



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 19-1083, Version: 1

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### REPORT TO THE ZONING ADMINISTRATOR

#### **SUBJECT**

***CONTINUED FROM SEPTEMBER 25, 2019***

#### **Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT** to demolish an existing industrial building and construct a mechanical facility that will provide heating and cooling services to nearby Google buildings. The site will be developed with two equipment storage buildings, four water storage tanks, and one 1,794 square foot building with a control room and office meeting space.

**Location:** 1390 Borregas Avenue (APN: 110-33-014)

**File #:** 2019-7071

**Zoning:** MP-I (Moffett Park Specific Plan - Industrial)

**Applicant / Owner:** Google LLC

**Environmental Review:** Class 32 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

**Project Planner:** Noren Caliva-Lepe, 408-730-7659, ncaliva-lepe@sunnyvale.ca.gov

#### **BACKGROUND**

The item was continued from the September 25, 2019 Zoning Administrator hearing to allow additional time to review and respond to a letter submitted by law firm Adams Broadwell on September 24, 2019, challenging staff's environmental determination (see Attachment 2). The applicant submitted a response letter prepared by their legal representative, Allen Matkins on October 7, 2019 (see Attachment 3).

The original staff report with report attachments is provided in Attachment 1. No modifications to the project are proposed.

#### **DISCUSSION**

The Adams Broadwell letter claims that the project does not qualify for a California Environmental Quality Act (CEQA) Class 32 Exemption due to the following:

- The project description did not properly disclose all project components and piecemeals the reasonably foreseeable related construction (impacts associated with underground piping and future buildings that the facility will serve are not analyzed);
- The project is inconsistent with the Moffett Park Specific Plan (MPSP), General Plan and Zoning;
- The project has the potential to result in significant environmental impacts.

The Allen Matkins letter rebuts the claims and finds that:

- The scope of the project is sufficiently described and additional analysis is not required;
- The project description accurately states the key elements of the project;
- The project is consistent with the MPSP, General Plan and Zoning for the reasons described in the staff report and findings;
- The project site is less than 5 acres in size (future underground pipes and buildings served are not part of the current scope that needs to be analyzed);
- The project will not result in significant effects related to air quality and noise (air emissions and noise are below standards);
- The project can be adequately serviced by all required public utilities;
- Exceptions to CEQA Exemptions do not apply (there are no unusual circumstances or evidence that project impacts would be significant).
- No additional environmental analysis is required.

Staff is in agreement with the Allen Matkins letter and finds that the analysis in the original Zoning Administrator Staff Report, dated September 25, 2019 is unchanged.

### **ALTERNATIVES**

1. Approve the Special Development Permit with recommended Conditions in Attachment 5 of the Zoning Administrator Staff Report, dated September 25, 2019.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

### **RECOMMENDATION**

Alternative 1. Approve the Special Development Permit with recommended Conditions in Attachment 5 of the Zoning Administrator Staff Report, dated September 25, 2019.

Prepared by: Noren Caliva-Lepe, Principal Planner

Approved by: George Schroeder, Senior Planner

### **ATTACHMENTS**

1. Zoning Administrator Staff Report with attachments, dated September 25, 2019
2. Letter from Adams Broadwell, dated September 24, 2019
3. Letter from Allen Matkins, dated October 7, 2019