

CITY OF MOUNTAIN VIEW**ENVIRONMENTAL PLANNING COMMISSION****STAFF REPORT**

December 15, 2010

5 NEW BUSINESS**5.1 Public Hearing on the San Antonio Center Draft Environmental Impact Report (EIR)****RECOMMENDATION**

No formal action is required. Staff recommends that the Environmental Planning Commission: (1) receive an introduction to the Draft EIR; (2) provide a public forum for comments on the Draft EIR; and (3) ask questions or provide comments on the Draft EIR.

PUBLIC NOTIFICATION

Notices announcing completion of the Draft EIR, the opportunity to comment for 45 days and the dates of the public hearing were mailed to property owners within a 1,000' radius of the San Antonio Center and all interested parties on the project's notification list. A formal Notice of Completion of the Draft EIR was sent to the State Clearinghouse in the Governor's Office of Planning and Research, the Santa Clara County Clerk-Recorder and other potentially affected agencies as required by the California Environmental Quality Act (CEQA). The Commission's meeting agendas and staff reports are posted on the City's web site and announced on cable TV Channel 26.

The Draft EIR and staff report are available for review at the City of Mountain View's Community Development Department, the Mountain View Public Library and on-line at www.mountainview.gov.

MEETING PURPOSE AND PROCEDURES

The purpose of this public hearing is to provide the EPC with an introduction to the San Antonio Center Draft EIR and to provide a public forum for comments on the Draft EIR during the 45-day public comment period, which commenced on December 1, 2010 and ends on January 14, 2011. No formal action by the EPC is expected at this meeting. Staff and the City's environmental consultant will take

the public comments received during the public comment period and prepare written responses to each. Those responses and any edits to the Draft EIR will be combined with the Final EIR, which will be brought back to the EPC for a public hearing in early 2011. The EPC will make a recommendation to the City Council on the Final EIR, as well as the Precise Plan Amendments introduced on November 17, 2010.

Staff recommends the following meeting procedure:

1. Staff presentation;
2. Commission questions;
3. Public comment; and
4. Commission discussion and comment (additional questions can occur in this portion of the hearing as well).

BACKGROUND

San Antonio Center Project and San Antonio Precise Plan Amendment

The Draft EIR analyzes a development project proposed by Merlone Geier Partners and Precise Plan Amendments for the 56-acre San Antonio Shopping Center (see Attachment 2 – Draft EIR, Figure III-2). An introduction to the proposal was provided to the EPC at a study session on November 17, 2010 (see Attachment 1 – Staff Report for November 17, 2010 EPC Study Session).

The development project, referenced in the Draft EIR as the “Project,” consists of the demolition and new construction 311,000 square feet of retail commercial buildings and up to 350 residential units, parking facilities, common open spaces and landscaping on 16 acres at the corner of San Antonio Road and El Camino Real (see Attachment 2 – Draft EIR, Figures III-6a, 6b, 7, 8, 9).

The Precise Plan Amendments referenced in the Draft EIR modify permitted and provisional uses and development standards to allow for the “Project,” as well as the allowance for up to 100,000 square feet of new commercial area for the remaining 40-acres.

Since specific projects associated with the Precise Plan Amendments have not been finalized, the Precise Plan Amendments are analyzed at a program level in the Draft EIR. That means future projects on the remaining 40-acres will be required

to complete additional CEQA review. The environmental impacts for the Project on the 16-acre San Antonio Center are analyzed in the Draft EIR.

A public meeting was held on July 28, 2010 to receive public input on the scope of the EIR (see Attachment 3 – Scoping Session Summary)

CEQA and Environmental Impact Reports

Purpose

This is general background about CEQA and EIRs that can provide the EPC and public with context on how to review the Draft EIR. Section 15002 of the California Government Code lists the basic purposes of CEQA:

1. *"Inform governmental decision makers and the public about the potential significant environmental effects of proposed activities.*
2. *Identify ways that environmental damage can be avoided or significantly reduced.*
3. *Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.*
4. *Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved."*

Section 15121(a) of the California Government Code defines an EIR as *"an informational document which will inform public agency decisionmakers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project."*

This section illustrates the intent of EIRs, and CEQA in general, to provide decisionmakers with general information about significant environmental impacts a project may have, and how those impacts should be addressed.

The term *"generally"* in Section 15121(a) is important. All environmental analysis of potential impacts are based on projections and models of the future. Section 15003(i) states that *"CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure."*

Since CEQA was adopted in 1979, standard practices for environmental analysis have been established through legislation or case law to provide the best projections possible. One area of CEQA review that is new is Global Climate

Change. The Bay Area Air Quality Management District (BAAQMD) adopted CEQA Air Quality Guidelines in June 2010 for evaluating and mitigating greenhouse gas emissions generated by new development. The thresholds of significance are relatively low, which city planners and environmental consultants in the Bay Area believe will increase the number of EIRs and projects with unavoidable significant impacts. This is the City's first major project under the new air quality guidelines. This topic will be discussed later in this report.

Use in Decision Making

Section 15043 states that *"a public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:*

- (a) There is no feasible way to lessen or avoid the significant effect; and*
- (b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project."*

Section 15093 states that *"CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"*

These sections describe that the EIR does not determine what the City's land use decision must be. A project with no significant impacts can be denied if the City finds that the project is not appropriate for the City. Likewise, a project with significant impacts can be approved if the City finds that the project has significant benefits to the City. In such a case, the City must document the reasons why the benefit of the project outweighs the environmental impacts, and this is done through a *"statement of overriding considerations."*

Focus on the Significant Effects

Section 21002.1(e) states that *"to provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and focus on potentially significant effects on the environment of a proposed project, lead agencies shall, in accordance with Section 21100, focus the discussion in the environmental impact report on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant."*

In keeping with the spirit of this Government Code section, this report will focus on the potential effects of the project that are or may be significant. Staff recommends that the EPC take the same approach, and focus on the areas where significant impacts are possible or expected. Staff recommends that the EPC begin their review of the Draft EIR with the "CEQA-Required Assessment Conclusions" section of the document (see Attachment 2 - Draft EIR, page 291), which serves as an effective summary of the findings of the entire Draft EIR.

Relevant Definitions

- Section 21068 defines a "significant effect on the environment" as a "substantial, or potentially substantial, adverse change in the environment."
- Section 21060.5 defines "environment" to mean "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objectives of historic or aesthetic significance."
- Section 21061.1 defines "feasible" as meaning "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors."

KEY FINDINGS OF THE SAN ANTONIO CENTER DRAFT EIR

The section below highlights the areas where significant effects on the environment from the project were determined. Please note that the EPC is not being asked to approve or judge the proposed impacts or mitigation measures at this time. The EPC should focus on whether there is adequate information in the Draft EIR describing the significant issues:

Transportation and Traffic

The transportation section of the Draft EIR determined that with the demolition of existing buildings and construction of all new building area considered in the project, there would be two potentially significant transportation impacts:

Intersection of San Antonio Road and Miller Avenue

When the project is built, the left-turn movements at the San Antonio Road / Miller Avenue intersection would operate at a Level of Service (LOS) F. These turning movements are already challenging under existing conditions. The recommended mitigation is to modify the intersection to prohibit left turns at the intersection.

Vehicle trips that otherwise would have made these turns would have to go to the signal light at San Antonio Road/ Fayette Drive or San Antonio Road/ California Street. Both of these intersections have available capacity for the additional trips. This mitigation measure would avoid the significant impact.

All other intersections will operate at acceptable levels. This is not to say that there will not be additional traffic than what currently exists, but the additional traffic does not cross the threshold of significance determined by the VTA and the City.

Pedestrian, Bicycle and Vehicle Conflicts

A goal of the Precise Plan amendment is to create a unified circulation plan for the San Antonio Center. The 16-acre San Antonio Center will construct improvements for pedestrians and bicyclist within the 16-acre project area. However, there is a potential for an access conflict between bicyclist, pedestrians and cars between Fayette Drive and the Hetch Hetchy right-of-way. Vehicles entering the project center will cross with bicyclist and pedestrians accessing the linear park to be constructed in the Hetch Hetchy right-of-way resulting in a possible safety hazard. A mitigation measure has been developed that would require the design of this area to take into account the various modes of travel and provide sufficient width, design elements and signage to ensure public safety. The developer is working on this issue and the final design will be considered through the Development Review process with final approval by the City Council.

Global Climate Change

For land use development projects (i.e., residential, commercial, industrial, and public land uses and facilities), the BAAQMD thresholds of significance for operational greenhouse gas (GHG) emissions are: (1) compliance with a qualified climate action plan or qualified general plan; (2) annual GHG emissions less than 1,100 metric tons per year; or (3) annual GHG emissions less than 4.6 metric tons per service population (residents plus employees). Achievement of any one of these standards defines a less-than-significant project impact. A climate action plan is being developed in conjunction with the City's General Plan update EIR. Since a climate action plan is not in place, the Draft EIR must analyze whether the project will exceed the emissions thresholds listed above.

The primary component of the GHG emissions for the project is the vehicle trips to and from the site. Other components are the use of green building techniques to reduce the use of electricity or water in a project. Even with all feasible mitigation measures, the computer modeling shows that the project will exceed the GHG thresholds. Therefore the proposed project's impact would be significant and

unavoidable. The details of this analysis are in the Global Climate Change section of the Draft EIR (See Attachment 2 – Draft EIR)

Air Quality

The BAAQMD also is responsible for determining the thresholds for air quality impacts. It was determined that during construction and during normal operation of the project after construction, the project would exceed the air quality thresholds. During construction, the equipment used to demolish and build the project will exceed the BAAQMD thresholds, and after the project is complete, the number of vehicles coming to and from the site will generate pollution that also exceeds the BAAQMD thresholds. Therefore, this impact would be considered significant and unavoidable.

Significant Unavoidable Impacts

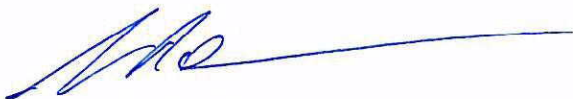
The project will exceed the thresholds for Global Climate Change and Air Quality, creating significant unavoidable impacts that the Draft EIR has determined cannot be feasibly mitigated. Therefore, the Draft EIR will recommend that the City adopt a Statement of Overriding Considerations at the time the Final EIR is certified.

As stated previously, the EPC is not being asked to approve or judge the proposed impacts or mitigation measures at this time. The EPC should focus on whether the Draft EIR lacks sufficient information to inform the public of these impacts. A formal recommendation from the EPC on the Final EIR is scheduled for early 2011.

NEXT STEPS

Staff and the City's environmental consultant will take the public comments received during the public comment period and prepare written responses to each. Those responses and any edits to the Draft EIR will be combined with the Final EIR, which will be brought back to the EPC for a public hearing in early 2011. The EPC will make a recommendation to the City Council on the Final EIR, as well as the Precise Plan Amendments introduced on November 17, 2010.

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- Attachments:
1. Staff Report for November 17, 2010 EPC Study Session
 2. Draft EIR
 3. Scoping Session Summary