DRAFT 3/5/19 RM

PLANNING COMMISSION RESOLUTION NO. ___

A RESOLUTION OF THE SUNNYVALE PLANNING COMMISSION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING THE MITIGATION AND MONITORING REPORTING PROGRAM, AND STATING OVERRIDING CONSIDERATIONS IN THE APPROVAL OF THE CORN PALACE RESIDENTIAL DEVELOPMENT PROJECT

WHEREAS, the California Environmental Quality Act (Public Resources Code Sections 21000 *et seq.*, ("CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations, Sections 15000 *et seq.*) (the "CEQA Guidelines") requires local agencies to consider environmental consequences of projects for which they have discretionary authority; and

WHEREAS, a Draft Environmental Impact Report ("DEIR") and Final Environmental Impact Report ("FEIR", collectively, the "EIR") has been prepared for and by the City of Sunnyvale for the Corn Palace Residential Development Project ("the Project") pursuant to CEQA and the CEQA Guidelines (State Clearinghouse #2018042040); and

WHEREAS, the EIR addresses the environmental impacts of the Project, which is further described in Sections 5 of Exhibit A attached hereto; and

WHEREAS, in conformance with CEQA, the City has issued notices, held public hearings, and taken other actions as described in Section 3 of Exhibit A attached hereto; and

WHEREAS, the EIR is incorporated by this reference in this Resolution, and consists of those documents referenced in Section 4 of Exhibit A attached hereto; and

WHEREAS, a public hearing was held by the Planning Commission on March 11, 2019, regarding the Project and the EIR, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto were heard, and the EIR was considered; and

WHEREAS, Public Resources Code Section 21151 authorizes a City Council to delegate responsibility for certifying an EIR to a non-elected Planning Commission if the Planning Commission has approval authority over the project pursuant to the City's Municipal Code; and

WHEREAS, on June 8, 2004, the City Council adopted local guidelines for implementation of the California Environmental Quality Act (CEQA) (Resolution #118-04) which provide that a Final EIR "shall be reviewed and certified by the decision making body" and that the decision-making body "shall adopt a statement of overriding considerations and mitigation monitoring plan as necessary under the circumstances"; and

WHEREAS, pursuant to Sunnyvale Municipal Code Sections 19.90.020(b) and 18.04.030(b)(3), the Planning Commission is the decision-making body for the Corn Palace Residential Project with authority to approve the Special Development Permit and Vesting Tentative Map for the Project; and

WHEREAS, by this Resolution, the Planning Commission of the City of Sunnyvale, as the lead agency under CEQA for preparing the EIR and the entity responsible for approving the Project, desires to comply with the requirements of CEQA and the CEQA Guidelines for consideration, certification, and use of the EIR in connection with the approval of the Project.

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

1. The Planning Commission hereby finds and certifies that the EIR has been completed in compliance with CEQA and the CEQA Guidelines; that the EIR adequately addresses the environmental issues of the Project; that the EIR was presented to the Planning Commission; that the Planning Commission has reviewed and considered the information contained in the EIR prior to approving the Project; and that the EIR reflects the independent judgment and analysis of the Planning Commission.

2. The Planning Commission hereby identifies the significant effects, adopts the mitigation measures, adopts the monitoring Mitigation Monitoring and Reporting Plan to be implemented for each mitigation measure, makes the findings, and adopts a statement of overriding considerations set forth in detail in the attached Exhibit A, which is incorporated in this Resolution by this reference. The statements, findings and determinations set forth in Exhibit A are based on the above certified EIR and other information available to the Planning Commission, and are made in compliance with Sections 15091, 15092, 15093, and 15096 of the CEQA Guidelines and Sections 21081 and 21081.6 of CEQA.

Adopted by the Planning Commission at a regular meeting held on March 11, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

Planning Commission Secretary
(SEAL)

APPROVED:

Chair

EXHIBIT A

Findings of Fact and Statement of Overriding Considerations for the Corn Palace Residential Development Project

Prepared for:

City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94086

TABLE OF CONTENTS

ACRONYMS AND ABBREVIATIONS

CEQA	California Environmental Quality Act
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
FEIR	Final Environmental Impact Report
project	Corn Palace Residential Development Project

1 INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the Corn Palace Residential Development Project (project).

The CEQA Statutes (California Public Resources Code [PRC] Sections 21000, et seq.) and Guidelines (California Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an environmental impact report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

A. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

B. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.

C. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record.

The requirements of Sections 15091, 15092, and 15093 (as summarized above) are all addressed herein. This document summarizes the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines and by the PRC for the project.

2 PROJECT DESCRIPTION

The project is the proposed demolition of a farm stand, associated paved parking area, three homes, outbuildings and sheds, and redevelopment of the project site as a master-planned residential community of 58 single-family residential homes on 6.1 acres, a public park on up to 2 acres, and 0.7 acre to be dedicated for public facilities and roadway area improvements (see Exhibit 1-2 of the FEIR). The project site is currently designated as Low-Medium Density Residential in the City of Sunnyvale General Plan Land Use and Transportation Element (LUTE) and the Lawrence Station Area Plan (LSAP). The project site is also zoned as Low-Medium Density Residential with a Planned Development combining zoning district (R1.5/PD). The project would be consistent with the current land use designation and zoning.

Project requested City entitlements include the following:

- Approval of a Special Development Permit for site and architectural (i.e. design) review under City Municipal Code Chapter 19.90; and
- Approval of a tentative subdivision map.

2.1 PROJECT LOCATION AND SETTING

The project site is located along the City's eastern boundary with the City of Santa Clara on an 8.8-acre site (Assessor's Parcel Number 213-12-001). The project site is bounded by Dahlia Drive to the north, Lawrence Expressway to the east, Lily Avenue to the south, and Toyon Avenue to the west. Surrounding land uses are comprised of single-family residential developments and Lawrence Expressway. Refer to Exhibit 1-1 of the FEIR for an aerial view of the project site and surrounding vicinity.

2.2 PROJECT BACKGROUND

The project site is relatively flat and currently contains vacant land and structures. A vacant farm stand, associated parking area, and agricultural supply well are located in the southeast corner of the project site. Three single-family homes with three outbuildings and other shed structures are located in the northern portion of the project site. One of the homes is currently occupied and other two are vacant (1142 Dahlia Court and 1150 Dahlia Court). One of two vacant homes is boarded-up and uninhabitable. The homes have been or are currently connected to a water supply well and septic tanks. The remainder of the project site was historically used as agricultural land and had been under a Williamson Act contract until its cancellation in 1990 (City of Sunnyvale 1990). The land was last cultivated in 2015 and since then is mowed or disked as needed up to five times a year for purpose of fire safety.

In December 2016, the City Council approved the LSAP. The environmental effects of the LSAP were evaluated in its EIR (State Clearinghouse No. 2013082030). The LSAP, which includes the project site, guides future development of the 372-acre urbanized area surrounding the Lawrence Caltrain Station that better supports and promotes public transit usage. The LSAP designates this site as Low-Medium Density Residential and is intended to be developed consistent with existing adjacent residential uses.

In April 2017, the City Council adopted an update to the City's LUTE of its General Plan. Consistent with the LSAP, the LUTE also designates land uses at the project site as Low-Medium Density Residential.

2.3 PROJECT OBJECTIVES

The City and the applicant have identified the following project objectives:

- Create a residential community offering two-story single-family detached homes for sale in an area with low, new home availability.
- Provide housing located within close proximity to major regional transit and several large private tech employers.
- Meet and/or exceed Green Building Standards.
- Create a project that will set aside a 2-acre public park on-site for future residents and surrounding neighborhoods.

- Create a residential community that makes efficient use of land while offering lower densities and building masses that complement existing residential developments of adjacent land uses in the project area.
- Create a residential development that is consistent with the City's vision and goals for sustainable growth and economic development.

3 PROCEDURAL FINDINGS

Based on the nature and scope of the project, the City of Sunnyvale (City) determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared an EIR for the project. The EIR (State Clearinghouse No. 2018042040) was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA (Public Resources Code Sections 2100 et seq.) and the CEQA Guidelines (14 California Code of Regulations Sections 1500 et. seq.), and additional noticing and opportunities for public comment were also provided, as follows:

A. A Notice of Preparation (NOP) was prepared and circulated on April 13, 2018, for a minimum 30-day period of public and agency comment. The NOP was submitted to the State Clearinghouse and Santa Clara County Clerk-Recorder. The NOP was sent to responsible and trustee agencies during the 30-day public comment period.

B. A public scoping meeting to receive comments regarding the issues to be covered in the EIR was held on May 10, 2018 in the City Council Chambers at 456 W. Olive Avenue, Sunnyvale, CA 94086.

C. A Notice of Completion and copies of the draft EIR (DEIR) were distributed to the Office of Planning and Research on November 2, 2018, to those public agencies that have jurisdiction by law with respect to the project, or which exercise authority over resources that may be affected by the project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

D. A Notice of Availability of the DEIR was mailed on November 2, 2018, to all interested groups, organizations, and individuals who had previously requested notice in writing. The Notice of Availability stated that the City had completed the DEIR and that copies were available on the City's website: https://sunnyvale.ca.gov/business/projects/cornpalace.htm. Hard copies of the DEIR were made available at the City's One-Stop Permit Center at 456 W. Olive Avenue, Sunnyvale CA, 94086 and the Sunnyvale Community Center at 550 E Remington Dr, Sunnyvale, CA 94087.

E. The public comment period on the DEIR began on November 2, 2018, and concluded on December 17, 2018.

F. Input on the Historic and Unique Archeological Resources section of the Draft EIR was taken at the Heritage Preservation Commission Hearing on December 5, 2018. A public hearing was held on December 10, 2018 before the Planning Commission, to receive input from agencies and the public on the DEIR.

G. Pursuant to Assembly Bill (AB) 52, the City distributed letters dated August 14, 2018 to the California tribes that are culturally and geographically affiliated with the project area. Representatives for the following tribes were notified: Band of Mission San Juan Bautista; Amah Mutsun Tribal Band; Cahto Tribe; Coyote Valley Band of Pomo Indians; Guidiville Rancheria of California; Hopland Band of Pomo Indians; Indian Canyon Mutsun Band of Costanoan; Kashia Band of Pomo Indians of the Stewarts Point Rancheria; Manchester Band of Pomo Indians; Muwekma Ohlone Indian Tribe of the San Francisco Bay Area; Novo River Indian Community; Pinoleville Pomo Nation; Potter Valley Tribe; Redwood Valley or Little River Band of Pomo; Sherwood Valley Band of Pomo Indians; and the Ohlone Indian Tribe. No written request to consult was received from any of the tribes within the

required 30-day time period. Therefore, the consultation process under PRC Section 21080.3.1(b) was concluded.

H. The City provided written responses to all comments received during and after the comment period referenced above for the DEIR and additional information added by the City was subsequently added to the DEIR to produce the Final EIR (FEIR).

I. The Final EIR was released on March 1, 2019. The FEIR consists of the following items:

- The DEIR released on November 2, 2018;
- Responses to Comments; and
- Revisions to the DEIR.

J. The Project and the EIR came before the Planning Commission on March 11, 2019, at a duly and properly noticed public hearing. On this date, the Planning Commission adopted the following findings, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations.

As required by CEQA Guidelines Section 15088(b), public agencies that commented on the DEIR were provided at least 10 days to review the proposed responses prior to the date for consideration of the FEIR for certification.

4 RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6, subdivision (e), the record of proceedings for the City's decision on the project includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

- The application package, and all attachments and supplemental information thereto.
- City staff reports and all attachments;
- The DEIR and all appendices to the DEIR;
- The FEIR and all appendices to the FEIR;
- All notices required by CEQA and presentation materials related to the project;
- All comments submitted by agencies and members of the public during the comment period on the Notice of Preparation and the DEIR;
- All studies conducted for the project and contained or referenced in the DEIR and the FEIR;
- All documents cited or referenced in the DEIR and the FEIR;
- All public reports and documents related to the project prepared for City and other agencies;
- All documentary and oral evidence received and reviewed at public hearings and all transcripts and minutes of those hearings related to the project, the DEIR, and the FEIR;
- All other documents related to the project;
- The mitigation monitoring and reporting program (MMRP) for the project; and

- Any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City of Sunnyvale One-Stop Permit Center at 456 W. Olive Avenue, Sunnyvale, CA 94086.

The FEIR is incorporated into these findings in its entirety, unless and only to the extent these findings expressly do not incorporate by reference the FEIR. The FEIR is also available at https://sunnyvale.ca.gov/business/projects/cornpalace.htm. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse physical environmental impacts.

5 FINDINGS REQUIRED UNDER CEQA

PRC section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 of the PRC goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR (CEQA Guidelines Section 15091[a][1]). For purposes of these finding, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency (CEQA Guidelines Section 15091[a][2]).

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR (CEQA Guidelines Section 15091[a][(3]). "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (CEQA Guidelines Section 15364). The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, "feasibility" under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors" (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417).

In the process of adopting mitigation measures, the City has made a determination regarding whether the mitigation proposed in the EIR is "feasible." In some cases, modifications may have been made to the mitigation measures proposed in the EIR to update, clarify, streamline, or revise those measures.

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the City has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City has found that specific economic, social, and other considerations support approval of the project. Those findings are reflected herein in Section 5, "Findings Required Under CEQA," and in Section 7, "Statement of Overriding Considerations," below.

5.1 SUMMARY OF FINDINGS

The DEIR identified a number of less-than-significant impacts associated with the project that do not require mitigation. The DEIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be, and thus may be significant and unavoidable. For reasons set forth in Section 7, "Statement of Overriding Considerations," however, the City has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the City with respect to the project's significant effects and mitigation measures are set forth in these Findings of Fact. The Summary of Findings does not attempt to regurgitate the full analysis of each environmental impact contained in the FEIR. Please refer to the DEIR and the FEIR for more detail.

The following provides the title of each potentially significant and significant impact and applicable mitigation measures identified in the FEIR and adopted by the City, and states the findings of the City regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the FEIR and associated record (described herein), both of which are incorporated by reference. The City hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

5.1.1 Findings Regarding Errata and EIR Recirculation

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when "significant new information" is added to the EIR after the lead agency gives public notice of the availability of the DEIR but before certification. "Information" may include project changes, changes to the environmental setting, or additional data or other information. The CEQA Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

CEQA Guidelines Section 15088.5 states "significant new information" requiring recirculation may include:

(1) A new significant environmental impact that had not previously been disclosed in the draft EIR would result from the project or from a new mitigation measure;

(2) A substantial increase in the severity of an environmental impact that had already been identified unless mitigation measures would be adopted to reduce the impact to a level of insignificance;

(3) A feasible project alternative or mitigation measure would considerably lessen the significant environmental impacts of the project, but the proponents will not adopt it; or

(4) The draft EIR was so inadequate and conclusory that meaningful public review and comment were precluded.

Recirculation is not required if new information added to the EIR just clarifies or makes minor modifications to an otherwise adequate EIR.

The City made certain changes to the DEIR after this document was released. As described in Chapter 3, "Revisions to the DEIR," of the FEIR, minor changes were made to Mitigation Measure 4.3-1b (Create an Interpretive Program, Exhibit, or Display); 4.3-2 (Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features); Impact 4.4-3 (Disturbance to or Loss of White-Tailed Kite, Nesting Raptors, and Other Birds); and Mitigation Measure 4.4-3 (Protection Measures for Nesting Raptors and Other Birds). No impacts identified in the DEIR would be substantially increased because of changes to the project or mitigation measures following recirculation. There are no new feasible alternatives or mitigation measures that are considerably different from those considered in the EIR that the City has declined to adopt. Therefore, additional recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

5.1.2 Findings Regarding Less Than Significant Impacts (No Mitigation Required)

The City agrees with the characterization in the EIR of all project-specific impacts identified as "no impact" or "less than significant" and finds that those impacts have been described accurately and are either less than significant or have no impact, as described in the EIR. The impacts where the project would result in either no impact or a less than significant impact, and which require no mitigation, are identified and described within Chapter 1, "Introduction," and Chapter 2, "Executive Summary," Table 2-1, Summary of Impacts and Mitigation Measures, and throughout Chapter 4, "Environmental Impacts and Mitigation Measures," of the DEIR. (DEIR, Chapter 2, pages 2-4 - 2-33, and Chapter 4)

5.1.3 Findings Regarding Impacts Mitigated to a Level of Less than Significant

The City hereby finds that feasible mitigation measures have been identified in the EIR and these Findings of Fact that will avoid or substantially lessen the following potentially significant and significant environmental impacts to a less-than-significant level. The potentially significant and significant impacts and the mitigation measures that will reduce them to a less-than-significant level are listed below and summarized within Chapter 2, "Executive Summary," Table 2-1, Summary of Impacts and Mitigation Measures, of the DEIR and Chapter 3, "Revisions to the DEIR," of the FEIR. Please refer to the DEIR and FEIR for more detail.

AIR QUALITY

Impact 4.2-1: Short-term, construction-generated emissions of ROG, NO_x, $PM_{10,}$ and $PM_{2.5}$

Mitigation Measure 4.2-1: Implement Construction-Related Measures to Reduce Fugitive Dust Emissions

The applicant shall require its construction contractors to implement BAAQMD's Basic Construction Mitigation Measures (BAAQMD 2017b), including but not limited to the following:

- Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- Cover all haul trucks transporting soil, sand, or other loose material off-site.
- Remove all visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day (dry power sweeping is prohibited).
- Limit all vehicle speeds on unpaved roads to 15 miles per hour.
- Pave all roadways, driveways, and sidewalks as soon as possible, and lay building pads as soon as possible after grading (unless seeding or soil binders are used).
- Minimize idling times by shutting equipment off when not in use or reducing the maximum idling time to five minutes. The project will provide clear signage for construction workers at access points.
- Maintain and properly tune all construction equipment in accordance with manufacturers specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lea Agency regarding dust complaints. The person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Significance After Mitigation

As shown in DEIR Table 4.2-4, exhaust emissions generated by bioremediation and construction activities would not exceed BAAQMD's applicable thresholds of significance for any criteria pollutants or precursors but fugitive PM_{10} and $PM_{2.5}$ dust emissions could contribute to localized pollutant concentrations that exceed applicable NAAQS and CAAQS if dust control measures are not implemented. Implementation of BAAQMD's Best Management Practices required by Mitigation Measure 4.2-1 would ensure that construction-related emissions of PM_{10} and $PM_{2.5}$ would not result in a localized exceedance of the NAAQS and CAAQS or associated human health effects for these pollutants. Therefore, implementation of Mitigation Measures 4.2-1 would reduce construction-related air quality impacts to a **less-than-significant** level. (DEIR pages 4.2-12 through 4.2-14)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen this construction air quality impact identified in the FEIR.

ARCHAEOLOGICAL, HISTORIC, AND TRIBAL CULTURAL RESOURCES

Impact 4.3-2: Potential Impacts to Unique Archaeological Resources

Mitigation Measure 4.3-2: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a professional archaeologist, qualified under the Secretary of the Interior's Professional Qualification Standards, shall be retained to assess the significance of the find. Specifically, the

archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or tribal artifact. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or a tribal artifact. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to the City of Sunnyvale regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal artifact, the City of Sunnyvale shall provide a reasonable opportunity for input from representatives of any tribe or tribes the professional archaeologist believes may be associated with the resource. The tribal representative will determine whether the artifact is considered a tribal cultural resource, as defined by PRC Section 21074. The City shall implement such recommended measures if it determines that they are feasible in light of project design, logistics, and cost considerations.

Significance After Mitigation

Implementation of Mitigation Measure 4.3-2 would reduce impacts associated with archaeological resources to a **less-than-significant level** because it would require the performance of feasible, professionally accepted, and legally compliant procedures for the protection of discovered, previously undocumented archaeological resources. (DEIR page 4.3-14 and FEIR pages 3-1 and 3-2)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the potential impact to unique archaeological resources identified in the FEIR.

BIOLOGICAL RESOURCES

Impact 4.4-1: Disturbance to or Loss of Special-Status Plant Species and Habitat

Mitigation Measure 4.4-1: Congdon's Tarplant Survey and Avoidance

Before commencing of any ground disturbance or vegetation removal activities, the project applicant shall implement the following measures to reduce potential impacts to Congdon's tarplant.

- Before ground disturbance and during the May to November blooming period for Congdon's tarplant, a qualified botanist shall conduct a focused survey for Congdon's tarplant on the project site. This shall include visiting a reference population near the project site to confirm whether the species is blooming or otherwise identifiable in advance of the focused survey.

- If Congdon's tarplant is not found, the botanist shall document the findings in a letter report to the City of Sunnyvale and the project applicant and no further mitigation will be required.

- If Congdon's tarplant is found and it located outside of the permanent project footprint and can be avoided, the applicant will establish and maintain a protective buffer of sufficient size around the plant to be retained to ensure avoidance.

- If individual Congdon's tarplant specimens are found that cannot be avoided during construction, the project applicant shall consult with CDFW to determine the appropriate mitigation measures for direct and indirect impacts that could occur as a result of project construction. The project applicant shall implement measures to achieve no net loss of occupied habitat or individuals. Mitigation measures may include creation of offsite populations on project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals.

Significance After Mitigation

Implementation of Mitigation Measure 4.4-1 would reduce significant impacts on special-status plants to a **less-than-significant** level because it would require surveys and avoidance of Congdon's tarplant or provide compensation for loss of Congdon's tarplant through enhancement of existing populations, creation and management of offsite populations, conservation easements, or other appropriate measures. (DEIR pages 4.4-11 and 4.4-12)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to special-status plants identified in the FEIR.

Impact 4.4-2: Disturbance to or Loss of Burrowing Owl

Mitigation Measure 4.4-2: Protection of Burrowing Owl

The applicant shall implement the following conditions before, and during, grading activities:

- The applicant shall retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on the project site and accessible areas of suitable habitat on the project site. Surveys shall be conducted before the start of construction activities and in accordance with Appendix D of CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFW 2012).

- If no occupied burrows are found, a letter report documenting the survey methods and results shall be submitted to the City of Sunnyvale and CDFW and no further mitigation would be required.

- If an active burrow is found during the nonbreeding season (September 1 through January 31), the applicant shall consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan shall be developed, as described in Appendix E of CDFW's 2012 Staff Report. Burrowing owls shall not be excluded from occupied burrows until the project's burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a plan for creation, maintenance, and monitoring of artificial burrows in suitable habitat proximate to the burrows to be destroyed, that provide substitute burrows for displaced owls.

- If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer shall depend on the time of year and level disturbance as outlined in the CDFW Staff Report (CDFW 2012). The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented to prevent burrowing owls from being detrimentally affected. Once the fledglings are capable of independent survival, the owls can be evicted and the burrow can be destroyed per the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW's 2012 Staff Report.

- If active burrowing owl nests are found on the project site and are destroyed by project implementation, the project applicant shall mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW 2012 Staff Report, which states that permanent impacts to nesting, occupied and satellite burrows, and burrowing owl habitat shall be mitigated such that habitat acreage, number of burrows, and burrowing owls adversely affected are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing

mammals (e.g., ground squirrels) present to provide for nesting, foraging, wintering, and dispersal. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards:

- Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat, disturbance levels, potential for conflicts with humans, pets, and other wildlife, density of burrowing owls, and relative importance of the habitat to the species range wide.

- If feasible, mitigation lands shall be provided adjacent or proximate to the project site so that displaced owls can relocate with reduced risk of take. Feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient suitable habitat to support displaced owls that may be preserved in perpetuity.

- If suitable habitat is not available for conservation adjacent or proximate to the project site, mitigation lands shall be focused on consolidating and enlarging conservation areas outside of urban and planned growth areas and within foraging distance of other conservation lands. Mitigation may be accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. If mitigation credits are not available from an approved bank and mitigation lands are not available adjacent to other conservation lands, alternative mitigation sites and acreage shall be determined in consultation with CDFW.

- If mitigation is not available through an approved mitigation bank and will be completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the project site and if the numbers are maintained over time. Measures of success, as suggested in the 2012 Staff Report, shall include site tenacity, number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors.

Significance After Mitigation

Implementing Mitigation Measure 4.4-2 would reduce potential impacts on burrowing owl to **a less-than-significant** level because burrowing owls would be avoided and protected from construction activities, or the project applicant would compensate for project-related loss of suitable occupied habitat. (DEIR pages 4.4-12 through 4.4-14)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to burrowing owls identified in the FEIR.

Impact 4.4-3: Disturbance to or Loss of White-Tailed Kite, Nesting Raptors, and Other Birds

Mitigation Measure 4.4-3: Protection Measures for Nesting Raptors and Other Birds

The applicant shall impose the following conditions before, and during, construction:

- To minimize the potential for loss of nesting raptors and other native, migratory birds, tree removal activities will only occur during the nonbreeding season (September 1-January 31). If all suitable nesting habitat is removed during the nonbreeding season, no further mitigation will be required.

- Before removal of any trees or other vegetation, or ground disturbing activities between February 1 and August 31, a qualified biologist will conduct preconstruction surveys for nesting raptors and other birds and will identify active nests within 500 feet of the project site. The surveys will be conducted before the beginning of any construction activities between February 1 and August 31.

- Impacts to nesting raptors will be avoided by establishing appropriate buffers around active nest sites identified during preconstruction surveys. Activity will not commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer will not likely result in nest abandonment. Typical buffers are 500 feet for raptors, but the size of the buffer may be adjusted if a qualified biologist, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during construction activities may be required if the activity has potential to adversely affect the nest.

- Trees will not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree.

Significance After Mitigation

Implementation of Mitigation Measure 4.4-3 would reduce impacts on white-tailed kite, nesting raptors, and other native, migratory birds to a **less-than-significant** level because preconstruction surveys would be conducted, and active raptor and other bird nests would be protected from construction activities. (DEIR page 4.4-14 and FEIR page 3-6)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to white-tailed kite, nesting raptors, and other native, migratory birds identified in the FEIR.

Impact 4.4-4: Consistency with Sunnyvale Tree Preservation Ordinance

Mitigation Measure 4.4-4: Tree Protection Requirements

- The applicant will prepare and submit an arborist report to the director of community development showing the location, size, and species of all trees (protected and unprotected) on the project site. The report must indicate which, if any, protected trees are planned for removal and explain why the trees cannot be relocated or the project design altered to maintain the trees. An application for a protected tree removal permit will also be submitted to the director of community development. Removal of protected trees may be permitted at the discretion of the director.

- Protected trees designated for preservation shall be protected during project construction using the following methods:

- Protective fencing shall be installed no closer to the trunk than the dripline, and far enough from the trunk to protect the integrity of the tree. The fence shall be a minimum of 4 feet in height and shall be set securely in place. The fence shall be made of sturdy but open material (e.g., chain link) to allow visibility to the trunk for inspections and safety.

- The existing grade level around a tree shall normally be maintained out to the dripline of the tree. Alternate grade levels, as described in the tree protection plan, may be approved by the director of community development.

- Drain wells shall be installed whenever impervious surfaces will be placed over the root system of a tree.

- Pruning that is necessary to accommodate a project feature, such as a building, road, or walkway, shall be reviewed and approved by the department of community development and the department of public works.

- New landscaping installed within the dripline of an existing tree shall be designed to reproduce a similar environment to that which existed before construction.

Significance After Mitigation
Implementation of Mitigation Measure 4.4-4 would reduce impacts to a **less-than-significant** level by requiring protection of protected trees or mitigation following removal of protected trees, and by maintaining compliance with the City of Sunnyvale Tree Preservation Ordinance. (DEIR page 4.4-15)

Finding on Proposed Mitigation
The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to protected trees identified in the FEIR.

HAZARDS AND HAZARDOUS MATERIALS

Impact 4.6-2: Create Potential Human Health Hazards From Exposure to Existing On-Site Hazardous Materials

Mitigation Measure 4.6-2: Complete Excavation, Validation Testing, and Case Closure Activities Associated with the FSRAWP

The project applicant shall direct that all activities listed in the FSRAWP are completed by the contractor before the start of construction. These activities include the following and will be noted in the project's improvement plans.

Design and pre-field work tasks:
- pre-sampling surveys;

- attainment of necessary permits (e.g., BAAQMD fugitive dust emission and City grading plan);

- preparation of a human health risk assessment and site-specific Health and Safety Plan to be approved by DEH; and

- pre-fieldwork activities, such as securing site access, delineation of exclusion zones, and placement of temporary construction fences.

Remedial actions consist of:
- excavation of contaminated soils,

- soil grading to backfill excavation areas to match surrounding,

- confirmation sampling to ensure that contaminant levels meet SFRWQCB requirements, and

- completion of closure procedures through DEH approval process.

During the excavation activities discussed in the FSRAWP, a field engineer or geologist under the supervision of a California Professional Geologist or Engineer will document field observations. The field notes will contain pertinent observations about excavation dimensions, equipment operation, unusual conditions encountered during excavation, date and time of arrival, general site conditions, and other field

observations relating to the project site. Field documentation will also include photographs, written logs, information about site meetings, health and safety training, and chain-of-custody records.

Following attainment of Remedial Action Objectives, as validated by soil sampling and testing, a closure request report will be developed and submitted to DEH. The report will include any changes to the proposed design and will provide the results of the validation testing along with a request for unrestricted site case closure. Construction of the project will not begin until case closure has been granted by DEH.

Significance After Mitigation

With implementation of Mitigation Measure 4.6-2, the potential for soil and groundwater contamination would be reduced to a **less-than-significant** level because contaminated soils and hazardous building materials would be properly removed and septic tanks and wells would be abandoned according to applicable standards. (DEIR pages 4.6-9 and 4.6-10).

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to soil and groundwater contamination identified in the FEIR.

TRANSPORTATION AND CIRCULATION

Impact 4.7-5: Construction-Related Impacts on Traffic

Mitigation Measure 4.7-5: Preparation and Implementation of a Temporary Traffic Control Plan

Before the beginning of construction or issuance of building permits, the developer or the construction contractor will prepare a temporary traffic control plan (TTC) to the satisfaction of the City of Sunnyvale Division of Transportation and Traffic and subject to review by all affected agencies.

The TTC shall include all information required on the City of Sunnyvale TTC Checklist and conform to the TTC Guidelines of the City of Sunnyvale. At a minimum, the plan shall include and/or show:

- provide vicinity map including all streets within the work zone properly labeled with names, posted speed limits and north arrow;
- provide existing roadway lane and bike lane configuration and sidewalks where applicable including dimensions;
- description of proposed work zone;
- description of detours and/or lane closures (pedestrians, bicyclists, vehicular);
- description of no parking zone or parking restrictions;
- provide appropriate tapers and lengths, signs, and spacing;
- provide appropriate channelization devices and spacing;
- description of buffers;
- provide work hours/work days;
- dimensions of above elements and requirements per latest CA—MUTCD Part 6 and City of Sunnyvale's SOP for bike lane closures;

- provide proposed speed limit changes if applicable;
- description of bus stops, signalized and non-signalized intersection impacted by the work;
- show plan to address pedestrians, bicycle and ADA requirement throughout the work zone per CA-MUTCD Part 6 and City of Sunnyvale's SOP for Bike lane closures;
- indicate if phasing or staging is requested and duration of each;
- description of trucks including: number and size of trucks per day, expected arrival/departure times, truck circulation patterns;
- provide all staging areas on the project site; and
- ensure that the contractor has obtained and read the City of Sunnyvale's TTC Guidelines and City of Sunnyvale's SOP for bike lane closures;
- ensure traffic impacts are localized and temporary.

Significance After Mitigation

Implementation of Mitigation Measure 4.7-5 would require the developer or construction contractor to prepare and implement a TTC consistent with CA-MUTCD, Part 6: Temporary Traffic Control and City of Sunnyvale TTC guidelines, and that meets with the approval of the City of Sunnyvale Division of Transportation and Traffic. Thus, Mitigation Measure 4.7-5 would reduce the temporary impact to the degree feasible. Additionally, construction traffic impacts would be localized and temporary. For these reasons, construction traffic impacts of the project would be **less than significant**.(DEIR pages 4.7-35 and 4.7-36).

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to construction traffic identified in the FEIR.

GREENHOUSE GAS EMISSIONS

Impact 4.8-1: Project-Generated GHG Emissions

Mitigation Measure 4.8-1: Implement Project Features to be Consistent with A Future Qualified Climate Action Plan or Implement All Feasible On-Site Greenhouse Gas Reduction Measures And Purchase Carbon Offsets

A. The applicant shall implement project design features sufficient to demonstrate that the project would be consistent with the next version of the City's climate action plan, referred to as CAP 2.0. This option can only be followed if the CAP 2.0 meets the criteria listed in Section 15183.5b(1) of the State CEQA Guidelines prior to any project-related demolition or construction activity. This option can also only be followed if the CAP 2.0 is aligned with the statewide GHG reduction target established by SB 32 of 2016 (i.e., 40 percent below 1990 levels by 2030) and any additional post-2030 statewide reduction targets established by the state legislature at the time. The applicant must follow the City's process for demonstrating that a project is consistent with the CAP 2.0.

   If CAP 2.0 is not adopted at the time of construction of project facilities, the applicant shall implement Parts B and C of this mitigation measure.

B. The applicant shall implement all feasible measures to reduce GHG emissions associated with the project, including but not limited to the construction- and operation-related measures listed below. The

applicant may refrain from implementing some of the measures below only if it provides substantial evidence to the City that substantiates why the measure is infeasible for this project. The GHG reductions achieved by the implementation of measures listed in Part B shall be estimated by a qualified third-party selected by the City. All GHG reduction estimates shall be supported by substantial evidence. The effort to quantify the GHG reductions shall be fully funded by the project applicant. Measures should be implemented even if it is reasonable that its implementation would result in a GHG reduction, but a reliable quantification of the reduction cannot be substantiated. The applicant shall incorporate onsite design measures into the project and submit verification to the City prior to issuance of building permits. Many of these measures are identical to, or consistent with, the measures listed in Appendix B of the 2017 Scoping Plan (CARB 2017a: B-7 to B-8).

a. Construction-related GHG Reduction Measures. Implementation of these measures shall be required in the contract the applicant establishes with its construction contractors and identified in the project improvement and site design plans.

    i. The applicant shall require its contractors to enforce idling of on- and off-road diesel equipment for no more than 5 minutes while on site. This measure is also required by Mitigation Measure 4.2-1, which addresses emissions of particulate matter.

    ii. The applicant shall implement waste, disposal, and recycling strategies in accordance with Sections 4.408 and 5.408 of the 2016 California Green Building Standards Code (CALGreen Code), or in accordance with any update to these requirements in future iterations of the CALGreen Code in place at the time of project construction.

    iii. Project construction shall achieve or exceed the enhanced Tier 2 targets for recycling or reusing construction waste of 75 percent for residential land uses as contained in Sections A4.408 and A5.408 of the CALGreen Code.

    iv. All diesel-powered, off-road construction equipment shall meet EPA's Tier 4 emissions standards as defined in 40 Code of Federal Regulation (CFR) 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models can be used if a Tier 4 version of the equipment type is not yet produced by manufacturers. This measure can also be achieved by using battery-electric off-road equipment as it becomes available.

    v. All diesel-powered construction equipment shall be powered only with renewable diesel fuel. The renewable diesel fuel shall meet California's LCFS and be certified by CARB Executive Officer; be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables; contain no fatty acids or functionalized fatty acid esters; and have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines. Suppliers of renewable diesel in the San Francisco Bay Area include Ramos Oil, Propel Fuels, and Western States Oil. The cost of renewable diesel fuel is typically 5 to 6 cents higher per gallon than for conventional diesel fuel. Local governments that have adopted renewable diesel fuel for their diesel vehicle fleets include the City and County of San Francisco, Sacramento County, San Diego County, and Carlsbad (Western States Oil 2018). Moreover, staff at CARB note that some large additional renewable diesel production projects are currently being planned (Wade, pers. comm., 2018).

    vi. The applicant shall implement a program that incentives construction workers to carpool, use public transit, or EVs to commute to and from the project site.

b. Operational GHG Reduction Measures

    i. The applicant shall achieve as many residential zero net energy (ZNE) buildings as feasible. Prior to the issuance of building permits the project developer or its designee shall submit a Zero Net

Energy Confirmation Report (ZNE Report) prepared by a qualified building energy efficiency and design consultant to the city for review and approval. The ZNE Report shall demonstrate that development within the project area subject to application of the California Energy Code has been designed and shall be constructed to achieve ZNE, as defined by CEC in its 2015 Integrated Energy Policy Report, or otherwise achieve an equivalent level of energy efficiency, renewable energy generation, or GHG emissions savings. This measure would differ than the project's commitment zero net electricity because ZNE also concerns on-site consumption of natural gas.

ii. All buildings shall include rooftop solar photovoltaic systems to supply electricity to the buildings. Alternatively, solar photovoltaic systems can be installed on canopies that also shade parking areas.

iii. The applicant shall install rooftop solar water heaters if room is available after installing photovoltaic panels.

iv. Any household appliances included in the original sale of the residential units shall be electric and certified Energy Star-certified (including clothes washers, dish washers, fans, and refrigerators, but not including tankless water heaters).

v. The applicant shall install programmable thermostat timers in all residential dwelling units that allow users to easily control when the HVAC system will heat or cool a certain space, thereby saving energy.

vi. Single-family residential buildings shall include efficiency design features that meet standards established by Tier 2 of CalGreen.

vii. All buildings shall be designed to include cool roofs consistent with requirements established by Tier 2 of the CALGreen Code.

viii. All buildings shall be designed to comply with requirements for water efficiency and conservation as established in the CALGreen Code.

ix. If natural gas service is provided to the project site then natural gas connections must be provided in the backyards of single-family homes. This measure is not required if natural gas connections are not provided to the project site.

x. Electrical outlets shall be included on every exterior wall of all buildings. These exterior outlets will enable the use of electric-powered landscape maintenance equipment thereby providing an alternative to using fossil fuel-powered generators.

xi. Any outdoor parking lot that is part the public park shall include trees and/or solar canopies designed to provide a minimum 50 percent shading of parking lot surface areas.

xii. Provide a minimum of one single-port electric vehicle charging station at each new residential unit that achieves similar or better functionality as a Level 2 charging station (referring to the voltage that the electric vehicle charger uses).

xiii. Create safe paths of travel to building and park access points, connecting to existing bicycle and pedestrian facilities.

C. In addition to the measures listed under Part B, the applicant shall offset GHG emissions to zero by funding activities that directly reduce or sequester GHG emissions or by purchasing and retiring carbon credits.

To the degree that a project relies on GHG mitigation measures, the City of Sunnyvale, BAAQMD, and CARB recommend that lead agencies prioritize on-site design features, such as those listed in Part B of this mitigation measure, and direct investments in GHG reductions within the vicinity of the project site to provide potential air quality and economic co-benefits locally. While emissions of GHGs and their contribution to climate change is a global problem, emissions of air pollutants, which have a localized effect, are often emitted from similar activities that generate GHG emissions (i.e., mobile, energy, and area sources). For example, direct investment in a local building retrofit programs could pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting, energy efficient appliances, energy efficient windows, insulation, and water conservation measures for homes within the geographic area of the project. Other examples of local direct investments include financing installation of regional electric vehicle charging stations, paying for electrification of public school buses, and investing in local urban forests. These investments would not only achieve GHG reductions, but would also directly improve regional and local ambient air quality. However, to adequately mitigate GHG emissions to zero, it is critical that any such investments in actions to reduce GHG emissions meet the criteria of being real, additional, quantifiable, enforceable, validated, and permanent, as stated in CEQA Guidelines Section 15126.4(C)(3). Where further project design or regional investments are infeasible or not proven to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issues by a recognized and reputable accredited carbon registry (e.g., Climate Action Reserve).

The CEQA Guidelines recommend several options for mitigating GHG emissions. State CEQA Guidelines Section 15126.4(C)(3) states that measures to mitigate the significant effects of GHG emissions may include "off-site measures, including offsets that are not otherwise required…" Through the purchase of GHG credits through voluntary participation in an approved registry, GHG emissions may be reduced at the project level. GHG reductions must meet the following criteria:

- Real—represent reductions actually achieved (not based on maximum permit levels),
- Additional/Surplus—not already planned or required by regulation or policy (i.e., not double counted),
- Quantifiable—readily accounted for through process information and other reliable data,
- Enforceable—acquired through legally-binding commitments/agreements,
- Validated—verified through accurate means by a reliable third party, and
- Permanent—will remain as GHG reductions in perpetuity.

In partnership with offset providers, the applicant shall purchase credits to offset 966 $MTCO_2e$ of the project's construction-related GHGs prior to the start of construction from a verified program that meets the above criteria. The applicant shall also purchase 675 $MTCO_2e$ of the project's operational-related GHGs from available programs that not only meet the above criteria, but, demonstrate the ability to counterbalance GHG emissions over the lifespan of the project or "in perpetuity." For example, the purchase of an offset generated by a reforestation or forest preservation program would entail replanting or maintenance of carbon sequestering trees, which would continue to sequester carbon over several years, decades, or even centuries (Forest Trends 2017). The offsets purchased must offer an equivalent GHG reduction benefit annually or more GHGs reduced annually as opposed to a one-time reduction.

Alternatively, if such offset programs are unavailable or infeasible, prior to commencing operation, the applicant shall also purchase credits to offset the project's operational emissions of 675 $MTCO_2e$/year multiplied by the number of years of operation between commencement of operation and 2050, which is the target year of Executive Order S-3-05. It should be noted, however, that this number is subject to change depending on alterations in the level of on-site mitigation applied to the project depending on the feasibility of individual measures, including those listed in Part B of this mitigation measure. Offset protocols and validation applied to the project could be developed based on existing standards (e.g., Climate Registry Programs) or could be developed independently, provided such protocols satisfy the basic criterion of "additionality" (i.e. the reductions would not happen without the financial support of purchasing carbon offsets).

Prior to issuing building permits for development within the project, the city shall confirm that the project developer or its designee has fully offset the project's remaining (i.e. post implementation of GHG reduction measures listed in Part B) GHG emissions by relying upon one of the following compliance options, or a combination thereof:

- demonstrate that the project developer has directly undertaken or funded activities that reduce or sequester GHG emissions that are estimated to result in GHG reduction credits (if such programs are available), and retire such GHG reduction credits in a quantity equal to the project's remaining GHG emissions;
- provide a guarantee that it shall retire carbon credits issued in connection with direct investments (if such programs exist at the time of building permit issuance) in a quantity equal to the project's remaining GHG emissions;
- undertake or fund direct investments (if such programs exist at the time of building permit issuance) and retire the associated carbon credits in a quantity equal to the project's remaining GHG emissions; or
- if it is impracticable to fully offset the project's GHG emissions through direct investments or quantifiable and verifiable programs do not exist, the project developer or its designee may purchase and retire carbon credits that have been issued by a recognized and reputable, accredited carbon registry in a quantity equal to the project's remaining GHG Emissions.

Significance After Mitigation

Implementation of Part A of Mitigation Measure 4.8-1 would ensure that the project is consistent with an adopted plan for the purpose of reducing the emissions of GHGs. Alternatively, implementation of both Parts B and C of Mitigation Measure 4.8-1 would ensure that the project would not result in a net increase in GHG emissions and, thus, not conflict with CARB's 2017 Scoping Plan or an established state GHG reduction targets (e.g., SB 32). Thus, the project's contribution to climate change would be reduced to **less than significant**. (DEIR pages 4.8-9 through 4.8-14)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to the project's contribution to climate change identified in the FEIR.

5.1.4 Findings Regarding Environmental Impacts Not Fully Mitigated to a Level of Less than Significant

The following significant and potentially significant environmental impacts of the project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. These significant and unavoidable impacts and associated mitigation measures are listed below and summarized within Chapter 2, "Executive Summary," Table 2-1, Summary of Impacts and Mitigation Measures, of the DEIR and Chapter 3, "Revisions to the DEIR," of the FEIR. Please refer to the DEIR and FEIR for more detail.

ARCHAEOLOGICAL, HISTORIC, AND TRIBAL CULTURAL RESOURCES

Impact 4.3-1: Impacts to Historic Resources

Mitigation Measure 4.3-1a: Document Historic Buildings Before Removal

The project applicant shall complete documentation of the buildings present on the Corn Palace property before any construction/demolition work is conducted at the project site. Documentation shall consist of a written history of the property and photographs, as described below.

- Written History. The Carey & Co. report, *Historic Resource Evaluation Report, Corn Palace*, shall be used for the written history of each building. The report shall be reproduced on archival bond paper.
- Photographs. Digital photographs shall be taken of the dwelling units and the Corn Palace following the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation Digital Photography Standards.

The documentation shall be prepared by an architectural historian, or historical architect as appropriate, meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The documentation shall be submitted to the City of Sunnyvale

Mitigation Measure 4.3-1b: Create an Interpretive Program, Exhibit, or Display

The project applicant shall prepare a permanent exhibit/display of the history of the Corn Palace property including, but not limited to, historic and current photographs, interpretive text, drawings, video, interactive media, and oral histories. The exhibit shall include information related to historic agricultural uses of the site, dating back to at least the 1860s. The exhibit/display shall be developed in consultation with the City of Sunnyvale, local historical organizations, and those with an interest in the history of the Corn Palace property and/or agricultural history within the City of Sunnyvale. The exhibit/display shall be displayed in a location at the proposed park, adjacent to the housing development, that is accessible to the public and may be incorporated into the interpretive exhibit.

Significance after Mitigation

Implementation of Mitigation Measures 4.3-1a and 4.3-1b would lessen the impacts related to the loss of the existing dwelling units and the Corn Palace farmstand located on the project site, but not to a level of less than significant because the historic resources would no longer exist. Consequently, mitigation is available to only partially mitigate the impacts of the project on this historic property. Therefore, the impact would remain **significant and unavoidable** after implementation of all feasible mitigation measures. (DEIR pages 4.3-13 and 4.3-14 and FEIR pages 3-1 and 3-4)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that would lessen the significant impact to historic resources identified in the FEIR. Even with implementation of Mitigation Measures 4.3-1a and 4.3-1b above, the impact would remain significant and unavoidable because the historic resources would no longer exist with development of the site. The property as a whole (i.e. existing structures and land) is eligible for CRHR and local listing because it is one of a very few remaining agricultural lands in Sunnyvale and a rare survivor of a family farm from the period when agriculture dominated the local economy. As discussed in the Statement of Overriding Considerations, below, the City finds that specific economic, legal, social, technological, or other considerations make this mitigation infeasible to fully reduce the impact to a less-than-significant level.

NOISE AND VIBRATION

Impact 4.9-1: Construction Noise

Mitigation Measure 4.9-1: Implement Construction-Noise Reduction Measures

To minimize noise levels during construction activities, the construction contractors shall comply with the following measures during all construction work that will be identified in project improvement plans:

- All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors).
- Where available and feasible, construction equipment with back-up alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. Self-adjusting backup alarms shall automatically adjust to 5 dB over the surrounding background levels. All non-self-adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels.
- Designate a disturbance coordinator and post that person's telephone number conspicuously around the construction site and provide to nearby residences. The disturbance coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and implementing any feasible measures to alleviate the problem.
- Install temporary noise curtains as close as feasible to noise-generating activity and that blocks the direct line of sight between the noise source and the nearest noise-sensitive receptor(s). Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot.

Significance after Mitigation

Implementation of Mitigation Measure 4.9-1 would provide substantial reductions in levels of construction noise exposure at noise-sensitive receptors by ensuring proper equipment use; locating noise-generating equipment away from sensitive land uses; requiring a temporary solid barrier around the project site and staging area; and requiring the use of enclosures, shields, and noise curtains (noise curtains typically can reduce noise by up to 10 dB). However, construction activities could occur approximately 50 feet from existing residential uses to the south, west, and north of the project site. Although, noise reduction would be achieved with implementation of Mitigation Measure 4.9-1, it is likely that noise levels are likely still exceed 60 L_{eq} at the nearest sensitive receptors during daytime hours. this impact would remain **significant and unavoidable**. (DEIR pages 4.9-11 through 4.9-13)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that would lessen the significant construction noise impact identified in the FEIR. Even with implementation of Mitigation Measure 4.9-1 above, the impact would remain significant and unavoidable because construction noise levels are likely to still exceed 60 Leq at the nearest sensitive receptors during daytime hours. As discussed in the Statement of Overriding Considerations, below, the City finds that specific economic, legal, social, technological, or other considerations make this mitigation infeasible to fully reduce the impact to a less-than-significant level.

5.1.5 Findings Related to Cumulative Impacts

The following cumulatively significant and potentially significant environmental impacts of the project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. The City finds that the project's environmental, economic, social, and other benefits outweigh and override the significant adverse cumulative impacts related to change in the environment. The City hereby elects to approve the project due to overriding considerations as set forth below in Section 7, "Statement of Overriding Considerations."

Please refer to Chapter 6, "Other CEQA Sections," of the DEIR for a comprehensive discussion of cumulative impacts.

ARCHAEOLOGICAL, HISTORIC, AND TRIBAL CULTURAL RESOURCES

Impact 6-4: Cumulative Effect on Historic Resources

Mitigation Measure 4.3-1a: Document Historic Buildings Before Removal

The project applicant shall complete documentation of the buildings present on the Corn Palace property before any construction/demolition work is conducted at the project site. Documentation shall consist of a written history of the property and photographs, as described below.

- Written History. The Carey & Co. report, *Historic Resource Evaluation Report, Corn Palace*, shall be used for the written history of each building. The report shall be reproduced on archival bond paper.

- Photographs. Digital photographs shall be taken of the dwelling units and the Corn Palace following the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation Digital Photography Standards.

The documentation shall be prepared by an architectural historian, or historical architect as appropriate, meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The documentation shall be submitted to the City of Sunnyvale

Mitigation Measure 4.3-1b: Create an Interpretive Program, Exhibit, or Display

The project applicant shall prepare a permanent exhibit/display of the history of the Corn Palace property including, but not limited to, historic and current photographs, interpretive text, drawings, video, interactive media, and oral histories. The exhibit shall include information related to historic agricultural uses of the site, dating back to at least the 1860s. The exhibit/display shall be developed in consultation with the City of Sunnyvale, local historical organizations, and those with an interest in the history of the Corn Palace property and/or agricultural history within the City of Sunnyvale. The exhibit/display shall be displayed in a location at the proposed park, adjacent to the housing development, that is accessible to the public and may be incorporated into the interpretive exhibit.

Significance after Mitigation

Implementation of Mitigation Measures 4.3-1a and 4.3-1b would lessen the impacts related to the loss of the existing dwelling units and the Corn Palace farmstand located on the project site, but not to a level of less than significant because the historic resources would no longer exist. Consequently, mitigation is available to only partially mitigate the impacts of the project on this historic property. Because the project would result in the loss of a historic resource within the City of Sunnyvale, the project's incremental contribution to these cumulative effects would be cumulatively considerable; therefore, this would be a **significant and unavoidable cumulative impact**. (DEIR pages 6-9 and 6-10)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that would lessen the significant impact to historic resources identified in the FEIR. Even with implementation of Mitigation Measures 4.3-1a and 4.3-1b above, the impact would remain significant and unavoidable because the historic resources would no longer exist with development of the site. The property as a whole (i.e. existing structures and land) is eligible for CRHR and local listing because it is one of a very few remaining agricultural lands in Sunnyvale and a rare survivor of a family farm from the period when agriculture dominated the local economy. As discussed in the Statement of Overriding Considerations, below, the City finds that specific economic, legal, social, technological, or other considerations make this mitigation infeasible to fully reduce the impact to a less-than-significant level.

5.2 MITIGATION MONITORING

A Mitigation Monitoring and Reporting Plan (MMRP) was prepared for the project and approved by the City (see Public Resources Code, Section 21081.6, subd. [a)[1]; CEQA Guidelines Section 15097). The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

5.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENT EFFECTS

The State CEQA Guidelines (Section 15126) require a discussion of the significant irreversible environmental changes which would be involved in a project should it be implemented. The irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes. Irreversible and irretrievable resources are those that cannot be recovered or recycled or those that are consumed or reduced to unrecoverable forms.

The project would result in the irreversible and irretrievable commitment of energy and material resources during construction and operation, including the following:

- construction materials, including such resources as soil, rocks, wood, concrete, glass, roof shingles, and steel;
- land area committed to new project facilities;
- water supply for project operation; and
- energy expended in the form of electricity, gasoline, diesel fuel, and oil for equipment and transportation vehicles that would be needed for project construction and operation.

The use of these nonrenewable resources is expected to account for a minimal portion of the region's resources and would not affect the availability of these resources for other needs within the region. Construction activities would not result in inefficient use of energy or natural resources (see DEIR Section 4.5, "Energy," for a further discussion of the project's energy use). Long-term project operation would not result in substantial long-term consumption of energy and natural resources. (DEIR page 6-19)

5.4 GROWTH INDUCEMENT

As described in DEIR Section 1.4, "Population and Housing," it is anticipated that approximately 166 new residents would occupy the onsite residences. This development and population were assumed and planned for under the General Plan LUTE. (DEIR page 6-18 and 6-19)

DIRECT GROWTH-INDUCING IMPACTS ASSOCIATED WITH REMOVAL OF BARRIERS TO POPULATION GROWTH

The project consists of an infill site that is surrounded on all sides with urban development. Implementation of the project would not remove barriers to population growth because the project is consistent with existing land use designations and planned growth described in the LSAP and General Plan LUTE. The project would eliminate an obstacle to growth through the extension and provision of utilities and services for residential uses on a site that was previously used for agricultural uses and three homes, including extension of water service and pipelines, wastewater collection systems, storm drainage pipelines, and roadways.

As described in Section 1.3.1, "Effects Found Not to be Significant", the LSAP DEIR concluded that development within the LSAP area, including the project site, would not require new water or wastewater treatment infrastructure, new or expanded water or wastewater entitlements to serve development under the LSAP, or result in wastewater that would exceed treatment requirements of the Regional Water Quality Control Board (City of Sunnyvale 2016b). The City finds that the project would directly connect to existing utility infrastructure (water, wastewater, natural gas, and electricity) and would not facilitate additional development through expansion of regional facilities (e.g., water treatment plants, wastewater treatment plants, electrical substations) beyond that which was planned for within the LSAP. (DEIR pages 6-18 and 6-19)

OTHER EMPLOYMENT GROWTH AND OTHER ECONOMIC-RELATED GROWTH IMPACTS

Vacancy rates are an indicator of housing supply and demand. Low vacancy rates influence greater upward price pressures and higher vacancy rates indicate downward price pressures. A five to six percent vacancy rate is generally considered healthy. Approximately 4.5 percent of City of Sunnyvale housing units were vacant as of January 1, 2018 estimates (California Department of Finance 2018). Thus, the City is currently considered to have a high demand for housing

The project is a residential development adjacent to existing residential development and transportation hubs. The project is consistent with the project site's existing land use designation and zoning. Homebuyers associated with the project are anticipated to originate from areas within the City or adjacent City of Santa Clara, because there is substantial demand for housing in the City and County (i.e., vacancy rates are considered low). Job growth projections and perceived demands are based on assumptions related to increased population growth. Thus, because the project would increase housing and population levels within the City, similar to that anticipated in the General Plan LUTE and LSAP, the project would not facilitate the need for new employment, as well as goods and services (e.g., restaurants, grocery, gas stations). Facilitation of new employment, goods, and services would result in increased economic growth within the City and would be considered an indirect growth-inducing effect. Potential secondary effects of growth could include environmental consequences, such as conversion of open space to developed uses, increased demand on community and public services and infrastructure, increased traffic and noise, degradation of air and water quality, or degradation or loss of plant and wildlife habitat. The environmental impacts of growth have been addressed by the City in the LSAP EIR and the LUTE EIR. (DEIR page 6-19)

6 PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remains any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

As noted under the heading "Findings Required under CEQA," an alternative may be "infeasible" if it fails to achieve the lead agency's underlying goals and objectives with respect to the project. Thus, "feasibility'

under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" of a project *(*City of Del Mar v. City of San Diego [1982] 133 Cal.App.3d 401, 417).

6.1 ALTERNATIVES CONSIDERED BUT ULTIMATELY REJECTED

6.1.1 Off-Site Alternative

The possibility of an off-site location was considered as an alternative to the project; however, objectives of the project include creating a residential community with single-family detached homes for sale in an area with low new home availability and providing housing in proximity to major regional transit and several large private tech employers. The project site is the last vacant parcel in the City that is zoned for single-family development in close proximity to major regional transit (Lawrence Station for Caltrain). It is also noted that the project site is surrounded by existing residential development, utility connections, and roadway access. For these reasons, the Off-Site Alternative was dismissed from detailed evaluation. (DEIR page 5-4)

6.2 ALTERNATIVES CONSIDERED IN THE EIR

The following alternatives to the project are evaluated in detail, in the EIR (refer to Chapter 5 of the DEIR) as described below:

- Alternative 1: No Project - No Development
- Alternative 2: No Project – NO General Plan Buildout
- Alternative 3: Retain Farmstand

6.2.1 Alternative 1: No Project - No Development

CEQA requires consideration of the No Project Alternative, which addresses the impacts associated with not moving forward with the project. The purpose of analyzing the No Project Alternative is to allow decision-makers to compare the impacts of the project versus no project. CEQA indicates that in certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment." (State CEQA Guidelines Section 15126[e][3][B]). These latter conditions were evaluated under Alternative 2: No Project, General Plan Buildout.

Although preservation of the existing undeveloped site condition is considered less likely than future development of the project site, examination of the comparative environmental impacts between the project and Alternative 1: No Project, No Development (Alternative 1) is useful. Whereas the DEIR focuses on the direct, indirect, and cumulative impacts of the project, the analysis of the No Project, No Development Alternative considers the effects of leaving the project site in its current condition. In general, the project site consists primarily of vacant land with three residences, a vacant farm stand, and several other structures.

The No Project Alternative would not meet any of the project objectives. However, it would result in reduction of impacts in all resource areas when compared to the project. (DEIR pages 5-4 and 5-6)

6.2.2 Alternative 2: No Project, General Plan Buildout

The project site is designated as Low-Medium Density Residential in the City of Sunnyvale General Plan LUTE and the LSAP. The project site has been designated as Low-Medium Density Residential with a Planned Development combining zoning district (R1.5-PD) under the City's Zoning Ordinance. The project site is surrounded by existing residential development and roadways. The project is consistent with the current land use designation and zoning. Therefore, it is reasonable to expect that if the project were not approved, the project site would be developed as residential development consistent with the land use and zoning designations. Therefore, it is assumed that the Alternative 2: No Project, General Plan Buildout would result in similar development of the project site. The proposed park is also assumed as part meeting LSAP policies related to parks and open space for the project site (LSAP Policy OSP-1 and Chapter 6 Urban Design – Southern Residential Subarea, 2016).

Alternative 2 would result in similar significant environmental impacts identified for the proposed project in Sections 4.1 through 4.9 of this DEIR because the extent of site development would be the same as the project. (DEIR page 5-6)

6.2.3 Alternative 3: Retain Farm Stand with Reduced Density

Alternative 3 would retain the Corn Palace Farm Stand structure associated parking area located in the southeast corner of the project site and incorporated into the design of the project proposed public park. Retention of the Corn Palace Farm Stand would provide further mitigation associated with the loss of historical resources of the project site given its visual prominence and association to the historic use of the project site. The proposed park would be expanded by approximately 0.2-acre (DEIR Exhibit 5-1). Under the project as proposed, there are two residences proposed for this area; therefore, Alternative 3 would result in construction of 56 single-family residences instead of 58. All other components of Alternative 3 would be the same as the project.

Alternative 3 would result in a reduction of impacts in the following resource areas. However, the impact conclusions would not change from those identified for the project.

- Historic resources
- Energy
- Transportation and circulation
- Greenhouse gas emissions and climate change (DEIR pages 5-6 through 5-8)

6.2.4 Findings Regarding Alternatives

Alternative 1 would not meet any of the project objectives. Although the analysis completed through the CEQA process revealed that the No Project-No Development Alternative is the environmentally superior alternative because all the significant impacts of the project would be avoided, the City finds that it is infeasible because it would not meet any of the project's objectives.

Alternative 2 would meet all of the project objectives and would result in similar significant environmental impacts because the extent of site development would be the same as the proposed project. No environmental benefits over the project would be achieved under this alternative. Therefore, the City finds that Alternative 2 is infeasible.

Alternative 3 could meet most of the project objectives, although potentially not to the same degree as the project. Alternative 3 would result in reduced environmental impacts to historic, energy, transportation and circulation, and greenhouse gases (GHG) would be reduced, when compared to the project. Because Alternative 3 would result in reduced environmental impact than the project as proposed, it would be considered environmentally superior. However, preservation of the Farm Stand would not avoid significant unavoidable impacts for the loss of historic resources (Impact 4.3-1) or construction noise (Impact 4.9-1). The historical evaluation of the site determined that the Farm Stand is of common construction and materials with no notable or special attributes that are architecturally significant. The Farm Stand does not meet the City's objectives and design criteria for use as a park feature, community building, or historical exhibit. Furthermore, preserving the Farm Stand would require the City to negotiate an additional land purchase from the project applicant, and to incur ongoing costs for upgrading and maintaining the structure in a manner that would make it suitable for public use. Therefore, the City finds that Alternative 3 is infeasible.

7 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

Based on the record of proceedings, the City finds and determines that (1) the majority of the significant impacts of the project will be reduced to less-than-significant levels by implementation of the mitigation measures recommended in these findings; (2) the City's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, the objectives of the project, and the considerations set forth below related to this project, the City chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in the City's judgment and based on substantial evidence, the benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City finds that the project, as conditionally approved, will have the following economic, social, technological, and environmental benefits, which constitute overriding considerations:

- The proposed Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible. No feasible mitigation measures or alternatives have been identified that would mitigate the significant and unavoidable adverse effects of the Project.

- The development of the site with 58 single-family residential dwelling units and a 2-acre public park is consistent with the policies of the City of Sunnyvale's General Plan. The City's Housing Element identifies the Corn Palace site as a vacant and under-utilized site that is appropriate for residential development.

- The site is zoned residential and is surrounded by residential uses, and has not been cultivated as farmland since 2015.

- The development will create much needed housing to meet the housing needs of the City and will include below market rate ownership units to meet the City's affordable housing goals. The Project would increase the variety of housing options in the City of Sunnyvale, including for-sale residences of various sizes.

- The proposed Project concentrates growth in existing urbanized areas as infill development and thereby results in fewer impacts from the construction of new infrastructure. The provision of infill housing is needed by the City and is anticipated under the Land Use and Transportation Element and the Lawrence Station Area Plan.

- The Project will add housing along transportation corridors and near transit nodes. The Project will promote greater use of the Lawrence Caltrain Station by placing new housing within a half mile of the station, thereby reducing local and regional Vehicles Miles Traveled (VMT), which translates into air quality and greenhouse gas emissions benefits and increases in resources and energy efficiency, as recognized by California Department of Transportation (Caltrans), Santa Clara Valley Transportation Authority, Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG).

- The Project is consistent with key regional planning documents and regulations including Plan Bay Area, which is the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS), the City-endorsed VTA Community Design and Transportation (CDT) Program Cores, Corridors and Station Areas Framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County, and Senate Bill 375, the Sustainable Communities and Climate Protection Act.

- The creation of the 2-acre park will preserve open space and increase recreational opportunities for Sunnyvale residents, particularly those in the Lawrence Station Area. The park will encourage walking and biking and will reduce the need for nearby residents to drive elsewhere to enjoy open space and recreation.

The above statements of overriding considerations are consistent with, and substantially advance, the following goals and policies of the City's General Plan:

- Policy LT-1.7 Emphasize efforts to reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit.

- Policy LT-3.6 Promote modes of travel and actions that provide safe access to city streets and reduce single-occupant vehicle trip lengths locally and regionally.

- Policy LT-4.1: Preserve and enhance an attractive community, with a positive image, a sense of place, landscaping, and a human scale.

- Policy LT-4.2: Encourage nodes of interest and activity, public open spaces, well-planned development, mixed-use projects, signature commercial uses, and buildings and other desirable uses, locations, and physical attractions.

- Policy LT-5.2: Preserve and enhance the character of Sunnyvale's residential neighborhoods by promoting land use patterns and transportation opportunities that support a neighborhood concept as a place to live, work, shop, entertain, and enjoy public services, open space, and community near one's home and without significant travel.

- Policy CC-3.1 Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents, and visitors, and be reasonability balanced with the need for economic development to assure Sunnyvale's economic prosperity.

- Policy CC-3.2 Ensure site design is compatible with the natural and surrounding built environment.

- Policy HE-1.1 Encourage diversity in the type, size, price and tenure of residential development in Sunnyvale, including single-family homes, townhomes, apartments, mixed-use housing, transit-oriented development and live-work housing.

- Policy HE-4.2 Continue to direct new residential development into specific plan areas, near transit, and close to employment and activity centers.

- Policy HE-4.3 Require new development to build to at least 75 percent of the maximum zoning density, unless an exception is granted by the City Council.

Based on the detailed findings made above, the Planning Commission hereby finds that economic and social considerations outweigh the remaining environmental effects of approval and implementation of the Project, and the Planning Commission hereby concludes that the Project should be approved.