental effects.

Chapter 2.0 of the Draft EIR provides a short summary of identified project effects (all related to construction activities) and proposed mitigation measures. The areas with potential significant impacts are summarized below:

- **Air Quality:** Construction period emissions associated with heavy equipment.
- **Biological Resources:** Construction-related removal/trimming of trees and other potential disruptions to nesting birds and roosting bats.
- **Cultural Resources:** Possible construction-related effects to unknown archaeological resources that may exist below ground.
- **Geology/Soils:** Construction related potential for differential settlement of soils.
- **Hazards:** Construction period excavation and demolition could contaminate soil or groundwater or asbestos-containing materials.
- **Noise:** Heavy equipment used in construction could result in short-term effects.
- **Traffic:** Temporary lane reductions/closures could constrain emergency access.

Mitigation measures were identified for each area that would reduce potential impacts to less than significant; the Project would not result in any significant unavoidable impacts. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure that all required mitigation measures are implemented. The MMRP is part of the Response to Comments and included as Attachment 3.

During the public comment period, Staff received a total of three written comments on the Draft EIR. None of the comments identified any new or substantially more adverse environmental effects than had been noted in the Draft EIR. Staff prepared responses to each of the written comments (Attachment 5).

With completion of the EIR process, staff is ready to move forward with the next steps on the project. This includes completion of the bridge rehabilitation plans to 100% design, preparation of bid documents, and negotiations with adjacent property owners to obtain the easements and property required for construction. These include fee acquisition, construction easements, utility easements, and aerial easements.

FISCAL IMPACT

Certification of the EIR will not result in any additional fiscal impact, as the Council previously approved funding for the preparation of environmental documentation.

Approval of the project will similarly not result in any additional fiscal impact, as the Council previously approved funding for the preparation of project plans.

If the EIR is certified and the project is approved, a construction contract will be brought to Council for consideration at a later date.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

A notice was advertised in the local newspaper that the Draft EIR was available for public review and posted at the County Recorder's office, mailed to the County of Santa Clara, and sent to the California State Clearinghouse.

A project scoping meeting was held on May 9, 2013 to ask community members for input on the scope of the environmental analysis for the proposed project. A second public meeting was held on February 19, 2014 to provide information about next steps in the environmental review, project approval, and construction processes.

Responses to Comments on the Draft EIR were provided directly to commenters in compliance with CEQA Guidelines Sections 15088, 15089, and 15132. In addition, the City circulated copies of the response to comments document to the County Recorder and California State Clearinghouse. Copies of the Responses to Comments document were also made available at the Sunnyvale Public Library, the City Clerk's office, and on the City's website.

ALTERNATIVES

1. Adopt a Resolution to certify the Environmental Impact Report and adopt the Mitigation Monitoring and Reporting Program for the Fair Oaks Avenue Overhead Bridge Rehabilitation Project, and approve going forward with the Project incorporating all adopted mitigation measures;
2. Do not adopt a Resolution to certify the Environmental Impact Report and do not adopt the Mitigation Monitoring and Reporting Program for the Fair Oaks Avenue Overhead Bridge Rehabilitation Project. Without certification of the EIR the City cannot move forward with the Project.

STAFF RECOMMENDATION

Alternative 1: Adopt a Resolution to certify the Environmental Impact Report, adopt the Mitigation

Monitoring and Reporting Program for the Fair Oaks Avenue Overhead Bridge Rehabilitation Project, and approve going forward with the Project incorporating all adopted mitigation measures.

Prepared by: Nathan Scribner, Senior Engineer

Reviewed by: Manuel Pineda, Director, Public Works

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Project Location Map
2. Hyperlink to Draft Environmental Impact Report
3. Mitigation Monitoring and Reporting Program
4. Resolution
5. Responses to Comments on the Draft Environmental Impact Report