REPORT TO MAYOR AND COUNCIL NO: _____

Draft Report for September 18, 2008
Bicycle and Pedestrian Advisory Commission and
September 22, 2008 Planning Commission Meetings

Council Meeting: October 28, 2008

SUBJECT: Mary Avenue Extension Project Environmental Impact Report Certification and Project Approval

REPORT IN BRIEF

This project involves the construction of a new road extension and bridge from the current northern terminus of Mary Avenue at Almanor Avenue over U.S. 101 and State Route 237 to 11th Avenue. The project is currently at the conceptual engineering/project approval/environmental document phase of design. A Draft Environmental Impact Report (DEIR) has been prepared and circulated for public comment. Public comments have been responded to in the Final Environmental Impact Report (FEIR) (Attachment A). These two documents constitute the Environmental Impact Report (EIR) for the project.

Staff is recommending certification of the EIR and formal approval of the project.

BACKGROUND

The Mary Avenue Extension project is a long-planned project to extend Mary Avenue from its current northern terminus at Almanor Avenue into the Moffett Industrial Park area (Park). The project would bridge over the U.S. 101 and S.R. 237 freeways. The purpose of the project is to provide additional north-south roadway capacity into and out of the Moffett Industrial Park major employment area and to improve local circulation to and through the Park. Without the Extension, traffic on other north-south arterials that access the Park, namely Lawrence Expressway, Fair Oaks Avenue/Wolfe Road, and Mathilda Avenue, are forecast to become congested.

History of Planning for the Mary Avenue Extension

This project has been in the City's General Plan since the early 1970's. The issue of north-south roadway capacity has been studied extensively since that time, as well as the traffic impacts of various land use proposals, comprehensive Citywide transportation needs, funding for transportation improvements, and improvements to regional (non-City) roads within Sunnyvale. The need for and effectiveness of the project has been affirmed and re-affirmed many times.

Plans and studies related to Mary Avenue include the following:

1972 General Plan

1981 General Plan Transportation Element

Southern Pacific Corridor Plan - 1983

North-South Corridor Studies (Phases I and II)

Mini-Triangle Study (1990)

Tasman LRT EIR/S, Alternatives Analyses, etc.– late 80's early 90's

Mary Avenue Extension Project Study Report (1991)

Futures Study - 1993

Lockheed Site Master Use Permit and EIR - 1994

Land Use and Transportation Element - 1997

Downtown Specific Plan, Downtown Design Plan, Downtown Redevelopment Plan – 1993-2003

Moffett Park Class A office developments (1999-2005) – Yahoo, Network Appliance, Juniper Networks, Ariba, and Fair Oaks/Tasman GPA – Transportation Impact Analyses

County Expressway Study (2003)

Moffett Park Specific Plan (2004)

Transportation Strategic Program - 2003

237 Corridor Study (2004)

Highway 85 Corridor Study – 2004

Citywide (Transportation) Deficiency Plan - 2005

Moffett Towers Development EIR- 2006

There are several recently prepared environmental and policy documents and the City's transportation capacity improvement funding program (called the Transportation Strategic Program) that are still in force of policy and law. The 1997 Land Use and Transportation Element (LUTE) of the General Plan; the 2003 Transportation Strategic Program; the Moffett Park Specific Plan, the Citywide Deficiency Plan, and environmental documents and project entitlements for certain individual projects in the Moffett Industrial Park all promote the planning and construction of the Mary Avenue Extension project.

Chronology of Current Project Approval/Environmental Document (PA/ED) Phase of the Project

The current phase of the project involves a formal cooperative effort between the City, the Santa Clara Valley Transportation Authority (VTA), the California Department of Transportation (Caltrans), and the Federal Aviation Administration to accomplish three primary objectives:

1. Complete an environmental document and review process to allow the City Council to consider certification of the environmental document.
2. Complete the preparation of a Caltrans-required Project Study Report/Project Report (PSR/PR) and supporting technical documentation to allow Caltrans to consider approval of the project.
3. Prepare and present sufficient information to the City Council to allow the City Council to consider formal project approval.

Initiation of the current phase was prompted by several factors. In 2003 the City adopted a Traffic Impact Fee to fund transportation improvement projects that mitigate anticipated traffic growth and congestion from the City's land use plan. While most of these projects will not be needed for several years, the Mary Avenue Extension project is a major, long lead time project. It is sensible to actively plan for this project at the current time.

The project's primary benefit is to reduce anticipated congestion at the Mathilda/237/101 interchange and other north-south corridors. Recent traffic monitoring shows that the Mathilda/237/101 is nearing the point of congestion, and approved but not yet built buildings plus an increase in occupancy of existing buildings in the Moffett Industrial Park are likely to trigger significant traffic congestion at this location in the near term.

The Mathilda/237 interchange does not lend itself to typical level of service-type congestion analysis due to closely spaced intersections and considerable weaving movements within the interchange. If the interchange is analyzed using intersection Level of Service (LOS) techniques, the individual intersection rating on the A (free flowing) through F (gridlocked) scale would be at an F level, which is a congested condition. But it really doesn't tell the picture, because the four closely spaced intersections don't operate independently of one another, they operate as a unit of four intersections. If a corridor simulation model is used, the interchange would analyze at an F level. So once again, an analysis technique will conclude that technically the interchange is congested today. Observation of traffic however, finds that traffic moves pretty well through the interchange given the complexity, because the City has invested a lot in signal timing and technology. So to the driver, it doesn't currently drive like a true "F" location, because queues don't grow over the peak hour and traffic moves, albeit not like free flow, but it does move. So in short, one could say that the interchange is currently congested, but is

operating fairly effectively. What the studies of forecast traffic show is that it will break down completely, queues will grow over the peak hour, and traffic will not move effectively when the traffic from planned and approved growth is added.

The Mathilda/237 interchange is a complex interchange that is difficult to run efficiently no matter what, so there are delays. The volume of traffic utilizing the interchange currently is effectively the maximum amount that can be handled without gridlock and lengthy traffic jams. Without the Mary Avenue Extension, there will be significant traffic jams in the relatively near term.

Another factor in initiating the project approval process was completion of a traffic operations analysis of Route 237 and Mathilda Avenue in 2004. This study, known as the 237 Corridor Study and prepared jointly by the City and the VTA sought to identify future traffic impacts in the 237/Mathilda/101 area, evaluate roadway improvement alternatives, and identify the most effective traffic improvements for addressing anticipated future traffic conditions. The Mary Avenue Extension project was determined to be one of a set of improvements that best address anticipated congestion.

A third factor that prompted initiation of the PA/ED phase was the Moffett Towers development project. This project, located at the southwest corner of the Moffett Industrial Park, would be built on land potentially required to construct the Mary Avenue Extension. There was a desire on the City's behalf to both facilitate this development and determine and secure right of way for the Mary Avenue Extension. Initiation of the PA/ED study allowed the City to not impede the developer for lack of information on the planned Mary Avenue Extension, and allowed the City to move forward with consideration of the development proposal with sufficient and accurate information on the Mary Avenue Extension project. This eventually resulted in securing of right of way for a portion of the Mary Avenue Extension project as a condition of development approval and at no cost to the City.

To initiate the PA/ED phase, the City executed a cooperative agreement with the VTA to manage and fund the PA/ED phase and the consultant team. This facilitated prompt retention of a consultant team by utilizing VTA's pre-qualification process, and allowed the City staff to take advantage of VTA's experience with large transportation projects involving Caltrans. VTA facilitated Caltrans participation with the study team. The three agencies have prepared a cooperative agreement to define roles and responsibilities during the PA/ED phase. The civil engineering firm of BKF Engineers is the prime consultant for this phase. BKF Engineers' consultant team includes environmental, structural, hazardous materials and geotechnical engineering experts as well.

Work began in earnest in August, 2006. Detailed conceptual engineering drawings of two project alternatives and a number of technical documents to support both the Project Study Report/Project Report (PSR/PR) and environmental document were initially prepared. This included:

- Alternatives Analysis –Plan/Profile/Sections
- Right of Way Mapping and Data Sheet
- Topographic Mapping
- Advance Planning Studies
- Traffic Forecast and Operations Report
- Preliminary Geotechnical Study
- Caltrans Geometric Approval Drawings
- Caltrans Fact Sheets for Mandatory Design Exception Report
- Storm Water Data Report
- Area of Direct Impact Report
- No Preclusion of Future Improvements Study
- FAA Aeronautical Study
- Drainage Concepts

A draft PSR/PR was submitted to Caltrans in October, 2006. Comments were received and a number of significant issues identified. A second draft PSR/PR was prepared and submitted for Caltrans review in February, 2007. Issues raised by Caltrans required the preparation of significant, unanticipated engineering studies and much discussion and correspondence with Caltrans. A third draft of the PSR/PR to address Caltrans comments and the outcome of negotiations was submitted in October, 2007. A final PSR/PR for consideration of approval by Caltrans has been submitted, and approval is anticipated in December, 2008. Caltrans will consider approval only after certification of the environmental document. Additional information on Caltrans participation and issues identified is included in this Report under the Discussion section.

The initial formal step in initiating the environmental document was to file a Notice of Preparation and hold a public scoping meeting. This occurred in January and February, 2007. Preparation of a Draft EIR then commenced, and a draft was released in August, 2007. During the time of preparation of the environmental document, the City, with the assistance of VTA staff and the consultant team, held a series of six public information forums to provide background on the project and the environmental review process.

Themes for the forums were as follows:

- A History of Sunnyvale Transportation and Land Use Planning
- The Breadth of Transportation Improvement Projects in and around Sunnyvale
- What is the Mary Avenue Extension project?
- What to expect and how to review the Mary Avenue Extension DEIR.

At this time the City has completed and circulated a Draft Environmental Impact Report (DEIR) on the project. The City circulated the DEIR to the public for an 81 day review period, a longer review period than the 45 days required by CEQA. The longer review period was provided to respond to citizen requests for a longer review period. The DEIR was made available to all persons who requested a copy, including distribution of CD's containing the DEIR from City Hall and at community meetings, posting of the DEIR on the City's website, and placement of the DEIR at City Hall, the Sunnyvale Public Library, and the Sunnyvale Community Center for review. A significant number of individuals and other entities provided comments on the DEIR. Comments received have been responded to in a Final Environmental Impact Report (FEIR). A peer review of the DEIR and FEIR has also been completed.

Other Planned Transportation Improvements In and Around Sunnyvale

The Mary Avenue Extension Project is one of many planned transportation improvements by the City and other agencies responsible for the roadway system in and around Sunnyvale. A very common theme of public comments on the project is that other alternatives to constructing the Mary Avenue Extension should be considered. In fact, transportation planning by the City, the VTA, the County of Santa Clara Roads and Airports Department, and the Caltrans has been deliberate, thorough, and comprehensive over the past several decades. There are many other transportation improvements that are planned to meet the various forecast deficiencies.

The Mary Avenue Extension addresses two specific issues – the need for improved north-south roadway capacity, and the need for improved access to the Moffett Industrial Park, primarily the west side of the Park. As summarized above, many studies have been completed, and many alternatives considered. The Mary Avenue Extension represents one of four types of improvements that are planned to address the two issues of north-south capacity and access to Moffett Park. Twelve distinct projects including the Mary Avenue Extension, interchange improvements at Mathilda/237/101, grade separations on Lawrence Expressway, and intersection widening at various locations throughout Sunnyvale have been identified as necessary to mitigate planned growth in the City. Adopted improvement plans demonstrate that the impacts of planned growth have been studied extensively and mitigation has been identified. Adopted plans and the associated planning efforts also show that other improvements are in fact necessary to address the issue, and that no one project can solve forecast traffic congestion, nor can one be eliminated from the transportation plans for the City and surrounding area without resulting in traffic congestion. A comprehensive transportation plan is necessary for the City and the surrounding area to maintain safe, efficient traffic flow through the City, and in fact is in place. This includes the Mary Avenue Extension project.

A complete list of planned improvements in and around the City is included as Attachment B.

EXISTING POLICY

Land Use and Transportation Element C3, Attain a transportation system that is effective, safe, pleasant and convenient.

Land Use and Transportation Element R1.6, Preserve the option of extending Mary Avenue to the industrial areas north of U.S. Highway 101.

Land Use and Transportation Element Appendix E, Transportation Mitigation – Mary Avenue road extension

DISCUSSION

Environmental Impact Report Findings

The DEIR was prepared and circulated in Fall, 2007 for 81 days of public review. Responses to comments are included in the Attached FEIR (Attachment A). The overarching purpose of an Environmental Impact Report is to inform decision makers of potential impacts to the environment from a proposed project, the significance of those impacts, and whether those impacts can be lessened to insignificant levels through mitigation. A significant environmental impact is identified as a substantial adverse change in any of the physical conditions within the area affected by the project. Significance is more precisely defined for differing categories of impact, and is often determined by adopted standards, such as traffic level of service or heritage tree definitions. The EIR for the Mary Avenue Extension Project identifies seven significant impacts of the preferred project design that, unless mitigated to a lesser state, would substantially change the project environment. The project is being designed to take this into account and provide features that reduce the change or improve conditions so that the negative aspects of the impact are lessened or eliminated.

The document finds that there are no significant environmental impacts with the preferred project design that cannot be mitigated to a less-than significant level.

Significant impacts and potential mitigation are as follows:

- Traffic congestion at Mary/Maude intersection- requires an additional southbound right turn lane
- Potential disruption of cultural resources – proposes test excavations prior to project construction and determination of measures to avoid or

minimize the effects of construction. Archeologist and Native American monitors to be present during construction.

- Potential for burrowing owls and nesting raptors to be present – pre-construction surveys, creation of construction buffers should nesting owls be present, relocation of owls during non-breeding season, off site habitat compensation
- Tree removal – 62 significant trees. Replacement, relocation, or replanting per the Municipal Code
- Potential for liquefaction – detailed geotechnical study to determine appropriate foundation systems
- Potential to hit contaminated water, soil – monitoring, disposal per regulations
- Construction noise to nearby commercial, industrial properties – scheduling of noisy activities, use of quieter equipment and techniques, coordination with adjacent property occupants

Traffic impacts of the proposed project on Mary Avenue south of Central Expressway/Evelyn Avenue is a key issue for residents in the area. The EIR identifies the forecast traffic growth in Sunnyvale, the impacts of that forecast traffic growth on the planned roadway system without the proposed project, and the effect of the proposed project on future traffic circulation.

The analysis found that the greatest effects of implementing the Mary Avenue Extension on traffic circulation are concentrated primarily on segments of major north-south streets north of Central Expressway and in the Moffett Park area. Improvements to circulation were found on Lawrence Expressway/ Caribbean Drive, Fair Oaks Avenue, Mathilda Avenue, Middlefield Road/Ellis Street, Tasman Drive, and Moffett Park Drive. Traffic increases were concentrated on Mary Avenue north of Central Expressway, Central Expressway east of Mary Avenue, and Wolfe Road north of Central Expressway. Changes to traffic patterns on the City street system south of Central Expressway due to the Mary Avenue Extension were found to be negligible.

This conclusion is counterintuitive to many, but in fact, most users of a Mary Avenue Extension will be employees in the Moffett Industrial Park that are commuting from areas southeast and east of the City. Because Mary Avenue is primarily an intra-city roadway serving land uses in the southwest portion of the City, and since it does not connect to the roadway network south of State Route 280, South Mary Avenue does not present a faster route to and from Moffett Industrial Park than the roadways that connect to Cupertino, West San Jose, Santa Clara, Interstate 280 and other points south and east. Also, the barrier to traffic capacity into and out of the Park is formed by U.S. 101 and

State Route 237, so the improvement in roadway capacity provided by the Mary Avenue Extension and any consequent diversion of traffic is mostly localized in that area to the north. Therefore, it can be anticipated that traffic diversion to South Mary Avenue south of Central Expressway will be negligible. Traffic modeling also shows that the Mary Avenue Extension does not divert nor otherwise affect traffic on Highway 85.

Project Alternatives

The alternatives analysis resulted in no comparable alternative that meets the project objectives (Improving north-south roadway capacity, and improving access to the Moffett Industrial Park) and is environmentally superior. In addition to the proposed project, eight alternatives were quantitatively evaluated in the EIR to determine if they could meet the project objectives, while at the same time avoiding the significant impacts of the project. These are:

1. No Project
2. H Street Alignment
3. Improve Other North-South Sunnyvale Corridors (Mathilda Avenue, Fairoaks Avenue/Wolfe Road)
4. Widen SR 85
5. Reduce the number of lanes on Mary Avenue south of Evelyn Avenue
6. Two-Lane Mary Avenue Extension
7. No Thru Traffic at Mary Avenue and Evelyn
8. Two Lanes Entire Length of Mary Avenue

The "No Project" and "Widen SR 85" alternatives were found to not meet the project objectives of improving north-south Sunnyvale travel corridor capacity and improving access to the Moffett Industrial Park. The "Improve Other North-South Sunnyvale Corridors" alternative was found to be infeasible because improvements in those corridors (e.g. Mathilda Avenue, Fair Oaks Avenue) over and above what is already planned would result in major relocations of businesses and residences.

The four "Mary Avenue" alternatives are variations on the proposed project in that they all include either a 2- or 4- lane extension over U.S. 101 and SR 237. They also include various measures aimed at reducing traffic volumes on Mary Avenue, either by removing existing lanes or by closing Mary Avenue to thru north-south traffic at Evelyn Avenue.

Because each of the four "Mary Avenue" alternatives include the northerly extension of Mary Avenue into the Moffett Park area, some benefit to that area is provided, which is consistent with the project objective. However, when compared to the proposed project, each of the four alternatives results in

greater traffic impacts. The primary reason for this is that, by reducing capacity on Mary Avenue to varying degrees, the traffic that would otherwise use Mary Avenue as the shortest route to its destination would instead use alternate routes. This would increase traffic on nearby streets such as Bernardo Avenue, Pastoria Avenue, Hollenbeck Road, Sunset Avenue, and Mathilda Avenue. In other words, because traffic demand is generated by land uses, reducing capacity on Mary Avenue does not reduce such demand; rather the demand is simply accommodated on alternate routes.

The H Street alignment alternative is no longer feasible, as the City Council acted to release right of way for this alternative to facilitate completion of the Moffett Towers project. This alignment was released based on the findings in the Draft EIR that an H Street alignment would have greater traffic and cultural resource impacts than the proposed project.

Five additional transportation improvement alternatives that did not include the Mary Avenue Extension are also discussed in some detail in the document. Information on these alternatives is presented to address suggestions by citizens, rather than because these alternatives are true variations of the project or reduce project impacts. These are:

1. Improve transit service Citywide to reduce motor vehicle capacity demand and meet the need for the Project
2. Construct north-south transit improvements
3. Construct a light rail spur in Moffett Park
4. Construct regional highway improvements
5. Construct expressway improvements

These additional schemes are found either to not meet the purpose and need for the Project (improving north-south Sunnyvale travel corridor capacity and improving access to the Moffett Industrial Park), have greater environmental impacts than the project, are infeasible, or are necessary and planned to occur in addition to the Mary Avenue Extension Project (highway and expressway improvements).

<u>Community Outreach and Input</u>

A number of community meetings were held throughout the PA/ED process. A scoping meeting was held prior to initiating preparation of the environmental document. A series of six community forums was held as the document was being prepared to provide background on the project and the current project phase. City staff also attended meetings with a small number of community groups such as the Cherry Chase Parent-Teachers Association and the Moffett Park Business and Transportation Association. Subsequent to release of the

DEIR, two open houses were held and formal testimony from the public was taken.

Outside of the formal DEIR comment process, the City has received additional public input at the meetings summarized above and from additional correspondence. A record of public input received independent of the formal DEIR comment process is included as Attachment C.

Caltrans Participation in Project Planning

This section provides a summary of coordination with Caltrans and feedback on the project to date.

Caltrans has worked cooperatively as part of the project team since the inception of the PA/ED phase. A Project Manager was assigned and has attended all monthly project trend meetings. Caltrans coordination and management staff from the Program Management and Design Divisions for Santa Clara County have also attended most trend meetings. As mentioned previously in this report, Caltrans requires the preparation and approval of a number of technical documents in addition to the PSR/PR project approval document. The Project Manager and staff have facilitated the timely and detailed review of these documents by more than 30 "functional units" (divisions) of Caltrans District 4. The project has received detailed scrutiny and there has been significant dialogue regarding various issues throughout the process.

Issues that required significant study and dialogue have included:

- Potential preclusion of future improvements to US 101 and SR 237
- Location of bridge piers within the Caltrans right of way
- Ramp operations and queuing on the freeway mainline
- Exceptions to design standards for shoulder width

At this time staff believes that Caltrans and the project team have reached resolution of issues sufficient to allow Caltrans to approve the PSR/PR. An extensive amount of effort was conducted to resolve issues, particularly on the issue of the preclusion of future improvements. Caltrans has responded in writing that they are satisfied that the analyses provided by the project team confirm that no planned or contemplated future improvements are precluded by the Mary Avenue project. In compliance with their requirements, Caltrans will consider approving the PSR/PR once an environmental document is certified by the City. Correspondence received from Caltrans is included as Attachment D.

EIR Peer Review

Given the visibility of this project and the sizeable number of community concerns on the perceived environmental impact, as well as heightened scrutiny by the courts of the content and substance of environmental reports, prompted the City (at Council's direction) to commission an independent review of the environmental document for the Mary Avenue project. This independent review is intended to provide an objective appraisal of the environmental analysis as a means to support the information used in subsequent decision making, or, in the case that the City is sued over the environmental analysis, to support the substance and quality of the analysis. Staff sought to retain the professional services of an environmental consultant from outside the Santa Clara County market to assure objectivity. Amy Skewes-Cox, a member of the American Institute of Certified Planners and an environmental planner out of Marin County, was retained to conduct the review. Ms. Skewes-Cox provided a number of comments which were addressed in the FEIR.

EIR Certification and Project Approval

The staff recommendation is to adopt a resolution of findings (Attachment E) regarding the EIR, certify the EIR, and approve the project. By adopting the resolution of findings and certifying the EIR, the City Council is acknowledging that the information contained in the EIR and the process used to prepare and review the EIR are adequate to inform decision making and conform with California environmental law. Action to approve the project will act to direct staff to proceed with preparation of construction documents and eventually construct the project.

Project Rejection

The Mary Avenue Extension is identified as mitigation for the Land Use and Transportation Element, the Moffett Park Specific Plan and several corporate campus developments approved for the Moffett Industrial Park.

Development activity in the Park has occurred steadily over the last 10 years. Job growth in the Park is resulting in steadily increasing traffic. In order to address forecast traffic congestion, the City has comprehensively planned for transportation improvements. The Mary Avenue Extension has been affirmed and reaffirmed as one of several essential improvements to maintaining traffic flow in the City's primary commute travel corridors. Most recently, the City initiated an engineering and environmental analysis in 2006 to begin transitioning the project from a plan to a project approved for construction. The proposed project is a capital improvement of significant scale, complexity and community interest. Lead times for the City's decision making process, the California Department of Transportation's decision making process, and

the Santa Clara Valley Transportation Agency as a major funding partner are anticipated to be lengthy. This assumption has borne out to be true as the engineering and environmental analysis has progressed.

As previously stated, the Mary Avenue Extension project is integral to mitigating the traffic impact of planned development in the Moffett Industrial Park. Should the City elect not to proceed with the project, there would be significant implications on the environmental analysis of the City's current land use plan as well as specific previously approved development projects, the Citywide Deficiency Plan, and the City's transportation improvement funding program. Actions that likely would occur should the project be rejected include, but are not limited to:

- Moffett Park building moratorium until plans and previous environmental clearances are revised
- Re-visit environmental clearance for the Land Use and Transportation Element, Moffett Park Specific Plan, approved but not built projects in Moffett Park
- Reconsider the City's transportation improvement plans. However, the City's transportation system has been studied extensively over the past three decades, and it is highly unlikely that an improvement plan will be identified that will address congestion on Sunnyvale north-south corridors that provide access to the Moffett Industrial Park. The City's current transportation improvement plan calls for a $46 million investment *in addition to* the Mary Avenue Extension. The current cost estimate for the Mary Avenue Extension is $55 million. It is likely that any other identified improvement to "replace" the Mary Avenue Extension will have a significant cost approximating or exceeding the cost of the Mary Avenue Extension.
- Revise Transportation Impact Fee
- Revise or invalidate the Citywide Deficiency Plan
- Increasing congestion at Mathilda/237/101 interchange, eventually capacity breakdown

FISCAL IMPACT

There is no fiscal impact associated with certification of the Final Environmental Impact Report. Should the EIR be certified and the project proceed to design and construction, the current estimated cost of the project is approximately $55 million. One half of the project funding is planned from Transportation Impact Fees, and the other half from State Transportation Improvement Program Funds, and regional Measure A funds. The project design phase is currently fully funded, but construction funding is not currently programmed. The project is recommended as the #1 local road improvement priority (out of 112 submitted projects) in the pending Valley

Transportation Plan 2035, the transportation plan for Santa Clara County. This increases the likelihood of near term funding of State funds. There is no formal schedule for construction at this time, but should the project be approved, staff estimates that construction could be complete within 5-10 years. Funding (to date and planned) is as follows:

Funding Source	Amount	Committed/Planned
City of Sunnyvale Transportation Impact Fees	$ 885,000	Committed
City of Sunnyvale Transportation Impact Fees	$ 26,530,000	Planned
Measure A Funds	$ 3,500,000	Committed
State Transportation Improvement Program	$ 24,280,000	Planned

CONCLUSION

A Draft EIR has been prepared and circulated for the Mary Avenue Extension project. Fifty comment letters were received and responded to in the Final EIR, as well as comments recorded in formal transcripts from two public meetings on the Draft EIR. Major concerns were consideration of additional alternatives (seven additional transportation improvement alternatives are discussed in the FEIR), traffic intrusion into residential areas, and noise and air quality impacts. No new significant, unavoidable environmental impacts were identified in the FEIR. A set of project alternatives was evaluated as well. No alternative was found to meet the project objectives and be environmentally superior to the preferred project. Staff is recommending certification of the EIR and approval of the Mary Avenue Extension project.

ALTERNATIVES

1a. Adopt the attached resolution (Attachment E) of findings, certify the Final EIR for the Mary Avenue Extension Project.

1b. Formally approve the project, and direct staff to proceed with Mary Avenue Extension Project design and construction as generally outlined in this report.

2. Do not certify the FEIR or approve the project, and provide staff with direction on how to proceed with revisions to land use and transportation planning and programs.

RECOMMENDATION

It is recommended that Council approve Alternatives 1a and 1b:

1a. Adopt the attached resolution (Attachment D) of findings, certify the Final EIR for the Mary Avenue Extension Project.

1b. Formally approve the project, and direct staff to proceed with the Mary Avenue Extension Project design and construction as generally outlined in this report.

The EIR did not identify any significant, unavoidable environmental impacts. All project impacts can be mitigated, and mitigation will be included in the project plans. Of the project alternatives evaluated, no alternative was found to meet the project objectives and be environmentally superior to the preferred project.

Reviewed by:

Marvin Rose, Director, Public Works
Prepared by Jack Witthaus, Transportation and Traffic Manager

Approved by:

Amy Chan
City Manager

Attachments

A. Environmental Impact Report
B. List of Sunnyvale Area Planned Transportation Improvements
C. Correspondence Received in Addition to Comments on the FEIR
D. Correspondence Received from Caltrans
E. Resolution of Findings

List of Sunnyvale Area Planned Transportation Improvements **Attachment B**

Location	**Improvement**	**Estimated Cost**	**Funding Source**	**Responsible Agency**	**Timing**
Washington/Mathilda	Intersection widening to provide additional westbound left turn	$ 998,000	Developer contributions	Sunnyvale/Developer	Near term
Borregas Avenue @ US 101, SR 237	Bicycle/pedestrian overpasses of Highways 101 and 237	$ 8.4 M	Federal, state, regional grants, transportation impact funds, local bicycle/pedestrian funds	Sunnyvale	Near term
Mary Avenue/Route 280	Bicycle/pedestrian overpass	$ 10.8 M	Federal, state grants, local Cupertino and Sunnyvale funds	Cupertino/Sunnyvale	Near term
Evelyn Avenue	Bike Lanes	$ 564,000	Federal, state funds	Sunnyvale	Near term
Various arterial and collector streets	Radar Speed Signs	$ 200,000	Gas Tax	Sunnyvale	Near term
Sunnyvale Multimodal Station	Electronic day use bike parking	$ 11,000	Regional air quality grant	Sunnyvale/Caltrain	Near term
Frances Street, Evelyn to Capella	Transit center	$ 1.3 M	Federal, regional grant funds, transportation impact funds	Sunnyvale/VTA	Near term
Tasman/Fair Oaks Area	Streetscape, sidewalk	$ 2.2M	Regional grant	Sunnyvale	Near term
Sunnyvale/Arques	ADA modifications	$ 550,000	Gas Tax	Sunnyvale	Near term
Community Center area	Signing and Safety Enhancements	$ 265,000	Gas Tax	Sunnyvale	Near term

Mary Avenue/El Camino Real	Add southbound right turn lane	$500,000	Transportation Impact Fees	Sunnyvale	Mid-long term
Mary Avenue/Fremont Avenue	Add eastbound left turn lane	$800,000	Transportation Impact Fees	Sunnyvale	Mid-long term
Mary Avenue/Evelyn Avenue	Add southbound right turn lane	$500,000	Transportation Impact Fees	Sunnyvale	Mid-long term
Sunnyvale-Saratoga Road/Remington Drive	Add westbound right turn lane, northbound right turn lane	$1 million	Transportation Impact Fees	Sunnyvale	Mid-long term
Fair Oaks Avenue/Arques Avenue	Add westbound through lane, southbound right turn lane	$500,000	Transportation Impact Fees	Sunnyvale	Mid-long term
Wolfe Road/Kifer Road	Add southbound right turn lane, westbound right and left turn lanes, northbound right turn lane, eastbound left turn lane	$1 million	Transportation Impact Fees	Sunnyvale	Mid-long term
Wolfe Road/Reed Avenue	Add westbound right turn lane	$500,000	Transportation Impact Fees	Sunnyvale	Mid-long term
Mary Avenue	bikeway	$ 500,000	Transportation Impact Fees	Sunnyvale	Mid-long term
Java Drive	bikeway	$ 550,000	Transportation Impact Fees	Sunnyvale	Mid-long term
Industrial areas Citywide	sidewalks	$6 million	Transportation Impact Fees	Sunnyvale	Mid-long term

Mary Avenue	Extend roadway north of Almanor Avenue to Moffett Industrial Park	$ 47 million	Transportation Impact Fees, State Transportation Improvement Program (VTP 2030)	Sunnyvale/VTA	Mid-long term
Mathilda Avenue/SR 237/US 101	Modify interchanges and ramps to improve signal spacing, stacking distance, reduce weaving	$ 13 million	Transportation Impact Fees, State Transportation Improvement Program (VTP 2030)	Sunnyvale/VTA	Mid-long term
Various locations, TBD	Future Traffic Signal Construction/Modification	$ 5.3 M	Traffic impact funds, gas tax	Sunnyvale	Mid-long term
Bernardo Avenue @ Caltrain	Bicycle/pedestrian undercrossing	$ 6.5 million	VTP 2030	Sunnyvale	Mid-long term

Various arterial and collector streets, including: El Camino Real Mathilda Avenue Mary Avenue Fair Oaks Avenue Duane Avenue Hollenbeck Road Patoria Avenue Hendy Avenue Tasman Drive Maude Avenue Bernardo Avenue Belleville Way Wildwood Avenue Remington Drive California Avenue Olive Avenue Sandia Avenue Weddell Drive Sunnyvale Avenue Washington Avenue Iowa Avenue Moffett Park Drive Java Drive Ahwanee Avenue	Bikeways, via parking removal, parking restrictions, travel lane removal, roadway widening?		TBD	Sunnyvale	Mid-long term
Various neighborhood streets, including: Birdland Lakewood Village San Miguel Ponderosa Serra	Bike Boulevards		TBD	Sunnyvale	Mid-long term

Lawrence Expressway/Wildwood Avenue	Roadway realignment and new traffic signal	$ 4.2 M	TBD	Sunnyvale/County of Santa Clara/Caltrans	Long term
Citywide	Traffic Management Center Integration with area jurisdictions		TBD	Sunnyvale	Long term
Major arterials	Closed Circuit TV Traffic Management System		TBD	Sunnyvale	Long term
Major arterials	Expansion of Adaptive Traffic Signal Control		TBD	Sunnyvale	Long term
Remington @ Bernardo	Stevens Creek Trail Connector		TBD	Sunnyvale	Long term
Various locations, TBD	Pedestrian lighted crosswalks		TBD	Sunnyvale	Long term
Citywide	Countdown pedestrian signals	$ 195,000	TBD	Sunnyvale	Long term
East Channel from John Christian Trail to Tasman Drive	Bike Path		TBD	Sunnyvale	Long term
Various residential streets, specifically Norman Drive, Blair Avenue, Grape Avenue	Traffic Calming		TBD/regional air quality grant/Gas Tax	Sunnyvale	Ongoing
Lawrence Expressway@Lochinvar Drive, De Soto, Golden State, Granada, Buckley, and St. Lawrence	rights in, rights out only	$ 500,000	VTP 2030	County of Santa Clara	Mid-long term
Central Expressway, San Tomas Expressway to Lawrence Expressway	widening to six lanes	$ 10M	VTP 2030	County of Santa Clara	Mid-long term

Central Expressway, Lawrence Expressway to Mary Avenue	auxiliary lanes	$ 13 M	VTP 2030	County of Santa Clara	Mid-long term
Lawrence Expressway/Kifer Road	grade separation (bridge)	$ 45 M	TBD	County of Santa Clara	Long term
Lawrence Expressway/Reed-Monroe	grade separation (bridge)	$ 45 M	TBD	County of Santa Clara	Long term
Lawrence Expressway/Arques Avenue	grade separation (bridge)	$ 35 million	Transportation impact fees	Sunnyvale/County of Santa Clara	Mid-long term
Northbound 85 to eastbound 237	connector ramp improvement to provide improved geometry, additional lane	$ 22 M	VTP 2030	VTA	Mid-long term
Highway 85/Fremont Avenue	ramp improvements to provide carpool lanes, additional queuing	$ 2 M	VTP 2030	VTA	Mid-long term
Highway 85, Homestead to Fremont	auxiliary lanes in each direction	$ 19 M	VTP 2030	VTA	Mid-long term
US 101 southbound, Lawrence Expressway to Great America Parkway	auxiliary lane	$ 2 M	VTP 2030	VTA	Mid-long term
US 101 southbound, Ellis Street to SR 237	auxiliary lane	$ 3 M	VTP 2030	VTA	Mid-long term
SR 237 Highway 85 to Mathilda Avenue	carpool lanes	$ 36 M	VTP 2030	VTA	Mid-long term

SR 237/El Camino Real/Grant Road	intersection widening	$ 3 M	VTP 2030	VTA	Mid-long term
SR 237/westbound Middlefield Road	Loop on-ramp	$ 8 M	VTP 2030	VTA	Mid-long term
Westbound SR 237 to northbound US 101	connector ramp widening to provide an additional lane	$ 8 M	VTP 2030	VTA	Mid-long term
Eastbound SR 237, Mathilda Avenue to Fair Oaks Avenue	auxiliary lane	$ 5 M	VTP 2030	VTA	Mid-long term
Westbound 237 to southbound Lawrence Expressway	off ramp widening to provide acceleration/merge lane	$ $ 3 M	VTP 2030	VTA	Mid-long term
SR 85, Fremont Avenue to El Camino Real	auxiliary lanes	$ 48 M	TBD	VTA	Long term
SR 85, El Camino Real to SR 237, and El Camino Real interchange improvements	auxiliary lanes	$ 41 M	TBD	VTA	Long term
SR 85, Strevens Creek Boulevard to Saratoga-Sunnyvale Road	auxiliary lanes	$ 25M	TBD	VTA	Long term
SR 85, Saratoga-Sunnyvale Road to Saratoga Avenue	auxiliary lanes	$ 32 M	TBD	VTA	Long term
SR 85, Saratoga Avenue to Winchester Boulevard	auxiliary lanes	$ 31 M	TBD	VTA	Long term

Southbound US 101 to Eastbound SR 237	ramp widening to provide an additional lane	$ 55 M	TBD	VTA	Long term
Eastbound 237 to northbound Mathilda Avenue	Flyover off ramp	$ 17M	TBD	Sunnyvale/VTA	Long term
Mathilda Avenue/Sunnyvale-Saratoga Road/De Anza Boulevard	Bus Rapid Transit system		Measure A funds	VTA	Mid-Long term

Timing
Near Term = within 3 years
Mid-Long Term = 5-20 years
Long Term = more than 20 years

RECEIVED

OCT 25 2007

ATTACHMENT C

Cherry Chase PTA®

*every*child.*one*voice.®

[redacted] | [redacted] | [redacted] | www.cherrychaseschool.com

Jack Whitthaus
City Hall
P.O. Box 3707
Sunnyvale, CA 94088-3707

October 22, 2007

Dear Mr. Whitthaus:

I am writing to you on behalf of the Cherry Chase PTA to thank you for coming to the *Coffee with the Principal,* at Cherry Chase School, on Oct. 19 to present the Mary Ave extension project.

We appreciate that you took the time to help us in our efforts to keep the families of Cherry Chase School informed of community events and projects.

Sincerely,

Frances Acquistapace
Corresponding Secretary
Cherry Chase PTA

PTA Federal ID No. EIN 94-6171785

1075 Syracuse Drive
Sunnyvale, CA 94087
19 Feb 2007

City of Sunnyvale
P.O. Box 3707
Sunnyvale CA 94088 3707

Dear Sir,

I am a Sunnyvale homeowner and I adamantly oppose linking Mary Avenue with Highway 101 (Hwy 101). The results of connecting Mary Avenue with Hwy 101 will destroy property values along Mary Avenue and surrounding areas. It will turn the residential area into hostile high speed traffic raceway that also goes by two schools.

Sunnyvale already has three major North/South roads connecting to Highway 101 and/or Freeway 237. It is no coincidence that the property values along these roads are lower and have a high turnover rate. Pity the poor families that have children. They do not go out in their front yards for fear of getting run over. If you think this an exaggeration I suggest staff take a walk and try and cross the following three roads at 8:30 am on a weekday; Lawrence Expressway at Oakmead, Fair Oaks at Duane, and Mathilda at Maude.

I have lived in Sunnyvale for over 20 years and I find it unacceptable that the City continues to allow residential streets to become major raceways for people who do not live in the City. These "road improvements" do not bring in any revenue to the City. These "road improvements" are a double insult for the homeowner because the City has blighted your property and the City, by eminent Domain, has destroyed properties that were generating taxes to make room for these raceways.

The County spent millions of dollars to build light rail and the City insisted on circuitous route that would pass thru the Lockheed campus. If you increase the convenience of driving cars by connecting Mary Avenue to Hwy 101 then no one will use light rail. The Mary Avenue extension will sabotage the very system used to justify the full build out of the Lockheed campus.

In conclusion I oppose linking Mary Avenue with Hwy 101. Sunnyvale already has three North/South residential streets that connect with Hwy 101. Our children should be able to walk to residential schools and parks without having to dodge high speed traffic. The Lockheed Campus can be serviced with light rail and Mathilda Avenue. Just say NO to connecting Mary Avenue to Hwy 101. Thank you for your time on this matter.

Sincerely,

Linda J Eaton

Linda Eaton

February 19, 2007

Jack Witthaus
Transportation and Traffic Manager
City of Sunnyvale
P. O. Box 3707
Sunnyvale, CA 94088-3707

Re: Mary Avenue Extension

Dear Mr. Witthaus:

As a resident of Mary Avenue since 1972 I am concerned about the extension of Mary Avenue to Highway 101.

I have grown more and more distressed about the traffic through our neighborhood over the last 30 years. I have witnessed multiple accidents at the corner where I live. Two of those accidents involved children. Thankfully, the injuries were "only" broken bones. I have witnessed 16 wheelers blow through the intersection on red lights. I witness first-time drivers in cars from dealers who have their vision impaired by "for sale" signs on the windshields.

I seldom witness our Public Safety Officers stopping speeding vehicles on Mary Avenue, but I do often witness speeding vehicles. If speeding traffic cannot be controlled now, how can it be controlled when an additional volume of traffic is added?

This is a residential neighborhood with children on bikes and pedestrians attempting safe crossing of the streets. If Mary Avenue is extended there will be a huge increase in traffic and the safety of our citizens will be imperiled.

Extending Mary Avenue is not a solution that will benefit the City of Sunnyvale or its residents.

Sincerely,

Diana Ross

Diana Ross
[redacted])
[redacted]

Mr & Mrs John Komas
[redacted]

AS RESIDENTS OF MARY AVENUE SINCE "1965" WE SAY "NO" TO THE EXTESION AND EXPRESSWAYS THRU SUNNYVALE

PLUS it is TIME to CONSIDER THE CONFIGURATION OF MARY FROM HOMESTEAD AND FREMONT to EL CAMINO

JOHN & DEE KOMAS
2-19-06

Mr. Jack Witthaus, Transportation and Traffic Manager
City Of Sunnyvale
P O Box 3707
Sunnyvale, CA 94088-3707

02-23-07

RECEIVED
FEB 26 2007

Re: Mary Avenue Extension

Dear Mr. Witthaus:

I have been a resident of Mary Avenue for 18 Years. During this time I have witnessed and testified in court to numerous multi injury auto accidents that took place at the intersection of Mary and Ticonderoga.

The main factor of these accidents was speeding and increased traffic flow. The convenience of the commuter on their way to Saratoga aside, Mary is a *residential* street with school children walking along Mary and a pseudo "bike" lane that is forced out of use by aggressive commuters. We don't need more volume we need less.

I don't understand why we are required to take the burden off Highways 85 and 237 which have become increasingly noisy due to lack of repair by the State and the increased auto volume. Does the City receive financial benefit for sacrificing our residential streets? I hope not!

My concern is also magnified by recent studies in Santa Cruz of health hazards that show air particulates well above accepted levels along roadways with heavy auto and truck traffic. Having a heart condition and knowing of several neighbors that are in marginal health what would be the "time cost savings" for loss of life or extended critical care?

With all of the above in mind there is, last but not least, the immediate 20% loss of property value by the preemptive decision to "re-classify" Mary Avenue into a Mathilda type road. Why don't you talk to your good friends in Mt. View? I am sure they will not have any objection to making Grant Road, a road that already connects directly to 287 *and* 101, into the main feeder street. They will be widening it to 4 lanes past El Camino Hospital. Let them pick up the cost, not Sunnyvale.

The price is too high: Public safety, Public Health, Financial Cost (City & Resident). There are other better alternatives. Extending Mary Avenue and making it a direct highway off-ramp, is not a solution that will benefit the City Of Sunnyvale nor its residents.

Sincerely,

Henry D'Arcy
[redacted])
[redacted]7
[redacted]

Jack Witthaus - POLICY--Fwd: Re: No On Mary Avenue Expressway

From: Robert Paternoster
To: Rose, Marvin
Date: 2/20/2007 9:18 AM
Subject: POLICY--Fwd: Re: No On Mary Avenue Expressway

>>> Heidi Kirk 2/20/2007 9:09 AM >>>
Forwarding from Council AnswerPoint. -HK
****

Heidi Kirk
Executive Assistant
Office of the Mayor and City Council
City of Sunnyvale
[redacted]
www.ci.sunnyvale.ca.us
PH: (408) 730-7470
FAX: (408) 730-7699*
>>> Heidi Kirk 2/20/2007 9:07:42 AM >>>
Ms. Hallmark:
Thank you for your email. Your message deals with City policy and is being forwarded to the entire City Council and copied to key staff members. You may or may not receive a response from one or more Councilmembers.

If this policy issue is already on the Council's agenda for a public hearing, Council will accept any information you wish to provide in advance of that date (materials can be mailed to City Council at P.O. Box 3707, Sunnyvale, CA 94088-3707). However, individual Councilmembers will often refrain from meeting with community members on specific issues prior to a scheduled public hearing. This ensures that all Councilmembers hear the same information and all sides of an issue prior to taking a position or making a decision. For this reason, you are encouraged to attend the public hearing and share your thoughts with all Councilmembers.

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If you are unsure as to whether or not your issue is already on the City Council's agenda, you can access Council's Tentative Meeting Agenda Calendar via the website above, or contact the Office of the City Clerk at 730-7483.
****

Heidi Kirk
Executive Assistant
Office of the Mayor and City Council

City of Sunnyvale
hkirk@ci.sunnyvale.ca.us
www.ci.sunnyvale.ca.us
PH: (408) 730-7470
FAX: (408) 730-7699

>>> Romy Hallmark <Romy.Hallmark@sun.com> 2/18/2007 4:04:45 PM >>>
Since I cannot attend the meeting on the 27th, I hope you will include this email as my vote against the proposed extension of Mary Avenue through to 101.

As a long time Sunnyvale resident (Sunnyvale High School class of 1964, mother born in Sunnyvale in 1922), and with no disrespect intended, I have seen the disastrous plan after disastrous plan made for this city, one failed attempt after another, from the distruction of the old City Hall and Library, to the Plaza, to the Mall. Planning seems to be down quickly and for immediate rather than long term gain.

Now it appears, someone believes that making Mary Avenue a throughfare for travellers and comuters from Cupertino, San Jose, Saratoga and Los Altos will benefit Sunnyvale. I for one fail to see how. It will only decrease property values for those living on Mary, decrease merchant revenues as potential buyers wave as they pass on by on their way to San Francisco or Palo Alto, and make the noise level on Mary constant rather than unbearable only at peak comute times.

Please, please, please do not do this.

City Planning has already taken the old and quaint out of this city and turned it into the land of the mini-strip mall, one after another.

Jack Witthaus - Mary Avenue Community Meeting feedback

From: <[redacted]>
To: <jwitthaus@ci.sunnyvale.ca.us>
Date: 2/21/2007 2:18 PM
Subject: Mary Avenue Community Meeting feedback

Jack,

Thank you for listening to my concerns about the Mary Ave overpass at Almanor and Mary Ave.

These are my concerns:

Overall I do not see that having MORE cars on Mary Ave helps the community. Today, at morning commute (7-8:30am) it is difficult at best to get out of our driveway which is on Mary Ave.

Commuters should use existing hiways and not city arterial streets. I do not want to see Mary Ave become a Mathilda or Lawrence expressway.

Environmentally speaking:
1) More cars means more pollution - my garden suffers as it is from exhaust on my fruits and vegetables. More particulates in our air will result in our children having higher incidents of breathing diseases.

2) There are three elementary schools on or near this route. There is one middle school and one high school. The traffic congestion, the pollution, the accident potentials make it a very bad street for a major arterial (more than it already is).

3) It is already disruptive to Sunnyvale residents who live on Mary Ave to deal with the traffic problems of Sunnyvale workers who are NOT Sunnyvale residents. Why not utilize existing hiways (101, 237, 85) and expand their ability to handle the increase in traffic that is being created by opening Moffett Park to a hugely new population of employees.

4) With peak oil on our horizon the car as major transport will be a dinosour in the near future. Sunnyvale is a City that prides itself on long range planning. We should be planning electric mass transit (and solar powered at that) for the near future instead of destroying neighborhoods by asking them to handle more auto traffic today.

Thank you,

Josh Salans
[redacted]

From: Thomas Mayer [redacted]
To: Jack Witthaus <jwitthaus@ci.sunnyvale.ca.us>
Date: 2/27/2007 6:33:02 PM
Subject: Re: [Advocates-svbc] Fwd: RBWG 12/14 Routine Accommodations Checklist

As it stands the project has nice bike-lanes and sidewalks from one end to the other.

However,

It is going to degrade bicycling on Mary from Maude south. This needs to be mitigated by full bike-lanes on all of Mary.

It needs direct bike-pedestrian access to the Moffett Park Light Rail station below it. This will provide realistic light rail access for the industrial south of 101 and the area between 101 and 237.

It needs direct bike-pedestrian access to the west end of Ross Drive. This will provide bike-pedestrian access for Orchard Park residents to the Moffett Park Light Rail station. The current access along West Moffett Park Drive is unwalkable and difficult to bike.

Thom Mayer

On Feb 27, 2007, at 4:08 PM, Paul Goldstein wrote:

> Thom, Kevin,
>
> I note that there is a project in Sunnyvale to extend Mary over 101
> and 237. I imagine you guys are on top of it, but would it be
> useful to have SVBC comment on the project? If so, I am afraid you
> will have to draft an appropriate letter for us, and I think
> comments are due in by March 1.
>
> -Paul

CC: [redacted]

CITY MANAGER TO MAYOR:

- ☐ No Action Required
- ☐ Suggest we discuss
- ☐ Letter in process for Mayor's signature
- ☐ Referred to _____
- ☐ Invitation
- ☐ Proclamation Request
- ☐ Other Comments to Mayor: _____

MAYOR'S DIRECTION / COMMENTS:

RECEIVED
JUN 07 2007
Dept. of Public Works

City Manager Comments to Staff:

BW 6-7-07
Issue relates to pending Council action

(If no due date indicated, then response time in compliance with Council Policy Number: 7.3.13, Section G.)

INFORMATION FROM COUNCIL EXECUTIVE ASSISTANT:

- ☒ This information has been copied / mailed / faxed / delivered to Council
- ☒ This information has been copied to Council Files
- ☒ Other Distribution M. Rose

Additional Comments:

DATE STAMP HERE
RECEIVED
JUN - 7 2007
City Council Office

Marvin Rose
RW
Jack
FYI

cc: M. Rose
P.W.

[redacted]

City Hall
456 West Olive Ave
Sunnyvale, CA 94087

May 1, 2007

To The Honorable Sunnyvale City Council Members,

My entire eighteen years of existence has been lived out in Sunnyvale. I love it here, from the weather to the school systems, and learned at a young age to sleep through the all-night traffic sounds of Mary Avenue. The purpose of my letter is in regard to the planning of the bridge to be constructed from Mary Avenue to the Moffett Park towers. There are numerous reasons why the bridge is a horrible investment and I think that the entire Sunnyvale council should reconsider and reevaluate the project.

Mary Avenue is already an extremely busy street, especially during the early morning when kids are hurrying to school and adults are flying off to work. Creating a bridge at the end of May Avenue would just increase the number of cars on Mary, blocking traffic and making it harder and more dangerous to leave the house. Because there are more people dashing to get to work, there will be more reckless drivers on Mary and more annoyed commuters. Not to mention it will become much more dangerous for those kids who walk or bike to school. There are four elementary schools that branch off of Mary Avenue; Cumberland via Bernardo, Heatherstone and Knikerbocker; Cherry Chase via Bernardo, Heatherstone, Knickerbocker and Remington; Vargas via Washington and Carson; and Challenger via Knickerbocker, Remington, and Fremont. Sunnyvale Middle School is directly on Mary Avenue and Cupertino Middle is accessible by turning off of Mary. Mary Avenue is used by high schoolers to get to Fremont High and Homestead High. Everyday when I leave my house I see kids walking and riding their bikes to school. If this bridge is built, how long will it be till one of our young Sunnyvale citizens is seriously injured because the amount of cars that will clog Mary avenue? People already race to get to work– reckless driving would simply increase with the new bridge and put numerous pedestrians on Mary Avenue in danger.

There are already two freeways accessible for people to take to get to Moffett Park and the light rail goes directly to the towers. We are living in one of the most liberal and high priced suburban neighborhoods and gas prices are almost at four dollars a gallon. By the time the bridge is actually built, gas will have risen to at least six dollars a gallon if not more by 2010. If the bridge takes a year to build and it starts construction this summer, it will not be until late 2008, early 2009, that the bridge starts being used. It is a poor investment for the future of Sunnyvale.

Sunnyvale should not be encouraging commuters from out of town. The city should focus on the huge number of people already living in Sunnyvale and encourage the citizens to work within the city so that they are not driving an hour away to get to work and instead have the option of taking public, affordable transportation. There may have been a place for this bridge twenty years ago but it is simply inconvenient now. I know that you are all shaking your heads at this letter because it sounds idealistic, but that is because you are focused on how to expand our economy and how to expand the city of Sunnyvale. But that is the wrong mid set. With the environment in the horrible condition it is in, I believe it is time to step up and rebuild Sunnyvale. It is time to remember our orchard roots and rebuild our city and showcase ourselves as what the future should be. This bridge will not move Sunnyvale forward; it will dig us into a deeper hole that we will be clawing to get out of ten years from now.

Do not let this bridge be built on Mary Avenue. Expand your minds to alternative ideas, get creative and listen to your community. If more people knew about the bridge, they would flat out say nay to it. Because the people who do know about it loathe the idea and it is your job as council members to listen and act to your public. Please open your minds and vote against this bridge. It will be more of hazard in the future than it may seem now.

Thank you very much for your time
Sincerely,

6-7-07

Dear Ms. Salans:

Thank you for your attached letter. Your message deals with City policy and has been forwarded to the entire City Council and copied to key staff members. You may or may not receive a response from one or more Councilmembers.

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Heidi Kirk
Executive Assistant
Office of the Mayor and City Council
456 West Olive Avenue
Sunnyvale, CA 94088
(408) 730-7470

Support to stop Mary Ave Extention!

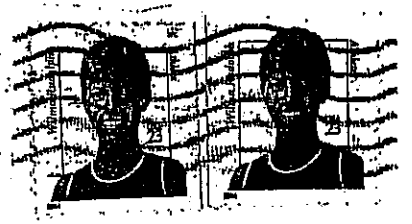
RECEIVED
JUL 1 1 2007

I, the undersigned, support this petition to the Sunnyvale City Council to ask that the Mary Ave Extension and Mary Avenue in general be eliminated as an option to mitigating traffic for commuters into and out of Moffett Park.

Print Name	Signature	Address	Zipcode
WINIFRED VOLOSKY	Winifred Volosky	809 Devonshire Way	94087
		Winifred Volosky [redacted]	

Winifred Volosky
[redacted]

SAN FRANCISCO CA 941
10 JUL 2007 PM 3 L



Transportation and Traffic
City of Sunnyvale
P.O. Box 3707
Sunnyvale, CA 94088-3707

RECEIVED
JUL 1 1 2007

94088+3707

Jack Witthaus - POLICY--Fwd: Re: Mary Avenue Extension Project in Sunnyvale

From: Marvin Rose
To: Witthaus, Jack
Date: 7/2/2007 2:10 PM
Subject: POLICY--Fwd: Re: Mary Avenue Extension Project in Sunnyvale
CC: Uribe, Christina

FYI.

Marvin

On 7/2/2007 at 2:09 PM, Heidi Kirk <Heidi Kirk@ci.sunnyvale.ca.us> wrote:

Forwarding from Council AnswerPoint. -HK

****

>>> On 7/2/2007 at 2:07 PM, Heidi Kirk <Heidi Kirk@ci.sunnyvale.ca.us> wrote:

Dear Dave:
Thank you for copying the Council AnswerPoint in your email to the Silicon Valley Bicycle Coalition. Your message deals with City policy and is being forwarded to the entire City Council and copied to key staff members. You may or may not receive a response from one or more Councilmembers.

If this policy issue is already on the Council's agenda for a public hearing, Council will accept any information you wish to provide in advance of that date (materials can be mailed to City Council at P.O. Box 3707, Sunnyvale, CA 94088-3707). However, individual Councilmembers will often refrain from meeting with community members on specific issues prior to a scheduled public hearing. This ensures that all Councilmembers hear the same information and all sides of an issue prior to taking a position or making a decision. For this reason, you are encouraged to attend the public hearing and share your thoughts with all Councilmembers.

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****

Heidi Kirk
Executive Assistant

Office of the Mayor and City Council
City of Sunnyvale
hkirk@ci.sunnyvale.ca.us
www.ci.sunnyvale.ca.us
PH: (408) 730-7470
FAX: (408) 730-7699

>>> On 7/1/2007 at 12:15 AM, "Guerrieris" <guerrieris@hotmail.com> wrote:

Dear Fellow Cyclists of the Silicon Valley Bicycle Coalition:

I would like to make you aware of the SunnyvaleWest Neighborhood Association (SWNA) that has formed recently to promote a Safe, Green Sunnyvale. The association is currently very concerned with the City of Sunnyvale's plan to change Mary Avenue from a residential street to a regional thoroughfare by building a bridge at Mary's north end at Almanor to cross over 237 and 101 to the Moffett Park area. Although now is not the time to confuse the issue with alternatives other than saying "NO BRIDGE", I thought your organization might like to follow our Yahoo Group's discussions so we might be able to ask for your support when needed.

Once the current project is stopped, I would eventually like to propose that a bike/pedestrian bridge be suggested over highway 237/101 with the 3 auto lane + bike lanes + parking configuration south of Evelyn. We are beginning to see this in many places all over the city and I believe it would make Mary Avenue a great safe cycling route from De Anza College over Highway 280 all the way to Moffett Park. It would also smooth traffic flow due to left turns not blocking through traffic, and easier right turns because traffic is not blocked by stopped cars in the right lane.

It appears that most SWNA members would support this, however, they are concerned that proposing it now might dilute their efforts to stop the current project. I agree that this is a valid concern. However, I do believe such an outcome would be a great step forward for the region and a nice legacy for the Sunnyvale City Council to be remembered by.

Please visit http://groups.yahoo.com/group/SunnyvaleWest/ for more information.

Sincerely,

Dave (a fellow bike-to-work fan)

RECEIVED
MAR 28 2007

March 25, 2007

To: Jack Witthaus, City of Sunnyvale, Traffic Engineering

Jack,

Whoever thought of erecting a bridge across Mary Avenue to connect Hwy 101 and 237 must not live on Mary Avenue! What an horrible idea!

Already I can hardly back out of my driveway on South Mary because the traffic is so heavy! Good thing I don't have to fight during commute hours any more since I've retired. But my roommate has to struggle against it.

If there were not a light at Washington Avenue, my car would be parked permanently in my driveway.

Let the Highway commuters use Hwy 85 if they need to crisscross between 101 and 237 or whatever. May is already a highway without speed privileges!

Besides, Mathilda Avenue is just 2 blocks away from Mary. Why build a bridge or connecting highway arm for a 2 block shortcut? And in the other direction, Hwy 85 is just a few blocks from Mathilda. What's the big hurry to waste taxpayers' money?

I most vehemently object to this project. Down with the MARY BRIDGE project at the 101/237 connecting ramps. A resounding NO!

Sincerely,

Janette L. Boehm

Janette L. Boehm
Sunnyvale Resident since 1980

I'd prefer to see our fair city contribute towards the 49ers stadium (if it gets approval because the stadium to be erected in Great America's parking lot will also benefit Sunnyvale (hotels, restaurants, etc.).

[redacted]

Ms. Janette Boehm
[redacted]

SAN FRANCISCO CA 941

26 MAR 2007 PM 9 T

RECEIVED
MAR 28 2007

Jack Witthaus
City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94086

Atten: Dept of Transp & Traffic

Frederick A. Hayes

July 11, 2007

Dear City of Sunnyvale,

I live with my elderly father on South Mary Ave. between El Camino and Central Expressway. We own 2 vehicles, and I park mine on the street while he parks his on the driveway. We don't have a lot of visitors but occasionally someone comes by and needs to park his or her car.

If we lose the on-street parking to a bicycle lane it would create a real hardship for us and our visitors. I have observed the traffic, cars and bicycles, over the years (my

Frederick A. Hayes

father has lived here since 1970 and I came here to live in 2000). The cars on Mary Ave. travel much too fast, the volume has increased noticably, but while there are some bicycle riders, I don't believe the number of them justifies the loss of my on-street parking spot.

Kindly take these concerns into account during your planning and discussions about the future of South Mary Ave. Thank you for taking the time to read my letter.

Sincerely,

Frederick A. Hayes
7-11-07

Frederic Hayes

SAN FR ISCO CA 941

JUL 2007 PM 9 L

Transportation and Traffic
City of Sunnyvale
P.O. Box 3707
Sunnyvale, CA 94088-3707

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Jack, 7-24-07

I would like to submit an alternative to the Mary avenue extension. I fear that by using Mary avenue as a thoroughfare, commuter's Will take all the back road's through Sunnyvale West neighborhood's to avoid traffic jam's .When school is back in session,Particularly Sunnyvale Middle School and Cherry Chase Grammar , you can imagine how much of safety issue this will create. There will be children walking to and from school, not to mention the parent's that are dropping off and picking up their children. Right now there already are traffic jams at intersection's near these school's,to add more vehicle's not to mention noise and air pollution to this neighborhood ,just creates a stressful situation which is not in the best interest of the Sunnyvale West's resident's.

I think the alternative solution, would be to build the overpass at the Mary avenue location into Moffett Park, but will only be accessible from Highway 237. Also build an off ramp from 237 into Moffett Park so a commuter coming from the San Jose area will have easier access without having to use Mathilda Avenue offramp,which will lighten the traffic jam at that location. Also reconfigure Mathilda 237 interchange to help balance the Traffic load with the new off ramp.This would also help shopper's Access the new shopping Mall downtown.The off ramp from Highway 85 to 237 should also be improved ,this is crucial to ease the transition To the new overpass and beyond.

I hope you consider my proposal,I believe we can all work together And make it a win win situation.

Regards,

Gary Vercellino
[redacted]
[redacted]

City of Sunnyvale
Community Development Department

27 April 2007

TO: Surachita Bose
Re: Please enter into record; and into Draft Environmental Impact Repo concerning opening Mary Ave. to Towers Project at Moffett Field.

Dear Surachita, Comm. Dev. Dept., and City Council. I am a past member of the American Cancer Society Board and a health professional. Here is data I just received from our National Organization that would argue that Mary Avenue NOT be expanded or cut through to Moffett. In fact, for the HEALTH of our citizens and children and older adults especially, the City should consider REDUCING traffic in residential areas.

By my count there are at least six schools and three nursing or re retirement facilities that would be adversely affected by your expansio plan. You plan to increase traffic by between ten thousand to forty-th thousand cars, trucks, buses, and work vehicles DAILY. These are UNPRECEDENTED and UNACCEPTABLE levels of toxin spewing vehicles.

The American Cancer Society and other research Groups have shown that gasoline and diesel fumes and soot CAUSE CANCER and changes in DNA. As you know, certain diseases caused by specific DNA changes can be passed on to a persons children and to their childrens children. The Health Effects Institute associates cancer of the lung, larynx, pancreas, bladder, and kidney with exhaust fumes.

It is dose related: more traffic means more death and disability. The effects are not small--perhaps being over 200% INCREASES in some instances.

Exhaust may also play a role in air pollution, eye irritation, headaches, asthma, lung, heart diseases and immune system problems. Be aware that the cancer society guidelines advise that people with ANY contact with tobacco smoke--even second hand smoke--should NOT be expose to diesel exhaust. There are thousands of people in the West Sunnyvale area in this classification, children included.

As concerned citizens and voters we urge you to STOP THE EXPANSION We will set up monitoring groups to report increased disease to the CDC, EPA and Environmental Law Firms. We will introduce a self perpetuating curriculum in the schools so the students will learn to continue the monitoring groups and teach their children to do so. They will be taught to place themselves on health registries for lifetime monitoring. The city, Setton Company, and other developers, will be liable for tens of millions in health claims and health care over the next fifty years. Be aware that in only ONE toxics case alone in Californ a prededent was set by the awarding of over 300 million dollars to plaintiffs who sued P.G.E. in the Hinkley case.

Why would Sunnyvale and the developers want to contribute to poll pollution and face similar awards that will bankrupt them? Citizens are now in the process of contacting Law firms in preparation for any necessary future litigation necessary to halt or learn how to obtain compensation for themselves and their children and grandchildren if this project is not halted. Please kindly inform the developers and other interests working with the city of their liability. Please review the attached research sources on the toxicity of exhausts.

Sincerely,

William Mathews

Resident Sunnyvale West

Agency for Toxic Substances and Disease Registry. Polycyclic Aromatic Hydrocarbons (PAH) Fact Sheet. September 1996. Available at http://www.atsdr.cdc.gov/tfacts69.html.

Bhatia R, Lopipero P, Smith AH. Diesel exhaust and lung cancer. *Epidemiology* 1998;9:84-91.

Boffetta P, Stellman SD, Garfinkel L. Diesel exhaust exposure and mortality among males in the American Cancer Society prospective study. *Am J Ind Med.* 1988;14:403-415.

Boffetta P, Silverman DT. A meta-analysis of bladder cancer and diesel exhaust exposure. *Epidemiology.* 2001;12:125-130.

Environmental Protection Agency (EPA). Health Assessment Document for Diesel Exhaust. EPA/600/8-90/057E, July 2000. Available at http://www.epa.gov/ncea/dieslexh.htm.

Garshick E, Schenker MB, Muñoz A, et al. A case-control study of lung cancer and diesel exhaust exposure in railroad workers. *Am Rev Respir Dis.* 1987;135:1242-1248.

Garshick E, Schenker MB, Muñoz A, et al. A retrospective cohort study of lung cancer and diesel exhaust exposure in railroad workers. *Am Rev Respir Dis.* 1988;137:820-825.

Health Effects Institute. Diesel Exhaust: A Critical Analysis of Emissions, Exposure, and Health Effects. A Special Report of the Institute's Diesel Working Group. Cambridge: Health Effects Institute, April 1995.

Health Effects Institute. Diesel Emissions and Lung Cancer: Epidemiology and Quantitative Risk Assessment. A Special Report of the Institute's Diesel Epidemiology Expert Panel. Cambridge: Health Effects Institute, June 1999.

Heinrich U, Muhle H, Takenaka S, et al. Chronic effects on the respiratory tract of hamsters, mice, and rats after long-term inhalation of high concentrations of filtered and unfiltered diesel engine emissions. *J Appl Toxicol.* 1986;6:383-395.

International Agency for Research on Cancer (IARC). Diesel and Gasoline Engine Exhausts. IARC Monographs on the Evaluation of Carcinogenic Risks to Humans 1989;Vol 46.

Lipsett M, Campleman S. Occupational exposure to diesel exhaust and lung cancer: A meta-analysis. *Am J Public Health.* 1999;89:1009-1017.

Mauderly JL, Jones RK, Griffith WC, et al. Diesel exhaust is a pulmonary carcinogen in rats exposed chronically by inhalation. *Fundam Appl Toxicol.* 1987;9:208-221.

McClellan, RO. Health effects of diesel exhaust: A case study in risk assessment. *Am Ind Hyg Assoc J.* 1986;47:1-13.

Jack Witthaus - POLICY--Fwd: Re: More on Proposed Mary Avenue Changes

From: Heidi Kirk
To: COUNCIL
Date: 4/4/2007 10:27 AM
Subject: POLICY--Fwd: Re: More on Proposed Mary Avenue Changes
CC: Chan, Amy; Kahn, David; Rose, Marvin; Uribe, Christina; Walker, Robert

Forwarding from Council AnswerPoint. -HK

****

Heidi Kirk
Executive Assistant
Office of the Mayor and City Council
City of Sunnyvale
hkirk@ci.sunnyvale.ca.us
www.ci.sunnyvale.ca.us
PH: (408) 730-7470
FAX: (408) 730-7699

>>> Heidi Kirk 4/4/2007 10:25:43 AM >>>
Ms. Hallmark:
Thank you for your email. Your message deals with City policy and is being forwarded to the entire City Council and copied to key staff members. You may or may not receive a response from one or more Councilmembers.

If this policy issue is already on the Council's agenda for a public hearing, Council will accept any information you wish to provide in advance of that date (materials can be mailed to City Council at P.O. Box 3707, Sunnyvale, CA 94088-3707). However, individual Councilmembers will often refrain from meeting with community members on specific issues prior to a scheduled public hearing. This ensures that all Councilmembers hear the same information and all sides of an issue prior to taking a position or making a decision. For this reason, you are encouraged to attend the public hearing and share your thoughts with all Councilmembers.

If the policy issue you are addressing is not already on the City Council's agenda, you may wish to suggest this as a possible "Study Issue". The Study Issue process allows Council to prioritize the limited number of policy issues it can study and address each year. To learn more about the City's Study Issue process, please visit the City's website at www.sunnyvale.ca.gov or contact the City's Intergovernmental Relations Officer at 730-7536.

If you are unsure as to whether or not your issue is already on the City Council's agenda, you can access Council's Tentative Meeting Agenda Calendar via the website above, or contact the Office of the City Clerk at 730-7483.
****

Heidi Kirk
Executive Assistant
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City of Sunnyvale
hkirk@ci.sunnyvale.ca.us
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PH: (408) 730-7470
FAX: (408) 730-7699

>>> romy <[redacted] 4/4/2007 9:55:37 AM >>>
Gentlemen and women of the Sunnyvale City Council:

The more I think about the proposed changes to Mary Avenue the greater my concerns.

Has the City thought about:
1) The increase in the speed of traffic along Mary if proposal is passed?

2) The fact that there are schools along Mary?

3) That children, especially younger children, walk up and down Mary on their way to special events, like the Washington Park?

4) That school children walk daily up and down Mary on their way to and from school.

5) The health consequences to these children due to increased carbons and other traffic associated toxins. Is the City prepared for an increase in asthma, cancers?

6) The escalating consequence of intersection upgrades? If you fix one intersection, will you not have to include work on additional intersections due to increased traffic caused by each "improvement?" And have the costs associated with what will be domino affect of intersection improvements been included in the overall cost analysis?

7) The increased cost of road repair? Maintaining the major arteries - 237, 85, Mathilda, Lawrence, is costly, but adding the wear and tear due to increased traffic on Mary will require additional maintenance costs?

8) Would you turn a residential neighborhood into a traffic jam with terrible consequences (health, pollution, noise, reduced property values) to the residents?

9) What about Bike Lanes? Where is the plan for Bike Lanes?

10) What about some forward-thinking? With the ever escalating cost of fuel and global warming, what about planning for better mass transit?

This proposal seems poorly considered and short-sighted, and as a long time resident of Sunnyvale, I am against it.

I also respectfully request that my concerns be brought to the attention of the Environmental Impact group I trust is reviewing this proposal.

Thank you,

romy

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Romy Hallmark
[redacted]

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"Three things in human life are important. The first is to be kind. The second is to be kind. And the third is to be kind." Henry James

Jack Witthaus - Mary Ave bridge connector to Moffett Field

From: "Gopalkishan Patangay" <[redacted]>
To: <JWitthaus@ci.sunnyvale.ca.us>
Date: 4/4/2007 4:37 PM
Subject: Mary Ave bridge connector to Moffett Field

Hi Jack,

I'm a resident of Mary Avenue.
I was surprised to learn about the proposed project to connect Mary Ave to Highways 101 and 237 by constructing a bridge on Mary Ave.
As it is Mary Ave is a very congested street.
There are elementary schools adjuscent to this street, and daily children cross this street going to and from the schools.
This project will have a huge environmental impact on the residents of Mary Avenue.
Mary Avenue is a residential street and will not be able to sustain another 10,000 cars on it without losing on-street parking and making it impossible for the residents to get out of the driveways during commute hours.
Please study the environmental impact before going ahead with this project.

Thank you for your time.

Yours sicerely,
- Gopal Patangay
[redacted]

Jack Witthaus - A Concerned Resident

From: "Geeta Patangay" <[redacted]>
To: <JWitthaus@ci.sunnyvale.ca.us>
Date: 4/4/2007 12:27 PM
Subject: A Concerned Resident

Dear Jack,
As a resident of Mary Avenue in Sunnyvale, I am really concerned about the overpass building for access to 101 and 237. Please consider the impact that it will have on the residents living on Mary Ave. As it is Mary Ave is an artery of Sunnyvale and we don't want to see it as a regional one in the future. It is dangerous for pedestrians, who are mainly kids going to schools and also for a number of bikers.
Thank you for your time and attention.
Geeta

--

Geeta Patangay
[redacted]
[redacted]6
[redacted]

Jack Witthaus - Mary Avenue Bridge

From: Ahmed Chenna <[redacted]>
To: <jwitthaus@ci.sunnyvale.ca.us>
Date: 3/28/2007 8:26 AM
Subject: Mary Avenue Bridge

Dear Jack Witthaus:

I just learned about the possibility of a new bridge HWY 101 and 237. I live in Mary Ave., and I have small kids. I am strongly against this project for the following reasons

Safety of our kids
Noise
Pollution
Pedestrian safety
More cars
The value of our houses will be reduced.

Best regards

Ahmed

****

Ahmed Chenna, Ph.D.
Resident of Mary Ave.,
Sunnyvale

Jack Witthaus - Mary Avenue may bridge highways 101 and 237

From: Charlie Zhu <[redacted]>
To: <jwitthaus@ci.sunnyvale.ca.us>
Date: 3/26/2007 1:51 PM
Subject: Mary Avenue may bridge highways 101 and 237

Hello Jack,
As a Sunnyvale resident living directly on Mary Ave for the last 2+ years, I am strongly **OPPOSED** to any additional noise, pollution, and cars using Mary Ave as a gateway for the daily commute. My wife and I are daily commuters and we have enough hassles backing out of our garage during morning traffic in the current environment. Coming home after work to get back into our driveway is another daunting task. I urge you to please re-consider this proposal and help maintain the quality of life for current Sunnyvale residents as it stands today.

Regards,
Charlie Zhu
IBM Tivoli Netcool
[redacted]

Jack Witthaus - Mary Ave

From: Kristy Dawson <[redacted]>
To: <jwitthaus@ci.sunnyvale.ca.us>
Date: 3/24/2007 9:50 PM
Subject: Mary Ave

Hi Jack,
I saw your flier on my doorstep with the article from the sun. I felt bad as I had not read it, I can barely keep up with things lately. I am a single mom. We are renting this house on Mary. I grew up in the bay area and my husband did too. We wanted to continue to live here as we felt safe. I do not feel safe anymore. He passed away when my son was 17 months. We were in Guatemala visiting our soon to be daughter. After, I refiled on my own, brought her home, and eventually sold our townhouse and moved here. I love the house. Love the backyard as my 4 and 5 year olds love to run around! But as much as I teach them about the danger of cars, they can only understand so much. My son follows every rule, is easy going, and rarely does anything wrong! My daughter is the opposite but an angel at the same time. My son got out of our car yesterday and dropped his bouncy ball which went right to the street. He started to chase it instantly and the only good thing was I was on his side of the car not his sisters. He would have gone right in the street at 5:30pm if I had not grabbed him. He felt horrible and that was not what I wanted either. Just for him to understand. I can not lose either one of them. Pedestrian safety is huge to me, It is already horribly busy and I can not imagine 10,000 more cars a day. My room is so noisy at night and I can not leave the windows open on my own. If it were my home I know I could get different windows. I am not sure I would ever even consider buying a home on such a busy street though. Thank you for working on these issues. Sincerely, Kristy

From: romy [redacted]
To: Jack Witthaus <JWitthaus@ci.sunnyvale.ca.us>
Date: 4/5/2007 9:40:14 AM
Subject: Re: Mary Ave. Extension

Yes, please do put me on your mailing list.

I hope that no one loses sight of the impact making these changes would make on the entire residential area, not just Mary, as increased traffic during commute times especially would self-divert to the lesser used streets in the area. Mad, rushed commuters and neighborhood children are not a good mix.

Maybe rethinking Whisman and co-paying with Mountain View would be a better choice for future planning.

My mailing address is:

[redacted]

Thanks for listening and responding.

-r

Jack Witthaus wrote:
> Thanks very much for your email. The Mary Avenue Extension project has
> been in the City's plans since 1972. Due to planned growth in the north
> end of the City, the need for access to the Moffet Park area is
> increasing. Therefore, the City is currently preparing a
> project-specific environmental impact report and preparing detailed
> roadway engineering studies to evaluate the project's feasibility and
> need.
>
> If I can get your mailing address, I'll put you on our list for
> notification of public meetings and availability of the environmental
> impact report. The environmental impact report will provide information
> to the community and the City Council on the impacts (positive and
> negative) of the proposed project. This report, combined with public
> input on the report, will inform the Council as they make decisions on
> whether or not to move forward with the project. The environmental
> impact reporting process is the best opportunity to let your opinions be
> heard by the decision makers. If you're on the mailing list, you can be
> assured that you'll be notified when the draft report is released and
> the formal public comment period is open. That is the best time to
> voice an opinion so that the decision makers know how you feel.

--
Romy Hallmark
Program Manager
[redacted]s
[redacted]
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[redacted])
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"Three things in human life are important. The first is to be kind. The second is to be kind. And the third is to be kind." Henry James

Jack Witthaus - [BULK] EIR for overpass

From: <[redacted]>
To: <jwitthaus@ci.sunnyvale.ca.us>
Date: 4/7/2007 7:51 PM
Subject: [BULK] EIR for overpass

Dear Jack,

What is the date of the completion of the draft for the Mary Avenue EIR? Also, what is involved in the process of the EIR and the Act that the EIR is addressing, the SEQA (state environmental quality act)?

The residents of Sunnyvale West (from Mary Avenue) are very much concerned about this date and process and how we can be involved in this effort. Please email me at fortyninerjan@yahoo.com
the date of the completion of the draft for the EIR for the Mary Avenue Bridge connector.

I have written to you previously about my feelings concerning turning Mary Avenue from a main neighborhood arterial into a main thruway arterial at the time tied in so closely with the development of Moffett Park.

I really cannot understand how the property owners of Mary Avenue have not had any say if their street is to become a thruway. Already we can hardly back out of our driveways during commute hours!

I think that what would be more appropriate is to expand Grant Road so that Hwy 237 can continue across El Camino, since it is the residents of Cupertino and Los Gatos who are most interested in being connected to Moffett Park, and that street is really closer to those cities than Mary Avenue. Furthermore, it is more commercially zoned than Mary Ave.

What about the decades of children attending the local schools who may be stricken with asthma and cancer

from the added pollution in their playground and walking area? Is our fair city prepared for an onslaught of lawsuits on behalf of those children? Talk about environmental impact!

I await the information from you to share it with the rest of the group from Sunnyvale West. Will you come to one of our meetings to speak to our group?

Respectfully,
Janette L. Boehm
Sunnyvale West resident (27 years)

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I await the information from you to share it with the rest of the group from Sunnyvale West. Will you come

to one of our meetings to speak to our group?

Respectfully,
Janette L. Boehm
Sunnyvale West resident (27 years)

4-19-07

Mr Jack Watkins
Transportation of Traffic Man
456 W Olive Ave
Sunnyvale, Calif 94086

Dear Mr. Watkins

I'm writing this letter in regard to community meeting Monday April 23 at Washington Park to discuss Mary Ave. 101 & 237 overpass.

We bought our home in Oct 1953 & moved in on Jan 26, 1954 & at that time we asked about the street. We were told it would never be a wide street & it would be a normal city street. We were misled & misinterpreted.

I'm totally against it as we have several schools, church & shopping centers on Mary Ave & its hazardous to the public. Expressing my opinion & its hard for me to go to evening meeting. I'm 88 years old. You may read this at the meeting & will find several people who

agree with me. (2)

There are other streets that some of the traffic can be diverted to. Maybe end exits Homestead High School plus elementary schools & Middle School on Mary Ave & Kensington. I disagree with putting more traffic on Mayfield.

Consider the public & the residents

Thank you
Virginia Edwards

[redacted]

Virginia B. Edwards
[redacted]

SAN FRANCISCO
20 APR 2007 PM 3 T

39¢ USA

Mr Jack Wathen
Transportation & Trippin Mgr
456 W Olive Ave
Sunnyvale
Calif 94086

RECEIVED
APR 23 2007

94086-7213 C004

From: Thomas Mayer <[redacted]>
To: Jack Witthaus <jwitthaus@ci.sunnyvale.ca.us>
Date: 2/27/2007 6:33:02 PM
Subject: Re: [Advocates-svbc] Fwd: RBWG 12/14 Routine Accommodations Checklist

As it stands the project has nice bike-lanes and sidewalks from one end to the other.

However;

It is going to degrade bicycling on Mary from Maude south. This needs to be mitigated by full bike-lanes on all of Mary

It needs direct bike-pedestrian access to the Moffett Park Light Rail station below it. This will provide realistic light rail access for the industrial south of 101 and the area between 101 and 237.

It needs direct bike-pedestrian access to the west end of Ross Drive, This will provide bike-pedestrian access for Orchard Park residents to the Moffett Park Light Rail station. The current access along West Moffett Park Drive is unwalkable and difficult to bike.

Thom Mayer

On Feb 27, 2007, at 4:08 PM, Paul Goldstein wrote:

> Thom, Kevin,
>
> I note that there is a project in Sunnyvale to extend Mary over 101
> and 237. I imagine you guys are on top of it, but would it be
> useful to have SVBC comment on the project? If so, I am afraid you
> will have to draft an appropriate letter for us, and I think
> comments are due in by March 1.
>
> -Paul

CC: [redacted]

Jack Witthaus - Mary Avenue Community Meeting feedback

From: [redacted]
To: <jwitthaus@ci.sunnyvale.ca.us>
Date: 2/21/2007 2:18 PM
Subject: Mary Avenue Community Meeting feedback

Jack,

Thank you for listening to my concerns about the Mary Ave overpass at Almanor and Mary Ave.

These are my concerns:

Overall I do not see that having MORE cars on Mary Ave helps the community. Today, at morning commute (7-8:30am) it is difficult at best to get out of our driveway which is on Mary Ave.

Commuters should use existing hiways and not city arterial streets. I do not want to see Mary Ave become a Mathilda or Lawrence expressway.

Environmentally speaking:
1) More cars means more pollution - my garden suffers as it is from exhaust on my fruits and vegetables. More particulates in our air will result in our children having higher incidents of breathing diseases.

2) There are three elementary schools on or near this route. There is one middle school and one high school. The traffic congestion, the pollution, the accident potentials make it a very bad street for a major arterial (more than it already is).

3) It is already disruptive to Sunnyvale residents who live on Mary Ave to deal with the traffic problems of Sunnyvale workers who are NOT Sunnyvale residents. Why not utilize existing hiways (101, 237, 85) and expand their ability to handle the increase in traffic that is being created by opening Moffett Park to a hugely new population of employees.

4) With peak oil on our horizon the car as major transport will be a dinosour in the near future. Sunnyvale is a City that prides itself on long range planning. We should be planning electric mass transit (and solar powered at that) for the near future instead of destroying neighborhoods by asking them to handle more auto traffic today.

Thank you,

Josh Salans
[redacted]

Jack Witthaus - POLICY--Fwd: Re: No On Mary Avenue Expressway

From: Robert Paternoster
To: Rose, Marvin
Date: 2/20/2007 9:18 AM
Subject: POLICY--Fwd: Re: No On Mary Avenue Expressway

>>> Heidi Kirk 2/20/2007 9:09 AM >>>
Forwarding from Council AnswerPoint. -HK
****

Heidi Kirk
Executive Assistant
Office of the Mayor and City Council
City of Sunnyvale
hkirk@ci.sunnyvale.ca.us
www.ci.sunnyvale.ca.us
PH: (408) 730-7470
FAX: (408) 730-7699*
>>> Heidi Kirk 2/20/2007 9:07:42 AM >>>
Ms. Hallmark:
Thank you for your email. Your message deals with City policy and is being forwarded to the entire City Council and copied to key staff members. You may or may not receive a response from one or more Councilmembers.

If this policy issue is already on the Council's agenda for a public hearing, Council will accept any information you wish to provide in advance of that date (materials can be mailed to City Council at P.O. Box 3707, Sunnyvale, CA 94088-3707). However, individual Councilmembers will often refrain from meeting with community members on specific issues prior to a scheduled public hearing. This ensures that all Councilmembers hear the same information and all sides of an issue prior to taking a position or making a decision. For this reason, you are encouraged to attend the public hearing and share your thoughts with all Councilmembers.

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If you are unsure as to whether or not your issue is already on the City Council's agenda, you can access Council's Tentative Meeting Agenda Calendar via the website above, or contact the Office of the City Clerk at 730-7483.
****

Heidi Kirk
Executive Assistant
Office of the Mayor and City Council

City of Sunnyvale
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www.ci.sunnyvale.ca.us
PH: (408) 730-7470
FAX: (408) 730-7699

>>> Romy Hallmark <[redacted]> 2/18/2007 4:04:45 PM >>>
Since I cannot attend the meeting on the 27th, I hope you will include this email as my vote against the proposed extension of Mary Avenue through to 101.

As a long time Sunnyvale resident (Sunnyvale High School class of 1964, mother born in Sunnyvale in 1922), and with no disrespect intended, I have seen the disastrous plan after disastrous plan made for this city, one failed attempt after another, from the distruction of the old City Hall and Library, to the Plaza, to the Mall. Planning seems to be down quickly and for immediate rather than long term gain.

Now it appears, someone believes that making Mary Avenue a throughfare for travellers and comuters from Cupertino, San Jose, Saratoga and Los Altos will benefit Sunnyvale. I for one fail to see how. It will only decrease property values for those living on Mary, decrease merchant revenues as potential buyers wave as they pass on by on their way to San Francisco or Palo Alto, and make the noise level on Mary constant rather than unbearable only at peak comute times.

Please, please, please do not do this.

City Planning has already taken the old and quaint out of this city and turned it into the land of the mini-strip mall, one after another.

Mr. Jack Witthaus, Transportation and Traffic Manager
City Of Sunnyvale
P O Box 3707
Sunnyvale, CA 94088-3707

02-23-07

RECEIVED
FEB 26 2007

Re: Mary Avenue Extension

Dear Mr. Witthaus:

I have been a resident of Mary Avenue for 18 Years. During this time I have witnessed and testified in court to numerous multi injury auto accidents that took place at the intersection of Mary and Ticonderoga.

The main factor of these accidents was speeding and increased traffic flow. The convenience of the commuter on their way to Saratoga aside, Mary is a *residential* street with school children walking along Mary and a pseudo "bike" lane that is forced out of use by aggressive commuters. We don't need more volume we need less.

I don't understand why we are required to take the burden off Highways 85 and 237 which have become increasingly noisy due to lack of repair by the State and the increased auto volume. Does the City receive financial benefit for sacrificing our residential streets? I hope not!

My concern is also magnified by recent studies in Santa Cruz of health hazards that show air particulates well above accepted levels along roadways with heavy auto and truck traffic. Having a heart condition and knowing of several neighbors that are in marginal health what would be the "time cost savings" for loss of life or extended critical care?

With all of the above in mind there is, last but not least, the immediate 20% loss of property value by the preemptive decision to "re-classify" Mary Avenue into a Mathilda type road. Why don't you talk to your good friends in Mt. View? I am sure they will not have any objection to making Grant Road, a road that already connects directly to 287 *and* 101, into the main feeder street. They will be widening it to 4 lanes past El Camino Hospital. Let them pick up the cost, not Sunnyvale.

The price is too high: Public safety, Public Health, Financial Cost (City & Resident). There are other better alternatives. Extending Mary Avenue and making it a direct highway off-ramp, is not a solution that will benefit the City Of Sunnyvale nor its residents.

Sincerely,

Henry D'Arcy
[redacted])
[redacted]
[redacted]

February 19, 2007

Jack Witthaus
Transportation and Traffic Manager
City of Sunnyvale
P. O. Box 3707
Sunnyvale, CA 94088-3707

Re: Mary Avenue Extension

Dear Mr. Witthaus:

As a resident of Mary Avenue since 1972 I am concerned about the extension of Mary Avenue to Highway 101.

I have grown more and more distressed about the traffic through our neighborhood over the last 30 years. I have witnessed multiple accidents at the corner where I live. Two of those accidents involved children. Thankfully, the injuries were "only" broken bones. I have witnessed 16 wheelers blow through the intersection on red lights. I witness first-time drivers in cars from dealers who have their vision impaired by "for sale" signs on the windshields.

I seldom witness our Public Safety Officers stopping speeding vehicles on Mary Avenue, but I do often witness speeding vehicles. If speeding traffic cannot be controlled now, how can it be controlled when an additional volume of traffic is added?

This is a residential neighborhood with children on bikes and pedestrians attempting safe crossing of the streets. If Mary Avenue is extended there will be a huge increase in traffic and the safety of our citizens will be imperiled.

Extending Mary Avenue is not a solution that will benefit the City of Sunnyvale or its residents.

Sincerely,

Diana Ross

Diana Ross
[redacted]

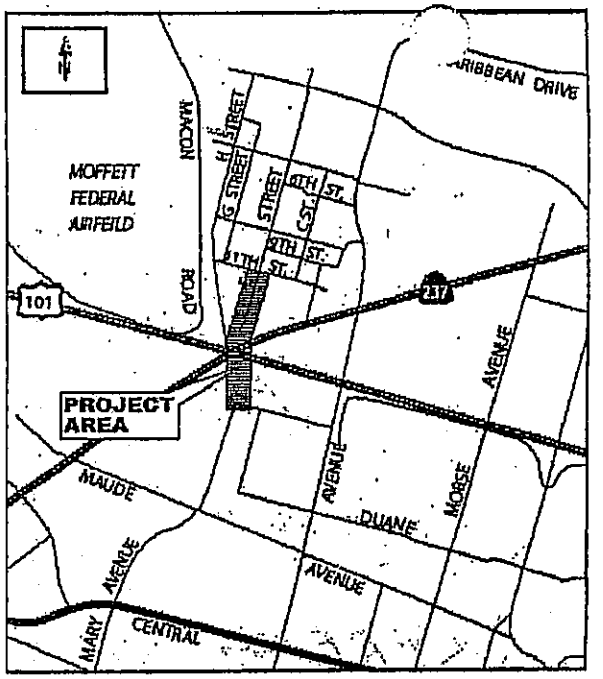
AS RESIDENTS OF MARY AVENUE SINCE "1965" WE SAY "NO" TO THE EXTESION AND EXPRESSWAYS THRU SUNNYVALE

PLUS IT IS TIME TO CONSIDER THE CONFIGURATION OF MARY FROM HOMESTEAD AND FREMONT TO EL CAMINO

JOHN & DEE KOMAS

2-19-06

STOP EXPRESSWAY MARY !



SAY *NO* TO THE EXTENSION OVER 101

Say *NO* to the development of an expressway through residential neighborhoods, and a highly traveled pedestrian and bicycle route.

Say *NO* to increased traffic, congestion and danger to students at Sunnyvale Middle School, Homestead High School and local residents.

Say *NO* to another expressway across Sunnyvale and the next shortcut for Highway 237 and 85 commuters.

Public Hearing: Wednesday February 21st, 7:00 PM, Sunnyvale Community Center, 550 East Remington Drive

The Valley Transportation Authority and the California Department of Transportation, will hold a public meeting February 21, 2007, at 7:00 p.m. At the Sunnyvale Community Center, 550 E. Remington Drive. The purpose of the meeting is to gather community input on potential environmental issues to be considered in developing the scope for an Environmental Impact Report for the extension of Mary Avenue from Almanor Avenue to the Moffett Industrial Park.

If you are unable to attend, Send comments to the City at PO Box 3707, Sunnyvale, CA 94088-3707, or contact Jack Witthaus, Transportation and Traffic Manager at (408)730-7415.

ATTACHMENT D

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARI

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5900
FAX (510) 286-5903
TTY (800) 735-2929

RECEIVED
JUL 19 2006

Flex your power!
Be energy efficient!

July 13, 2006

Mr. Marvin Rose, P.E.
Director of Public Works
City of Sunnyvale
456 West Olive Avenue
Sunnyvale CA, 94088-3707

Dear Mr. Rose:

This is in response to your letter requesting the California Department of Transportation (Caltrans) approval to delegate California Environmental Quality Act (CEQA) Lead Agency responsibilities to the City of Sunnyvale for the Mary Avenue Extension project. Formal delegation of CEQA Lead Agency responsibility will be through the execution of a Cooperative Agreement between Caltrans and City of Sunnyvale.

Under CEQA Lead Agency responsibility, the City of Sunnyvale (the City) will assess impacts of the project on the environment and prepare the Environmental Document and necessary associated technical studies/reports, in order to meet the requirements of CEQA. Any additional CEQA documentation that is needed because of new information generated during preliminary engineering, the preparation of PS&E, or project construction will also be prepared by the City of Sunnyvale and submitted to Caltrans for review, comment and concurrence.

If there are questions about this letter, please contact me or the Project Manager, Ramin Bolourchain, at (510) 622-5288. We look forward to our continued partnership for delivery of this transportation improvement.

Sincerely,

BIJAN SARTIPI
District Director

cc: Carolyn Gonot, Jack Witthaus

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5900
FAX (510) 286-5903
TTY (800) 735-2929

RECEIVED
DEC 13 2007

Flex your power!
Be energy efficient!

December 11, 2007

Mr. John Ristow
Acting Chief CMA and Planning Officer
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

04-SCl-101-PM 46.07
04-SCl-237-PM 2.56
04235-0A9900
Mary Ave. Extension

Mr. Marvin A. Rose
Director of Public Works
City of Sunnyvale
P.O. Box 3707
Sunnyvale, CA 94088-3707

Dear Mr. Ristow and Mr. Rose:

This letter is to document the California Department of Transportation's (Department) position on use of combined Project Study Report-Project Report (PSR-PR) for the Mary Avenue Extension project over US 101 and SR 237 in the City of Sunnyvale. We concur with your request, and an exception has been granted on use of a combined PSR-PR as the project approval document for this project.

Per Department's Project Development Procedures Manual (PDPM) requirement, Chapter 9, Article 9, dated March 9, 2007; this project was determined to be ineligible for a combined PSR-PR due to the project's environmental impact report to comply with California Environmental Quality Act (CEQA). The City of Sunnyvale was granted the Lead Agency for CEQA environmental clearance; letter dated July 13, 2007, signed by the District Director. The exception is granted on the City contention that all project environmental impacts are anticipated to be mitigated, and the project would comply and qualifies for a Mitigated Negative Declaration for environmental clearance according to CEQA Guidelines Section 15064(f)(2). The City chose to prepare an Environmental Impact Report (EIR) rather than an Initial Study (IS) to facilitate a more public outreach/review process.

If you have any questions, please contact Ramin Bolourchian of my staff at (510) 622-5941, or myself at (510) 622-0810.

Sincerely,

GENE C. GONZALO
District Division Chief
Division of Project Management South

c: Jack Witthaus, City of Sunnyvale
Sajeeni DeAlwis-Mima, VTA

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-0810
FAX (510) 286-6107
TTY (800) 735-2929

Flex your power!
Be energy efficient!

July 30, 2007

Mr. John Ristow
Acting Chief CMA and Planning Officer
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

04-SCl-101-PM 46.07
04-SCl-237-PM 2.56
04235-0A9900
Mary Ave. Extension

Mr. Marvin A. Rose
Director of Public Works
City of Sunnyvale
P.O. Box 3707
Sunnyvale, CA 94088-3707

Dear Mr. Ristow and Mr. Rose:

This letter is to document the California Department of Transportation's (Department) position on the Mary Avenue Extension Project in the City of Sunnyvale. We concur with your finding of "No Preclusion of Future Projects" with respect to the projects in the Santa Clara Valley Transportation Authority's (VTA) Valley Transportation Plan (VTP) 2030 and the VTA's SR 237 Corridor Study conducted in October 2004.

We expect that the project will take into account all known future projects in the vicinity including, but not limited to, the projects identified in the attachment to your letter dated June 22, 2007. In addition, increased traffic volumes anticipated due to planned development in the area may impact ramp operations at the SR 237/Mathilda and US 101/SR 237 interchanges. We request that improvements be included to mitigate these impacts once full development is completed.

If you have any questions, please contact Ramin Bolourchian of my staff at (510) 622-5941or myself at (510) 622-0810.

Sincerely,

GENE C. GONZALO
District Division Chief
Division of Project Management South

c: Jack Witthaus, City of Sunnyvale

ATTACHMENT E

RESOLUTION OF FINDINGS

RESOLUTION NO. 08-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE MARY AVENUE EXTENSION PROJECT AND MAKING RELATED FINDINGS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE AS FOLLOWS:

SECTION 1. BACKGROUND AND PROJECT DESCRIPTION.

A. The following findings are hereby adopted by the City Council of the City of Sunnyvale ("City Council") to comply with the requirements of the California Environmental Quality Act ("CEQA"; Pub. Resources Code, §§ 21000 et seq.), and Sections 15091, 15092, 15093, and 15162 of the CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.). These findings are made relative to the conclusions of the City of Sunnyvale Mary Avenue Extension Project Environmental Impact Report (State Clearinghouse No. 2007022024) (the "EIR"), which includes the Draft Environmental Impact Report ("Draft EIR"), Public Comments, and Responses to Comments. The EIR for the Project consists of the DEIR dated August, 2007 and the FEIR dated August, 2008 (Responses to Comments Document). These documents are collectively referred to as the "EIR" in this resolution. The EIR addresses the environmental impacts of the implementation of the proposed Project and is incorporated herein by reference.

B. Mitigation measures associated with the potentially significant impacts of the Project will be implemented through the Mitigation Monitoring and Reporting Program for the Project, which is the responsibility of the City, thereby ensuring that the City of Sunnyvale Mary Avenue Extension project (the "Project") will have no significant adverse environmental impacts, except as noted herein.

C. The City of Sunnyvale (the "City") is lead agency for the Project under the California Environmental Quality Act ("CEQA"), Public Resources Code 21067 as it has the principal responsibility to carry out and approve the Project, which may have a significant impact upon the environment.

D. Based upon review and consideration of the information contained therein the City Council hereby certifies that the EIR was completed in compliance with CEQA, and reflects the City of Sunnyvale's independent judgment and analysis. The City Council has considered evidence and arguments presented during consideration of the Project and the EIR. In determining whether the Project may have a significant impact on the environment, and in adopting the findings set forth below, the City Council certifies that it has complied with Public Resources Code sections 21081, 21081.5, and 21082.2.

E. The City Council hereby finds, determines, and declares that no significant new information has been added to the EIR so as to warrant recirculation of all or a portion of the EIR.

SECTION 2. PROJECT INFORMATION.

A. Project Objectives

Over the course of the past 35 years or so, the City of Sunnyvale, Santa Clara County Traffic Authority, the Santa Clara Valley Transportation Authority (VTA), Caltrans, and Lockheed Martin Space Systems Company have explored and developed several concepts in the Mini-Triangle Area, which is formed by US 101, SR 237, and Mathilda Avenue, to address existing and future transportation deficiencies. Some of these concepts addressed regional deficiencies whereas others hoped to mitigate intraregional transportation issues.

The Mary Avenue Extension has been in the City's General Plan as part of the planned roadway network for several decades. Existing development, as well as future development, assumes this north-south connection will be constructed.

The proposed extension would help alleviate regional operational deficiencies by providing a vehicular, pedestrian, and bicycle alternative to the existing north-south connections in the City. Without an additional north-south connection, delay, congestion, and operational speeds along Mathilda Avenue are expected to worsen. Furthermore, within the Moffett Park Area and other areas adjacent to Mary Avenue, intersection operations are expected to further deteriorate without the proposed extension.

In summary, the project objectives are to:

- Provide an alternative vehicular, pedestrian, and bicycle north-south connector to lands north of US 101 and SR 237 (including the Moffett Park Area); and
- Alleviate existing and future traffic congestion in the Moffett Park Area and other areas adjacent to Mary Avenue.

B. Project Description

The project proposes to extend Mary Avenue from its current terminus at Almanor Avenue north over US 101 and SR 237, to Eleventh Avenue at E Street, a distance of approximately 0.5 miles. The proposed extension would include a 0.3-mile long bridge structure over the two freeways and the adjacent Light Rail Transit tracks. North and south of the bridge, the roadway extension would be supported by embankments.

The proposed bridge structure would be approximately 85 feet wide and 25 feet above existing ground at its highest point (i.e., over SR 237). The bridge structure would be supported by three

to six feet in diameter concrete columns at 10 to 15 locations between Almanor Avenue and Eleventh Avenue. Three columns would be placed at each location.

The proposed bridge structure would have four lanes (two lanes in each direction), a raised four-foot wide median, six-foot wide sidewalks and six-foot wide bike lanes on both sides of the bridge. Concrete barriers, railing, and chain linked fences would be constructed and placed on the eastern and western sides of the proposed bridge. The extension will include standard street lighting.

The embankments would be located at both ends of the proposed extension, one at the southerly end (i.e., Almanor Avenue) and the other at the northerly end (i.e., Eleventh Avenue). The southerly embankment would be contained by retaining walls and the northerly embankment would include sloped embankments to the existing ground below with retaining walls.

Mary Avenue and Almanor Avenue Intersection Improvements

The proposed project would slightly modify or realign the existing T-intersection of Mary Avenue and Almanor Avenue to conform to the proposed improvements and meet traffic operational and lane queuing requirements. The proposed improvements are:

- Signalizing the intersection;
- Including two through lanes, one exclusive left-turn lane, and two receiving lanes on the northerly leg;
- Including one shared through/right lane, one through lane, and two receiving lanes on the southerly leg;
- Including one exclusive right turn lane to northbound Mary Avenue, one left turn lane, and one receiving lane on the easterly leg; and
- Constructing ADA compliant pedestrian accessible sidewalks and bike lanes on each of the legs of Almanor Avenue and E Street.

Mary Avenue and Eleventh Avenue and E Street Intersection Improvements

The project proposes the following improvements to the existing intersection of Eleventh Avenue and E Street:

- Signalizing the intersection;
- Realigning and widening of the easterly leg to accommodate a shared through/right turn lane, a through lane, two left-turn lanes, and two receiving lanes;
- Widening of the westerly leg to provide two right-turn lanes, two through lanes, a left-turn lane, and two receiving lanes;
- Reconstructing a portion of E Street on the northerly leg of the intersection to accommodate one shared through/right lane, one exclusive left-turn lane, and one receiving lane;

- Inclusion of an exclusive right-turn lane, one shared through/left-turn lane, one exclusive left-turn lane, and two receiving lanes for northbound Mary Avenue; and
- Constructing ADA compliant pedestrian accessible sidewalks and bike lanes on each of the legs of Eleventh Avenue, E Street, and Mary Avenue.

Right-of-Way Requirements

The construction of the proposed project would require partial right-of-way (ROW) acquisitions from adjacent properties at the south and north ends of the project. The ROW required includes property acquisitions, aerial easements, foundation easements, roadway easements, temporary construction easements, public utilities easement, and public vehicular access easements. No existing buildings or structures will be impacted.

Other Project Components

Improvements at Adjacent Properties

985 Almanor Avenue

The project would result in the removal of one access driveway and 190 parking stalls from 985 Almanor Avenue. To offset the project's impact on this property's accessibility, the project proposes to widen the easterly access driveway to this property along Almanor Avenue to support truck traffic that would typically use the driveway on Mary Avenue (which would be eliminated as a result of the proposed project). The project also proposes to re-configure the parking stalls and aisles to replace 58 of the 190 parking stalls removed. The City will compensate the property owner(s), as appropriate in accordance with state and federal laws.

785/787 Mary Avenue

The project would result in the removal of two access driveways and 52 parking stalls from 785/787 Mary Avenue. To offset the project's impacts to the access and circulation of this parcel, the project proposes to construct a frontage road to Mary Avenue to maintain the connectivity between the north and south parking lots of this parcel. The frontage road would consist of two, 12-foot lanes and would connect to the existing driveway to the property located at 785/787 Mary Avenue (refer to Figure 1.0-6). The project proposes to replace three of the 52 parking stalls removed at this property. The City will compensate the property owner(s), as appropriate in accordance with state and federal laws.

Utility Relocation

It is anticipated that the construction of the proposed project would require the relocation or adjustment to existing water, storm drain, sanitary sewer, and gas lines; electric overhead lines and poles, and telephone/communication lines.

Drainage

The proposed project includes connections to the existing storm drain facilities in Mary Avenue, US 101, SR 237, Mathilda Avenue, and the Moffett Park Area.

Highway Planting

The proposed project includes planting, landscaping, and irrigation systems along Mary Avenue and the sidewalks and in the proposed median. Trees, shrubs, and groundcover species would be selected for their drought tolerance and disease resistant characteristics. Planting areas would be mulched to reduce weed growth, conserve moisture, and minimize maintenance operations.

LRT Bicycle/Pedestrian Connection

As a potential option, the project may include a pedestrian/bicycle connection between the proposed Mary Avenue extension and the Moffett Park LRT Station. The connection would consist of vertical access between the Mary Avenue bridge and the LRT below. While this EIR provides CEQA clearance for this optional connection, the decision to construct it will be made based on factors such as projected usage, cost, availability of funding, operations and maintenance, and community input.

SECTION 3. RECORD OF PROCEEDINGS.

A. For purposes of CEQA, CEQA Guidelines section 15091(e), and these findings, the Record of Proceedings for the Project consists of the following documents, at a minimum: (1) The Notice of Preparation, Notice of Completion, Notice of Availability, and all other public notices issued by the City of Sunnyvale in connection with the Project; (2) the Draft EIR; (3) the Final EIR; (4) all comments and correspondence submitted by public agencies or members of the public during the public review and comment period (August 24, 2007 through November 12, 2007) on the Draft EIR; (5)) written and oral comments received or made at Bicycle and Pedestrian Advisory Commission meeting on September 18, 2008, Planning Commission meeting on September 22, 2008 and public outreach meetings on October 3, 2007 and October 10, 2007 (7) the Mitigation Monitoring and Reporting Program; (8) all findings and resolutions adopted by the City Council in connection with the Project, and all documents cited or referred to therein; (9) all final reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City of Sunnyvale, consultants, or responsible or trustee agencies with respect to the City of Sunnyvale's compliance with the requirements of CEQA, and with respect to the City of Sunnyvale's actions on the Project; (10) all documents timely submitted to the City of Sunnyvale by other public agencies or members of the public in connection with the Project; (11) minutes and/or verbatim transcripts of all public meetings and/or public hearings held by the City of Sunnyvale in connection with the Project; (12) matters of common knowledge to the City of Sunnyvale, including, but not limited to, federal, state, and local laws and regulations; (13) any documents expressly cited in these findings, in

addition to those cited above; and (14) any other materials required to be in the record of proceedings by Public Resources Code section 21167.6(e).

B. The City issued a Notice of Preparation ("NOP") of an environmental impact report for the Project in January, 2007. The NOP was sent to all responsible agencies, trustee agencies, adjacent property owners, and members of the public who had previously requested notice. The NOP was published in the Sunnyvale Sun, a paper of general distribution. The City held a publicly noticed scoping meeting for the general public and public agencies on February 21, 2007. All aspects of the NOP process complied with Public Resources Code 21080.4. All comments received during the scoping process were considered in preparing the EIR.

C. A Draft Environmental Impact Report for the Mary Avenue Extension project, State Clearing House Number 20077022024, ("DEIR") was prepared for the Project and circulated for public comment on August, 24, 2007 for a 81-day public comment period ending November 12, 2007. The DEIR includes a Traffic Report (Appendix B), a Noise Assessment (Appendix C) a Cultural Resources Report (Appendix D), a Tree Survey (Appendix E) a Preliminary Geotechnical Report (Appendix F), a Hazardous Materials Report (Appendix G), and a Supplemental Traffic Analysis for Project Alternatives(Appendix H). Copies of the DEIR were provided to all responsible agencies, trustee agencies, adjacent property owners, and members of the public who had previously requested notice. These agencies included, but were not limited to, the City of Mountain View, The California Division of Aeronautics, the California Air Resources Board, the California Highway Patrol, the California Department of Conservation, the California Department of Water Resources, Cal Fire, the Native American Heritage Commission, the California Department of Parks and Recreation, the California Public Utilities Commission, the Regional Water Quality Control Board Region 2, the California Resources Agency, the California Department of Transportation Headquarters Division of Transportation Planning, the California Department of Fish and Game (Region 3), the California Department of Transportation District 4, the Santa Clara Valley Transportation Authority ("VTA"), the Sunnyvale School District, the San Francisco Public Utilities Commission, the County of Santa Clara Roads and Airports Department, the National Aeronautics and Space Administration, and various departments within the City of Sunnyvale. Copies of the DEIR were also made available at the City of Sunnyvale Public Works Department and the City of Sunnyvale public library. The City publicly noticed meetings for the general public and public agencies in October, 2007 to receive oral comments on the DEIR.

D. A Final Environmental Impact Report for the Mathilda Avenue Bridge Rehabilitation project, State Clearing House Number 2007022024 ("FEIR"), was published on October 17, 2008 and promptly provided to the public and all public agencies that commented on the project. The FEIR contains, among other things, the DEIR, responses to all oral and written comments received on the DEIR and text changes to the DEIR (Response to Comments Document), and a draft Mitigation Monitoring and Reporting Program.

E. On October 28, 2008, the Council voted to certify the FEIR, make the required CEQA findings, and adopt the Mitigation Monitoring and Reporting Program.

F. In addition to the public meetings and hearings described above, numerous other opportunities for public comment on and participation in Project decision-making were provided over the July, 2005 through October, 2008 time period, including duly noticed public meetings, community forums, and community resource group meetings as shown in Table ___ of the DEIR at page _____.

G. In taking action on the Project, the City Council fully reviewed and considered the information contained in the EIR, staff reports, oral and written testimony received from members of the public and other public agencies, and additional information contained in reports, correspondence, studies, proceedings, and other matters of record included or referenced in the administrative record of these proceedings.

H. Copies of all of the above-referenced documents, which constitute the record of proceedings upon which the City of Sunnyvale's decision on the Project is based, are and have been available upon request at Sunnyvale City Hall, 456 W. Olive Street, Sunnyvale, California 94087.

SECTION 4. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM.

A. Pursuant to Public Resources Code section 21081.6, the City has prepared a Mitigation Monitoring and Reporting Program, ("MMRP") which provides for implementation, monitoring reporting, and enforcement of all conditions and mitigation measures adopted to mitigate and/or avoid the Project's significant environmental impacts. The MMRP is attached as Exhibit "A" to this resolution and incorporated herein.

B. The City Council hereby adopts the MMRP for the Project attached hereto and incorporated by reference, and finds, determines, and declares that adoption of the MMRP will ensure enforcement and continued imposition of the mitigation measures recommended in the EIR, and set forth in the MMRP, in order to mitigate or avoid significant impacts on the environment.

SECTION 5. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT. The Council has read and considered the EIR prepared for the Project, has considered each potential environmental impact of the Project, and has considered each mitigation measure and alternative evaluated in the EIR. In accordance with the requirements of CEQA and the Guidelines promulgated thereunder, the Council makes the following findings based upon substantial evidence in the record:

A. A Notice of Preparation for the Project was prepared and distributed in January, 2007 to all responsible and trustee agencies and interested parties. The notice solicited views of interested persons and agencies as to the scope and content of the environmental information to be studied in the Draft EIR. The City of Sunnyvale also held a public scoping meeting to

receive public comments and suggestions on the Project on February 21, 2007. Through the scoping process, which included both agency consultation pursuant to Public Resources Code section 21080.4(a) and CEQA Guidelines section 15082, and early public consultation pursuant to CEQA Guidelines section 15083, the City identified the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the Draft EIR, and eliminated from detailed study environmental issues found not to be important.

B. The City Council finds that the EIR identifies no significant or potentially significant adverse impacts in the areas of land use, flooding and hydrology, noise (post-construction), visual/aesthetic resources, and air quality.

C. The City Council hereby finds, determines, and declares that it has reviewed the EIR with respect to the areas of potential impacts set forth above, and finds that the conclusions of the Draft EIR and Final EIR are supported by substantial evidence in the record, including the detailed descriptions of potential impacts contained in the EIR, and the additional information and analysis contained in the Final EIR. The City Council further finds that no evidence has been introduced that would tend to call into question any of the conclusions of the Draft EIR or the Final EIR with respect to such impacts. The City Council has independently exercised its judgment to conclude that each of the above impacts is less-than-significant or no impact, and therefore requires no mitigation except as embodied in the Project.

SECTION 6. SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL. The EIR concluded that the Project would result in potentially significant environmental impacts in the areas listed below. Through the imposition of the identified mitigation measures, the identified potentially significant environmental impacts will be reduced to less-than-significant impacts.

Significant Environmental Impact	Mitigation and/or Avoidance Measures
Transportation	
Impact TRAN – 1: The proposed project would result in significant traffic impacts to the intersection of Mary Avenue and Maude Avenue.	The project proposes to implement the following mitigation measures to reduce level of service impacts to Mary Avenue and Maude Avenue intersection to a less than significant level: **MM TRAN – 1.1:** Construct a new southbound right-turn lane at the Mary Avenue and Maude Avenue intersection. This would require approximately 1,200 square feet of ROW from the property located at the northwest quadrant of Mary Avenue and Maude Avenue. The ROW needed mostly consists of perimeter

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	landscaping. **Less Than Significant Impact with Mitigation Incorporated**
Noise	
Impact NOI – 1: The construction of the proposed project would result in construction-related noise impacts to nearby commercial and light industrial uses.	The project proposes to implement the following measures to reduce construction-related noise impacts to nearby commercial/light industrial uses to a less than significant level: **MM NOI – 1.1:** For pile driving within 200 feet of a commercial/industrial building, the pile driving will be restricted to between 8:00 AM and 5:00 PM on Saturdays. **MM NOI – 1.2:** For pile driving where the closest commercial/industrial building is greater than 200 feet away, the pile driving will be restricted to between 8:00 AM and 5:00 PM, Mondays through Saturdays. **MM NOI – 1.3:** Noise-generating construction activities shall be restricted to between 7:00 AM and 6:00 PM, Mondays through Fridays, and between 8:00 AM and 5:00 PM on Saturdays (Municipal Code 16.08.110). An exception to this time restriction will be allowed if required by VTA to avoid impacts to LRT operations and/or if required by Caltrans to avoid impacts to freeway operations. **MM NOI – 1.4:** All internal combustion engine-driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. **MM NOI – 1.5:** Utilize "quiet" air compressors and other stationary noise sources where technology exists.

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	MM NOI – 1.6: The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent facilities so that construction can be scheduled to minimize noise disturbance. **MM NOI – 1.7:** Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. **MM NOI – 1.8:** Conspicuously post the telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. **MM NOI – 1.9:** Multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced if multiple pile drivers are used. **MM NOI – 1.10:** Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes are a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. **MM NOI – 1.11:** Shroud the pile driver with

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	acoustical blankets or, alternatively, erect temporary noise barriers or acoustical blankets along building facades in the immediate vicinity of pile driving activities. Such shielding typically provides five to 10 dB reduction in noise. **Less Than Significant Impact with Mitigation Incorporated**
Cultural Resources	
Impact CUL – 1: The construction of the proposed project could impact buried cultural resources.	The project proposes to implement the following mitigation measures to reduce impacts to prehistoric resources: **MM CUL – 1.1:** Archaeological test investigations shall be completed once the Area of Direct Impact for the project has been defined. Fieldwork shall include mechanical coring and hand excavations. **MM CUL – 1.2:** Geoarchaeological explorations shall be completed. Fieldwork shall entail coring to appropriate depths in the portions of the Area of Direct Impact where such construction impacts are planned. **MM CUL – 1.3:** If intact deposits are documented during testing within the Area of Direct Impact (at CA-SCL-12/H or at previously undocumented deeply buried archaeological sites) all work shall stop within 25 feet of the exposure and the City of Sunnyvale (and Caltrans if located within Caltrans right-of-way) shall be notified of the find within 24 hours. As required by federal and state laws, a Finding of Effect shall be prepared and submitted to the City (and Caltrans if applicable) who shall determine the appropriate measures for resolving the adverse effects and ensuring these measures are implemented.

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	MM CUL – 1.4: A qualified archaeologist and a Native American monitor shall be present during any subsequent phase of the project that may involve ground disturbance/ excavation (pursuant to California Health and Safety Code Section 7050.5 and 7051, and Public Resources Code Sections 5097.98 and 5097.99. **Less Than Significant Impact with Mitigation Incorporated**
Biological Resources	
Impact BIO – 1: Burrowing owls could be present within the project alignment at the time of construction.	The project proposes to implement the following mitigation measure to reduce impacts to burrowing owls to a less than significant level: **MM-BIO – 1.1:** In conformance with federal and state regulations against direct "take," pre-construction surveys for burrowing owls shall be completed by a qualified ornithologist prior to any soil-altering activity or development occurring within the project area. The preconstruction surveys shall be completed per California Department of Fish and Game (CDFG) guidelines (currently no more than 30 days prior to the start of site grading), regardless of the time of year in which grading occurs. If no burrowing owls are found, then no further mitigation would be warranted. If breeding owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow must be established as determined by the ornithologist in consultation with CDFG. No activities that may disturb breeding owls, including grading or other construction work or evictions of owls, shall proceed. If burrowing owls are found, and avoiding development of owl occupied areas is not

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	feasible, then the owls may be evicted outside of the breeding season, with the authorization of the CDFG. The CDFG typically only allows eviction of owls outside of the breeding season (non-breeding season is September 1 through January 31) by a qualified ornithologist, and generally requires habitat compensation on off-site mitigation lands. **Less Than Significant Impact with Mitigation Incorporated**
Impact BIO – 2: Construction activities during the nesting season may result in the disturbance or destruction of breeding raptors or their nests.	The project proposes to implement the following mitigation measure to reduce impacts to nesting raptors to a less than significant level: **MM BIO – 2.1:** Construction shall be scheduled to avoid the nesting season to the extent feasible. In the South San Francisco Bay area, most raptors breed from January through August. If construction can be scheduled to occur between September and December, the nesting season would be avoided, and no impacts to nesting birds/raptors would be expected. If it is not feasible to schedule construction between September and December, preconstruction surveys for nesting raptors shall be conducted by a qualified ornithologist to ensure that no raptor nests will be disturbed during project implementation. These surveys shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees in, and immediately adjacent to, the impact areas for raptor nests. If an active raptor nest is found close enough to the construction/

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	demolition area to be disturbed by these activities, the ornithologist, in consultation with California Department of Fish and Game, will determine the extent of a construction-free buffer zone, typically 250 feet, to be established around the nest. Pre-construction surveys during the non-breeding season are not necessary for tree nesting raptors, as they are expected to abandon their roosts during staging. **Less Than Significant Impact with Mitigation Incorporated**
Impact BIO – 3: The construction of the proposed project could result in the removal of 120 trees, including 62 significant sized trees, which are mostly located in the southern half of the project alignment.	The project proposes to implement the following mitigation measure to reduce impacts to trees to a less than significant level: **MM BIO – 3.1:** The project shall conform to the City's Tree Preservation Ordinance (Municipal Code, Chapter 19.94). At the discretion of the Director of Community Development, significant size trees that are to be removed shall be replaced, replanted, or relocated (Municipal Code, Sections 19.94.080, 19.94.090, and 19.94.100). **Less Than Significant Impact with Mitigation Incorporated**
Geology and Soils	
Impact GEO – 2: The proposed project, with the implementation of the above standard requirement, would not result in significant seismic-related hazards. The proposed project, however, could still result in significant liquefaction impacts based on the types of soils on-site.	The project proposes to implement the following measure to reduce liquefaction impacts to a less than significant level: **MM GEO – 2.1:** A detailed design-level geotechnical investigation shall be completed and the project design and construction shall follow the recommendations of the investigation. The design-level investigation shall include subsurface exploration at the site (to address liquefaction potential at the site) and evaluation of appropriate foundation systems for proposed structures, as well as site preparation and pavement design.

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	Due to the depth of groundwater in the project area, the investigation shall also address any need for dewatering during construction. If dewatering is required, this report shall also identify the amount of depth of dewatering and the specifics regarding disposal of the water. **Less Than Significant Impact with Mitigation Incorporated**
Hazards and Hazardous Materials	
Impact HAZ – 1: The soil and groundwater within the project alignment could be contaminated with pesticides, metals, lead, VOCs (including TCE and PCE), and petroleum hydrocarbons.	The project proposes to implement the following measures to reduce and/or avoid significant impacts related to soil and groundwater contamination to a less than significant level: **MM HAZ – 1.1:** If the project involves exaction of soils in the project area, soil and groundwater testing shall be completed for pesticides, metals, VOCs, and petroleum hydrocarbons to determine whether contamination is present in levels that exceed applicable standards. The number of test samples shall be determined by a qualified hazardous materials specialist. If such contamination is found to be present, special procedures regarding handling and disposal of such material shall be implemented per applicable regulations. **MM HAZ – 1.2:** Within the project limits, shallow soil within Caltrans ROW (e.g., along US 101 and SR 237) shall be tested for aerially deposited lead. If concentrations of lead are found to exceed applicable standards, the soil shall be buried and covered within the ROW if permitted, or the soil shall be transported to a Class 1 facility for disposal. **MM HAZ – 1.3:** A Health and Safety Plan shall be in place during construction to

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	safeguard workers who would handle or be exposed to any of the above described hazardous materials. **MM HAZ – 1.4:** If USTs, water wells, and/or dry wells are encountered during construction, a permit for removal shall be obtained from the City of Sunnyvale Department of Public Safety. All wells shall be closed with permit through the Santa Clara Valley Water District. **Less Than Significant Impact with Mitigation Incorporated**

The EIR analyzed all of the Project's potentially significant environmental impacts, including indirect environmental impacts associated with the Project's socioeconomic impacts. Based on information in the EIR and other documents in the record, the Council finds that the significant impacts to transportation, construction noise, cultural resources, biological resources, geology and soils, and hazards and hazardous can be avoided or mitigated to a less than significant level.

SECTION 7. SIGNIFICANT AND UNAVOIDABLE IMPACTS. The EIR does not identify any significant and unavoidable impacts.

SECTION 8. ANALYSIS OF ALTERNATIVES. The EIR analyzes a reasonable range of alternatives to the Project and Project components sufficient to foster public participation and informed decision making and to permit a reasoned choice, and the EIR adequately discusses and evaluates the comparative merits of the alternatives. Of the eight alternatives assessed in the EIR, the alternative with the least environmental impact is the No Project – No Subsequent Development Alternative. Section 15126.6(e)(2) of the CEQA Guidelines state that if the environmentally superior alternative is the no project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

The alternatives analysis resulted in no comparable alternative that meets the project objectives and is environmentally superior. In addition to the proposed project, eight alternatives were quantitatively evaluated in the EIR to determine if they could meet the project objectives, while at the same time avoiding the significant impacts of the project. These are:

1. No Project
2. H Street Alignment
3. Improve Other North-South Sunnyvale Corridors

4. Widen SR 85
5. Reduce the number of lanes on Mary Avenue south of Evelyn Avenue
6. Two-Lane Mary Avenue Extension
7. No Thru Traffic at Mary Avenue and Evelyn
8. Two Lanes Entire Length of Mary Avenue

Among the other alternatives, the Project Alternative is determined to be the environmentally superior alternative because it meets the objectives of the Project for the following reasons:

- Of the eight alternatives analyzed and the five feasible build alternatives, the five feasible build alternatives would result in similar and significant impacts with regard to construction noise, cultural resources, biology, geology, and hazardous materials.
- Of the five feasible build alternatives, the H Street Alignment Alternative, the Downgrade Mary Avenue Alternative, the No Through Traffic on Mary Avenue Alternative, the Two-Lane Mary Avenue the length of Mary Avenue Alternative, and the Two-Lane Mary Avenue Extension Alternative would each result in greater traffic impacts than the proposed project.

All other alternatives evaluated in the EIR are rejected because they are infeasible, the would either impair or prevent attainment of the Project objectives or are not environmentally superior. The particular reasons for rejecting each of the alternatives include the following:

The "No Project" and "Widen SR 85" alternatives were fount to not meet the project objectives. State Route (SR) 85 parallels Mary Avenue to the west, generally along the Sunnyvale-Los Altos border. As such, its widening could potentially achieve the basic project objective of increasing north-south capacity in the Sunnyvale area. SR 85, however, is not under the jurisdiction or control of the City. SR 85 is a freeway owned and operated by the State of California, Department of Transportation (Caltrans). Therefore, under CEQA Guidelines § 15126.6(f)(1), this alternative is considered infeasible because the City cannot "reasonably acquire, control, or otherwise have access to" SR 85.

The "Improve Other North-South Sunnyvale Corridors" alternative was found, from a traffic engineering perspective, to be feasible to construct additional lane(s) in each direction on Mathilda Avenue and/or Fair Oaks Avenue. However, there is insufficient room to construct any new lanes within the existing rights-of-way of either street. The additional right-of-way would need to be purchased and would necessitate the removal/displacement of hundreds of homes and businesses that front both sides of these two streets. The costs to the City, both in terms of buying the right-of-way and in terms of the effects on businesses and residents, would be extraordinary. For these reasons, this alternative is considered infeasible.

The four "Mary Avenue" alternatives are variations on the proposed project in that they all include either a 2- or 4- lane extension over U.S. 1010 and SR 237. They also include various

measures aimed at reducing traffic volumes on Mary Avenue , either by removing existing lanes or by closing Mary Avenue to thru north-south traffic at Evelyn Avenue.

Because each of the four "Mary Avenue" alternative includes the northerly extension of Mary Avenue into the Moffett Park area, some benefit to that area is provided, which is consistent with the project objective. However, when compared to the proposed project, each of the four alternatives results in greater traffic impacts. The primary reason for this is that, by reducing capacity on Mary Avenue to varying degrees, the traffic that would otherwise use Mary Avenue as the shortest route to its destination would instead use alternate routes. This would increase traffic on nearby streets such as Bernardo Avenue, Pastoria Avenue, Hollenbeck Road, Sunset Avenue, and Mathilda Avenue. In other words, because traffic demand is generated by land uses, reducing capacity on Mary Avenue does not reduce such demand; rather the demand is simply accommodated on alternate routes.

The H Street alignment alternative also is no longer feasible, as the City Council acted to release right of way for this alternative to facilitate completion of the Moffett Towers project. This alignment was released based on the findings in the Draft EIR that an H Street alignment would have greater traffic and cultural resource impacts than the proposed project.

SECTION 9. FINDING REGARDING MITIGATION OR AVOIDANCE OF IMPACTS. Based on the adopted mitigation measures and alternative components, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid all of the Project's potentially significant environmental effects.

SECTION 10. MITIGATION MEASURES FOR WHICH OTHER AGENCIES ARE RESPONSIBLE. There are no changes or alterations that are partially or wholly within the responsibility and jurisdiction of other public agencies and that can and should be adopted by those other agencies.

The City Council finds that the Mary Avenue Extension Project is consistent with the City's General Plan because it complies with the following land use and transportation policies:

- *C3 - Attain a transportation system that is effective, safe, pleasant and convenient.* The project provides a new transportation facility to accommodate anticipated future traffic growth which will address traffic congestion that would make the transportation system less effective and less safe. The project will provide new transportation access to and from the southwestern area of the Moffett Industrial Park, which will improve convenience for transportation system users.
- *C3.4 - Maintain roadways and traffic control devices in good operating condition.* The project upgrades roadway and pedestrian facilities in accordance with modern design criteria and constructs new facilities in accordance with those criteria.
- *C3.1.4 - Study and implement physical and operational improvements to optimize*

roadway and intersection capacities. The project improves traffic operations on Mathilda Avenue and provides new roadway and intersection capacity.

- *C3.5 - Support a variety of transportation modes.* The project includes new sidewalks, pedestrian ramps and bike lanes, which will facilitate bicycle and pedestrian traffic in the area.

The City Council finds that each significant impact identified in the EIR is acceptable because mitigation measures have been required in order to reduce each effect to the extent feasible.

The City Council finds that on balance, of the eight alternatives that were evaluated in the EIR, the Project provides the greatest overall benefit to the community when considering environmental, social, technical, and economic factors. Of the eight alternatives, only one meets all of the project objectives.

Adopted by the City Council at a regular meeting held on October 28, 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David Kahn, City Attorney

ATTACHMENT E

RESOLUTION OF FINDINGS

RESOLUTION NO. 08-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE MARY AVENUE EXTENSION PROJECT AND MAKING RELATED FINDINGS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE AS FOLLOWS:

SECTION 1. BACKGROUND AND PROJECT DESCRIPTION.

A. The following findings are hereby adopted by the City Council of the City of Sunnyvale ("City Council") to comply with the requirements of the California Environmental Quality Act ("CEQA"; Pub. Resources Code, §§ 21000 et seq.), and Sections 15091, 15092, 15093, and 15162 of the CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.). These findings are made relative to the conclusions of the City of Sunnyvale Mary Avenue Extension Project Environmental Impact Report (State Clearinghouse No. 2007022024) (the "EIR"), which includes the Draft Environmental Impact Report ("Draft EIR"), Public Comments, and Responses to Comments. The EIR for the Project consists of the DEIR dated August, 2007 and the FEIR dated August, 2008 (Responses to Comments Document). These documents are collectively referred to as the "EIR" in this resolution. The EIR addresses the environmental impacts of the implementation of the proposed Project and is incorporated herein by reference.

B. Mitigation measures associated with the potentially significant impacts of the Project will be implemented through the Mitigation Monitoring and Reporting Program for the Project, which is the responsibility of the City, thereby ensuring that the City of Sunnyvale Mary Avenue Extension project (the "Project") will have no significant adverse environmental impacts, except as noted herein.

C. The City of Sunnyvale (the "City") is lead agency for the Project under the California Environmental Quality Act ("CEQA"), Public Resources Code 21067 as it has the principal responsibility to carry out and approve the Project, which may have a significant impact upon the environment.

D. Based upon review and consideration of the information contained therein the City Council hereby certifies that the EIR was completed in compliance with CEQA, and reflects the City of Sunnyvale's independent judgment and analysis. The City Council has considered evidence and arguments presented during consideration of the Project and the EIR. In determining whether the Project may have a significant impact on the environment, and in adopting the findings set forth below, the City Council certifies that it has complied with Public Resources Code sections 21081, 21081.5, and 21082.2.

E. The City Council hereby finds, determines, and declares that no significant new information has been added to the EIR so as to warrant recirculation of all or a portion of the EIR.

SECTION 2. PROJECT INFORMATION.

A. Project Objectives

Over the course of the past 35 years or so, the City of Sunnyvale, Santa Clara County Traffic Authority, the Santa Clara Valley Transportation Authority (VTA), Caltrans, and Lockheed Martin Space Systems Company have explored and developed several concepts in the Mini-Triangle Area, which is formed by US 101, SR 237, and Mathilda Avenue, to address existing and future transportation deficiencies. Some of these concepts addressed regional deficiencies whereas others hoped to mitigate intraregional transportation issues.

The Mary Avenue Extension has been in the City's General Plan as part of the planned roadway network for several decades. Existing development, as well as future development, assumes this north-south connection will be constructed.

The proposed extension would help alleviate regional operational deficiencies by providing a vehicular, pedestrian, and bicycle alternative to the existing north-south connections in the City. Without an additional north-south connection, delay, congestion, and operational speeds along Mathilda Avenue are expected to worsen. Furthermore, within the Moffett Park Area and other areas adjacent to Mary Avenue, intersection operations are expected to further deteriorate without the proposed extension.

In summary, the project objectives are to:

- Provide an alternative vehicular, pedestrian, and bicycle north-south connector to lands north of US 101 and SR 237 (including the Moffett Park Area); and
- Alleviate existing and future traffic congestion in the Moffett Park Area and other areas adjacent to Mary Avenue.

B. Project Description

The project proposes to extend Mary Avenue from its current terminus at Almanor Avenue north over US 101 and SR 237, to Eleventh Avenue at E Street, a distance of approximately 0.5 miles. The proposed extension would include a 0.3-mile long bridge structure over the two freeways and the adjacent Light Rail Transit tracks. North and south of the bridge, the roadway extension would be supported by embankments.

The proposed bridge structure would be approximately 85 feet wide and 25 feet above existing ground at its highest point (i.e., over SR 237). The bridge structure would be supported by three

to six feet in diameter concrete columns at 10 to 15 locations between Almanor Avenue and Eleventh Avenue. Three columns would be placed at each location.

The proposed bridge structure would have four lanes (two lanes in each direction), a raised four-foot wide median, six-foot wide sidewalks and six-foot wide bike lanes on both sides of the bridge. Concrete barriers, railing, and chain linked fences would be constructed and placed on the eastern and western sides of the proposed bridge. The extension will include standard street lighting.

The embankments would be located at both ends of the proposed extension, one at the southerly end (i.e., Almanor Avenue) and the other at the northerly end (i.e., Eleventh Avenue). The southerly embankment would be contained by retaining walls and the northerly embankment would include sloped embankments to the existing ground below with retaining walls.

Mary Avenue and Almanor Avenue Intersection Improvements

The proposed project would slightly modify or realign the existing T-intersection of Mary Avenue and Almanor Avenue to conform to the proposed improvements and meet traffic operational and lane queuing requirements. The proposed improvements are:

- Signalizing the intersection;
- Including two through lanes, one exclusive left-turn lane, and two receiving lanes on the northerly leg;
- Including one shared through/right lane, one through lane, and two receiving lanes on the southerly leg;
- Including one exclusive right turn lane to northbound Mary Avenue, one left turn lane, and one receiving lane on the easterly leg; and
- Constructing ADA compliant pedestrian accessible sidewalks and bike lanes on each of the legs of Almanor Avenue and E Street.

Mary Avenue and Eleventh Avenue and E Street Intersection Improvements

The project proposes the following improvements to the existing intersection of Eleventh Avenue and E Street:

- Signalizing the intersection;
- Realigning and widening of the easterly leg to accommodate a shared through/right turn lane, a through lane, two left-turn lanes, and two receiving lanes;
- Widening of the westerly leg to provide two right-turn lanes, two through lanes, a left-turn lane, and two receiving lanes;
- Reconstructing a portion of E Street on the northerly leg of the intersection to accommodate one shared through/right lane, one exclusive left-turn lane, and one receiving lane;

- Inclusion of an exclusive right-turn lane, one shared through/left-turn lane, one exclusive left-turn lane, and two receiving lanes for northbound Mary Avenue; and
- Constructing ADA compliant pedestrian accessible sidewalks and bike lanes on each of the legs of Eleventh Avenue, E Street, and Mary Avenue.

Right-of-Way Requirements

The construction of the proposed project would require partial right-of-way (ROW) acquisitions from adjacent properties at the south and north ends of the project. The ROW required includes property acquisitions, aerial easements, foundation easements, roadway easements, temporary construction easements, public utilities easement, and public vehicular access easements. No existing buildings or structures will be impacted.

Other Project Components

Improvements at Adjacent Properties

985 Almanor Avenue

The project would result in the removal of one access driveway and 190 parking stalls from 985 Almanor Avenue. To offset the project's impact on this property's accessibility, the project proposes to widen the easterly access driveway to this property along Almanor Avenue to support truck traffic that would typically use the driveway on Mary Avenue (which would be eliminated as a result of the proposed project). The project also proposes to re-configure the parking stalls and aisles to replace 58 of the 190 parking stalls removed. The City will compensate the property owner(s), as appropriate in accordance with state and federal laws.

785/787 Mary Avenue

The project would result in the removal of two access driveways and 52 parking stalls from 785/787 Mary Avenue. To offset the project's impacts to the access and circulation of this parcel, the project proposes to construct a frontage road to Mary Avenue to maintain the connectivity between the north and south parking lots of this parcel. The frontage road would consist of two, 12-foot lanes and would connect to the existing driveway to the property located at 785/787 Mary Avenue (refer to Figure 1.0-6). The project proposes to replace three of the 52 parking stalls removed at this property. The City will compensate the property owner(s), as appropriate in accordance with state and federal laws.

Utility Relocation

It is anticipated that the construction of the proposed project would require the relocation or adjustment to existing water, storm drain, sanitary sewer, and gas lines; electric overhead lines and poles, and telephone/communication lines.

Drainage

The proposed project includes connections to the existing storm drain facilities in Mary Avenue, US 101, SR 237, Mathilda Avenue, and the Moffett Park Area.

Highway Planting

The proposed project includes planting, landscaping, and irrigation systems along Mary Avenue and the sidewalks and in the proposed median. Trees, shrubs, and groundcover species would be selected for their drought tolerance and disease resistant characteristics. Planting areas would be mulched to reduce weed growth, conserve moisture, and minimize maintenance operations.

LRT Bicycle/Pedestrian Connection

As a potential option, the project may include a pedestrian/bicycle connection between the proposed Mary Avenue extension and the Moffett Park LRT Station. The connection would consist of vertical access between the Mary Avenue bridge and the LRT below. While this EIR provides CEQA clearance for this optional connection, the decision to construct it will be made based on factors such as projected usage, cost, availability of funding, operations and maintenance, and community input.

SECTION 3. RECORD OF PROCEEDINGS.

A. For purposes of CEQA, CEQA Guidelines section 15091(e), and these findings, the Record of Proceedings for the Project consists of the following documents, at a minimum: (1) The Notice of Preparation, Notice of Completion, Notice of Availability, and all other public notices issued by the City of Sunnyvale in connection with the Project; (2) the Draft EIR; (3) the Final EIR; (4) all comments and correspondence submitted by public agencies or members of the public during the public review and comment period (August 24, 2007 through November 12, 2007) on the Draft EIR; (5)) written and oral comments received or made at Bicycle and Pedestrian Advisory Commission meeting on September 18, 2008, Planning Commission meeting on September 22, 2008 and public outreach meetings on October 3, 2007 and October 10, 2007 (7) the Mitigation Monitoring and Reporting Program; (8) all findings and resolutions adopted by the City Council in connection with the Project, and all documents cited or referred to therein; (9) all final reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City of Sunnyvale, consultants, or responsible or trustee agencies with respect to the City of Sunnyvale's compliance with the requirements of CEQA, and with respect to the City of Sunnyvale's actions on the Project; (10) all documents timely submitted to the City of Sunnyvale by other public agencies or members of the public in connection with the Project; (11) minutes and/or verbatim transcripts of all public meetings and/or public hearings held by the City of Sunnyvale in connection with the Project; (12) matters of common knowledge to the City of Sunnyvale, including, but not limited to, federal, state, and local laws and regulations; (13) any documents expressly cited in these findings, in

addition to those cited above; and (14) any other materials required to be in the record of proceedings by Public Resources Code section 21167.6(e).

B. The City issued a Notice of Preparation ("NOP") of an environmental impact report for the Project in January, 2007. The NOP was sent to all responsible agencies, trustee agencies, adjacent property owners, and members of the public who had previously requested notice. The NOP was published in the Sunnyvale Sun, a paper of general distribution. The City held a publicly noticed scoping meeting for the general public and public agencies on February 21, 2007. All aspects of the NOP process complied with Public Resources Code 21080.4. All comments received during the scoping process were considered in preparing the EIR.

C. A Draft Environmental Impact Report for the Mary Avenue Extension project, State Clearing House Number 20077022024, ("DEIR") was prepared for the Project and circulated for public comment on August, 24, 2007 for a 81-day public comment period ending November 12, 2007. The DEIR includes a Traffic Report (Appendix B), a Noise Assessment (Appendix C) a Cultural Resources Report (Appendix D), a Tree Survey (Appendix E) a Preliminary Geotechnical Report (Appendix F), a Hazardous Materials Report (Appendix G), and a Supplemental Traffic Analysis for Project Alternatives(Appendix H). Copies of the DEIR were provided to all responsible agencies, trustee agencies, adjacent property owners, and members of the public who had previously requested notice. These agencies included, but were not limited to, the City of Mountain View, The California Division of Aeronautics, the California Air Resources Board, the California Highway Patrol, the California Department of Conservation, the California Department of Water Resources, Cal Fire, the Native American Heritage Commission, the California Department of Parks and Recreation, the California Public Utilities Commission, the Regional Water Quality Control Board Region 2, the California Resources Agency, the California Department of Transportation Headquarters Division of Transportation Planning, the California Department of Fish and Game (Region 3), the California Department of Transportation District 4, the Santa Clara Valley Transportation Authority ("VTA"), the Sunnyvale School District, the San Francisco Public Utilities Commission, the County of Santa Clara Roads and Airports Department, the National Aeronautics and Space Administration, and various departments within the City of Sunnyvale. Copies of the DEIR were also made available at the City of Sunnyvale Public Works Department and the City of Sunnyvale public library. The City publicly noticed meetings for the general public and public agencies in October, 2007 to receive oral comments on the DEIR.

D. A Final Environmental Impact Report for the Mathilda Avenue Bridge Rehabilitation project, State Clearing House Number 2007022024 ("FEIR"), was published on October 17, 2008 and promptly provided to the public and all public agencies that commented on the project. The FEIR contains, among other things, the DEIR, responses to all oral and written comments received on the DEIR and text changes to the DEIR (Response to Comments Document), and a draft Mitigation Monitoring and Reporting Program.

E. On October 28, 2008, the Council voted to certify the FEIR, make the required CEQA findings, and adopt the Mitigation Monitoring and Reporting Program.

F. In addition to the public meetings and hearings described above, numerous other opportunities for public comment on and participation in Project decision-making were provided over the July, 2005 through October, 2008 time period, including duly noticed public meetings, community forums, and community resource group meetings as shown in Table ___ of the DEIR at page _____.

G. In taking action on the Project, the City Council fully reviewed and considered the information contained in the EIR, staff reports, oral and written testimony received from members of the public and other public agencies, and additional information contained in reports, correspondence, studies, proceedings, and other matters of record included or referenced in the administrative record of these proceedings.

H. Copies of all of the above-referenced documents, which constitute the record of proceedings upon which the City of Sunnyvale's decision on the Project is based, are and have been available upon request at Sunnyvale City Hall, 456 W. Olive Street, Sunnyvale, California 94087.

SECTION 4. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM.

A. Pursuant to Public Resources Code section 21081.6, the City has prepared a Mitigation Monitoring and Reporting Program, ("MMRP") which provides for implementation, monitoring reporting, and enforcement of all conditions and mitigation measures adopted to mitigate and/or avoid the Project's significant environmental impacts. The MMRP is attached as Exhibit "A" to this resolution and incorporated herein.

B. The City Council hereby adopts the MMRP for the Project attached hereto and incorporated by reference, and finds, determines, and declares that adoption of the MMRP will ensure enforcement and continued imposition of the mitigation measures recommended in the EIR, and set forth in the MMRP, in order to mitigate or avoid significant impacts on the environment.

SECTION 5. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT. The Council has read and considered the EIR prepared for the Project, has considered each potential environmental impact of the Project, and has considered each mitigation measure and alternative evaluated in the EIR. In accordance with the requirements of CEQA and the Guidelines promulgated thereunder, the Council makes the following findings based upon substantial evidence in the record:

A. A Notice of Preparation for the Project was prepared and distributed in January, 2007 to all responsible and trustee agencies and interested parties. The notice solicited views of interested persons and agencies as to the scope and content of the environmental information to be studied in the Draft EIR. The City of Sunnyvale also held a public scoping meeting to

receive public comments and suggestions on the Project on February 21, 2007. Through the scoping process, which included both agency consultation pursuant to Public Resources Code section 21080.4(a) and CEQA Guidelines section 15082, and early public consultation pursuant to CEQA Guidelines section 15083, the City identified the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the Draft EIR, and eliminated from detailed study environmental issues found not to be important.

B. The City Council finds that the EIR identifies no significant or potentially significant adverse impacts in the areas of land use, flooding and hydrology, noise (post-construction), visual/aesthetic resources, and air quality.

C. The City Council hereby finds, determines, and declares that it has reviewed the EIR with respect to the areas of potential impacts set forth above, and finds that the conclusions of the Draft EIR and Final EIR are supported by substantial evidence in the record, including the detailed descriptions of potential impacts contained in the EIR, and the additional information and analysis contained in the Final EIR. The City Council further finds that no evidence has been introduced that would tend to call into question any of the conclusions of the Draft EIR or the Final EIR with respect to such impacts. The City Council has independently exercised its judgment to conclude that each of the above impacts is less-than-significant or no impact, and therefore requires no mitigation except as embodied in the Project.

SECTION 6. SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL. The EIR concluded that the Project would result in potentially significant environmental impacts in the areas listed below. Through the imposition of the identified mitigation measures, the identified potentially significant environmental impacts will be reduced to less-than-significant impacts.

Significant Environmental Impact	Mitigation and/or Avoidance Measures
Transportation	
Impact TRAN – 1: The proposed project would result in significant traffic impacts to the intersection of Mary Avenue and Maude Avenue.	The project proposes to implement the following mitigation measures to reduce level of service impacts to Mary Avenue and Maude Avenue intersection to a less than significant level: **MM TRAN – 1.1:** Construct a new southbound right-turn lane at the Mary Avenue and Maude Avenue intersection. This would require approximately 1,200 square feet of ROW from the property located at the northwest quadrant of Mary Avenue and Maude Avenue. The ROW needed mostly consists of perimeter

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	landscaping. **Less Than Significant Impact with Mitigation Incorporated**
Noise	
Impact NOI – 1: The construction of the proposed project would result in construction-related noise impacts to nearby commercial and light industrial uses.	The project proposes to implement the following measures to reduce construction-related noise impacts to nearby commercial/light industrial uses to a less than significant level: **MM NOI – 1.1:** For pile driving within 200 feet of a commercial/industrial building, the pile driving will be restricted to between 8:00 AM and 5:00 PM on Saturdays. **MM NOI – 1.2:** For pile driving where the closest commercial/industrial building is greater than 200 feet away, the pile driving will be restricted to between 8:00 AM and 5:00 PM, Mondays through Saturdays. **MM NOI – 1.3:** Noise-generating construction activities shall be restricted to between 7:00 AM and 6:00 PM, Mondays through Fridays, and between 8:00 AM and 5:00 PM on Saturdays (Municipal Code 16.08.110). An exception to this time restriction will be allowed if required by VTA to avoid impacts to LRT operations and/or if required by Caltrans to avoid impacts to freeway operations. **MM NOI – 1.4:** All internal combustion engine-driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. **MM NOI – 1.5:** Utilize "quiet" air compressors and other stationary noise sources where technology exists.

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	MM NOI – 1.6: The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent facilities so that construction can be scheduled to minimize noise disturbance. **MM NOI – 1.7:** Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. **MM NOI – 1.8:** Conspicuously post the telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. **MM NOI – 1.9:** Multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced if multiple pile drivers are used. **MM NOI – 1.10:** Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes are a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. **MM NOI – 1.11:** Shroud the pile driver with

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	acoustical blankets or, alternatively, erect temporary noise barriers or acoustical blankets along building facades in the immediate vicinity of pile driving activities. Such shielding typically provides five to 10 dB reduction in noise. **Less Than Significant Impact with Mitigation Incorporated**
Cultural Resources	
Impact CUL – 1: The construction of the proposed project could impact buried cultural resources.	The project proposes to implement the following mitigation measures to reduce impacts to prehistoric resources: **MM CUL – 1.1:** Archaeological test investigations shall be completed once the Area of Direct Impact for the project has been defined. Fieldwork shall include mechanical coring and hand excavations. **MM CUL – 1.2:** Geoarchaeological explorations shall be completed. Fieldwork shall entail coring to appropriate depths in the portions of the Area of Direct Impact where such construction impacts are planned. **MM CUL – 1.3:** If intact deposits are documented during testing within the Area of Direct Impact (at CA-SCL-12/H or at previously undocumented deeply buried archaeological sites) all work shall stop within 25 feet of the exposure and the City of Sunnyvale (and Caltrans if located within Caltrans right-of-way) shall be notified of the find within 24 hours. As required by federal and state laws, a Finding of Effect shall be prepared and submitted to the City (and Caltrans if applicable) who shall determine the appropriate measures for resolving the adverse effects and ensuring these measures are implemented.

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	MM CUL – 1.4: A qualified archaeologist and a Native American monitor shall be present during any subsequent phase of the project that may involve ground disturbance/ excavation (pursuant to California Health and Safety Code Section 7050.5 and 7051, and Public Resources Code Sections 5097.98 and 5097.99. **Less Than Significant Impact with Mitigation Incorporated**
Biological Resources	
Impact BIO – 1: Burrowing owls could be present within the project alignment at the time of construction.	The project proposes to implement the following mitigation measure to reduce impacts to burrowing owls to a less than significant level: **MM-BIO – 1.1:** In conformance with federal and state regulations against direct "take," pre-construction surveys for burrowing owls shall be completed by a qualified ornithologist prior to any soil-altering activity or development occurring within the project area. The preconstruction surveys shall be completed per California Department of Fish and Game (CDFG) guidelines (currently no more than 30 days prior to the start of site grading), regardless of the time of year in which grading occurs. If no burrowing owls are found, then no further mitigation would be warranted. If breeding owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow must be established as determined by the ornithologist in consultation with CDFG. No activities that may disturb breeding owls, including grading or other construction work or evictions of owls, shall proceed. If burrowing owls are found, and avoiding development of owl occupied areas is not

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	feasible, then the owls may be evicted outside of the breeding season, with the authorization of the CDFG. The CDFG typically only allows eviction of owls outside of the breeding season (non-breeding season is September 1 through January 31) by a qualified ornithologist, and generally requires habitat compensation on off-site mitigation lands. **Less Than Significant Impact with Mitigation Incorporated**
Impact BIO – 2: Construction activities during the nesting season may result in the disturbance or destruction of breeding raptors or their nests.	The project proposes to implement the following mitigation measure to reduce impacts to nesting raptors to a less than significant level: **MM BIO – 2.1:** Construction shall be scheduled to avoid the nesting season to the extent feasible. In the South San Francisco Bay area, most raptors breed from January through August. If construction can be scheduled to occur between September and December, the nesting season would be avoided, and no impacts to nesting birds/raptors would be expected. If it is not feasible to schedule construction between September and December, preconstruction surveys for nesting raptors shall be conducted by a qualified ornithologist to ensure that no raptor nests will be disturbed during project implementation. These surveys shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees in, and immediately adjacent to, the impact areas for raptor nests. If an active raptor nest is found close enough to the construction/

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	demolition area to be disturbed by these activities, the ornithologist, in consultation with California Department of Fish and Game, will determine the extent of a construction-free buffer zone, typically 250 feet, to be established around the nest. Pre-construction surveys during the non-breeding season are not necessary for tree nesting raptors, as they are expected to abandon their roosts during staging. **Less Than Significant Impact with Mitigation Incorporated**
Impact BIO – 3: The construction of the proposed project could result in the removal of 120 trees, including 62 significant sized trees, which are mostly located in the southern half of the project alignment.	The project proposes to implement the following mitigation measure to reduce impacts to trees to a less than significant level: **MM BIO – 3.1:** The project shall conform to the City's Tree Preservation Ordinance (Municipal Code, Chapter 19.94). At the discretion of the Director of Community Development, significant size trees that are to be removed shall be replaced, replanted, or relocated (Municipal Code, Sections 19.94.080, 19.94.090, and 19.94.100). **Less Than Significant Impact with Mitigation Incorporated**
Geology and Soils	
Impact GEO – 2: The proposed project, with the implementation of the above standard requirement, would not result in significant seismic-related hazards. The proposed project, however, could still result in significant liquefaction impacts based on the types of soils on-site.	The project proposes to implement the following measure to reduce liquefaction impacts to a less than significant level: **MM GEO – 2.1:** A detailed design-level geotechnical investigation shall be completed and the project design and construction shall follow the recommendations of the investigation. The design-level investigation shall include subsurface exploration at the site (to address liquefaction potential at the site) and evaluation of appropriate foundation systems for proposed structures, as well as site preparation and pavement design.

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	Due to the depth of groundwater in the project area, the investigation shall also address any need for dewatering during construction. If dewatering is required, this report shall also identify the amount of depth of dewatering and the specifics regarding disposal of the water. **Less Than Significant Impact with Mitigation Incorporated**
Hazards and Hazardous Materials	
Impact HAZ – 1: The soil and groundwater within the project alignment could be contaminated with pesticides, metals, lead, VOCs (including TCE and PCE), and petroleum hydrocarbons.	The project proposes to implement the following measures to reduce and/or avoid significant impacts related to soil and groundwater contamination to a less than significant level: **MM HAZ – 1.1:** If the project involves exaction of soils in the project area, soil and groundwater testing shall be completed for pesticides, metals, VOCs, and petroleum hydrocarbons to determine whether contamination is present in levels that exceed applicable standards. The number of test samples shall be determined by a qualified hazardous materials specialist. If such contamination is found to be present, special procedures regarding handling and disposal of such material shall be implemented per applicable regulations. **MM HAZ – 1.2:** Within the project limits, shallow soil within Caltrans ROW (e.g., along US 101 and SR 237) shall be tested for aerially deposited lead. If concentrations of lead are found to exceed applicable standards, the soil shall be buried and covered within the ROW if permitted, or the soil shall be transported to a Class 1 facility for disposal. **MM HAZ – 1.3:** A Health and Safety Plan shall be in place during construction to

Significant Environmental Impact	Mitigation and/or Avoidance Measures
	safeguard workers who would handle or be exposed to any of the above described hazardous materials. **MM HAZ – 1.4:** If USTs, water wells, and/or dry wells are encountered during construction, a permit for removal shall be obtained from the City of Sunnyvale Department of Public Safety. All wells shall be closed with permit through the Santa Clara Valley Water District. **Less Than Significant Impact with Mitigation Incorporated**

The EIR analyzed all of the Project's potentially significant environmental impacts, including indirect environmental impacts associated with the Project's socioeconomic impacts. Based on information in the EIR and other documents in the record, the Council finds that the significant impacts to transportation, construction noise, cultural resources, biological resources, geology and soils, and hazards and hazardous can be avoided or mitigated to a less than significant level.

SECTION 7. SIGNIFICANT AND UNAVOIDABLE IMPACTS. The EIR does not identify any significant and unavoidable impacts.

SECTION 8. ANALYSIS OF ALTERNATIVES. The EIR analyzes a reasonable range of alternatives to the Project and Project components sufficient to foster public participation and informed decision making and to permit a reasoned choice, and the EIR adequately discusses and evaluates the comparative merits of the alternatives. Of the eight alternatives assessed in the EIR, the alternative with the least environmental impact is the No Project – No Subsequent Development Alternative. Section 15126.6(e)(2) of the CEQA Guidelines state that if the environmentally superior alternative is the no project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

The alternatives analysis resulted in no comparable alternative that meets the project objectives and is environmentally superior. In addition to the proposed project, eight alternatives were quantitatively evaluated in the EIR to determine if they could meet the project objectives, while at the same time avoiding the significant impacts of the project. These are:

1. No Project
2. H Street Alignment
3. Improve Other North-South Sunnyvale Corridors

4. Widen SR 85
5. Reduce the number of lanes on Mary Avenue south of Evelyn Avenue
6. Two-Lane Mary Avenue Extension
7. No Thru Traffic at Mary Avenue and Evelyn
8. Two Lanes Entire Length of Mary Avenue

Among the other alternatives, the Project Alternative is determined to be the environmentally superior alternative because it meets the objectives of the Project for the following reasons:

- Of the eight alternatives analyzed and the five feasible build alternatives, the five feasible build alternatives would result in similar and significant impacts with regard to construction noise, cultural resources, biology, geology, and hazardous materials.
- Of the five feasible build alternatives, the H Street Alignment Alternative, the Downgrade Mary Avenue Alternative, the No Through Traffic on Mary Avenue Alternative, the Two-Lane Mary Avenue the length of Mary Avenue Alternative, and the Two-Lane Mary Avenue Extension Alternative would each result in greater traffic impacts than the proposed project.

All other alternatives evaluated in the EIR are rejected because they are infeasible, the would either impair or prevent attainment of the Project objectives or are not environmentally superior. The particular reasons for rejecting each of the alternatives include the following:

The "No Project" and "Widen SR 85" alternatives were fount to not meet the project objectives. State Route (SR) 85 parallels Mary Avenue to the west, generally along the Sunnyvale-Los Altos border. As such, its widening could potentially achieve the basic project objective of increasing north-south capacity in the Sunnyvale area. SR 85, however, is not under the jurisdiction or control of the City. SR 85 is a freeway owned and operated by the State of California, Department of Transportation (Caltrans). Therefore, under CEQA Guidelines § 15126.6(f)(1), this alternative is considered infeasible because the City cannot "reasonably acquire, control, or otherwise have access to" SR 85.

The "Improve Other North-South Sunnyvale Corridors" alternative was found, from a traffic engineering perspective, to be feasible to construct additional lane(s) in each direction on Mathilda Avenue and/or Fair Oaks Avenue. However, there is insufficient room to construct any new lanes within the existing rights-of-way of either street. The additional right-of-way would need to be purchased and would necessitate the removal/displacement of hundreds of homes and businesses that front both sides of these two streets. The costs to the City, both in terms of buying the right-of-way and in terms of the effects on businesses and residents, would be extraordinary. For these reasons, this alternative is considered infeasible.

The four "Mary Avenue" alternatives are variations on the proposed project in that they all include either a 2- or 4- lane extension over U.S. 1010 and SR 237. They also include various

measures aimed at reducing traffic volumes on Mary Avenue , either by removing existing lanes or by closing Mary Avenue to thru north-south traffic at Evelyn Avenue.

Because each of the four "Mary Avenue" alternative includes the northerly extension of Mary Avenue into the Moffett Park area, some benefit to that area is provided, which is consistent with the project objective. However, when compared to the proposed project, each of the four alternatives results in greater traffic impacts. The primary reason for this is that, by reducing capacity on Mary Avenue to varying degrees, the traffic that would otherwise use Mary Avenue as the shortest route to its destination would instead use alternate routes. This would increase traffic on nearby streets such as Bernardo Avenue, Pastoria Avenue, Hollenbeck Road, Sunset Avenue, and Mathilda Avenue. In other words, because traffic demand is generated by land uses, reducing capacity on Mary Avenue does not reduce such demand; rather the demand is simply accommodated on alternate routes.

The H Street alignment alternative also is no longer feasible, as the City Council acted to release right of way for this alternative to facilitate completion of the Moffett Towers project. This alignment was released based on the findings in the Draft EIR that an H Street alignment would have greater traffic and cultural resource impacts than the proposed project.

SECTION 9. FINDING REGARDING MITIGATION OR AVOIDANCE OF IMPACTS. Based on the adopted mitigation measures and alternative components, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid all of the Project's potentially significant environmental effects.

SECTION 10. MITIGATION MEASURES FOR WHICH OTHER AGENCIES ARE RESPONSIBLE. There are no changes or alterations that are partially or wholly within the responsibility and jurisdiction of other public agencies and that can and should be adopted by those other agencies.

The City Council finds that the Mary Avenue Extension Project is consistent with the City's General Plan because it complies with the following land use and transportation policies:

- *C3 - Attain a transportation system that is effective, safe, pleasant and convenient.* The project provides a new transportation facility to accommodate anticipated future traffic growth which will address traffic congestion that would make the transportation system less effective and less safe. The project will provide new transportation access to and from the southwestern area of the Moffett Industrial Park, which will improve convenience for transportation system users.
- *C3.4 - Maintain roadways and traffic control devices in good operating condition.* The project upgrades roadway and pedestrian facilities in accordance with modern design criteria and constructs new facilities in accordance with those criteria.
- *C3.1.4 - Study and implement physical and operational improvements to optimize*

roadway and intersection capacities. The project improves traffic operations on Mathilda Avenue and provides new roadway and intersection capacity.

- *C3.5 - Support a variety of transportation modes.* The project includes new sidewalks, pedestrian ramps and bike lanes, which will facilitate bicycle and pedestrian traffic in the area.

The City Council finds that each significant impact identified in the EIR is acceptable because mitigation measures have been required in order to reduce each effect to the extent feasible.

The City Council finds that on balance, of the eight alternatives that were evaluated in the EIR, the Project provides the greatest overall benefit to the community when considering environmental, social, technical, and economic factors. Of the eight alternatives, only one meets all of the project objectives.

Adopted by the City Council at a regular meeting held on October 28, 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David Kahn, City Attorney