

# Final Environmental Impact Report/Responses to Comments for the 1250 Lakeside Drive Hotel and Residential Project

State Clearinghouse #2016022035



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Prepared by the



In Consultation with



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## PREFACE

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This document together with the Draft Supplemental Environmental Impact Report (EIR) for the 1250 Lakeside Drive Hotel and Residential project, constitutes the Final Environmental Impact Report (Final EIR) for the proposed project. The Final EIR is an informational document prepared by the Lead Agency that must be considered by the decision-makers before approving the proposed project (CEQA Guidelines §15090). The California Environmental Quality Act (CEQA) Guidelines §15132 specify that a Final EIR shall consist of the following:

- The Draft EIR or a revision of the draft;
- Comments and recommendations received on the Draft EIR either verbatim or in a summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the Lead Agency to the significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

In conformance with the CEQA Guidelines, the Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is used by the City and other responsible agencies when making decisions regarding the project. The CEQA Guidelines require that, while the information in the Final EIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the Draft Supplemental EIR by making written findings for each of those significant effects before it approves the project.

According to the CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. According to the State Public Resources Code §21081, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- a) The public agency makes one or more of the following findings with respect to each significant effect:
  - 1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
  - 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been required or can and should be adopted by that other agency.
  - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

- b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In accordance with CEQA Guidelines §15088, this document includes written responses to comments received from persons who reviewed the Draft Supplemental EIR. The Final EIR will be made available to the public 10 days prior to the EIR certification hearing.

All documents referenced in this EIR are available for public review at the City of Sunnyvale, Community Development Department, Planning Division located at 456 West Olive Avenue, Sunnyvale, California, on weekdays during normal business hours.

## **SECTION 1.0      SUMMARY OF DRAFT SUPPLEMENTAL EIR PUBLIC REVIEW PROCESS**

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The Draft Supplemental EIR for the 1250 Lakeside Drive Hotel and Residential project, dated July 2016, was distributed for public review and comment on July 28, 2016. The required 45-day review period ended on September 12, 2016.

The City undertook the following actions to inform the public of the availability of the Draft Supplemental EIR:

- A “Notice of Availability of Draft Supplemental EIR” was published on the City of Sunnyvale’s website;
- Notification of Availability of the Draft Supplemental EIR was mailed to project-area residents and other members of the public who had indicated interest in the project;
- The Draft Supplemental EIR was delivered to the State Clearinghouse on July 28, 2016, as well as sent to various governmental agencies, organizations, business, and individuals (see *Section 2.0* for a list of agencies, organizations, businesses, and individuals that received the Draft Supplemental EIR); and
- Copies of the Draft Supplemental EIR were made available at the City of Sunnyvale’s website:  
<http://sunnyvale.ca.gov/Departments/CommunityDevelopment/CurrentProjectsandStudies/LakesideSpecificPlanAmendment.aspx>, City of Sunnyvale Library, City of Sunnyvale One Stop Permit Center, and City of Sunnyvale Community Center.

## **SECTION 2.0 LIST OF AGENCIES, ORGANIZATIONS, BUSINESS, AND INDIVIDUALS WHO RECEIVED THE DRAFT SUPPLEMENTAL EIR**

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Copies of the Draft Supplemental EIR or Notice of Availability (NOA) for the EIR were sent to the following agencies, organizations, and businesses:

### **Agencies**

- Bay Area Air Quality Management District
- California Air Resources Board
- California Department of Conservation
- California Department of Fish and Wildlife, Region 3
- California Department of Health Services
- California Department of Parks and Recreation
- California Department of Toxic Substances Control
- California Department of Transportation, District 4
- California Department of Transportation, Division of Aeronautics
- California Department of Water Resources
- California Department of Water Resources Control Board, Division of Water Rights
- California Highway Patrol
- California Housing and Community Development
- California Native American Heritage Commission
- California Natural Resources Agency
- California Office of Emergency Services
- California Public Utilities Commission
- California Regional Water Quality Control Board, Region 2
- City of Cupertino
- City of Los Altos
- City of Mountain View
- City of San José
- City of Santa Clara
- NASA Ames Research Center
- San Francisco Bay Conservation and Development Commission
- San Francisco Public Utilities Commission, Hetch Hetchy Water and Power System
- Santa Clara County Department of Environmental Health
- Santa Clara County Department of Roads and Airports
- Santa Clara County Local Agency Formation Commission
- Santa Clara County Planning Office
- Santa Clara Valley Transportation Authority
- United States Navy

## **Organizations and Businesses**

- Adams Broadwell Joseph & Cardoza
- Amah Mutsun Band of Mission San Juan Bautista
- Amah Mutsun Tribal Band
- Association of Bay Area Governments
- ATT/TCI Cable
- Cupertino Union School District
- Fremont Union High School District
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the SF Bay Area
- Northern California Carpenters Regional Council
- Onizuka BRAC AFRPA
- Pacific Bell
- Pacific Gas & Electric, Service Planning Department
- Peninsula Corridor Joint Power Board
- Santa Clara Unified School District
- Specialty Solid Waste & Recycling
- Sunnyvale Elementary School District
- The Ohlone Indian Tribe

Individuals who attended the EIR scoping meeting and/or expressed interest in the project previously also received a copy of the Draft Supplemental EIR and/or NOA.

In compliance with the CEQA Guidelines §15087(a), the NOA was also published in the Sunnyvale Sun, mailed to property owners and residents within 2,000 feet of the project site, posted on-site in two locations, and posted on the City's website at:

<http://sunnyvale.ca.gov/Departments/CommunityDevelopment/CurrentProjectsandStudies/LakesideSpecificPlanAmendment.aspx>.

## SECTION 3.0 LIST OF COMMENTS RECEIVED ON THE DRAFT SUPPLEMENTAL EIR

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### 3.1 VERBAL COMMENTS

A public meeting was held during the circulation period for the Draft Supplemental EIR on Monday, August 15, 2016 at 7:00 PM at the City of Sunnyvale Council Chambers at 456 W. Olive Avenue. The public was invited to provide comments on the Draft Supplemental EIR during this meeting. Planning Commissioners were also given the opportunity to comment on the EIR. A summary list of the environmental-related comments from the public and Commissioners at this meeting is provided below, and corresponding responses are provided in *Section 4.1 Responses to Public Meeting Comments*.

1. What reduction in development is needed to reduce the traffic impacts to a less than significant level?
2. Are the significant traffic impacts of the project attributable to the residential or hotel use? If the traffic impacts are mainly attributable to the residential use, how much would the residential development need to be reduced to avoid significant traffic impacts?
3. Would mitigating the traffic involve incorporating retail?
4. What is the proposed height increase?
5. What projects are included in the cumulative analysis?
6. Community benefits should be included in the project to mitigate traffic impacts. Community benefits should include protected bicycle lanes, electric car and bicycle facilities, and protected bicycle parking.
7. Why does the project not result in a housing impact? Do the proposed housing units offset the jobs created by the proposed hotel?

Comments about the project's merit (and not its environmental impacts) were also raised and included questions about the affordability of the proposed units, community benefits of having the proposed units for rent or ownership, and retail services on-site. Pursuant to CEQA Guidelines §15088, the City shall evaluate comments on the environmental issues received from persons who reviewed the Draft Supplemental EIR and shall prepare written responses. For this reason, responses to non-environmental questions/comments are not provided.



### **3.2 WRITTEN COMMENTS**

Copies of the written comments on the Draft Supplemental EIR received during the public review period are provided in Appendix A. A list of the agencies, organizations, businesses, and individuals commenting on the Draft Supplemental EIR is provided below.

#### **Agencies**

- California Department of Transportation (dated October 10, 2016)<sup>1</sup>
- Santa Clara Valley Transportation Authority (dated September 6, 2016)

#### **Organizations, Businesses, and Individuals**

- Raul and Clorinda Lopez Trustee (dated August 12, 2016)
- UNITE HERE Local 19 (dated September 12, 2016)

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<sup>1</sup> Note that this comment letter was received after the close of the public review period. Pursuant to CEQA, the City is not required to respond to late comments (CEQA Guidelines §15088[a]). The City is responding to the late comments submitted by the California Department of Transportation (Caltrans) as a courtesy and because Caltrans has jurisdiction over US 101 near the site.

## **SECTION 4.0      RESPONSES TO COMMENTS RECEIVED ON THE DRAFT SUPPLEMENTAL EIR**

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In accordance with CEQA Guidelines §15088, this document includes written responses to comments received from persons who reviewed the Draft Supplemental EIR. This section includes all of the comments contained in the letters received to date on the Draft Supplemental EIR and comments received at the public meeting, and responses to those comments. The comments are organized under headings containing the source of the letter and its date.

The specific comments have been transcribed from the public meeting and copied from the letters and presented as “Comment” with its response directly following. Copies of the actual letters received are found in their entirety in Appendix A of this Final EIR.

The CEQA Guidelines §15086 require that a local lead agency consult with and request comments on the Draft Supplemental EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, any other state, federal and local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources that may be affected by the project, water agencies, which serve or would serve the proposed project [CEQA Guidelines §15083.5(b)], adjacent cities and counties, and transportation planning agencies. *Section 2.0* of this document lists all of the recipients of the EIR.

A comment letter was received from a public agency (Santa Clara Valley Transportation Authority) that may be a Responsible Agency for the proposed project. CEQA Guidelines §15086(c) requires that:

A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the responsible agency. Those comments shall be supported by specific documentation.

Regarding mitigation measures identified by commenting public agencies, CEQA Guidelines §15086(d) state:

Prior to the close of the public review period, a responsible agency or trustee agency which has identified what the agency considers to be significant environmental effects shall advise the lead agency of those effects. As to those effects relevant to its decision, if any, on the project, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate readily available guidelines or reference documents concerning mitigation measures. If the responsible agency or trustee agency is not aware of mitigation measures that address identified effects, the responsible or trustee agency shall so state.

## 4.1 RESPONSES TO PUBLIC MEETING COMMENTS (AUGUST 15, 2016)

**Comment PM.1:** What reduction in development is needed to reduce the traffic impacts to a less than significant level?

**Response PM.1:** As discussed in the Draft Supplemental EIR (see Sections 2.1, 4.0, and 5.1), the project would result in significant and unavoidable project and cumulative impacts at three intersections (1. Lawrence Expressway/Oakmead Parkway; 2. Lawrence Expressway/US 101 southbound off-ramp; and 3. Central Expressway/Oakmead Parkway). As discussed in Section 5.4.1.2 of the Draft Supplemental EIR, 108 hotel rooms and 119 residential units could be developed on-site without resulting in any significant traffic impacts. This is an approximately 41 percent reduction in the number of hotel rooms proposed and an approximately 48 percent reduction in the number of residential units proposed.

**Comment PM.2:** Are the significant traffic impacts of the project attributable to the residential or hotel use? If the traffic impacts are mainly attributable to the residential use, how much would the residential development need to be reduced to avoid significant traffic impacts?

**Response PM.2:** The proposed hotel generates slightly more project trips than the proposed residential units (refer to Table 8 on page 32 of the Draft Supplemental EIR). In order to avoid all significant traffic impacts, reductions in both hotel rooms and residential apartment buildings would be required. If all the vehicle trips relating to the residential apartment units are eliminated, there would still be a significant impact in the AM peak hour at intersection #3, Lawrence Expressway/Oakmead Parkway, due to the hotel project vehicle trips.

**Comment PM.3:** Would mitigating the traffic involve incorporating retail?

**Response PM.3:** VTA's *Transportation Analysis Guidelines* (October 2014) provide standard trip reduction rates for mixed use developments. VTA's guidelines apply a 10 percent reduction for hotels/retail mixed use and a 15 percent reduction for housing/retail mixed use. In each case the reduction is applied to the smaller generator (i.e., if a hotel generates 100 trips and the retail 50 trips, then the 10 percent is applied to the retail trip generation). While mixed use sites are able to better internalize trips, and for larger scale projects could help reduce trips, adding retail uses to the proposed project would likely increase the overall the net project trips. The addition of retail uses on-site would not mitigate the project's significant traffic impacts.

**Comment PM.4:** What is the proposed height increase?

**Response PM.4:** As discussed in Section 1.3 of the Draft Supplemental EIR, the project would increase the maximum building height allowed on-site from 80 to 85 feet (with a parapet that extends to 100 feet).

**Comment PM.5:** What projects are included in the cumulative analysis?

**Response PM.5:** As discussed in Section 2.1.2.8 of the Draft Supplemental EIR, cumulative traffic volumes were developed by applying a 10-year growth factor to existing volumes, adding vehicle trips from the background conditions (traffic from approved but not yet built or occupied projects), and vehicle trips from pending development projects in the area. The pending projects including projects larger than 20 residential units or 10,000 square feet of office/commercial space. A table of the pending projects is included in Appendix D of the Transportation Impact Analysis, which is included as Appendix C in the Draft Supplemental EIR. A copy of the pending projects table is provided on the following page for reference and has been added to Section 2.1.2.8 of the Draft Supplemental EIR (see *Section 5.0 Text Revisions to the Draft Supplemental EIR*).

List of Approved and Pending Projects Included in the Cumulative Traffic Volumes		
Project Title/Type/ Project Applicant	Location	Description
<i>City of Santa Clara – Projects Approved and Not Occupied</i>		
Menlo Equities Office Park	3333 Scott Boulevard	735,000 square feet of office space
Irvine Co.	3515-3585 Monroe Street	825 housing units and 40,000 square feet of retail
NVIDIA	2600 and 2800 San Tomas Expressway	1.95 million square feet office and research and development
Office building	3000 Bowers Avenue	300,000 square feet office
Gateway Santa Clara	3700 El Camino Real	Mixed-use redevelopment of entire site
Santa Clara Square	2600-2016 Augustine Drive	125,000 square feet retail
<i>City of Santa Clara – Pending Projects</i>		
City Place	5155 Stars & Stripes Drive	239 acres of mixed-use development
Santa Clara Square Residential	2600-2016 Augustine Drive	1,800 rental apartments, 40,000 square feet of retail, 4,500 square feet of leasing space, 38,000 square feet of amenity space
<i>City of Sunnyvale Projects – Approved and Not Occupied</i>		
Juniper Networks	1081 Innovation Way	2.43 million square feet of office to replace 984,000 square feet of office
Moffett Park	1152 Bordeaux Drive	1.78 million square feet of office to replace 598,000 square feet of office
Office	1221 Crossman Avenue	541,214 square feet of office to replace 159,226 square feet of office
Residential	617 Arques Avenue	85 townhomes to replace a variety of land uses
Residential	620 E Maude Avenue	121 affordable housing units to replace 13,920 square feet of armory
Office	549 Baltic Way	483,000 square feet office buildings to replace 285,000 square feet of office building
Office	589 W Java Drive	339,000 square feet of office buildings to replace 171,000 square feet of office
Residential	698 E Taylor Avenue	48 townhomes to replace 23,000 square feet of industrial office

List of Approved and Pending Projects Included in the Cumulative Traffic Volumes		
Project Title/Type/ Project Applicant	Location	Description
Hotel	1100 N Mathilda Avenue	342 hotel room to replace a 173 hotel room
Moffett Park	215 Moffett Park Drive	249,000 square feet of office and 5,000 square feet of restaurants to replace 157,000 square feet of office
Office	280 Santa Ana Court	777,000 square feet of office to replace 258,000 square feet of industrial office
Elko Hotel	1101 Elko Drive	51 unit room hotel
Residential	680 E Taylor	18 new townhomes
Residential	625 E Taylor Avenue	20 townhomes to replace 3,600 square feet of commercial space
Industrial	495 E Java Drive	Expansion of the NETAPP campus to a total of 1.5 million square feet
<b>City of Sunnyvale Projects – Pending Projects</b>		
Residential	915 De Guigne Drive	451 condos to replace 262,000 square feet of industrial space
Peery Park	Peery Park	Mixed use office, restaurant, and residential
Hotel	1080 Stewart Drive	248 room hotel to be expanded to 357 rooms
Hotel	750 Lakeway Drive	232 room hotel to be expanded to 311 rooms

**Comment PM.6:** Community benefits should be included in the project to mitigate traffic impacts. Community benefits should include protected bicycle lanes, electric car and bicycle facilities, and protected bicycle parking.

**Response PM.6:** The transportation resources proposed as part of the project are described in Sections 6.1 and 1.5 (as revised in *Section 5.0 Revisions to the Text of the Draft Supplemental EIR*) in the Draft Supplemental EIR. The project includes 64 electric vehicle parking spaces, 108 bicycle parking spaces (including 80 secure bicycle parking spaces), and a bike repair station. As described in Section 2.1.1.2 of the Draft Supplemental EIR, Class II bicycle lanes (marked lanes for bicyclists) exist on Lakeside Drive from East Arques Avenue to Scott Boulevard.

The provision of bicycle lanes, electric car and bicycle facilities, and protected bicycle parking do not substantially reduce the project's significant traffic impacts. No trip reductions were assumed for this project, but given the type of uses proposed and the location of the site (not located near a light rail, commuter rail, or major transit stop), it is estimated that one to five percent of the project generated trips could utilize automobile-alternative modes of transportation. Project-generated trips would need to be reduced by approximately 50 percent to reduce traffic impacts to a less than significant level.

The mitigation necessary to reduce the project's significant traffic impacts to a less than significant level are described in the Summary section of the Draft Supplemental EIR (see pages viii and ix) and Section 2.1.2 (specifically MM TRAN-1 on page 38, MM TRAN-2.1 on page 41, and the discussion on page 43).

**Comment PM.7:** Why does the project not result in a housing impact? Do the proposed housing units offset the jobs created by the proposed hotel?

**Response PM.7:** The three thresholds for determining a significant population and housing impact, as recommended by CEQA, are listed in Section 4.13.2 (page 81) of the Initial Study included in Appendix A of the Draft Supplemental EIR. The project proposes the same number of residential units as analyzed in the certified 2005 Final EIR and the project would not include substantial population growth beyond what is already planned and assumed for the site in the adopted Lakeside Specific Plan and adopted General Plan (page 82 of the Initial Study) (threshold 1). The project site is currently undeveloped and therefore, would not displace substantial numbers of existing housing or people (page 82 of the Initial Study) (threshold 2 and 3). For these reasons, it is concluded that the project would result in the same less than significant population and housing impact that was previously disclosed in the certified 2005 The Crescent-Lakeside Specific Plan Final EIR.

Also refer to Comment and Response D.4. Generally, jobs to housing balance is looked at on a citywide basis, not on a site-specific basis. The project would not substantially affect the number of anticipated jobs and housing units that are anticipated citywide in the adopted General Plan and disclosed in the certified 2005 The Crescent-Lakeside Specific Plan Final EIR.

## **4.2 RESPONSES TO COMMENT LETTER A FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (DATED OCTOBER 10, 2016)**

**Comment A.1:** Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans new mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). We aim to reduce vehicle miles traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Supplemental Environmental Impact Report (SEIR). Please also refer to the previous comment letters, which are incorporated herein, on this project and the Lakeside Specific Plan (LSP).

### ***Project Understanding***

The proposed project is located approximately fifty-eight feet south of US 101 in the southeast quadrant of the US 101/Lawrence Expressway intersection. Currently, the site is vacant and undeveloped. The Special Development Permit (SDP) and entitlements for the specific development project approved in 2005 have expired. The project applicant has applied for a new SDP, Parcel Map, and an amendment to the LSP in conjunction with a new project proposal. The project proposes the same land uses on-site (hotel and residential) within the density evaluated in the LSP 2005 Final Environmental Impact Report (FEIR); however, this project does not include ancillary commercial uses.

The LSP FEIR analyzed the maximum development envelope of 263 hotel rooms, 3,000 square feet of commercial uses, 251 residential units, and buildings of up to 80 feet tall and the 2005 development project site plan. The primary differences between the proposed project and what was evaluated in the LSP FEIR are the location of the land uses on-site and the site architecture and design. In addition, the project is proposing to increase the maximum building height from 80 to 85 feet (with a parapet that extends to 100 feet).

**Response A.1:** No environmental comment was raised in the above comment; therefore, no response is required.

### ***Comment A.2: Lead Agency***

As the lead agency, the City of Sunnyvale (City) is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

**Response A.2:** As discussed on page 35 and summarized in Table 10 of the Draft Supplemental EIR, the project would not result in significant impacts to freeway segments. The above comment asserts that the City is responsible for all project mitigation and requests that the project's fair-share contribution, financing, scheduling, implementation responsibilities, and lead agency monitoring be discussed for the proposed mitigation measures.

Per CEQA Guidelines §15097(a) regarding mitigation monitoring or reporting:

A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

In accordance with CEQA Guidelines §15097(a), the City of Sunnyvale is responsible for ensuring that mitigation measures are implemented.

The monitoring of mitigation measures will be outlined in the Mitigation Monitoring and Reporting Program (MMRP) prepared for the project and adopted by the City Council at the time of project approval. The MMRP will be prepared in conformance with CEQA and the CEQA Guidelines and will identify project impacts, mitigation for the impacts, the responsible party for monitoring compliance, method of compliance, and timing of completion for the mitigation. The details regarding the project's financing of mitigation measures is not required under CEQA and is, therefore, not discussed in the Draft Supplemental EIR or MMRP.

**Comment A.3: Traffic Impacts**

**1. Feasible Mitigation**

A. Caltrans does not agree with the assertion in Mitigation Measure TRAN-1.1 for the Lawrence Expressway/Oakmead Parkway intersection. The City asserts that completion of the mitigation measures identified to minimize development impacts cannot be assured because payment of a fair share contribution to the Santa Clara County Expressway Plan 2040 does not guarantee that the full construction price will be obtained by the County and that the improvement would be constructed concurrently with this project. This assertion does not exempt the City from fulfilling its obligation to mitigate the local development project's significant traffic impacts and committing itself to fair share contribution. We request instead that the City work with Caltrans and the County to identify and implement feasible measures on a fair-share basis to ensure all mitigation measures are funded and implemented.

**Response A.3:** The above comment suggests that the City should require the project to pay its fair-share contribution to the Santa Clara County Expressway Plan 2040. As discussed in the Draft Supplemental EIR (pages viii, 38, and 43), the project shall pay its fair-share contribution towards the Santa Clara County Expressway Plan 2040 near-term Tier 1 planned improvement at Lawrence Expressway and Oakmead Parkway to mitigate its impact at this intersection. Tier 1 improvement projects are defined as short-term high priority projects. The Draft Supplemental EIR (pages viii, 38, and 43) concludes that while the project shall pay its fair-share towards the improvement at Lawrence Expressway and Oakmead Parkway, the impact would remain significant and unavoidable because the project's fair-share contribution does not guarantee that the full construction price will be obtained by the County and that the improvement would be constructed concurrently with the project. In addition, the intersection is under the jurisdiction of Santa Clara County and implementation of improvements at the intersection is not under the City of Sunnyvale's control.



**Comment A.4:** The Lawrence Expressway/Oakmead Parkway intersection is located at the US 101 southbound/Lawrence Expressway on- and off-ramps and this project's impacts to the Lawrence Expressway/Oakmead Parkway intersection are likely to affect operations of US 101 at Lawrence Expressway. Particularly, the impact to the US 101 southbound off-ramp at Lawrence Expressway under cumulative conditions need to be mitigated and avoided to prevent this off-ramp queue from adding more traffic to the freeway mainline.

**Response A.4:** The project's impact at the intersections of Lawrence Expressway and US 101 off-ramps (northbound and southbound) are discussed in Section 2.1 of the Draft Supplemental EIR. The level of service impacts at study intersections (including Lawrence Expressway and US 101 off-ramps) are summarized in Tables 11 and 12 of the Draft Supplemental EIR (pages 37 and 42, respectively). As discussed in the Draft Supplemental EIR, the project would result in a significant cumulative impact at Lawrence Expressway and US 101 southbound off-ramps during the PM peak hour. The project proposes to pay its fair-share contribution to construct an additional right turn lane at the southbound off-ramp to mitigate its impact (see MM TRAN-2.1 described on page 41 of the Draft Supplemental EIR).

**Comment A.5:** It is essential that the City pay a fair share contribution under MM TRAN-1 to the Santa Clara County Expressway Plan 2040 to ensure that impacts from the project on the transportation network are reduced or eliminated and the success of the project.

**Response A.5:** As described in mitigation measure MM TRAN-1 in the Draft Supplemental EIR (pages viii, 38, and 43), the project shall pay its fair-share towards the planned Tier 1 improvement at Lawrence Expressway and Oakmead Avenue identified in the Santa Clara County Expressway Plan 2040. Also refer to Response A.3 above.

**Comment A.6:** We also recommend working with Caltrans to develop a mitigation monitoring and implementation plan that identifies an implementation schedule or impact thresholds to trigger development of mitigation projects.

**Response A.6:** See Response A.2.

**Comment A.7:** B. Mitigation for increasing VMT should be identified. Mitigation may include contributions to the Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program, and should support the use of transit and active transportation modes.

**Response A.7:** The above comment recommends identifying mitigation for increasing vehicle miles traveled (VMT). The City, the County, and the CMA (VTA) have not adopted VMT increases as a CEQA impact criterion. Therefore, mitigation for VMT increases is not required. However, as discussed in Response A.11, the project does include several transportation demand management elements that would help reduce the projects VMT. In addition, the City does participate in the Santa Clara VTA voluntary contribution program when a project within Sunnyvale has a regional impact and when such a project is identified.

**Comment A.8:** C. Given the project's contribution to area traffic and its proximity to US 101, the project should contribute fair share traffic impact fees to the US 101 Express Lanes Project. These contributions would be used to lessen future traffic congestion and improve transit in the project vicinity.

**Response A.8:** The above comment suggests that the project pay its fair share towards the US 101 Expressway Lanes Project. The US 101 Express Lanes Project is part of the Santa Clara Valley Transportation Authority Silicon Valley Express Lanes Program. Under this program, solo drivers would have the option to use express lanes for a fee and eligible carpool vehicles and buses would continue to use the express lanes (otherwise known as High Occupancy Vehicle or HOV lanes) free of charge. The US 101 Express Lanes Project will convert 36 miles on US 101 to express lanes and a second express lane will be added for the majority of the corridor.

Freeway impacts on US 101 between Bowers Avenue and Fair Oaks Avenue were evaluated in Section 2.1.2.3 of the Draft Supplemental EIR. The project would not add trips greater than one percent of the freeway segments capacity to the study segments that currently operate at an unacceptable LOS and thus, no project-related freeway impacts were identified. For this reason, there is no nexus for the City to require the project to contribute a fair share to the US 101 Expressway Lanes Project.

**Comment A.9:** 2. Please ensure that a Traffic Impact Analysis (TIA) is prepared providing the project site's building potential as identified in the General Plan. The project must be consistent with the Circulation Element of the General Plan, the Congestion Management Agency's Congestion Management Plan, and the MTC's Regional Transportation Plan (RTP)/SCS.

**Response A.9:** The Transportation Impact Analysis (TIA) for the project was based on the proposed application and prepared in accordance with the guidelines of the City of Sunnyvale and Santa Clara Valley Transportation Authority (the congestion management agency for Santa Clara County). A copy of the TIA is included in Appendix C of the Draft Supplemental EIR.

**Comment A.10:** 3. The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained. Please describe any pedestrian and bicycle mitigation measures and safety countermeasures that would be needed to maintain and improve access to transit facilities and reduce traffic impacts on the STN.

**Response A.10:** The project is consistent with the development assumptions for the site in the City's General Plan and, therefore, would not result in an increase in citywide VMT (also refer to Response A.7 above). The project proposes pedestrian improvements and transportation resources, which are described in Section 1.5 Project Description of the Draft Supplemental EIR. The project's impacts on pedestrian, bicycle, and transit facilities are discussed in Sections 2.1.2.5 and 2.1.2.6 of the Draft Supplemental EIR (page 38). The analysis in the Draft Supplemental EIR concluded that there is adequate pedestrian, bicycle, and transit access and the project would not result in significant impacts to pedestrian,

bicycle, or transit facilities. For these reasons, mitigation for these facilities is not required. The project shall comply with the Americans for Disability Act (ADA).

**Comment A.11: Vehicle Trip Reduction**

Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. Suggested TDM strategies include working with the VTA to decrease headway times and improve way-finding on bus lines to provide a better connection between the project, the Lawrence Station, and regional destinations and providing:

- Membership in a transportation management association.
- Transit subsidies and/or EcoPasses to all employees.
- Shuttle service to the Lawrence Station, to encourage walking, bicycling, and transit use for both the hotel and the residences.
- Ten percent vehicle parking reduction.
- Transit and trip planning resources.
- Carpool and vanpool ride-matching support.
- Carpool and clean-fuel parking spaces.
- Secured bicycle storage facilities.
- Bicycles for employee uses to access nearby destinations.
- Showers, changing rooms and clothing lockers.
- Fix-it bicycle repair station(s).
- Transportation and commute information kiosk.
- Outdoor patios, outdoor areas, furniture, pedestrian pathways, picnic and recreational areas.
- Nearby walkable amenities.
- Kick-off commuter event at full occupancy.
- Employee transportation coordinator.
- Emergency Ride Home program.
- Bicycle route mapping resources and bicycle parking incentives, unbundling of residential parking, and providing transit passes and/or transit subsidies to residents.

**Response A.11:** Per City guidelines, the project is not required to have a Transportation Demand Management (TDM) program. However, the project does include several TDM measures that could reduce single-occupancy vehicle travel. As described in Section 1.5.5 of the Draft Supplemental EIR (page 7), the project proposes to provide resident and guest access to transportation resources including airport shuttle vans, regional shuttle vans, carpool coordination, and facilities for car rental and car sharing services. A transportation information display is proposed on-site that would include maps, routes and schedules, ridesharing promotional materials, bicycle routes and facilities information, and a list of facilities available for carpoolers, vanpoolers, bicyclists, transit riders, and pedestrians. In addition, as described on pages 7 and 55 of the Draft Supplemental EIR (as revised in *Section 5.0 Text Revisions to the Draft Supplemental EIR*), the project includes the following transportation resource amenities to encourage more sustainable modes of transportation:

- 64 electric vehicle parking spaces,
- 80 secure bicycle parking spaces for apartment residents,
- 18 guest bicycle parking spaces,

- 10 public bicycle parking spaces,
- Bike repair station,
- Tenant web portal for carpooling, and
- Business center and conference room for telecommuting.

**Comment A.12:** The project proposes to provide a minimum of 255 parking spaces for the hotel and 444 parking spaces for the residential development. Please refer to “Reforming Parking Policies to Support Smart Growth,” a MTC study funded by Caltrans, for sample parking ratios and strategies that support compact growth. Reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future traffic impacts on US 101 and other nearby State facilities. These smart growth approaches are consistent with the MTC’s RTP/SCS goals and would meet Caltrans Strategic Management Plan.

**Response A.13:** The above comment suggests referencing MTC’s *Reforming Parking Policies to Support Smart Growth* for parking ratios and strategies to support smart growth. *Reforming Parking Policies to Support Smart Growth* (2007) was developed with a focus on downtowns, neighborhoods, and transit station areas in which major investment have been made to provide regional and local transit accessibility. Though this is a useful resource, the project does not fit within the intent of the document. As discussed on pages 67 and 68 in Appendix C of the Draft Supplemental EIR, the project meets the City’s parking code requirement and no further action is needed.

**Comment A.14: Cultural Resources**

Caltrans requires that a project’s environmental document include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within State right-of-way (ROW). Current record searches must be no more than five years old. Caltrans requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, and evidence of Native American consultation to ensure compliance with CEQA, Section 5024.5 and 5097 of the California Public Resources Code, and Volume 2 of Caltrans’ Standard Environmental Reference ([www.dot.ca.gov/ser/vol2/vol2.htm](http://www.dot.ca.gov/ser/vol2/vol2.htm)).

These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in State ROW. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to State ROW.

**Response A.14:** The project shall fulfill the necessary Caltrans requirements, including an updated records search, to obtain an encroachment permit for any work in the State right-of-way.

#### **4.3 RESPONSES TO COMMENT LETTER B FROM THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (DATED SEPTEMBER 6, 2016).**

**Comment B.1:** Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for a 263- room hotel, 250 apartment units, and a 3,000-square foot restaurant at 1250 Lakeside Drive. We have the following comments.

##### **Pedestrian and Bicycle Accommodations**

VTA commends the City and project applicant for including good pedestrian connections to project entrances from the public sidewalks and park surrounding the site, which are clearly indicated on the Site Plan (TIA, Figure 2).

The project's Lakeside Drive Road frontage is designed with ample landscaping and mature trees. However, the sidewalks are placed directly adjacent to the roadway while the trees and landscaping are placed between the sidewalk and the parking lot. The Site Plan indicates that these accommodations will remain. VTA recommends that the City to work with the applicant to explore opportunities to redesign this frontage so that the trees are placed between sidewalks or pedestrian paths and the street. Resources on pedestrian quality of service, such as the Highway Capacity Manual (HCM) 2010 Pedestrian Level of Service methodology, indicate that such accommodations improve pedestrian perceptions of comfort and safety on a roadway.

**Response B.1:** The above comment recommends that the frontage of the site be redesigned so that the sidewalk is not placed directly adjacent to Lakeside Drive, and trees are placed between sidewalks or pedestrian paths and Lakeside Drive.

As described in Section 1.5.6 Site Access and shown on Figure 4 Conceptual Site Plan of the Draft Supplemental EIR (pages 7 and 9, respectively), the frontage sidewalk on Lakeside Drive is proposed to be reconstructed to meander to preserve existing trees and enhance the pedestrian experience. Figure 4 Conceptual Site Plan on page 7 of the Draft Supplemental EIR is the current proposed site plan, not Figure 2 in the TIA as referenced in the above comment.

**Comment B.2:** The TIA notes that the project will provide a total of 96 Class I bicycle parking spaces and 12 Class II bicycle parking spaces, which exceeds the requirements of both the Lakeside Specific Plan Development Standards and the Sunnyvale Municipal Code (pg. 69). VTA supports bicycling as an important transportation mode and thus supports the inclusion of plentiful bicycle parking in the project, as described in the TIA. VTA's Bicycle Technical Guidelines provide guidance for estimating supply, siting and design for bicycle parking facilities. This document may be downloaded from [www.vta.org/bikeprogram](http://www.vta.org/bikeprogram).

**Response B.2:** No environmental comment was raised in the above comment; therefore, no response is required.

**Comment B.3: TIA Report Completeness**

VTA commends the City for including an Auto Trip Reduction Statement (ATRS) as required per Section 8.2 and Appendix C of the updated 2014 *TIA Guidelines*, and an analysis of transit vehicle delay as required per Section 9.2 of the *Guidelines*.

**Response B.3:** No environmental comment was raised in the above comment; therefore, no response is required.

#### **4.4 RESPONSES TO COMMENT LETTER C FROM RAUL AND CLORINDA LOPEZ TRUSTEE (DATED AUGUST 12, 2016)**

**Comment C.1:** We are writing because we oppose any more building or development of any kind. We have more than enough pollution and trash then can be handled by the transportation department. The freeway looks like parking lot everyday. We have that new station Great America and all the new building along 101.

Isn't the impact on sewer lines, water supply, and gas lines ever considered? What about the garbage that will be generated. By taxing the citizens more that isn't going to solve the problems.

**Response C.1:** The above comment asks if sewer lines, water supply, gas lines, and garbage is considered. As summarized on page v of the Draft Supplemental EIR, an Initial Study was prepared that tiered from the certified 2005 The Crescent-Lakeside Specific Plan Final EIR and determined that a Supplemental EIR was required for the project.

The Initial Study, which is included in Appendix A of the Draft Supplemental EIR, concluded that the proposed project modifications would result in similar less than significant impacts to utilities and services systems (including sanitary sewer, water supply, and solid waste) as disclosed in the certified 2005 The Crescent-Lakeside Specific Plan Final EIR which is on file at the City for review. Because the development proposed is similar to the development analyzed in the certified 2005 The Crescent-Lakeside Specific Plan Final EIR, the energy (including gasoline use) would be similar. It was concluded in the certified 2005 The Crescent-Lakeside Specific Plan Final EIR that the project would result in a less than significant energy impact.

Also, refer to the Introduction section as revised in *Section 5.0 Text Revisions to the Draft Supplemental EIR*, that discusses the streamlining of environmental review pursuant to CEQA Guidelines §15183.

**Comment C.2:** What about the wear and tear on the road and bridges?

**Response C.2:** Roadway maintenance is funded by state gasoline taxes. To the extent the project vehicle trips create additional wear and tear on roads and bridges, the resulting increase in maintenance costs is funded by the gasoline tax of vehicles using the roadways.

**Comment C.3:** Why don't they go build where there are open spaces like in Alviso?

**Response C.3:** The project is the redevelopment of a previously developed site. The project site is currently undeveloped. Alviso is located within the City of San José; therefore, an alternative location for the project in Alviso would be outside the jurisdiction of the City of Sunnyvale. An EIR need not consider an alternative whose implementation is remote and speculative (CEQA Guidelines §15126.6[f][3]).

Alternative locations to the project site were considered and discussed in Section 5.4.1.1 of the Draft Supplemental EIR.

**Comment C.4:** I guess it's ok that we turn our area into another Los Angeles! Which you know would bring more crime into the area. Then you'd have to hire more policeman. Where is that money coming from for the hiring? As it is we don't have enough officers to patrol the neighborhoods more often. The only time we see officers on our street is if something happens and they respond.

**Response C.4:** The purpose of the Draft Supplemental EIR is to evaluate the *environmental* impacts of the project and not the *fiscal/economic* impacts. A discussion of the project's impact on police protection services is provided in Section 4.14 Public Services of the Initial Study included in Appendix A of the Draft Supplemental EIR. It is concluded that the project would incrementally increase the number of calls for emergency services to the site (same as the previously approved project and adopted Lakeside Specific Plan) but would not require the need for new Department of Public Safety facilities or substantially affect response times. This same impact was disclosed in the certified 2005 The Crescent-Lakeside Specific Plan Final EIR, which is on file at the City for review.



#### **4.5 RESPONSES TO COMMENT LETTER D FROM UNITE HERE! LOCAL 19 (DATED SEPTEMBER 12, 2016)**

*Refer to Comment Letter D in Appendix A of this Final EIR/Responses to Comments document for the footnotes included with the below comments.*

**Comment D.1:** I am writing on behalf of UNITE HERE Local 19 to present our organization's comments on the Draft Supplemental Environmental Impact Report ("DSEIR") for the 1250 Lakeside Drive project (the "Project.") UNITE HERE Local 19 represents hotel, food, and beverage workers in the South Bay, many of whom live and work in Sunnyvale. Our members in these industries stand to be impacted as employees, as commuters, and as residents of the Project's surrounding area. Furthermore, given that Local 19 members were employed at the Four Points Sheraton Hotel previously located at this site, UNITE HERE Local 19 has a longstanding interest in the site's successful and equitable development.

In general, UNITE HERE Local 19 is committed to hotel development that allows hotel workers to create sustainable lives and commutes in the communities where they work. In that regard, we have some questions that will edify us on this Project's ability to create sustainable jobs and commutes for hotel workers, and ensure that it's a project that is integrated into the City's transportation and housing plans.

According to the DSEIR, the Project will include on its eastern parcel a 263-room, full-service hotel that is projected to create 238 jobs and a 250-unit residential development on the western parcel. As a supplement to the certified 2005 Environmental Impact Report, the DSEIR examines the Project's transportation and growth-inducing impacts, with the latter encompassing impacts on the jobs/housing ratio in Sunnyvale as well as the Project's generation of economic revenue for the City. Overall, the DSEIR finds significant and unavoidable impacts with regards to traffic and no new, significant impacts on public transportation facilities, City revenue, or the City's jobs/housing ratio.

In order to better understand the Project, our organization is submitting here some questions regarding the potential shuttle bus program, the City's economic revenue from the Project, and the Project's role in the City's wider affordable housing efforts.

Regarding traffic, the DSEIR identified significant and unavoidable impacts at the following intersections:

- Lawrence Expressway and Oakmead Parkway
- Lawrence Expressway and US I 01 Southbound Off-Ramp
- Central Expressway and Oakmead Parkway

The mitigation measures discussed by the DSEIR centered on roadway improvements at the affected intersections, with the Project providing a fair-share contribution to the funding. Owing to the fact that the City does not have jurisdiction over the remaining necessary funds, the impacts were found unavoidable. However, alternative transportation strategies, as mentioned in LSP Goal 8, can play a role in further mitigating the Project's traffic impacts. Although the DSEIR included a discussion of many of these amenities, including bicycle racks and electric vehicle charging stations, we are still interested in hearing more about how shuttle buses can play a role in potentially reducing traffic to a less than significant level.

**Response D.1:** The above comment asks how the project's proposed shuttle buses would reduce traffic to a less than significant level. As discussed in Section 1.5.5 Transportation Resources of the Draft Supplemental EIR (page 7):

The project proposes to provide resident and guest access to transportation resources including airport shuttle vans, regional shuttle vans, carpool coordination, and facilities for car rental and car sharing services.

The Draft Supplemental EIR does not state that the proposed shuttles would reduce the project's significant traffic impacts to a less than significant level, as suggested in the above comment.

The proposed transportation resources, however, have the potential to reduce vehicle trips by providing carpooling opportunities and reducing the number of single-occupancy vehicle trips. In order to avoid the project's significant level of service impacts, the project's trips would need to be reduced by approximately 50 percent. The percent trip reduction from the proposed transportation resources is minimal (five to 10 percent of peak period hotel trips at most) compared to the needed reduction to avoid significant impacts.

**Comment D.2:** The DSEIR concluded that the Project's growth has no impact on the transportation infrastructure due to its distance from existing bus stops, with "existing bus stops are about 0.25-.5 miles from the Project and are accessible via pedestrian and bicycle facilities." Can the City provide more information about how new ridership resulting from the Project will impact the level of bus service? Also, does the added demand for bus service from the Project perhaps merit its own bus stop? Or, will the potential shuttle service connect the Project to the existing bus and other public transportation options?

**Response D.2:** The above comment asks for additional detail regarding transit ridership from the proposed project, the project's impact on bus service, and whether the proposed shuttle service would connect to existing transit services.

The transportation analysis for the project was completed in accordance with CEQA, the guidelines of the City of Sunnyvale, and the Santa Clara Valley Transportation Authority (VTA) (the congestion management agency for Santa Clara County). The CEQA Guidelines, City of Sunnyvale, and VTA do not require the analysis of transit trips in excess of available capacity as an impact criteria. In addition, the applicant is required to contact VTA, the Santa Clara County bus operator, for any bus improvements they would recommend regarding the project. As stated in Section 2.1.2.6 (page 38) of the Draft Supplemental EIR, the development would not conflict with existing transit facilities, nor would it conflict with adopted policies, plans, or programs for transit facilities.

The shuttles destinations have not been finalized and are proposed to provide service to at least the nearby airports and major transit stops, which is memorialized in the recommended conditions of approval. The service would be available to hotel patrons as well as residents of the project.

**Comment D.3:** The DSEIR also states that the Project will result in no “substantial economic growth for the City” from property or transient occupancy taxes. If the City conducted financial projections that led to this determination, can this analysis be a part of the final EIR, along with an articulation of what the threshold is for “substantial economic growth”?

**Response D.3:** The above comment is in regards to the conclusion in Section 3.0 Growth-Inducing Impacts in the Draft Supplemental EIR (page 45) that the project would not result in substantial economic growth. Additional text to Section 3.0 has been added (refer to *Section 5.0 Text Revisions to the Draft Supplemental EIR*) to clarify that the project would not result in substantial economic growth beyond what is identified in the City’s adopted General Plan and disclosed in the certified 2005 The Crescent-Lakeside Specific Plan Final EIR. No financial projections were completed for the project by the City.

**Comment D.4:** Finally, the DSEIR states that there will be no housing impact resulting from the creation of 238 jobs because the 250 on-site residential units “could off-set the increase in jobs resulting from the Project. The Project, therefore, would not likely foster or stimulate the construction of additional housing elsewhere in the City.” An improved jobs/housing ratio is as important to the City as it is to UNITE HERE Local 19, and it was a stated goal of the original LSP. In order to truly mitigate the gridlock traffic caused by commuters, low-income jobs should be balanced as much as possible with investments in truly affordable housing. Did the City take into account that while the Project would create a quantity of residential units that surpasses the expected number of jobs being created, hotel jobs are often low wage jobs.

**Response D.4:** The above comment references the discussion in Section 3.0 Growth-Inducing Impacts of the Draft Supplemental EIR (page 45). Additional text has been added to clarify that the project would not substantially affect the number of anticipated jobs and housing units that are anticipated citywide in the adopted General Plan and disclosed in the certified 2005 The Crescent-Lakeside Specific Plan Final EIR (see *Section 5.0 Text Revisions to the Draft Supplemental EIR*). Jobs to housing balance is looked at on a citywide basis, not on a site-specific basis.

**Comment D.5:** As the units are slated to be market rate, it is unlikely that future hotel workers will be able to afford to live in these units. We recommend that the Final EIR examine the Project’s impact on affordable housing in Sunnyvale and how it will fit into the Sunnyvale General Plan’s Housing Element 1.3 and 1.5, which cover the City’s BMR program and workforce housing.

**Response D.5:** The above comment recommends evaluating the project’s impact on affordable housing and its consistency with the City’s Housing Element. The residential units are proposed to be market-rate rental units. Rental housing projects are not required to provide below-market rate units, but Chapter 19.75 of the Sunnyvale Municipal Code requires at a minimum, payment of a housing impact fee for rental housing projects of four units or more. The proposed project was deemed complete prior to the effective date of the ordinance (September 14, 2015) and, therefore, is not subject to payment of fees. The proposed project meets applicable provisions in the City’s Housing Element including directing housing in Specific Plan

areas (Policy HE-4.2). The number of residential units proposed is consistent with the adopted General Plan (including Housing Element) and Lakeside Specific Plan.

Under the California Environmental Quality Act (CEQA), the purpose of the Draft Supplemental EIR is to evaluate the environmental impacts of a proposed development project. The affordability of the proposed residential units is not an environmental impact and therefore, is not analyzed in the Draft Supplemental EIR.

Pursuant to CEQA Guidelines §15088, the City shall evaluate comments on the environmental issues received from persons who reviewed the Draft Supplemental EIR and shall prepare written responses. For this reason, responses to non-environmental questions/comments (such as the affordability of the proposed residential units) are not provided in this document.

## SECTION 5.0 TEXT REVISIONS TO THE DRAFT SUPPLEMENTAL EIR

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The following section contains revisions to the text of the Draft Supplemental EIR for the 1250 Lakeside Drive Hotel and Residential Project dated July 2016. Revised or new text is underlined. All deletions are shown ~~with a line through the text~~.

Page iv Introduction: **ADD** the following text before the Tiering of the Environmental Review heading:

### **CEQA Guidelines §15183 – Streamlining of Environmental Review for Projects Consistent with a Community Plan or Zoning**

Pursuant to CEQA Guidelines §15183, CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan (such as the LSP), or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies. The environmental review shall be limited to environmental effects to those which the lead agency determines:

- a) Are peculiar to the project or the parcel on which the project would be located,
- b) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
- c) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- d) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR (CEQA Guidelines §15183(b)).

Page 5 Section 1.4 Proposed Amendments to the Lakeside Specific Plan: **REVISE** the fifth bullet as follows:

- Revision to allow the hotel to have a maximum building height of 85 feet (with a parapet not to exceed 100 feet) and residential building to have a maximum building height of ~~80~~85 feet (with a parapet not to exceed 95 feet); and

Page 6 Section 1.5.2 Residential Development: **REVISE** the last sentence in the first paragraph under this heading as follows:

The residential building would be approximately 446,418 square feet in size (260,730 square feet of apartment area and 185,688 square feet of above-grade podium parking garage) and up to ~~80~~82 feet tall, with rooftop features up to ~~86~~88 feet tall.

Page 6                      Section 1.5.2 Residential Development: **REVISE** the second sentence in the last paragraph under this heading as follows:

The top of the landscaped podium would be approximately 20 feet above grade and have two levels of parking underneath, at- and above-grade. A minimum of ~~444~~ 442 parking spaces would be provided for the residential development. Bicycle parking for the residential development, in accordance with City standards, is proposed within the parking garage.

Page 7                      Section 1.5.5 Transportation Resources: **ADD** the following text after the last sentence in the first paragraph:

The project includes the following transportation resource amenities to encourage more sustainable modes of transportation:

- 64 electric vehicle parking spaces,
- 80 secure bicycle parking spaces for apartment residents,
- 18 guest bicycle parking spaces,
- 10 public bicycle parking spaces
- Bike repair station,
- Tenant web portal for carpooling, and
- Business center and conference room for telecommuting.

Page 40                      Section 2.1.2.8 Cumulative and Cumulative Plus Project Conditions; Cumulative Traffic Volumes: **ADD** the following text and table to the first paragraph under Cumulative Traffic Volumes:

Cumulative traffic volumes were developed by applying a 10-year growth factor to existing volumes, adding vehicle trips from the background conditions, and vehicle trips from pending development projects in the study area. A list of approved and pending projects included in the cumulative traffic volumes is provided below. The development of cumulative traffic volumes is discussed in more detail in Appendix C.

<b><u>List of Approved and Pending Projects Included in the Cumulative Traffic Volumes</u></b>		
<b><u>Project Title/Type/ Project Applicant</u></b>	<b><u>Location</u></b>	<b><u>Description</u></b>
<b><u>City of Santa Clara – Projects Approved and Not Occupied</u></b>		
<u>Menlo Equities Office Park</u>	<u>3333 Scott Boulevard</u>	<u>735,000 square feet of office space</u>
<u>Irvine Co.</u>	<u>3515-3585 Monroe Street</u>	<u>825 housing units and 40,000 square feet of retail</u>
<u>NVIDIA</u>	<u>2600 and 2800 San Tomas Expressway</u>	<u>1.95 million square feet office and research and development</u>
<u>Office building</u>	<u>3000 Bowers Avenue</u>	<u>300,000 square feet office</u>

<b>List of Approved and Pending Projects Included in the Cumulative Traffic Volumes</b>		
<b><u>Project Title/Type/ Project Applicant</u></b>	<b><u>Location</u></b>	<b><u>Description</u></b>
<u>Gateway Santa Clara</u>	<u>3700 El Camino Real</u>	<u>Mixed-use redevelopment of entire site</u>
<u>Santa Clara Square</u>	<u>2600-2016 Augustine Drive</u>	<u>125,000 square feet retail</u>
<b><u>City of Santa Clara – Pending Projects</u></b>		
<u>City Place</u>	<u>5155 Stars &amp; Stripes Drive</u>	<u>239 acres of mixed-use development</u>
<u>Santa Clara Square Residential</u>	<u>2600-2016 Augustine Drive</u>	<u>1,800 rental apartments, 40,000 square feet of retail, 4,500 square feet of leasing space, 38,000 square feet of amenity space</u>
<b><u>City of Sunnyvale Projects – Approved and Not Occupied</u></b>		
<u>Juniper Networks</u>	<u>1081 Innovation Way</u>	<u>2.43 million square feet of office to replace 984,000 square feet of office</u>
<u>Moffett Park</u>	<u>1152 Bordeaux Drive</u>	<u>1.78 million square feet of office to replace 598,000 square feet of office</u>
<u>Office</u>	<u>1221 Crossman Avenue</u>	<u>541,214 square feet of office to replace 159,226 square feet of office</u>
<u>Residential</u>	<u>617 Arques Avenue</u>	<u>85 townhomes to replace a variety of land uses</u>
<u>Residential</u>	<u>620 E Maude Avenue</u>	<u>121 affordable housing units to replace 13,920 square feet of armory</u>
<u>Office</u>	<u>549 Baltic Way</u>	<u>483,000 square feet office buildings to replace 285,000 square feet of office building</u>
<u>Office</u>	<u>589 W Java Drive</u>	<u>339,000 square feet of office buildings to replace 171,000 square feet of office</u>
<u>Residential</u>	<u>698 E Taylor Avenue</u>	<u>48 townhomes to replace 23,000 square feet of industrial office</u>
<u>Hotel</u>	<u>1100 N Mathilda Avenue</u>	<u>342 hotel room to replace a 173 hotel room</u>
<u>Moffett Park</u>	<u>215 Moffett Park Drive</u>	<u>249,000 square feet of office and 5,000 square feet of restaurants to replace 157,000 square feet of office</u>
<u>Office</u>	<u>280 Santa Ana Court</u>	<u>777,000 square feet of office to replace 258,000 square feet of industrial office</u>
<u>Elko Hotel</u>	<u>1101 Elko Drive</u>	<u>51 unit room hotel</u>
<u>Residential</u>	<u>680 E Taylor</u>	<u>18 new townhomes</u>
<u>Residential</u>	<u>625 E Taylor Avenue</u>	<u>20 townhomes to replace 3,600 square feet of commercial space</u>
<u>Industrial</u>	<u>495 E Java Drive</u>	<u>Expansion of the NETAPP campus to a total of 1.5 million square feet</u>
<b><u>City of Sunnyvale Projects – Pending Projects</u></b>		
<u>Residential</u>	<u>915 De Guigne Drive</u>	<u>451 condos to replace 262,000 square feet of industrial space</u>
<u>Peery Park</u>	<u>Peery Park</u>	<u>Mixed use office, restaurant, and residential</u>
<u>Hotel</u>	<u>1080 Stewart Drive</u>	<u>248 room hotel to be expanded to 357 rooms</u>
<u>Hotel</u>	<u>750 Lakeway Drive</u>	<u>232 room hotel to be expanded to 311 rooms</u>

Page 45      Section 3.0 Growth-Inducing Impacts: **ADD** the following text to the last sentence of the third paragraph:

The development of the project would generate revenue for the City in terms of taxes (e.g., property tax and transient occupancy tax), however, this revenue would not result in substantial economic growth for the City beyond what is anticipated from the implementation of the City's adopted General Plan and disclosed in the certified 2005 Final EIR.

Page 45      Section 3.0 Growth-Inducing Impacts: **ADD** the following text to the last sentence of the fourth paragraph:

The proposed hotel would generate approximately 238 jobs on-site.<sup>2</sup> The project includes 250 residential units on-site, which could off-set the increase in jobs resulting from the project. The project, therefore, would not likely foster or stimulate the construction of additional housing elsewhere in the City or substantially affect the number of anticipated jobs and housing units anticipated citywide in the adopted General Plan and disclosed in the certified 2005 Final EIR.

Page 55      Section 6.1 Use of Nonrenewable Resources: **REVISE** the text of the last paragraph on the page as follows:

In addition, as described in *Section ~~4.3~~1.5 Project Description*, the project includes the following transportation resource amenities to encourage more sustainable modes of transportation:

- 64 electric vehicle parking spaces,
- 80 secure bicycle parking spaces for apartment residents,
- 18 guest bicycle parking spaces,
- 10 public bicycle parking spaces,
- Bike repair station,
- Tenant web portal for carpooling, and
- Business center and conference room for telecommuting.

Appendix A,

Page 10      Section 3.3 Proposed Amendments to the Lakeside Specific Plan: **REVISE** the fifth bullet as follows:

- Revision to allow the hotel to have a maximum building height of 85 feet (with a parapet not to exceed 100 feet) and residential building to have a maximum building height of ~~80~~85 feet (with a parapet not to exceed 95 feet); and



Appendix A,

Page 11      Section 3.4.2 Residential Development: **REVISE** the last sentence in the first paragraph under this heading as follows:

The residential building would be approximately 446,418 square feet in size (260,730 square feet of apartment area and 185,688 square feet of above-grade podium parking garage) and up to ~~80~~82 feet tall, with rooftop features up to ~~86~~88 feet tall.

Appendix A,

Page 11      Section 3.4.3 Residential Development: **REVISE** the second sentence in the last paragraph under this heading as follows:

The top of the landscaped podium would be approximately 20 feet above grade and have two levels of parking underneath, at- and above-grade. A minimum of ~~444~~ 442 parking spaces would be provided for the residential development. Bicycle parking for the residential development, in accordance with City standards, is proposed within the parking garage.

Appendix A,

Page 12      Section 3.4.5 Transportation Resources: **ADD** the following text after the last sentence in the first paragraph:

The project includes the following transportation resource amenities to encourage more sustainable modes of transportation:

- 64 electric vehicle parking spaces,
- 80 secure bicycle parking spaces for apartment residents,
- 18 guest bicycle parking spaces,
- 10 public bicycle parking spaces
- Bike repair station,
- Tenant web portal for carpooling, and
- Business center and conference room for telecommuting.

Appendix A,

Page 21      Section 4.1.2.2 Change in Visual Character: **REVISE** the second sentence in the second paragraph as follows:

The residential building would be up to ~~80~~82 feet tall, with rooftop features up to ~~86~~88 feet tall.

Appendix A,

Page 34      Section 4.3.2.2 Criteria Pollutant Emissions; Construction-Related Emissions;  
Construction Fugitive Dust Emissions: **ADD** the following text to the last sentence  
of the first paragraph as follows:

Consistent with the 2005 Final EIR, the project proposes to implement mitigation measure AIR-1 as revised below (previously mitigation measures AIR-1 through AIR-8) to reflect current BMPs to reduce the project's fugitive dust emissions to a less than significant level.

Appendix A,

Page 66      Section 4.9.2.2 Water Quality Impacts: **REVISE** the text of MM HYDRO-2 as  
follows:

**MM HYDRO-2:** Prior to issuance of a grading permit, the applicant will be required to submit copies of the NOI and Erosion Control Plan (if required) to the ~~City Project Engineer,~~  
~~Department of Public Works~~Community Development Director. The applicant will also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

Appendix A,

Page 91      Section 4.17.2.2 Wastewater Treatment/Sewer System; Wastewater Treatment  
Capacity: **REVISE** the text of the last paragraph on the page as follows:

In addition, the City recently adopted its Water Pollution Control Plant Master Plan (August 2016) ~~is currently undergoing a master planning effort to rebuild the WPCP over the next 20 years through the development of a Master Plan~~. The implementation of the Master pPlan will upgrade existing outdated equipment and aging infrastructure, and address the WPCP's current and future challenges to providing treatment of the City's wastewater while complying with all applicable federal, state, and local regulations. As a result of the rebuild, the influent flow design capacity is projected to decrease to 19.5 mgd for average dry weather flows, while retaining a design capacity of 40.0 mgd for peak wet weather flows.

Appendix B      Notice of Preparation and Comment Letters: **ADD** the following letter at the end of  
the appendix.

## NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



NOP  
clear  
3/11/16  
E

February 17, 2016

George Schroeder  
City of Sunnyvale  
P.O. Box 60607  
456 West Olive Ave  
Sunnyvale, CA 94086

Governor's Office of Planning &amp; Research

FEB 23 2016

STATE CLEARINGHOUSE

Sent by Email: [Schroeder@sunnyvale.ca.gov](mailto:Schroeder@sunnyvale.ca.gov)

RE: SCH# 2016022035, 1250 Lakeside Drive, Santa Clara County

Dear Mr. Schroeder:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public

agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at:  
<http://nahc.ca.gov/resources/forms/>

#### NAHC Recommendations for Cultural Resources Assessments

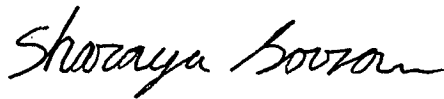
To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

- b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: [sharaya.souza@nahc.ca.gov](mailto:sharaya.souza@nahc.ca.gov).

Sincerely,



Sharaya Souza  
Staff Services Analyst  
cc: State Clearinghouse

## **Appendix A: Comment Letters**

---



**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4  
P.O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5528  
FAX (510) 286-5559  
TTY 711  
www.dot.ca.gov



*Serious Drought.  
Help save water!*

October 10, 2016

04-SCL-2016-00020  
SCL101961  
SCL/101/PM 43.7  
SCH# 2016022035

Mr. George Schroeder  
Department of Community Development  
City of Sunnyvale  
456 West Olive Avenue  
Sunnyvale, CA 94088-3707

Dear Mr. Schroeder:

**1250 Lakeside Drive Mixed-Use Project – Draft Supplemental Environmental Impact Report**

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans new mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). We aim to reduce vehicle miles traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Supplemental Environmental Impact Report (SEIR). Please also refer to the previous comment letters, which are incorporated herein, on this project and the Lakeside Specific Plan (LSP).

***Project Understanding***

The proposed project is located approximately fifty-eight feet south of US 101 in the southeast quadrant of the US 101/Lawrence Expressway intersection. Currently, the site is vacant and undeveloped. The Special Development Permit (SDP) and entitlements for the specific development project approved in 2005 have expired. The project applicant has applied for a new SDP, Parcel Map, and an amendment to the LSP in conjunction with a new project proposal. The project proposes the same land uses on-site (hotel and residential) within the density evaluated in the LSP 2005 Final Environmental Impact Report (FEIR); however, this project does not include ancillary commercial uses.

The LSP FEIR analyzed the maximum development envelope of 263 hotel rooms, 3,000 square feet of commercial uses, 251 residential units, and buildings of up to 80 feet tall and the 2005 development project site plan. The primary differences between the proposed project and what

was evaluated in the LSP FEIR are the location of the land uses on-site and the site architecture and design. In addition, the project is proposing to increase the maximum building height from 80 to 85 feet (with a parapet that extends to 100 feet).

### ***Lead Agency***

As the lead agency, the City of Sunnyvale (City) is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

### ***Traffic Impacts***

#### **1. Feasible Mitigation**

- A. Caltrans does not agree with the assertion in Mitigation Measure TRAN-1.1 for the Lawrence Expressway/Oakmead Parkway intersection. The City asserts that completion of the mitigation measures identified to minimize development impacts cannot be assured because payment of a fair share contribution to the Santa Clara County Expressway Plan 2040 does not guarantee that the full construction price will be obtained by the County and that the improvement would be constructed concurrently with this project. This assertion does not exempt the City from fulfilling its obligation to mitigate the local development project's significant traffic impacts and committing itself to fair share contribution.

We request instead that the City work with Caltrans and the County to identify and implement feasible measures on a fair-share basis to ensure all mitigation measures are funded and implemented. The Lawrence Expressway/Oakmead Parkway intersection is located at the US 101 southbound/Lawrence Expressway on- and off-ramps and this project's impacts to the Lawrence Expressway/Oakmead Parkway intersection are likely to affect operations of US 101 at Lawrence Expressway. Particularly, the impact to the US 101 southbound off-ramp at Lawrence Expressway under cumulative conditions need to be mitigated and avoided to prevent this off-ramp queue from adding more traffic to the freeway mainline.

It is essential that the City pay a fair share contribution under MM TRAN-1 to the Santa Clara County Expressway Plan 2040 to ensure that impacts from the project on the transportation network are reduced or eliminated and the success of the project. We also recommend working with Caltrans to develop a mitigation monitoring and implementation plan that identifies an implementation schedule or impact thresholds to trigger development of mitigation projects.

- B. Mitigation for increasing VMT should be identified. Mitigation may include contributions to the Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program, and should support the use of transit and active transportation modes.



- C. Given the project's contribution to area traffic and its proximity to US 101, the project should contribute fair share traffic impact fees to the US 101 Express Lanes Project. These contributions would be used to lessen future traffic congestion and improve transit in the project vicinity.
2. Please ensure that a Traffic Impact Analysis (TIA) is prepared providing the project site's building potential as identified in the General Plan. The project must be consistent with the Circulation Element of the General Plan, the Congestion Management Agency's Congestion Management Plan, and the MTC's Regional Transportation Plan (RTP)/SCS.
3. The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained. Please describe any pedestrian and bicycle mitigation measures and safety countermeasures that would be needed to maintain and improve access to transit facilities and reduce traffic impacts on the STN.

### ***Vehicle Trip Reduction***

Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. Suggested TDM strategies include working with the VTA to decrease headway times and improve way-finding on bus lines to provide a better connection between the project, the Lawrence Station, and regional destinations and providing:

- Membership in a transportation management association.
- Transit subsidies and/or EcoPasses to all employees.
- Shuttle service to the Lawrence Station, to encourage walking, bicycling, and transit use for both the hotel and the residences.
- Ten percent vehicle parking reduction.
- Transit and trip planning resources.
- Carpool and vanpool ride-matching support.
- Carpool and clean-fuel parking spaces.
- Secured bicycle storage facilities.
- Bicycles for employee uses to access nearby destinations.
- Showers, changing rooms and clothing lockers.
- Fix-it bicycle repair station(s).
- Transportation and commute information kiosk.
- Outdoor patios, outdoor areas, furniture, pedestrian pathways, picnic and recreational areas.
- Nearby walkable amenities.
- Kick-off commuter event at full occupancy.
- Employee transportation coordinator.
- Emergency Ride Home program.
- Bicycle route mapping resources and bicycle parking incentives, unbundling of residential parking, and providing transit passes and/or transit subsidies to residents.

The project proposes to provide a minimum of 255 parking spaces for the hotel and 444 parking spaces for the residential development. Please refer to "Reforming Parking Policies to Support Smart Growth," a MTC study funded by Caltrans, for sample parking ratios and strategies that support compact growth. Reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future traffic impacts on US 101 and other nearby State facilities. These smart growth approaches are consistent with the MTC's RTP/SCS goals and would meet Caltrans Strategic Management Plan.

### ***Cultural Resources***

Caltrans requires that a project's environmental document include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within State right-of-way (ROW). Current record searches must be no more than five years old. Caltrans requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, and evidence of Native American consultation to ensure compliance with CEQA, Section 5024.5 and 5097 of the California Public Resources Code, and Volume 2 of Caltrans' Standard Environmental Reference ([www.dot.ca.gov/ser/vol2/vol2.htm](http://www.dot.ca.gov/ser/vol2/vol2.htm)).

These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in State ROW. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to State ROW.

Should you have any questions regarding this letter, please contact Brian Ashurst at (510) 286-5505 or [brian.ashurst@dot.ca.gov](mailto:brian.ashurst@dot.ca.gov).

Sincerely,

*Luca Corbani*

*for* PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

- c: Scott Morgan, State Clearinghouse  
Robert Swierk, Santa Clara Valley Transportation Authority (VTA) – electronic copy  
Robert Cunningham, Santa Clara Valley Transportation Authority (VTA) – electronic copy





September 6, 2016

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

Attention: George Schroeder

Subject: City File No.: 2015-7576 / 1250 Lakeside Drive

Dear Mr. Schroeder:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for a 263-room hotel, 250 apartment units, and a 3,000-square foot restaurant at 1250 Lakeside Drive. We have the following comments.

Pedestrian and Bicycle Accommodations

VTA commends the City and project applicant for including good pedestrian connections to project entrances from the public sidewalks and park surrounding the site, which are clearly indicated on the Site Plan (TIA, Figure 2).

The project's Lakeside Drive Road frontage is designed with ample landscaping and mature trees. However, the sidewalks are placed directly adjacent to the roadway while the trees and landscaping are placed between the sidewalk and the parking lot. The Site Plan indicates that these accommodations will remain. VTA recommends that the City to work with the applicant to explore opportunities to redesign this frontage so that the trees are placed between sidewalks or pedestrian paths and the street. Resources on pedestrian quality of service, such as the Highway Capacity Manual (HCM) 2010 Pedestrian Level of Service methodology, indicate that such accommodations improve pedestrian perceptions of comfort and safety on a roadway.

The TIA notes that the project will provide a total of 96 Class I bicycle parking spaces and 12 Class II bicycle parking spaces, which exceeds the requirements of both the Lakeside Specific Plan Development Standards and the Sunnyvale Municipal Code (pg. 69). VTA supports bicycling as an important transportation mode and thus supports the inclusion of plentiful bicycle parking in the project, as described in the TIA. VTA's Bicycle Technical Guidelines provide guidance for estimating supply, siting and design for bicycle parking facilities. This document may be downloaded from [www.vta.org/bikeprogram](http://www.vta.org/bikeprogram).

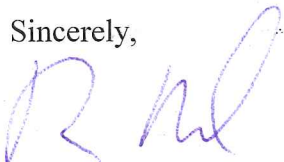
City of Sunnyvale  
September 6, 2016  
Page 2

TIA Report - Completeness

VTA commends the City for including an Auto Trip Reduction Statement (ATRS) as required per Section 8.2 and Appendix C of the updated 2014 *TIA Guidelines*, and an analysis of transit vehicle delay as required per Section 9.2 of the *Guidelines*.

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

Sincerely,



Roy Molseed  
Senior Environmental Planner

cc: Patricia Maurice, Caltrans  
Brian Ashurst, Caltrans

SU1516

RECEIVED

AUG 12 2016

Raul And Clorinda Lopez Trustee  
1349 Socorro Ave  
Sunnyvale, CA 94089-2622

PLANNING DIVISION

We are writing because we oppose any more building or development of any kind. We have more than enough pollution and trash then can be handled by the Transportation Department. The freeways look like parking lots everyday. We have that Leri Station Great America and all the new buildings along 101.

Isn't the impact on sewer lines, water supply and gas lines ever considered? What about the garbage that will PLEASE SEE REVERSE SIDE FOR NOTICE be generated. By taxing the citizens <sup>more</sup> isn't going to solve the problems. What about the wear and tear on the roads and bridges?

Why don't they go built where there are open spaces, like in Alviso.

I guess it's ok that we turn our area into another Los Angeles! Which you know would bring more crime into the area. Then you'd have to hire more policeman. Where is that money coming from for the hiring? As it is we don't have enough officers to patrol the neighborhoods more often. The only time we see officers on our street is if something happens and they respond.

Sorry ran out of space



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September 12, 2016

Mr. George Schroeder  
Community Development Department, Planning Division  
City of Sunnyvale  
456 West Olive Avenue  
Sunnyvale, CA 94068

**Re: 1250 Lakeside Drive Draft Supplemental Environmental Impact Report**

Dear Mr. Schroeder,

I am writing on behalf of UNITE HERE Local 19 to present our organization's comments on the Draft Supplemental Environmental Impact Report ("DSEIR") for the 1250 Lakeside Drive project (the "Project.") UNITE HERE Local 19 represents hotel, food, and beverage workers in the South Bay, many of whom live and work in Sunnyvale. Our members in these industries stand to be impacted as employees, as commuters, and as residents of the Project's surrounding area. Furthermore, given that Local 19 members were employed at the Four Points Sheraton<sup>1</sup> Hotel previously located at this site, UNITE HERE Local 19 has a longstanding interest in the site's successful and equitable development.

In general, UNITE HERE Local 19 is committed to hotel development that allows hotel workers to create sustainable lives and commutes in the communities where they work. In that regard, we have some questions that will edify us on this Project's ability to create sustainable jobs and commutes for hotel workers, and ensure that it's a project that is integrated into the City's transportation and housing plans.

According to the DSEIR, the Project will include on its eastern parcel a 263-room, full-service hotel that is projected to create 238 jobs and a 250-unit residential development on the western parcel. As a supplement to the certified 2005 Environmental Impact Report, the DSEIR examines the Project's transportation and growth-inducing impacts, with the latter encompassing impacts on the jobs/housing ratio in Sunnyvale as well as the Project's generation of economic revenue for the City. Overall, the DSEIR finds significant and unavoidable impacts with regards to traffic and no new, significant impacts on public transportation facilities, City revenue, or the City's jobs/housing ratio.

<sup>1</sup> Kezra, Victoria. "Sunnyvale: Commission reviews hotel, housing project at Lakeside Drive." *The Mercury News*. Retrieved from [www.mercurynews.com](http://www.mercurynews.com) on September 9, 2016.



In order to better understand the Project, our organization is submitting here some questions regarding the potential shuttle bus program, the City's economic revenue from the Project, and the Project's role in the City's wider affordable housing efforts. .

Regarding traffic, the DSEIR identified significant and unavoidable impacts at the following intersections:<sup>2</sup>

- Lawrence Expressway and Oakmead Parkway
- Lawrence Expressway and US 101 Southbound Off-Ramp
- Central Expressway and Oakmead Parkway

The mitigation measures discussed by the DSEIR centered on roadway improvements at the affected intersections, with the Project providing a fair-share contribution to the funding. Owing to the fact that the City does not have jurisdiction over the remaining necessary funds, the impacts were found unavoidable. However, alternative transportation strategies, as mentioned in LSP Goal 8,<sup>3</sup> can play a role in further mitigating the Project's traffic impacts. Although the DSEIR included a discussion of many of these amenities,<sup>4</sup> including bicycle racks and electric vehicle charging stations, we are still interested in hearing more about how shuttle buses can play a role in potentially reducing traffic to a less than significant level.

The DSEIR concluded that the Project's growth has no impact on the transportation infrastructure due to its distance from existing bus stops,<sup>5</sup> with "existing bus stops are about 0.25-.5 miles from the Project and are accessible via pedestrian and bicycle facilities."<sup>6</sup> Can the City provide more information about how new ridership resulting from the Project will impact the level of bus service? Also, does the added demand for bus service from the Project perhaps merit its own bus stop? Or, will the potential shuttle service connect the Project to the existing bus and other public transportation options?

The DSEIR also states that the Project will result in no "substantial economic growth for the City" from property or transient occupancy taxes.<sup>7</sup> If the City conducted financial projections that led to this determination, can this analysis be a part of the final EIR, along with an articulation of what the threshold is for "substantial economic growth"?

Finally, the DSEIR states that there will be no housing impact resulting from the creation of 238 jobs because the 250 on-site residential units "could off-set the increase in jobs resulting from the Project. The Project, therefore, would not likely foster or stimulate the construction of additional housing elsewhere in the City."<sup>8</sup> An improved jobs/housing ratio is as important to the City as it is to UNITE HERE Local 19, and it was a stated goal of the original LSP.<sup>9</sup> In order to truly mitigate the gridlock traffic caused by commuters, low-income jobs should be balanced as much as possible with investments in truly

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<sup>2</sup> Draft Supplemental Environmental Impact Report for the 1250 Lakeside Drive Hotel and Residential Project, 2.1.3.

<sup>3</sup> Ibid, 1.6.

<sup>4</sup> Ibid, 6.1.

<sup>5</sup> Ibid, 2.1.1.2.

<sup>6</sup> Ibid, 2.1.2.6.

<sup>7</sup> Ibid, 3.0.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid, 1.6.

affordable housing. Did the City take into account that while the Project would create a quantity of residential units that surpasses the expected number of jobs being created, hotel jobs are often low wage jobs. As the units are slated to be market rate, it is unlikely that future hotel workers will be able to afford to live in these units. We recommend that the Final EIR examine the Project's impact on affordable housing in Sunnyvale and how it will fit into the Sunnyvale General Plan's Housing Element 1.3 and 1.5, which cover the City's BMR program and workforce housing.

Thank you for your careful consideration of this matter.

Sincerely,

A handwritten signature in black ink, reading "Sarah McDermott". The signature is written in a cursive, flowing style.

Sarah McDermott

Researcher

UNITE HERE Local 19