

APPENDIX A
Notice of Preparation (NOP) and NOP
Comment Letters



NOTICE OF PREPARATION
DRAFT ENVIRONMENTAL IMPACT REPORT
for the Moffett Park Specific Plan Project

DATE: August 18, 2021

TO: State Clearinghouse; Responsible Agencies, Trustee Agencies, and Other Public Agencies; Interested Parties, and the County Clerk of Santa Clara

LEAD AGENCY: City of Sunnyvale
Community Development Department, Planning Division
456 West Olive Avenue
Sunnyvale, CA 94086

CONTACT: Michelle King, Principal Planner
mking@sunnyvale.ca.gov
[\(408\) 730-7463](tel:4087307463)

Notice is hereby given that the City of Sunnyvale ("City"), as the Lead Agency, will prepare an Environmental Impact Report (EIR) for the Moffett Park Specific Plan Project (hereinafter referred to as the "MPSP" or "project"). This Notice of Preparation (NOP) has been prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15082. The purpose of this NOP is to solicit comments from the public and public agencies on the scope and content of the EIR for the project.

The City has determined that the project could result in potentially significant impacts and, therefore, an EIR is required. An EIR is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. Consistent with CEQA Guidelines Section 15206, the project is considered of statewide, regional, or areawide significance.

A 30-DAY NOP REVIEW PERIOD: Members of the public and public agencies are invited to provide comments on the scope and content of the EIR to the City. The City would like to know the views of your agency as to the scope and content of the environmental information germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may use the EIR prepared by the City when considering your permits or other approvals for the project.

Due to the time limits mandated by state law, your response must be sent within the 30-day NOP review period. The NOP public review period will begin on August 18, 2021 and end on September 17, 2021 at 5:00 p.m. Please send your responses (including your name and contact information) to:

Email: mking@sunnyvale.ca.gov

OR

Mail: City of Sunnyvale – Community Development Department
Attn: Michelle King, Principal Planner
456 W. Olive Avenue
Sunnyvale, CA 94086

A copy of the NOP is on file at the City of Sunnyvale's One-Stop Permit Counter, 456 W. Olive Avenue and on the City's website at: <https://sunnyvale.ca.gov/business/planning/ceqa.htm>.

If you wish to be placed on the mailing list or need additional information, please contact Michelle King, Principal Planner, at mking@sunnyvale.ca.gov. All parties that have submitted their names and contact information will be notified as part of this CEQA review process.

Following completion of the 30-day NOP public review period, the City will incorporate relevant information into the Draft EIR, including results of technical studies. The Draft EIR will be circulated for public review and comment for a 45-day public review period.

PUBLIC EIR SCOPING MEETING: The City will hold a Public EIR Scoping Meeting to receive comments regarding the scope and content of the EIR. The Public EIR Scoping Meeting will be held on the following date:

- **August 26, 2021 at 6:00 p.m.**

Due to the current COVID-19 restrictions, the Scoping Meeting will be held virtually. Members of the public and public agencies may participate remotely. All interested persons may participate by joining the video conference at <https://sunnyvale-ca-gov.zoom.us/j/87464708904> or by calling into the meeting at (833) 548-0276 (Meeting ID 874 6470 8904).

PROJECT LOCATION: The approximately 1,270-acre¹ Moffett Park Specific Plan (MPSP) area is located in the northernmost portion of the City of Sunnyvale (City). The plan area is bounded by: State Route 237 to the south; Moffett Federal Airfield and a golf course to the west; San Francisco Bay, the former Sunnyvale landfill, SMaRT® station, water pollution control plant (WPCP), wastewater treatment ponds, an open-water pond,² and Caribbean Drive to the north; and, Caribbean Drive and Baylands Park to the east. A regional map and vicinity map of the MPSP area are shown in Figure 1 and 2, respectively. An aerial photograph with surrounding land uses is shown on Figure 3.

BACKGROUND INFORMATION: The City of Sunnyvale adopted the MPSP in 2004 and amended it in 2006, 2009, 2011, 2013, and 2016. All of the MPSP amendments were focused on including additional sites as Moffett Park Transit Oriented Development (MP-TOD) which allows higher floor area ratio (FAR) to accommodate Class A office. None of the amendments changed the total buildout envisioned for Moffett Park. The MPSP area had long been home to several large corporate campuses. The adopted MPSP allows for a maximum buildout of 24.33 million square feet of commercial and office/Research & Development (R&D)/industrial uses.

Currently, the MPSP area is developed with approximately 18.5 million square feet of commercial, office/R&D/industrial, and institutional uses. Approximately 4.1 million square feet of additional office/R&D/industrial uses were recently approved by the City.

PROJECT DESCRIPTION: The proposed project is a comprehensive, City-initiated update of the MPSP. Pursuant to Government Code Section 65451(a), the proposed Specific Plan would include text and diagrams which specify all of the following in detail:

1. The distribution, location, and extent of the mix of land uses, including open space, within the project site.
2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
3. Standards and criteria by which development will proceed, and standards for conservation, development, and utilization of natural resources, where applicable; and
4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out points 1-3 above.

¹ The total land area of the MPSP area is 1,267 acres: 1,156.7 acres is privately-owned land, institutional uses, and 110.3 acres of public streets/roadways.

² This pond is currently managed as open-water habitat.

The City's vision for the MPSP area is as follows:

Moffett Park is an integral part of Sunnyvale, and a well-connected ecological innovation district with a diverse mix of uses that serves as a model of resilience, climate protection, equity, and economic opportunity.

The following guiding principles have been identified to achieve the above vision:

- Establish Moffett Park as a model community through its commitment to comprehensively addressing resilience, climate protection, and equity in all activities.
- Evolve Moffett Park into a vibrant and inclusive community where all people can thrive.
- Maintain and strengthen Moffett Park as a diverse economic engine that supports economic prosperity for all.
- Create a connected, accessible district that prioritizes the movement of people over vehicles to reduce climate pollution and to support a healthy community.
- Cultivate dynamic and connected public spaces that accommodate the physical and social needs of all users.
- Create a healthy, resilient, and biodiverse environment.
- Integrate innovative and emerging technologies in the district to support the community wide goals.

The proposed MPSP would allow the addition of residential uses and an increase in the allowable office/R&D and commercial uses within the MPSP area. The proposed MPSP update would allow for a net increase of 20,000 residential units (where there are no residential units existing today), 650,000 square feet of commercial uses,³ 10.0 million square feet of office/industrial/R&D uses, and 200,000 square feet of institutional uses⁴ beyond what is currently existing and recently approved. As a result, the buildout of the proposed MPSP (which would include existing, recently approved, and proposed uses) would result in a total of 20,000 residential units and approximately 33.5 million square feet of commercial, office/industrial/R&D, and institutional uses.

³ The 650,000 square feet of commercial uses include 500,000 square feet of retail uses and 150,000 square feet of hospitality uses.

⁴ Future institutional uses could include facilities such as schools, government facilities, and public/community facilities.

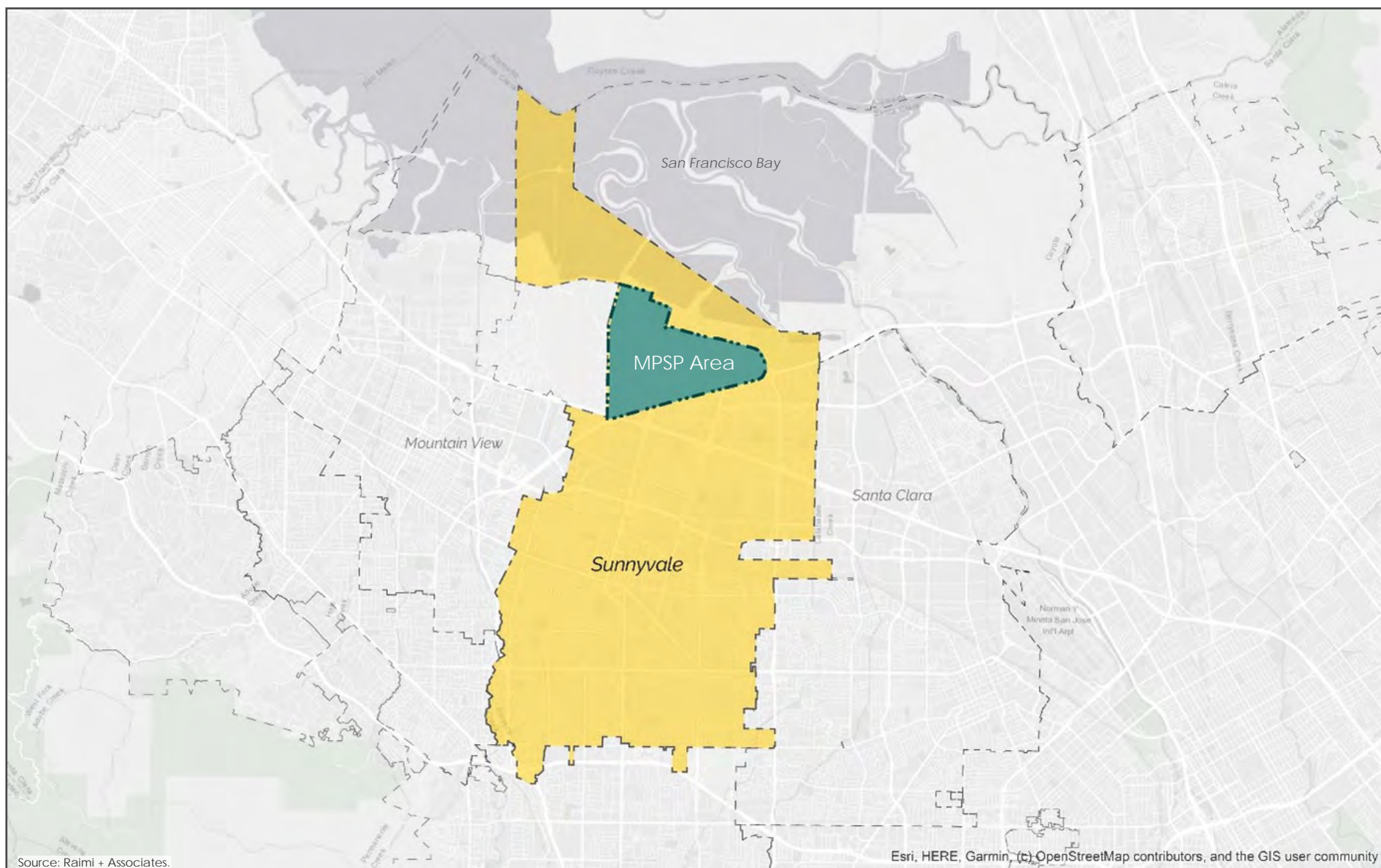
PROBABLE ENVIRONMENTAL EFFECTS OF THE PROJECT: The EIR will describe the existing environmental conditions in the MPSP area and will identify the significant effects on the environment (“impacts”) that may result from implementation of the project. Where potentially significant impacts are identified, the EIR will identify mitigation measures to avoid or reduce those impacts, as feasible. The EIR will also discuss a reasonable range of alternatives to the project that could reasonably attain most of the basic objectives of the project and would avoid or substantially lessen any significant environmental impacts (CEQA Guidelines Section 15126.6[a]). The EIR will discuss the project’s significant environmental impacts in the topic areas described below.

- **Aesthetics** – The EIR will describe the existing visual character of the MPSP area, and the projected changes resulting from implementation of the project. Aesthetic impacts will be evaluated pursuant to Senate Bill (SB) 743 and California Public Resources Code Section 21099.
- **Air Quality** – The EIR will describe the regional air quality conditions in the San Francisco Bay Area and evaluate the air quality impacts from implementation of the MPSP, in conformance with the criteria identified by the Bay Area Air Quality Management District. The EIR will discuss air impacts pertaining to emissions of criteria air pollutants for which the region is in non-attainment and any odor impacts. The MPSP’s consistency with the current 2017 Clean Air Plan will also be discussed.
- **Biological Resources** – The MPSP area is mostly developed. The EIR will evaluate the MPSP’s impact on biological resources within and near the Moffett Park area, including sensitive habitats (including riparian habitat and wetlands) and special-status species. The MPSP’s consistency with local policies and ordinances protecting biological resources will also be discussed.
- **Cultural Resources** – The EIR will evaluate the MPSP’s potential to impact cultural resources, including historic resources and archaeological resources.
- **Energy** – The EIR will examine the potential for the MPSP to result in excessive or inefficient use of energy and discuss the energy conservation measures included in the project.
- **Geology and Soils** – The EIR will describe the general geologic and soil conditions within the MPSP area, including the potential for paleontological resources. The EIR will evaluate impacts to persons or property likely to result from existing geologic conditions, including seismic and seismic-related hazards.
- **Greenhouse Gas Emissions** – The EIR will qualitatively discuss the MPSP’s consistency and conformance with applicable plans, policies, and/or regulations adopted for the purpose of reducing greenhouse gas emissions (including the City’s Climate Action Playbook). The EIR

will also quantify the MPSP's greenhouse gas emissions and evaluate whether those emissions would have a significant impact on the environment.

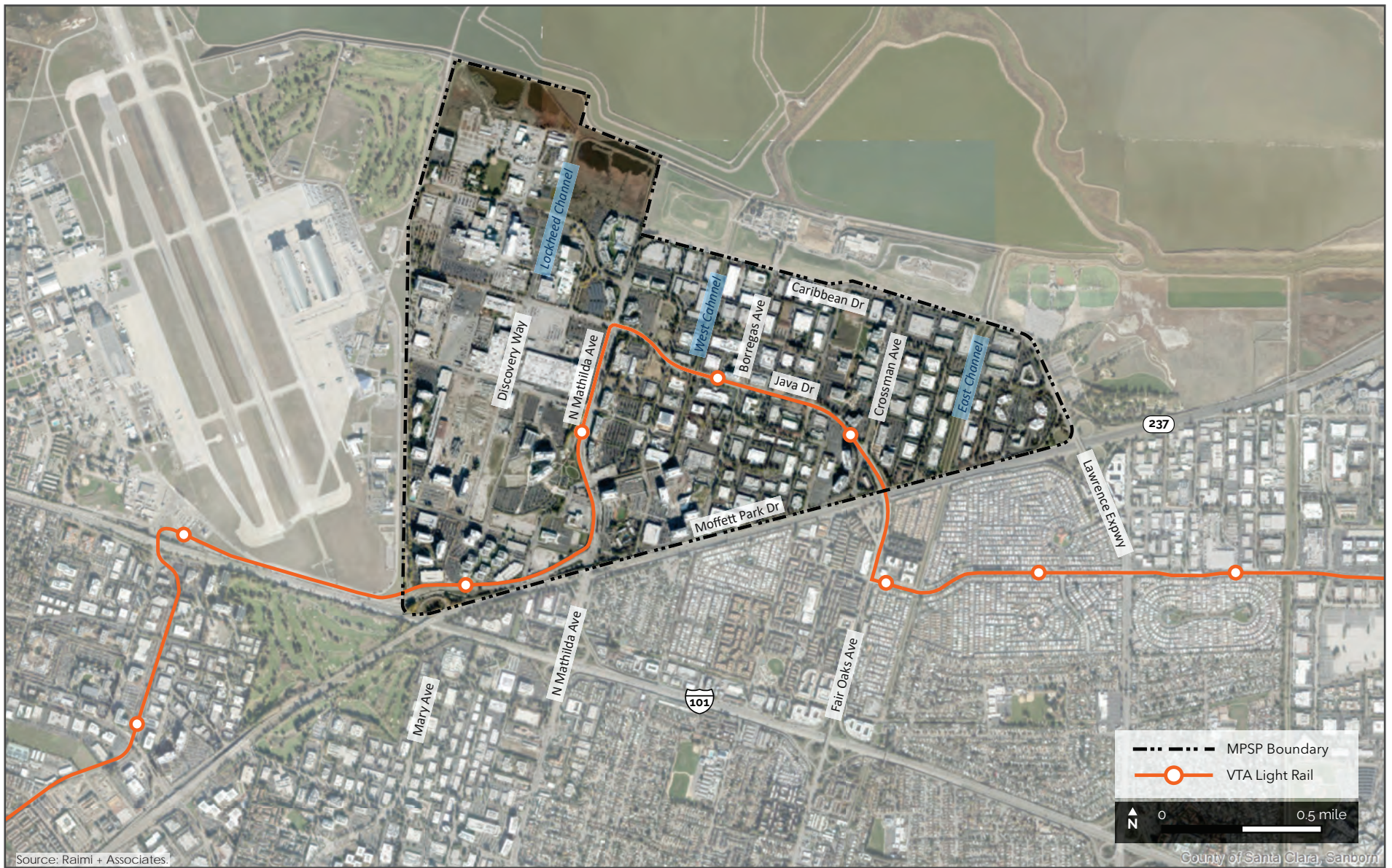
- **Hazards and Hazardous Materials** – There are sites within the MPSP area that are listed as a hazardous materials site pursuant to Government Code Section 65962.5. The EIR will evaluate the potential for the MPSP to result in a hazard to the public or environment from the transport, use, disposal, upset of hazardous materials. Additionally, the MPSP's consistency with the Moffett Federal Airfield Comprehensive Land Use Plan (CLUP) will be discussed.
- **Hydrology and Water Quality** – The EIR will describe the general hydrologic and drainage conditions of the MPSP area and any changes in site drainage and hydrological conditions resulting from implementation of the proposed MPSP. The EIR will also describe impacts on stormwater runoff quantity and quality and groundwater resources. Impacts related to inundation and the potential for subsidence will also be discussed.
- **Land Use** – The EIR will evaluate if the MPSP would physically divide an established community or cause a significant environmental impact due to a conflict with relevant land use plans, policies, and regulations (including the City's General Plan) adopted for the purpose of avoiding or mitigating an environmental effect.
- **Noise and Vibration** – The existing, predominate noise sources in the MPSP area include vehicular traffic along roadways (including SR 237, U.S. Highway 101, North Mathilda Avenue, Caribbean Drive, and Java Drive), light-rail trains along Santa Clara Valley Transportation Authority (VTA) tracks, and aircraft operations associated with Moffett Federal Airfield. The EIR will evaluate noise and vibration impacts from buildout of the MPSP with respect to existing standards. The EIR will also discuss the MPSP's consistency with the Moffett Federal Airfield CLUP, particularly its potential to expose people residing or working in the MPSP area to excessive aircraft noise levels.
- **Population and Housing** – Currently, there are no residential uses within the MPSP area. For this reason, the MPSP would not displace existing housing or residents. The MPSP proposes new housing (as well as commercial and office uses). The EIR will discuss if the MPSP would induce substantial unplanned population growth in the area, either directly or indirectly.
- **Public Services** – The EIR will describe the available public services (e.g., fire and police protection, schools, and parks) in the MPSP area and the potential for the MPSP to require the expansion or construction of additional facilities. The EIR discussion will focus on whether the expansion or construction of additional facilities would result in significant environmental impacts.

- **Recreation** – The EIR will describe the available recreational facilities in the MPSP area, and the potential for the MPSP to substantially accelerate the deterioration of those facilities or require the expansion or construction of additional facilities. The EIR discussion will focus on whether the expansion or construction of additional facilities would result in significant environmental impacts.
- **Transportation** – Pursuant to SB 743 and California Public Resources Code Section 21099, level of service shall not be considered an impact on the environment. The EIR will evaluate the MPSP's transportation impact using the Vehicle Miles Traveled (VMT) metric and also discuss the MPSP's consistency with programs, plans, ordinances, and policies addressing the circulation system (including transit, roadway, bicycle, and pedestrian facilities).
- **Tribal Cultural Resources** – The EIR will evaluate the MPSP's potential to impact tribal cultural resources.
- **Utilities and Service Systems** – The EIR will describe the existing sanitary sewer, storm drain, water, and solid waste services for the MPSP area. The EIR will discuss the adequacy of the existing utilities and service systems to accommodate the demand from the proposed MPSP and identify necessary improvements. Pursuant to SB 610, a Water Supply Assessment for the MPSP will be completed and included in the EIR.



REGIONAL MAP

FIGURE 1



VICINITY MAP

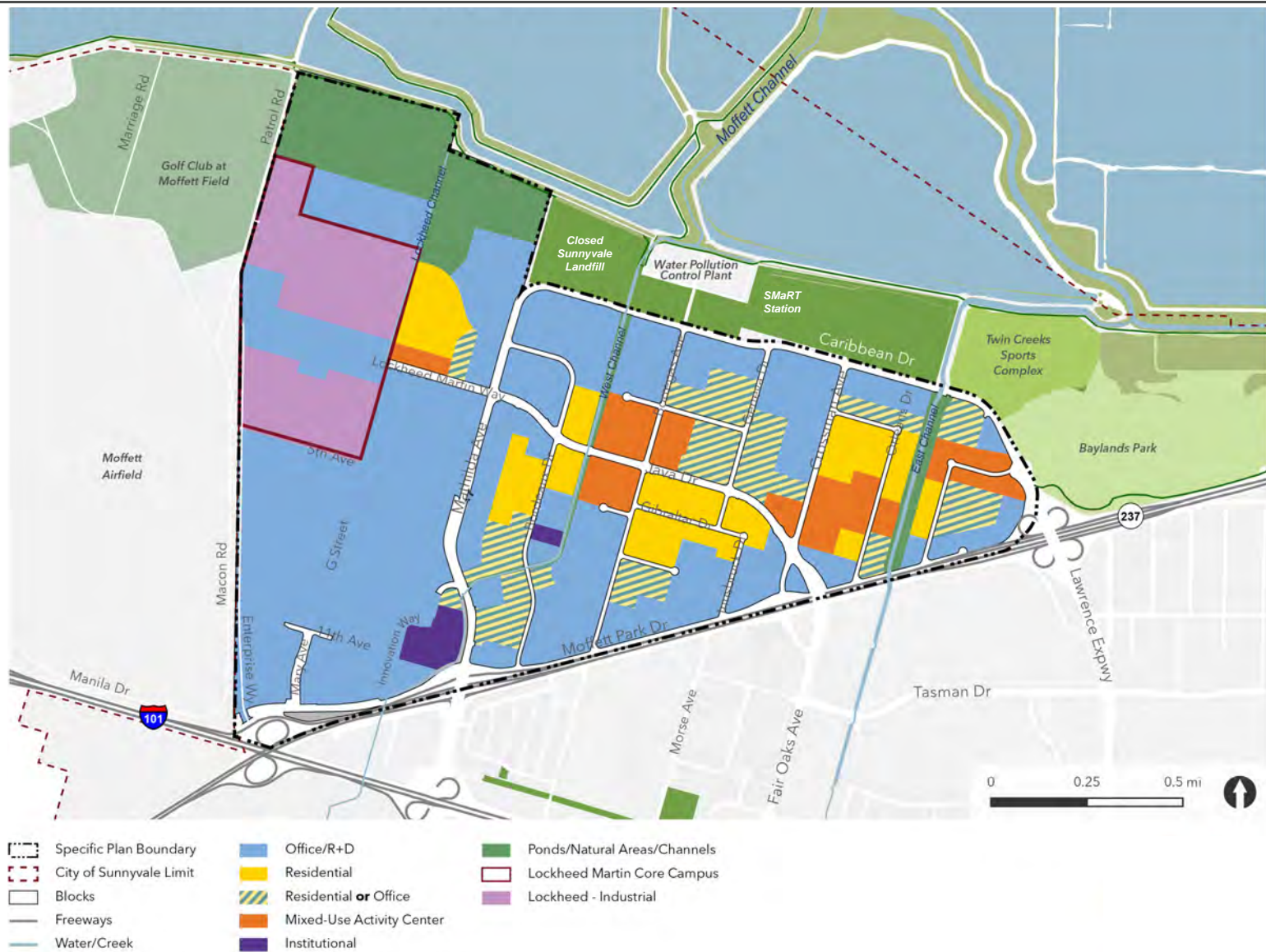
FIGURE 2



Source: Raimi + Associates.

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3



Source: City of Sunnyvale, County of Santa Clara, ESRI, 2020.

PROPOSED LAND USE PLAN

FIGURE 4



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 14, 2021

Ms. Michelle King
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94086
mking@sunnyvale.ca.gov

Subject: 2018-7715 Moffett Park Specific Plan Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2021080338, Santa Clara County

Dear Ms. King:

The California Department of Fish and Wildlife (CDFW) received the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) from the City of Sunnyvale (City) for the 2018-7715 Moffett Park Specific Plan Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Agreement and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Sunnyvale

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Objective: City of Sunnyvale adopted the Moffett Park Specific Plan (MPSP) in 2014 (and adopted amendments in 2006, 2009, 2011, 2013, and 2016). In comparison to the 2014 MPSP, with amendments, the proposed Project would result in a net increase of 20,000 residential units (residential uses were not included in the 2014 MPSP), 650,000 square feet of commercial, 10.0 million square feet of office/industrial, and 200,000 square feet of institutional uses (e.g., school, government, or public community facilities) within the 1,270-acre MPSP area.

Location: The Project area is located in the northernmost portion of the City of Sunnyvale. The Project area is generally bounded by State Route 237 to the south, Moffett Federal Airfield to the west, and San Francisco Bay and open grassland areas to the north.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Western Burrowing Owl Measures

The NOP does not include maps or discuss the specific locations where there would be a change in use, including the grassland areas in the northwest corner of the Project area. In review of Google Earth aerials, the existing conditions in the northwest corner of the Project area, and areas just outside of the western and northern Project area borders, seem to consist of open land with ruderal grass and herbaceous vegetation. Please be advised that there are known western burrowing owl (*Athene cunicularia*, State Species of Special Concern) occurrences within and immediately adjacent to the Project site (CDFW 2021). The Project area, and grassland areas adjacent to the Project area, could potentially contain western burrowing owl foraging and/or nesting habitat.

Specific information on habitat assessment, burrowing owl survey methods, buffer distances, relocation, and mitigation is provided in the *CDFW Staff Report on Burrowing Owl Mitigation*, dated March 7, 2012, and available at <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

To reduce potential impacts to burrowing owls within or adjacent to the Project area to less-than-significant levels, CDFW recommends the following mitigation measures be included in the draft EIR:

1. Habitat Assessment: A qualified biologist will conduct a literature search for burrowing owl occurrences within and adjacent to the Project area. The qualified biologist will conduct a habitat field assessment that includes all areas that could

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be directly or indirectly impacted by the Project and will include data such as vegetation type, vegetation structure and presence of burrows.

2. Burrowing Owl Surveys: If western burrowing owl habitat is present within, and surrounding, the Project area, the qualified biologist will conduct burrowing owl presence surveys. Appropriate surveys should be conducted during both the nesting season (February 1 to August 31) and overwintering period. Burrowing owl surveys will follow protocol-level survey methodologies as described in the CDFW 2012 Staff Report.
3. Burrowing Owl Avoidance: A protective buffer in which construction activities would not occur should be established. Appropriate buffers typically have a 50 to 500-meter radius and vary depending on the level of disturbance and timing of construction. If the burrowing owls show signs of distress (e.g., defensive vocalizations and/or flying away from the nest), buffer distance should be increased.
4. Compensatory Mitigation: If permanent or temporary impacts of the proposed Project to burrowing owl foraging and/or nesting habitat cannot be completely avoided, measures to minimize the impacts of construction on the burrowing owl, and effective compensatory mitigation to offset habitat loss will be implemented. A mitigation plan will be prepared in consultation with CDFW.

Avian Nest Measures

The NOP does not describe potential impacts of the proposed Project on wetlands located in the northwest corner of the Project area. In review of the California Natural Diversity Database (CDFW 2021) and other sources, special-status avian species that may be present in wetlands within the Project area include the salt marsh common yellowthroat (*Geothlypis trichas sinuosa*), a State Species of Special Concern. In order to avoid significant impacts to avian species potentially nesting in various habitat types within or near the Project area, CDFW recommends that the following protective measures be included in the draft EIR:

1. Nesting Bird Surveys: If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist will conduct two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000

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feet for larger raptors such as buteos. Surveys will be conducted at the appropriate times of day and during appropriate nesting times.

2. Active Nest Buffers: If the qualified biologist documents active nests within the Project area or in nearby surrounding areas, an appropriate buffer between the nest and active construction will be established. The buffer will be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist will conduct baseline monitoring of the nest to characterize “normal” bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist will monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman will have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

Western Pond Turtle and Salt Marsh Harvest Mouse Measures

In review of the California Natural Diversity Database (CDFW 2021) and other sources, non-avian special-status species that may be present within the Project area include western pond turtle (WPT; *Emys marmorata*, State Species of Special Concern) which is known to occur immediately adjacent to the northern boundary of the Project area, and salt-marsh harvest mouse (SMHM; *Reithrodontomys raviventris*, State Endangered and Fully Protected, Federal Endangered) which is known to occur within 0.7 miles of the Project area of a wetland complex. CDFW recommends that the draft EIR include an analysis of the potential for WPT and SMHM to be present in wetland areas located within and surrounding the Project area.

If WPT may be present, the draft EIR should analyze how Project implementation may directly or indirectly impact WPT. The draft EIR should include measures to avoid, minimize, or mitigate for impacts to WPT to less-than-significant levels.

As a Fully Protected Species (Fish and Game Code section 4700), SMHM may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research. CDFW therefore recommends that the draft EIR include a complete habitat assessment for SMHM within the Project wetland area and include appropriate and effective avoidance measures in the draft EIR if SMHM could be impacted by Project activities.

Avian Collision with Buildings

In review of the NOP Figure 2 Vicinity Map, almost all of the Project area, except wetlands and grassland in the northwest corner as discussed above, consists of

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buildings and related hardscape (e.g., parking lots and streets). The NOP discusses a 10.85 million square-foot increase in the commercial, office, industrial, and institutional uses beyond what currently exists onsite. The NOP does not discuss if this expansion will occur with a change of use of the current building height levels, or with other design or planning changes.

If the proposed Project will include an increase in building height over existing conditions, there could potentially be an increase in the number or frequency of avian collisions with buildings. CDFW recommends that the draft EIR include building height and land use location alternatives that reduce environmental impacts such as locating tall buildings at a biologically appropriate distance away from wetlands or riparian areas. The draft EIR should analyze all potential impacts of increases in building height, types of materials used on the exterior façade of buildings, and changes in other design features on volant wildlife species, and include avoidance and minimization measures that reduce those impacts to a less-than-significant level.

Impacts to Riparian Habitat

The NOP, Figure 2 Vicinity Map, identifies three drainage channels within the Project area including the Lockheed Channel, West Channel, and East Channel. In review of Google Earth aerials, there also seems to be a drainage channel in the northwest corner of the Project area and a drainage channel on the eastern border of the wetlands. In review of Google Earth aerials, there are several bridges or culvert crossings over these drainage channels.

The NOP does not discuss if the proposed Project may result in impacts to these drainage channels. The NOP, page 7, describes *Probable Environmental Effects of the Project*, including transportation and necessary improvements to utility service systems (e.g., sewer, water, electricity). Implementation of projects such as bridge widening or replacement and replacing or installing new utility lines within the drainage channel area could result in impacts to riparian habitat, and fish and wildlife species.

If the Project could result in impacts to riparian areas, CDFW recommends the measures below be included in the draft EIR to potentially offset some of the foreseeable impacts.

1. Habitat Assessment: A qualified biologist will conduct a habitat assessment to determine if the Project area or its immediate vicinity supports freshwater marsh, wetland, and/or riparian communities. This survey should include, but not be limited to the drainage channels located within the Project area (as listed above).
2. Wetland Delineation: A formal wetland delineation will be conducted by a qualified biologist prior to project construction to determine the location and extent of wetlands and riparian habitat present. [Please note that, while there is

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overlap, State and federal definitions of wetlands, as well as which activities require Notification pursuant to Fish and Game Code § 1602, differ, therefore, the delineation should identify both State and federal wetlands, as well as which activities may require Notification to comply with Fish and Game Code (§ 1602 and §2081(b)).

3. Notification of Lake or Streambed Alteration: Fish and Game Code §1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. Project activities in or around drainage channels and other waterbodies within the Project may require that the project proponent submit a notification of Lake and Streambed Alteration to CDFW. CDFW is required to comply with CEQA in the issuance of a Lake and Streambed Alteration Agreement. Additional information can be found at <https://www.wildlife.ca.gov/Conservation/LSA>.

ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524420-pdf-field-survey-form>.

The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

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Questions regarding this letter or further coordination should be directed to Ms. Kristin Garrison, Environmental Scientist, at (707) 944-5534 or by email at Kristin.Garrison@wildlife.ca.gov; or Ms. Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541 or by email at Brenda.Blinn@wildlife.ca.gov.

Sincerely,

DocuSigned by:

CF047D7F8D234E1...
Stephanie Fong
Acting Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento

LITERATURE CITED

California Department of Fish and Wildlife (CDFW). 2021. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed September 8, 2021.

California Department of Transportation

DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



September 16, 2021

SCH #: 2021080338
GTS #: 04-SCL-2021-00942
GTS ID: 23974
Co/Rt/Pm: SCL/237/3.29

Michelle King, Principal Planner
City of Sunnyvale
456 W Olive Ave
Sunnyvale, CA 94086

Re: Moffett Park Specific Plan Project Notice of Preparation (NOP) for Draft Environmental Impact Report (DEIR)

Dear Michelle King:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Moffett Park Specific Plan Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the August 2021 NOP.

Project Understanding

The project proposes a comprehensive update to the City of Sunnyvale's Moffett Park Specific Plan. The proposed plan would allow for additional residential uses and an increase in allowable office and commercial uses. The update would also allow for the construction of 20,000 residential units, 650,00 square feet of commercial uses, 10.0 million square feet of office/industrial/research and development uses, and 200,000 square feet of institutional uses.

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)).

If the project meets the screening criteria established in the City's adopted Vehicle Miles Traveled (VMT) policy to be presumed to have a less-than-significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the exempt status in align with the City's VMT policy. Projects that do not meet the screening criteria should include a detailed VMT analysis in the DEIR, which should include the following:

- VMT analysis pursuant to the City's guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities 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.
- Clarification of the intensity of events/receptions to be held at the location and how the associated travel demand and VMT will be mitigated.

Transportation Impact Fees

We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. Caltrans welcomes the opportunity to work with the City and local partners to secure the funding for needed mitigation. Traffic mitigation- or cooperative agreements are examples of such measures.

Please identify in text and graphics existing and proposed improvements for the pedestrian, bicycle, and transit networks. The City should estimate the cost of needed improvements, expansion, and maintenance for the Plan area, as well as identify viable sources of funding, correlated with the pace of improvements, and a scheduled plan for implementation along with the DEIR.

System Planning

Please note that the Valley Transportation Authority (VTA) submitted the following projects in response to the Plan Bay Area 2050 DEIR. Caltrans recommends that the Lead Agency include an analysis of the following.

- US 101/Ellis Street interchange improvements- Complete Streets elements will be included.
- US 101/SR-237 interchange improvements- Complete Streets elements will be included.
- SR-237/Maude Avenue interchange improvements- Complete Streets elements will be included.
- SR-237/Java Drive interchange improvements- Complete Streets elements will be included.
- SR-237/Caribbean Drive/Lawrence Expressway interchange improvements- Complete Streets elements will be included.
- SR-237 Mainline Improvements: Improve SR-237 mainline operations.

Lead Agency

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

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Llisel Ayon at Llisel.Ayon@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please email LDIGR-D4@dot.ca.gov.

Sincerely,



MARK LEONG
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX (408) 355-2290
Reservations (408) 355-2201

www.parkhere.org



September 14, 2021

City of Sunnyvale
Community Development Department, Planning Division
Attn: Michelle King
456 West Olive Avenue
Sunnyvale, CA 94086

SUBJECT: Notice of Preparation - DEIR for the Moffett Park Specific Plan Update

Dear Michelle King,

The Santa Clara County Parks and Recreation Department (County Parks Department) received the Notice of Preparation for the Draft Environmental Impact Report (DEIR) for the proposed comprehensive update of the Moffett Park Specific Plan (Project).

The County Parks Department functions to provide a sustainable system of diverse regional parks, trails, and open spaces that connects people with the natural environment and supports healthy lifestyles while balancing recreation opportunities with natural, cultural, historic, and scenic resource protection. The County Parks Department is also charged with the planning and implementation of the Santa Clara County Countywide Trails Master Plan Update (Countywide Trails Plan), an element of the Parks and Recreation Section of the County General Plan (adopted by the Board of Supervisors on November 14, 1995). The Countywide Trails Plan indicates the following trail routes located in the Project vicinity:

Juan Bautista de Anza National Historic Trail (Anza Trail) (R1-B): an on-street bicycle route within the road right-of-way, with a parallel trail for hiking; along the margins of the San Francisco Bay.

San Francisco Bay Trail (Bay Trail) (R4): an on-street bicycle route within the road right-of-way, with a parallel trail for hiking; a network of pathways circling San Francisco and San Pablo Bays linking nine Bay Area counties and forty-two shoreline cities.

Calabazas Creek Trail (C3): a hiking and off-road bicycle route connecting the Bay Trail with the Hetch Hetchy Trail (C4).

Hetch-Hetchy Trail (C4): an on-street bicycle route within the road right-of-way from Fair Oaks Avenue in Sunnyvale to Coyote Creek in San Jose.

San Tomas Aquino Creek Trail (C5): a hiking and off-road bicycle route connecting the Bay Trail with Prospect Road in San Jose.

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith



The five trails listed above are primarily completed routes and located within approximately 1 mile of the Project site. The shared route of the Anza Trail and Bay Trail is located directly adjacent to the Project site, along the northern boundary. This route is an important regional asset and provides a pedestrian and bicycle connection to many trail routes and parklands outside the Project site, as well as potentially numerous proposed pathways of public interest within the Project site leading to notable local sites (e.g., residential units, local businesses, and VTA stations). All five trail routes in the Project vicinity also serve key connectivity functions outside the Project site.

The County Parks Department recommends that the countywide trail routes nearby be labelled in any future documents related to this Project. The proposed Project should avoid impacts to the existing Anza Trail and Bay Trail route adjacent to the site, including during construction.

The DEIR should address the following concerns based on various proposed development standards outlined in the Moffett Park Specific Plan:

- **Aesthetics and Lighting:** any multi-story structures constructed along the northern boundary of the Project site may degrade the visual character and user experience of the Anza Trail and Bay Trail route, potentially making the trail feel less public and welcoming. These structures may create a new source of light and glare which could adversely affect day or nighttime views in the area as well as shade areas of the trail. Perpetual shade on the trail, especially in the winter months, may create a damp and slippery trail surface, which could be dangerous for users, particularly cyclists. Please perform an analysis of the arc of shadow for the proposed structures throughout all seasons. Furthermore, the plan proposes parking lots in the northern side of the Project, which could also negatively impact trail users with day and nighttime light and glare. Landscaping and minimal lighting along the northern boundary of the Project site could mitigate some of the potential impacts to users on the trail route.
- **Hydrology:** No new stormwater runoff should be allowed to flow across the existing Anza and Bay Trail route adjacent to the Project site.
- **Recreation:** The DEIR should discuss the potential impacts from the Project on the adjacent Sunnyvale Baylands Park and Twin Creeks Sports Complex. The DEIR should also include any mitigation measures needed to reduce these impacts. The DEIR should discuss the increase in demand for parks and open space resulting from the proposed residential and commercial land uses, and analyze the impacts based on the density of development to the existing parks and trails. The DEIR should also discuss opportunities to provide for public open space and trails within the project area that could provide additional recreational amenities and potentially reduce the impacts to the adjacent existing Parks.
- **Safety:** Please note that direct connection from a privately held building to a public trail is prohibited. All trail users must enter at designated trailheads where trail rules, regulations, and hour signs are present. Private use/public use boundary demarcations, such as landscaping, bollards, or fencing should be installed to inform users of the property boundaries in relation to the Anza and Bay Trail route.

In addition to specific potential impacts to the Anza and Bay Trail route outlined above, the DEIR should identify and ensure that the development of the Project can serve as a node for regional connectivity to all nearby routes in the Countywide Trails Plan, and account for potential future improvements. As part of this, the DEIR should consider any opportunities to further regional trails as part of the Project, particularly given the potential increased demand for trails, parks, and other recreational resources as a result of the Project. The Project might consider opportunities for investing in completion of nearby regional trail routes (e.g.,

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith



Calabazas Creek Trail), improving regional trail user experience on existing trails, and improving transit-to-trails connectivity within the Project site (e.g., from VTA light rail to the Anza Trail and Bay Trail).

Thank you for the opportunity for County Parks Department to provide comments on the Notice of Preparation for the DEIR for the proposed update of the Moffett Park Specific Plan. We would appreciate you sending us a copy of the NOA for the DEIR once it is available for review. If you have any questions, please email me at kimberly.brosseau@prk.sccgov.org

Sincerely,

Kimberly Brosseau

Kimberly Brosseau, AICP
Senior Planner



Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, CA 95110-1302
(408) 573-2460 FAX 441-0276



September 22, 2021

Michelle King,
Principal Planner
City of Sunnyvale – Community Development Department
456 W. Olive Avenue
Sunnyvale, CA 94086

SUBJECT: Notice Of Preparation Draft Environmental Impact Report For The Moffett Park Specific Plan Project

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice Of Preparation Draft Environmental Impact Report For The Moffett Park Specific Plan Project. We submit the following comments:

- Please provide regional trip distribution map into MPSP area.
- The EIR should identify any future approved projects or those currently under review within the MPSP Area.
- The EIR will evaluate the MPSP's transportation impact using the Vehicle Miles Traveled (VMT) metric and discuss the MPSP's consistency with programs, plans, ordinances, and policies addressing the circulation system (including transit, roadway, bicycle, and pedestrian facilities). Include transportation impacts and mitigation measures on Lawrence Expressway, Central Expressway, and other County Road facilities like Manila Dr.
- In addition to VMT methodology, LOS calculations should also be part of the Local Transportation Analysis to identify local impacts to adjacent roadways.
- Please include the following roadway locations in the operational analysis section:
 - Lawrence Expressway On/Off Ramps at Hwy 237
 - Central Expressway square loops at Fair Oaks and at Mathilda.
 - Central and Mary intersection and the grade separation alternative.

Thank you again for your continued outreach and coordination with the County. If you have any questions or concerns about these comments, please feel free to contact me at ben.aghegnehu@rda.sccgov.org

Thank you,





SIERRA CLUB

LOMA PRIETA CHAPTER

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

Submitted September 17, 2021

Michelle King, Principal Planner
City of Sunnyvale Community Development Department
mking@sunnyvale.ca.gov



Re: Notice of Preparation of a Draft Environmental Impact Report for the Moffett Park Specific Plan

Dear Ms. King,

The Sierra Club Loma Prieta Chapter and the Citizens Committee to Complete the Refuge submit the following scoping comments on the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the Moffett Park Specific Plan (MPSP).

Our organizations have a deep interest in the San Francisco Bay and its ecosystems, as well as areas near the Bay where development may impact natural resources in the region. We recognize the critical role that the MPSP will play in shaping the future of Sunnyvale, land use and natural resources along the San Francisco Bay. Because of MPSP's importance, we participated in community meetings and commented to the Planning Commission and City Council, expressing both concerns and aspirations related to the development. Please see our comments below.

Sincerely,

Gita Dev
Co-Chair, Sustainable Land Use Committee
Loma Prieta Chapter Sierra Club

Gladwyn d'Souza
Conservation Committee Chair
Loma Prieta Chapter Sierra Club

Eileen McLaughlin
Board Member
Citizens Committee to Complete the Refuge

Project Description

Please provide specific information regarding the type and size of open space areas (especially, natural open space vs. hardscape).

Range of Alternatives

Please study and include the following:

1. An ecological alternative that incorporates the recommendations delineated in the San Francisco Estuary Institute's Urban Ecology technical study¹ for Moffett Park, including (for example),
 - a. Wetland Terrestrial Buffers (page 20-21 recommends 650 feet for comprehensive support of biodiversity);
 - b. Minimum 44 additional (in addition to current conditions) acres of high habitat value eco patches and hubs with minimum sizes of 2 acres and 10 acres, respectively. (SFEI Report, p. 23). Based on the analysis provided in the SFEI Urban Ecology Report, the MPSP should identify specific areas for parks and open space;
 - c. Establish minimum thresholds for riparian widths, a minimum width of 330 feet is considered optimal for quality riparian habitat (SFEI Report p. 24); and
 - d. Minimum of 40% canopy cover across the district and ≥42% canopy cover within parks for heat island mitigation.

Environmental Impact Categories

Biological Resources

1. The NOP states that "The MPSP area is mostly developed. The EIR will evaluate the MPSP's impact on **biological resources within and near** [emphasis added] the Moffett Park area, including sensitive habitats (including riparian habitat and wetlands) and special-status species. The MPSP's consistency with local policies and ordinances protecting biological resources will also be discussed."

Please provide analysis and mitigation of impacts to biological resources that addresses the inevitable increase in human and pet activity at Baylands Park, Bay Trail, landfill hills, levees along ponds and wetlands, levees along drainage channels and stormwater features.

2. Please evaluate up-to-date scientific information regarding the biological and environmental impacts associated with a) heat island, b) artificial light at night, and c) bird collisions. Please provide mitigations to address impacts to humans, species, and ecosystems health, and to protect migratory birds during the day and at night.

1

https://static1.squarespace.com/static/5e38a3dd6f9db304821e8e5e/t/5f31716c85241e666fe0644d/1597075826087/MPSP_Ecology_20_04.pdf

Hydrology and Water Quality

1. The City's SLR videos^{2 3} outline the City's adaptation plans for addressing expected SLR impacts in Moffett Park such as diminished stormwater discharge and storage capacity, additional groundwater in the stormwater system and diminished groundwater storage capacity of the detention wetlands. The EIR should evaluate the additional and cumulative impacts on Stormwater systems, and any changes to the City's SLR adaptation plan that are needed to respond to the project's intensified development, and changes in extent of impervious and pervious surfaces and street ponding locations due to existing subsidence conditions.
2. In describing existing conditions, the EIR should describe the current sea level rise expectations and the protection that existing levees currently provide along the Lockheed wetlands.
3. Analyze groundwater levels as an existing condition and discuss how those findings impact development locations, design, and construction. In the Sunnyvale Sea Level Rise Adaptation Strategy (Sec. 2.1.5) and in the City's public workshop, Moffett Park, Climate Change. Sea Level Rise. Flooding significant areas in Moffett Park were identified where existing groundwater levels are little more than 3 feet below the surface and, in some places such as lands along the East Channel, even closer to the surface. Such conditions increase the likelihood of localized flooding during even minor storm events and are conditions that require water resistant design for underground infrastructure. It is therefore necessary to thoroughly discuss and set mitigation standards for any development at impacted locations. For areas surrounded by impacted lands but lacking groundwater data, while likely to be similar, groundwater studies should be performed as prerequisites to development.
4. Improved protection from SLR is needed for Moffett Park. At this time, such protection is not guaranteed. Sunnyvale has put substantial effort toward assessing Moffett Park's vulnerability to climate-change induced risks of sea level rise and extreme storms, with discussion of remedies such a new levee, even though a feasibility study for such levee has yet to be implemented. Mitigations could include the following actions:
 - a. Identify a percent reduction in impermeable surfaces via methods such as the creation of runoff bioswales, exposed earth for added vegetation, or new, unpaved open space,
 - b. Expanding the scope and magnitude of necessary near-term mitigations such as monitoring, repairing and/or upgrading existing stormwater systems
 - c. Providing additional capacity (for example, new wetlands) for stormwater management to capture runoff (beyond standard requirements),
 - d. Identify additional nature-based solutions to sea level rise.

2

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3

<https://static1.squarespace.com/static/5e38a3dd6f9db304821e8e5e/t/5f31a59d1658211d03f285a3/1597089186517/Engagement+Presentation+-+SLR.pdf>

Land Use

1. Identify existing mitigation measures for current and/or historical projects that are implemented in the Plan area and adjacent areas along the Bay and analyze potential impacts from this project on any land, water features or environmental resources that were set aside as mitigation.
2. Include references to all relevant permits and land agreements that can impact or be impacted by the MPSP that can impact or be impacted by the MPSP, particularly with regards to the Lockheed site and agreements with NASA.
3. Analyze how trips (Vehicle Miles Travelled) can be reduced by co-locating services.

Population and Housing

Study the project's impact on the city-wide and regional jobs/housing balance.

Public Services and facilities

1. The NoP states that the EIR will analyze the "potential for the MPSP to require the expansion or construction of additional facilities."
 - a. Please describe the criteria that will be used to determine the need for new or expanded facilities or services.
 - b. Please include new facilities in the Water Supply Assessment.

Recreation

1. Please analyze how the increase in resident and employee recreational activity may impact the quality and availability of nearby recreational facilities including Baylands Park, the Bay Trail, and the landfill hills, as well as levees along wetlands, as well as levees along wetlands. Public forums have emphasized the benefits of nearby open space and recreation facilities to the new Moffett Park community. Analyze the need for additional recreation facilities and parkland in the plan design within the plan area to mitigate the inevitable increased usage of existing nearby facilities.

Utilities and Service Systems

1. Please include both public and private systems within the plan area.
2. Please analyze the adequacy of existing utilities. Discuss the existing conditions of underground utilities with respect to physical condition (such as corrosion, or resistance to salt water), the connectivity of public/private utilities, and the underground capacity that could satisfy the demand for utilities.
3. Please analyze resilience and safety in light of the Public Safety Power Shutdowns and rolling blackouts related to extreme heat, including solutions such as microgrids.

Water Supply Assessment (WSA)

1. In the Water Supply Assessment, identify all water sources, and analyze the dependency on reusable water as a mix.
2. The MPSP includes both residential and commercial space. The WSA should include modern and realistic water needs for shower facilities in commercial office space in addition to the typical water consumption needs of residential units.
3. Contemporary science shows that climate change is causing an increase in the frequency and severity of droughts in California and changing precipitation patterns and

behavior. The WSA should provide realistic projections based on current understanding of the future hydrology in the region. Please analyze the specific and cumulative impacts of increased water usage. Please demonstrate that the project's total projected water supplies will meet the projected water demand associated with the proposed project, and include cumulative water demands of other large master planning efforts in Sunnyvale, such as Peery Park.

Transportation

1. Please include an analysis of construction-related traffic and activities and analyze or disclose any changes required to public transportation services resulting from the Project.
2. Please include an analysis of operational emissions from this project.
3. Please analyze how Transportation Demand Management and a traffic cap based on 1990 traffic patterns will achieve CARB goals.

Air Pollution

Please discuss the health effects of air pollution as gaseous emissions and dust particles and analyze project-specific and cumulative impacts to air pollution, considering other large projects in adjacent areas. (Related in Santa Clara, North Bayshore and East Whisman in Mountain View, Peery Park in Sunnyvale, Development in Moffett Field and more).

Hazards and Pollution

Brake and tire dust particles produced by traffic are significant contaminants, particularly measurable in stormwater runoff and in the Bay.

1. The EIR needs to analyze the increase in these contaminants through the implementation of this Specific Plan relative to the projected traffic produced by increased office and residential density.
2. Analyze the potentially increased risk of water pollution and water contamination from the implementation of the Specific Plan, as well as which contaminants could flow (directly or indirectly) into water features, wetlands, and the Bay.

Greenhouse Gas Emissions

Please address impacts from GHG reductions as they relate to state policies. AB32 was updated with SB32⁴ and requires a 40% reduction in 1990 ghg by 2030. The latest IPCC report⁵ says the fastest way to get there is by eliminating natural gas and air pollution. See D2.2 "Scenarios with targeted reductions of air pollutant emissions led to more rapid improvements in air quality within years compared to reductions in GHG emissions only" and D.1 **"Strong, rapid and sustained reductions in CH4 emissions would also limit the warming effect resulting from declining aerosol pollution and would improve air quality."**

⁴ https://en.wikipedia.org/wiki/California_Senate_Bill_32

⁵ https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf



NATIVE AMERICAN HERITAGE COMMISSION

August 19, 2021

Michell King
City of Sunnyvale
456 W Olive Avenue
Sunnyvale, CA 94088



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

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NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2021080338, Moffett Park Specific Plan Project, Santa Clara County

Dear Ms. King:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a 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 §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, § 5064 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 within the area of potential 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, a notice of negative declaration, or a 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 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 §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 §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:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - 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 §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 §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 §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:**
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - 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:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - 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.
 - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a non-federally 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)).
 - 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:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §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

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.

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 §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 §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) 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 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, § 15064.5(f) (CEQA Guidelines § 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 § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 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 or need additional information, please contact me at my email address:
Katy.Sanchez@nahc.ca.gov.

Sincerely,



Katy Sanchez
Associate Environmental Planner

cc: State Clearinghouse

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, CA 95110-1302
(408) 573-2460 FAX 441-0276



September 22, 2021

Michelle King,
Principal Planner
City of Sunnyvale – Community Development Department
456 W. Olive Avenue
Sunnyvale, CA 94086

SUBJECT: Notice Of Preparation Draft Environmental Impact Report For The Moffett Park Specific Plan Project

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice Of Preparation Draft Environmental Impact Report For The Moffett Park Specific Plan Project. We submit the following comments:

- Please provide regional trip distribution map into MPSP area.
- The EIR should identify any future approved projects or those currently under review within the MPSP Area.
- The EIR will evaluate the MPSP's transportation impact using the Vehicle Miles Traveled (VMT) metric and discuss the MPSP's consistency with programs, plans, ordinances, and policies addressing the circulation system (including transit, roadway, bicycle, and pedestrian facilities). Include transportation impacts and mitigation measures on Lawrence Expressway, Central Expressway, and other County Road facilities like Manila Dr.
- In addition to VMT methodology, LOS calculations should also be part of the Local Transportation Analysis to identify local impacts to adjacent roadways.
- Please include the following roadway locations in the operational analysis section:
 - Lawrence Expressway On/Off Ramps at Hwy 237
 - Central Expressway square loops at Fair Oaks and at Mathilda.
 - Central and Mary intersection and the grade separation alternative.

Thank you again for your continued outreach and coordination with the County. If you have any questions or concerns about these comments, please feel free to contact me at ben.aghegnehu@rda.sccgov.org

Thank you,





Michelle King, Principal Planner
City of Sunnyvale Community Development Department
mking@sunnyvale.ca.gov

September 17, 2021

Re: Notice of Preparation for the Moffett Park Specific Plan (MPSP)

Dear Ms. King,

Santa Clara Valley Audubon Society was founded in 1926, and is one of the largest National Audubon Society chapters in California. Our mission is to promote the enjoyment, understanding, and protection of birds and other wildlife by engaging people of all ages in birding, education, and conservation.

We have reviewed the Notice of Preparation for the Moffett Park Specific Plan and submit the following scoping comments to be considered in your preparation of the Draft Environmental Impact Report for MPSP.

Project Description

1. Please use all available printed and online resources for identifying and describing the fauna of the project area and parks, open spaces and water features nearby.
2. Please provide a detailed summary and maps for all existing biological and hydrological mitigation measures in the plan area and open space nearby that involve land or water areas (such as parks and open space, levees and stormwater management channels and ponds, water treatment ponds, etc.).
3. Please include biological and hydrological mitigation measures for the existing MPSP, historical Lockheed development, Sunnyvale's Water Pollution Control Plant, Sunnyvale Baylands Park, Twin Creeks, Valley Water, and any other relevant agency and project.

This is needed to ensure that:

- Mitigation for the new development does not duplicate existing mitigation measures which offset impacts from past projects; and
- Anticipated increased use of open space and water areas resulting from MPSP does not reduce the effectiveness of existing mitigation or conflict with adopted mitigation measures.

In addition, please identify mitigation measures for existing development that may impact the same environmental resources, but have not been completed.

Alternatives

1. Please analyze an Urban Ecology Alternative that reduces the development footprint and provides for the maximum natural open space along creek channels, wetlands and open space (similar to the Habitat Overlay Zone of the North Bayshore Specific Plan¹ in the City of Mountain View). Please evaluate the application of tools such as Transfer of Development Rights to help implement Habitat Overlay Zones.
2. Please analyze a Maximum Ecological Alternative that implements the San Francisco Estuary Institute's Urban Ecology technical study² recommendation for 44 acres of high habitat value eco patches and hubs with minimum sizes of 2 acres and 10 acres, respectively (in addition to current conditions) (SFEI Report, p. 23). This Alternative should also include sufficient canopy cover across the district to reduce heat island impacts.

Biological Resources

1. Please analyze and mitigate Heat Island Impacts. Please evaluate the contribution of glazing of building envelopes to heat island impacts.
2. Please analyze and mitigate impacts resulting from increased bird collision hazards. Due to the proximity of the planning area to the Bay, and the abundance of migratory bird

¹ <https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=29702>

²

https://static1.squarespace.com/static/5e38a3dd6f9db304821e8e5e/t/5f31716c85241e666fe0644d/1597075826087/MPSP_Ecology_20_04.pdf

species here, the strongest possible protections provided in Sunnyvale's Bird Safe Guidelines³ should apply to the entire MPSP area.

3. Please analyze impacts to migratory birds resulting from the inevitable increase in human and pet activity on levees along ponds and wetlands, levees along drainage channels and stormwater features, at Baylands Park, the Bay Trail, and the landfill hills.
4. Please include the "Protecting Burrowing Owl Habitat on City Facilities: Burrowing Owl Habitat Suitability and Opportunities Report" (2015)⁴ in discussion and mitigation for Biological resources.
5. Please use Artificial Light At Night Standards⁵ that protect ecosystems and the night sky. Lighting should only be used when and where absolutely necessary, and brightness and Correlated Color Temperature be kept to the minimum possible.

We thank you for the opportunity to provide scoping comments. Please do not hesitate to reach out to us if you have questions.

Respectfully,

Giulianna Pendleton
Environmental Advocacy Assistant
Santa Clara Valley Audubon Society

³ <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23799>

⁴

<https://sunnyvaleca.legistar.com/View.ashx?M=F&ID=3662318&GUID=F1BA9E87-42FE-4060-A3EB-14F6EB9395FD>

⁵ <https://www.darksky.org/our-work/lighting/values-centered-outdoor-lighting/>



Clean Water • Healthy Environment • Flood Protection

File: 28370
Sunnyvale East Outfall

X-Facility:
Sunnyvale West Outfall

September 17, 2021

Ms. Michelle King
City of Sunnyvale – Community Development Department
456 West Olive Avenue
Sunnyvale, CA 94086

Subject: Notice of Preparation for Moffett Park Specific Plan's Draft Environmental Impact Report

Dear Ms. King:

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Preparation for Moffett Park Specific Plan's (MPSP) Draft Environmental Impact Report (DEIR), received on August 18, 2021.

Valley Water has two facilities located within the project site and has approved a flood protection project (Sunnyvale East and West Channel Flood Protection Project) which is anticipated to be in construction from 2022 – 2026.

The DEIR should note that Valley Water is a Responsible Agency under CEQA if any work is proposed on Valley Water's property. In accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water permit is required for modification of Valley Water facilities and encroachment onto Valley Water right of way.

Valley Water requests that the following concerns be addressed in the EIR to address potential project impacts to the flood protection project and water supply in Santa Clara County.

Geology and Soils

- Please discuss any possible conflicts with Valley Water's levees and floodwalls in terms of soil stabilization after grading or development of the Moffett Park site. This should be discussed in detail so that any excavation or fill placement does not impact the proposed Valley Water flood protection project and FEMA certification.



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Ms. Michelle King

September 17, 2021

Hazards and Hazardous Materials

- The project needs to include measures to minimize the potential for hazardous materials from entering into the Sunnyvale East Channel and Sunnyvale West Channel and the proposed Valley Water flood protection project.

Hydrology and Water Quality

- Please present a hydrologic summary that indicates drainage patterns and flow magnitudes, specifically where the Sunnyvale East Channel and Sunnyvale West Channel are separate from the interior drainage of the MPSP areas. Also, indicate how drainage in these areas will be facilitated (pump station location and capacities) so we can assess how this might affect the capacity of the proposed flood protection project.
- Please discuss measures to mitigate the impacts from tidal flooding.

Land Use

- Please indicate how existing vegetation and significant trees might be affected adjacent to the Sunnyvale East Channel and Sunnyvale West Channel. Also, please identify possible impacts to proposed Valley Water mitigation areas and levees from proposed improvements in the MPSP.
- Please identify any impacts to Sunnyvale East Channel and Sunnyvale West Channel, both from a capital impact and maintenance impact perspective, from proposed land use designations adjacent to Valley Water right of way and the flood protection channels.

Recreation

- Please discuss how the project will integrate traffic flow patterns and infrastructure to the proposed trails on the Sunnyvale East Channel and Sunnyvale West Channel to be constructed under agreements between the City and Valley Water.
- Please discuss how the plan integrates with the San Francisco Bay Trail, inclusive of proposed trail improvements from the Valley Water flood protection project.

Transportation

- The current estimated construction window for the Valley Water flood protection project is FY22 to FY26. Please discuss any impacts and required coordination to facilitate construction access and staging for the Valley Water flood protection project.

Utilities and Service Systems

- To assess possible impacts to the Valley Water flood protection project and FEMA compliance, please assess and discuss how the MPSP proposed improvements will integrate with proposed flood walls and raised levees from the Valley Water flood protection project.

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Ms. Michelle King

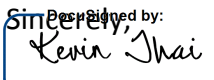
September 17, 2021

- The proposal would allow a substantial increase in residential dwelling units and office development, therefore a Valley Water Supply Assessment (WSA) is required to be prepared by the City and incorporated into the EIR. Valley Water requests the opportunity to review the draft WSA to comment on the consistency with countywide water supply planning efforts; especially if future growth will be relying on the groundwater basin, which is managed by Valley Water. Additional growth allowed under the Specific Plan is not likely accounted for in the City's Urban Water Management Plan, therefore the WSA will need to consider if total projected water supplies determined to be available by the City during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the Specific Plan, in addition to existing and other planned growth throughout the City.
- Re-development within the Specific Plan area provides opportunities to minimize water and associated energy use by using recycled water, incorporating on-site reuse for both storm and graywater, and requiring water conservation measures above State standards (i.e., CALGreen). To reduce or avoid adverse impacts to water supply, the City should consider requiring the following for future development:
 - Landscaping that exceeds the requirements of the City's water efficient landscape regulations;
 - Weather- or soil-based irrigation controllers;
 - Dedicated landscape meters;
 - Submeters for multi-family housing and individual spaces within commercial buildings;
 - Dual plumbing to facilitate and maximize the use of alternative water sources for irrigation, toilet flushing, cooling towers, and other non-potable water uses; and
 - Alternative water sources for non-potable uses including recycled water, stormwater, rainwater, or graywater.

General Comments

- The MPSP should include criteria for setbacks from the Sunnyvale East Channel and Sunnyvale West Channel as they cross through the Specific Plan area. Elements to consider are setbacks for recreational trail purposes, non-vehicular transportation, and for flood protection benefits.

Valley Water appreciate the opportunity to review this NOP and looks forward to reviewing the EIR when it is available. If you have any questions, please contact me at (408) 630-3157 or kthai@valleywater.org.

Sincerely,

Kevin Thai, CFM

Associate Engineer - Civil
Community Projects Review Unit

cc: U. Chatwani, S. Ferranti, D. Ruttenberg, V. De La Piedra, M. Richert, M. Martin, Y. Arroyo,
K. Thai, File