

October 2013

## FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT



# Moffett Place

PLANNING PROJECT #2012-7854

SCH# 2013022025



Final Subsequent Environmental Impact Report  
and Responses to Draft SEIR Comments

**Moffett Place**

Planning Project #2012-7854

State Clearinghouse No. 2013022025

City of Sunnyvale  
Community Development Department - Planning Division  
456 West Olive Avenue  
Sunnyvale, CA 94088-3707  
Contact: Shaunn Mendrin

October 2013

## CONTENTS

<b>CHAPTER 1</b>	<b>INTRODUCTION .....</b>	<b>1-1</b>
<b>CHAPTER 2</b>	<b>WRITTEN COMMENTS AND RESPONSES ON THE DRAFT SEIR .....</b>	<b>2-1</b>
2.1	List of Comment Letters Received .....	2-1
2.2	Written Comments and Responses.....	2-2
<b>CHAPTER 3</b>	<b>REFINEMENTS AND CLARIFICATIONS TO THE DRAFT SEIR.....</b>	<b>3-1</b>
<b>CHAPTER 4</b>	<b>MITIGATION MONITORING AND REPORTING PROGRAM.....</b>	<b>4-1</b>
<b>APPENDIX A</b>		
	Applicable Mitigation Measures from the Mitigation Monitoring and Reporting Program of the <i>Moffett Park Specific Plan EIR</i> ; December 2002; SCH #: 2001052121	

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## CHAPTER 1 INTRODUCTION

On August 30, 2013, the City of Sunnyvale Community Development Department - Planning Division distributed the Draft Subsequent Environmental Impact Report (SEIR) for the proposed Moffett Place Project (Project) to public agencies and the general public. The Draft SEIR considers the City's implementation of the proposed Moffett Place Project.

The Moffett Place campus Project is a proposed development of an approximately 53.12 acre Class A office complex in Sunnyvale, California. The applicant is Mathilda Avenue Campus LLC, Bordeaux Borregas Campus LLC and 1215 Borregas Avenue LLC. The proposed development would replace 598,144 square feet of existing office space with six new eight-story office buildings, a two-story amenities building, surface parking and two three-level parking structures for a total of 1.8 million square feet of total building area. The Project's buildings are oriented to surround two large landscaped common spaces to accommodate active and passive recreation on-site. Refer to Table 1-1, *Proposed Development*, below, for detail on the specific buildings. Each office building would have the same design and building height. The development would be required to achieve certification from the United States Green Building Council (USGBC) as a LEED Gold rated buildings in concordance with the Moffett Park Specific Plan's Green Building Incentive option and the City of Sunnyvale's Green Building Program.

**TABLE 1-1  
PROPOSED DEVELOPMENT**

<b>Proposed Buildings</b>	<b>Number of Stories</b>	<b>Gross Building Area (Square Feet)</b>	<b>Maximum Height (Feet)</b>
Building 1	8	288,259	129
Building 2	8	288,259	129
Building 3	8	288,259	129
Building 4	8	288,259	129
Building 5	8	288,259	129
Building 6	8	288,259	129
Amenities Building	2	50,000	60
Parking Structure A	3-3/4 Levels	--	36.5
Parking Structure B	3 Levels	--	26
<b>Total Project Site Area</b>		<b>1,779,554*</b>	

\*Combined Max Permitted FAR (including Green Bonus)

Source: DES Architects, 2013

Integral to the campus, the proposed development would also provide a 50,000 square foot amenities building (included in the approximately 1.8 million square feet) including a fitness center, café, and extensive outdoor facilities including a pool and sports court. The amenities center would be solely for the use of the campus tenants and employees. Creating this type of facility would reduce traffic trips, as employees are more likely stay on site for lunch and alter their commute times to allow for before or after business hours workouts or activities.

The proposed Moffett Place Campus would require the following modifications to the existing 2004 Moffett Park Specific Plan:

- Text Amendment to allow eight parcels currently planned as Moffett Park Industrial (MP-I) to change to Moffett Park Transit Oriented Development (MP-TOD).
- Zoning Map Amendment to allow the intensity of the combined parcels to increase from a 0.62 to a 0.80 Floor Area Ratio (FAR), to accommodate the proposed density of 0.78 FAR and approximately 352,000 additional square feet over the current base zone. An increase in developable square footage up to an additional 10% is allowed through the City's Green Building Program.

The proposed square footage over the current maximum FAR would come from the Moffett Park Specific Plan Development Reserve and would not increase the overall intensity of Moffett Park. The Development Reserve is a floating reserve space that is allocated on a first-come, first-serve basis until the entire reserve has been exhausted.

The Moffett Towers SEIR was circulated for a 45-day public review period in accordance with § 15105(a) of the *CEQA Guidelines*. Copies of the document were distributed to state, regional, and local agencies, as well as organizations and individuals, for their review and comment.

§15088(a) of the *CEQA Guidelines* states that:

*The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extension and may respond to late comments.*

In accordance with § 15088(a) of the *CEQA Guidelines*, the City of Sunnyvale Community Development Department - Planning Division, as the lead agency, has evaluated the comments received on the Draft SEIR for the Moffett Towers Project and has prepared written responses to the comments received.

This Final SEIR presents all comments on, and responses to, the Moffett Place Draft SEIR. Section 2 of this document provides all the written comments on the SEIR, and presents responses to significant environmental issues raised in the written comments (as required in the *CEQA Guidelines* § 15132). Each comment letter is labeled to correspond to an index table (Table 2-1) presented in Section 2. Where a comment results in a change to the SEIR text, a notation is made in the comment indicating that the text is revised. Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed, and by bold font (**bold font**) where text is added. All changes to the Draft SEIR are compiled in Section 3 of this document, "Refinements and Clarifications to the Draft SEIR".

The focus of the response to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by § 15088 (c) of the *CEQA Guidelines*. Detailed responses are not provided to comments on the merits of the

proposed Project. However, when a comment is not directed to significant environmental issues, the responses indicate that the comment has been noted and that no further response is necessary.

The SEIR consists of three documents, which include the Draft SEIR text and technical appendices, and this document. The City of Sunnyvale will utilize this project-level SEIR in conjunction with the program-level *MPSP Final EIR* for the implementation of the proposed Moffett Place Project. Together, the program-level *MPSP Final EIR* and this project-level SEIR are intended to provide project-level analysis of the potential environmental impacts resulting from implementation of the Moffett Place Project.

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## **CHAPTER 2 COMMENTS AND RESPONSES ON THE DRAFT SEIR**

Section 2.1 (List of Comment Letters Received) provides a list of all agencies, organizations, and individuals that provided written comments on the Moffett Place Draft SEIR. The verbatim comment letters, and responses to environmental issues raised in those letters, are presented in Section 2.2 (Written Comments and Responses).

### **2.1 List of Comment Letters Received**

The following agencies and organizations provided written comments on the Draft SEIR:

#### **2.1.1 Regional Agencies**

- Santa Clara Valley Transportation Authority (VTA)

#### **2.1.2 Organizations**

- Santa Clara Valley Audubon Society, California Native Plant Society, Sierra Club joint letter
- Santa Clara Valley Habitat Agency

#### **2.1.3 Individuals**

- Eleanor S. Hansen
- Edwina Johnson
- Martin Landzaat
- Brian Taylor; October 2, 2013
- Brian Taylor; October 14, 2013
- Rick Jones
- Jim Bater

## 2.2 Written Comments and Responses

### 2.2.1 Index to Response to Comments

All letters received during the public review period for the Draft SEIR are listed in Table 2-1 (Index of Comments Received), below. Each response letter is reproduced in its entirety with the issues of concern numbered in the right margin. Correspondingly numbered responses to the comments follow each letter.

**Table 2-1: Index of Comments Received**

Letter	Commenter
A	Santa Clara Valley Transportation Authority
B	Santa Clara Valley Audubon Society, California Native Plant Society, Sierra Club joint letter
C	Santa Clara Valley Habitat Agency
D	Eleanor S. Hansen
E	Edwina Johnson
F	Martin Landzaat
G	Brian Taylor; October 2, 2013
H	Brian Taylor; October 14, 2013
I	Rick Jones
J	Jim Bater

## Letter A – Santa Clara Valley Transportation Authority



October 15, 2013

City of Sunnyvale  
 Planning Division  
 P.O. Box 3707  
 Sunnyvale, CA 94088-3707

Attention: Shaunn Menderin

Subject: Moffett Place

Dear Mr. Menderin:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Supplemental Draft EIR (DEIR) and TIA for 1.8 million square feet of office development for a site bounded by Moffett Park Drive, Mathilda Avenue, Borregas Avenue, and SR 237. We have the following comments.

- A-1 Freeway Segment Analysis and Impacts  
 The TIA and DEIR indicate that the project would result in significant impacts according to CMP criteria to three mixed-flow segments of US 101 and six mixed-flow segments of SR 237. As a mitigation measure, the DEIR and TIA propose that the project sponsor shall make a contribution to regional transportation improvements identified in the Valley Transportation Plan (VTP 2035). The TIA and DEIR note that, "These improvements are anticipated to relieve traffic congestion added by the project. Therefore a fair share contribution to these regional projects, which VTA is actively designing, would constitute mitigation toward the following identified freeway impacts." VTA agrees that a contribution to these projects constitutes an appropriate mitigation measure for the freeway impacts for the reasons cited in the TIA and DEIR.
- A-2 The DEIR & TIA note that "The project applicant will be required to work with the City of Sunnyvale and VTA to determine the amount of the fair share contribution." VTA recommends that the City determines the appropriate amount of contribution to be included in the FEIR.
- A-3 Land Use Mix  
 One factor that can increase the likelihood of employees taking transit, walking and bicycling to a new development is to provide on-site services, restaurants and amenities. These other uses have the greatest trip-reduction benefit if they are open to the public, so nearby employees and residents can access them as well. VTA encourages the City to work with the applicant to incorporate these other uses in the proposed project.

City of Sunnyvale  
 October 15, 2013  
 Page 2

A-4 Transportation Demand Management - Shuttle Service  
 The TIA states that, “It is recommended that the project either subsidize an existing shuttle or provide a private shuttle to facilitate direct transit access between regional transit hubs (such as downtown Sunnyvale Caltrain Station) or other potential markets to the project site, based on a market analysis. The developer, in cooperation with the City and other potentially benefiting parties, should provide such an analysis and other logistical requirements for evaluating and establishing shuttle service.” VTA agrees and recommends that this requirement be included as a specific, enforceable condition of approval for the project.

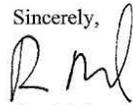
A-5 Transportation Demand Management - Transit Incentives  
 VTA encourages the City to work with the applicant to explore Transportation Demand Management (TDM) measures that would reduce the number of single-occupant vehicle trips generated by the project and provide incentives for project residents to take transit. VTA recommends that the City consider requiring the project applicant to provide VTA Eco Passes or similar discounted transit passes to employees on a continuing basis, as a Condition of Approval of the project. The VTA Eco Pass is a photo ID validated with an annual sticker to provide unlimited rides on VTA Bus and Light Rail seven days a week. VTA sells Eco Passes at a discount to employers, housing developments, and educational institutions. For more information about VTA’s Eco Pass program, please contact Angela Sipp of VTA at (408) 321-7519.

A-6 Pedestrian Accommodations  
 VTA is pleased to see recommendations in the TIA for several new and improved pedestrian facilities near the project site, including: new sidewalks along the project perimeter; countdown pedestrian signal heads at the Mathilda Avenue/Innovation Way-Proposed New Roadway intersection to improve access to the Lockheed-Martin LRT station; sidewalks on the east side of Borregas Avenue between Gibraltar Drive and Moffett Park Drive to improve access to the Borregas LRT station; sidewalks along the west side of Borregas Avenue to connect with pedestrian/bicycle overcrossings of US 101 and SR 237; and enhancements to the Borregas/Mathilda intersection such as Rectangular Rapid Flashing Beacons (RRFB), In-roadway Warning lights (IRWL), raised crosswalks, and/or reduced curb radii (pgs. vi-vii). VTA agrees with all of these recommendations and recommends that they be included as specific, enforceable conditions of approval for the project. We also recommend including a bus shelter and pad for the existing bus stop on Mathilda Avenue in order to encourage transit use.

City of Sunnyvale  
October 15, 2013  
Page 3

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,



Roy Molseed  
Senior Environmental Planner

cc: Erik Alm, Caltrans  
Brian Brandert, Caltrans

SUI205

**Response to Letter A – Santa Clara Valley Transportation Authority**

- A-1 The comment notes that mitigation for impacts on freeway segments should include fair share mitigation for regional transportation projects is identified in the Valley Transportation Plan (VTP 2035) and the VTA agrees with this mitigation. This comment is not at variance with the conclusions or analysis in the EIR and no changes to the EIR were made as result of this comment.
- A-2 The comment notes that VTA recommends that the project applicant be required to work with the City and VTA to determine the project's fair share contribution. The fair share contribution will be calculated prior to occupancy of each phase of the development to ensure that the fair share calculations represent the most current cost projections and fair share agreements. No changes to the EIR were made as a result of this comment.
- A-3 The comment recommends that the project incorporate other land use mixes into the project. The proposed project includes a 50,000 square foot amenities building that would include uses such as an exercise/health club area, locker rooms with showers, and a cafeteria. The intent of providing the amenities building is to provide these services at the project site to facilitate employees taking alternative forms of transportation (e.g., bike or walk) to work and to eat onsite rather than leaving the site in a car. Furthermore, the applicant proposed Travel Demand Management (TDM) measures to reduce the amount of traffic generated by the project. Elements of the TDM that have been incorporated into the project are described on page 3-22 and 3-23 of the EIR. Conceptual TDM measures are shown in Figure 3-19. The amenities building will be for the use of the employees of the buildings located on the site. This is to reduce the number of parking spaces needed as well as to minimize impacts to existing intersections and freeway segments that are currently operating at unacceptable levels of service. No changes to the EIR were made as a result of this comment.
- A-4 The comment recommends the project subsidize an existing shuttle or provide a private shuttle. As noted on page 4.6-13 of the EIR, there are a number of local shuttles specific to the Moffett Park Area that provide service within Moffett Park and to surrounding neighborhoods and transit facilities. The Moffett Park Business and Transportation Association provides information on the shuttle programs to tenants in Moffett Park. Additionally, the conditions of approval include a requirement for the developer to explore a private shuttle as a TDM measure. No changes were made to the EIR as a result of this comment.
- A-5 The comment recommends transit incentives to encourage future employees of the project to take alternative transportation. The TDM measures on page 3-23 of the EIR include the following measures that would provide incentives to take public transit:
- Financial Incentives: Tenants provide VTA Eco Passes, which give holders unlimited rides on VTA light rail, bus, and express bus services, and Guaranteed Ride Home services, for their employees;

- Work Schedule Options: TDM Coordinators assist employees with telecommuting and compressed/alternative work schedule activities; and,
- Carpool Matching: TDM Coordinators assist employees with carpool matching.

The Moffett Park Specific Plan requires a 20% to 30% trip reduction through a TDM program. A draft TDM program will be required as a condition of approval to be approved prior to the issuance of the first building permit. Ongoing monitoring will be required to ensure compliance with the TDM goals. No Changes were made to the EIR as a result of this comment.

- A-6 The comment recommends that pedestrian safety enhancements be made at intersections as recommended in the project Traffic Impact Analysis. These safety enhancements will be included as a condition of approval.

**Letter B - Santa Clara Valley Audubon Society, California Native Plant Society, Sierra Club joint letter**



October 16, 2013

*via email*

Shaunn Mendrin, Senior Planner,  
City of Sunnyvale

Re: Draft EIR Sunnyvale's Moffett Place Project

Dear Mr. Mendrin,

Santa Clara Valley Audubon Society, the Santa Clara Valley Chapter of the California Native Plant Society and the Loma Prieta Chapter of the Sierra Club are local environmental organizations that promote conservation of habitats, plants, birds and endangered species. In March 2013, we provided scoping comments for the Environmental Impact Report (EIR) for the proposed Specific Plan Amendment to the Moffett Park Specific Plan to allow the development of a 55.4-acre office complex in Sunnyvale, California (Project). The Project would add over 1.18 million square feet of developed office space to the existing development on site; the General Plan Amendment and increased density are considered by the City due to a perceived "Green Bonus" for environmentally responsible development. We do believe that the project, as propose, merits a "Green Bonus" for environmentally responsible development. We thank you for the opportunity to comment on the Draft Environmental Impact report (DEIR). Here are our comments:

B-1

1. Bird Safe Design

B-2

The renderings of the buildings as provided in the DEIR show expansive glass surfaces, some reflective and some transparent. Expansive glass surfaces pose a risk to birds and are known to cause bird mortality (<http://www.abebirds.org/abepolicies/policy/collisions/glass.html>). During the day, collision often occurs at landscaping and canopy level. At night, tall buildings may pose potentially significant risks to migrating birds, especially if the buildings are illuminated (the reason is that passerines and shorebirds migrate at night, and are attracted to light from buildings and other human-related sources).

B-3

- The EIR does not provide adequate analysis to support the conclusion that the project would not contribute to a potentially significant cumulative impact on birds and migratory bird movement. Santa Clara Valley Audubon Society believes that the progressive increase in height of development along the bay is creating a potentially significant cumulative impact. In fact, the City of Sunnyvale has approved a "study issue" to examine bird safe design as a City priority for 2013 (<http://sunnyvale.ca.gov/Portals/0/Sunnyvale/StudyIssues/Studies2013/2013CDD13-13.pdf>). This indicates that Sunnyvale considers the cumulative impact of bird collisions a potentially significant impact, and adequate mitigation is needed.

- B-4

  - We are glad to see that “the proposed building design would incorporate design features for bird-safe buildings.” However, this proposed mitigation is immediately negated by the stated condition that such design features would be implemented only if they “do not conflict with the Project objective of constructing an energy efficient building designed to meet LEED Gold certification.” Unfortunately, glass surfaces are often the easiest venue for gaining LEED energy points; while at the same time pose an identified bird-collision risk. The project description and the renderings of the buildings as described in the DEIR are not conducive to bird safe design. CEQA does not require that all project objectives be met, and we strongly believe that projects along the bay prioritize biological considerations over other environmental criteria in designing a bird safe environment along the Bay.
- B-5

  - Additional analysis and adequate mitigation are required for the potentially significant impacts of the Project to birds and bird migration along the bay.
- B-6

The proposed development asks for an increase in Combined Max Permitted Floor to Area Ratio (FAR) that includes a “Green Bonus”. While the design may satisfy LEED criteria for energy savings, the City of Sunnyvale consider a broader scope of “green” criteria prior to granting a “Green Bonus”, and include biological consideration that are not adequately addressed by LEED standards. We ask that a Green Bonus should not be afforded to the Project unless the design unconditionally implements bird safe design measures (as provided in the San Francisco Bird Safe Design ordinance) and operation measures (such as a “Light Out” program during migration seasons).
- B-7

Other projects North and East of Highway 101 are currently implementing bird-safe design features and designing monitoring and operation protocols (for example, Facebook in Menlo Park, Intuit and 1255 Pear Avenue Office/R&D Project in North Bayshore, Mountain View). This Project should be required to do the same, and identify Design Features, Light Out operation protocols, and monitoring protocols before the EIR is certified and the Project is approved.
- B-8

**2. Nitrogen Deposition**  
 The proposed development would add over a million square feet of office space, enough to accommodate over 4000 new employees over the current occupancy. This would generate thousands of new vehicle trips that will emit pollutants, including nitrogen components of vehicle exhaust. Appendix E of the Santa Clara Valley Habitat Plan (HCP, <http://www.scv-habitatplan.org/www/default.aspx>) provides simulations for nitrogen deposition in serpentine habitats for the Bay checkerspot butterfly. These simulations indicate that 13 percent of the nitrogen deposition comes from sources within about 12 miles of the habitat area, and 17 percent of the deposition comes from the remainder of Santa Clara County. Also, many of the employees driving to the Project can be expected to come from San Jose and other communities that could affect bay checkerspot habitat not only in Santa Clara County, but also in San Mateo County and the East Bay.

B-9 [ There is no scientific basis to the DEIR’s expectation that nitrogen deposition should be limited to the project site and its vicinity. Scientifically vetted and established criteria for compensating for nitrogen deposition in Santa Clara Valley are available in the HCP and should be implemented for this project. Unless mitigation is implemented for this project and similar projects in the future, Sunnyvale should embark on a Habitat Conservation Plan process to mitigate for impacts that cumulatively increase nitrogen emissions, degrade endanger species habitat, and result in “take” of the endangered bay checkerspot butterfly.

B-10 [ We ask that Sunnyvale obtain “take” permits from the US Fish and Wildlife Service and the California Department of Fish and Game prior to permitting this project.

B-11 [ 3. Preferred Alternative  
The DEIR concludes that Alternative 2, existing Specific Plan (FAR 0.6) is the “environmentally superior alternative”, as it would reduce some of the proposed Project’s potentially significant impacts. This is a feasible alternative, and should be implement. CEQA’s intent is to make the environment a priority in decision-making, and protect public health and the environment. We read the law as intending to provide the “fullest protection possible” to the environment and thus require that Sunnyvale choose the environmentally superior project. While technically the environmentally superior alternative may have the same identified significant and unavoidable impacts as the proposed Project, the magnitude of the effects would be lessened in comparison with the proposed Project.

We thank you for the opportunity to comment on the Moffett Place project DEIR. Please contact us if you have questions,

Sincerely,



Shani Kleinhaus,  
Environmental Advocate  
Santa Clara Valley Audubon Society



Mike Ferreira  
Conservation Chair  
Sierra Club, Loma Prieta Chapter



Linda Ruthruff  
Conservation Chair  
California Native Plant Society, Santa Clara Valley Chapter

**Response to Letter B - Santa Clara Valley Audubon Society, California Native Plant Society, Sierra Club joint letter**

B-1 The comment refers to a March 15, 2013 letter submitted in response to the Notice of Preparation and provides a brief summary of the project description. The City received the March 15 letter and included the recommendations into the project. The letter is incorporated into the EIR as part of Appendix A. The comment states the “green” density bonus is appropriate for this project. The City concurs, and per the City’s Green Building Program, the applicant will be developing the project to meet LEED Gold Certification. No changes to the EIR were made as a result of this comment.

B-2 The comment notes the proposed building renderings show glass surfaces some reflective and some transparent. It should be noted that the architectural renderings provided in the project application and EIR are for illustrative purposes and do not necessarily represent all of the architectural details of the building. The City is currently studying this issue; however actual policy and standards have not been adopted. At this time, the City does not concur that the proposed buildings represent a significant risk to bird collisions. The applicant is aware of the current concern with glazing on buildings. Research indicates that typically, the main issue of concern is the first 60 feet of building facades facing a significant amount of open space. The proposed building design includes architectural details to break up the amount of glazing on the facades. The applicant will further refine the design and glazing for those areas facing open spaces areas to break up the glazing and reduce reflectivity to limit lighting. The current Mitigation Measure 4.3-4(a) has been modified (shown in underline below) to provide this clarification as noted below:

*Mitigation Measure 4.3-4(a): Prior to the issuance of any building permits, the Project applicant shall demonstrate to the satisfaction of the Community Development Director, that the proposed building design incorporates design features for bird-safe buildings, so long as they do not conflict with the Project objective of constructing an energy efficient building designed to meet LEED Gold certification. Bird-safe design guidelines, such as the Standards for Bird-Safe Buildings adopted by the City of San Francisco Planning Department in July 2011 should be used to identify appropriate design features. Design features shall be directed towards the building facades that face large open space areas. In addition, the developer will be required to work with future tenants to implement a “Lights Out” program.*

B-3 The comment states that the EIR does not provide adequate analysis to support the conclusion that project would not result in cumulative impacts on birds and migratory bird movement. The City does not concur that adequate analysis has not been provided in the EIR. Mitigation for bird collisions is addressed through the implementation of bird safe design guidelines. Implementation of these guidelines is applied to new development as it is developed and is applied to projects individually. Additionally, the site is not located on a migratory bird path. As new development progresses through the area, more buildings will be built with bird safe designs, providing more protection from bird collisions on a cumulative basis. Mitigation

- Measure 4.3-4(a) requires the project to implement bird safe designs such as those adopted by the City of San Francisco Planning Department in July 2011. Please see comment B-2 above regarding some of the bird safe measures that the proposed project has included in its design. No changes were made to the EIR as result of this comment.
- B-4 The comment states that mitigation for bird safe design requirements is negated by project objective of meeting LEED Gold Certification. The project applicant has incorporated bird safe design measures into the project. Please see Response B-3 above. There are glazing design features that are compatible with energy conservation and bird safe design such as low reflectivity and opaque surfaces. No changes were made to the EIR as a result of this comment. Please see Response B-2 regarding the building renderings. No changes were made to the EIR as a result of this comment.
- B-5 The comment states that additional analysis and adequate mitigation are required to reduce potential impacts to less than significant. The commenter does not state what additional analysis or mitigation is required. Please see Response B-2 regarding the bird safe designs that are to be incorporated into the proposed project as mitigation measures have already been identified in Mitigation Measure 4.4-3a. No changes were made to the EIR as a result of this comment.
- B-6 The comment states that the City should consider “green” criteria other than LEED criteria for the “Green Bonus,” which permits increased density to developments that incorporate these measures. The LEED criteria incorporate other measures besides energy efficiency such as redevelopment of existing sites and proximity to public transit which have benefits to wildlife because it encourages development on previously developed sites rather than undeveloped land. The City does not concur that incorporating LEED design criteria negates bird safe design. Please see Response B-2 for the bird safe design measures that have been incorporated into the building design. Mitigation Measure 4.3-4(a) references the Standards for Bird-Safe Buildings adopted by the City of San Francisco Planning Department in July 2011. This measure is required independent of meeting LEED standards. Please see revisions to mitigation measure 4.3-4(a) noted in Response B-2 regarding a “Light Out” program.
- B-7 Please see Responses B-2, B-4, and B-6. No changes were made to the EIR as a result of this comment.
- B-8 The comment suggests that the vehicle trips generated by the proposed project would make a significant contribution to the cumulative impact of nitrogen deposition in the Bay Area on nutrient-poor soil communities, including serpentine soil communities (which harbor protected species such as the Bay checkerspot butterfly).

The project would not make a significant direct or cumulative contribution of nitrogen deposition on serpentine habitat or the Bay checkerspot butterfly for following reasons:

Although the project would increase the number of regional vehicle trips, these trips would occur at a distance far removed from the locations of serpentine soils. The project site is located in the midst of an urbanized area, far from established clusters of serpentine grasslands (e.g., in the Coast Range or habitat south of San Jose). In Appendix E of the Santa Clara Valley Habitat Plan (Estimation of Contributions to Deposition of Nitrogen in Santa Clara County for the Santa Clara Valley Habitat Plan), the simulations for nitrogen deposition in serpentine habitats for the Bay checkerspot butterfly indicate that almost one-third (30 percent) of the nitrogen deposition derives from mobile emission sources in the vicinity of the habitat areas, 13 percent of the nitrogen deposition comes from other sources within about 12 miles of the habitat areas, and 17 percent of the deposition comes from the remainder of Santa Clara County. The complete breakdown of simulated nitrogen deposition sources is shown in Figure E-27 of Appendix E of the Habitat Plan. The project site is located approximately 5 miles from the nearest area of mapped grassland and approximately 20 miles from the center of serpentine and Bay checkerspot habitat areas in the Bay Area.

As stated in the Habitat Plan, “The purpose of this Plan is to protect and enhance ecological diversity and function in the greater portion of Santa Clara County, while allowing appropriate and compatible growth and development in accordance with applicable laws.” The Habitat Plan, therefore, is designed not only to protect and enhance sensitive habitats and species within the Habitat Plan area, but also to facilitate development (roads, urban growth, and other infrastructure) identified by the Habitat Plan participants. The City of Sunnyvale is not a Habitat Plan participant and does not receive any of the benefits that come with participation, including take authorization for listed species associated with covered activities and projects, or streamlining of permitting processes. Because the project site is located outside the Habitat Plan boundaries and is not covered by the Habitat Plan, as described above, the project applicant is not required to pay Habitat Plan development fees, including the Nitrogen Deposition Fee.

However, the project applicant has agreed to voluntarily pay approximately \$16,635, an amount equivalent to the Nitrogen Deposition Fee that a project generating 4,621 net new daily trips would pay if it would result in significant impacts related to nitrogen deposition. In that case, the payment would constitute full mitigation of the impact. However, because the proposed project is not located within the boundaries of the Santa Clara Valley Habitat Plan, which established such a fee for its member agencies, and would not create a significant impact due to nitrogen deposition, the payment by the applicant would be voluntary. This amount would be paid to the Implementing Entity of the Habitat Plan, and is expected to be used to protect and enhance sensitive habitat in the region that is subject to degradation due to nitrogen deposition. Thus, even if the contribution of nitrogen from project vehicle trips were considered cumulatively considerable, the payment of this amount would ensure that such an impact would be less than significant.

No changes were made to the EIR as result of this comment.

- B-9 The comment states that the City should initiate a Habitat Conservation Plan process and obtain “take” permits from the U.S. Fish and Wildlife Service. No direct impacts to the Bay checkerspot butterfly have been identified, and therefore a take permit is not required. Please see Response B-8, above. No changes were made to the EIR as a result of this comment.
- B-10 The comment states that the City should obtain “take” permits from the USFW Service and CA Department of Fish and Wildlife. The City does not concur, because no direct impacts to the Bay checkerspot butterfly have been identified, and therefore a take permit is not required. Please see Response B-8, above. No changes were made to the EIR as a result of this comment.
- B-11 The comment states that Alternative 2 the existing “Specific Plan Alternative” should be approved for the project. The City Council will consider the conclusions of the EIR when making a decision on the project. No changes to the EIR were made as a result of this comment.

**Letter C - Santa Clara Valley Habitat Agency**

**Shaunn Mendrin**

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**From:** Ken Schreiber  
**Sent:** Monday, October 14, 2013 4:05 PM  
**To:** SMendrin@sunnyvale.ca.gov  
**Cc:** hhom@sunnyvale.ca.gov  
**Subject:** Moffett Park Environmental Review Comment  
**Attachments:** SCVHP-Planning Directors-USFWS DFG Joint Ltr-SWILSON111312-Signe.pdf; Nitrogen Explanation 103012.docx; Moffet Park Scoping\_Env GroupsComments.pdf

RE: Moffett Park Environmental Review and Potential Violation of Federal Endangered Species Act

Mr. Mendrin:

C-1 The proposed Moffett Park Specific Plan will result in the authorization of new floor area and thus new vehicle trips that will generate Nitrogen components of vehicle exhaust. These components will cumulatively negatively impact Serpentine land cover in Santa Clara County and the federally listed endangered Bay checkerspot butterfly that is dependent on Serpentine land cover. This issue was called to the attention of the City both in project specific comments (attached March 15, 2013 letter from four organizations) and the attached November 13, 2012 letter from the California Department of Fish and Game (now Fish and Wildlife) and the U.S. Fish and Wildlife Service to Hansen Hom. The attached Nitrogen Explanation summarizes the Santa Clara Valley Habitat Plan's (Habitat Plan) treatment of the impacts on Serpentine land cover including via deposition of Nitrogen. The comment in the proposed Final EIR dismisses the impact of Nitrogen generated by increased vehicle exhaust in Sunnyvale. This comment is scientifically inaccurate. Scientific studies used in preparing the Habitat Plan have demonstrated the negative impacts of Nitrogen components of vehicle exhaust on Serpentine and other land covers. The cumulative impact of increased vehicle traffic, including from the proposed Moffett Park project, on the Bay checkerspot butterfly will result in take of the species. The take of the Bay checkerspot butterfly, as defined in the Federal Endangered Species Act, must be addressed in the Final EIR as a significant environmental impact. Note that because of the mitigation and conservation elements of the Habitat Plan, there is no basis for making an overriding finding for this significant environmental impact.

C-2

C-3

If I can be of assistance, please contact me at 408-779-7261 and/or [ken.schreiber@scv-habitatagency.org](mailto:ken.schreiber@scv-habitatagency.org)

Kenneth Schreiber, Interim Executive Officer  
 Santa Clara Valley Habitat Agency



March 15, 2013

via email

Shaunn Mendrin, Senior Planner,  
City of Sunnyvale

Re: Scoping Comments for Sunnyvale's Moffett Place Project

Dear Mr. Mendrin,

Santa Clara Valley Audubon Society and the Santa Clara Valley Chapter of the California Native Plant Society are local environmental organizations that promote conservation of habitats, biodiversity and endangered species. We appreciate the opportunity to provide scoping comments for the proposed Specific Plan Amendment to the Moffett Park Specific Plan (MPSP) to allow the development of a 55.4 acre office complex in Sunnyvale, California. The proposed development would replace approximately 473,200 square feet of existing office space with six new eight-story office buildings, a two-story amenities building, surface parking and a three-level parking structure for a total of approximately 1.8 million square feet of total building area. Within the campus layout would be two large landscaped common spaces to accommodate active and passive recreation on-site. Our comments focus on new information that was not available for consideration by past environmental documents, including the 2003 Program Environmental Impact Report (EIR), and additional environmental review for development applications within the Specific Plan area that have been approved since 2006. We ask that our comments be applied to amend the MPSP as well as to the proposed Moffett Place development.

1 Atmospheric Nitrogen (N)

Atmospheric N-deposition is a scientifically documented threat to California ecosystems and numerous threatened and endangered species (Fenn et al. 2010, Weiss 2006). The threatened Bay

Checkerspot butterfly and its serpentine grassland habitat in Santa Clara County are well-documented examples of negative impacts of atmospheric N-deposition on biodiversity (Weiss 1999). Starting in 2001, precedent-setting mitigation for nitrogen deposition has been set for three gas-fired powerplants (Metcalf Energy Center, Los Esteros Critical Energy Facility, Donald von Raesfeld Power Plant) and Highway 101 widening. In 2013, San Jose, Santa Clara County, Morgan Hill, Gilroy, Valley Transportation Authority and the Santa Clara Valley Water District adopted the Santa Clara Valley Habitat Plan ([www.scv-habitatplan.org](http://www.scv-habitatplan.org)), in part to mitigate the cumulative impacts of N-deposition. Mitigations include land acquisition and conservation easements, and fine-tuning of grazing regimes to reduce the cover of annual grasses, and for weed management.

The traffic generated by the Moffett Place project will add to the cumulative impacts of N-deposition on sensitive habitats in the region. As part of the EIR for the MPSP and the project, we recommend an analysis of increased vehicle trips and vehicle miles traveled, and an estimate of NO<sub>x</sub> and NH<sub>3</sub> emissions from those vehicle trips. Appropriate mitigations similar in scale to the power plants and Santa Clara Valley Habitat Plan should be developed.

Fenn, M.E., E.B. Allen, S.B. Weiss, S. Jovan, L.H. Geiser, G.S. Tonnesen, R.F. Johnson, L.E. Rao, B.S. Gimeno, F. Yuan, T. Meixner, A. Bytnerowicz. (2010). Nitrogen critical loads and management alternatives for N-impacted ecosystems in California. *Journal of Environmental Management* 91:2402-2423.

Weiss, S.B. 1999. Cars, cows, and checkerspot butterflies: nitrogen deposition and grassland management for a threatened species. *Conservation Biology* 13:1476-1486.

Weiss, S. B. 2006. *Impacts of Nitrogen Deposition on California Ecosystems and Biodiversity*. California Energy Commission, PIER Energy-Related Environmental Research. CEC-500-2005-165.

## 2 Removal of trees

2.1 We ask that all tree removal work be done between August and January. Since a bird can build a nest, lay eggs and raise nestlings within the time interval of 21 days, if tree work is conducted within the nesting season, and for the duration of tree work during the nesting period, a qualified biologist must inspect each tree no more than two (2) days prior to removal. This mitigation should ensure avoidance of incidental "take" of any bird nest that may contain eggs or nestlings.

2.2 We recommend landscaping with native plants and trees.

## 3 Bird safe design and operations

Bird collision with windows is associated primarily with architecture and window design, glass and window treatment selection, and night lighting. The risk of collision with windows to birds that reside or migrate along the Pacific Flyway was recognized by the City of Sunnyvale that prioritized Bird Safe Design as a Study Issue in 2013. City ordinances (San Francisco) and General and Specific Plans (San Jose, Mountain View) are starting to require Bird Safe Design. The EIR for the new Facebook campus (2012) found bird collisions to be a potentially significant impact, and incorporated mitigation to reduce the impact to a less than significant level. Additional local companies (Google, Intuit) are working to incorporate safe design, night lighting and building operation and maintenance guidelines to minimize the risk to birds for existing as well as for new campuses.

We ask that the environmental review for Moffett Place recognize, analyze and mitigate the risk to birds to a less than significant level. This impact should also be analyzed cumulatively, since

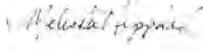
development on the Pacific Flyway all along the San Francisco Bay is expected to intensify in the foreseeable future.

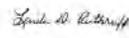
- 4 Predators and nuisance animals  
Predation by feral and wild animals that are associated with human development has been identified as a threat to endangered species along the Bay. Please provide mitigation for potential impacts of feral animals on avifauna East of 101 / North of 237. We recommend sealed trash containers, prohibition of release or feeding feral and wild animals, and the implementation of a long term management plan to control mammalian predators.
- 5 Rodent control  
Please evaluate and discuss on going rodent control and the potential for secondary poisoning.
- 6 Water Supply Assessment  
Please provide a Water Supply Assessment
- 7 Services  
Please evaluate the impact of the proposed MPSP amendment and the proposed office development on municipal and regional services.
- 8 Traffic and Growth impacts  
Please evaluate impacts of traffic and the potential of the MPSP amendment and the proposed office development to induce growth in Sunnyvale and in the region.
- 9 Landscape Irrigation System  
Please use an irrigation system that maximizes water penetration into the soil and minimizes run-off.

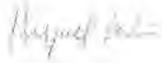
Thank you for the opportunity to comment on the Moffett Place project. Please contact us if you have questions,

Sincerely,

  
Shani Kleinhaus,  
Environmental Advocate  
Santa Clara Valley Audubon Society

  
Melissa Hippard  
Program Director  
Greenbelt Alliance

  
Linda Ruthruff  
Conservation Chair  
California Native Plant Society, Santa Clara  
Valley Chapter

  
Heyward Robinson  
Conservation Chair  
Sierra Club Loma Prieta Chapter



**DEPARTMENT OF FISH AND GAME**  
BAY DELTA REGION  
7329 SILVERADO TRAIL  
NAPA, CA 94558  
(707) 944-5500

**U. S. FISH AND WILDLIFE SERVICE**  
SACRAMENTO FISH AND WILDLIFE OFFICE  
2800 COTTAGE WAY, ROOM W-2605  
SACRAMENTO, CA 95825  
(916) 414-6600



In reply refer to:  
08ESMF00-2013-TA-0068

November 13, 2012

Mr. John Doughty, City of East Palo Alto  
Mr. Terrence Grindall, City of Newark  
Mr. Hanson Hom, City of Sunnyvale  
Mr. Steven McHarris, City of Milpitas  
Mr. Kevin Riley, City of Santa Clara  
Mr. Jeff Schwob, City of Fremont  
Ms. Arti Shrivastava, City of Cupertino  
Mr. Randy Tsuda, City of Mountain View  
Mr. Curtis Williams, City of Palo Alto

Dear Planning Directors:

Subject: Streamlining Mitigation for Impacts to Biological Resources

The California Department of Fish and Game (CDFG) and United States Fish and Wildlife Service (FWS) (Wildlife Agencies) are writing jointly to draw your attention to progress in your region to streamline compliance with the environmental laws applicable to development projects approved or carried out by participating jurisdictions.

I. Overview of the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (SCVHP).

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (SCVHP) establishes a framework by which future development projects within participating jurisdictions may comply with several state and federal regulatory processes that apply to those development projects regardless of the jurisdiction's participation in the SCVHP. Specifically, the SCVHP standardizes avoidance, minimization, mitigation, and compensation requirements set forth in the Federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), the Natural Community Conservation Planning Act (NCCP), the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA) as well as in other applicable laws and regulations relating to biological and natural resources within the planning area, so that public and private actions will be governed equally and consistently, thus reducing delays, expenses, and regulatory duplication.

Planning Directors  
November 13, 2012  
Page 2

The foundation for that consistency and efficiency is the SCVHP's analysis of environmental impacts and development of a long-term strategy for the mitigation and conservation of 18 endangered, threatened, and rare species within Santa Clara County. Mitigation measures set forth within the SCVHP include: the acquisition of land and the creation of a reserve system of protected lands; long-term management, including enhancement and restoration of the natural communities on those lands; a comprehensive set of policies to protect riparian corridors and other aquatic resources; and specific avoidance and minimization measures to be applied to new development projects. Through the SCVHP, fees will be collected from new development projects to fund these measures, including fees for loss of habitat.

The SCVHP was developed and will be implemented locally by the County of Santa Clara, cities of San Jose, Morgan Hill and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority and an Implementing Entity established by these local agencies. Most of those local agencies have already adopted the SCVHP and the Wildlife Agencies anticipate the City of San Jose and Santa Clara Valley Transportation Authority will adopt the SCVHP in December 2012.

II. The SCVHP Establishes Consistency to Streamline Participating Jurisdictions' Compliance with CEQA for Development Projects.

CEQA is among the environmental regulations for which the SCVHP facilitates compliance. By way of background, CEQA requires that any public agency approving or carrying out a project for which there is substantial evidence of a potentially significant impact must identify measures necessary to mitigate impacts to a less-than-significant level. Pub. Res. Code § 21081. Mitigation measures must be feasible and enforceable. Pub. Res. Code § 21081.6. Adequate mitigation measures can be particularly difficult to identify for cumulatively significant impacts.

The absence of feasible and enforceable measures to mitigate impacts to a less-than-significant level (individually or cumulatively) results in increased planning time and project costs by removing the option of complying with CEQA via a Mitigated Negative Declaration. Even if a project would otherwise trigger an Environmental Impact Report, the absence of feasible measures to mitigate to a less-than-significant level will necessitate the lead agency's consideration of whether it is appropriate to adopt a statement of overriding considerations. Cal. Pub. Res. Code § 21081(b).

The SCVHP and other similar regional planning efforts establish standardized, equitable, feasible and enforceable measures by which participating jurisdictions can mitigate impacts to a less-than-significant level. The impact and mitigation analyses in the SCVHP are based on extensive analysis and the best available science and have resulted in the identification and design of feasible mitigation that may not have been identified in prior environmental documents.

Planning Directors  
November 13, 2012  
Page 3

For example, the SCVHP establishes standards for mitigation of impacts to several species that depend on serpentine soils, such as the Bay checkerspot butterfly. Potentially significant impacts to such species include direct impacts resulting from ground disturbing activities as well as indirect, cumulative, and highly dispersed impacts such as nitrogen deposition. In the past, the effects of nitrogen deposition on special-status plants and wildlife have been underestimated or were not understood; however, this is no longer true and nitrogen impacts are articulated in detail in the SCVHP.

Nitrogen deposition is known to have deleterious effects on many of the serpentine plants in the SCVHP area, as well as the host plants that support the Bay checkerspot butterfly. Industrial point sources and nonpoint sources such as automobiles emit nitrogen compounds into the air. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. Non-native annual grasses grow rapidly, enabling them to out-compete serpentine species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County (the last remaining core population of butterflies). Nitrogen tends to be tightly recycled by the plants and microbes in infertile soils like those derived from serpentines, so fertilization impacts could persist there for years and result in cumulative habitat degradation. The invasion of native grasslands by invasive and/or non-native species is now recognized as one of the major causes of the decline of this listed animal.

All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources in your jurisdiction and the Bay area. Therefore, even relatively small amounts of nitrogen could contribute to a cumulatively significant impact by diminishing the population sizes of serpentine species and possibly the chances of survival of the threatened butterfly and the serpentine-specific plant species.

The SCVHP's conservation strategy is designed not only to mitigate impacts to and further the recovery of Bay checkerspot butterfly but incorporates specific measures to minimize and mitigate nitrogen deposition. *See* Final Santa Clara Valley Habitat Conservation Plan, Chapter 5 Conservation Strategy, Table 5.1c (identifying SCVHP 11.1 to consist of protection of 4,554 acres of modeled Bay checkerspot butterfly habitat, including 4,000 acres of serpentine grasslands in core populations of Bay checkerspot butterfly, to protect a range of slopes, aspects, and microhabitats as part of the Reserve System within the study area). *See also*, Table 5-b (identifying mitigation measures to address nitrogen deposition including GRASS-1, GRASS-2, GRASS-3, GRASS-4, GRASS-7, LM- 8, and LM-11).

The SCVHP also provides an up-to-date and comprehensive conservation and mitigation strategy for burrowing owl, which species is likely to occur in your jurisdiction. For many years, the Wildlife Agencies have recognized the need for a comprehensive conservation and mitigation

Planning Directors  
November 13, 2012  
Page 4

strategy for burrowing owls in the south bay area and other portions of California. In 1995, DFG prepared the "1995 Staff Report on Burrowing Owl Mitigation," which contained recommended burrowing owl mitigation measures and burrow survey techniques intended to offset the loss of habitat and slow or reverse further decline of this species. Notwithstanding these measures, burrowing owls have continued to decline in portions of their range. DFG determined that reversing declining population and range trends for burrowing owls required implementation of more effective conservation actions. In 2012, after evaluating the efficacy of the 1995 Staff Report, CDFG produced an updated "Staff Report on Burrowing Owl Mitigation" (2012 Staff Report). The 2012 Staff Report provides an updated summary of the best available science's analyses of avoidance, minimization and mitigation approaches for burrowing owls.

The SCVHP provides both a mitigation and conservation framework for burrowing owls consistent with the goals of the 2012 Staff Report. As an example, the SCVHP establishes standards for the protection of the western burrowing owl, including a prohibition on disturbance or relocation of owl nests throughout the breeding season, requirement of a 250-foot buffer around occupied burrows for all construction activity, and a developer fee funded system to mitigate the loss of owl habitat caused by a development project by permanent preservation of off-setting suitable burrowing owl habitat lands and management and enhancement of lands that support owls.

These two examples (nitrogen deposition and burrowing owl) illustrate the manner in which the SCVHP developed measures to mitigate impacts and demonstrate the feasibility of such measures.

Since CEQA requires implementation of all feasible mitigation measures even for impacts that cannot be mitigated to a less-than-significant level and the mitigation program developed for the SCHVP includes feasible mitigation measures, other jurisdictions should develop and implement similar feasible mitigation for significant impacts. The Wildlife Agencies recommend your jurisdiction develop and incorporate comparable mitigation measures for projects that result in significant impacts. We believe given the development of feasible mitigation measures under the SCVHP, it would be difficult for other local lead agencies to adopt a Statement of Overriding Considerations absent incorporation of similar feasible mitigation measures and any such override would be subject to greater public scrutiny. It would be particularly difficult for a CEQA lead agency to establish the adequacy of any Statement of Overriding Considerations based on economic hardship now that the SCVHP has demonstrated that a feasible mitigation program and fee structure can be implemented without such hardship (see *Economic Impact Analysis of the Santa Clara Valley Habitat Conservation Plan*; Willdan Financial Services, 2011) and thus we believe should not be cited in any future Statements of Overriding Considerations.

Planning Directors  
November 13, 2012  
Page 5

**III. SCVHP Standardizes Avoidance, Minimization, Mitigation, and Compensation Requirements Under Other Laws.**

In addition to mitigation requirements of CEQA, development projects may be subject to environmental regulation under other laws<sup>1</sup> included but not limited to ESA and CESA.

Section 9 of the ESA prohibits the take of any federally-listed animal species by any person. "Take" is defined broadly as meaning "...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." "Harm" has been further defined to include significant habitat modification or destruction that results in death or injury to a listed species by interfering with essential behavioral patterns, such as breeding, foraging, or resting. "Harass" is defined as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3).

Take incidental to an otherwise lawful activity may be authorized under ESA by one of two procedures. If a federal agency is involved with the permitting, funding, or carrying out of the activity and a federally-listed species is going to be adversely affected or its designated critical habitat then initiation of formal consultation between that agency and FWS pursuant to section 7 of ESA is required. If a federal agency is not involved and federally-listed species may be taken as part of the project, then an Incidental Take Permit pursuant to section 10(a)(1)(B) of ESA should be obtained in order to avoid violating federal law. Without the SCVHP, there would be unmitigated impacts of vehicle exhaust that would need to be addressed by future public and private sector development. Failure to address and consult with FWS, through one of the two methods described above, regarding the impacts of vehicle exhaust (and other sources of nitrogen deposition) on federally-listed species would constitute an unmitigated significant environmental impact and would constitute a violation of ESA.

CESA prohibits take of wildlife and plants listed as threatened or endangered by the California Fish and Game Commission. Take is defined under the California Fish and Game Code as any action or attempt to "hunt, pursue, catch, capture, or kill." Like ESA, CESA allows exceptions to the prohibition for take that occurs during otherwise lawful activities. The requirements of an application for incidental take under CESA are described in Section 2081 of the California Fish and Game Code. Incidental take of state-listed species may be authorized if an applicant submits an approved plan that minimizes and "fully mitigates" the impacts of this take.

<sup>1</sup> Although the SCVHP is designed primarily to comply with the ESA, CESA, and the NCCP Act, the SCVHP is also consistent with other federal and state wildlife and related laws and regulations including: (1) Migratory Bird Treaty Act; (2) Bald Eagle and Golden Eagle Protection Act; (3) California Fish and Game Code Sections 3511, 4700, 5050 and 5515 (fully protected species); (4) California Fish and Game Code Section 3503 (bird nests); (5) California Fish and Game Code Section 3503.5 (birds of prey); (6) National Environmental Policy Act of 1969; (7) Clean Water Act of 1972 Sections 401 and 404; (8) Porter-Cologne Water Quality Control Act; and (9) California Fish and Game Code Sections 1600-1616 (Lake or Streambed).

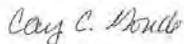
Planning Directors  
November 13, 2012  
Page 6

**IV. Coordination with the SCVHP Local Agencies and Wildlife Agencies.**

The SCVHP is an important step forward in protecting endangered, threatened, and rare species and their habitats in Santa Clara County. We expect that jurisdictions not directly participating in the SCVHP will follow requirements in both state and federal law to implement comparable mitigation measures and obtain permits when necessary for projects under their authority to achieve this important goal. As part of the CEQA review process and through Wildlife Agency authorizations, the Wildlife Agencies will provide information addressing the adequacy of proposed mitigation measures for significant project impacts.

In addition, following final adoption of the SCVHP, the Wildlife Agencies and the local agencies participating in the SCVHP will arrange a workshop and invite your jurisdiction to participate to describe SCVHP implementation and how your jurisdiction may develop comparable mitigation approaches for CEQA and State and Federal Endangered Species Act compliance. The Wildlife Agencies are available to discuss species impact, feasible mitigation, and permitting needs with your jurisdiction. If you have questions, please contact Mr. Craig Weightman, CDFG Acting Environmental Program Manager, at (707) 944-5577; or Mr. Mike Thomas, FWS Conservation Planning Division Chief, at (916) 414-6600.

Sincerely,



Cay C. Goude  
Assistant Field Supervisor  
Endangered Species Program  
Sacramento Fish and Wildlife Office  
U.S. Fish and Wildlife Service



Scott Wilson  
Acting Regional Manager  
Bay Delta Region  
California Department of Fish and Game

cc: Mr. David Bischoff, Director of Planning and Environmental Services, City of Gilroy  
Ms. Debbie Cauble, Santa Clara County Office of the County Executive  
Mr. Joe Horwedel, Planning Director, City of San Jose  
Mr. Ignacio Gonzalez, Director of Planning and Development, Santa Clara County  
Mr. Mitch Oshinsky, Community and Economic Development Director, City of Morgan Hill  
Mr. Ken Schreiber, Program Manager, Santa Clara Valley Habitat Plan

**Response to Letter C - Santa Clara Valley Habitat Agency**

- C-1 The comment states that the proposed project will result in negative impacts to serpentine soils in Santa Clara County and Bay checkerspot butterflies. The City's response to this comment is covered in Response B-8. The City received the March 15, 2013 letter from the California Native Plant Society, Sierra Club, Greenbelt Alliance, and Santa Clara Valley Audubon Society. The City addressed the comments from the letter in the EIR. The letter is included in Appendix A of the EIR. The City also received the November 13, 2012 letter from the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service. This letter was not project specific and discussed potential mitigation measures for serpentine soils for the member agencies that have adopted the Santa Clara Valley Habitat Plan. The letter notes that the City of Sunnyvale is not a member agency of the plan. However, as noted in Response B-8, the applicant has voluntarily agreed to pay the Nitrogen Deposition Fee identified in the plan. No changes were made to the EIR as a result of this comment.
- C-2 The comment states that the proposed project will result in nitrogen deposition on serpentine soils and that the EIR dismisses the impact of increased vehicle exhaust in Sunnyvale. An analysis of nitrogen deposition is included on pages 4.3-17 through 4.3-18 of the EIR. As noted in Response B-8, the project applicant has agreed to voluntarily pay the Nitrogen Deposition Fee, despite neither the project nor the City being a member agency of the SCVHP. No impacts as a result of nitrogen deposition have been identified. No changes were made to the EIR as a result of this comment.
- C-3 The comments states that the impact on the Bay checkerspot butterfly must be identified in the EIR. As noted in Response B-8, the project site is approximately five miles from the nearest grassland habitat in the SCVHP and approximately 20 miles from the center of serpentine and Bay checkerspot habitat areas in the Bay Area. No potential impacts were identified. The applicant has voluntarily agreed to pay the Nitrogen Deposition Fee outlined in the SCVHP. Potential impacts are considered less than significant. No changes were made to the EIR as a result of this comment.

Letter D - Eleanor S. Hansen

***Eleanor S. Hansen***  
1086 So. Bernardo Avenue  
Sunnyvale, CA 94087-1505  
Phone (408) 730-0148 (Work)

October 14, 2013

Delivered by e-mail

City of Sunnyvale  
Dept of Community Development  
Attention: Shaunn Mendrin  
Sunnyvale City Hall  
456 West Olive Avenue  
Sunnyvale, CA 94088-3707

Re: File # 2013-7854  
1152 Bordeaux Drive  
Proposed Moffett Place Development

Dear Sir or Madam:

These comments deal only with question of the traffic impact of this project. I have reviewed, at least lightly, Appendix E and the discussion of traffic in the main part of the DSEIR.

D-1

I want to comment that as far as it goes it appears to me to be an exemplary traffic impact analysis. I notice that the three baselines, (1) current and existing, (2) background, and (3) cumulative are used. And this is a de novo analysis. This may be theoretically a SEIR (subsequent EIR) resting on the prior Moffett Park Specific Plan EIR, in the areas covered, it appears to me to be adequate or sufficient without that EIR.

D-2

However, if one looks at the maps of where traffic is measured, there appears to be one area whose discussion is short changed and another that is missing altogether. The area that is short changed is Freeway traffic. It appears from Figure 4.6-5, Trip Distribution, that thirty percent (two 15%'s) leaves the area on Highway 101 and another 30% (again two 15%'s) leaves the area through Highway 237. We all know from our own experience that traffic on Highway 237 during pm peak hours in either direction can quickly turn into a parking lot if there is any reason for congestion at all, and to a great extent even when there is not. I think a more thorough discussion of the impact of this or these projects on freeway traffic is needed. And I note that in this analysis, this SDEIR cannot rely on the underlying Moffett Park Specific Plan EIR because that plan relied on the Mary Avenue Extension to mitigate the traffic effects of the full build out envisioned for the Moffett Park Specific Plan, and since the Mary

D-3

D-3  
cont'd

Avenue Extension Project was successfully challenged in court, neither the city nor the developers of this project can rely on the conclusions of the Moffett Park Specific Plan EIR as to the degree to which the traffic from the full build out of Moffett Park can be mitigated.

D-4

The second area that is omitted from discussion is the effect of this project on traffic on streets in residential neighborhoods. I will be referencing Figure 4.6-1, Project Location and Study Area. The study point shown on this map are either in Moffett Park or on Mathilda (a major connector), or on Lawrence Expressway (an even more major connector), with five test points along Fair Oaks Avenue which is also a connector (and only one of these south of the intersection with Wolfe Road). To imagine that under severe traffic conditions that are expected to develop in the future, motorists will restrict themselves to only major, and congested, corridors is naïve. We need a thorough and sophisticated study of how much traffic is going to go onto residential streets such as Mary, Evelyn, Bernardo, even Sunnyvale-Saratoga. If my street, S. Bernardo is referred to Highway 85 bypass, I must expect that major project in Moffett Business park will have an effect on me.

D-5

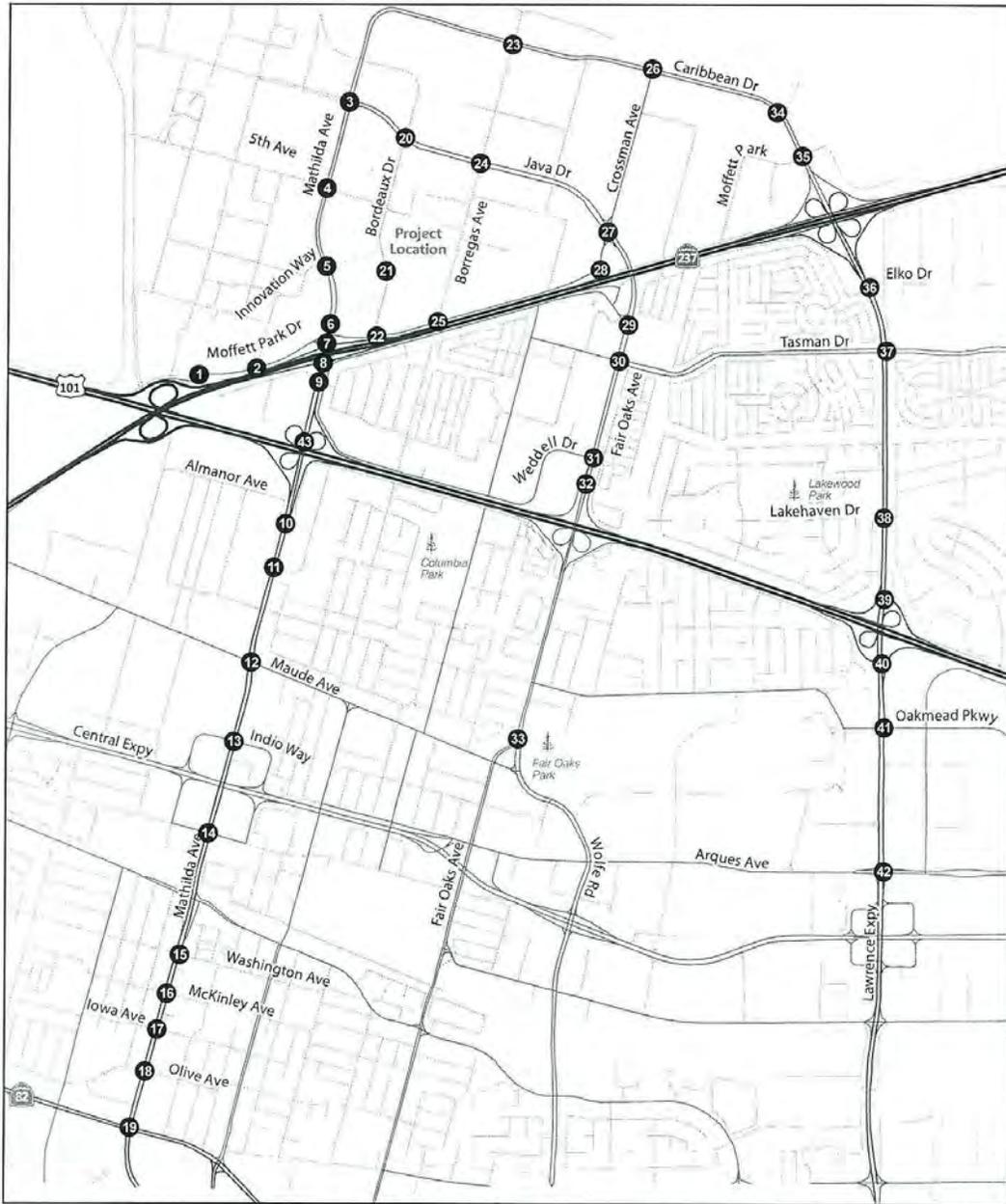
As I indicated above this is an exemplary traffic impact analysis, but I feel it is missing analysis in these two areas.

Very Truly Yours,



Eleanor S. Hansen

Enc.



Source: Fehr & Peers, 2013.

1 Study Intersection



FIGURE 4.6-1  
**Project Location and Study Area**  
 MOFFETT PLACE EIR



## CHAPTER 4.0 DEVELOPMENT PLAN

This Chapter provides a summary of the land use plan and the associated infrastructure necessary to accommodate the future build-out potential of the Specific Plan.

### 4.1 CIRCULATION PLAN

This section provides an overview of the existing circulation system and illustrates the improvements needed to serve full buildout of the MPSP. This section provides analysis of the roadway system, public transit facilities, pedestrian system, and bicycle system.

#### Existing Roadway System

Moffett Park has strong regional roadway ties via State Route 237, U.S. Highway 101, and Lawrence Expressway. Major local arterials also provide access to Moffett Park. These roads consist of Mathilda Avenue, Fair Oaks Avenue/Java Drive, and Moffett Park Drive. Indirect regional access through Sunnyvale is provided by Interstate 280 to the south of Moffett Park, Highway 85 to the south and west of Moffett Park, and Central Expressway to the south.

#### Roadway Improvements

Based on the project impacts identified in the Transportation Impact Analysis of the EIR, this Section recommends necessary improvements to mitigate impacts associated with buildout of Moffett Park. The primary instrument of transportation facility mitigation is Sunnyvale's citywide Transportation Strategic Program (TSP). The TSP identifies intersection and capacity improvements for the whole of the city, including the ultimate buildout of Moffett Park. All cumulative traffic mitigations are to be consistent with the TSP. To address cumulative and citywide impacts the TSP has derived a nexus and proportionality of impacts and assigned a traffic impact fee for all uses throughout the city. Transportation improvement projects are listed in Chapter 6 with the most current assessment as part of the TSP.

The most significant transportation improvements necessary to facilitate development of Moffett Park the Mary Avenue Extension (or equivalent alternative) and a Lawrence Expressway grade separation. These two projects are the principal expenditures of the TSP that serve Moffett Park.

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**CHAPTER 4.0 – DEVELOPMENT PLAN**

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The exact grade separation project location for Lawrence Expressway has not been selected at this time. The Mary Avenue extension project is identified as a needed improvement per the City's General Plan and the Program EIR. The extension would provide an additional major north/south arterial connection at the southwest corner of Moffett Park. The extension would relieve the transportation demand along Mathilda Avenue, particularly at the intersection with State Route 237, U.S. 101, and Moffett Park Drive.

The preferred configuration of a Mary Avenue extension project is part of a larger ongoing study by the City of Sunnyvale and Santa Clara Valley Transportation Authority (VTA), VTA is analyzing the whole of the State Route 237 corridor. The outcome of this study will be a transportation facility that provides relief to the Mathilda Avenue State Route 237 and U.S. 101 interchanges. The aforementioned Mary Avenue extension or an equivalent scoped project is the anticipated solution to the interchange problems. The final selected project will then be incorporated in the TSP.

Localized roadway and intersection improvements within Moffett Park may be required at the time of development of specific sites. The Program EIR did not address all local intersection within Moffett Park.

**Public Transit Services**

Transit service in Moffett Park is diverse and includes major employer shuttles, local buses, express buses, and light rail lines provided by the Santa Clara Valley Transportation Authority (VTA). Recent route distribution of Public transit facilities is shown in **Exhibit 4-3 Public Transit**. Transit routes and identification is subject to change by the VTA. Regional train systems serve Moffett Park indirectly through shuttle services from Caltrain Stations and Altamont Commuter Express stops at Great America.

**Bus Facilities**

Bus services are provided throughout the Moffett Park Area by the Santa Clara Valley Transportation Authority (VTA). Bus service consists of local, limited stop, and express. Upwards of 7 bus lines operated in Moffett Park as recently as 2002. Generally, bus routes are concentrated along Java Drive, Caribbean Drive and within Lockheed Martin's campus. Bus routing and scheduling is variable and highly dependent on the availability of funding by VTA as well as end point demand.

**Response to Letter D - Eleanor S. Hansen**

- D-1 The comment states that the EIR used the existing, existing plus project, background, and cumulative scenarios. The City concurs with this comment. No changes were made to the EIR as result of this comment.
- D-2 The project states that additional analysis is required to assess potential freeway impacts. The project does evaluate freeway impacts. Table 4.6-10 of the EIR notes shows that many of the existing freeway segments evaluated in the traffic impact analysis are operating at low or failing levels of service and that traffic generated by the proposed project will further impact the capacity of those freeway segments. Mitigation Measure 4.6-2 identifies mitigation that requires the project applicant to pay a fair share contribution to the future improvements to local freeway segments including the conversion of the High Occupancy (HOV) Vehicle Lanes to express lanes on US 101 and SR 237 and to construct a new HOV/express lane on SR 237 between Mathilda and SR 85. The improvements are currently planned and in the design phase by Valley Transit Authority (VTA). The improvements are projected to add additional capacity to the freeway segments and mitigate the additional traffic generated by the project. The fair share payment would be based on the amount of development associated with each phase of development and be based on the VTA project estimates at the time of payment. Potential traffic impacts on freeway segments are considered to be mitigated to less than significant. No changes were made to the EIR as a result of this comment.
- D-3 The comment states that the traffic analysis cannot rely on previous traffic analyses that included the Mary Avenue Road extension. The traffic impact analysis, including any regional modeling, prepared for the project did not include any assumptions that the Mary Avenue extension would be in place. No changes were made to the EIR as a result of this comment.
- D-4 The comment states that the traffic impact analysis does not take into account streets in residential neighborhoods. The specific intersections selected for analysis are based on those intersections in which 25 or more traffic trips will occur within the peak hours and affect a critical movement (i.e., impacted movement such as a left turn). As a result, there are some intersections connecting residential streets to the larger collector roads included in the analysis. The traffic impact analysis does include a sophisticated modeling analysis called a “micro-simulation” analysis. This analysis uses computer software to simulate the anticipated traffic conditions to evaluate whether the projected traffic impacts based on traffic volumes and existing road capacity will coincide with model patterns that take into effect real world driving patterns. Potential impacts are less than significant. No changes were made to the EIR as a result of this comment.
- D-5 The comment states that a sophisticated study of residential streets is needed. As noted above, the traffic analysis includes many of the intersections that connect residential streets with the main connector roads. The intersections control how much traffic gets onto the residential streets. The Traffic Impact Analysis prepared for the project concluded that

potential impacts to residential streets are less than significant. No changes to the EIR were made as result of this comment.

Letter E - Edwina Johnson

Edwina Johnson  
1050 Borregas Avenue, #31  
Sunnyvale, California 94089  
408.745.7111, Residence Phone

September 7, 2013

Shaunn Mendrin, Senior Planner  
Department of Community Development  
City of Sunnyvale  
456 West Olive Avenue  
Sunnyvale, CA 94088-3707

RE: Corrected Notice of Availability for Moffett Place Project  
Planning Project #2012-7857

- E-1 [ While I realize this project is a “done deal” and that your asking for public input is just part of the political scene in any level of government that gets ignored, I am TOTALLY opposed to the problems the occupants of these eight-story office towers are going to create.
- E-2 [ Have you, or has anyone in Sunnyvale’s government offices, except for law enforcement and other emergency vehicles, tried to go through the intersection of Mathilda and Hwy. 237 or Mathilda and I-101 during commute times?  
  
Both of these are already absolute disasters in lack of traffic movement. If you actually have people working in the 1.8 million square feet of office space in these 8-story buildings, it is inconceivable that you want to add cars driven by all those people to Mathilda or Hwy. 237.
- E-3 [ The floor area ratio included in the project description Sunnyvale is presenting to the public has NOTHING to do with the problems the added traffic is going to cause. To quote FAR regulations and guidelines in order to state “The project would not increase the overall intensity of development at Moffett Park” is so misleading, misleading, misleading – this project may not increase the overall intensity in the buildings or on the land, but it is certainly going to make a bigger mess on the surrounding streets and highways.
- E-4 [ You and your staff, the Planning Commission, and City Council of Sunnyvale must think the general public is not smart enough to recognize the faulty thinking that has gone into this project. All of you should be ashamed of yourselves for creating such a traffic nightmare to add to the one that already exists.
- E-5 [ Please don’t patronize citizens with such unrealistic parameters in a presentation. I can’t wait to see how imaginative the final traffic study is going to be.



**Response to Letter E - Edwina Johnson**

E-1 The comment states that the public input “is ignored” and that the commenter is opposed to the problems the future occupants of the project are going to create. The City has provided many opportunities for the public to comment including during the 30-day public comment period for the Notice of Preparation, the 45-day public review period for the Draft EIR (which include the comments in this letter), a public meeting on the EIR during the 45-day review period (October 14, 2013), the Planning Commission hearing (scheduled for November 11, 2013) and the City Council hearing (scheduled for December 3, 2013). All public comments received during the 45-day public review period are provided with written responses and those comments and responses are provided in the Final EIR. No changes were made to the EIR as a result of this comment.

E-2 The comment states that Mathilda Ave Corridor interchanges with SR 237 and US 101 are congested during the peak hour commute times. The City concurs that there is congestion during the peak hour at these interchange intersections. Section 4.6 of the EIR evaluates the traffic generated by the proposed project. The proposed project would generate approximately 4,621 new trips in the area and exacerbate conditions that are expected to operate at Level of Service F at the Mathilda Avenue/SR 237 interchange. The project proposes mitigation (Mitigation Measure 4.6.1) that requires the project applicant to pay Traffic Impact Fees that would represent the project’s proportional contribution to the reconfiguration of the SR 237/Mathilda Avenue ramp intersections, as recommended by the 2006 Route 237 Corridor Study. The required improvements include:

- Shifting the SR 237 Westbound Off-ramp 150 feet to the north to align with Moffett Park/Mathilda Avenue;
- Removing SR 237 Westbound On-ramp; and,
- Constructing a direct southbound right-turn on-ramp from Mathilda Avenue to US 101 north

Reconfiguration of the SR 237/Mathilda Avenue ramp intersections would reduce the impact to a less than significant level. These improvements are programmed in both the City’s Transportation Strategic Program and the Valley Transportation Plan (VTP) 2035 list of constrained projects, and the project is currently in the design/environmental phase. The improvements described above would improve operations at the Mathilda/US 101 interchange because the a new ramp would be constructed at SR 237/Mathilda Avenue interchange which would allow drivers to enter onto northbound US 101 closer to the project site rather than traveling south on Mathilda to get to the US 101 interchange. No changes were made to the EIR as a result of this comment.

E-3 The comment states that the increase in FAR (Floor Area Ratio) may not be an impact, but that the additional impact from the traffic is the true environmental impact from the project. The City does not concur that the discussion of the FAR is misleading as the project would be

changing the base zone of the project site to allow for more intense development. This is discussed in the Project Description Section 3.4 of the EIR. The City does concur that the project will have significant impacts as result of traffic and has evaluated those impacts and recommended mitigation measures to reduce those impacts to less than significant. Traffic impacts are discussed in Section 4.6 of the EIR. No changes were made to the EIR as a result of this comment.

- E-4 The comment state that the City has applied “faulty thinking” into planning the proposed project and the project will contribute to significant traffic impacts. The project is consistent with goals and policies established for the Moffett Park Specific Plan Area adopted by the City in November 2003. Please see Section 1.1 for a background discussion on the City’s planning efforts for the Moffett Park Specific Plan area. With regard to the traffic impacts, the City has prepared a Traffic Impact Analysis (TIA) by a qualified transportation engineering firm with familiarity of transportation issues in the area. The TIA was reviewed by the City’s transportation planning staff and by the Santa Clara Valley Transportation Agency (VTA). Please see the comments in Letter A in which VTA states their concurrence with the traffic analysis and proposed mitigation measures. No changes were made to the EIR as a result of this comment.
- E-5 The comment states that the project description is unrealistic and that the final TIA will be as well. Please see Responses E-3 and E-4 above regarding the project description and traffic impacts. The final TIA is included as Appendix E to the EIR. Additionally opportunities to comment on the project will be afforded when the project goes to the Planning Commission and City Council for review and a decision. Please see Response E-1 above. No changes were made to the EIR as a result of this comment.

**Letter F - Martin Landzaat**

562 Carlisle Way  
Sunnyvale, CA 94087

October 14, 2013

**BY EMAIL (.PDF)**

City of Sunnyvale  
Department of Community Development  
456 W. Olive Ave.  
Sunnyvale, CA 94088

Attention: Shaunn Mendrin  
([smendrin@ci.sunnyvale.ca.gov](mailto:smendrin@ci.sunnyvale.ca.gov))

Re: Moffett Place Project DSEIR

Dear Mr. Mendrin:

- F-1 [ I would like the Draft Supplemental Environmental Impact Report (DSEIR) to analyze the impact of the Moffett Place project on the following public services:  
  - EMT-Paramedic capacity and response times
  - Urgent medical facility capacity and access times

The traffic generated by the Moffett Place project will impact the travel times of EMT paramedic vehicles to people in need of their services. In addition, the traffic generated by the Moffett Place project will impact the travel times of EMT paramedic vehicles to local urgent medical care facilities. I would like the DSEIR to analyze the EMT paramedic travel times.
- F-2 [ The additional people brought into Sunnyvale by the Moffett Place project will impact Sunnyvale's urgent medical care facilities. I would like the DSEIR to analyze the capacity of Sunnyvale's urgent medical care facilities.
- F-3 [ The Moffett Place project may have a limited effect on Sunnyvale's EMT paramedic capacity and urgent medical care facilities, but the cumulative impact of recent and future projects in the City of Sunnyvale has not been considered.

Sincerely,

Martin Landzaat  
[martin\\_landzaat@hotmail.com](mailto:martin_landzaat@hotmail.com)

**Response to Letter F - Martin Landzaat**

F-1 The comment states that the project would adversely impact EMT-Paramedic response times in the area. Emergency medical services (EMS) are provided by the City Fire Department as part of the City Department of Public Safety (DPS). The existing fire station closest to the project is located at 1022 Innovation Way which is located just across Mathilda Avenue from the western boundary of the project site. Section 4.12.1 of the EIR states that the City's DPS has a response time goal of 5 minutes and 42 seconds or less from dispatch to on-scene arrival for 92% of EMS events. The proposed project was reviewed by the City's DPS. The project was found to have an adverse impact on fire department facilities, and as required in mitigation measure 4.12-1, the applicant would be required to enter into a binding agreement with the City regarding the addition of adequate public safety facilities and equipment. It should be noted that the EIR includes an alternative in which a Department of Public Safety building, including a new fire station, would be developed at the project site.

With respect to traffic conditions, the project would have a significant impact on traffic at intersections and freeway segments near the project site. Section 4.6 of the EIR evaluates the traffic generated by the proposed project. The project proposes mitigation (Mitigation Measure 4.6-1) that requires the project applicant to pay Traffic Impact Fees that would represent the project's proportional contribution to the reconfiguration of the SR 237/Mathilda Avenue ramp intersections, as recommended by the 2006 Route 237 Corridor Study. Mitigation Measure 4.6-2 identifies mitigation that requires the project applicant to pay a fair share contribution to the future improvements to local freeway segments including the conversion of the High Occupancy (HOV) Vehicle Lanes to express lanes on US 101 and SR 237 and to construct a new HOV/express lane on SR 237 between Mathilda and SR 85. The improvements are currently planned and in the design phase by Valley Transit Authority (VTA). The improvements are projected to add additional capacity to the freeway segments and mitigate the additional traffic generated by the project. As these mitigation measures would improve traffic conditions for cars, the same improvements would apply to EMS services that utilize the same roadways and intersections. Potential impacts on EMS services are considered less than significant with the implementation of the project mitigation. No changes were made to the EIR as a result of this comment.

F-2 The comment states that the project would have an adverse effect on Sunnyvale's urgent medical care facilities. The issue regarding capacity of local urgent medical care facilities is not related to an environmental issue pursuant to the California Environmental Quality Act. Unlike fire service facilities or EMS, the City does not control the operations or capacity of local medical facilities in the area. No permits or approvals from existing medical facilities are required as part of the development. No changes were made to the EIR as result of this comment.

F-3 The comment states the project may have a cumulative impact on the capacity of Sunnyvale's EMS and urgent care facilities. Please see responses F-1 and F-2 above. The City addresses growing demand for emergency services through its projected population increases and through land use planning processes such as the General Plan and in the case of the proposed project,

the Moffett Park Specific Plan where land use types, intensities (floor area maximums), and densities are identified. No changes were made to the EIR as result of this comment.

**Letter G - Brian Taylor; October 2, 2013**

**Shaunn Mendrin**

**From:** Deborah Gorman  
**Sent:** Wednesday, October 02, 2013 9:51 AM  
**To:** Planning; Shaunn Mendrin  
**Cc:** Community Development; Deborah Gorman  
**Subject:** Web Request - Reassign 28752 from: Deborah Gorman to: SMendrin, subject: Moffet Park 1.8Msq. ft pro

Dear **Shaunn Mendrin**,  
 Below is message [28752](#), no reply is needed.

<b>From</b>	Brian Taylor < <a href="mailto:brian_dean_taylor@yahoo.com">brian_dean_taylor@yahoo.com</a> >
<b>Reply Needed</b>	No
<b>Priority</b>	Regular
<b>Subject</b>	Moffet Park 1.8Msq. ft project input
<b>Message</b>	<p>Hi- I work at Infinera in Moffet Park. I've worked in and around Moffet Park for the last 10 years. I recently saw a SJ Mecury News article "Sunnyvale: Public input needed for 1.8 million-square-foot Moffett Park office complex" and thought I should lend my input to the project. The area of Moffet Park has no retail at all. There's a small strip mall on Java that a few restaurants have moved into but there is a general and stunning lack of any lunch places within walking distance in Moffet Park. The area is a food desert. There isn't a gas station or any other amenities to the area at all. I highly encourage the City of Sunnyvale to include some reasonable retail options like restaurants, convenience stores or gas stations. If this 1.8M square foot complex goes in and there are no public spaces, it will only make the lack of dining options worse. Additionally, the intersection at Mathilda and 237 is probably the worst intersection I encounter anywhere. It's amazingly poorly laid out and traffic flow is horrendous. Increasing the density of Moffet without addressing a more sensible CA-237 access and egress is a mistake and will make the lives of all the existing employees of the area miserable.</p>
G-1	
G-2	
G-3	
G-4	

**Response to Letter G - Brian Taylor; October 2, 2013**

- G-1 The comment notes that there is a lack of lunch places within walking distance of Moffett Park. The project proposes an amenities building that will include a cafeteria, exercise facilities, and locker room and changing facilities for the employees of the buildings. One of the purposes of the amenities building is to provide an option for employees to eat and exercise on the project site so they do not have to leave the site to eat or exercise. This is also a traffic reduction measure intended to reduce traffic on surrounding streets. The locker room and changing rooms also facilitate alternative forms of transportation for employees such as biking and walking to work. No changes were made the EIR as a result of this comment.
- G-2 The comment states that the City is encouraged to include retail options such as restaurants, convenience stores, or gas stations. The proposed project does not include any public retail components. The office buildings and amenities buildings are for the use of the employees working at the site. Limiting the use to the onsite employees reduces the amount of car traffic coming to the site and the amount of traffic traveling through already congested intersections such as Mathilda Avenue and Moffett Park Drive. Additionally, other areas in the Moffett Park Specific Plan area are designated MP-C (Moffett Park – Commercial) to allow for retail opportunities. The MP-C zoning will not be affected or reduced as a result of the project. No changes were made the EIR as a result of this comment.
- G-3 The comment states that the project will make dining options worse in the area without public retail space it will make dining options worse. Please see Response G-1 above. No changes were made the EIR as a result of this comment.
- G-4 The comment states that the Mathilda/SR 237 interchange will be adversely impacted with the addition of the project traffic. Please see Response E-2. The project proposes mitigation (Mitigation Measure 4.6.1) that requires the project applicant to pay Traffic Impact Fees that would represent the project's proportional contribution to the reconfiguration of the SR 237/Mathilda Avenue ramp intersections, as recommended by the 2006 Route 237 Corridor Study. No changes were made the EIR as a result of this comment.

## Letter H - Brian Taylor; October 14, 2013

**Shaunn Mendrin**

**From:** Shaunn Mendrin  
**Sent:** Monday, October 14, 2013 11:34 AM  
**To:** Jewell, Alex  
**Cc:** Janette D'Elia (jdelia@jaypaul.com); McGuigan, Maria (mmcguigan@jaypaul.com); Dona Shah (dshah@des-ae.com)  
**Subject:** FW: Moffet Park 1.8Msq. ft project input

Alex,

Here is one more comment on the EIR.

-Shaunn

----- Forwarded message -----

**From:** Brian Taylor <brian\_dean\_taylor@yahoo.com>  
**Date:** Mon, Oct 14, 2013 at 9:04 AM  
**Subject:** Re: Moffet Park 1.8Msq. ft project input  
**To:** Planning <planning@ci.sunnyvale.ca.us>

H-1

Thanks for responding to my concerns. I understand your point that that retail spaces are demand driven. But I wonder how the city of Sunnyvale can support such a proposal that includes no services for the people who work in Moffet Park. Given the density that we already have, I find it extremely hard to believe that there is no demand for services in the Moffet Park area. Since I started working in the Moffet Park area over 10 years ago, I've only seen the density of the office complexes increase. There are huge lines at lunch time at the cafeterias that are open to the public. Moreover, we recently lost the Ariba cafeteria since the building was taken over by Google. This has actually shrunk that available services to people in the area. This forces people to drive and increases the traffic nightmare that is the 237-Mathilda intersection.

H-2

To put the project in perspective, the proposed project at 1.8M sq. ft is more than half of the square footage of the Freedom Tower in Manhattan that replaced the Twin Towers. If I make a comparison, the plan is woefully inadequate in terms of traffic flow, public transportation, and retail services. Additionally, there are no public spaces required as part of the project as is in the case in many large US cities. If the city is going to continue to increase the density in the area, there has to be more thought about the overall impact and "livability" and walkability of the area rather than trying to see how many engineers you can pack into one space. Moffet Park could be a really nice place to work in the same way as many city downtown offices are. Unfortunately the plan as proposed and your comments only reinforce the notion that the City of Sunnyvale only seeks to pack people in and has no interest in making the area a good place to work.

Regards-  
 Brian Taylor

**Response to Letter H - Brian Taylor; October 14, 2013**

- H-1 The comment states that there is demand for retail services and that currently there is a lack of nearby lunchtime options that result in long lines. Please see Responses G-1 and G-2. No changes were made to the EIR as a result of this comment.
- H-2 The comment states that with an increase in density the City needs to increase “livability and walkability” in the area as well. Figure 3-18 in the EIR shows the proposed public pathways through the project site that would connect the site with other areas within Moffett Park. The public pathways will connect to the existing pedestrian overpass on Moffett Park Drive Bordeaux Drive, Mathilda Avenue, and the Santa Clara Valley Water District pathway. The public pathways will allow for connectivity between the pedestrian overpass and new and existing sidewalk that connect to existing light rail stations. The sidewalks and light rail stations are shown in Figure 3-16 of the EIR. No changes were made to the EIR as a result of this comment.

**Letter I - Rick Jones**

**Shaunn Mendrin**

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**From:** Deborah Gorman  
**Sent:** Friday, September 27, 2013 10:20 AM  
**To:** Planning; Shaunn Mendrin  
**Cc:** Community Development; Deborah Gorman  
**Subject:** Web Request - Reassign 28685 from: Deborah Gorman to: SMendrin, subject: Please don't keep feeding

Dear **Shaunn Mendrin**,  
 Please respond to web request [28685](#) by clicking one of the three buttons below:

<b>From</b>	Rick Jones <perfgeek@mac.com>
<b>Reply Needed</b>	Yes
<b>Priority</b>	Regular
<b>Subject</b>	Please don't keep feeding the Mathilda Monster
<b>Message</b>	<p>I have just read about the 1.8 million square foot office proposal for the Moffett area. As someone working in the area for a while now, I can only say: DON'T! The Mathilda Monster is already bad enough as it is, and another four thousand or so Googleheads are arriving any day now. The very last thing the area needs is 1.8 million square feet of office space. So, please do not approve any more office space in that area until the Mathilda Monster is dead and buried. re - <a href="http://www.mercurynews.com/my-town/ci_24177040/sunnyvale-public-input-needed-1-8-million-square">http://www.mercurynews.com/my-town/ci_24177040/sunnyvale-public-input-needed-1-8-million-square</a></p>

I-1

I-2

**Response to Letter I - Rick Jones**

- I-1 The comment states that Mathilda/SR 237 interchange is congested and the addition of traffic from the proposed project plus other projects in the area will only contribute to the congestion. Please see Response E-2. No changes were made to the EIR as a result of this comment.
  
- I-2 The comment references an article prepared by the San Jose Mercury News dated September 25, 2013. The article provides a summary of the project description and contains some quotes from the City officials. The article does not raise issues that are at variance with the content of the existing Draft EIR. No changes were made to the EIR as a result of this comment.

**Letter J – Jim Bater**

**Shaunn Mendrin**

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**From:** jim bater  
**Sent:** Monday, October 07, 2013 1:25 PM  
**To:** smendrin@sunnyvale.ca.gov  
**Subject:** Moffett Place Project

J-1

No one in Sunnyvale Gov has been intelligent enough yet to consider traffic in any of new building and development projects so why start now?

I live in the Mathilda/237 area so you can see where I'm coming from.

Jim Bater

**Response to Letter J – Jim Bater**

- J-1 The comment states the new development will add additional traffic to the Mathilda/237 interchange area. Please see Response E-2. The project proposes mitigation (Mitigation Measure 4.6.1) that requires the project applicant to pay Traffic Impact Fees that would represent the project's proportional contribution to the reconfiguration of the SR 237/Mathilda Avenue ramp intersections, as recommended by the 2006 Route 237 Corridor Study. No changes were made the EIR as a result of this comment.

## Letter K – Planning Commission Hearing on Draft EIR, October 14, 2013

## Letter K - Planning Commission Minutes



**APPROVED MINUTES  
SUNNYVALE PLANNING COMMISSION  
October 14, 2013  
456 W. Olive Avenue, Sunnyvale, CA 94086**

**7:00 PM - Study Session – West Conference Room**

1. **Overview:** California Chapter APA Conference Highlights  
**Staff:** Trudi Ryan, (408) 730-7435  
*tryan@sunnyvale.ca.gov*  
**Notes:** (50 minutes)
2. **Public Comment on Study Session Agenda Items** (5 minutes)
3. **Comments from the Chair** (5 minutes)
4. **Adjourn Study Session**

**8:00 PM - Public Hearing – Council Chambers**

**CALL TO ORDER****SALUTE TO THE FLAG****ROLL CALL**

Members Present: Chair Maria Dohadwala; Vice Chair Russell W. Melton  
 Commissioner Gustav Larsson; Commissioner Bo Chang; Commissioner Glenn  
 Hendricks; and Commissioner Ken Olevson.

Members Absent: None.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City  
 Attorney; Shaunn Mendrin, Senior Planner; and Recording Secretary, Cristina Pfeffer.

**SCHEDULED PRESENTATION** - None.

*Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.*

Approved Planning Commission Minutes

October 14, 2013

Page 2 of 5

**PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS**

Speakers are limited to three (3) minutes. If you wish to address the Planning Commission, please complete a speaker's card and give it to the Recording Secretary or you may orally make a request to speak. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Planning Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Planning Commission.

**CONSENT CALENDAR**

- 1.A. Approval of Minutes: September 23, 2013**
- 1.B FILE #: 2013-7448**  
**Location: 433 North Mathilda Avenue (APN: 165-28-013)**  
**Proposed Project: USE PERMIT** to allow two new office buildings with a total of approximately 213,126 square feet resulting in a 53% Floor Area Ratio.  
**LOT LINE ADJUSTMENT** to combine two lots into one 9.27 acre parcel.  
**Applicant / Owner:** Christensen Holdings Lp  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Steve Flint (408) 730-7532,  
*Sflint@sunnyvale.ca.gov*  
**Note:** Staff requests continuance to the Planning Commission meeting of October 28, 2013; Item has been re-noticed.

<b>ACTION: Vice Chair Melton moved to approve the items on the Consent Calendar. Comm. Larsson seconded. Motion carried, 6-0.</b>
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**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2. **FILE #:** 2013-7854
- Location:** 1152 Bordeaux Dr. (APNs: Various)
- Proposed Project:** **COMMENTS ON DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**  
 The purpose of the meeting will be to gather public input on the Draft Subsequent Environmental Impact Report (DSEIR) for the Moffett Place project, which includes: 1) Moffett Park Specific Plan Amendment; 2) Rezone; 3) Major Moffett Park Design Review; and 4) Development Agreement to allow 1.8 million square feet of office with parking structures, amenities building and site improvements located over approximately 55 acres. Additional information is available online at [MoffettPlace.inSunnyvale.com](http://MoffettPlace.inSunnyvale.com)
- Environmental Review:** Draft Subsequent Environmental Impact Report (DSEIR)
- Staff Contact:** Shaunn Mendrin, (408) 730-7429, [Smendrin@sunnyvale.ca.gov](mailto:Smendrin@sunnyvale.ca.gov)
- Note:** No action will be taken at this meeting. This public hearing is an opportunity for the public to provide comments on the DSEIR. Written comments may be submitted until 5:00 p.m. on Tuesday, October 15, 2013.

**Shaunn Mendrin**, Senior Planner, presented information on the proposed project, and noted that the purpose of the public hearing is not for the Planning Commission to make a recommendation or decision, but rather to hear public testimony regarding the Draft Subsequent EIR. Mr. Mendrin said all written and verbal comments will be included in the Final Subsequent Environmental Impact Report (SEIR), and that the project will be brought back before the Planning Commission for action on November 11, 2013.

**Chair Dohadwala opened the public hearing.**

K-1

**Steve Hoffman**, a Sunnyvale resident, asked if the Environmental Impact Report (EIR) had been done with the understanding that the Mary Avenue bypass would be constructed. Chair Dohadwala clarified that the Commission was only present to hear public testimony and would not be answering questions, to which Mr. Hoffman responded that the public hearing is not conducive to resolving an issue or to the best interests of residents if one cannot receive an answer. **Trudi Ryan**, Planning Officer, suggested Mr. Hoffman evaluate the EIR himself for specific exclusions or inclusions. Mr. Hoffman said that because the Mary Avenue bypass project had been shelved, he thinks it is appropriate to redo the EIR. He said without the exclusion of the Mary Avenue bypass all traffic estimates are not applicable and asked that when the Planning Commission makes a decision on the project, Commissioners require the EIR to consider expected actual conditions of the roads.

**Chair Dohadwala closed the public hearing.**

Approved Planning Commission Minutes

October 14, 2013

Page 4 of 5

K-2

**Vice Chair Melton** commented on several chapters in the EIR. He said he wondered if the density and level of service scores for the US 101/SR 237 exit to north bound Mathilda are correlated. He noted that unsignalized intersections numbers 22 and 25 were concluded to have impacts that were less than significant, but that later in the report, the two intersections are highlighted as having significant impacts. He said he thinks "large corporate tenants" is not clearly defined, and that he does not think the report provided information on how the determination was made that the alternative in Chapter 5 would not meet key project objectives.

K-3

**Comm. Hendricks** suggested that highlighting the data representing the distinctions between existing traffic conditions and anticipated conditions resulting from the project may make the report easier to comprehend.

K-4

**Comm. Larsson** restated from the report that the reconfiguration of the 237/Mathilda interchange would reduce the traffic impact to a less than significant level; but that no data is presented illustrating to what level it would be reduced. He said it would be helpful to understand the timing of that reconfiguration, and he suggested having more data on the magnitude of the traffic impact to compare with what is proposed in the project.

K-5

**Comm. Hendricks** asked what the difference is between this EIR and the existing EIR for the Moffett Park area. Ms. Ryan explained that the existing Moffett Park Specific Plan (MPSP) EIR contemplated a maximum amount of development on individual properties, and that this site was not evaluated at the Moffett Park-Transit Oriented Development (MP-TOD) level, but only at the Moffett Park-General Industrial (MPI) level. **Kathryn Berry**, Senior Assistant City Attorney, explained that when the MPSP was originally written, no one knew the specifics related to building construction. She said now we know, and that project EIRs are always more detailed.

**Chair Dohadwala** said written comments from the public could be submitted until 5 p.m., October 15, 2013. Ms. Ryan said anyone who comments on the item would be notified of when the EIR is available.

### 3. Standing Item Potential Study Issues (2015)

No potential study issues were discussed.

Approved Planning Commission Minutes  
October 14, 2013  
Page 5 of 5

#### **NON-AGENDA ITEMS AND COMMENTS**

- COMMISSIONERS ORAL COMMENTS

In response to **Vice Chair Melton's** inquiry, **Ms. Ryan** said she would verify the status of recruitment for a new Planning Commissioner.

- STAFF ORAL COMMENTS

**City Council Meeting Report**

**Ms. Ryan**, Planning Officer, provided information on City Council actions and upcoming items.

**INFORMATION ONLY ITEMS** – None.

#### **ADJOURNMENT**

With no further business, the Planning Commission meeting adjourned at 9:23 p.m.

## Letter K – Planning Commission Hearing, October 14, 2013

K-1 The question asked of the Planning Commission was whether the traffic impact analysis prepared for the project assumed that the Mary Avenue Road extension would be built. As a conservative approach, the traffic impact analysis, including any regional modeling, prepared for the project did not include any assumptions that the Mary Avenue extension would be in place. No changes were made to the EIR as a result of this comment.

K-2 The comment asked if there was an inconsistency with the traffic density and Level of Service scores for the US 101/237 ramps and intersections 22 and 25. The City concurs that there were incorrect traffic impact designations shown in Tables 4.6-5, 4.6-7, and 4.6-10. The changes result in a reduction of impacts than what was previously stated. The revisions to these tables are shown in Section 3.0 of the Final EIR. None of these changes result in a change in the conclusions provided in the EIR.

The comment states that the term “large corporate tenants” is not clear. The term “large corporate tenants” is intended to refer to future tenants who would be interested in having a large number of employees located together in a campus style environment. The term is also intended to refer to tenants who would be interested in occupying all or most of a building to consolidate the locations of their employees.

The commenter raised a question regarding the determination of the consistency with Project Objectives for the Existing Specific Plan (0.60 FAR) Alternative. The language in the Final EIR has been changed to clarify the intent of the determination. The revised language is shown in Chapter 3.0 of the Final EIR. The determination has been revised to state that the additional density in the proposed project allows the project to provide additional amenities as part of the project. These amenities include, among other items, the 50,000 square foot amenities building that is an important component of the project design but also has importance as a Travel Demand Management (TDM) measure. The amenities building, in addition to providing modern conveniences to quality office space, also facilitates future employees to bike and walk to work, because the showers and changing facilities are available. The building also includes exercise equipment, exercise space, and a cafeteria. The amenities would allow for employees to stay onsite during the lunch hour and before or after work, reducing the amount of traffic during peak travel times. Therefore, the ability to support (through added density) the additional amenities of the project is an important component of the project.

K-3 The comments states that highlighting the data that represents the changes from the existing condition to the proposed condition would be make the report easier to comprehend. This information is provided in tabular form in Tables-4.6-9 and 4.6-10 as well as in Table 5.4-2. The tables provide information regarding the existing condition and then the existing condition plus project traffic or existing plus cumulative traffic in the case of Table 5.4-2.

K-4 The comments states that the reconfiguration of the SR 237/Mathilda interchange would result in an improvement of traffic conditions to a less than significant level, but no data is

represented as to what that level of significance would become. This information is provided in Table 15 of the Traffic Impact Analysis (Appendix E of the EIR). The interchange itself will continue to operate at LOS F after the reconfiguration. However, the whole Mathilda interchange corridor will improve overall.

- K-5 The commenter asked what the difference is between the Moffett Park Specific Plan EIR and the Moffett Place SEIR. The answers provided at the Planning Commission hearing address the question; which in summary states that the MPSP EIR evaluates the plan area overall before specific development of the sites was known. Now that a specific development has been proposed within a portion of the specific plan area, a more focused EIR specific to the proposed project has been prepared.