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October 16, 2019

Via Electronic Mail Only

AGENDA ITEM NO. 19-1083

Michelle King, Zoning Administrator
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Trudi Ryan, Director
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Noren Caliva-Lepe, ncaliva-lepe@sunnyvale.ca.gov

**Re: Agenda Item No. 19-1083, Special Development Permit for 1390
Borregas Avenue Mechanical Facility (File #: 2019-7071)**

Dear Zoning Administrator King, Ms. Ryan, and Ms. Caliva-Lepe:

We are writing on behalf of **Safe Fuel and Energy Resources California** (“SAFER CA”) regarding the Zoning Administrator’s (“Administrator”) consideration of Agenda Item No. 19-0988, Special Development Permit for 1390 Borregas Avenue Mechanical Facility (File #: 2019-7071). On September 24, 2019, we submitted comments (“Comments”) on the proposal to approve a Moffett Park Special Development Permit for the Google Mechanical Facility (“Project”) proposed by Google, LLC (“Applicant”) and on the City’s reliance on a categorical exemption from the California Environmental Quality Act (“CEQA”)¹ for “In-Fill Development Projects” under 14 CCR § 15332 (“infill exemption”) (collectively, “Project”).² On September 25, 2019, the Zoning Administrator continued the hearing on the Project.

¹ California Environmental Quality Act, Cal. Pub. Res. Code (“PRC”) §§ 21000 et seq.; 14 Cal. Code Regs. (“CCR”) §§ 15000 et seq.

² See 10/16/19 Staff Report, Attachment 2. We incorporate all our prior comments herein.
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On October 10, 2019, we received the Applicant's letter responding to our Comments ("Response Letter").

We appreciate the City and the Applicant reviewing our comments and providing supplemental information to assist in the understanding of this Project. We are still reviewing the Response Letter but maintain that the substantive issues raised in our Comments have not been resolved and must be addressed before the Project can be approved.

We reserve the right to supplement our Comments at later hearings on this Project, including in the event of an appeal of the Zoning Administrator's decision.³

Sincerely,



Aaron M. Messing
Associate

AMM:acp

³ Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield ("Bakersfield")* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.
4659-009acp