DRAFT 3/14/19 RLM

RESOLUTION NO. ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE 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 1 AMD PLACE REDEVELOPMENT 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 1 AMD Place Redevelopment Project ("the Project") pursuant to CEQA and the CEQA Guidelines (State Clearinghouse #2017082043); 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 City Council on April 23, 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, by this Resolution, the City Council 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 City Council of the City of Sunnyvale as follows:

1. The City Council 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 City Council; that the City Council 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 City Council.

2. The City Council 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 City Council, 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 City Council at a regular meeting held on _____, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor
(SEAL)

APPROVED AS TO FORM:

_____
City Attorney

Exhibit A

Findings of Fact and Statement of Overriding Considerations for the 1 Advanced Micro Devices Place Redevelopment Project

Prepared for:

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

TABLE OF CONTENTS

ACRONYMS AND ABBREVIATIONS

AMD	Advanced Micro Devices
CEQA	California Environmental Quality Act
DEIR	draft environmental impact report
EIR	environmental impact report
FEIR	final environmental impact report
project	1 AMD Place Redevelopment 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 1 Advanced Micro Devices (AMD) Place Redevelopment 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 consists of the demolition of three existing buildings and redevelopment of the site as a master-planned residential community of up to 1,074 residential units that would include medium- and high-density residential land uses and related on-site facilities to serve the development. The project site would also include a 6.5-acre public park and extension of Indian Wells Avenue through the site to connect with the Duane Avenue/Stewart Drive intersection.

Project requested City entitlements include the following:

- Approval of a rezone to adjust the boundaries of the site's Industrial to Residential-Medium (MS/ITRR3) and Industrial to Residential-High (MS/ITRR4) zone districts;
- Approval of a Special Development Permit for site and architectural (i.e. design) review, removal of protected trees, and consideration of deviations from City height standards or other standards as provided for under City Municipal Code Chapter 19.90; and State Density Bonus Law; and
- Approval of a lot line adjustment and a tentative subdivision map.

2.1 PROJECT LOCATION AND SETTING

The project site consists of three parcels of approximately 34.7 acres located at 1 AMD Place (Assessor's Parcel Number [APN] 20522024 and 20522025) and 975 Stewart Drive (APN 20522028) within the eastern portion of the City of Sunnyvale (see DEIR Exhibit 3-1). The site is north of Stewart Drive, south of Duane Avenue (also referred to as East Duane), and west of the Duane Avenue/Stewart Drive intersection (see DEIR Exhibit 3-2). Vehicular access to the project site is provided along Stewart Drive. The project site is approximately 0.25-mile south of U.S. Highway 101 and 0.10 mile west of Lawrence Expressway.

The project site consists of three office buildings, a utility building, paved parking lots and roads, and landscaping, including grass lawns and mature landscape trees. Residential uses are adjacent to the north, east, and west project boundaries. A public storage facility, and office uses are located south and southeast of the site. Hotel and office buildings (formerly a private university) are located east of the site and southeast of the Duane Avenue/Stewart Drive intersection.

2.2 PROJECT BACKGROUND

The project site currently contains two developed industrial sites; a 20,867 square foot office/R&D building is in the southwestern corner of the project site (975 Stewart Drive) and two buildings totaling approximately 205,523 square feet of office/R&D uses located in the remainder of the project site (1 AMD Place). Except for limited occupancy at 975 Stewart Drive, office buildings at the project site are vacant.

On February 2, 2007, City Council approved the East Sunnyvale Industrial-to-Residential (ITR) General Plan Amendment and Rezone. The ITR Project, which included the project site, consisted of conversion of an approximately 130-acre industrial/office area to a combined designation that allows transition to residential uses. The ITR amendment and rezone and subsequent approvals (southwest corner of the project site was approved for 57 residential units that were never constructed) resulted in a potential for the development of approximately 884 residential units and a 3-acre park.

In April 2017, the City Council adopted an update to the City's Land Use and Transportation Element (LUTE) of its General Plan. The City prepared an environmental impact report (EIR) (State Clearinghouse No. 2012032003) for the LUTE that evaluated the environmental impacts associated with development of the City based on the land use and transportation elements established in the LUTE. The LUTE designates land uses at the project site as Medium Density Residential (MDR) and High Density Residential (HDR). The project site is currently zoned Industrial and Service with Industrial to Residential Medium Density (MS/ITRR3) and Industrial and Service with Industrial to Residential High Density (MS/ITRR4).

2.3 PROJECT OBJECTIVES

Taking into consideration the goals of the applicant, the City has identified the following project objectives:

- Transition of the site from office uses to creation of a new public park and mix of residential densities that include affordable housing options to address City housing needs;
- Build a residential community that implements the goals and policies of the General Plan (Land Use and Transportation Element adopted 2017) and the East Sunnyvale Sense-of Place Plan (adopted 2015); and
- Create a residential community that utilizes adopted City policies and development design guidelines to create residential housing densities and building massing that complements the existing residential densities of adjacent land uses in the project area.

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. 2017082043) 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 August 18, 2017, 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. Each responsible and trustee agency and was circulated for public comments for 30 days.

B. A public scoping meeting to receive comments regarding the issues to be covered in the EIR was held on August 31, 2017 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 City had completed the DEIR and that copies were available on the City's website: http://www.sunnyvale.ca.gov. 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 Public Library at 665 West Olive Avenue, Sunnyvale, CA 94086.

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

F. A public hearing was held on November 26, 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 November 13, 2017 to the California tribes that are culturally and geographically affiliated with the project area. Representatives for the following tribes were notified: Ohlone/Costanoan Bay Miwok, Plains Miwok and Patwin; Amah Mutsun Tribal Band (Galt, Davis); Amah Mutsun Tribal Band Ohlone/Costanoan Northern Valley Yokuts; Amah Mutsun Tribal Band of Mission San Juan Bautista; Indian Canyon Mutsun Band of Costanoan (Hollister); Muwekma Ohlone Indian Tribe of the SF Bay Area;

Ohlone/Costanoan Tribe (Patterson); Ohlone/Costanoan (Seaside, Linden); Ohlone/Costanoan Northern Valley Yokuts and Bay Miwok; Ohlone Indian Tribe Bay Miwok, Plains Miwok and Patwin. 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 8, 2019. The FEIR consists of the following items:

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

J. The Project and the EIR came before the Planning Commission on April 8, 2019, at a duly and properly noticed public hearing. On this date, the Planning Commission recommended that the City Council adopt the following findings, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations.

K. The Project and the EIR came before the City Council on April 23, 2019, at a duly and properly noticed public hearing. On this date, the City Council 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 or 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 offices 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. 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 the FEIR and 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 a summary description of each potentially significant and significant impact, describes the 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.

Some of the measures identified below are within the jurisdiction and control of other agencies. To the extent any of the mitigation measures are within the jurisdiction of other agencies, the City finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines Section 15091[a][2]).

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 changes to the DEIR after this document was released, which are described in Chapter 3, "Revisions to the DEIR," of the FEIR. Minor changes were made to the discussion of the air quality analysis thresholds of significance, and mitigation measures 4.2-1a, 4.2-1b, 4.11-1, 4-11.4, 4-11.8, 6-13a, and 6-13b. These changes are described in the FEIR. 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.

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

The City agrees with the characterization in the FEIR of all project-specific impacts identified as "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 FEIR. Section 15091 of the CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having "no impact" or a "less than significant" impact.

The impacts where the project would result in either no impact or a less than significant impact, and which require no mitigation, are identified in the bulleted list below. Please refer to the EIR for more detail.

AESTHETICS

- Impact 4.1-1: Visual Character and Shadow Impacts
- Impact 4.1-2: Light and Glare Impacts

AGRICULTURE AND FORESTRY RESOURCES

- Loss of Agricultural Land or Agricultural Conflict Impacts
- Loss of Forest Land or Conflicts with Timberland Resource Impacts

AIR QUALITY

- Impact 4.2-2: Long-Term, Operational (Regional) Emissions of Criteria Air Pollutants and Precursors
- Impact 4.2-3: Mobile-Source CO Concentrations
- Impact 4.2-4: Exposure of Sensitive Receptors to TACs
- Impact 4.2-5: Exposure of Sensitive Receptors to Odors

BIOLOGICAL RESOURCES

- Impact 4.3-2: Consistency with City of Sunnyvale Tree Preservation Requirements

CULTURAL RESOURCES, TRIBAL RESOURCES, AND PALEONTOLOGICAL RESOURCES

- Historic Resource Impacts
- Archaeological Resource Impacts
- Tribal Cultural Resource Impacts
- Paleontological Resource Impacts

ENERGY

- Impact 4.4-1: Result in Inefficient and Wasteful Consumption of Energy
- Impact 4.4-2: Demand for Energy Services and Facilities

GEOLOGY AND SOILS

- Seismic Hazard Impacts
- Tsunamis Hazard Impacts
- Geologic and Soil Stability Impacts

HAZARDS AND HAZARDOUS MATERIALS

- Impact 4.6-1: Create a Significant Hazard Through Transport, Use, or Disposal of Common Hazardous Materials
- Impact 4.6-3: Impair Emergency Response or Evacuation Plans

HYDROLOGY, DRAINAGE, AND WATER QUALITY

- Drainage and Flooding Impacts

- Construction Water Quality Impacts
- Operational Water Quality Impacts

LAND USE AND PLANNING

- Impact 4.7-1: Physically Divide an Established Community
- Impact 4.7-2: Conflict with Applicable Land Use Plans, Policies, or Regulations Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

MINERAL RESOURCES

- Impacts to Mineral Resources

NOISE AND VIBRATION

- Impact 4.8-3: Traffic Noise Increases

PUBLIC SERVICES AND UTILITIES

- Impact 4.9-1: Increased Demand for Potable and Irrigation Water
- Impact 4.9-2: Increased Demand for Wastewater Collection, Conveyance, and Treatment
- Impact 4.9-3: Cause Exceedance of Waste Discharge Requirements
- Impact 4.9-4: Generation of Solid Waste that Exceeds the Capacity of the Kirby Canyon Landfill
- Impact 4.9-5: Result in the Need for Expanded School Facilities
- Impact 4.9-6: Increased Demand for Fire Protection, Law Enforcement, and Emergency Medical Services

RECREATION

- Impact 4.10-1 Impacts on Parks and Recreation Facilities

TRAFFIC AND CIRCULATION

- Impact 4.11-2: Impacts on Freeway Segments
- Impact 4.11-3: Impacts on Freeway Ramps
- Impact 4.11-5: Impacts on Bicycle Facilities
- Impact 4.11-7: Impacts on Emergency Services and Access

CUMULATIVE IMPACTS

- Impact 6-1: Substantial Adverse Cumulative Effect Related to Visual Character and Shadow Impacts
- Impact 6-2: Substantial Adverse Cumulative Effect on Light and Glare
- Impact 6-3: Cumulative Effect on Air Quality

- Impact 6-4: Cumulative Effects Related to Disturbance or Loss of White-Tailed Kite, Nesting Raptors and Other Birds
- Impact 6-5: Cumulative Effects Related to Consistency with City of Sunnyvale Tree Preservation Ordinance
- Impact 6-6: Cumulative Effects Related to Energy Use
- Impact 6-7: Create Potential Human Health Hazards From Exposure to Existing On-Site Hazardous Materials
- Impact 6-8: Cumulative Land Use Impacts
- Impact 6-9: Cumulative Construction Noise Impacts
- Impact 6-10: Cumulative Traffic Noise Impacts
- Impact 6-11: Cumulative Increased Demand for Wastewater Collection, Conveyance, and Treatment
- Impact 6-12:Cumulative Impacts on Parks and Recreation Facilities
- Impact 6-14: Cumulative Effect on Transit Operations

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 summarized below. Please refer to the EIR for more detail.

AIR QUALITY

Impact 4.2-1: Short-Term, Construction-Generated Emissions of ROG, NO_x, PM_{10}, and $PM_{2.5}$

Construction-related activities would result in project-generated emissions of ROG, NO_X, PM_{10}, and $PM_{2.5}$ from site preparation, off-road equipment, material and equipment delivery trips, worker commute trips, building construction, and other miscellaneous activities. Construction activities would result in mass emissions of NO_X that exceed BAAQMD's thresholds of 54 lb/day. Also, because construction may not implement BAAQMD's Best Management Practices for limiting fugitive PM_{10}, and $PM_{2.5}$ dust emissions, it may contribute to a localized exceedance of the NAAQS and CAAQS for these pollutants. This would be a significant impact.

Maximum daily construction emissions for the project are summarized in DEIR Table 4.2-4. The table presents maximum daily emissions of ROG, NO_X, PM_{10}, and $PM_{2.5}$ for each construction year.

As shown in DEIR Table 4.2-4, the construction-generated emissions of NO_X would exceed the threshold of significance of 54 lb/day in 2019 and 2021 during building construction of the mid-rise apartments and townhomes. This emissions level of NO_X could contribute to an increase in non-attainment days in the SFBAAB for ozone. As summarized in DEIR Table 4.2-2, "Sources and Health Effects of Criteria Air Pollutants," groundborne ozone is a secondary pollutant derived from the oxidation of NO_X and ROG in the presence of sunlight. The SFBAAB is currently in non-attainment for the national and state ozone standards; therefore, project-related construction-generated emissions of NO_X could exacerbate this existing adverse condition.

However, given the high number of factors (e.g., typography, meteorology, emissions sources) that contribute to the formation and dispersion of ozone, it is not scientifically possible to predict the number of days in which ozone concentrations exceed the NAAQS or CAAQS with a high level of accuracy. Current models cannot determine the locations of or the specific concentrations of ozone from NO_X or ROG precursors because of the complex physical factors (e.g., sun, temperature, wind) that contribute to the chemical reactions necessary to convert precursors to ground-level ozone. Nonetheless, because precursor emission levels would exceed BAAQMD's significance thresholds, it is reasonably foreseeable that construction emissions could contribute to an increase in non-attainment days.

Also summarized in DEIR Table 4.2-2, human exposure to ozone may cause acute and chronic health impacts including coughing, pulmonary distress, lung inflammation, shortness of breath, and permanent lung impairment. By evaluating emissions of NO_X against BAAQMD's thresholds of significance, it is foreseeable that the health complications associated with ozone exposure could be exacerbated by project-generated construction emissions.

DEIR Table 4.2-4 also shows that construction-generated emissions of ROG, PM_{10}, and $PM_{2.5}$ would not exceed BAAQMD's applicable thresholds; however, if dust control measures are not implemented, fugitive PM_{10} and $PM_{2.5}$ dust emissions could contribute to localized concentrations of these pollutants that exceed the applicable NAAQS and CAAQS, which could cause localized health impacts to receptors exposed to these pollutants.

Because emissions of NO_X in 2019 would exceed the applicable BAAQMD daily thresholds of significance, project-generated construction emissions could result in an increase in the number of exceedances of the NAAQS and CAAQS for ozone and an increase in the potential for adverse health impacts to occur from ozone exposure. For these reasons, this would be a significant impact.

Mitigation Measure 4.2-1a: Apply Tier-4 Emission Standards to all Diesel-Powered Off-Road Equipment When Available

The applicant shall require the construction contractor to only use off-road construction equipment that meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and to comply with the appropriate test procedures and provisions as contained in 40 CFR Parts 1065 and 1068, to the extent feasible. Tier 3 models can be used if a Tier 4 version of the equipment type is not yet produced by manufacturers or if Tier 4 equipment is not available. This measure can also be achieved by using battery- electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. The applicant shall demonstrate its plan to fulfill the requirements of this measure in a report or in project improvement plan details submitted to the City prior to the use of any off-road, diesel-powered construction equipment on the site.

Mitigation Measure 4.2-1b: 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:8-4), including, but not limited to the following. These measures shall be included in project improvement plans.

- 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

Implementation of Mitigation Measure 4.2-1a would reduce NO_x emissions through use of cleaner construction equipment. DEIR Table 4.2-5 shows the effectiveness of Mitigation Measure 4.2-1a on in reducing the project's estimated construction emissions.

As shown in DEIR Table 4.2-5, implementation of Mitigation Measure 4.2-1a would reduce maximum daily NO_X emissions associated with project construction to less than BAAQMD's significance level of 54 lb/day. Based on the development of the BAAQMD's thresholds of significance (discussed in greater detail in the "Thresholds of Significance"), the level of NO_X emissions after implementation of Mitigation Measure 4.2-1a would not contribute considerably to a cumulative deterioration of air quality within the SFBAAB from ozone formation. As such, mitigated NO_X emissions would not exacerbate the non-attainment designation of the SFBAAB nor result in deleterious health impacts associated with human exposure to ozone.

Further, implementation of BAAQMD's Best Management Practices required by Mitigation Measure 4.2-1b 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 4.2-1a and 4.2-1b would reduce construction impacts to a less-than-significant level. (DEIR pages 4.2-12 through 4.2-14 and FEIR pages 3-2 through 3-5)

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 avoid or substantially lessen this construction air quality impact identified in the FEIR.

BIOLOGICAL RESOURCES

Impact 4.3-1: Disturbance to or Loss of White-Tailed kite, Nesting Raptors, and Other Birds

Project implementation could result in the disturbance or loss of nesting raptors, special-status birds, and other birds, if present, through removal of trees. This would be a potentially significant impact.

White-tailed kite is fully protected under California Fish and Game Code. The project site contains large, mature landscape trees. These trees may provide suitable nesting habitat for white-tailed kite and other tree-nesting raptors (e.g., red-tailed hawk [*Buteo jamaicensis*], red-shouldered hawk [*Buteo lineatus*]). Other non-special-status birds could nest within trees on the site as well.

Planned tree removal and ground disturbing activities associated with site development could result in the disturbance or direct loss of white-tailed kite, and other nesting raptors and birds if present on the site, potentially resulting in nest abandonment, nest failure, or mortality of chicks or eggs. This would be a potentially significant impact.

Mitigation Measure 4.3-1: 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 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 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 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 4.3-1 would reduce impacts on white-tailed kite, nesting raptors, and other 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 pages 4.3-11 and 4.3-12)

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 avoid or substantially lessen impacts to white-tailed kite, nesting raptors, and other birds identified in the FEIR.

GREENHOUSE GASES AND CLIMATE CHANGE

Impact 4.5-1: Project-Generated GHG Emissions

Project construction would generate approximately 5,350 $MTCO_2e$. Operation of the project would generate approximately 3,560 $MTCO_2e$/year. Because the project would not be consistent with a local or regional adopted plan for the purpose of sufficiently reducing the emissions of GHGs post-2020, project-related GHG emissions would contribute to climate change. This impact would be significant.

Because the City has not completed and adopted its CAP 2.0 at the time of writing this EIR, the project would not be consistent with a local or regional adopted for the purpose of reducing the emissions of GHGs pursuant to SB 32.

GHG emissions associated with the project would be generated during project construction and by operation of the land uses after they are built. Estimated levels of construction- and operation-related GHGs are presented below.

Construction-Generated Greenhouse Gas Emissions

Project-related construction activities would result in the generation of GHG emissions. Heavy-duty off-road construction equipment, materials transport, and worker commute during construction of the project would result in exhaust emissions of GHGs. Based on modeling conducted with CalEEMod, it is estimated that project-related construction would generate an approximate total of 5,350 $MTCO_2e$ over the construction period (2018–2022).

Operational Greenhouse Gas Emissions

Operation of the project would result in mobile-source GHG emissions associated with vehicle trips to and from the project (i.e., project-generated VMT), the combustion of natural gas for space and water heating, and landscape maintenance activity, the conveyance and treatment of wastewater, and the generation of solid waste. The project is committed to Zero Net Electricity residential buildings, generating adequate electricity on-site through photovoltaic solar panels, that would meet the electricity needs of these uses. The project's GHG emissions related to electricity consumption would be zero. Emissions generated from project operation are reported in DEIR Table 4.5-3.

It should be noted that the project has committed to several design features listed below that may result in the project operation in a more GHG-efficient manner. (DEIR pages 3.0-14 and 3.0-17)

1. Construction
   - Idling restrictions (no longer than 5 minutes) for construction equipment
   - Implement program to incentivize construction workers to carpool, use electric vehicles, or use transit

2. Indoor Environmental Quality
   - Low-E windows
   - High-efficiency A/C with environmentally preferable refrigerants
   - ENERGY STAR bathroom fans on timers or humidistats

3. Transportation
   - EV charging stations, 12.5 percent pre-wired, 190 total spaces
   - On-site bicycle connectivity to parks and Sunnyvale trail system
   - Rideshare pickup/ drop off areas
   - Covered on-site bike storage for all bicycle types and common area for shared bike tool station and air for inflating tires
   - 50 percent shading of all parking lot surface areas

4. Energy
   - Project roofs will be designed as "Cool Roofs" in accordance with Tier 2 of the 2016 California Building Codes (CALGreen) Sections A4.106.5 and A5.106.11.2
   - Future solar ready: garage/parking structures are pre-wired for solar
   - ENERGY STAR appliances
   - LED Light fixtures
   - Pool/spa heater controllers
   - Natural gas connections with townhome yards and project common outdoor activity areas

5. Water Efficiency and Conservation (CALGreen Divisions 4.3 and 5.3)
   - Potable water use maintained below allocation baseline
   - High-efficiency toilets and fixtures, and water sub-metering
   - High efficiency irrigation, smart controllers/satellite data

6. Design and Recycled Materials
   - Permeable paving at hardscape areas
   - Recycled construction materials

- Waste/Recycling repurposing programs
- Preservation and relocation of existing redwoods

The project is also designated as a "Priority Development Area" under the Plan Bay Area 2040. The reductions achieved by implementation of these design features cannot be easily quantified and are not accounted for in the GHG estimates presented in DEIR able 4.5-3.

Project construction would generate an approximately total of 5,350 $MTCO_2e$ and operation of the project would generate approximately 3,560 $MTCO_2e$/year. Because the project would not be consistent with a local or regional adopted for the purpose of reducing the emissions of GHGs, the project's GHG emissions would contribute to climate change. This would be a significant impact.

Mitigation Measure 4.5-1: 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.

      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. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. This measure is consistent with Mitigation Measure 4.2-1a in Section 4.2, "Air Quality."

v. The applicant shall implement a program that incentivizes 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. The applicant has committed to pre-wiring for solar for residential garage/parking structures as a design feature.

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

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

viii. If natural gas service is provided to the project site then the applicant shall install natural gas connections in all residential backyards and within the common outdoor activity areas of multi-family residential land uses. This measure is not required if natural gas connections are not provided to the project site.

ix. 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 providingan alternative to using fossil fuel-powered generators.

x. Outdoor parking lots for the proposed park shall include trees and/or solar canopies designed to provide a minimum 50 percent shading of parking lot surface areas.

xi. The applicant shall provide a minimum of one single-port electric vehicle charging station ateach new townhome unit that achieves similar or better functionality as a Level 2 charging station (referring to the voltage that the electric vehicle charger uses). The applicant shall also provide Level 2 electric vehicle charging stations at a minimum of 10 percent of parking spaces that serve multi-family residential buildings.

xii. Parking lots serving non-residential buildings shall have at least 12.5 percent of parking spaces (209 total) served by electric vehicle charging stations that achieves similar or better functionality as a Level 2 charging station.

xiii. The applicant shall 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 5,350 $MTCO_2e$ of the project's construction-related GHGs prior to the start of construction from a verified program that meets the above criteria. Also, prior to commencing operation, the applicant shall also purchase credits to offset the project's operational emissions of 3,560 $MTCO_2e$/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 pursuant to 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 4.5-1 would ensure that the project is consistent with a plan adopted by the City for the purpose of reducing the emissions of GHGs. Alternatively, implementation of both Parts B and C of Mitigation Measure 4.5-1 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 any established statewide GHG reduction targets (i.e., SB 32). Thus, the project's contribution to climate change would be reduced to less than significant. (DEIR pages 4.5-7 through 4.5-14)

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 avoid or substantially lessen greenhouse gas emission impacts identified in the FEIR.

HAZARDS AND HAZARDOUS MATERIALS

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

Demolition of on-site structures could result in inadvertent release or improper disposal of debris containing potentially hazardous materials; however, adherence to federal, state, and local regulations developed to address potential impacts related to the handling and disposal of hazardous materials during demolition would be required. Elevated concentrations of PCE and TCE in groundwater were found above residential screening values in two of the 10 on-site soil gas samples collected on-site. In addition, there are documented TCE impacts in groundwater throughout the project site as well as more limited areas of PCE impacts to groundwater, both coming from identified off-site sources. Construction activities that disturb subsurface materials on-site could disturb VOC-impacted soils and groundwater with known contamination. In addition, disturbance of previously unidentified areas of contamination could create an environmental or health hazard for construction workers and/or later residents or occupants. This impact would be potentially significant.

VOC-Impacted Groundwater and Soil Vapor

As part of the Phase I ESA site investigation, a review of risk databases was conducted. There were six National Priority Listings within one-mile and 24 properties listed as a potential environmental concern (including the 1 AMD Place site) within 1/8 of a mile of the project site. Because of documented contamination at three nearby sites, the project site has groundwater contaminated with TCE and PCE. The results of previous Phase II investigations have also concluded that VOC-impacted groundwater has migrated on-site from adjacent, upgradient sources. As a result, on-site soil gas is also impacted with VOC-impacted groundwater. Soil vapor testing for VOCs occurred at the site between April 2016 and February 2017 and concentrations of PCE and TCE exceeding the residential ESLs for soil vapor intrusion of 240 µg/m3 for each analyte were detected. Benzene was detected in one anomalous sample at a concentration of 55 µg/m3 which slightly exceeds the residential ESL for soil vapor of 48 µg/m3.

In February 2018, a Vapor Intrusion Assessment (VIA) was completed for the site that focused on future potential residential exposure to VOCs that may potentially intrude into indoor air from the subsurface. The assessment concluded that all sample-specific residential risk values under a future hypothetical residential land use scenario are below conservative risk management targets for ILCR and HI values (i.e., 1E-06 and 1E+00, respectively). The VIA also considered that the redevelopment plans for the site include three distinct uses in three distinct areas (i.e., apartments, a park, and townhomes. As such, the ILCR and HI values were also calculated on a cumulative sample specific basis for each of the proposed parcels. All cumulative, sample-specific residential risk values under a future residential land use scenario are below appropriately conservative risk management target ILCR and HI values.

The VIA reveals a de minimis risk from potential vapor intrusion because of the presence of PCE and TCE in groundwater. However, it is possible known or previously unidentified areas of VOC-impacted groundwater and soil gas could create an environmental or health hazard for construction workers and/or future residents. Therefore, the impact is considered potentially significant.

Mitigation Measure 4.6-2a: Worker Health and Safety

Each contractor whose employees may be potentially exposed to contaminants known to be present in site soil, soil gas, or groundwater shall develop and implement their own contractor-specific and site-specific health and safety plan (HASP). The HASP shall establish the minimum requirements, policies, and procedures adequate to protect site workers, the public, and the environment from identified site environmental hazards. The HASP shall be prepared in accordance with 29 CFR 1910.120 Occupational Safety and Health Administration (OSHA), Hazardous Waste Operations and Emergency Response (HAZWOPER), and California Code of Regulations (CCR), Title 8, Section 5192.

The HASP shall address all activities related to subsurface investigation activities and soil, groundwater and storm water management during development activities at the project site. Specifically, the HASP shall address the following:

- subsurface investigation (i.e., direct-push soil gas screening), as necessary;
- excavation, stockpiling and grading of clean soil cover material across the project site; and
- groundwater and storm water management, as necessary.

Consistent with the project's finalized Site Management Plan, a template HASP shall be provided to each contractor. The template HASP establishes guidelines and general requirements that shall be adopted by contractors for all workers to follow and attempts to identify all potential hazards at the project site. As described in Section 4.7 of the project's current Site Management Plan (Roux 2018: 18), each contractor shall be provided procedures to follow in the event previously unidentified environmental issues, such as suspected contamination or an unknown tank are encountered during site development activities. The template HASP serves as a general template for all contractors performing intrusive work which may expose workers to impacted soil vapor or groundwater at the project site following development activities.

Each contractor who will be encountering groundwater or potentially affected soil or structures (described in Sections 4.6 and 4.7 of the project's current Site Management Plan) shall be required to prepare their own HASP that shall comply with 29 CFR 1910.120 OSHA HAZWOPER and the contractor's own health and safety SOPs. Contractors are responsible for communicating the hazards associated with work at the project site and providing the minimum health and safety requirements as outlined in the contractor HASP. Each contractor's HASP shall include an independent evaluation of the project site hazards and mitigative actions before the commencement of field activities at the project site.

Mitigation Measure 4.6-2b: Vapor Intrusion Mitigation

Consistent with the final Site Management Plan, project improvement plans will identify the location and design of the Vapor Intrusion Mitigation Systems (VIM System) under all residential structures at the project site. Consistent with the SFRWQCB October 2014 Interim Framework for Assessment of Vapor Intrusion at TCE-Contaminated Sites in the San Francisco Bay Area (SFRWQCB 2014), the VIM System shall include the following components (unless otherwise identified in the final Site Management Plan):

- Vapor Barrier: The vapor barrier system shall consist of a spray-applied geomembrane (e.g., Liquid Boot®, EPRO System III, or equivalent) covered with a cushion geotextile. The vapor barrier shall have a minimum thickness of 60 mils (1 mil = 10-3 inch) and will be installed below the building slab and above the passive mitigation system. The purpose of the cushion geotextile is to protect the spray-applied geomembrane before and following concrete slab installation activities.

- Passive Vapor Mitigation System: The vapor venting system shall consist of 4-inch solid and perforated Schedule 40 polyvinyl chloride (PVC) piping to passively vent soil gas from beneath the building slab to 4-inch riser pipes. Each of the riser pipes shall be connected to a PVC vent cap that will passively vent soil gas to the atmosphere. The passive mitigation system shall be installed directly below the vapor barrier system. The 4-inch diameter PVC piping network shall be embedded within a 4-inch thick layer of rock.

- In-situ, Permanent Soil Vapor Barrier: The in-situ soil vapor barrier shall consist of a 2-foot thick layer of soil mixed with cement. This impermeable layer shall be above the water table from 5 to 7 feet below ground surface (bgs). The in-situ barrier shall be located under townhouse buildings that are located above soil vapor samples collected during subsurface investigations that reported the highest concentrations of PCE and TCE.

Mitigation Measure 4.6-2c: Stormwater Pollution Prevention

To minimize contamination of stormwater during construction, including VOC-impacted contamination, construction activities that involve excavation shall be managed in accordance with the Construction Site Storm Water Pollution Prevention Plan (SWPPP) and the final Site Management Plan. The Construction

SWPPP shall be prepared and implemented by the project General Contractor. If stormwater encounters contaminated material in excavations, it cannot be discharged to the storm drain without proper sampling and characterization. Groundwater and potentially impacted storm water in excavations shall be sampled within the excavations. If the water must be pumped out before characterization, then it shall be placed in a holding tank pending the results of laboratory analyses.

Mitigation Measure 4.6-2d: Construction Dewatering Management

Before site occupancy for residential purposes, a Deed Restriction shall be placed on parcels to prohibit extraction and use of site groundwater. However, dewatering excavations may be required during construction for subsurface improvements, such as utility lines. The depth to groundwater at the project site varies from 7 feet bgs to 12 feet bgs. Groundwater at the project site should be assumed to have impacts from PCE, TCE and associated VOCs. As a condition of approval, groundwater cannot be reused on-site or discharged to the storm drain or sanitary sewer without adequate characterization, possible treatment, and permitting as described below:

- Discharge to the sanitary sewer system shall require adequate analytical data and obtaining a sanitary discharge permit from the City of Sunnyvale;
- Discharge to the storm drain system shall require adequate analytical data and coverage under and compliance with a NPDES Permit from the SFRWQCB;
- Reuse on-site (e.g. for dust control purposes) shall require obtaining adequate analytical data and meeting discharge requirements agreed to by the RWQCB; and
- Off-site recycling shall require adequate analytical data and obtaining approval from an off-site water recycling facility.

The primary chemicals of concern at the project site are VOCs; thus, groundwater and potentially impacted stormwater shall be sampled and analyzed for VOCs, by EPA Method 8260, before off-site discharge, conveyance or on-site reuse.

Significance after Mitigation

With implementation of the above mitigation measures, as identified in the project's Site Management Plan, and adherence to existing hazardous materials regulations that protect public health, the potential for soil and groundwater contamination would be reduced to a less-than-significant level. Implementation of these mitigation measures would also be consistent with General Plan Safety and Noise Element policies SN-1.1 and SN-1.5 regarding the consideration of hazards. (DEIR pages 4.6-14 through 4.6-18)

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 avoid or substantially lessen hazard and contamination impacts identified in the FEIR.

NOISE AND VIBRATION

Impact 4.8-2: Exposure to Construction Vibration

Site preparation and grading activities would likely require the use of construction equipment that would generate ground vibration. Based on the anticipated distance to nearby sensitive land uses, construction activity could result in ground vibration levels which could cause annoyance to nearby sensitive receptors. Therefore, this impact would be potentially significant.

Construction activity can generate varying degrees of ground vibrations, depending on the specific construction phases and types of equipment used during these construction phases. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. At the lowest levels, ground vibrations form construction activity can result in a low rumbling and be imperceptible. At moderate and high levels, construction vibration can cause sleep disturbance in places where people normally sleep or annoyance in buildings that are primarily used for daytime functions and sleeping. Ground vibration form construction activity also has the ability to cause architectural damage to buildings at certain distance and activities which generate certain levels of PPV.

As described above, the proposed project would result in construction activity and would require the use of various types of onsite heavy-duty construction equipment. Based on the anticipated types of construction equipment used in the project, DEIR Table 4.8-12 shows the maximum levels of ground vibration that would be generated during construction of the project. As shown in DEIR Table 4.8-12, the maximum ground vibration level generated by an impact pile driver is 1.518 in/sec PPV and 112 Vdb at 25 feet. The location of the closest multi-family residential units on the project site in which an impact pile driver would potentially be used during project construction is 160 feet west of the closest off-site buildings. Based on the criteria used for this analysis (i.e., an exceedance of Caltrans's recommended level of 0.2 inch/second PPV with respect to the prevention of structural damage for normal buildings or the FTA maximum acceptable level of 80 VdB with respect to human response for residential uses), The use of an impact pile driver at a distance of 160 feet from these buildings would result in 0.094 inch/second PPV. Other buildings surrounding the project site are located approximately 190 feet from locations on the project site that would use an impact pile driver with the closest off-site buildings being 160 feet. As a result, the threshold level of 0.2 inch/second PPV with respect to the prevention of structural damage for normal buildings would not be exceeded for any of the locations during construction that may use an impact pile driver.

Based on the attenuation rate for construction-related ground vibration levels, use of an impact pile driver would exceed the FTA maximum acceptable level of 80 VdB if used within 293 feet of a noise sensitive receptor. The use of an impact pile driver during project construction could potentially occur within 160 feet of the nearest closest off-site multi-family units and at lodging located 170 feet to the east of the project site. At this distance, use of an impact pile driver would result in construction-related ground vibration levels of 87.8 VdB and would exceed the FTA maximum acceptable level of 80 VdB with respect to human response for residential uses. As a result, potential use of an impact pile driver during project construction could result in human disturbance to adjacent sensitive receptors. Therefore, project construction activity could result in the exposure of an adjacent sensitive receptor to excessive vibration levels. This impact would be potentially significant.

Mitigation Measure 4.8-2: Construction Vibration Reduction Measures

- To prevent disturbance to sensitive land uses, minimum setback requirements for different types of ground vibration producing activities (e.g., pile driving) shall be established based on the proposed pile-driving activities and locations, once determined. Established setback requirements (i.e., 293 feet) can be breached only if a project-specific, site-specific, technically adequate ground vibration study indicates that the buildings would not be exposed to ground vibration levels in excess of 80 VdB, and ground vibration measurements performed during the construction activity confirm that the buildings are not being exposed to levels in excess of 80 VdB.

- All vibration-inducing activity within the distance parameters described above shall be monitored and documented for ground vibration noise and vibration noise levels at the nearest sensitive land use and associated recorded data submitted to the City of Sunnyvale so as not to exceed the recommended FTA and Caltrans levels.

- Alternatives to traditional pile driving (e.g., sonic pile driving, jetting, cast-in-place or auger cast piles, non-displacement piles, pile cushioning, torque or hydraulic piles) shall be considered and implemented where feasible to reduce vibration levels.

- Limit pile-driving activities to the daytime hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and between 8:00 a.m. and 5:00 p.m. Saturday.
- Operate all vibration inducing impact equipment as far away from vibration-sensitive sites as reasonably possible from nearby structures.
- Phase pile-driving and high-impact activities so as not to occur simultaneously with other construction activities, to the extent feasible. The total vibration level produced could be significantly less when each vibration source is operated at separate times.
- Noise and vibration reducing pile-driving techniques shall be employed during construction and monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures does not occur). These measures can also be used to reduce VdB levels. These techniques shall include:
  - Installing intake and exhaust mufflers on pile-driving equipment;
  - Vibrating piles into place when feasible, and installing shrouds around the pile- driving hammer where feasible;
  - Implementing "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
  - Using cushion blocks to dampen impact noise, if feasible based on soil conditions. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and
  - At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities.

Significance after Mitigation

Implementation of Mitigation Measure 4.8-2 would reduce potential vibration impacts by requiring construction vibration standards, minimum setbacks to sensitive land uses, impact monitoring during pile driving activity, use of alternative equipment when appropriate, and restrictions on hours of use to avoid annoyance to sensitive receptors. Through Mitigation Measure 4.8-2, potential impacts on sensitive land uses from the use of impact pile drivers would be avoided and this impact would be reduced to less than significant. (DEIR pages 4.8-17 through 4.8-19)

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 avoid or substantially lessen construction vibration impacts identified in the FEIR.

TRAFFIC AND CIRCULATION

Impact 4.11-6: Impacts on Transit Facilities

Project implementation would result in an increase in vehicle trips generated from the project site. Under Existing Plus Project conditions, transit vehicles operating along transit routes in the project area are expected to use the shared right-of-way with other motorists. Project-generated increases in traffic volumes along these roadways would result in a slight delay in transit operations, However, these delays would not

adversely affect transit operations. The project site currently includes a shuttle stop as part of the Duane Avenue Caltrain shuttle service. Project implementation would disrupt service to this shuttle stop and would affect riders who currently use this shuttle stop location. This impact would be potentially significant.

The Duane Avenue Caltrain shuttle currently makes a stop within the existing 1 AMD Place properties. Project implementation would disrupt this transit stop as part of the Caltrain shuttle service, which would have to be relocated. Therefore, project implementation could affect operations of the Duane Avenue Caltrain shuttle service. This impact would be potentially significant.

Mitigation Measures 4.11-6: Relocate Duane Avenue Caltrain Shuttle Stop at Project Site

The applicant shall work with the City of Sunnyvale and Caltrain to research and identify a new location for the current Duane Avenue Caltrain shuttle stop, which currently is located on the project site. The newly identified shuttle stop location should adequately serve existing riders who use the current shuttle stop by being relocated to an equally convenient location that includes the same amenities as the current shuttle stop. The shuttle stop shall be relocated prior to the issuance of building permits.

Significance after Mitigation

Project implementation would require the relocation of one shuttle stop as part of the Duane Avenue Caltrain shuttle service. Implementation of Mitigation Measure 4.11-6 includes the relocation of the shuttle stop to a new location that provides an equal level of convenience and access to riders who currently use the existing stop on the project site. Implementation of Mitigation Measure 4.11-6 would ensure that transit services as part of the Duane Avenue Caltrain shuttle service are preserved to the satisfaction of the City of Sunnyvale and Caltrain prior to disruption of service. Therefore, this impact would be less than significant with mitigation. (DEIR pages 4.11-42 and 4.11-43)

Finding on Proposed Mitigation

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

Impact 4.11-8: Construction-related impacts on traffic

Project construction may require restricting or redirecting pedestrian, bicycle, and vehicular movements at locations around the site to accommodate construction, staging, and modifications to existing infrastructure. Such restrictions could include lane closures, lane narrowing, and detours. For these reasons, construction traffic impacts would be potentially significant.

Construction may lead to disruptions to the transportation network near the site, including the possibility of temporary lane closures, street closures, sidewalk closures, and bikeway closures. Heavy vehicles would access the site and may need to be staged for construction. Construction staging for materials and equipment would occur on the project site. A construction management plan would be required by the City of Sunnyvale, and the City of Sunnyvale would determine the construction truck routes. The duration of construction, number of trucks, truck routing, number of employees, extent of truck idling, number and duration of lane closures, and details regarding a variety of other construction-related activities are not fully known at this time. Construction would be localized and temporary; however, these activities could result in degraded roadway operating conditions. Therefore, this impact would be potentially significant.

Mitigation Measure 4.11-8: Prepare and Implement Temporary Traffic Control Plan

Before building permits are issued and construction begins, the construction contractor shall prepare a temporary traffic control (TTC) plan to the satisfaction of the City of Sunnyvale Division of Transportation and Traffic and subject to review by all affected agencies.

The City of Sunnyvale suggests that the latest edition of the CA MUTCD, Part 6: Temporary Traffic Control, be referred to for guidance on preparing a TTC plan. The TTC plan shall include all information required on the City of Sunnyvale TTC Checklist and shall conform to the City's TTC Guidelines. At a minimum, the plan shall:

- provide a vicinity map that shows all the streets in the work zone properly labeled, along with the posted speed limits and a north arrow;
- identify the path of construction vehicles traveling to the site;
- describe the estimated highest number of vehicle trips generated during project construction activities;
- identify the existing roadway lane and bike lane configurations and sidewalks, including dimensions, where applicable;
- describe the proposed work zone;
- describe anticipated detours and/or lane closures (for pedestrians, bicyclists, and vehicles);
- describe no-parking zones and other parking restrictions;
- describe appropriate tapers and lengths, signs, and spacing;
- identify appropriate channelization devices and spacing;
- describe the buffers;
- identify work hours and work days;
- provide the dimensions of the elements and requirements listed above in accordance with CA MUTCD Part 6 and the City of Sunnyvale's Standard Operating Procedure (SOP) for bike lane closures;
- identify the proposed speed limit changes if applicable;
- describe the bus stops and signalized and nonsignalized intersections that will affected by the work;
- show the plan to address pedestrian, bicycle, and Americans with Disabilities Act requirements throughout the work zone in accordance with CA MUTCD Part 6 and the City of Sunnyvale's SOP for bike lane closures;
- provide details on trucks, including the number and size of trucks involved with construction per day, expected arrival and departure times, and truck circulation patterns;
- identify all the staging areas on the project site and duration of each stage of construction for the project and any related improvements; 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.

Significance after Mitigation

The implementation of Mitigation Measure 4.11-8 would require the construction contractor to prepare and implement a TTC that is 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 4.11-8 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 with mitigation. (DEIR pages 4.11-44 and 4.11-45 and FEIR pages 3-6 and 3-7)

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 avoid or substantially lessen construction impacts 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.

NOISE AND VIBRATION

Impact 4.8-1: Short-term construction noise levels

Project construction activities would involve the use of heavy-duty construction equipment. Construction noise impacts would occur over a four-year period for off-site sensitive receptors with the highest levels of noise being generated in Phase 1 of construction. Construction activities would be conducted in accordance with City of Sunnyvale Municipal Code Section 16.08.030, which exempts construction activity from the City's noise standards during daytime hours. However, construction activities may still result in a substantial increase in ambient noise levels, especially to off-site residences during Phase 1 of construction. This impact would be significant.

Project implementation would involve construction activity to occur over a four-year period in four phases between 2018 and 2022. Construction noise levels in the vicinity of the project site would fluctuate depending on the particular type, number, and duration of usage for the varying equipment. The effects of construction noise largely depend on the type of construction activities occurring on any given day, noise levels generated by those activities, distances to noise-sensitive receptors, and the existing ambient noise environment in the receptor's vicinity. Construction generally occurs in several discrete stages with varying equipment type, quantity, and intensity. These variations in the operational characteristics of the equipment change the effect they have on the noise environment of the project site and on the surrounding community for the duration of the construction process.

Based on these assumptions, construction noise activity modeling results show that typical construction noise levels could be as high as 89.6 L_{eq} dB and 93.3 L_{max} dB at 60 feet and 85.1 L_{eq} dB and 88.9 L_{max} dB at 100 feet away. Construction activity that could include an impact pile driver could reach 91 L_{eq} dB and 94 L_{max} at 60 feet and 86.6 L_{eq} dB and 89.5 L_{max} dB at 100 feet. Construction activity which generates these levels of noise would only occur during Phase 1 of project construction. Other, subsequent phases would also require the use of heavy-duty construction equipment; however, it is anticipated that subsequent phases would be less intense and not generate as much noise compared to Phase 1. However, as discussed in the Regulatory Settings section, the City of Sunnyvale Municipal Code Section 16.08.030. "Hours of construction—Time and noise limitations" states that construction activity is permitted between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and between 8:00 a.m. and 5:00 p.m. on Saturday. As discussed in the Project Description, activities under each project construction phase would occur between 7:00 a.m. and 6:00 p.m., on Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturdays and no work would occur on Sundays or holidays. Therefore, construction activity would remain exempt from the City's Exterior Noise Compatibility Standards

shown in DEIR Table 4.8-3 and noise levels during project construction would not disturb residential sensitive receptors during evening hours and would not cause sleep disturbance during nighttime hours.

The nearest noise-sensitive receptors that could be adversely affected by construction noise are west of the project site and the potential extent of construction noise impact is shown in DEIR Table 4.8-11. These values represent a conservative assessment because the modeling assumes that five of the highest noise-generating pieces of equipment operate simultaneously near each other in close proximity to the boundaries of the project site. The closest receptors are approximately 60 feet to east of the project site.

According to Municipal Code Chapter 16.08, the legal hours of construction are between 7:00 a.m. and 6:00 p.m. Monday through Friday and between 8:00 a.m. and 5:00 p.m. on Saturdays. During these hours, nearby residents may experience exterior noise levels of up to 92.7 dB, depending on the relative location of construction equipment to the residences. At these levels, on-site residents would experience periodic disruption of their day-to-day activities, depending on on-site construction activities. Construction activities are anticipated to result in a substantial temporary increase in noise levels that would exceed the significance threshold of 60 L_{eq} during daytime hours at any point on adjacent residentially zoned property. Therefore, construction-related noise impacts are considered significant.

Mitigation Measure 4.8-1: 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 4.8-1 would reduce construction noise for the entire construction area during all phases of construction. Mitigation Measure 4.8-1 would reduce construction noise levels at surrounding sensitive receptors by ensuring proper equipment use; locating noise-generating equipment away from sensitive land uses; requiring a temporary solid barrier around the construct activity and staging area; and requiring the use of enclosures, shields, and noise curtains (noise curtains typically can reduce noise by up to 10 dB [EPA 1971]). Implementation of this mitigation would be consistent with General Plan Policy SN-8.9 that requires consideration of noise-minimizing techniques which block the path of noise and

insulate people from noise. However, even with the implementation of Mitigation Measure 4.8-1, construction 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 4.8-14 through 4.8-17)

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 4.8-1 above, the impact would remain significant and unavoidable because construction noise levels are likely still exceed 60 L_{eq} at the nearest sensitive receptors during daytime hours. Therefore, 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.

TRAFFIC AND CIRCULATION

Impact 4.11-1: Impacts on Intersection Operating Conditions

Under Existing Plus Project conditions, all intersections would function at acceptable levels during the a.m. and p.m. peak hours; therefore, the thresholds of significance for intersection operating conditions would not be exceeded. However, with the addition of project-generated traffic to the roadway network under Background Plus Project conditions the critical delay would increase by more than 4 seconds and the critical V/C by more than 0.01 at the intersection of Lawrence Expressway/Duane Avenue-Oakmead Parkway. Thus, this impact would be significant.

As shown in DEIR Table 4.11-12, the following intersection would operate unacceptably under Background Plus Project conditions, exceeding the thresholds of significance for intersection operating conditions:

- #27 –Lawrence Expressway/Duane Avenue-Oakmead Parkway (a.m. peak)—This intersection operates at an unacceptable LOS (F) with a delay of 86.5 seconds under Background conditions without the project. Project-generated traffic would increase the critical delay by more than 4 seconds and the critical V/C by more than 0.01.

Although the intersection operated at an unacceptable LOS (F) with a delay of 86.5 seconds without the project, the project increases the critical delay by more than 4 seconds and the critical V/C by more than 0.01 exceeding thresholds. Therefore, this impact would be significant.

Mitigation Measure 4.11-1: Make Improvements to Intersection at Lawrence Expressway/Duane Avenue-Oakmead Parkway

Santa Clara County has jurisdiction over the Lawrence Expressway/Duane Avenue-Oakmead intersection. A third left lane will be added to the eastbound approach at the intersection of Lawrence Expressway/Duane Avenue-Oakmead Parkway including one through lane, and one right-turn lane. Signage and pavement striping shall be provided to indicate that the inner first left-turn lane shall be designated for northbound Lawrence Expressway traffic, the middle left-turn lane shall be designated for northbound U.S. 101 traffic, and the outer left-turn lane shall be designated for southbound U.S. 101 traffic. This improvement shall be accomplished by re-striping the Lawrence Expressway/Duane Avenue-Oakmead Parkway intersection to add a third left turn lane, but not undertaking any other physical improvements to the intersection. Additional improvements shown on the Lawrence Expressway/E Duane Avenue to US-101 Concept Plan provided by the County of Santa Clara Roads and Airports Department on December 17, 2018, such as modifications to the corners of the intersection, restriping of crosswalks, the northbound lane alignments, the relocation of pedestrian crossing at the U.S. 101 southbound on-ramp, and the extension of the barrier curb, are shown as a concept plan only. These improvements have not been adopted yet and hence, the project is not responsible for these additional improvements.

Additionally, the signal operation and timing at the intersection at Lawrence Expressway/Duane Avenue-Oakmead Parkway shall be adjusted to accommodate the third lane. The project applicant and City of Sunnyvale shall coordinate and agree with the County on the timing and implementation of the improvements prior to issuance of building permits.

Significance after Mitigation

This intersection is under the jurisdiction of Santa Clara County; therefore, Santa Clara County concurrence and approval are required for the implementation of this mitigation measure. The project applicant and City of Sunnyvale shall coordinate with Santa Clara County on implementation of the improvements identified in Mitigation Measure 4.11-1. However, because the final approval of the proposed intersection improvements is outside the jurisdiction and control of the City of Sunnyvale, there is no guarantee that this mitigation measure would be implemented. Therefore, this impact would be significant and unavoidable. (DEIR pages 4.11-32 through 4.11-37 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 would lessen the impact at the Lawrence Expressway/ Duane Avenue-Oakmead Parkway intersection identified in the FEIR. Even with implementation of Mitigation Measure 4.11-1 above, the impact would remain significant and unavoidable because intersection improvements are outside the jurisdiction and control of the City of Sunnyvale, and there is no guarantee that this mitigation measure would be implemented. Therefore, 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.

Impact 4.11-4: Impacts on Freeway Ramp Queuing

Traffic generated by the project would result in the of lengthening queues under Existing Plus Project conditions along project study area freeway ramps such that significance thresholds for queuing would be exceeded. Thus, this impact would be significant.

DEIR Table 4.11-15 summarizes the anticipated maximum queue during the a.m. and p.m. peak period under Existing Plus Project conditions. The Existing Plus Project on-ramp queue for each on-ramp was calculated using the number of project trips added to each on-ramp in the peak hour. The project would add vehicle trips to the following on-ramps with ramp metering:

- northbound U.S. 101 Lawrence Expressway loop on-ramp (a.m. peak); and
- southbound U.S. 101 Lawrence Expressway diagonal on-ramp (p.m. peak).

At the southbound U.S. 101 Lawrence Expressway diagonal on-ramp during the p.m. peak, the project would add 25 vehicles under Existing Plus Project conditions. The southbound U.S. 101 Lawrence Expressway diagonal on-ramp during the p.m. peak metering rate observed at this on-ramp was 12 seconds per vehicle per lane, which is much more frequent than when a project vehicle would arrive. Since the metering rate or departure rate (one vehicle every 12 seconds) is much more frequent than the arrival rate (one vehicle every 144 seconds), the queue should not build up (most of the time, either no vehicle or one vehicle was observed in the queue for at least one of the two mixed-flow lanes). Therefore, the project would likely add one vehicle to an empty on-ramp or to a one-vehicle queue, resulting in no on-ramp queuing deficiencies anticipated at this location.

At the northbound U.S. 101 Lawrence Expressway loop on-ramp during the a.m. peak, the project would add 21 vehicles under Existing Plus Project conditions. Since the existing queue never fully dissipated during the peak hour at this location, the 21 project vehicles would add to the maximum queue. The maximum existing queue already exceeds the ramp storage; therefore, the project would exacerbate this condition, and this impact would be significant.

Mitigation Measure 4.11-4: Increase Metering Rate at U.S. 101 Lawrence Expressway Diagonal On-Ramp

The metering rates shall be increased to one vehicle every 4 seconds to ensure that the maximum queue does not exceed the ramp storage. Prior to the issuance of a building permit, the applicant shall request that the City and Caltrans implement this metering rate change.

Significance after Mitigation

The project applicant and the City of Sunnyvale shall coordinate with Caltrans and VTA on implementation of the improvement identified in Mitigation Measure 4.11-4. However, because the final approval of the proposed modification to ramp metering is outside the jurisdiction and control of the City of Sunnyvale, there is no guarantee that this mitigation measure would be implemented. Therefore, this impact would be significant and unavoidable.

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 impact at the U.S. 101 Lawrence Expressway Diagonal On-Ramp identified in the FEIR. Even with implementation of Mitigation Measure 4.11-4 above, the impact would remain significant and unavoidable because intersection improvements is outside the jurisdiction and control of the City of Sunnyvale, there is no guarantee that this mitigation measure would be implemented. Therefore, 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, "Cumulative Impacts," of the EIR for a comprehensive discussion of cumulative impacts.

TRAFFIC AND CIRCULATION

Impact 6-13: Cumulative Effect on Traffic

Cumulative Plus Project conditions were analyzed at the study intersections and the results of the analysis are presented in DEIR Table 6-4.

Under Cumulative Plus Project conditions, project-generated traffic would result in operations being degraded to unacceptable levels at the following intersections:

- #3 – Fair Oaks Avenue / Northbound US 101 Ramps (p.m. peak): Intersection operated unacceptably without the project, and project-generated traffic would result in increased critical movement delay of more than four seconds and an increase in critical V/C of more than 0.01.
- #6 – Fair Oaks Avenue / Duane Avenue (a.m. and p.m. peak): Intersection operated unacceptably without project, and project-generated traffic would result in increased critical movement delay of more than four seconds and an increase in critical V/C of more than 0.01.

- #7 – Fair Oaks Avenue / Wolfe Road (a.m. and p.m. peak): Intersection operated unacceptably without project, and project-generated traffic would result in increased critical movement delay of more than four seconds and an increase in critical V/C of more than 0.01.

- #14 – Duane Avenue / Duane Court (a.m. peak): Satisfies CA MUTCD Traffic Signal Warrant #3 – Peak Hour Volume Warrant.

- #26 – Lawrence Expressway / US 101 Southbound Ramps – Oakmead Parkway (p.m. peak): Intersection operated unacceptably without project, and project-generated traffic would result in increased critical movement delay of more than four seconds and an increase in critical V/C of more than 0.01.

- #27 – Lawrence Expressway / Duane Avenue–Oakmead Parkway (a.m. and p.m. peak): Intersection operated unacceptably without project, and project-generated traffic would result in increased critical movement delay of more than four seconds and an increase in critical V/C of more than 0.01

Therefore, the project's impact would be cumulatively considerable and significant.

The project is consistent with the land use development assumptions that were used in the Land Use and Transportation Element (LUTE) Update that was adopted in 2017. The cumulative traffic impacts under full buildout of the City under the LUTE Update was evaluated in the LUTE Update EIR (State Clearinghouse No. 2012032003). This included cumulative significant traffic impacts to state highway facilities. This project would not result in any new cumulative traffic impacts to state highway facilities that were not already addressed in the LUTE Update EIR. Thus, no further cumulative traffic impact analysis of state highways is provided in this EIR.

Mitigation Measure 6-13a: Signal Construction at Intersection of Duane Avenue and Duane Court

The intersection of Duane Avenue and Duane Court satisfies the peak hour signal warrant under Cumulative and Cumulative Plus Project conditions but does not meet warrants in any preceding analysis scenario, including Existing conditions. Thus, the project shall pay a fair share towards construction of the signal.

Mitigation Measure 6-13b: Contribution to the City's Intelligent Transportation System Strategies and Projects and Lawrence Expressway ITS/Signal System Countywide Project

Under Cumulative Plus Project conditions, the following intersections where impacts occur include constraints to the right-of-way that would require acquisition of private property to construct any physical improvements:

- #3 – Fair Oaks Avenue / Northbound US 101 Ramps
- #6 – Fair Oaks Avenue / Duane Avenue
- #7 – Fair Oaks Avenue / Wolfe Road
- #26 – Lawrence Expressway / US 101 Southbound Ramps – Oakmead Parkway

Therefore, physical improvements to these intersections that would mitigate the operational impacts under Cumulative Plus Project conditions are not feasible. LOS impacts at these study intersections could be improved through implementation of the City's Intelligent Transportation System (ITS) strategies and projects and the Lawrence Expressway ITS/Signal System Countywide project. Therefore, the project shall pay a fair share towards the ITS projects through the City's TIF and participation in the Lawrence Expressway ITS/Signal System Countywide project.

Significance after Mitigation

Implementation of Mitigation Measures 6-13a, 6-13b, and mitigation identified for project impacts identified above would serve to reduce the cumulative impacts at the intersections through fair-share contribution towards the installation of a traffic signal at the intersection of Duane Avenue and Duane Court, the City's ITS projects where right-of-way constraints are limiting the ability to construct roadway improvements, and the proposed improvements at the intersection of Lawrence Expressway and Duane Avenue-Oakmead Parkway

identified in Mitigation Measure 4.11-1. However, the timing and implementation of these improvements are not known, the intersection of Lawrence Expressway and Duane Avenue-Oakmead Parkway is under the jurisdiction of Santa Clara County, and it cannot be assured that implementation of the mitigation measures would reduce impacts at all of these intersections to less-than-significant levels. Additionally, there are no current ITS projects identified that would mitigate impacts at the intersections where ITS projects are identified as mitigation. Therefore, this impact be cumulatively considerable and significant and unavoidable. (DEIR pages 6-17 through 6-22 and FEIR page 3-8)

Finding on Cumulative Impact

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 cumulative traffic impacts identified in the FEIR. However, the timing and implementation of these improvements are not known, the intersection of Lawrence Expressway and Duane Avenue-Oakmead Parkway is under the jurisdiction of Santa Clara County, and it cannot be assured that implementation of the mitigation measures would reduce impacts at all of these intersections to less-than-significant levels. Additionally, there are no current ITS projects identified that would mitigate impacts at the intersections where ITS projects are identified as mitigation., the impact would remain significant and unavoidable because intersection improvements is outside the jurisdiction and control of the City of Sunnyvale, there is no guarantee that this mitigation measure would be implemented. Therefore, 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 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 City finds that the project's 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.

Long-term project operation would not result in substantial long-term consumption of energy and natural resources. (DEIR page 6-28)

5.4 GROWTH INDUCEMENT

Implementation of the project would foster short-term and long-term economic growth within the City as a result of new construction and increased residential units. Construction would likely occur over a four-year timeframe (completion by 2022). As described in DEIR Section 1.4.6, "Population and Housing," a large number of local workers commute in from other areas within the county. Therefore, it would be reasonable to expect that construction workers for the project would not relocate to the City for a temporary job. During operation, it is anticipated that approximately 2,895 new residents would occupy the on-site residences. This development and population has been assumed and planned for under the General Plan LUTE. (DEIR page 6-27)

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 City's General Plan LUTE Update. 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 office uses, including extension of water service and pipelines, wastewater collection systems, storm drainage pipelines, and roadways.

As described in DEIR Section 4.9, "Public Services," the project was accounted for within the EIR for the City's LUTE Update. Project implementation would not require new water or wastewater treatment infrastructure or new or expanded water or wastewater entitlements to serve development under the LUTE Update, or result in wastewater that would exceed treatment requirements of the Regional Water Quality Control Board, beyond that which was analyzed in the LUTE Update EIR for City buildout. 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 LUTE Update for City buildout. (DEIR page 6-27)

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. Thus, the City is currently considered to have a high demand for housing

The project is a residential development adjacent to existing residential developments. The project would include a rezone to adjust the boundaries of the MS/ITRR3 and MS/ITRR4 zones to match the project land uses and rezone the proposed public park site to PF. The project is consistent with the site's existing land use designations. 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, the City finds that 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 in the LUTE EIR. (DEIR page 6-27 and 6- 28)

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, key objectives of the project is to build a residential community with a public park that implements the goals and policies of the General Plan Land Use and Transportation Element and the East Sunnyvale Industrial-to-Residential Project. The project site is the only available site in the East Sunnyvale Industrial-to-Residential Project area of adequate size to accommodate up to 1,074 residential dwelling units and a 6.5-acre public park. For these reasons, the Off-Site Alternative was dismissed from detailed evaluation. (DEIR page 5-4)

6.1.2 Park Only Alternative

Comments received on the notice of preparation included a suggestion that the City consider an alternative that would convert the entire 34.7-acre site into a public park. This alternative would not attain any of the project objectives for the development of an infill residential community that implements the goals and policies of the General Plan Land Use and Transportation Element and the East Sunnyvale Industrial-to-Residential Project. The City does not own the site and does not have plans to acquire the entire site. For these reasons, the Park Only 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 as described below:

- Alternative 1: No Project - No Development
- Alternative 2: No Project – Residential Development Consistent with East Sunnyvale Industrial-to-Residential Project
- Alternative 3: Reduced Development

6.2.1 Alternative 1: No Project Alternative – 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. The project site currently contains two developed industrial sites; a 20,867 square foot office/research and development building is in the southwestern corner of the project site (975 Stewart Drive) and two buildings totaling approximately 205,523 square feet of office/research and development uses located in the remainder of the project site (1 AMD Place). These buildings are currently vacant but could be re-used for office uses in the future.

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 5-5 through 5-6 and Table 5-1)

6.2.2 Alternative 2: No Project – Residential Development Consistent with East Sunnyvale Industrial-to-Residential Project Alternative

Alternative 2 would consist of a similar residential development with fewer units at the project site and consistent with the existing zoning and subarea development assumptions under the East Sunnyvale Industrial-to-Residential (ITR) Project and its EIR analysis. Under Alternative 2, apartments would front along Duane Avenue (also referred to as East Duane Avenue) and Stewart Drive, while townhomes would be located in the western portion of the site (DEIR Exhibit 5-1). Consistent with the ITR project and its EIR analysis, this alternative would consist of 884 residential units and a 3-acre public park at the project site. Alternative 2 would not make use of the State Density Bonus Law for inclusion of affordable units. Like the proposed project, Alternative 2 would include the extension of Indian Wells Avenue through the site.

Alternative 2 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.

- Energy: Alternative 2's energy impacts would be less than the project.
- Greenhouse Gas Emissions and Climate Change: Alternative 2's reduced development potential would result in less greenhouse gas emissions as compared to the project.
- Public Services and Utilities: Alternative 2 would result in reduced public service and utility impacts as compared to the project.
- Traffic and Circulation: Alternative 2's reduced development potential result in less traffic volume as compared to the project. (DEIR pages 5-6 through 5-9)

6.2.3 Alternative 3: Reduced Development Alternative

Alternative 3 would reduce the overall density of site development consistent with R-3 zoning (24.2 dwelling units per acre) and would be developed as townhomes. This would result in 646 dwelling units (1,744 new residents). Like the project, this alternative would include the 6.5-acre public park and the extension of Indian Wells Avenue through the site (DEIR Exhibit 5-2). This alternative is intended to address traffic operational impacts of the project by reducing traffic generated at the site.

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.

- Energy: Alternative 3's energy impacts would be less than the project.
- Greenhouse Gas Emissions and Climate Change: Alternative 3's reduced development potential would result in less greenhouse gas emissions as compared to the project.
- Public Services and Utilities: Alternative 3 would result in reduced public service and utility impacts as compared to the project.
- Traffic and Circulation: Alternative 3's reduced development potential result in less traffic volume as compared to the project. (DEIR pages 5-10 through 5-13)

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 and 3 could generally meet the project objectives, although potentially not to the same degree as the project. Either Alternative 2 or 3 would result in fewer residential units overall to address the City's housing needs. Alternative 2 would result in approximately 884 dwelling units, and Alternative 3 would result in approximately 646 dwelling units. Alternatives 2 and 3 would not provide the same mix of residential densities, nor would they include very low income affordable housing options. Alternatives 2 and 3 would also not avoid any significant environmental impacts of the project. In Alternative 2 the public park would also be reduced to less than half than the currently proposed park. Therefore, the City finds that Alternative 2 and 3 are infeasible because they would not optimize the land use potential of the site or completely implement the goals and policies of the General Plan and East Sunnyvale plan.

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 other than leaving the site vacant and undeveloped, which is infeasible and would not meet any of the Project objectives.

- Redevelopment of the site to create a master-planned residential community with up to 1,074 residential units and a 6.5-acre public park implements the goals and policies of the City of Sunnyvale's General Plan (Land Use and Transportation Element adopted 2017) and the East Sunnyvale Sense-of Place Plan (adopted 2015).

- Vacant industrial sites contribute to neighborhood blight and can endanger public safety. Redevelopment of this site will benefit the surrounding neighborhood by replacing empty industrial buildings with an attractive residential community and public park.

- The City's Housing Element identifies vacant, under-utilized properties such as the project site as suitable locations for residential development. In addition, by giving the site an Industrial-to-Residential (ITR) zoning designation in 2007, the City Council planned for the site to eventually transition from an industrial campus to a residential development.

- The City and the surrounding Silicon Valley region are currently experiencing a severe housing shortage. The project will create much-needed housing, including 45 very-low-income rental apartments and 13 below-market townhomes. The Project would increase the variety of housing options in the City of Sunnyvale, including both rental and 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.

- The Project will add housing along transportation corridors and near transit nodes. The Project will promote greater use of Caltrain by placing new housing within two miles of the Lawrence Caltrain 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 6.5-acre park will preserve open space and increase recreational opportunities for Sunnyvale residents. The park will encourage walking and biking and will reduce the need for nearby residents to drive elsewhere to enjoy open space and recreation.

- Future development would create short-term construction jobs that would provide income to local residents.

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 City Council 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.