

2.2 SUMMARY OF DRAFT EIR COMMENTS BY COMMENTER

Public Informational Meeting; April 10, 2003

On April 10, 2003, the City of Sunnyvale held a public informational meeting on the Draft EIR. At the meeting, City staff and the EIR consultants retained by the City addressed the following general questions:

- Why is an EIR required for the Downtown Improvement Program Update?
- What is the purpose of the EIR?
- What does the EIR address?
- What is the EIR preparation process?
- What will the Planning Commission and City Council do with the EIR?
- How will public review of the EIR be accomplished?

Although the purpose of the informational meeting was to address the above questions, respond to associated questions from the audience, and invite subsequent submittal of written comments on the Draft EIR, a number of comments pertaining to Draft EIR content and adequacy were nevertheless made by audience members which warrant response in this Final EIR. Selected key issues and concerns raised at the meeting are summarized below. Written responses to these summarized comments are provided in section 2.2 of this Final EIR document.

<u>Name/Agency</u>	<u>Response Code</u>	<u>Issues and Concerns</u>
Arthur Schwartz	PIM.01	Land Use: The Mozart buildings are not included in the Draft EIR.
	PIM.02	Aesthetics: Views are discussed only from a linear perspective, not from a "crosswise" perspective as seen from neighboring residential areas.
	PIM.03	Aesthetics: The project does not present a pedestrian-friendly environment; "streetscape" alone does not create a pedestrian-friendly environment.
	PIM.04	Aesthetics: The Draft EIR does not address the light and glare effects on neighboring residences of lights left on at night in tall buildings (e.g., employees working late, nighttime clean-up crews).
	PIM.05	Transportation and Parking: Freeway impacts would be mitigated only if freeway improvements are funded and constructed; the City of Sunnyvale has no control over freeway improvements.
	PIM.06	Transportation and Parking: Recommended signal changes on El Camino Real are subject to state approval and not totally within the City's control.

Recommended signal changes address only turns at intersections and not cross/through traffic.

- PIM.07 Air Quality: Air quality impacts are not fully mitigated. Bay Area air quality is getting worse. Air quality mitigation should also address traffic.
- PIM.08 Alternatives: The table should not use the phrase "similar impacts," and the table should be more quantitative.
- PIM.09 Air Quality: The Draft EIR does not address the microclimate effect of tall buildings, including shadow effects.
- Melinda Hamilton PIM.10 Alternatives: The alternatives should be addressed more quantitatively.
- Charles Street Resident PIM.11 Transportation and Parking: What about the impacts on local streets of increased traffic at the Washington/Mathilda intersection and at the Mathilda off-ramp at Evelyn?
- Don Nolan PIM.12 Transportation and Parking: Has potential buildout of the Moffett Park and/or Moffett Field areas been considered in the traffic calculations?
- PIM.13 Transportation and Parking: Were all surface streets considered in the traffic analysis?
- Audience Member PIM.14 Transportation and Parking: What baseline traffic is assumed in the Draft EIR?
- PIM.15 Transportation and Parking: Is internal downtown traffic addressed in the Draft EIR?
- PIM.16 Air Quality: Have air quality and traffic been quantified for all the alternatives?
- Audience Member PIM.17 Transportation and Parking: Is there enough parking? Why has this not been addressed in the Draft EIR?
- Tom Carrington PIM.18 Hazardous Materials: Did the Mozart development have a hazardous mold problem that should be addressed in the EIR?
- PIM.19 Aesthetics: How can the boxy designs of high-rise buildings be addressed?

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| Melinda Hamilton | PIM.20 | General: Shouldn't impacts north of the train tracks, and also west of Mathilda, be addressed? |
| Audience Member | PIM.21 | Aesthetics: Tall buildings would block views of the mountains. How can a project with tall buildings have "beneficial" visual impacts? |

Review Period Written Comments

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| 1. Barbara J. Cook, P.E.,
Chief, Northern
California-Coastal
Cleanup, Operations
Branch, State
Department of Toxic
Substances Control;
April 21, 2003 | 1.01 | Hazardous Materials: Referring to chapter 13 (Hazardous Materials), site investigation of possible past hazardous materials discharge(s) should not be limited to <i>documented</i> releases; first steps should include investigation of on-site waste management practices, chemical usage, stressed vegetation, etc. |
| | 1.02 | Hazardous Materials: Soil mitigation measures (pages 13-11 and 13-12) imply "that the amount of characterization will be dependent on the future land use." Regardless of future use, a contaminated site must be adequately characterized and cleaned up. |
| | 1.03 | Hazardous Materials: Even if no human contact with contaminated soil is anticipated, additional mitigation (e.g., covering soil with buildings/pavement, deed restrictions) may be required. |
| | 1.04 | Hazardous Materials: Department of Toxic Substances Control (DTSC) should be included as a regulatory agency for soil contamination cleanup ("Step 3," page 13-12). |
| | 1.05 | Hazardous Materials: Lead-based paint should be considered in chapter 13 (Hazardous Materials) discussion. |
| | 1.06 | Hazardous Materials: Offer of DTSC assistance to City in overseeing future characterization and cleanup activities. |
| 2. Arthur G. Schwartz,
Retired Consulting
Engineer, 1119 Smyrna
Court, Sunnyvale; May 5,
2003 | 2.01 | General: "EIR is seriously deficient and falls far short of CEQA requirements.." |
| | 2.02 | Aesthetics: Visual impact analysis refers only to the Mathilda corridor, with no discussion of "crosswise" perspective to the street. "Simply following City zoning and design policies that citizens disagree with does not in and of itself mitigate anything." |

- 2.03 Aesthetics: Draft EIR light and glare analysis and City policy ignore impact of interior office lighting on nearby residential neighborhoods.
- 2.04 Transportation and Parking: Impacts on freeways will not be mitigated unless the state and County make funds available and give such projects high priority.
- 2.05 Transportation and Parking: Traffic signal changes on El Camino Real requires Caltrans approval, which is not guaranteed.
- 2.06 Transportation and Parking: Intersection improvements increase wait times for cross/through traffic.
- 2.07 Noise: A-weighted noise measurements do not detect all noises (e.g., very low frequencies).
- 2.08 Noise: "Quiet zones" cannot eliminate noise.
- 2.09 Noise: Limiting construction to daytime hours does not help those who sleep during the day.
- 2.10 Noise: Contractors may not follow construction noise reduction techniques identified in EIR.
- 2.11 Air Quality: Mitigation measures for long-term regional air emissions increases are inadequate (e.g., unsuccessful transportation modes; policies, not specific projects).
- 2.12 Air Quality: It is doubtful that local population will adopt alternative transportation modes "to the degree required to have much effect." Bicycle paths need to be wider and continuous.
- 2.13 Air Quality: Comment pertaining to government lack of initiative in requiring electric vehicles, improved emissions, and better fuel performance.
- 2.14 Alternatives: Comparison of alternatives should include "hard data, not just words." Depicting noise and air quality impacts in Table 2.4 as the same for all five alternatives is not correct.
- 2.15 Air Quality: Draft EIR contains no discussion of microclimate effects of tall buildings, including wind velocity, swirling effects, and shadows.

- 2.16 Project Description: Sunnyvale Redevelopment Agency would not propose an extension of eminent domain authority as part of the project unless the Agency intended to use that authority.
- 2.17 Land Use: Summary of Draft EIR text in chapter 4 (Land Use) pertaining to South of Iowa Avenue District, Taaffe/Frances Heritage Housing District, and General Plan land use policy.
- 2.18 Project Description: If no changes are intended for the South of Olive District, why is the district included in the project area?
- 2.19 Land Use: Intensification of land use, as described in EIR subsection 4.3.4 (land use impacts and mitigation measures) would result in “less-than-significant” impacts only if “urbanization” of Sunnyvale is acceptable to its citizens.
- 2.20 Aesthetics: Visual analysis should not “simply accept guidelines written by the same agency that prepared the project” (e.g., regarding Mathilda corridor, visual gateways, visual corridors).
- 2.21 Aesthetics: Draft EIR does not address light from tall buildings or glare from large windows.
- 2.22 Public Services and Utilities--Parks: “Since little undeveloped land exists in the downtown area, it is not reasonable to conclude that such [park] fees will mitigate the lack of adequate park space in the area.”
- 2.23 Alternatives: Draft EIR does not evaluate the beneficial impact of approximately four-acre plaza and green included in Alternative 4 (Multi-Use Alternative); “[t]his is a serious omission.”
3. Leonita Pistor, Sunnyvale Resident; May 13, 2003
- 3.01 Miscellaneous: Non-specific comments pertaining to “risk” of redevelopment, “bad rehab,” and positive changes to downtown plan.
- 3.02 General: “EIR does not adequately seem to address the change in character of the downtown” (e.g., downtown “center,” walking distance).
- 3.03 Population, Housing and Employment: Do projections in EIR chapter 6 (Population, Housing, and Employment) account for “current economic downturn”?

- 3.04 Population, Housing and Employment: Draft EIR chapter 6 suggests that “if the number of jobs per household goes up, then all is well for the populace”; such a conclusion is incorrect.
- 3.05 Project Description: Proposed project should have a hotel within walking distance of train station; new office, retail, and residential will require hotel for guests and visitors.
- 3.06 Aesthetics: Does “beneficial visual impact” on Town Center Mall District account for the cost of the project and merits of other plans?
- 3.07 Project Description: Downtown improvements should benefit public first, not only businesses.
- 3.08 Aesthetics: “[B]uildings should be no longer than 1/4-block wide, with space between the buildings for alleyways.”
- 3.09 Aesthetics: “Less-than-significant” visual impacts of proposed North of Washington District development are compared only to the Mozart buildings and assume that people like the Mozart buildings.
- 3.10 Aesthetics: “EIR does not address the visual and psychological impact of vacant building[s]” that may result from proposed project.
- 3.11 Transportation and Parking: Traffic along Fair Oaks is not addressed.
- 3.12 Transportation and Parking: “Less-than-significant” impacts on pedestrians identified in Draft EIR assume that current pedestrian conditions are desirable. “Will the proposed project deter or encourage pedestrianism?”
- 3.13 Transportation and Parking: “Less-than-significant” impacts on bicycle access identified in Draft EIR assume that current bicycle access conditions are desirable. The project goal should be to encourage “everyday cyclists.” Possible bicycle access improvements suggested (e.g., tunnel/overpass at Mathilda, additional bike crossing).
- 3.14 Transportation and Parking: “Less-than-significant” impacts on transit service identified in Draft EIR assume that current transit service conditions are

- desirable. Will project block possible train routes and BART access? Will project increase transit ridership?
- 3.15 Transportation and Parking: “[T]o lump all the several hundred parking spaces in a leviathan shadowy structure is not an optimal plan....the EIR did not address the psychological (aesthetic) effect of cavernous parking structures at night.”
4. Fred Wiesinger, 132 Sunset Avenue, Sunnyvale; May 14, 2003
- 4.01 General: Comments regarding availability of Draft EIR on City’s website; chapter 9 (Noise) still not available on-line.
- 4.02 Aesthetics: Sunnyvale CalTrain station is north of Evelyn Avenue, not Hendy Avenue (Draft EIR chapter 5, page not identified).
- 4.03 Aesthetics: *Mitigation 5-2* (regarding light and glare impacts) is insufficient.
5. Heritage District Neighborhood Association; May 16, 2003
- 5.01 Transportation and Parking: Traffic comment regarding “how many miles of cars,” etc.
- 5.02 Air Quality: Request for “large air cleaning systems” for pollution.
- 5.03 Air Quality: Comment regarding existing parking garage at Iowa and Sunnyvale (traps exhaust, safety hazard).
- 5.04 Aesthetics: Current architecture does not reflect “personality and character of the community.”
- 5.05 General: “What alternative energy sources have been and are being implemented?”
- 5.06 Transportation and Parking: Comments regarding safety concerns at existing parking garages.
- 5.07 Hazardous Materials: Will “mildew problem” in Mozart garage be remedied and how?
- 5.08 Air Quality: Comment regarding “microclimate changes from the large buildings.”
- 5.09 Aesthetics: Comment regarding safe and effective placement of sidewalk trees.

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| | 5.10 | Land Use: Comment regarding the train station as “an example of poor planning.” | |
| | 5.11 | Miscellaneous: List of various “Heritage District Neighborhood issues that pertain to the downtown.” | |
| 6. | Andrew J. Maloney, 537 S. Taaffe Street, Sunnyvale; May 16, 2003 | 6.01 | Alternatives: Alternative 4 designed to create “a rational system of through streets” to open the street grid. |
| | | 6.02 | Alternatives: Unlike project and other alternatives, Alternative 4 includes a Town Plaza and Green. |
| | | 6.03 | Alternatives: Alternative 4 provides street grid, open space, and lower building heights while providing only 18 percent less square footage than other alternatives. |
| 7. | Ben Mahoney, 397 E. McKinley Avenue, Sunnyvale; May 16, 2003 | 7.01 | General: Draft EIR identified “unavoidable” environmental impacts are “avoidable” if the City limits scope of proposed project. |
| | | 7.02 | Transportation and Parking: “[H]ave a hard time swallowing the report’s conclusion that there will be a <i>less-than-significant [traffic] impact</i> on neighborhood street segments.” |
| | | 7.03 | Transportation and Parking: Draft EIR identifies many intersections operating at traffic level of service (LOS) E, E+, and F, but 1993 Specific Plan recommended LOS D as lowest acceptable service level. |
| | | 7.04 | Transportation and Parking: Traffic study was undertaken during economic downturn; with even modest economic recovery, future impacts would be “significantly higher” than reported in Draft EIR. |
| | | 7.05 | Public Services and Utilities: Impacts on schools would be significant. Developer fees would not mitigate. <i>Voluntary</i> agreements with school districts to fund improvements is an “incomplete and unacceptable” solution. |
| | | 7.06 | General: Much of the Draft EIR “underestimates the overall impact on our community,” including on quality of life. |
| 8. | Usha Chatwani, P.E., Associate Civil Engineer, | 8.01 | Drainage and Water Quality: “Flood control lines” and “flood control drainages” should be referred to as |

Community Project
Review Unit, Santa Clara
Valley Water District;
May 15, 2003

- “flood protection facilities.” Delete misleading sentence in Draft EIR subsection 11.1.1.
- 8.02 Drainage and Water Quality: Clarifications regarding description of flood control facilities in Draft EIR subsection 11.1.6.
- 8.03 Drainage and Water Quality: Significant drainage and water quality impacts must be mitigated on a project-by-project basis. Cumulative assessment of water runoff impacts should be performed and provided to the Water District.
- 8.04 Drainage and Water Quality: Table identifying “beneficial uses for groundwater” should be included in EIR subsection 11.1.5.
- 8.05 Drainage and Water Quality: Corrections to “depth to water” data.
- 8.06 Drainage and Water Quality: Clarifications to “basin storage capacity” data.
- 8.07 Drainage and Water Quality: Correction to statement regarding water quality.
- 8.08 Drainage and Water Quality: Correction to text regarding “groundwater degradation.”
- 8.09 Drainage and Water Quality: Agreement with Draft EIR *Mitigation 11-1* regarding erosion, sedimentation, and urban runoff pollutants.
- 8.10 Drainage and Water Quality: Please clarify statement regarding storm drain flow (Draft EIR page 11-9).
- 8.11 Drainage and Water Quality: Clarification to text regarding Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) (Draft EIR page 11-9).
- 8.12 Drainage and Water Quality: Correction to sentence regarding “providing additional groundwater inputs” (Draft EIR page 11-9).
- 8.13 Drainage and Water Quality: Clarification regarding District and local municipality responsibilities regarding floodplain zoning and flood proofing (Draft EIR page 11-9).

9. William C. Norton,
Executive Officer/APCO,
Bay Area Air Quality
Management District;
May 15, 2003
- 9.01 General: "Pleased to note" proposed project's policies and programs for implementing smart growth strategies.
- 9.02 Air Quality, Transportation and Parking: Transportation demand management (TDM) measures identified in Draft EIR air quality chapter should indicate specific TDM programs and implementation responsibilities (e.g., for parking cash-out programs).
- 9.03 Air Quality, Transportation and Parking: Additional mitigation suggestions regarding downtown shuttle services and transit passes.
- 9.04 Air Quality, Transportation and Parking: Additional mitigation suggestion regarding bicycle connections between downtown Sunnyvale and other local and regional bicycle routes.
- 9.05 Air Quality: Recommendation that only clean-burning natural gas fireplaces be permitted in project's residential units.
10. Roy Molseed, Senior
Environmental Planner,
Santa Clara Valley
Transportation Authority
(VTA); May 16, 2003
- 10.01 Transportation and Parking: Support for project components consistent with VTA's Community Design and Transportation Program.
- 10.02 Transportation and Parking: "[B]us stop improvements along Mathilda Avenue should be included as an element of the urban design plan."
- 10.03 Transportation and Parking: Recommendations for street and bus stop designs adequate to support bus operations.
- 10.04 Transportation and Parking: Recommendation for additional local shuttle routes.
- 10.05 Transportation and Parking: Support for proposed bike lanes on Iowa Avenue, Sunnyvale Avenue, and Evelyn Avenue.
- 10.06 Transportation and Parking: Recommendation to reconfigure Washington Avenue to create more travel space for bicyclists (e.g., eliminate median, reduce road width).
- 10.07 Transportation and Parking: Recommendation to include a bike lane on northbound Mathilda Avenue.

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| | 10.08 | Transportation and Parking: Mary Avenue extension in the Moffett Park area is as yet unfunded; traffic analysis should also include an analysis without extension. |
| | 10.09 | Transportation and Parking: Due to the project's significant unavoidable freeway impacts, the project must implement "Immediate Implementation Action List" from VTA's Transportation Impact Analysis Guidelines. <i>Mitigation 10-2</i> in Draft EIR chapter 10 (Air Quality) already includes sample transportation demand management (TDM) measures from the Action List. |
| | 10.10 | Transportation and Parking: Traffic impacts also can be addressed through fair-share contributions toward freeway, roadway, and expressway improvements, including the Mary Avenue extension noted in comment 10.08. |
| 11. Terry Roberts,
Director,
State Clearinghouse,
California Governor's
Office of Planning and
Research; May 19, 2003 | 11.01 | Notice that public review period for state agencies closed on May 16, 2003; comments from responding state agencies enclosed. |

Written Comments Received After End of Review Period (May 16, 2003)

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| 12. Ray Johnson; May 16, 2003 (received after business hours) | 12.01 | General: Drawing on Draft EIR does not accurately depict proposed project. |
| 13. Olaf Hirsch; May 15, 2003 (received after business hours, May 16) | 13.01 | Project Description: "Blight conditions" should be specified (Draft EIR page 3-16). |
| | 13.02 | Land Use: "The map showing the properties owned in the city by the RDA [Redevelopment Agency] is not correct" (Draft EIR page 4-20). No specific revisions identified. |
| | 13.03 | Land Use: Major development would "substantially disrupt" the downtown community (Draft EIR page 4-20); mitigation required. |
| | 13.04 | Land Use: Proposed intensification along Mathilda Avenue (e.g., tall office buildings) does not account for neighborhood directly to the east (Draft EIR page 4-23). |

- 13.05 Land Use: Reference to allowable residential densities in subdistricts 13a and 17 (Draft EIR page 4-23).
- 13.06 Land Use: Moffett Park should be specifically identified as a major development in Sunnyvale (Draft EIR page 4-25).
- 13.07 Aesthetics: Reference to "circular argument" of implementing urban design plan to improve aesthetics (Draft EIR page 2-9).
- 13.08 Aesthetics: Draft EIR does not address aesthetics incrementally over approximately 20-year time period of proposed project.
- 13.09 Aesthetics: Draft EIR reference to abundance of existing lights (page 2-10) is not true.
- 13.10 Aesthetics: "EIR does not address illumination due to lights shining out of office buildings."
- 13.11 Aesthetics: Description (page 5-5.h) should include Heritage district.
- 13.12 Aesthetics: City-adopted action statement, "Avoid tall buildings which create a tunnel effect," is not consistent with proposed project (Draft EIR page 5-9).
- 13.13 Aesthetics: "The plan only addresses the visual impact to the outside of the project" (Draft EIR page 5-15).
- 13.14 Aesthetics: Mozart development is not a positive visual impact (Draft EIR page 5-16).
- 13.15 Aesthetics: Tall buildings hiding mountains is not a beneficial visual impact (Draft EIR page 5-18).
- 13.16 Aesthetics: Buildings one hundred feet high will significantly impact South of Iowa District (Draft EIR page 5-20).
- 13.17 Population, Housing, and Employment: Population impacts should focus on downtown Sunnyvale, not entire city (Draft EIR page 6-5).

- 13.18 Transportation and Parking: "Non-existing plan (Countywide Deficiency Plan)" cannot mitigate impacts (Draft EIR page 2-12).
- 13.19 Transportation and Parking: Comment regarding required traffic signal lengths (Draft EIR page 2-14).
- 13.20 Transportation and Parking: Movie theater traffic is not analyzed.
- 13.21 Transportation and Parking: Traffic analysis excludes several important intersections (Draft EIR page 7-2).
- 13.22 Transportation and Parking: Traffic should be analyzed without Mary Avenue extension, which is unlikely to be completed (Draft EIR page 7-22).
- 13.23 Transportation and Parking: Has train traffic been accounted for at Evelyn/Sunnyvale and Evelyn/Mary intersections (Draft EIR page 7-34)?
- 13.24 Transportation and Parking: Mathilda and Washington have "special" traffic patterns during lunch hours, which the proposed project would "exaggerate."
- 13.25 Transportation and Parking: *Mitigations 7-1 and 7-2* refer to the Countywide Deficiency Plan, which does not currently exist.
- 13.26 Transportation and Parking: "How does a modified signal cycle affect the other lanes (Draft EIR page 7-52)?"
- 13.27 Transportation and Parking: Comment regarding traffic increases at Washington/Mathilda intersection (Draft EIR page 7-53).
- 13.28 Transportation and Parking: How can the proposed project result in traffic decrease at intersections (Draft EIR Figures 7.4 and 7.5)?
- 13.29 Transportation and Parking: Describe details of *Mitigation 7-4* (regarding intersection improvements) (Draft EIR page 7-57).
- 13.30 Transportation and Parking: Comment regarding Mathilda/Maude intersection traffic increase (Draft EIR page 7-59).

- 13.31 Transportation and Parking: Comment regarding Mary/Central intersection traffic decrease.
- 13.32 Transportation and Parking: “[M]ore pedestrians crossing signalized intersections...will adversely affect the signal cycle for cars. Has this been taken into account for the traffic study (Draft EIR page 7-69)?”
- 13.33 Transportation and Parking: Table 7.16 (Parking Demand) does not indicate enough multi-family parking spaces.
- 13.34 Transportation and Parking: “Table 7.16 should take today’s parking situation as a baseline.”
- 13.35 Transportation and Parking: Traffic impacts near schools have been excluded.
- 13.36 Public Services and Utilities: EIR should identify parkland to mitigate need (Draft EIR page 8-26).
- 13.37 Noise: Draft “EIR does not address noise amplification due to tall buildings with hard surfaces.
- 13.38 Noise: Noise from air conditioning equipment is not addressed.
- 13.39 Noise: Figure 9.1 does not include traffic near parking garages and traffic generated by movie theaters.
- 13.40 Noise: *Mitigation 9-1* (regarding potentially excessive environmental noise) needs to eliminate potential noise in the first place.
- 13.41 Air Quality, Transportation and Parking: *Mitigation 10-2* (regarding long-term regional emissions increases) should identify specific traffic reductions for each particular measure.
- 13.42 Noise: Alternative 4 (Multi-Use Alternative) would create less noise, increase open space, and reduce runoff.
14. Timothy C. Sable, District Branch Chief, California Department of Transportation; May 21, 2003
- 14.01 Project proponent should provide for fair share funding of Countywide Deficiency Plan.
- 14.02 Intersection lane configurations on DEIR traffic section figures do not agree with City of Cupertino Study.