

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, STATING OVERRIDING CONSIDERATIONS IN THE APPROVAL OF THE EL CAMINO REAL SPECIFIC PLAN, ADOPTING THE WATER SUPPLY ASSESSMENT, AMENDING THE GENERAL PLAN, REPEALING THE PRECISE PLAN FOR EL CAMINO REAL, AND ADOPTING THE EL CAMINO REAL SPECIFIC PLAN AND THE EL CAMINO REAL SPECIFIC PLAN COMMUNITY BENEFITS/INCENTIVES PROGRAM.

WHEREAS, El Camino Real is a major arterial roadway and state highway extending approximately four miles through Sunnyvale from the western city limit of Mountain View to the eastern city limit of Santa Clara; and

WHEREAS, the first Precise Plan for El Camino Real (ECR) was adopted by the City Council on October 12, 1993, and substantially amended on February 23, 2007, in order to guide the development of the ECR corridor; and

WHEREAS, the Precise Plan for ECR, as amended on January 23, 2007, consists of approximately 350 acres of developable land along the entire ECR corridor, consisting mostly of properties fronting on ECR and a few properties extending down intersecting streets, as depicted more particularly in the map attached hereto as "Exhibit A" and incorporated herein by reference; and

WHEREAS, on February 7, 2014, at the annual Council Study Issues and Budget Issues Workshop, the City Council combined and highly ranked two study issues directing staff to undertake a comprehensive update of the Precise Plan for ECR in order to refine the community vision for the corridor, update and clarify policies for residential and mixed-use developments, and specify standards and design guidelines to better guide future development on the corridor; and

WHEREAS, on December 9, 2014, the City Council authorized the acceptance of a Metropolitan Transportation Commission Priority Development Area Planning Grant in the amount of \$587,000 to update the 2007 Precise Plan for El Camino Real and prepare the related Environmental Impact Report (RTC No. 14-0974); and

WHEREAS, on March 17, 2015, the City Council directed staff to establish an ECR Plan Advisory Committee consisting of Sunnyvale residents, business owners, and members of City Boards and Commissions, to provide feedback and recommend priorities for the development of the ECR Specific Plan (ECRSP) (RTC No. 15-0119); and

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WHEREAS, on August 15, 2017, the City Council considered four land use options for the ECRSP and selected the “Residential-Plus” option, directing staff to develop a draft Specific Plan and associated Environmental Impact Report that would allow for 730,000 net new square feet of commercial floor area and 6,900 net new residential units in the ECRSP area (RTC No. 17-0768); and

WHEREAS, pursuant to the City Council’s direction, the ECRSP has been prepared, along with related zoning code amendments and a proposal to amend the General Plan, including the General Plan Map, designating land use for the plan area, as described and depicted in “Exhibit B,” attached hereto and incorporated herein by reference, to serve as a land-use policy document to regulate future development within the Project area; and

WHEREAS, the properties within the area covered by the Precise Plan for El Camino Real had General Plan land use designations of Corridor Mixed Use and Commercial. The ECRSP will eliminate the Corridor Mixed Use category and create a new “ECRSP” General Plan land use category for all properties within the ECRSP area, as depicted in Exhibit B; and

WHEREAS, as part of the adoption of the ECRSP, the Precise Plan for El Camino Real will be repealed and the Corridor Mixed Use land use designation will be eliminated; and

WHEREAS, the following parcels identified as 815 East Fremont Avenue (APN 211-25-013), 801-834 Kingfisher Terrace, inclusive (APNs 211-43-013 through 211-43-033, inclusive), 1332 Poplar Avenue (APN 313-03-006), and 1075-1088 Ed Roth Terrace, inclusive (APNs 213-35-052 through 213-35-058, inclusive), were included within the Precise Plan for El Camino Real but are not within the ECRSP area. These parcels will be re-designated as set forth on the table and scale drawings attached as “Exhibit C” to be consistent with the existing uses on the parcels; and

WHEREAS, the following parcels identified as 201 Old San Francisco Road (APN 209-31-068), 570 South Sunnyvale Avenue (APN 209-31-067) and 510 – 550 Fall River Terrace, inclusive (APN 201-36-003), are currently designated Corridor Mixed Use in the General Plan but were not included within the Precise Plan for El Camino Real and are not within the ECRSP area. These parcels will be re-designated as set forth on the table and scale drawings attached as “Exhibit D” to be consistent with the existing uses on the parcels; and

WHEREAS, the adoption of the ECRSP also requires text amendments to the Land Use and Transportation Plan, as further outlined in “Exhibit E” attached hereto and incorporated by reference;

WHEREAS, the ECRSP includes a community benefits program that will offer development incentives in return for providing public improvements and amenities to benefit nearby residents, workers, and the community as a whole, as further outlined in “Exhibit F” attached hereto and incorporated herein by reference; and

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 programmatic Draft Environmental Impact Report ("DEIR") and Final Environmental Impact Report ("FEIR", collectively, the "EIR") have been prepared for and by the City of Sunnyvale for the Project pursuant to CEQA and the CEQA Guidelines; and

WHEREAS, the EIR addresses the environmental impacts of the Project, which is further described in Sections 7, 8, and 9 of Exhibit G attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to CEQA Guidelines Section 15043 the City Council has the authority to approve this project even though it may cause significant effects on the environment so long as the City Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant impacts (CEQA Guideline Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the projects (CEQA Guidelines Section 15093), as described in Section 11 of Exhibit G; 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 G attached hereto; and

WHEREAS, the EIR is incorporated by this reference in this Resolution, and consists of those documents referenced in Section 4.5 of Exhibit G attached hereto; and

WHEREAS, Section 10910 of the Water Code and Section 15155 of the CEQA Guidelines require that a Water Supply Assessment (WSA) be prepared and approved for development projects of a certain size, which includes the ECRSP; and

WHEREAS, in 2019, a Water Supply Assessment was prepared in connection with the proposed update to ECRSP which includes an assessment of the available water supply for the City and multiple development projects and growth areas within the City including the ECRSP; and

WHEREAS, by motions adopted on June 20, 2022, the Sunnyvale Planning Commission recommended that the City Council certify the EIR, adopt the ECRSP, and make related amendments to the City's Zoning Code and General Plan; and

WHEREAS, a public hearing was held by the City Council on June 28, 2022, 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, 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. EIR CERTIFICATION. 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. MITIGATION MONITORING AND OVERRIDING CONSIDERATIONS. The City Council hereby identifies the significant effects, adopts the mitigation measures, makes the findings, and adopts a statement of overriding considerations set forth in detail in the attached Exhibit G and the Mitigation Monitoring and Reporting Plan set forth to be implemented for each mitigation measure set forth in detail in the attached Exhibit H, which exhibits are incorporated in this Resolution by this reference. The statements, findings and determinations set forth in Exhibit G attached hereto 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.
3. ADDITIONAL CEQA FINDINGS. With respect to the changes in land use designation affecting 201 Old San Francisco Road (APN 209-31-068), 570 South Sunnyvale Avenue (APN 209-31-067) and 510 – 550 Fall River Terrace, inclusive (APN 201-36-003), the proposed action is exempt from review under the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the action will have a significant effect on the environment (CEQA Guidelines, Section 15061(b)(3)).
4. WATER SUPPLY ASSESSMENT. The City Council hereby finds that projected water supplies are sufficient to satisfy the demands of the Project in addition to existing and future uses. The City Council hereby approves the Water Supply Assessment (WSA) in compliance with Section 10910 of the Water Code and Section 15155 of the CEQA Guidelines, and adopts the WSA as a technical addendum to the Environmental Impact Report.
5. GENERAL PLAN AMENDMENTS. Based on the foregoing findings, the City Council finds and determines that the General Plan Amendment constitutes a suitable and logical change in the plan for physical development of the City of Sunnyvale, and it is in the public interest to approve the General Plan Amendments shown and described in detail in the attached Exhibits B, C, D, and E, to be effective on September 12, 2022.

6. ADOPTION OF THE EL CAMINO REAL SPECIFIC PLAN. Based on the foregoing findings, the City Council finds and determines that adoption of the El Camino Real Specific Plan (ECRSP) constitutes a suitable and logical change in the plan for the physical development of the City of Sunnyvale, and it is in the public interest to approve the ECRSP. The City Council finds that the ECRSP is consistent with the City's General Plan, and supports the City's long-term goals for the area. Based upon the ECRSP's consistency with the General Plan, and subject to the implementation of the Mitigation Monitoring and Reporting Program as a condition of approval, the City Council approves and adopts the ECRSP with certain modifications recommended by staff, and the Community Benefits program shown and described in detail in the attached Exhibit F, to be effective on September 12, 2022. Copies of the ECRSP are on file in the office of the City Clerk.

7. REPEAL OF THE PRECISE PLAN FOR EL CAMINO REAL. Based on the foregoing findings, the City Council finds and determines that the Precise Plan for El Camino Real, adopted on October 12, 1993 (Resolution No. 190-93) and amended on January 23, 2007 (Resolution No. 254-07), has been superseded by the ECRSP and is hereby repealed effective on September 12, 2022.

Adopted by the City Council at a regular meeting held on June 28, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

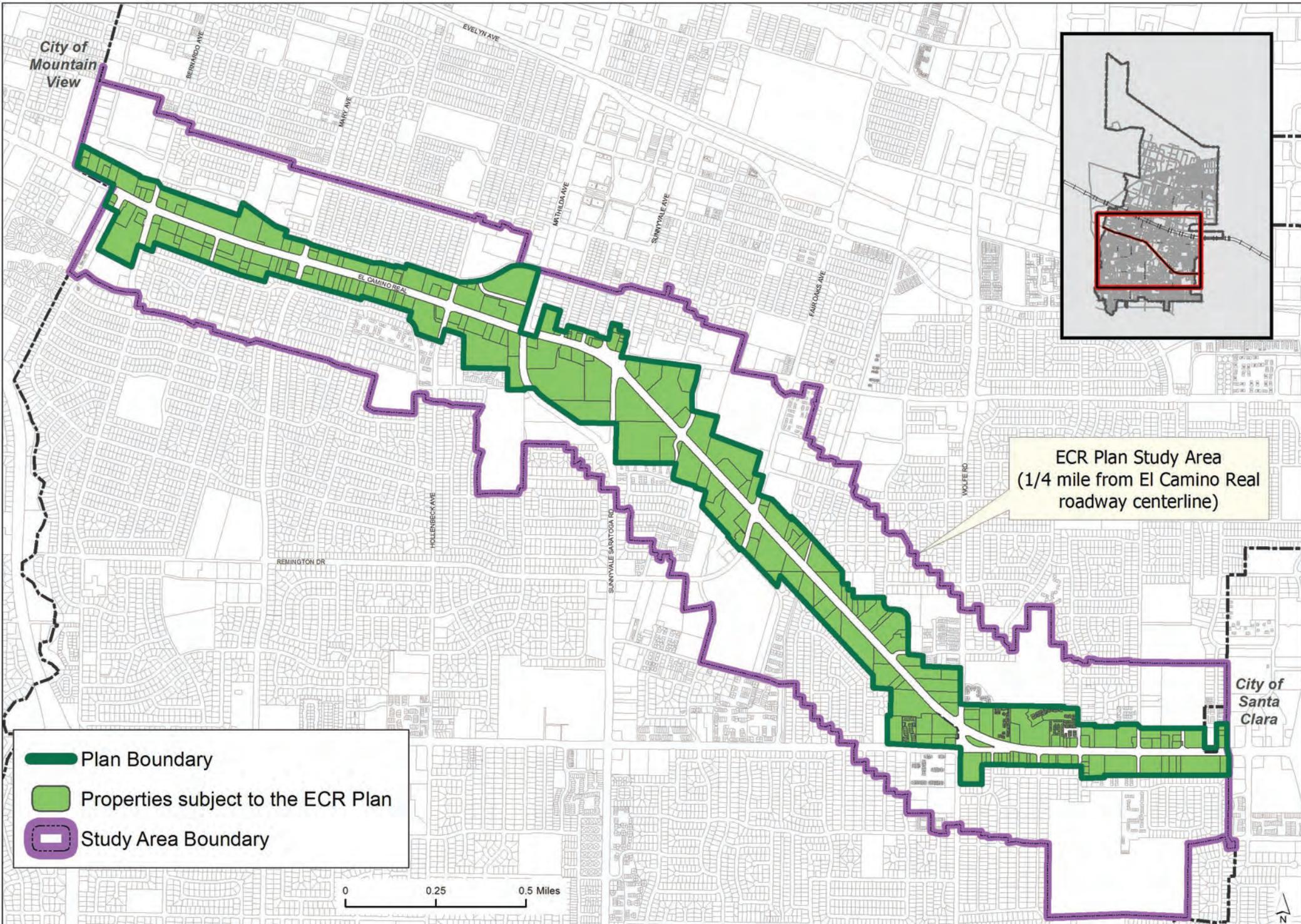
APPROVED AS TO FORM:

City Attorney



Sunnyvale El Camino Real Corridor Plan (ECR Plan) Study Area

EXHIBIT A



City of Mountain View

City of Santa Clara

-  Plan Boundary
-  Properties subject to the ECR Plan
-  Study Area Boundary

0 0.25 0.5 Miles

ECR Plan Study Area
(1/4 mile from El Camino Real roadway centerline)

EXHIBIT B

City of Sunnyvale General Plan Land Use

RESIDENTIAL

- Low Density Residential
- Mobile Home Park
- Low Medium Density Residential
- Medium Density Residential
- High Density Residential
- Very High Density Residential

MIXED USE

- Transit Mixed Use
- El Camino Real Specific Plan
- Village Mixed Use

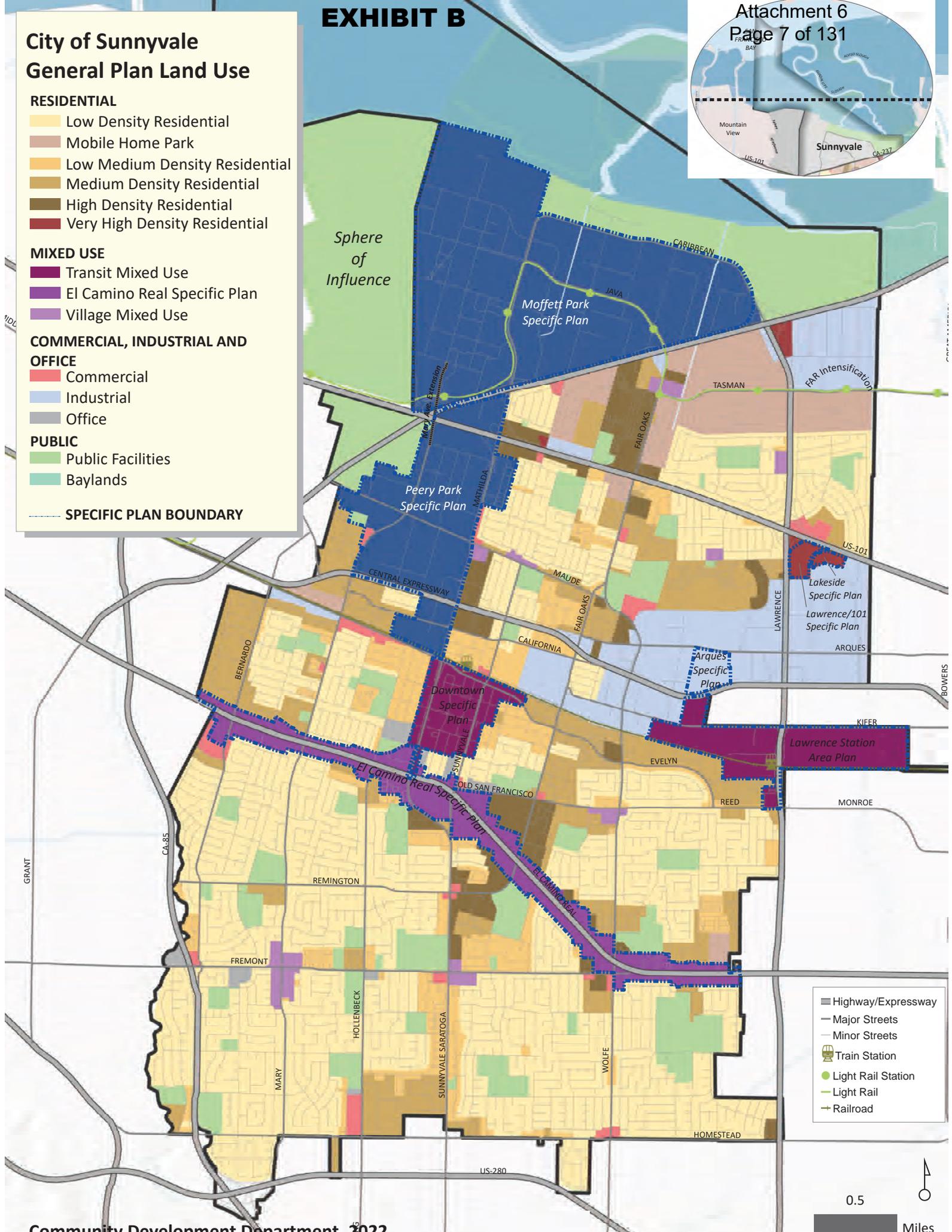
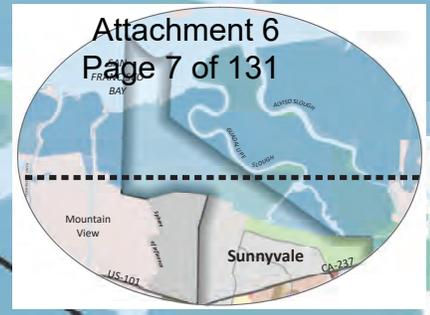
COMMERCIAL, INDUSTRIAL AND OFFICE

- Commercial
- Industrial
- Office

PUBLIC

- Public Facilities
- Baylands

SPECIFIC PLAN BOUNDARY



- Highway/Expressway
- Major Streets
- Minor Streets
- Train Station
- Light Rail Station
- Light Rail
- Railroad

0.5 Miles

EXHIBIT C1

Exhibit C1 - Land Use Designation Changes for Properties Currently within the Plan Area

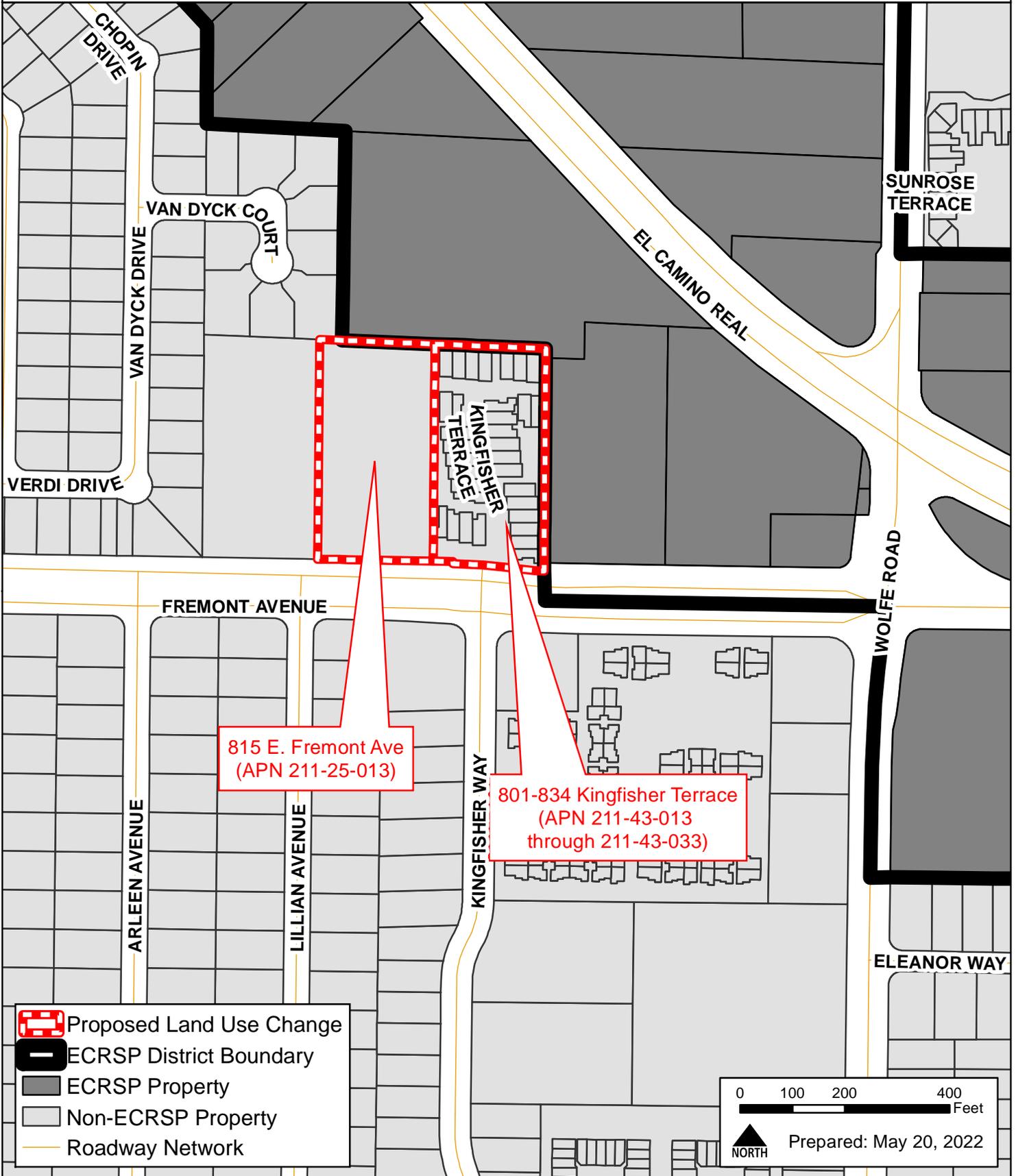
The properties listed in the following table are currently included within the Precise Plan for El Camino Real area but will not be included in the El Camino Real Specific Plan area. These properties are developed with residential-only uses, are not located directly on El Camino Real, and in some cases have a zoning designation that is not directly tied to the future goals and policies of the plan. As such, these parcels will be given land use designations that mirror the existing development on the site.

Land Use Designation Changes for Properties Currently within the Plan Area

Address	APN	Current General Plan Land Use Designation	Proposed General Plan Land Use Designation
815 E. Fremont Ave	211-25-013	Corridor Mixed Use	High Density Residential
801-834 Kingfisher Terrace	211-43-013 through 211-43-033	Corridor Mixed Use	High Density Residential
1332 Poplar Ave	313-03-006	Commercial	Low Density Residential
1075-1088 Ed Roth Terrace	213-35-052 through 213-35-058	Commercial	Medium Density Residential

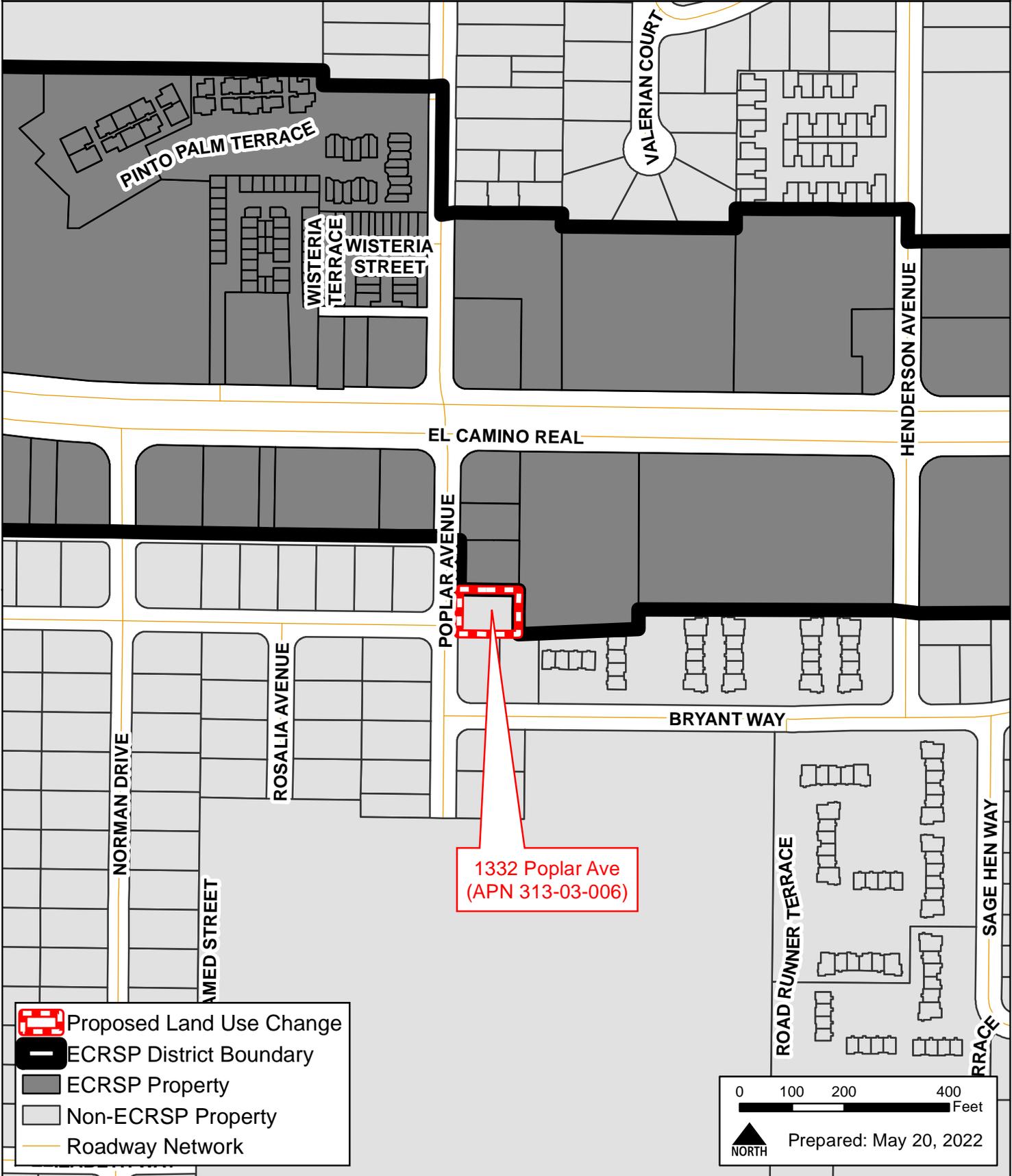
Proposed General Plan Land Use Designation Change to Implement the El Camino Real Specific Plan (ECRSP)

Pre-ECRSP Adoption: Corridor Mixed Use
Proposed Land Use Designation: High Density Residential



Proposed General Plan Land Use Designation Change to Implement the El Camino Real Specific Plan (ECRSP)

Pre-ECRSP Adoption: Commercial
Proposed Land Use Designation: Low Density Residential



Proposed General Plan Land Use Designation Change to Implement the El Camino Real Specific Plan (ECRSP)

Pre-ECRSP Adoption: Commercial

Proposed Land Use Designation: Medium Density Residential

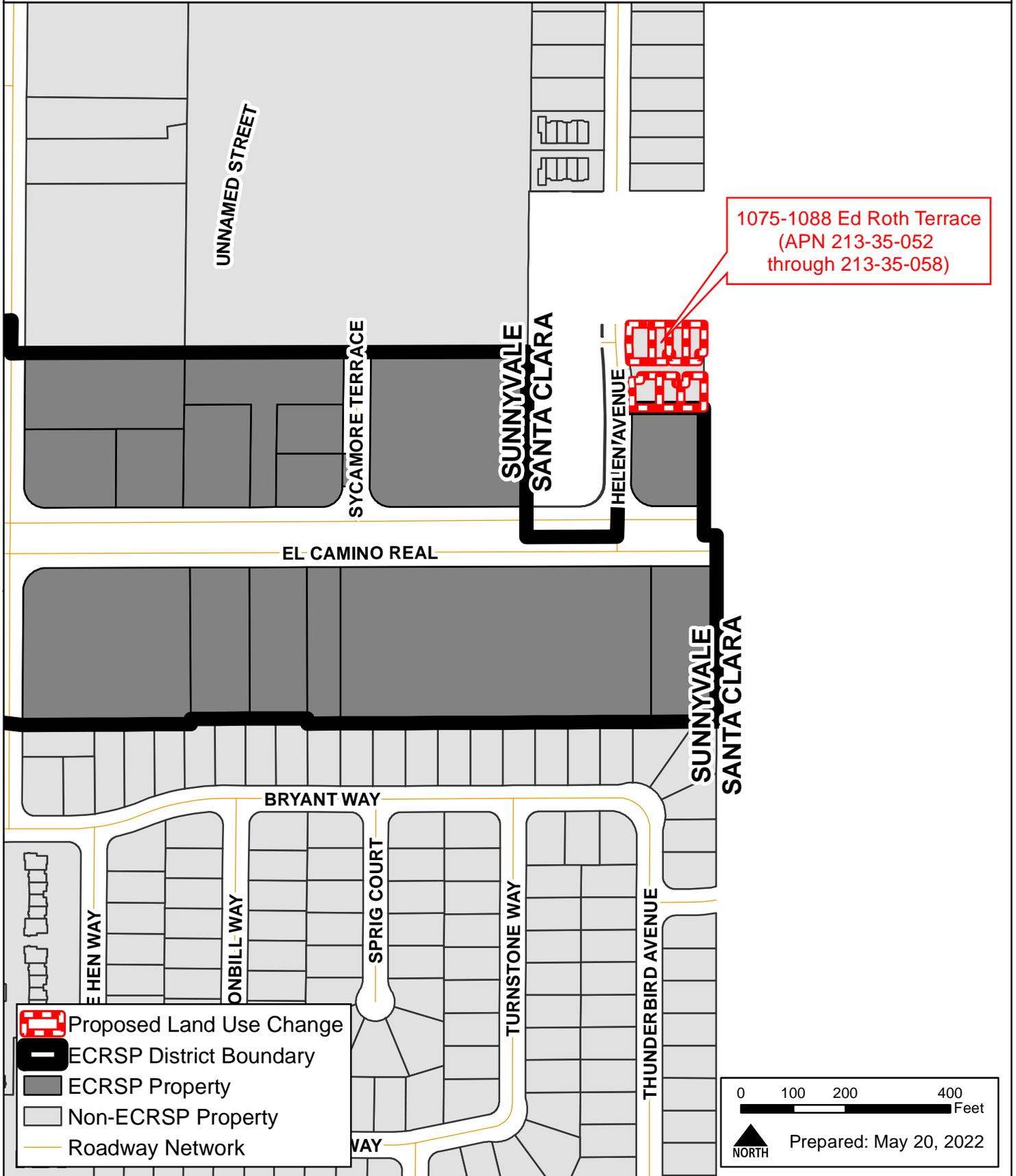


EXHIBIT D

Exhibit D1 - Land Use Designation Changes for Properties Currently Designated Corridor Mixed Use

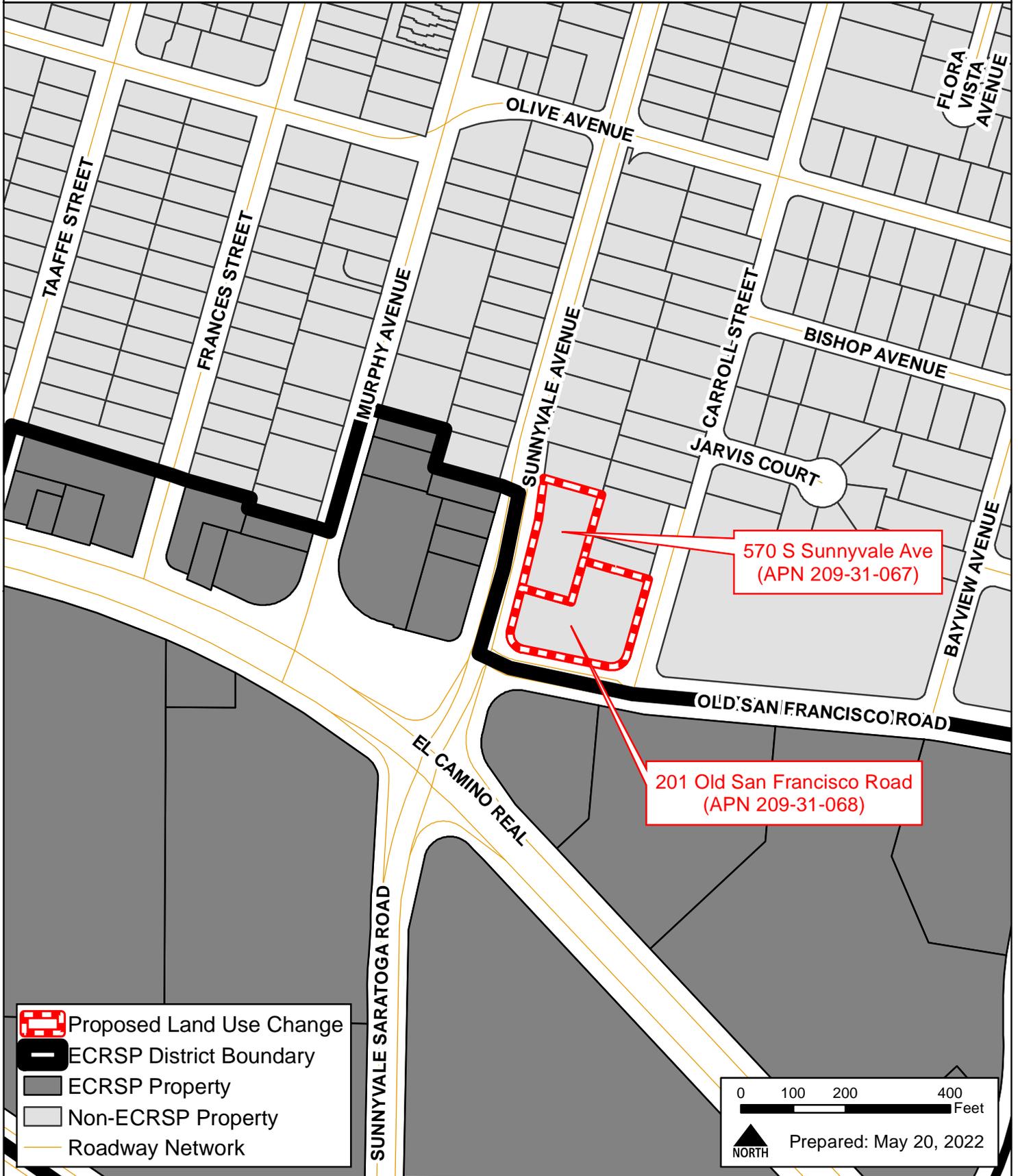
The properties listed in the following table have an existing land use designation of “Corridor Mixed Use,” a LUTE designation that only exists within or directly adjacent to the plan area. This land use designation will be modified with the adoption of the ECRSP to cover the properties within the plan area only. Three properties that are not within the plan area and are not zoned for or developed with mixed use will have their land use designations modified to be consistent with the zoning of the respective property.

Land Use Designation Changes for Properties Currently Designated Corridor Mixed Use

Address	APN	Existing General Plan Designation	Proposed General Plan Designation
201 Old San Francisco Road	209-31-068	Corridor Mixed Use	Commercial
570 S Sunnyvale Avenue	209-31-067	Corridor Mixed Use	Commercial
510 – 570 Fall River Terrace	201-36-003	Corridor Mixed Use	Medium Density Residential

Proposed General Plan Land Use Designation Change to Implement the El Camino Real Specific Plan (ECRSP)

Pre-ECRSP Adoption: Corridor Mixed Use
Proposed Land Use Designation: Commercial



Proposed General Plan Land Use Designation Change to Implement the El Camino Real Specific Plan (ECRSP)

Pre-ECRSP Adoption: Corridor Mixed Use

Proposed Land Use Designation: Medium Density Residential

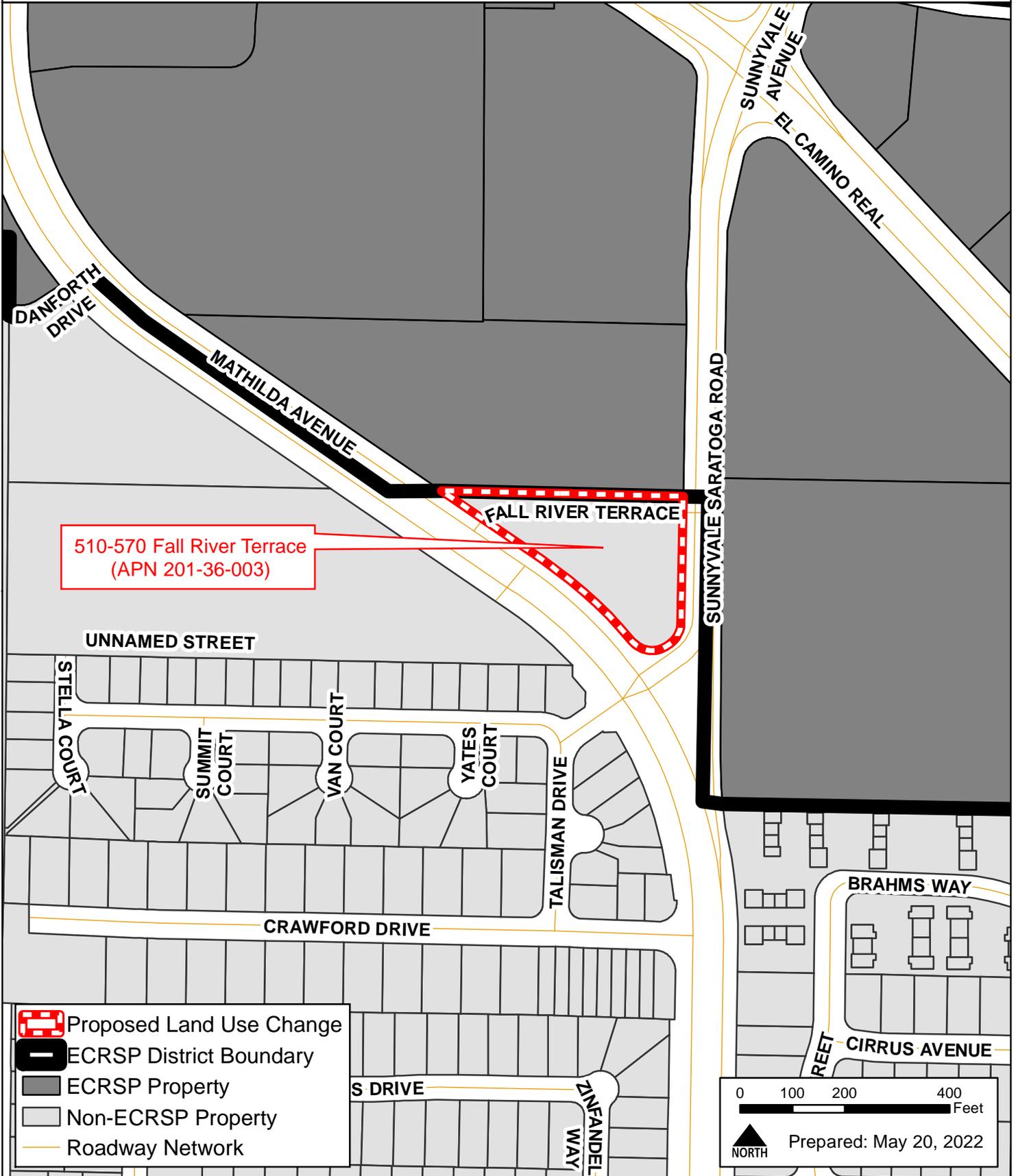


EXHIBIT E

Amendments to the Sunnyvale General Plan Land Use and Transportation Element

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Horizon 2035

The overall focus of the General Plan is to guide the City's physical development and transportation investments in the Sunnyvale planning area (Sunnyvale). The Land Use and Transportation chapter establishes the fundamental framework of how streets and buildings in Sunnyvale will be laid out and how various land uses, developments, and transportation facilities will function together. The Land Use and Transportation Chapter and accompanying policies have been developed to help guide decision making regarding land use and transportation for an approximate 20-year horizon—a time frame that is referred to as Horizon 2035. The framework for this chapter is based on a concept of a Complete Community—an attractive, green, sustainable place that is accessible for all residents.

California Government Code Section 65302 specifically calls for elements of general plans to be combined when major issues cross topics. The Horizon 2035 resulted in policies including fiscally, economically, and environmentally sustainable land use and transportation policies necessary to support goals established in each of the other General Plan chapters.

The Land Use and Transportation Chapter incorporates and integrates policy direction and land use patterns from other City of Sunnyvale planning documents, including:

- Arques Campus Specific Plan
- Downtown Specific Plan
- East Sunnyvale and other Industrial to Residential (ITR) sites
- Lakeside Specific Plan
- Lawrence Station Area Specific Plan
- Moffett Park Specific Plan
- Peery Park Specific Plan
- ~~Precise Plan for~~ El Camino Real Specific Plan

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The Character of Change

Over the next 20 years, the city can be expected to change as a result of a number of forces such as population growth, changing demographics, the need for newer buildings and homes, and an ever-changing economy. Other forces such as climate change and citizen demand for a sustainable community will also influence change. Physical changes are guided by new development that almost exclusively occurs through private forces based on market demand. The policies and actions provided in this chapter address areas of Sunnyvale that would be best suited to accommodate transformational change that support the city's evolution into a Complete Community.

Figure 3-1 indicates where change would be encouraged to occur and to what degree it can be expected. The map indicates areas that are meant to be preserved, the new Village Centers, and

industrial areas that are meant to improve and evolve over time but that are not planned for a major character shift. Some of the change portrayed on the map represents areas where a plan has been adopted and transformation is already occurring. For example, ~~the updated plans for the~~ El Camino Real ~~Specific Plan corridor~~, Downtown ~~Specific Plan~~, Peery Park, and ~~and the~~ Lawrence Station ~~Area Plan area~~ have been ~~recently~~ adopted ~~recently, along with a new Specific Plan for the Peery Park area~~. See the individual Specific/Area Plan documents for more detailed information and allowable land uses and design concepts permitted in these areas. Zoning regulations and development standards have been adopted to support these changes.

New areas where noticeable change may occur under new Land Use and Transportation goals and policies include ~~the nodes on~~ designated parcels on El Camino Real, within the newly identified Village Centers, the Lawrence Station area, and the Peery Park industrial/office area. Change in these areas would be in addition to what has been planned to date and would only occur over the 20- year term of Horizon 2035, based on market demand for new development.

Future change areas were selected based on the following general criteria:

- Mixed-use development transforming older shopping centers and office areas into new Village Centers to provide close-in services and residential diversity in existing residential areas (to be managed through the preparation of precise plans or site-specific plans).
- Additional mixed-use development located in nodes at major intersections on designated parcels within the ~~beyond that originally contemplated in the Precise Plan for~~ El Camino Real Specific Plan.
- Increased industrial and office intensity in the Peery Park business area to be managed by a specific plan.
- Development of a transit village near the Caltrain Lawrence Station with increased housing and business intensity and supporting services in accordance with a station area plan.
- Pockets of more intensive industrial and office development on corridors such as Mathilda Avenue in anticipation of future improved north/south transit, and along Tasman Avenue near the Reamwood light rail station in The Woods business area.

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Goal LT-4.2b Amend the Zoning Code and Zoning Map to incorporate mixed-use zoning districts in appropriate on designated parcels within ~~portions of~~ Village Centers and the El Camino Real Specific Plan Corridor Mixed-Use designations.

POLICY LT-4.3 ENFORCE DESIGN REVIEW GUIDELINES AND ZONING STANDARDS THAT ENSURE THE MASS AND SCALE OF NEW STRUCTURES ARE COMPATIBLE WITH ADJACENT STRUCTURES, AND ALSO RECOGNIZE THE CITY'S VISION OF THE FUTURE FOR TRANSITION AREAS SUCH AS NEIGHBORHOOD VILLAGE CENTERS AND DESIGNATED PARCELS WITHIN THE EL CAMINO REAL ~~NODES~~ SPECIFIC PLAN.

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POLICY LT-7.4 PROMOTE NEW MIXED-USE DEVELOPMENT AND ALLOW HIGHER RESIDENTIAL DENSITY ZONING DISTRICTS (MEDIUM AND HIGHER) PRIMARILY IN VILLAGE CENTERS, WHERE ALLOWED WITHIN THE EL CAMINO REAL ~~NODES~~ SPECIFIC PLAN, AND FUTURE INDUSTRIAL-TO-RESIDENTIAL AREAS.

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~~Precise Plan for~~ El Camino Real Specific Plan

The City has ~~also responded to development pressure by establishing~~adopted an update to the Precise Plan for ~~a plan for~~ El Camino Real titled El Camino Real Specific Plan (2022). The ~~Precise Plan for El Camino Real Specific Plan (2007)~~ was adopted to clarify the City’s long-term vision for its primary commercial corridor. The ~~Precise Specific~~ Plan serves as a guide to encourage well-designed, appropriate developments along El Camino Real. The plan also offers strategies to capitalize on the strengths of El Camino Real and to overcome limitations in order to enhance the ability of the corridor to remain a vibrant and successful part of the community.

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POLICY LT-14.2 SUPPORT THE FOLLOWING ADOPTED SPECIALIZED PLANS AND ZONING TOOLS, AND UPDATE THEM AS NEEDED TO KEEP UP WITH EVOLVING VALUES AND NEW CHALLENGES IN THE COMMUNITY: DOWNTOWN SPECIFIC PLAN, LAKESIDE SPECIFIC PLAN, ARQUES CAMPUS SPECIFIC PLAN, LAWRENCE/101 SITE SPECIFIC PLAN, ~~PRECISE PLAN FOR EL CAMINO REAL~~ SPECIFIC PLAN, MOFFETT PARK SPECIFIC PLAN, PEERY PARK SPECIFIC PLAN, AND LAWRENCE STATION AREA PLAN. (See Figure 3, Area Plans.)

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Very High Density Residential (36–45 du/ac)

This designation provides for densities consistent with large-scale apartments or condominiums intended for the Downtown, Transit Mixed-Use, or on designated parcels within the El Camino Real Specific Plan ~~or Transit or Corridor Mixed-Use~~ areas. Very high density areas are primarily located within specific plan areas.

Land Use Category	Very High Density Residential
Description	Allows large-scale apartments or condominiums in Downtown or within Transit or Corridor -Mixed-Use <u>or the El Camino Real Specific Plan</u> areas.
Density/Intensity	36-45 du/ac
Typical Zoning Districts	Specific Plan or Area Plan

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Mixed-Use Designations

Mixed-use designations promote the integration of residential and commercial/office uses together on the same site. These compact developments facilitate walkability, reduce vehicle trips, and create centers of activity in different neighborhoods.

The City is anticipating a transformation of selected sites to mixed use by 2035, as shown in Figure 3-11. These areas are located near public transit and major thoroughfares. They have been further divided into three categories of mixed-use areas to determine the residential density, type of commercial, and scale of the areas:

- Transit Mixed-Use
- El Camino Real Specific Plan (formerly Corridor Mixed-Use)
- Village Mixed-Use

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El Camino Real Specific Plan Corridor Mixed-Use

This designation provides for regional, community, or employment-serving retail uses that may be in conjunction with residential uses along the El Camino Real corridor. ~~Corridor Mixed-Use areas are appropriate along major corridors such as El Camino Real, Mathilda Avenue, or similar roadways. Commercial uses are a crucial component of future development along these corridors.~~ Future mixed uses ~~should~~ must include commercial components ~~with a typical floor area ratio (FAR) of 25%.~~ ~~Alternative commercial FARs may be considered based on the location and constraints of the site, and potential benefits to the area and community offered by the project.~~ Residential ~~Mixed-use~~ development with a residential component ~~is~~ densities, averaged over the entire site, are typically 24 dwelling units per acre, allowed on designated parcels with base maximum densities specified in the specific plan, with mixed-use areas having a lower number of dwelling units per acre (as the residential units are mixed with other uses) and primarily residential areas having a higher number of dwelling units per acre. The ~~Precise Plan for~~ El Camino Real Specific Plan will further determine development intensities on applicable properties, with the most intensive mixed-use development to occur in the nodes ~~El Camino Real Nodes~~ per the allowances of the plan ~~Specific Plan~~.

Land Use Category	<u>El Camino Real Corridor Mixed-Use Specific Plan</u>
Description	Allows regional, community, or employment-serving retail uses <u>sometimes</u> in conjunction with residential uses <u>on designated parcels along major corridors</u>
Density/Intensity	Commercial — FAR = 25% typical. Specific <u>mixed-use residential</u> densities and <u>intensities</u> minimum <u>commercial FAR requirements for properties within the plan area are</u> determined by <u>the Specific Plan, or Area Plan</u>
Typical Zoning Districts	C-1, C-2, ECR-C, ECR-MU, ECR-R-3, ECR-R-4, ECR-PF, and ECR-OP-F, O and other properties located in the Precise Plan for El Camino Real (MU-C) <u>Mixed-use Commercial</u>

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Commercial

This designation supports retail and retail service uses. Restaurants, entertainment, and small offices may be considered in this designation. Commercial designations are typically located at major intersections or along expressways, major arterials, or freeway frontage roads.

Three zoning districts are consistent with this designation, and each provides for a distinct subset of commercial uses. The C-1 (Neighborhood Business) zoning district allows low-scale neighborhood-serving commercial uses such as grocery stores, retail, personal services, recreational studios, and tutoring. Residential uses may be considered through a General Plan Initiation, or in some cases a rezoning, but only if the site is not isolated and when adequate residential services (e.g., retail, parks, and schools) are available nearby. The C-2 (Highway Business) zoning district is typically located along regionally significant roads such as ~~El Camino Real~~, Wolfe Road, or Fair Oaks Avenue. “Big-box” retailers, auto dealers, and hotels are permitted in this zoning district. In this zoning district, residential uses may be considered when found compatible with surrounding uses and when adequate residential services are available nearby. The C-4 zoning district provides for commercial service, including auto repair, other service shops, and self-storage and is typically located near industrial neighborhoods.

Land Use Category	Commercial Land Uses		
Description	Supports retail and retail service uses, with varying character, corresponding to zoning districts:		
	Neighborhood Commercial: Allows low-scale neighborhood serving commercial uses such as grocery stores, retail, personal services, recreational studios, and tutoring.	Highway Business: Allows retail and service uses such as “big box” retailers, auto dealers, and hotels located along regionally significant roads. Neighborhood Commercial uses are also allowed.	Service Commercial: Allows commercial service uses, including auto repair, other service shops, and self-storage.
Density/Intensity	Typical height = one or two stories	Typical height = two to six stories	Typical height = one or two stories
Typical Zoning Districts	(C-1) Neighborhood Business	(C-2) Highway Business	(C-4) Service Commercial

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Commercial Area Plans

~~Precise Plan for~~ El Camino Real Specific Plan

This plan allows a mix of commercial and residential uses oriented along El Camino Real, a highway business corridor. A range of commercial and office uses are permitted along the corridor, serving neighborhood and community needs with opportunities for regional “small-box” retail. Mixed-use development is expected and encouraged to occur primarily on designated parcels identified in the El Camino Real Specific Plan ~~Nodes but may be considered elsewhere under limited circumstances. On properties where mixed-use is allowed, r~~ Residential uses should be vertically mixed with commercial uses with floor area ratios meeting the minimum required by the Specific Plan. Principles of transit oriented design should be followed ~~in-on~~ the mixed-use ~~nodes~~ sites. Properties designated for c ~~Commercial portions of sites~~ should have floor area ratios that range from at least 20% to 25%; however, there is no maximum floor area ratio for commercial. minimum. Below-grade parking is

strongly encouraged. Development standards on El Camino Real ~~should be further refined and implemented~~ are detailed within the Precise Plan for El Camino Real Specific Plan, Sunnyvale Municipal Code, and the Consolidated Design Guidelines and the Toolkit for Mixed-Use Development (standards and design guidelines).

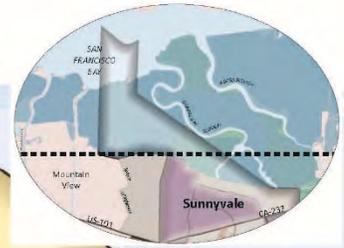
Figures to be Replaced (see following pages)

- 3-1 Changing Conditions Map
- 3-3 Moffett Airport Influence Area
- 3-9 Area Plans
- 3-10 General Plan Land Use Map
- 3-11 Existing and Planned Mixed-Use Areas

Figure 3-1



CHANGING CONDITIONS 2010-2035



CHARACTER OF CHANGE

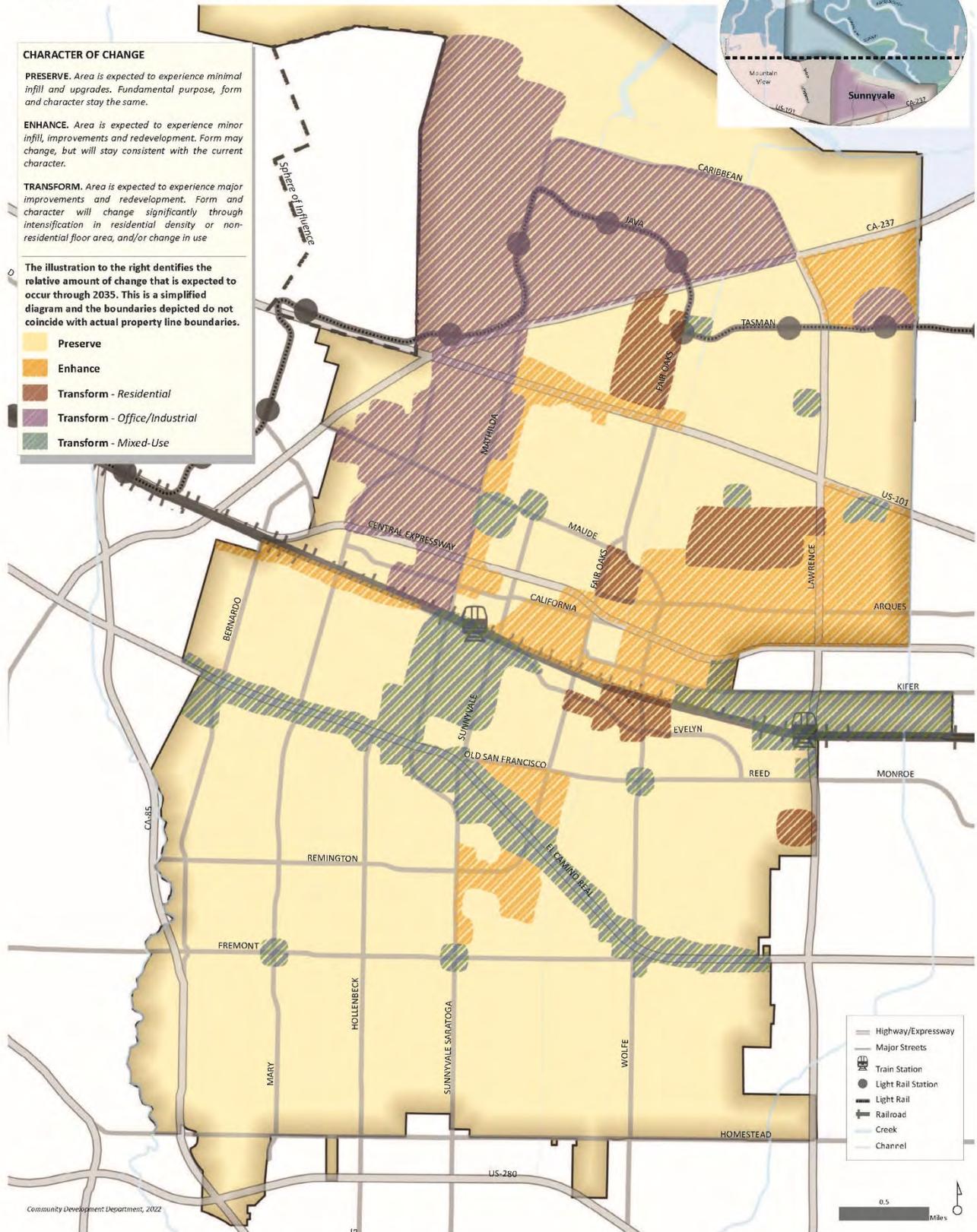
PRESERVE. Area is expected to experience minimal infill and upgrades. Fundamental purpose, form and character stay the same.

ENHANCE. Area is expected to experience minor infill, improvements and redevelopment. Form may change, but will stay consistent with the current character.

TRANSFORM. Area is expected to experience major improvements and redevelopment. Form and character will change significantly through intensification in residential density or non-residential floor area, and/or change in use

The illustration to the right identifies the relative amount of change that is expected to occur through 2035. This is a simplified diagram and the boundaries depicted do not coincide with actual property line boundaries.

- Preserve
- Enhance
- Transform - Residential
- Transform - Office/Industrial
- Transform - Mixed-Use



Community Development Department, 2022

FIGURE 3-3

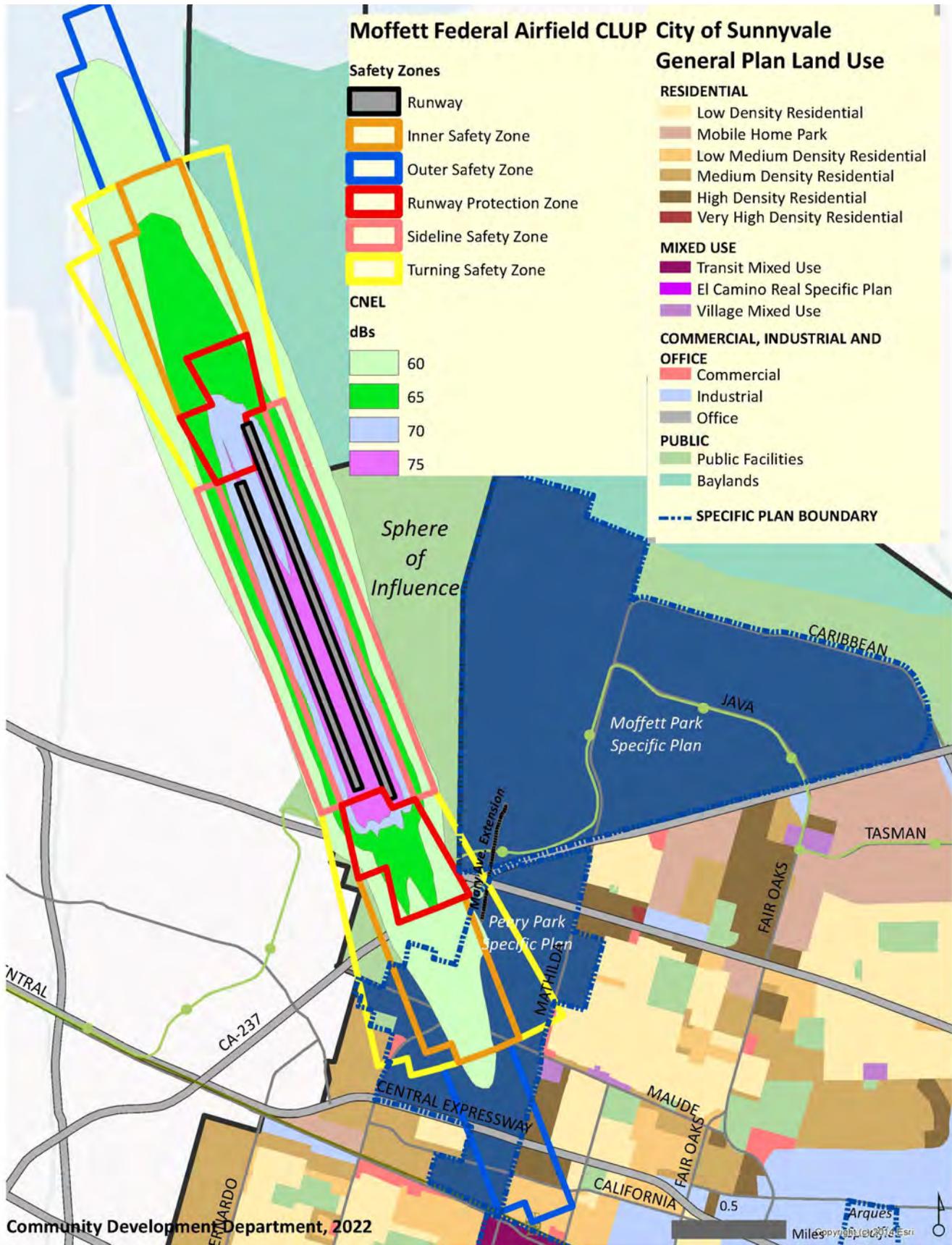


Figure 3-9

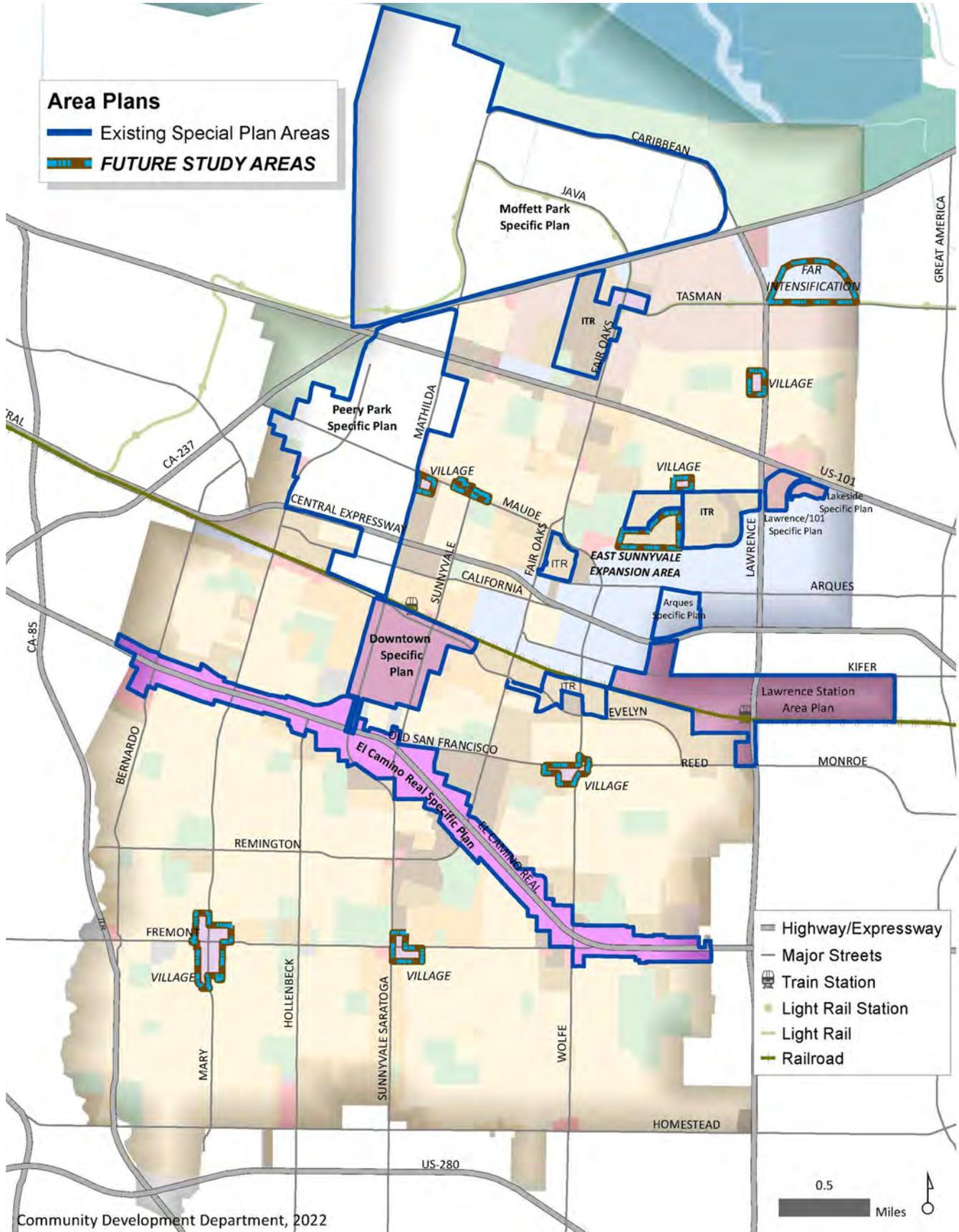


FIGURE 3-10

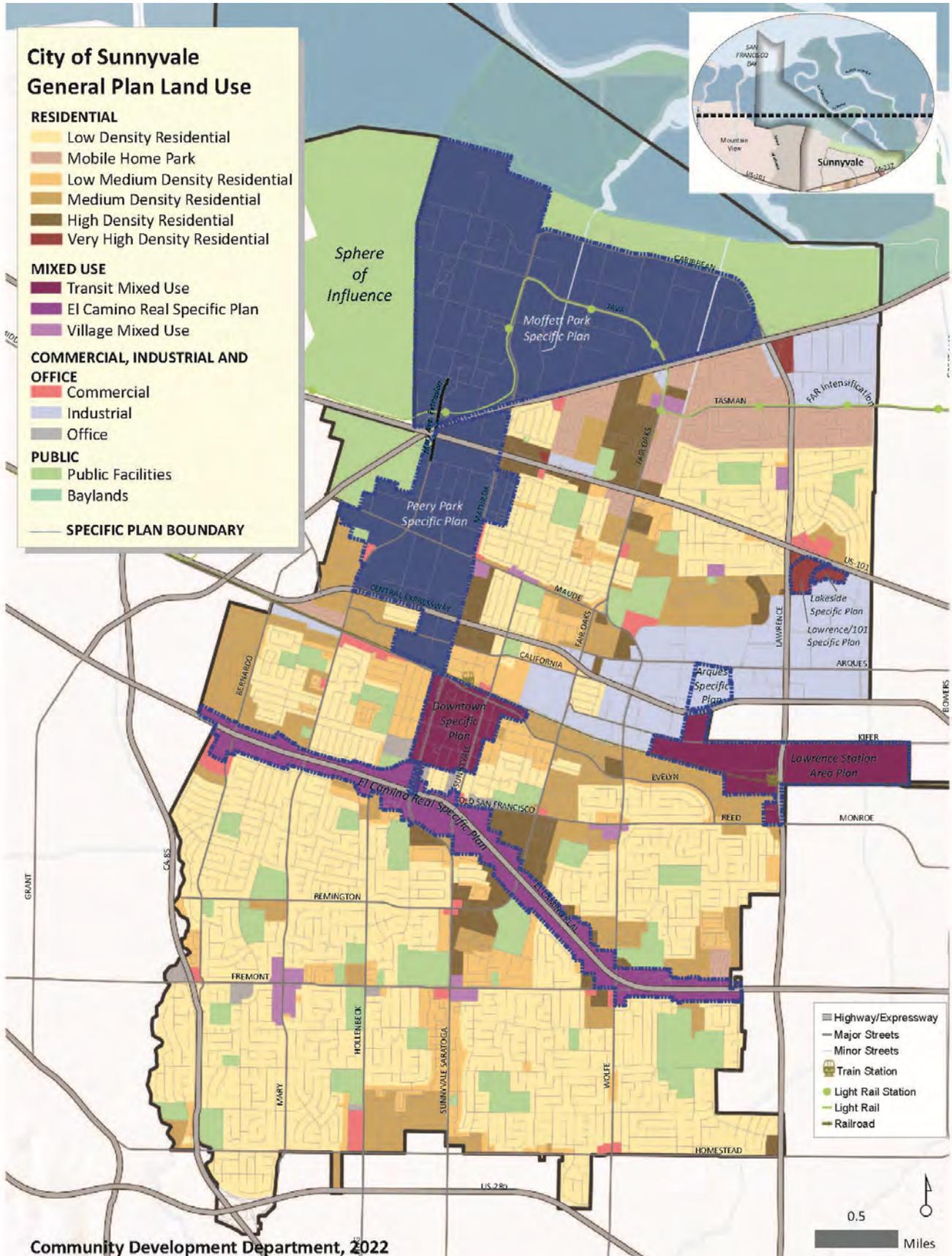
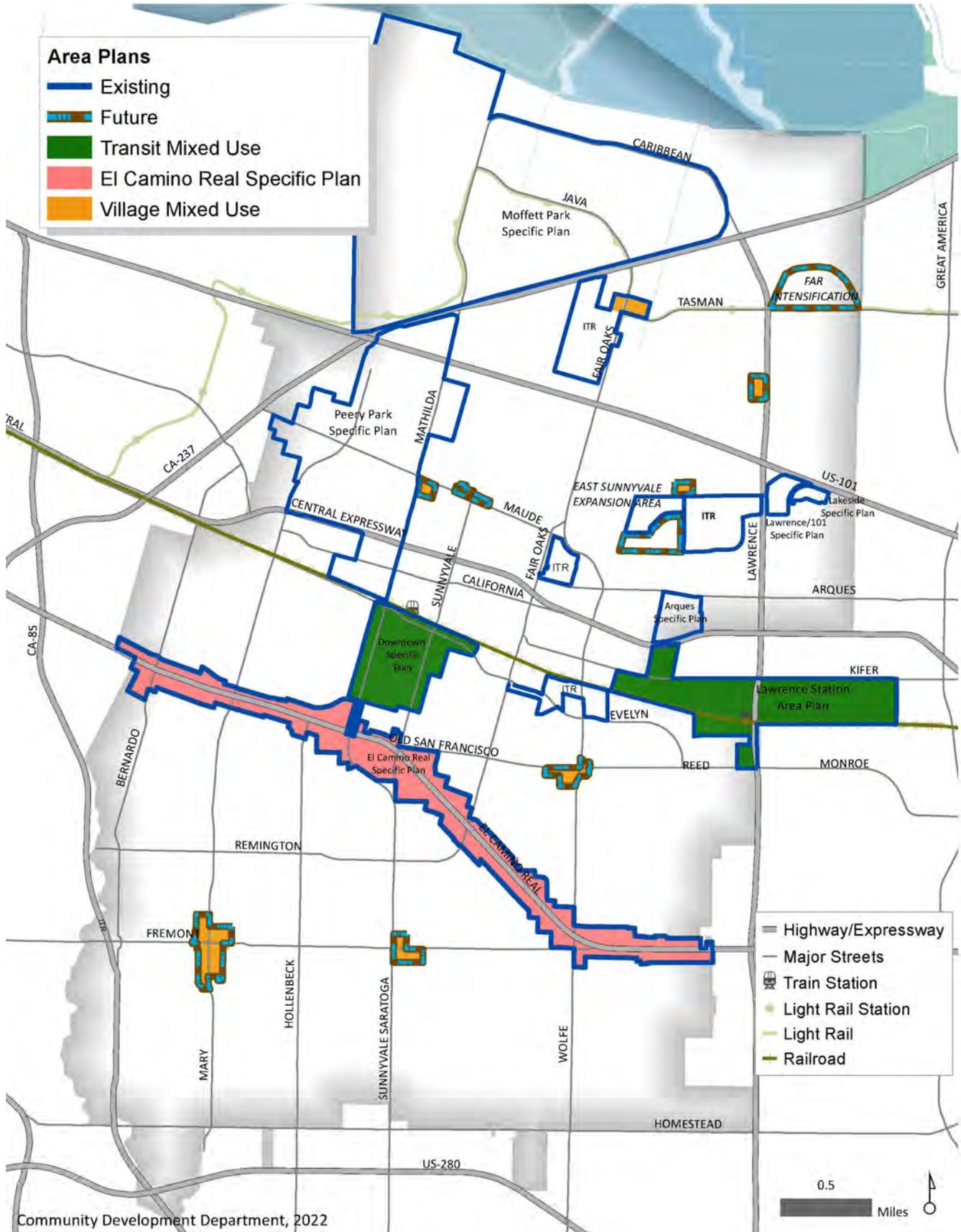


FIGURE 3-11



**EL CAMINO REAL SPECIFIC PLAN (ECRSP)
COMMUNITY BENEFITS/INCENTIVES PROGRAM
ADMINISTRATIVE REGULATIONS**

I. Purpose

The El Camino Real Specific Plan (“ECRSP”) Community Benefits Program (“Program”) was established by Resolution XXX-22 upon adoption of the ECRSP in 2022. The ECRSP is an incentive-based plan. The Incentive Program allows property owners to develop their properties beyond the base maximum densities in residential mixed-use development in exchange for providing community benefits that advance the goals of the ECRSP. Property owners are not required to build with incentives. The Program is voluntary, and property owners have the option to propose which incentives best suit their business plans and economic goals.

The Program is a separate document from the ECRSP and is designed to be updated over time by resolution of the City Council as City priorities change.

II. Defined Incentives

Defined incentives are intended for residential mixed-use development. There are specified density points for each defined incentive, as well as the defined criteria that must be satisfied to obtain the density points. Project applicants are required to identify each proposed incentive in their application submittal materials. Incentive points are awarded per the tables in Section VIII of this program after City staff verifies, as part of the project completeness review, the project is proposing incentives consistent with the incentive definitions in Section IX and Attachment A: Defined Benefits Permit Responsibilities.

III. Applicant Incentive Responsibilities

There are specific responsibilities for each defined benefit illustrated in the table in Attachment A: Defined Benefits Permit Responsibilities. Every residential mixed-use development project that participates in the Program must adhere to the requirements listed in the table if they wish to utilize any of the defined benefits.

IV. Residential Densities in Mixed-Use Zoning Districts

Table 1 below specifies the residential density structure by zoning district. Residential uses are permitted only in a mixed-use development or in residential-only zoning districts. All new residential development can build to the base maximum density. Additional voluntary tiers may be used to gain additional units – the City’s Green Building Program, the community benefit incentives in this Program (available only in mixed-use developments), and with the state’s Density Bonus for provision of affordable housing. If the density bonus through the City’s Green Building Program is utilized, the bonus is applied to the base maximum density. The incentives points in this program are added to the base maximum density (with green building bonus if proposed). Lastly, the state Density Bonus, if proposed, is applied on the highest density achieved with incentives. The Program incentives and State Density Bonus are further described in Sections V and VI, and calculation examples are in Section VII.

Table 1: Residential Density Structure by Zoning District

ECRSP Zoning District	Base Maximum Density ^{1, 2}	Total Density Incentive Points Available ¹	Highest Density with Incentive Points ¹	Additional Densities
ECR-MU24	24	6	30	Per City's Green Building Program and State Density Bonus Program ³
ECR-MU28	28	10	38	
ECR-MU33	33	12	45	
ECR-MU42	42	14	56	
ECR-MU54	54	20	74	

1. Dwelling units per acre

2. This table is primarily intended to show base maximum densities and the way the incentives are added to the base maximum densities. However, note that the City also has a minimum density requirement as outlined in the ECRSP. New residential development shall build at least 85 percent of the zoning district's base maximum density.

3. Additional densities may be achieved above the base maximum density or density obtained through the City's Green Building Program (additional 5% as of 2022) and/or this Program by providing affordable housing consistent with State Density Bonus law. When calculating additional densities above the base maximum density, the following order of operations shall apply:

- 1) Apply the density bonus percentage through the City's Green Building Program.
- 2) Add the incentive points gained through this Program.
- 3) Apply the state Density Bonus percentage achieved by the project.

V. Highest Residential Densities with Incentive Points

Residential densities may be increased above the base maximum density by proposing any or all of the incentives that are defined in this Program. The incentives in this Program are separate from the additional density increase allowed through the City's Green Building Program. See Section VI for additional density increases allowed by the state Density Bonus.

Property owners may choose one or more defined incentives to include in their projects. Section IX of this program lists the defined criteria that must be met to be awarded points for each incentive and Attachment A contains the applicant responsibilities and timing requirements.

The density points obtained through this Program are added to the base maximum density in the project site's respective zoning district. The highest density with incentive points category in Section IV's table limits the amount of achievable defined incentive points by zoning district. Defined incentives are organized by category, with maximums for each category to ensure a more balanced provision of incentives. See Section VII for examples of how the density points are calculated.

VI. State Density Bonus for Residential Projects

For projects with residential uses that include affordable units pursuant to State Density Bonus Law (Government Code Section 65915), the bonus percentage that must be provided under state law is added to the project's highest density obtained with the green building density bonus and incentive points in this Program, if proposed. If the project applicant does not propose to utilize incentive points through this Program, the state density bonus percentage is added to the base maximum density (and any additional density obtained through the Green Building Program). See Section VII for examples of how the density points are calculated.

Dwelling units designated to meet City affordable housing requirements in Sunnyvale Municipal Code (SMC) Chapter 19.67 (ownership) and Chapter 19.77 (rental) may count toward qualifying the project for a state density bonus, provided that the project meets all of the applicable requirements to qualify for a state density bonus.

City affordable housing requirements are based on the total number of units proposed in the project that are obtained by base maximum density plus the green building bonus and highest density achieved with incentive points, if proposed. Additional units obtained through the state density bonus are not counted towards the affordable housing requirement calculation. If no incentives are proposed, the affordable housing requirement is based on the total number of units proposed in the project, as allowed by the zoning district's base maximum density.

VII. Example Residential Density Calculations

The examples outlined in Table 2 below illustrate how residential densities and allowable units are calculated. Each project scenario is different, and these are merely examples to illustrate how the various density increases are applied. The base maximum density is the starting point for where density bonuses are added, then increases are added in the lower rows depending on the green building bonus/ECRSP incentive/state Density Bonus achieved.

VIII. Residential Mixed-Use Development - Defined Incentives

Table 3 below shows the different categories of defined incentive categories for residential mixed-use development, which advance the goals of the ECRSP. In order to ensure that a project provides a more balanced program of incentives, there is a maximum cap on the number of residential density points (dwelling units per acre) that each incentive category can achieve. The descriptions and required criteria that apply to each incentive type are specified in the definitions in Section IX and Attachment A.

		EXAMPLES			
		A	B	C	
		ECR-MU24	ECR-MU42	ECR-MU54	
Zoning District		24	42	54	
Base Maximum Density (units per acre)		3	1.5	2	
Lot Size (acres)					
Scenarios of Density Bonus Program Participation ¹		How to Calculate Density/Bonus	Example Totals		
Base Maximum Density (Pre-Bonus)	Allowable Units	Base Maximum Density x Lot Size =	72	63	108
1) City's Green Building Program Participation	Applicable Density Bonus	As identified in the City's Green Building Program	5%	0 ²	5%
	Resultant Density	Base Maximum Density x (Green Building Bonus + 100%) ³ =	25	42	56
	Allowable Units	Resultant Density x Lot Size ³ =	75	63	112
2) ECRSP Incentive Program Participation	Applicable Density Bonus	As identified in Section VIII	4	0 ²	20
	Resultant Density	Green Building Program Resultant Density + ECRSP Bonus Points =	29	42	76
	Allowable Units ⁴	ECRSP Resultant Density x Lot Size ³ =	87	63	152
3) State Density Bonus Program Participation	Applicable Density Bonus	As permitted by the State Density Bonus program	20%	7%	50%
	Resultant Density	ECRSP Resultant Density x (State Density Bonus + 100%) ⁵ =	35	45	114
	Allowable Units	State Density Bonus Resultant Density x Lot Size ⁵ =	105	67.5	228

¹ Calculation of additional density bonus points resulting from participation in these programs is in the order as identified in this table.

² Opted out in this scenario

³ Rounded down

⁴ The City's affordable housing requirement is based on the number of units proposed under this provision.

⁵ Rounded up

Incentive Category	Provision		Potential Additional Density Points ¹	Maximum Permitted Points per Incentive Category	Zoning District Availability (ECR-MUXX)					
					24	28	33	42	54	
Affordable Housing	Very Low Income (VLI) Percentages Exceeding State Density Bonus: ²		16%	2	10	◆	◆	◆	◆	◆
			17%	4		◆	◆	◆	◆	◆
			18%	6		◆	◆	◆	◆	◆
			19%	8		N/A	◆	◆	◆	◆
			≥20%	10		N/A	◆	◆	◆	◆
Commercial/Retail	Commercial/Retail FAR in excess of minimum requirement		2.5%	3	12	◆	◆	◆	◆	◆
			5.0%	6		◆	◆	◆	◆	◆
			10.0%	12		N/A		◆	◆	◆
Landscaping and Open Space	Open Space, Privately Owned Publicly Accessible, beyond Park Dedication Requirement		0.5-0.75 acres	2	6	◆				
			>0.75-1 acres	4		◆				
			>1 acre	6		N/A	◆			
Parking	Bicycle Parking, Publicly Accessible: At least 20% more Class I spaces and 10 more Class II spaces beyond minimum requirement			1	7	◆				
	a. Parking, Below-Grade/Podium (1 level above grade) ³ : At least 85% of the project's auto parking supply is below-grade and may include up to 1 level of podium parking. The remaining surface parking spaces provided is:	≤10% of total supply	6	◆						
		11-15% of total supply	4	◆						
	b. Parking, Structured/Podium (over 1 level above grade) ³ : At least 85% of the project's auto parking supply is provided: a) In a separate structure; b) In a podium with more than one level above grade; or, c) combination of separate structure and podium. The remaining surface parking spaces provided is:	≤10% of total supply	3	◆						
11-15% of total supply		2	◆							

Incentive Category	Provision	Potential Additional Density Points ¹	Maximum Permitted Points per Incentive Category	Zoning District Availability (ECR-MUXX)				
				24	28	33	42	54
Public Art	Provision of public art valued at 1% of the project construction valuation, or payment of public art in-lieu fee	1	1			♦		
Sustainability ⁴	Installation of Level 2 Electric Vehicle Charging Stations	2	6			♦		
	Zero Energy/Zero Carbon Buildings	4				♦		
Transportation	Public Bicycle/Pedestrian Pathways with Signage, Privately Owned Publicly Accessible	2	5			♦		
	Annual Transit Passes for Residents of Rental-Only Residential Projects	Caltrain		3			♦	
		VTA		3				

¹. Residential Density (dwelling units per acre) above the base maximum density permitted by the zoning district.

². As of 2022, the maximum eligibility level for a density bonus under State Density Bonus Law is 15% very low income units. The incentive points in this program are based on very low income unit percentages above 15% on a sliding scale starting at one percent above. If the State amends the tables in Government Code Section 65915(f), and the City has not updated this incentive program by that time, then incentive points are based on a sliding scale starting at one percent above the new State Density Bonus maximum eligibility level. The number of points would remain the same.

³. Incentive points are only applied for one of the parking podium incentive categories per development (either below grade/podium or structured/podium)

⁴. Refer to the City's Green Building program for an additional density bonus (separate from these incentives) that is added to the base maximum density.

IX. Incentive Definitions

Below is a list of definitions for each defined incentive listed in Section VIII. Refer to Attachment A for required timing criteria. The criteria and intent of these definitions must be met to be awarded incentive points. Minor variations to the provision and timing of these incentives are subject to the review and approval of the Director of Community Development.

Affordable Housing – Very Low-Income Percentages Exceeding State Density Bonus. Provision of very low-income housing unit (as defined in SMC Chapter 19.77) percentages in excess of the maximum eligibility level for a state density bonus (as specified in Section 65915 of the California Government Code). These additional units shall be included in the project's Affordable Housing Regulatory Agreement with the City.

Bicycle Parking. Provision of at least 20% more Class I spaces and 10 more Class II spaces beyond minimum requirement in the Sunnyvale Municipal Code on private property available for visitor/resident use. Class I spaces may be within the project in a secured area and are available to residents at no additional charge. Class II spaces shall be available to the public/visitors of a development and conveniently located near a publicly accessible street. Bicycle parking placement dimensions and criteria shall be consistent with Section 10.4 of the Santa Clara Valley Transportation Authority (VTA) Bicycle Technical Guidelines. For example, a 100-unit development project would be required to provide 25 Class I spaces and 7 Class II spaces at a minimum. If the project provides 20% more Class 1 spaces and 10 additional Class II spaces that would result in a total of 30 Class I spaces and 17 Class II spaces.

Commercial/Retail. Provision of commercial/retail space is a required development standard for properties zoned ECR-MU; however additional commercial/retail space is encouraged through this incentive program. Points are only awarded if the proposed ground floor commercial/retail space (whether in the same building as the residential units or in separate buildings), exceeds the minimum requirement for the property per the standards for commercial/retail in SMC Chapter 19.36. The incentive table in Section VIII lists the percentage of retail floor area (exceeding the minimum requirement) with the points that can be achieved. More points are awarded for larger retail floor areas. The spaces shall meet all the following criteria:

- Accessible to the public.
- The proposed use is consistent with uses permitted by-right, with a Miscellaneous Plan Permit, or Special Development Permit in the following land use categories identified in SMC Chapter 19.36: Retail Commercial, Service Commercial, Personal Service, Eating/Drinking Establishments, Automotive, or Residential/Boarding/Lodging (only hotel or motel uses in this category).
- The project includes dedicated parking for the retail/personal service uses in accordance with the parking requirements in SMC Chapters 19.36 and 19.46 or in accordance with the shared parking allowances in the ECRSP Chapter 6 – Circulation and Streetscape.
- Tenant spaces must be a minimum of 2,000 square feet of floor area.
- Clear and unobstructed storefront windows.

- Public pedestrian-entrance facing a publicly accessible street or internal drive, or publicly accessible open space visible from the public street.
- Minimum floor-to-ceiling height of 18 feet.
- Minimum interior depth of 40 feet.
- Minimum interior width of 25 feet.
- Separate solid waste and recycling facilities from residential uses.

Installation of Level 2 Electric Vehicle Charging Stations. Provision of Level 2 EV-ready circuits are required by the City’s Reach Codes. This incentive requires that the Level 2 Charging Stations are **installed** for each of the required Level 2 EV-ready circuits. For example, if the Level 2 EV-ready requirement is 30% of the total parking supply for a development, the same amount of Level 2 Charging Stations must be **installed** to be awarded incentive points.

To minimize visual impacts from street view, vaulting of vehicle charging station utility equipment (e.g., transformers and cabinets) is required, however, above-ground utility equipment for the electric vehicle charging stations may be allowed if a waiver is approved. In order to approve a waiver, the above ground facilities should be minimized in size and shall meet all the following requirements:

- Shall not be located within 10 feet of any doorway.
- Shall be fully screened from any publicly accessible street or walkway. “Fully screened” means one, or a combination, of the following:
 - **Wall:** A wall constructed with a finish consistent with the building wall surface;
 - **Landscaping:** When using landscaping to screen equipment, plants should be arranged with a minimum of 50% opacity at the time of installation. Ideally, the installed plants/trees should grow to fully screen or shield the equipment and plant species should be selected that will succeed in any drought condition to ensure survival; or
 - **Alternate Material:** Other screening material (e.g., perforated metal) as approved by the Director of Community Development.
- Any above-ground utility equipment must be screened to its highest point.
- Equipment located within the interior of a parking structure (below grade or above ground) does not require further screening.
- The screening requirement does not apply to the actual electric vehicle charging stations.
- Within a surface parking lot, the above-ground utility equipment shall not be located further than 15 feet from building façades that face a publicly accessible street. This requirement does not apply to the actual electric vehicle charging stations.

Open Space, Privately Owned Publicly Accessible. Public open space is an important element of the ECRSP. Projects that construct privately-owned active or passive open space that would allow the general public to congregate or recreate would achieve incentive points depending on the size of the open space in Section VIII’s incentive table. This incentive is applicable for projects that provide public access to a privately constructed and maintained open space. There is no park dedication credit as required in SMC Chapters 19.74 or 18.10 of for this open space.

The following additional requirements apply:

- The open space is legally accessible for use by the general public. If privately-owned, a public access easement and use agreement (in forms approved by the City) are required to be recorded on the property(ies).
- If dedicated to the City, the public open space shall be consistent with SMC Chapters 18.10 (ownership projects) or 19.74 (rental projects).
- If dedicated to the City, the public open space shall meet the City's Standards for Acceptance of Land for Park Purposes.
- The open space, whether privately-owned or dedicated to the City, shall be designed, and constructed or fully funded for construction by the property owner.

Parking, Below-Grade and Structured. Below-grade, podium, and structured parking are encouraged in favor of surface parking lots, which can have visual and connectivity impacts. This incentive includes structures designed to accommodate auto parking spaces in below-grade/underground parking, under-building parking areas, and standalone or attached above-ground structures. It does not include individual garages for each dwelling unit, as what may be found in a townhome development.

As specified in the incentive table in Section VIII, incentive points are awarded when below-grade, podium, and structured parking is the predominant form of the total parking supply with a minimal percentage of surface parking spaces in the total parking supply. This incentive can be obtained only if the minimum parking standards set forth in the Sunnyvale Municipal Code are met. For example, a project provides 500 total parking spaces, with 450 spaces in a parking structure and 50 spaces in a surface parking lot. The surface parking spaces are 10% of the total parking supply, which is a percentage that would be awarded incentive points.

Provision of Public Art or Payment of Public Art In-Lieu Fee. Currently, the art in private development provisions described in SMC Chapter 19.52 (Art in Private Development) apply to only non-residential development. However, if art is provided, or the in-lieu fee is paid, at a value of at least 1% of the project's construction valuation for mixed use projects within the ECRSP under the same processed and procedures outlined in the Chapter listed earlier in this paragraph, an incentive point can be obtained.

Public Bicycle/Pedestrian Pathways with Signage, Privately Owned Publicly Accessible. Many properties within the ECRSP boundaries have frontages on more than one public street; therefore, public bicycle/pedestrian pathways with signage are encouraged on any property where the pathway would connect bicyclists and pedestrians to two public streets. This incentive is not available to properties that do not front on more than one public street. In order to receive incentive points, the bicycle/pedestrian pathway must be constructed in its entirety within the property to connect the two public streets, in addition to recording a public access easement (in a form approved by the City). The following additional requirements for the public access easement and paved pathway apply:

- Public Access Easement Requirements must meet the following requirements:
 - Minimum easement width: 10 feet, except when a building is within 5 feet of the pathway, in which case the minimum width of the easement shall be increased 5 feet for every story above two, up to 30 feet.
 - Contain signage on both public streets letting people know this is a public pathway.

- Allow for legal access for pedestrians and bicyclists.
- Be maintained by the property owner.
- For areas outside of the minimum required pathway width, landscaping shall consist of the planting and maintenance of trees, ground cover, shrubs, vines, flowers, lawns, or a combination thereof. The combination or design, in addition to natural plant materials, may include rock or stone and structural or decorative features including, but not limited to, fountains, benches, and outdoor eating areas.
- Install lighting that meets the following standards:
 - Provides a minimum average of 0.5 footcandles.
 - Poles do not exceed eight feet in height.
 - Ensures light is shielded to prevent any glare or direct illumination on adjacent properties.
- Paved Pathway Requirements:
 - Minimum width of paved pathway (in its entirety): 10 feet
 - Maximum width of paved pathway: 15 feet
 - Must be free and clear from any obstructions (trees, benches, etc.)
 - Must be made of a product that allows a smooth surface for bicyclists and pedestrians.

Transit Passes for Residents of Rental-Only Residential Projects. Provide annual Caltrain Go Pass or VTA Smart Pass membership to all residents five years and older for the first ten years following project completion. This incentive is only available for rental-only residential mixed-use projects. If at any point, the Caltrain Go Pass or VTA Smart Pass Programs are discontinued, a comparable pass program by either entity may be proposed.

Zero Energy/Zero Carbon Buildings. Energy-efficient buildings where 100% of the building energy needs/carbon emissions on a net annual basis are offset by onsite renewable energy, usually without any onsite combustion, demonstrating zero energy performance. Certification is required from the International Living Future Institute (ILFI) and requires 100% of the building energy offsets with the onsite renewable energy. The program requires 100% onsite energy generation and no combustion allowed on site, but some exceptions may be given for special circumstances for off-site renewable energy, onsite combustion, and other circumstances, with additional documentations required by ILFI.

Responsibilities below must be completed prior to:	Planning Permit Application Completeness	Building Permit issuance or final map, whichever occurs first	Occupancy
Affordable Housing - Very Low Income Percentages Exceeding State Density Bonus			
Provide a letter confirming: 1. The number of very low income units proposed. 2. How the number is consistent with the percentages in the incentive program.	X		
Record an Affordable Housing <i>Developer</i> Agreement (in a form approved by the City Attorney's Office) per Chapter 19.77 of the SMC.		X	
Record an Affordable Housing <i>Regulatory</i> Agreement (in a form approved by the City Attorney's Office) per Chapter 19.77 of the SMC.			X
Bicycle Parking			
Provide location and design details on the project plans.	X		
Provide final location and design details on the project plans.		X	
Record a covenant on the title of the affected property(ies), in a form approved by the City Attorney's Office, stating that the bicycle parking spaces are available for public use.		X	
Install the bicycle parking spaces with inspection by the City.			X
Commercial/Retail			
Indicate the type of commercial/retail use proposed. If no tenant has been secured, provide a narrative of the types of uses that are intended.	X		
Provide a site plan that shows/details the proposed commercial/retail use, including dimensioned floor plans, parking plans, exterior elevations, cross sections, and solid waste/recycling plans.	X		
Provide a final site plan, dimensioned floor plans (including parking), exterior elevations, cross sections, and solid waste/recycling plan of the commercial/retail uses.		X	
If a tenant has been secured, obtain a planning permit for the particular use if required by SMC Chapter 19.36.		X	
Completion of the commercial/retail tenant spaces and associated parking and solid waste/recycling facilities with inspection by the City.			X

Responsibilities below must be completed prior to:	Planning Permit Application Completeness	Building Permit issuance or final map, whichever occurs first	Occupancy
Installation of Level 2 Electric Vehicle Charging Stations			
Identify the locations and quantities of charging stations on the project plans.	X		
Identify the locations of any above-ground utility equipment and include details on screening.	X		
Identify the final location(s) on the project plans.		X	
Provide final design, dimensions, and quantities of the charging stations on the project plans.		X	
Identify the final location(s) of any above-ground utility equipment and include details on screening in addition to building code requirements.		X	
Installation of all charging stations and screening for any above-ground utility equipment, with inspection by the City.			X
Open Space, Privately Owned Publicly Accessible			
Identify the location, topography, dimensions, and acreage of the privately owned publicly accessible open space on the project plans.	X		
Provide a conceptual landscaping, irrigation, and amenities plan for the open space.	X		
Identify the final location, topography, dimensions, and acreages of the publicly-accessible open space on the project plans and if applicable, final map.		X	
Provide a final landscaping, irrigation, and amenities plan for the open space.		X	
Enter into an agreement with the City for public use of the space that will detail use rules, hours of operation, and maintenance schedule. The agreement will include obligation of the property owner to defend and indemnify the City against all claims arising out of use of the open space and provide liability insurance protecting the City on terms approved by the City's Risk Manager.		X	
Record a public access easement (in a form approved by the City Attorney's Office) that allows public use of the open space and states that the perpetual maintenance is the responsibility of the property owner.		X	
The project's final map shall show the location, dimensions, and acreage of the open space.		X	
Provide a final landscaping, irrigation, and amenities plan on a separate Building permit to construct the open space.			X
Completion of the open space with inspection by the City.			X

Responsibilities below must be completed prior to:	Planning Permit Application Completeness	Building Permit issuance or final map, whichever occurs first	Occupancy
Parking, Below-Grade and Structured			
Indicate the type of parking proposed, and include a breakdown of parking provided in surface lots and parking provided in below-grade and/or structured parking on the project plans.	X		
Provide a site plan, dimensioned floor plans, exterior elevations, color rendering, and cross sections of the below-grade and/or structured parking on the project plans.	X		
Include a final breakdown of parking provided in surface lots and parking provided in below-grade and/or structured parking on the project plans.		X	
Provide a final site plan, dimensioned floor plans, exterior elevations, and cross sections of the below-grade and/or structured parking on the project plans.		X	
Completion of the below-grade and/or structured parking with inspection by the City.			X
Provision of Public Art or Payment of Art In-Lieu Fee			
Identify the conceptual location and type (i.e., free-standing or on building) of proposed art installations on the project plans.	X		
Submit Art Permit application.		X	
Receive Art Permit approval from Arts Commission.		X	
Pay Art in Private Development bond, letter of credit, cash deposit, or other similar security instrument for 1% of the construction valuation of the entire development project.		X	
Record a document with the County containing a description of the art and noting the obligation of present and future property owners to maintain and repair the art.			X
Installation of public art or payment of art in-lieu fee.			X

Responsibilities below must be completed prior to:	Planning Permit Application Completeness	Building Permit issuance or final map, whichever occurs first	Occupancy
Public Bicycle/Pedestrian Pathways with Signage, Privately Owned Publicly Accessible			
Identify the location and dimensions of the pathway and public access easement on the project plans.	X		
Identify the final location and dimensions of the pathway and public access easement on the project plans.		X	
Record a public access easement (in a form approved by the City Attorney's Office) on the affected property(ies) stating that the pathway is available for public bicycle and pedestrian ingress and egress purposes and that the perpetual maintenance of improvements within the easement area shall be the sole responsibility of the property owner.		X	
Completion of the pathway and associated striping, landscaping, lighting, and amenities with inspection by the City.			X
Transit Passes for Residents of Rental-Only Residential Projects			
Provide a letter committing to participation in the Go Pass or Smart Pass program for the first ten years following project completion.	X		
Participation in the Go Pass or Smart Pass program shall be included in the project's transportation demand management (TDM) plan per the City's Multi-Family Residential TDM Program.	X		
Record a covenant on the title of the affected property(ies), in a form approved by the City Attorney's Office, stating that the property owner will participate in the Go Pass or Smart Pass program for the first ten years following project completion.		X	
Provide a copy of the written Go Pass or Smart Pass agreement with Caltrain or VTA and receipt of payment for the first participating year.			X
Provide contact information for the property owner's transit pass administrator.*			X
*Transit Pass Administrator must provide the Director of Community Development a copy of the written Go Pass agreement (or comparable program) with Caltrain and receipt of payment for each participating year			

Responsibilities below must be completed prior to:	Planning Permit Application Completeness	Building Permit issuance or final map, whichever occurs first	Occupancy
Zero Energy/Zero Carbon Buildings			
Provide preliminary documentation demonstrating how the project can obtain Zero Energy/Zero Carbon certification from ILFI.	X		
Provide documentation of registration for ILFI certification.		X	
Provide a letter from the project's mechanical engineer confirming that the project design meets all intents to achieve ILFI certification for Zero Energy/Zero Carbon.		X	
Provide a letter from the project's mechanical engineer confirming that the project has been constructed to achieve certification for Zero Energy/Zero Carbon, and that the certification audit process has been initiated with ILFI.^			X
^Property owner/applicant must provide documentation of certification following the final ILFI audit.			

EXHIBIT G

CEQA Findings of Fact and
Statement of Overriding Considerations

City of Sunnyvale

El Camino Real Specific Plan
Environmental Impact Report

May 2022

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1 INTRODUCTION

The City of Sunnyvale (City), as lead agency, prepared a draft environmental impact report (DEIR) for the proposed El Camino Real Specific Plan (“Specific Plan”, “ECRSP” or “project”). The document consists of the March 2022 DEIR (State Clearinghouse No. 2017102082). The DEIR for the development of the project provides an assessment of the reasonably foreseeable and potentially significant adverse environmental effects that may occur as a result of project implementation. These findings have been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and its implementing guidelines (CEQA Guidelines) (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). The City is the lead agency under CEQA, and the City of Sunnyvale City Council (City Council) is the decision-making authority for the project. The City Council adopts these findings in that capacity.

2 PROJECT DESCRIPTION

2.1 BACKGROUND AND LOCATION

Sunnyvale is located in northwestern Santa Clara County in an area commonly referred to as the South Bay or Silicon Valley. Sunnyvale is surrounded by the Cities of Mountain View and Los Altos to the west, Cupertino to the south, Santa Clara to the east, and the San Francisco Bay Area to the north. Regional access to the Specific Plan Area is provided by US Highway 101 to the north, Interstate-280 to the south, and State Route 85 and State Route 237 to the west. The Specific Plan Area is composed of approximately 350 acres of properties that are located immediately adjacent to El Camino Real (with a few additional properties adjacent to sites fronting on El Camino Real), which traverses the City diagonally from east to west (Santa Clara to Mountain View).

The *Precise Plan for El Camino Real* was originally adopted by the City Council in 1993 and was last updated in 2007. Since that time, market conditions have continued to evolve and development interest along El Camino Real has increased. Today, the four-mile stretch of El Camino Real in Sunnyvale remains an important regional connector as well as a valuable economic asset to the City. The corridor is the most traveled multimodal corridor in the City and serves the needs of local neighborhoods as well as regional communities. Although the 2007 *Precise Plan* enhanced the vision for El Camino Real, it lacked sufficient detail to effectively guide future development and address the perceived challenges raised by community stakeholders. Therefore, in January 2014, the Sunnyvale City Council initiated the process to update the *Precise Plan for El Camino Real*.

After kicking off the update of the *Precise Plan* in 2015, which will now be entitled *El Camino Real Specific Plan*, the City Council created the El Camino Real Plan Advisory Committee, a citizen’s advisory committee, to work with staff and consultants to identify the development concepts, vision statement, policies, and land use alternatives for the corridor. In September 2016, the City began a series of ongoing public workshops to report on recent project activities and support an open discussion on the City’s Vision Statement, Vision Priorities, and Land Use Alternatives that would guide the project moving forward. In August 2017, the City Council identified a Preferred Land Use Alternative (now the proposed project), and the analysis began to assess and refine the details of the proposed land use mix.

2.2 PROJECT OVERVIEW

LAND USES AND DESIGN

The purpose of the Specific Plan is to provide an overall vision and guidance to transform the Specific Plan Area into a commercial and mixed-use corridor with additional housing opportunities. The Plan envisions improved streetscapes, and safer, more enjoyable environments for walking, bicycling, and other modes of transportation, while

preserving the quality of life for adjacent neighborhoods and existing assets to the community. The Specific Plan includes development policies, land use regulations, design guidelines, infrastructure improvement plans, and an implementation and financing program to help guide development within the Specific Plan Area. The Specific Plan is expected to guide development through the year 2035 and includes recommendations for conceptual modifications to the roadway and streetscape enhancements to enable safer and a greater number of multimodal transportation options along Sunnyvale's stretch of El Camino Real. The project would also include amendments to the Sunnyvale General Plan and the Sunnyvale Municipal Code (SMC).

A key strategy in the Specific Plan updates the defining concept of "nodes," which was originally introduced and detailed in the 2007 *Precise Plan for El Camino Real*. The Specific Plan envisions the nodes as unique neighborhoods that draw on the differing characteristics that define them, in combination with the land use amenities and transportation opportunities that exist for each. With a focus on development in the nodes, the Preferred Land Use Alternative (proposed project) that was selected by the City Council to be studied (and analyzed within the DEIR) includes a net increase of 6,900 residential units and up to 730,000 square feet of commercial development (over existing conditions) within the Specific Plan Area.

The nodes also contain transit stops and bicycle lanes to provide circulation access by a variety of means. Nodes (and the corridor segments that connect them) are intended to be distinct areas of development form and design. Each node would be guided by specific development standards and design guidelines that are established to promote high-quality design, a vibrant mix of uses, and environments supportive of access to all modes of transportation. By understanding specific qualities that are present in each of the nodes, including their physical histories as well as their future opportunities, the Specific Plan directs future growth of each node as a natural evolution of the characteristics that have shaped them. A text and graphic description of the four nodes included within the Specific Plan Area is provided in Section 2.0, *Project Description*, of the DEIR.

Specific Plan Area Buildout

The Specific Plan contains goals, policies, development standards, and design guidelines to regulate development within each of the Specific Plan Area's nodes and segments. The Specific Plan establishes new land use designations that promote additional housing within the corridor while maintaining existing commercial uses and providing opportunities for additional commercial development. In addition to maintaining the existing commercial uses, the project also identifies opportunities for new residential development.

Due to changes in state law, the Specific Plan will no longer impose a maximum housing cap for the Plan Area. Instead, the Specific Plan will establish base maximum residential densities. By using local incentives and the state Density Bonus Law, the proposed plan has the potential to result in a total buildout within the Plan Area of approximately 8,500 residential units and 3,980,000 square feet of commercial floor area. This represents a net increase (above existing conditions) of approximately 6,900 residential units and 730,000 square feet of commercial floor area (made up of approximately 426,000 square feet of retail commercial, 80,000 square feet of office commercial, and 224,000 square feet of hotel uses). When compared to development totals currently allowed with the future buildout of the General Plan, the 8,500 residential units included in the Specific Plan has the potential to represent an increase of 2,700 dwelling units and a decrease of approximately 220,000 square feet of commercial floor area under the General Plan. Under the Specific Plan, new base maximum densities are established for the residentially zoned sites, which range from 24 to 42 dwelling units per acre on specific sites in the nodes and 24 to 33 dwelling units per acre on specific sites in the Center and East Segments. However, applicants may still achieve densities above these base maximum densities on some of the residentially-zoned sites through the local community benefits program (known as the ECR Incentive Program), through the State Density Bonus Law on all residentially-zoned sites, or through both on sites eligible to use the ECR Incentive Program. Depending on the total number of incentive points a project is eligible to achieve through provision of community benefits, when allowed by the zoning, an applicant may achieve densities ranging from 30 to 80 du/ac on specific sites in the Nodes and 30 to 45 dwelling units per acre on specific sites in the Center and East Segments.

Additionally, if a project proposes to include affordable units under State Density Bonus Law, the bonus percentage that must be provided under state law is added to the maximum density obtained with incentive points, if applicable,

for the particular project. If a project does not propose or is not eligible for incentive points through the ECR Incentive Program, the bonus percentage that must be provided under state law is added to the base maximum density.

Refer to Table 1 below for the base maximum densities in each residential zoning district, the total available incentive points allowed for eligible residential zoning districts, and the minimum commercial floor area ratio (FAR) requirement for the mixed-use and non-residential zoning districts. The additional densities achieved through State Density Bonus Law are not listed due to the voluntary nature of the program and varying percentages by participating projects.

Table 1 Permitted Density with Points Applied Through the ECR Incentives Program

Zoning District	Base Maximum Density (dwelling units/acre) [1][2]	Maximum Incentive Points Available	Permitted Density with Maximum Incentive Points Applied	Minimum Commercial/Retail FAR
ECR-MU 24	24	6	30	Required per Table 2
ECR-MU 28	28	10	38	
ECR-MU 33	33	12	45	
ECR-MU 42	42	14	56	
ECR-MU 54	54	20	74	

[1] New residential development in the ECR Specific Plan Area is required to build to at least 85 percent of the zoning district’s base maximum zoning density.

[2] Additional densities may be achieved above the base maximum density or density obtained through the ECR Incentives Program by providing affordable housing consistent with State Density Bonus Law.

Table 2 Minimum Required Commercial Area in ECR-MU Zoning District Properties

Lot Size	Minimum Required Commercial Area, whichever is greater [1] [2]
≤ 50,000 sq. ft.	7,000 sq. ft.
50,001-100,000 sq. ft.	10,000 sq. ft.
100,001-150,000 sq. ft.	20,000 sq. ft.
150,001-200,000 sq. ft.	30,000 sq. ft.
200,001-300,000 sq. ft.	40,000 sq. ft.
300,001-400,000 sq. ft.	50,000 sq. ft.
≥400,000 sq. ft.	60,000 sq. ft.

75% of El Camino Real frontage length x 50

[1] If the floor area values/calculations presented above yield a value that is over 20% of the lot size, a commercial area capped at 20% of the lot size shall also be permitted.

[2] If a property has no frontage along El Camino Real, a commercial area capped at 10% of the lot size shall also be permitted.

CIRCULATION

El Camino Real is a vital part of the local and regional circulation network. The corridor also serves as an important route for the transit network. El Camino Real is an uninterrupted route for east-west travel, which can serve bicyclists seeking more direct routes to travel across the City. The corridor was identified in the City’s Active Transportation Plan as a focus pedestrian corridor, which means it is a location with high potential for increasing walkability. In terms of walkability and regional importance, much of the Specific Plan Area has been identified as a regional Priority Development Area (PDA) with potential for higher density and walkable infill development. Current infrastructure along El Camino Real favors the movement of automobiles through the corridor and does not contain many features that are safe or attractive to pedestrians and bicyclists. A complete streets approach that accommodates transit, bicycle, and pedestrian travel would require modifications to the infrastructure within the existing circulation

framework and the existing street right of way. Future modifications in conjunction with implementation of the Specific Plan and the City's Active Transportation Plan would create an environment that is safe, comfortable, and appealing to users of different modes.

Vehicular Travel

The layout of the street facilitates the movement of vehicles through the corridor. The segment of El Camino Real in Sunnyvale is approximately four miles with three lanes in each direction (including a 20-foot-wide curb lane). The street is approximately 100 feet wide from curb to curb. At the most prominent intersections, including Mathilda Avenue, the curb-to-curb distance extends to 125 feet wide to accommodate dual left-turn lanes or exclusive left- and right-turn lanes. Most road segments consist of two 12-foot travel lanes and a curb lane accommodating both parking and through movements. Within Sunnyvale, El Camino Real has 13 signalized intersections with a posted speed limit of 35 miles per hour.

Transit

The Specific Plan Area is served by the Santa Clara Valley Transportation Authority (VTA). The key stop locations are the intersections with Remington Drive and Fair Oaks Avenue, Wolfe Road, Hollenbeck Avenue, and Bernardo Avenue.

Pedestrian Access

Although sidewalks generally remain continuous along El Camino Real, the environment is not considered "walkable" in a Complete Streets context. The characteristics of walkable streets feature slow to moderate speeds (of vehicles) of approximately 20 to 30 miles per hour, short block lengths (of approximately 400 feet), short crossing distances, and facilities and amenities to create a comfortable environment for travelers.

Bicycling Facilities

Bicycling on El Camino Real is challenging due to roadway design that primarily accommodates automobile throughput. The majority of the corridor does not provide dedicated bicycle travel lanes to bicyclists, and is characterized by wide crossing distances, heavy vehicular traffic, fast moving vehicles, wide travel lanes, and long blocks. Only a limited stretch of El Camino Real has a Class II bike lane: a 6-foot-wide dedicated lane with paint for bicycles that extends for a half-mile between Sunnyvale Avenue/Sunnyvale-Saratoga Road and Remington Drive/Fair Oaks Avenue.

The Specific Plan Area aims to incorporate a complete streets approach in design, which promotes safety, mobility, connectivity and accessibility for all users who travel along El Camino Real. Street design is addressed in the Specific Plan for El Camino Real and intersections within the corridor. Several street typologies are proposed that are intended to recognize the unique character of each node while linking together to create a connected network.

PROPOSED AMENDMENTS TO THE CITY OF SUNNYVALE'S GENERAL PLAN AND ZONING CODE

The proposed project would require amendments to the City's General Plan and Zoning Code (Chapter 19.35) to implement proposed amendments to the adopted Specific Plan. A summary of the proposed amendments to these documents is provided below.

City of Sunnyvale General Plan Amendments

The City's General Plan would be amended to reflect to be consistent with the El Camino Real Specific Plan Chapter (ECRSPC) of the SMC. Chapter 4, Land Use and Development Standards, of the Specific Plan establishes land use classifications and land use policies, establishes zoning districts, and discusses the development standards that apply to each node and segment. Objective design standards for residential, commercial and mixed-use developments are included in Chapter 5 of the Specific Plan. The policies and regulations contained in the Specific Plan would serve as the zoning for the Specific Plan Area. With approval of the General Plan amendment, the project would

be consistent with the City's General Plan regarding land use.

City of Sunnyvale Zoning Code Amendments

Amendments to the City's Zoning Code (SMC) would be necessary as part of the project. The project would amend the Zoning Code by establishing its own zoning for the plan area to regulate the allowed densities and types of development specific to the project. Upon City approval of the project and zoning amendments, the project would be consistent with the City's Zoning Code regarding FAR, maximum and minimum density requirements, parking requirements, and circulation requirements.

2.3 PROJECT OBJECTIVES

- ▶ Increase opportunities for new mixed-use developments and encourage the development of unique, smaller-scale housing types such as studios and micro-units.
- ▶ Provide opportunities for a variety of housing options to serve residents at all income levels and various stages of life.
- ▶ Facilitate the efficient flow of traffic for all modes of travel and prioritize environmentally-efficient modes of transportation.
- ▶ Improve pedestrian amenities, bicycle facilities, transit, and landscaping to enhance multimodal environments and promote safe, convenient access to all locations along the corridor and beyond.
- ▶ Promote high-quality and appropriately-scaled buildings that preserve quality of life for adjacent neighborhoods and contribute to an attractive, comfortable, and safe streetscape along the corridor.
- ▶ Support local and regional-serving commercial uses that highlight the corridor's history and support economic vitality.
- ▶ Support coexistence of auto-dealerships and other businesses with a regional draw with nearby small businesses and residences.
- ▶ Provide a diverse range of shopping and dining options within walking distance of surrounding residences.
- ▶ Encourage a focus on sustainable options in building design, transportation, construction, site planning, energy, stormwater management, and greenhouse gas emissions reduction.

2.4 DISCRETIONARY APPROVALS

City actions would include the following:

- ▶ Certify the Final EIR;
- ▶ Amend the General Plan and adopt the Specific Plan;
- ▶ Adopt required findings for the adoption of the Specific Plan, including required findings under CEQA Guidelines Sections 15090, 15091, and 15093;
- ▶ Amend the SMC; and
- ▶ Adopt a Mitigation Monitoring and Reporting Program.

3 ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15082 of the State CEQA Guidelines, the City prepared a Notice of Preparation (NOP) of a DEIR on October 30, 2017. It was submitted to the California State Clearinghouse and distributed to interested and affected federal, state, and local agencies; interested parties; and organizations. The NOP was circulated for 30 days,

through December 1, 2017. A public scoping meeting was held on November 9, 2017. Concerns raised in response to the NOP were considered during preparation of the DEIR. The NOP and all comments received on the NOP are presented in Appendix A of the DEIR.

The DEIR includes an analysis of the following issue areas:

- ▶ Aesthetics,
- ▶ Air Quality,
- ▶ Cultural and Tribal Cultural Resources,
- ▶ Biological Resources,
- ▶ Energy,
- ▶ Geology, Soils, and Paleontological Resources,
- ▶ Greenhouse Gas Emissions,
- ▶ Hazards and Hazardous Materials,
- ▶ Hydrology and Water Quality,
- ▶ Land Use and Planning,
- ▶ Noise,
- ▶ Population and Housing,
- ▶ Public Services
- ▶ Recreation,
- ▶ Transportation,
- ▶ Utilities and Service Systems, and
- ▶ Wildfire.

The City published the DEIR for public and agency review on March 11, 2022. The 45-day public review period ended on April 25, 2022.

The City conducted virtual public meetings on the DEIR at the following City commission meetings:

- ▶ Bicycle and Pedestrian Advisory Commission (April 21, 2022)
- ▶ Sustainability Commission (April 18, 2022)
- ▶ Housing and Human Services Commission (April 20, 2022)
- ▶ Planning Commission (April 25, 2022)

During the public review period, the City received 36 comment letters and 1 comment at the above public meetings. Those comments relevant to CEQA were addressed by the City in the Final EIR in compliance with the State CEQA Guidelines (Sections 15088 and 15132).

The Final EIR includes comments received on the DEIR; responses to these comments; and revisions to the DEIR, as necessary, in response to these comments or to amplify or clarify material in the DEIR. The Draft and Final EIR were made available for public review on the internet at: <https://www.sunnyvale.ca.gov/business-and-development/planning-and-building/ceqa-environmental-notice>

As discussed in Section 4, below, none of the changes to the DEIR, or information added to the DEIR, constitutes "significant new information" requiring recirculation of the DEIR pursuant to PRC Section 21092.1 and State CEQA Guidelines Section 15088.5.

4 GENERAL CEQA FINDINGS

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

Based on the entire record before the City Council and having considered the significant impacts of the project, the City Council hereby determines that all feasible mitigation within the responsibility and jurisdiction of the City of Sunnyvale has been adopted to reduce or avoid the potentially significant environmental impacts identified in the El Camino Real Specific Plan EIR. The mitigation measures are discussed below in the findings and are set forth in the Mitigation Monitoring and Reporting Program (MMRP).

Section 21081.6 of the PRC requires the City Council to adopt a monitoring or compliance program regarding the changes in the project and mitigation measures imposed to lessen or avoid significant effects on the environment. The MMRP for the proposed project is hereby adopted by the City Council because it fulfills the CEQA mitigation monitoring requirements:

- ▶ The MMRP is designed to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation.
- ▶ Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements, or other measures.

4.2 CEQA GUIDELINES SECTIONS 15091 (FINDINGS) AND 15092 (APPROVAL)

Based on the foregoing findings contained with Sections 5-11 within this document and the information contained in the administrative record, the City Council has made one or more of the following findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly-trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings contained with Sections 5-11 within this document and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the project have been eliminated or substantially lessened where feasible.
2. Any remaining significant effects that have been found to be unavoidable are acceptable due to the overriding considerations set forth herein. Refer to Section 11 Statement of Overriding Considerations.

4.3 CITY COUNCIL INDEPENDENT JUDGMENT

The Final EIR reflects the City Council's independent judgment. The City Council has exercised independent judgment in accordance with PRC Section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

Having received, reviewed, and considered the information in the Final EIR, as well as any and all other information in the record, the City Council hereby makes findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the PRC.

4.4 NATURE OF FINDINGS

Any findings made by the City Council shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the City Council, whether or not any particular sentence or clause includes a statement to that effect. The City Council intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City Council with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

4.5 RELIANCE ON RECORD

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the project.

4.5.1 Record of Proceedings

In accordance with PRC Section 21167.6(e), the record of proceedings for the City Council's decision on the project includes the following documents:

- ▶ The NOP for the project and all other public notices issued in conjunction with the project;
- ▶ All comments submitted by agencies or members of the public during the comment period on the NOP;
- ▶ The DEIR for the project and all appendices;
- ▶ All comments submitted by agencies or members of the public during the comment period on the DEIR;
- ▶ The Final EIR for the project, including comments received on the DEIR, responses to those comments, and appendices;
- ▶ Documents cited or referenced in the DEIR and Final EIR;
- ▶ The MMRP for the project;
- ▶ All findings and resolutions adopted by the City Council in connection with the project and all documents cited or referred to therein;
- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared in compliance with the requirements of CEQA and with respect to the City Council's action on the project;
- ▶ All documents submitted by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;
- ▶ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the project;
- ▶ Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
- ▶ Any and all resolutions adopted by the City regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ▶ Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- ▶ Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- ▶ Any other written materials relevant to the City Council's compliance with CEQA or its decision on the merits of the project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the project, or included in the City Council non-privileged retained files for the EIR or project;
- ▶ Any other materials required for the record of proceedings by PRC Section 21167.6(e); and
- ▶ The Notice of Determination.

The City Council intends that only those documents relating to the project and its compliance with CEQA and prepared, owned, used, or retained by the City Council and listed above shall comprise the administrative record for the project. Only that evidence was presented to, considered by, and ultimately before the City Council prior to reviewing and reaching its decision on the EIR and project.

4.5.2 Custodian of Records

The custodian of the documents or other material that constitute the record of proceedings upon which the City Council's decision is based is identified as follows:

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

4.5.3 Recirculation Not Required

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the DEIR is given, but before certification (CEQA Guidelines Section 15088.5[a]). "Significant new information," as defined in CEQA Guidelines Section 15088.5(a), means information added to an EIR that 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 or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

An example of significant new information provided by the CEQA Guidelines is a disclosure showing that a "new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented"; that a "substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance"; or that a "feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it" (CEQA Guidelines Section 15088.5[a][1]-[3]).

Recirculation is not required where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR" (CEQA Guidelines Section 15088.5[b]). Recirculation also is not required simply because new information is added to the EIR. Indeed, new information is often added given CEQA's public/agency comment and response process and CEQA's post-DEIR circulation requirement of proposed responses to comments submitted by public agencies.

In this legal context, the City Council finds that recirculation of the DEIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the DEIR; explain or enhance the evidentiary basis for the DEIR's findings; update information; and make clarifications, amplifications, updates, or helpful revisions to the DEIR. The Final EIR's revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the project would not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the DEIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the DEIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the State CEQA Guidelines.

4.6 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The City Council certifies that the Final EIR has been completed in compliance with CEQA and the CEQA Guidelines, that the EIR was presented to the City Council, and that the City Council reviewed and considered the information

contained therein before approving the proposed project, and that the EIR reflects the independent judgment and analysis of the City Council (CEQA Guidelines Section 15090).

5 FINDINGS REQUIRED UNDER CEQA

This statement of Findings of Fact and Statement of Overriding Considerations identifies the environmental impacts associated with implementation of the proposed project. These Findings are made pursuant to PCR Sections 21081, 21081.5, and 21081.6 and the State CEQA Guidelines Sections 15091 and 15093.

PRC Section 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The City is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines. Section 15091 of the CEQA Guidelines states, in part:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) 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.
 - 3) 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 final EIR.

In accordance with PRC Section 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

Section 15093 of the State CEQA Guidelines states:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The EIR for the project identified potentially significant environmental effects that could result from project implementation. The City finds that the inclusion of mitigation measures as part of the project approval would reduce most, but not all, of those effects to a less-than-significant level. The City finds that project implementation has the potential to generate a significant and unavoidable impact associated with air quality (Individual and Cumulative Construction-Related Air Quality Emissions) and utilities and service systems (Cumulative Demand for Utility Services and Associated Infrastructure) which are overridden due to specific project benefits identified in the Statement of Overriding Considerations.

In accordance with CEQA and the CEQA Guidelines, the City Council adopts these Findings as part of its certification of the Final EIR for the project. Pursuant to Section 21082.1(c)(3) of the PRC, the City Council also finds that the Final EIR reflects the City Council's independent judgment as the lead agency for the project. As required by CEQA, the City, in adopting these Findings, also adopts an MMRP for the project. The City finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of Section 21081.6 of the PRC by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

6 EFFECTS DETERMINED NOT TO BE SIGNIFICANT

Section 15128 of the State CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons why various possible significant effects of a project were determined not to be significant and, therefore, why there were not discussed in detail in the EIR. Implementation of the project was determined to result in no potentially significant impacts related to the following issues; consequently, these issues were not discussed in detail in the EIR.

6.1.1 Agriculture and Forestry Resources

The project site and all adjacent properties are designated as Urban and Built-Up Land by the California Department of Conservation. The project site does not contain any agricultural uses.

No lands within the Specific Plan Area are used for any type of agricultural or forestry use, nor are any such lands zoned for agriculture or forestland. As such, the site is not subject to a Williamson Act contract. The project site does not meet the definition of forestland in Public Resources Code Section 12220(g) and is located in an urbanized and developed area. Therefore, the project would not conflict with existing zoning for agricultural or forestland, nor would it convert agricultural land to nonagricultural uses or forestland to non-forest use. The project would have no impact on agriculture and forestry resources. (DEIR page 4-1)

6.1.2 Conflict with Adopted Habitat Conservation Plan or Other Conservation Plan

The Santa Clara Valley Habitat Plan was approved and adopted in 2013. The plan encompasses all of unincorporated Santa Clara County, the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority, as well as the cities of Gilroy, Morgan Hill, and San Jose. However, Sunnyvale is not in the planning area for the Habitat Plan. Therefore, there would be no impact related to conflict with a habitat conservation plan or natural community conservation plan. (DEIR page 4-3)

6.1.3 Loss or Degradation of State or Federally Protected Wetlands and Riparian Habitat or Other Sensitive Natural Communities

As discussed in Section 3.3, *Biological Resources*, of the DEIR, the only waterways in the Specific Plan Area are concrete lined drainage basins which bisect El Camino Real at various locations. These channels are manmade and do not support wetland or riparian vegetation. All other areas in the Specific Plan Area are completely developed or

disturbed and no longer support natural communities. As a result, the project would not involve substantial adverse effects on any riparian habitat, sensitive natural communities, or State or federally protected wetlands. No impact would occur in this regard. (DEIR page 4-3)

6.1.4 Mineral Resources

The Specific Plan does not propose improvements or changes to existing land use designations that would have the potential to result in the loss of availability of a known mineral resource or of a locally important mineral resource recovery site. Further, future buildout of the Specific Plan Area would occur within the City of Sunnyvale, which is an urbanized area that contains no known significant mineral resources or resource recovery sites. Therefore, there would be no impact (DEIR page 4-3)

6.1.5 Physical Division of an Established Community

Given that the Specific Plan Area is largely built out in terms of available land development, the project would not physically divide any established communities. All future development in the Specific Plan Area would be evaluated at a project-specific level for consistency with the proposed land use plan to ensure the development is consistent with the Specific Plan and does not physically divide an established community. Additionally, resulting future development with implementation of the project is aimed at enhancing the sense of neighborhood and community by creating residential development that includes an improved and safer transportation corridor with amenities attractive to area residents. The Specific Plan would allow for future renovation of existing buildings as well as mixed-use, high-density development that promotes pedestrian- and bike-friendly infrastructure, and would not have the potential to physically divide the surrounding community of Sunnyvale. Instead, the creation of open space, community gathering places, and high-density development would integrate local neighborhoods and the community of Sunnyvale. As such, there would be no impact. (DEIR page 4-5)

6.1.6 Scenic Vistas and State Scenic Highways

Scenic vistas generally encompass long-range or expansive views to natural environmental, historical, or architectural features of visual or aesthetic value to the community. A scenic vista is visible typically from elevated vantage points or open areas. There are no designated scenic vistas within the City of Sunnyvale. Therefore, there would be no impact.

In regard to scenic resources within a State scenic highway, the California Scenic Highway Mapping System does not identify any officially designated State scenic highways within or adjacent to the Specific Plan Area. Therefore, there would be no impact. (DEIR page 4-2)

6.1.7 Seismic Hazards

The Alquist-Priolo Earthquake Fault Zoning Act (Act) (Public Resources Code 2621-2624, Division 2 Chapter 7.5) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act requires the State Geologist to establish regulatory zones, known as "Earthquake Fault Zones," around the surface traces of active faults and to issue appropriate maps. Local agencies must regulate most development projects within these zones. Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (typically 50-foot setbacks are required). The Specific Plan Area is not affected by a State-designated Alquist-Priolo Earthquake Fault Zone. Thus, project implementation would not directly or indirectly cause potential substantial adverse effects

involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. No impact would occur in this regard.

Liquefaction occurs when loose sand and silt that is saturated with water behaves like a liquid when shaken by an earthquake. The soil can lose its ability to support structures, flow down even very gentle slopes, and erupt to the ground surface to form sand boils. Many of these phenomena are accompanied by settlement of the ground surface, usually in uneven patterns, that can damage buildings, roads, and pipelines. These effects usually occur in soft, fine-grained, water-saturated alluvium, as generally found in the Santa Clara Valley. The Specific Plan Area is not designated as a liquefaction hazard area. No impact would occur in this regard.

The Specific Plan Area is not identified as being located within a landslide hazard zone and has been extensively developed with pavements, hardscapes, and structures. Therefore, project implementation would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. No impact would occur in this regard (DEIR page 4-4)

6.1.8 Wastewater Disposal Systems

No development is proposed as part of the Specific Plan that could involve septic tanks or alternative wastewater disposal systems. Further, wastewater from in the City is carried by sanitary sewer lines to the Sunnyvale Water Pollution Control Plant (WPCP), where it is treated before being discharged to local waterways that flow into the San Francisco Bay. All future development within the project area would be required to connect to existing sewer mainlines and service lines. Therefore, no impact would occur in this regard. (DEIR page 4-5)

6.1.9 Wildfire

The Specific Plan Area is not affected by a State-designated Alquist-Priolo Earthquake Fault Zone.

The Specific Plan Area within the City of Mountain View runs along El Camino Real from Bernardo Avenue to the Lawrence Expressway and is bordered by the City of Cupertino to the west and the City of Santa Clara to the east. The Specific Plan Area forms a corridor through Sunnyvale that consists of varied land uses, including general retail, auto dealerships, auto-related services, hotels, restaurants, and high-density residential. The Specific Plan Area covers a highly developed urban area that is not adjacent to large open spaces susceptible to the risk of wildfire.

According to the Santa Clara County Fire Hazard Severity Zones Map, Sunnyvale is not located within a State Responsibility Area (SRA) for wildfire. Therefore, the risk of wildfire is considered to be low due to the urbanized setting of the City. The Specific Plan Area lies approximately 4 miles from the nearest Fire Hazard Severity Zone, which is located in the foothills to the west of Interstate 280.

The Specific Plan Area is generally flat and does not support slopes or other topographical conditions that may exacerbate wildfire risks or expose occupants of the area to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. The Specific Plan Area is also not susceptible to the risks of downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Additionally, all electrical power lines would be undergrounded over time with implementation of the Specific Plan, which therefore may contribute to a reduced fire risk relative to aboveground power lines.

Future development occurring with implementation of the Specific Plan would be subject to local policies and actions, in addition to other regulations and standards for new development, including appropriate standards for emergency access roads, emergency water supply, and fire preparedness, capacity, and response that would ensure that adequate fire protection services and emergency medical services are available to serve the City. Furthermore, as implementation of the Specific Plan would generate additional annual revenue in the City in the form of increased local property and sales taxes, the increased demand for fire protection and emergency medical services would be offset by funding increases for additional firefighters, administrative personnel, training, and equipment (see also Section 3.13, Public Services). No physical improvements are proposed that would impair an adopted emergency response plan or emergency evacuation plan or require the installation or maintenance of associated infrastructure

that may exacerbate fire risk. Future development projects within the Specific Plan Area would be evaluated on a project-specific basis for any potential effects on emergency response and/or for any effects on infrastructure improvements relative to wildfire. Thus, the proposed project would result in no impacts related to wildfire (DEIR page 4-6)

6.1.10 Wildlife Movement and Nursery Sites

Wildlife movement is affected when physical constraints impede the ability of wildlife to search for food, water, shelter, and mates. Urban development has the potential to fragment open space or create obstacles that could hinder movement of species within established wildlife corridors. The Specific Plan Area does not function as a wildlife corridor, as it is completely surrounded by dense urban land cover that impairs wildlife movement. No impact would occur in this regard. (DEIR page 4-3)

7 LESS THAN SIGNIFICANT IMPACTS

The City Council finds that, based upon substantial evidence in the record, including information in the Final EIR, the following impacts have been determined be less than significant and no mitigation is required pursuant to PRC Section 21081(a) and CEQA Guidelines Section 15091(a).

7.1 SECTION 3.1: AESTHETICS

Impact 3.1.1: Degrade the Existing Visual Character or Quality of Public Views or Conflict With Zoning and Regulations Governing Scenic Quality

The proposed project would not conflict with applicable zoning or other regulations governing scenic quality. Although future development in accordance with the Specific Plan would result in a change to the existing visual quality of the Specific Plan Area, the Specific Plan would promote high-quality and appropriately-scaled buildings that preserve quality of life for adjacent neighborhoods and contribute to an attractive, comfortable, and safe streetscape along the corridor. Components of the proposed project, including the Land Use and Development Standards, the ECRSPC of the SMC, and Urban Design Guidelines, would enhance the character and quality of the Specific Plan Area by creating a more pedestrian-oriented streetscape environment that would enhance, rather than degrade, the existing urban environment.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.1.2: Light and Glare Impacts

The DEIR determined that subsequent projects developed under the Specific Plan could result in an increase of nighttime lighting and glare and concluded that required compliance with Specific Plan's areawide design guidelines, Section 19.42.050 of the SMC, and other City regulations pertaining to light and glare would minimize potential impacts. The project would expand urban uses in the project area, which would include the potential for light and glare impacts. Development would be required to comply with City and ECRSP-specific lighting and glare requirements to minimize the potential impacts. Therefore, potential impacts related to light and glare would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.2 SECTION 3.2: AIR QUALITY

Impact 3.2.1: Conflict with Implementation of the Bay Area 2017 Clean Air Plan

Future growth associated with the proposed Specific Plan would occur incrementally throughout the proposed Specific Plan's 2035 buildout horizon. The anticipated growth from the proposed Specific Plan is within the population and employment projections identified by the Associated Bay Area Governments (ABAG) for the City, as discussed further in Section 3.12, *Population and Housing*, of the DEIR. Because population and employment projections of the proposed Specific Plan are consistent with regional projections, the Bay Area Air Quality Management District (BAAQMD) emissions forecasts consider the additional growth and associated emissions from the proposed Specific Plan. Thus, emissions resulting from potential future development associated with the proposed Specific Plan are included in BAAQMD projections, and future development accommodated under the proposed Specific Plan would not hinder BAAQMD's ability to attain the State or federal ambient air quality standards (CAAQS and NAAQS). Therefore, impacts would be less than significant.

Buildout of the proposed Specific Plan would not result in development of light industrial and warehousing land uses, as these types of uses would not be permitted. Commercial developments accommodated under the proposed Specific Plan could result in smaller stationary sources (e.g., dry cleaners, restaurants with charbroilers, emergency generators and boilers). However, adherence to BAAQMD permitting regulations would ensure that new stationary sources of toxic air contaminants (TACs) do not expose populations to significant health risk. Thus, implementation of the proposed Specific Plan would not result in significant health risks associated with exposure of TACs to sensitive populations. Therefore, impacts would be less than significant.

Control measures included in the 2017 Clean Air Plan that are required by BAAQMD to reduce emissions for a wide range of both stationary and mobile sources are depicted in Table 3.2-7 of the DEIR. As shown in Table 3.2-7, the proposed Specific Plan would not conflict with applicable measures identified in the 2017 Clean Air Plan. Further, the Specific Plan would not hinder BAAQMD from implementing the 2017 Clean Air Plan control measures. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.2.4: Expose Sensitive Receptors to Substantial Carbon Monoxide Pollutant Concentrations During Construction

Based on BAAQMD guidance, projects meeting all of the following screening criteria would be considered to have a less than significant impact on localized carbon monoxide concentrations if:

1. The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plans, and local congestion management agency plans.
2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The Specific Plan would generate approximately 13,845 daily trips under project operations and the highest peak-hour volumes would be 8,614 trips. Additionally, the Specific Plan in combination with cumulative projects would generate a maximum of 16,777 peak hour trips. Therefore, the project would not increase traffic volumes to more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing of pollutants and atmosphere is substantially limited (i.e., an enclosed parking structure). As a result, this impact would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.2.6: Expose Sensitive Receptors to Substantial Toxic Air Contaminants During Operations

Types of land uses that typically generate substantial quantities of criteria air pollutants and TACs include industrial (stationary sources), manufacturing, and warehousing (truck idling) land uses. These types of major air pollutant emissions sources are not permitted under the proposed Specific Plan. Thus, implementation of the proposed Specific Plan would not result in creation of land uses that would generate substantial concentrations of TACs.

Development of the commercial land uses that are allowed under the Specific Plan may result in stationary sources of TACs emissions (e.g., dry cleaners, gas stations, restaurants with charbroilers, or buildings with emergency generators and boilers). However, these sources are not considered to be substantial emitters of TACs. In addition, emissions of TACs generated by these types of smaller sources would be controlled by BAAQMD through permitting and would be subject to further study and health risk assessment prior to the issuance of any necessary air quality permits. The permitting process ensures that stationary source emissions would be below the BAAQMD significance thresholds of 10 in one million cancer risk and 1.0 for acute risk at the maximally exposed individual. Therefore, impacts associated with project-generated operational TACs would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.2.7: Result in Other Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People

The DEIR determined that construction and operation of the project would not result in substantial odorous emissions. Future development and other physical changes that could occur as a result of the project could result in construction activities that would introduce new odor sources in the area (e.g., temporary diesel exhaust emissions during construction and delivery trucks associated with commercial and residential land uses). However, these odor sources would be temporary and intermittent. Further, BAAQMD Regulation 7 limits the potential odor impacts on existing and new sensitive receptors or future sensitive receptors. Construction activities would be subject to volatile organic compounds (VOC) limits under Regulation 8, Rule 3, and Regulation 15. As a result, the projected and proposed development under the project would not result in odor impacts on new or existing sensitive receptors. This impact would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.3 SECTION 3.4: CULTURAL AND TRIBAL CULTURAL RESOURCES

Impact 3.4.3: Human Remains

Although there are no known human remains within the Specific Plan Area, future development could result in the discovery of human remains and potential impacts to these resources. State of California Public Resources Health and Safety Code Sections 7050.5 to 7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the NAHC and consultation with the individual identified by the NAHC to be the "most likely descendant (MLD)." The MLD would have 48 hours to make recommendations to landowners for the disposition of any Native American human remains and grave goods found.

If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains until the County Coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with existing regulations, impacts in this regard would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.4.4: Tribal Cultural Resources

The City sent formal notification of the pursuant to AB 52 on December 15, 2017. No tribes requested consultation under AB 52. However, one response was received in response to the project's SB 18 notification from the Honorable Valentin Lopez, Chairman of the Amah Mutsun Tribal Band. Nonetheless, project implementation is not anticipated to impact historic tribal cultural resources as defined in Public Resources Code Section 5020.1(k) or tribal cultural resources to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Notwithstanding, in the event that unknown cultural resources are found and identified as Native American in origin, the City's policy to preserve archeological resources wherever possible (Policy CC-5.5) and condition projects to halt all ground-disturbing activities until a qualified archaeologist determines the significance of the discovery in the event that previously unidentified archaeological resources are discovered (Action LT-1.10f). Pursuant to Action LT-1.10f, the City would require significant discoveries to be mitigated consistent with Public Resources Code Section 21083.2 to ensure protection of the resource. Further, in the event that Native American human remains are discovered, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission (NAHC) and consultation with the individual identified by the NAHC to be the "most likely descendant (MLD)." Thus, compliance with existing City policies and actions and State regulations would reduce impacts related to tribal cultural resources to less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.4 SECTION 3.5: ENERGY

Impact 3.5.1: Wasteful, Inefficient, or Unnecessary Consumption of Energy during Project Construction or Operation

The DEIR determined a less than significant impact in regard to the Specific Plan related to the wasteful, inefficient, or unnecessary use of energy. Implementation of the project would result in the consumption of energy supplies during construction of new land uses within the project area. However, the consumption of energy during construction activities for the project would be temporary and is not anticipated to require additional capacity or substantially increase peak or base period demands for electricity and other forms of energy. Operation of new land uses associated with project implementation would also result in additional energy consumption. However, the project would comply with the latest building energy efficiency standards, which would increase energy efficiency, as well as energy provisions of the City's Climate Action Playbook.

Mixed-use projects are required to meet the appropriate Build It Green standard for the residential portion and Leadership in Energy and Environmental Design (LEED) for the nonresidential portion. These measures include efficient irrigation systems, insulation of hot water pipes, and water-efficient fixtures. Such requirements apply to projects with a planning application that is deemed complete on or after July 1, 2019. For projects that do not require a planning application, such requirements apply to building permits submitted on or after July 1, 2019. As such, future projects constructed under the Specific Plan would be built to meet 2019 Building Title 24 Building Energy Standards and would be required to achieve LEED certification. Furthermore, the project would consist of infill development and be built with a range of land uses in proximity to a transit station, which would reduce transportation-related energy demand compared to building in locations not close to high-quality transit. The project would not result in the wasteful, inefficient, or unnecessary consumption of energy during construction or operation. This impact would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.5.2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency

The project would comply with the applicable goals identified in the City's Climate Action Playbook, as detailed in Section 3.7, *Greenhouse Gases*, Table 3.7-6, of the DEIR. The Climate Action Playbook contains energy efficient goals and policies that would help implement energy efficient measures and would subsequently reduce energy consumption within the City. Compliance with Title 24 and CALGreen standards and the City's reach code ordinance would ensure the project incorporates energy efficient windows, insulation, lighting, ventilation systems, as well as water efficient fixtures and electric vehicles charging infrastructure, which is consistent with the goals and policies of the General Plan. Additionally, per the RPS, the project would utilize electricity provided by Pacific Gas and Electric (PG&E) that would achieve 60 percent renewable energy by 2030 and 100 percent renewable energy by 2045. Therefore, the proposed project would result in less than significant impacts associated with renewable energy or energy efficiency plans.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.5 SECTION 3.6: GEOLOGY AND SOILS

Impact 3.6.1: Directly or Indirectly Cause Potential Substantial Adverse Effects, Including the Risk of Loss, Injury, or Death Involving Strong Seismic Ground Shaking

Development associated with the Specific Plan could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. As discussed in Section 3.6.1 of the DEIR, three active faults and three potentially active faults are located in seismically significant proximity to the planning area—the Stanford fault (approximately 1 mile southwest), the Cascade fault (1.5 miles southwest), the San Jose fault (2.5 miles northeast), the Monte Vista–Shannon fault (4.3 miles west), the San Andreas fault (7.5 miles west), and the Hayward fault (11.7 miles east) (CGS 2010). The US Geological Survey (USGS) predicts there is a 63 percent chance that one of these faults will produce an earthquake of magnitude 6.7 or higher by the year 2037. Thus, strong ground shaking is expected to occur within the Specific Plan Area.

Future development associated with the Specific Plan could expose persons or structures to the effects of strong seismic ground shaking. The intensity of ground shaking and the degree of impact would depend upon the magnitude of the earthquake, distance to the epicenter, and the geology of the area between the epicenter to the Specific Plan Area. Additionally, the soil and geologic structure underlying the development site would influence the amount of damage that the site may experience. Impacts concerning strong seismic ground shaking would be addressed by compliance with the seismic design requirements identified in the 2019 California Building Code (CBC). Pursuant to the 2019 CBC and SMC Section 16.16.020, structures built for human occupancy must be designed to meet or exceed the 2019 CBC standards for earthquake resistance. The 2019 CBC includes earthquake safety standards based on a variety of factors including occupancy type, types of soils and rocks on-site, and strength of probable ground motion at the project site. To further improve the seismic safety of buildings in less stable soil areas, geotechnical reports are required for all developments in the City of Sunnyvale (Sunnyvale 2011). Compliance with the 2019 CBC, as adopted by reference in SMC Section 16.16.020, and preparation of a site-specific geotechnical report would reduce impacts related to strong seismic ground shaking to less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.6.2: Erosion and Loss of Topsoil

Short-term construction activities within the Specific Plan Area could increase soil exposure and result in limited soil erosion, depending on the extent of clearing, grading, or excavation and the length of time that disturbed soils are left exposed. However, construction activities would be required to comply with SMC Sections 12.60.230 and 18.12.110, which would ensure implementation of appropriate measures during soil-disturbing activities to reduce erosion. In compliance with the National Pollutant Discharge Elimination System (NPDES) program, individual projects involving one or more acres of site disturbance would be required to prepare and implement a stormwater pollution prevention plan (SWPPP) and associated best management practices (BMPs) in compliance with the Construction General Permit during grading and construction. Potential BMPs could include installing vegetated swales and sediment barriers; stabilizing soils with hydroseeding; regular dust control; implementing desilting basins and storm drain inlet protectors; and providing public education/outreach materials. Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from grading and construction activities.

Following compliance with the established regulatory framework (i.e., SMC Sections 12.60.230 and 18.12.110 and NPDES requirements), construction of the Specific Plan would result in less than significant impacts involving soil erosion and loss of topsoil.

The Specific Plan Area is largely built out in terms of available land development, and the plan itself would not be expected to significantly increase impervious surface areas and thus result in soil erosion or the loss of topsoil.

Nonetheless, each future development within the Specific Plan Area would be subject to the regulatory requirements designed to minimize potential erosion and flooding that may result during construction and operational conditions. Following compliance with NPDES, SMC, and Stormwater Quality BMP Guidance Manual requirements, the project's operational impacts related to erosion or loss of topsoil would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.6.3: Unstable or Expansive Soils

Future projects occurring within the Specific Plan Area could be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in subsidence, liquefaction, or collapse. In addition, locally expansive soils may occur wherever clayey soils exist. However, numerous controls would be implemented on future development projects through the City's development review process. In accordance with SMC Chapter 18.20.100, the City requires preparation of a preliminary soil report for review by the City Engineer prior to filing of the final tentative tract map or parcel map. These reports are used to identify site-specific conditions and to develop appropriate engineering design and construction recommendations for infrastructure improvements and commercial and residential development projects. Geotechnical reports generally contain a summary of subsurface exploration data, including a subsurface soil profile, exploration logs, laboratory or on-site test results, and groundwater information. The reports also interpret and analyze the subsurface data, recommend specific engineering design elements, discuss conditions for the solution of anticipated geotechnical problems, and recommend geotechnical special provisions. The studies would, as appropriate, recommend mitigation techniques for any site-specific subsidence hazards for future development within the Specific Plan Area.

The CBC and other related construction standards apply seismic requirements and address certain grading activities. The CBC includes common engineering practices requiring special design and construction methods that reduce the potential for impacts related to expansive soils. Compliance of future development projects with applicable CBC regulations would ensure the adequate design and construction of building foundations to resist soil movement.

Compliance with the 2019 CBC, as adopted by reference in SMC Section 16.16.020, and SMC Chapter 18.20.100 would reduce impacts related to unstable geologic/soils units to less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.6 SECTION 3.7: GREENHOUSE GAS EMISSIONS

Impact 3.7.1: Generate GHG Emissions That May Have a Significant Impact on the Environment

Quantifying GHG emissions from future, short-term, temporary construction activities allowed under the proposed Specific Plan area is not possible due to project-level variability and uncertainties related to future individual projects in terms of detailed site plans, construction schedules, equipment requirements, etc., which are not currently determined. Therefore, construction GHG emissions are not quantified in this EIR. However, future project-level analyses of GHG impacts may be conducted on a case-by-case basis as individual, future development projects allowed under the Specific Plan are constructed.

Area source emissions were calculated using CalEEMod and project-specific land use data. Project-related area sources include exhaust emissions from landscape maintenance equipment, such as lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the site. As noted in Table 3.7-5 of the DEIR, the proposed project would result in a net increase of 362.98 metric tons of carbon dioxide equivalent per year (MTCO_{2e}/year) of area source GHG emissions above existing conditions.

Based on project generated daily trip data provided by Hexagon Transportation Consultants, Inc., via email on December 14, 2020, the project would generate a net increase of 13,845 daily trips when compared to existing conditions. As shown in Table 3.7-5 of the DEIR, the project would cause an increase of approximately 6,748.08 MTCO_{2e}/year from mobile emissions.

Energy Consumption emissions were calculated using the CalEEMod model and project specific land use data. On-site electricity would be provided by PG&E. As noted above project would not be fully constructed and occupied until 2035. Based off the regulatory requirements in SB 100, 60 percent of the electricity provided by December 31, 2030, would be from eligible renewable energy resources. Notwithstanding, to provide a conservative analysis, PG&E's most current (i.e. 2018) CO₂ emission intensity factor of 206.29 pounds of CO₂ per megawatt of electricity generated was utilized in CalEEMod. As shown in Table 3.7-5 of the DEIR, the project would result in a net increase of 8,736.40 MTCO_{2e}/year when compared to existing conditions.

Solid waste emissions associated with operations of the project were calculated using the CalEEMod model and project-specific land use data. Per AB 341, the project would be required to reduce, recycle, or compost 75 percent of the solid waste generated as of the year 2020. Therefore, a 75 percent reduction in solid waste was modeled in the CalEEMod. Table 3.7-5 of the DEIR shows the project's net increase of 1,203.79 MTCO_{2e}/year in operational solid waste emissions when compared to existing conditions.

The project would be required to comply with the CALGreen Code, which requires newer developments to be fitted with low flow plumbing fixtures and fittings, as well as water-efficient landscaping. As shown in Table 3.7-5 of the DEIR, the project would result in a water consumption net increase of 940.02 MTCO_{2e}/year, when compared to existing conditions.

Implementation of the proposed Specific Plan would result in a net increase of 17,991.26 MTCO_{2e} per year. As the Specific Plan would result in a net increase of 6,900 residential units and 730,000 square feet of commercial floor area when compared to existing conditions, the population increase would be approximately 18,561 persons and the employment increase would be approximately 503 persons. Therefore, the project would result in 0.9 MTCO_{2e} per service population per year when compared to existing conditions in the Specific Plan area. The 2035 efficiency threshold is based on achieving a trajectory toward the State's long-term climate stabilizations goals under Executive Order S-03-05. As identified in Table 3.7-5 of the DEIR, the proposed Specific Plan would generate 0.9 MTCO_{2e} per service population per year and would not exceed the 2035 efficiency target of 2.5 MTCO_{2e} per service population per year. Therefore, impacts would be less than significant in this regard.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.7.2: Conflict with an Applicable Plan, Policy, or Regulation Adopted for the Purpose of Reducing the Emissions of GHGs

The GHG plan consistency for the project is based on the project's consistency with the Plan Bay Area 2040, the Climate Action Playbook, and the State's long-term climate stabilization goals under Executive Order S-03-05. The Specific Plan is primarily located within a Priority Development Area (PDA) established by Plan Bay Area 2040. The project would support the Plan Bay Area 2040 goal of building compact, high-density, mixed-use near transit, which reduces GHG emissions. In addition, the project would comply with Title 24 and CALGreen building standards, which require high efficiency lighting, low flow plumbing fixtures, and electricity from renewable energy sources. Further, as

discussed under Impact 3.7.1, project-generated GHG emissions would not conflict with the State's long-term climate stabilization goals under Executive Order S-03-05. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.7 SECTION 3.8: HAZARDS AND HAZARDOUS MATERIALS

Impact 3.8.1: Transport, Use, and Disposal of Hazardous Materials

The transport, use, storage, and disposal of hazardous materials by future development would be required to comply with applicable local, State, and federal regulations relating to construction and operations. Facilities that use hazardous materials would be required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous waste releases. Federally, the Resources Conservation and Recovery Act (RCRA) gives the U.S. Environmental Protection Agency (EPA) the authority to control the generation, transportation, treatment, storage, and disposal of hazardous waste. Future projects under the Specific Plan would comply with CalEPA activities to reduce public exposure to air and water pollution. They would also comply with CalEPA's health risk assessment policies for toxic substance management. The SMC and General Plan policies listed in Section 3.8.2, *Regulatory Framework*, of the DEIR would minimize potential risks to the public and the environment through inspections and permitting activities. Compliance with federal, State, and local regulations related to the transport, use, and disposal of hazardous materials would reduce this impact to less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.8.2: Accidental Release and Exposure to Hazardous Materials

As discussed in Section 3.8.1, *Existing Setting*, of the DEIR, a search of the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB) websites determined that no properties in the plan area are located on the Cortese List of hazardous materials release sites.

As stated in Goal SN-1, the City would ensure that natural and human-caused hazards are recognized and considered in decisions affecting the community. Therefore, future projects would require site-specific testing for hazardous materials, along with a certified Phase I Environmental Site Assessment (ESA), to determine the presence of toxic substances. A Phase II ESA may also be required depending on the results of the Phase I ESA. Additionally, future projects would be required to comply with federal, State, and local policies regarding the handling and disposal of hazardous materials.

In addition, future projects would comply with AB 2286, which regulates hazardous materials inventories for all California businesses. Certain projects would be required to comply with NPDES general construction permit best management practices to minimize impacts from potential spills. The City, along with the San Francisco Bay Regional Water Quality Control Board (RWQCB) and the DTSC, would implement actions to address site remediation and cleanup measures prior to development. Future projects would comply with City policies discussed in Section 3.8.2, *Regulatory Framework*. The City and County Local Hazard Mitigation Plans address regional response to large-scale exposure to hazardous substances resulting from earthquakes, floods, and wildfires as they relate to the public's health and safety.

Demolition activities within the plan area would be required to comply with BAAQMD Regulation 11, Rule 2, Asbestos Demolition, Renovation and Manufacturing, which requires removal of asbestos-containing materials prior to demolition in accordance with safety standards to ensure worker and public safety and compliance with Cal/OSHA regulations. In addition, the removal or renovation of structures with lead-based paint or those that may have PCB-containing equipment would also be required to comply with applicable laws and regulations to minimize the potential for accidental release to the environment or improper disposal or transport.

New or expanded industrial or commercial uses in the plan area that involve the use of hazardous materials would be required to obtain a permit, which would include a Hazardous Materials Business Plan with a material inventory list and emergency response plan. This would minimize the potential for accidental releases from those new or expanded uses.

Implementation of the above hazardous materials standard measures would minimize the accidental release of hazardous materials in the plan area. With these measures and compliance with other applicable hazardous material regulations at the federal, State, and local levels, this impact would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.8.3: Exposure of School Sites to Hazardous or Acutely Hazardous Materials, Substances, or Waste within 0.25 Mile of an Existing or Proposed School

The Specific Plan Area contains commercial and light industrial facilities, including automobile dealers and service businesses. The plan area also includes several shopping centers, hotels, and restaurants. Future development under the Specific Plan would include a mixture of residential and nonresidential structures. Existing residential structures built before 1972 would potentially have been constructed with asbestos-containing materials and lead paint. These materials, if present, would be removed as part of any Specific Plan-level construction. During the materials removal process, there would be potential for asbestos to become airborne and impact sensitive receptors, including the schools located within 0.25 mile of the plan area. As discussed in Section 3.8.1, *Existing Setting*, of the DEIR, the closest school to the plan area is Sunnyvale Christian School, 0.1 mile north of El Camino Real.

Future development projects proposed under the Specific Plan would be required to comply with all federal, state, and local regulations related to the transport, use, and disposal of hazardous materials. Any hazardous dust from construction would be controlled by adhering to existing regulations and site control measures. Thus, implementation of the project would not result in exposure of school sites to hazardous materials. This impact would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.8.6: Interfere with Implementation of an Emergency Response Plan or Emergency Evacuation Plan

The Specific Plan does not propose any physical changes that would affect the City's main evacuation routes (Central Expressway and US 101) or other major roadways such as Lawrence Expressway. The Specific Plan would not conflict with any federal, State, and local enforcement of emergency response plans. Future projects in the Specific Plan Area would comply with countywide emergency response programs and continued cooperation with emergency response service providers. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.8.7: Expose People or Structures, Either Directly or Indirectly, to a Significant Risk of Loss, Injury or Death Involving Wildland Fires

The Specific Plan covers a highly developed urban area that is not adjacent to large open spaces that may be susceptible to the risk of wildfire. According to the Santa Clara County Fire Hazard Severity Zones Map, Sunnyvale is not located within a State Responsibility Area (SRA) for wildfires because the risk of wildfires is deemed low due to the urbanized setting of the City. The Specific Plan site lies approximately 4 miles from the nearest Fire Hazard Severity Zone, which is located in the foothills to the west of I-280. Therefore, the Specific Plan would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. A less than significant impact would occur.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.8 SECTION 3.9: HYDROLOGY AND WATER QUALITY

Impact 3.9.1: Violation of Water Quality Standards or Waste Discharge Requirements

The DEIR determined that subsequent development projects located within the Specific Plan Area would be required to comply with state and local regulations that would minimize the potential for construction and operational water quality impacts. Construction and operation of the project and subsequent development projects under the Specific Plan would be required to comply with the same requirements and regulations. Thus, implementation of the project would not result in a significant effect. Compliance with existing state and local regulations would reduce potential construction and operational water quality impacts to less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.9.2: Groundwater Supply and Recharge Impacts

Buildout of the Specific Plan would result in comparable amounts of impervious surfaces as existing conditions, with only a slight increase in impervious surfaces overall. However, the Specific Plan Area is not located within a local groundwater recharge area and no groundwater extraction would occur as part of the project. The Specific Plan Area is underlain by soils with low percolation rates the effect on groundwater recharge would be less than significant. Implementation of the project would not result in the need for new or additional groundwater supplies. Therefore, implementation of the Specific Plan would not result in any groundwater extraction or depletion of groundwater supplies, and is not anticipated to interfere with implementation of Santa Clara Valley Water District's (SCVWD's) Groundwater Management Plan. Impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.9.3: Substantially Alter the Existing Drainage Pattern or the Site or Area

There are no streams or rivers located near the Specific Plan Area, although a manmade pond is located at the southeast corner of East Remington Drive and El Camino Real to the south of the project boundaries. Thus, Specific Plan implementation would not result in the alteration of a stream or river.

Erosion or Siltation

The Specific Plan would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Thus, Specific Plan implementation is not anticipated to result in substantially increased surface runoff resulting in substantial erosion on- or off-site. Following conformance with NPDES, Municipal Code, Stormwater Quality BMP Guidance Manual requirements, impacts concerning substantial erosion or siltation on- or off-site would be less than significant.

On- or Off-Site Flooding

runoff from future projects and associated roadway improvements would enter local storm drains. Although future projects built under the project would be expected to increase impervious surface area, developments that would create or replace more than 10,000 square feet of impervious surface must comply with Municipal Regional Stormwater Permit (MRP) Provision C.3 and the City's requirements for controlling runoff. As such, it is anticipated that peak runoff flow rates and stormwater volumes would potentially be less as new development occurs and implements new regulations; therefore, the amount of runoff would not be greater than current levels. Further, the City requires that storm drains accommodate a 10-year storm, and post-development flow rates cannot exceed pre-development flow rates on a project-by-project basis.

Compliance with the State General Construction Activity Storm Water Permit requirements (where applicable), SMC Chapter 12.60, and the SCVURPPP BMPs would reduce stormwater runoff impacts associated with future projects (Sunnyvale 2011b). This impact would be avoided by using effective construction phase, source control, and treatment control BMPs that include LID features for site preparation, runoff control, sediment retention, and other similar features. The SMC requires that all new and redevelopment projects that create or replace one acre or more of impervious surface implement hydromodification controls. The code also enforces the NPDES General Construction Permit. Impacts concerning on- and off-site flooding would be less than significant in this regard.

Polluted Runoff

The project would generally involve comparable amounts of impervious surfaces as compared to existing conditions, with only a slight increase in impervious surfaces overall. Thus, implementation of the Specific Plan is not anticipated to result in substantially increased surface runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Following conformance with NPDES, Municipal Code, Stormwater Quality BMP Guidance Manual requirements, impacts to stormwater drainage systems or sources of polluted runoff would be less than significant.

Impede or Redirect Flood Flows

The Specific Plan Area contains three areas in the 100-year flood, Zone AO, designated by the Federal Emergency Management Agency (FEMA). The three areas are 0.75 square miles in area (in total) and are at risk for an estimated 1.5 feet of flooding in each area. These areas are located on the south side of El Camino Real at the intersection with Rembrandt Drive, Van Dyck Drive on the west side of Sunnyvale, and both sides of the intersection with Lawrence Expressway on the east side of Sunnyvale.

The Sunnyvale Municipal Code requires that new structures built in a FEMA-designated Special Flood Hazard Area meet requirements set forth in SMC Title 16, Buildings and Construction. The standards for construction generally require that the lowest floor of any structure be elevated to or above the base flood elevation, anchoring, and the use

of flood damage-resistant materials and methods to minimize damage to structures exposed to flood waters. Following compliance with NPDES and Municipal Code, the project's potential to impede or redirect flood flows would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.9.4: Inundation by Seiche, Tsunami, or Mudflow

The probability of inundation from mudflows, seiches, or tsunamis would be low because the Specific Plan Area and vicinity is flat; therefore, mudflow impacts would not occur and there are no bodies of water near the Specific Plan Area that would be subject to a seiches or tsunami. Additionally, future development would be required to comply with flood hazard development regulations and requirements, and would not substantially redirect or impede flood flows due to building of structures in flood hazard areas. Therefore, this impact would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.9.5: Conflict With or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan

The Specific Plan Area is located within the jurisdiction of the San Francisco RWQCB. The San Francisco RWQCB manages surface waters through implementation of its Basin Plan. Chapter 5, Plans and Policies, includes a number of water quality control plans and policies adopted by the SWRCB that apply to the San Francisco RWQCB. Basin Plan Chapter 3, Water Quality Objectives, includes specific water quality objectives according to waterbody type (i.e., ocean waters, surface waters, and groundwaters). As indicated under Impact 3.9.1 of the DEIR, Specific Plan implementation would not result in significant construction-related impacts to water quality and surface and groundwater quality following conformance with the with NPDES, Municipal Code, Stormwater Quality BMP Guidance Manual requirements. As a result, implementation of the Specific Plan is not anticipated to conflict with or obstruct implementation of a water quality control plan. Impacts would be less than significant in this regard.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.9 SECTION 3.10: LAND USE AND PLANNING

Impact 3.10.1: Conflict with Any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

Based on the analysis below, the project would not conflict with the policy initiatives described below that were adopted for the purpose of avoiding or mitigating an environmental effect.

General Plan

As demonstrated in Table 3.10-1 of the DEIR, the proposed project is consistent with the relevant General Plan Land Use and Transportation Element (LUTE) policies, as it proposes the development of a mixed-use, compact, and well-connected urban form that would further increase housing and employment opportunities in the City. The project would change land use designations in certain areas of the affected land area to accommodate future growth and to realize the City's vision. Further, the project outlines transportation and design guidelines that would mold the area to fit the City's sustainable growth vision. The project would require an amendment to the City's General Plan for the proposed change in land use designations. With approval of the General Plan amendment, the project would be consistent with the City's General Plan regarding land use. Impacts would be less than significant in this regard.

City of Sunnyvale Zoning Code

The City's Zoning Code regulates development within the plan area. The project would amend the Zoning Code by establishing its own zoning for the plan area to regulate the allowed densities and types of development specific to the project. Upon City approval of the project and zoning amendments, the project would be consistent with the City's Zoning Code regarding FAR, maximum and minimum density requirements, parking requirements, and circulation requirements. Impacts would be less than significant.

Plan Bay Area 2040

As detailed in Table 3.10-2 of the DEIR, the project would be consistent with applicable policies of Plan Bay Area 2040. Impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.10 SECTION 3.12: POPULATION AND HOUSING

Impact 3.12.1: Induce Substantial Unplanned Population Growth

The DEIR determined that buildout of residential units under the Specific Plan would increase the population in the plan area within the general range of planning assumptions of the City's General Plan and that additional commercial uses provided for by the project would result in an employment increase of approximately 503 persons. The DEIR determined that the project would not substantially or indirectly induce population growth beyond current General Plan growth assumptions, resulting in a less than significant impact.

In addition, the project would provide additional housing opportunities within the Specific Plan Area. These additional units would serve an existing housing shortage in the region and would be developed over time in response to market demand. This impact would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.12.2: Displacement of a Substantial Number of People or Housing

Project implementation would not directly result in new construction; however, implementation of the project over time would allow for future development of 6,900 new housing units, thus providing a surplus of housing opportunities over that currently allowed under buildout of the General Plan. Because most of Sunnyvale has been developed with urban-type uses, the project is focused on redeveloping lands currently occupied by commercial uses. Project implementation would allow for undeveloped and underutilized lands to be converted to mixed-use and

residential housing that would substantially increase the City's existing housing stock. Conversion of existing residential uses to nonresidential uses that could potentially displace a substantial number of people or housing units is not anticipated. Future development of diverse housing types would be supported under LUTE Policies LT-1.2 and LT-7.1. The land use changes in the LUTE support development, at increased densities and intensities in selected areas, of mixed uses, affordable housing, and transit-oriented development (e.g., clustering of homes, businesses, and offices within proximity to transit stations). The introduction of new land use designations that allow a broad and flexible mix of land uses would support both residential and commercial growth, and would provide for a wider range of housing opportunities to complement Sunnyvale's existing range of allowable residential densities.

Therefore, implementation of the project would not displace substantial numbers of existing residents or housing units and would not necessitate the construction of replacement housing elsewhere. The project does not directly propose the demolition of existing uses located along the El Camino Real corridor, nor does it propose a substantial change in land use designations that would result in the displacement of large numbers of people or housing within the project area. Impacts in this regard would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.11 SECTION 3.13: PUBLIC SERVICES

Impact 3.13.1: Increased Demand for Fire Protection Services

The DEIR determined that buildout of the Specific Plan would increase demand for fire protection services. The Specific Plan does not contain policies regarding the provision of fire protection services; however, the Sunnyvale General Plan provides general direction regarding how public services should be provided. Development under the project would be subject to the fire protection policies and actions outlined in subsection 3.13.2 of the DEIR, in addition to other regulations and standards for new development, including appropriate standards for emergency medical services, emergency access, emergency water supply, fire preparedness, capacity, and response, to ensure adequate fire protection services are available. Furthermore, as the project would bring additional annual revenue to the City in the form of increased local property taxes and sales tax, the increased demand for fire protection would be offset by funding increases for additional firefighters, administrative personnel, training, and equipment.

The assessment of future services expansion and associated environmental impacts cannot be identified at this time because such evaluation requires future speculation under unknown circumstances, such as timing and location. In addition, future development associated with project implementation would be subject to General Plan Policy LT-14.8, which would ensure that new development provide appropriate improvements or resources to meet the future infrastructure and facility needs of the City (i.e., fire protection services). Therefore, with the implementation of City policies, regulations, and standards for new development, project impacts related to fire protection and emergency medical services would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.13.2: Increased Demand for Police Protection Services

New demand for police protection services would not result immediately with project implementation, but rather would occur over time as future projects are developed. It is anticipated that this additional population would result

in an associated increase in service calls and a commensurate incremental need for additional staffing and equipment to maintain the City's police response time goals over time. The project recognizes that a variety of public facilities would be needed to serve the area as development proceeds. Some of these would be provided through mandatory fees and assessments consistent with existing City policies. For example, General Plan Policy SN-3.1 directs that rapid and timely response to all emergencies be provided, and Policy SN5.1 requires that equipment and facilities are provided and maintained to meet reasonable standards for law enforcement. Additionally, the City is currently implementing Phase I of the Civic Center Modernization Project, which will expand the existing Public Safety Headquarters and provide a new Emergency Operations Center which will enhance operations of the detectives' bureau and relieve overcrowding in the existing Public Safety Building. Additionally, Phase III will include a brand-new Department of Public Safety Headquarters.

Implementation of the project may also help to reduce crime as the area is revitalized by the influx of businesses, residential development, and improved infrastructure. The project would bring additional annual revenue to the City in the form of increased local property taxes and sales taxes that would help offset the increased demand for police service by funding increases in police personnel, training, and equipment.

Until definitive information is available on the need for future expansion or new development of police protection facilities, potential environmental impacts would be too speculative for evaluation. However, all new development, including any future development allowed by the project, would be required to comply with General Plan Policy LT-14.8, which would ensure that new development provide appropriate improvements or resources to meet the future infrastructure and facility needs of the City (i.e., law enforcement services). Furthermore, any substantial expansion of law enforcement service facilities would be subject to the appropriate CEQA environmental review, which would identify and address site-specific environmental impacts, as well as City discretionary review and conformance to applicable City requirements. Therefore, with the implementation of City policies, project impacts related to police protection services would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.13.3: Demand for Public Schools

The DEIR determined that buildout of the Specific Plan could result in an increase in student enrollment in Sunnyvale schools but that subsequent projects developed under the Specific Plan would be required to pay applicable development fees, which would be used by the districts to fund new or expanded facilities. Therefore, the DEIR concluded that impacts of the project on demand for public schools would be less than significant. Local school districts require that residential and commercial development pay development fees based on building area or number to be used for expansion or construction of new school facilities.

All new development, including any future development allowed by the project, would be required to comply with General Plan Policy LT-14.8, which would ensure that new development provide appropriate improvements or resources to meet the future infrastructure and facility needs of the City (i.e., school services). Furthermore, any significant expansion of school facilities or development of new school facilities would be subject to appropriate CEQA environmental review as required by the respective school districts, which would identify and address any site-specific impacts. Therefore, with implementation of City policies, regulations, and standards for new development, project impacts related to school services are considered less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.13.4: Increase Demand on Other Public Facilities

The project would generate additional annual revenue for the City in the form of increased local property taxes and sales taxes. Such resources would be available to the City for the funding of new and/or expanded facilities, including libraries. Future development would be reviewed against General Plan Policy LT-14.8, which would ensure that new development provide appropriate improvements or resources to meet the future infrastructure and facility needs of the City (i.e., library services). The need for new facilities would be evaluated as part of the planning process for future development and would be subject to conformance with CEQA requirements. Therefore, the project would not in itself directly result in the need for the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. Implementation of City policies, regulations, and standards for new development would ensure that project impacts related to the provision of other public facilities are reduced to less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.12 SECTION 3.14: RECREATION

Impact 3.14.1: Increase in the Use of Parks and Recreational Facilities That Would Result in Substantial Physical Deterioration

The City maintains approximately 5.0 acres of parkland per 1,000 residents (based on 2020 population estimates). Without the development of any new parks or recreational facilities by the year 2035, the parkland ratio would decrease to approximately 4.4 acres per 1,000 residents. The increase in population resulting with the project (over that currently allowed by the General Plan) would further decrease the parkland ratio to approximately 4.3 acres of parkland per 1,000 residents. However, the National Recreation and Park Association (NRPA) recommends 4.0 to 6.0 acres of open space per 1,000 residents. Therefore, open space acreages under the Horizon 2035 LUTE and project buildout in 2035 would remain within acceptable levels per the NRPA guidelines. This indicates that the existing amount of park acreage Citywide would be sufficient to accommodate the project's demand without causing substantial deterioration of existing facilities. With the dedication of land and/or payment of development fees by developers within the Specific Plan Area, along with future park development by the City, impacts to recreational resources would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.14.2: Require or Include the Construction or Expansion of Recreational Facilities

The Specific Plan, LUTE, and General Plan policies listed above would ensure that adequate parks and recreational facilities are provided to accommodate the anticipated increase in the number of residents over time. Future developers within the Specific Plan Area would be required to dedicate land and/or pay a fee in lieu thereof for park or recreational purposes. It is anticipated that new development within the Specific Plan Area would incorporate some publicly accessible open space and amenities such as playgrounds, tot lots, water features, or similar outdoor amenities. As such, future development within the Specific Plan Area may contribute to the construction or expansion of recreational facilities that may have an adverse physical effect on the environment. However, future expansion or development of new recreational facilities would be subject to City discretionary review and CEQA requirements, as appropriate, which would identify and address any potential site-specific environmental impacts. In addition, project-

level construction would comply with existing codes and local zoning and permitting ordinances to reduce the severity of potential environmental impacts to the extent feasible. Therefore, compliance with existing policies and regulations, and conformance with the City's discretionary review process, would reduce impacts to less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.13 SECTION 3.15: TRANSPORTATION

Impact 3.15.2: Transit Facilities

The Specific Plan would result in the additional development potential of 6,900 new housing units within the Specific Plan Area. It is anticipated that the potential increase in new housing units and nearby residents will generate additional demand for transit facilities and service. Transit travel time impacts were evaluated by comparing the bus route travel times in the study area to existing and year 2035 cumulative conditions. The analysis concluded that it is expected that all transit routes under year 2035 cumulative conditions will experience increased route travel times ranging from 1 minute to 7 minutes compared to existing conditions.

However, the Specific Plan would require new development in the Plan Area to implement a variety of transit, pedestrian, bicycle, and automobile circulation improvements and develop associated design standards and guidelines. As shown, the Specific Plan would focus on improving bicycle, pedestrian, and transit connections, and therefore, would enhance connectivity and access to existing transit.

The Specific Plan also contains various policies that prioritize mass transit vehicles over single-occupant vehicles, which would shift the design and policy decisions to reflect multimodal transit options. Therefore, implementation of the Specific Plan would enhance, not disrupt, existing or planned transit facilities. Additionally, the project would not conflict with a program, plan, ordinance, or policy addressing transit facilities. The increase in transit demand generated by the project would be accommodated by existing and potential future transit services as required by the Specific Plan. Therefore, the project would result in a less than significant impact to transit facilities.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.15.3: Bicycle Facilities

The Specific Plan would require new development in the Plan Area to implement a variety of transit, pedestrian, bicycle, and automobile circulation improvements and develop associated design standards and guidelines. Improvements associated with enhancing bicycle facilities, connectivity, and safety will be as shown in the City's adopted Active Transportation Plan, including Class IV separated bikeway, which could result in the removal of on-street parking, and bicycle and pedestrian crossings. On the Auto Row section of El Camino Real, the proposed bicycle improvement would be a Class I shared-use path on both side of the street, and the removal of on-street vehicle parking is not required. The final configuration will be determined during the redevelopment phase. Therefore, the project would improve bicycle facilities within the Specific Plan area and provide additional bicycle capacity. Additionally, the project would not conflict with the policies concerning bicycle facilities within the Specific Plan and would provide increased connectivity consistent with adopted plans and policies.

The increase in housing units associated with the project will generate demand for bicycle facilities. However, implementation of the Specific Plan bicycle improvements, policies, and requirements would accommodate the increased demand for bicycle facilities associated with this potential increase in housing units and residents. Therefore, the Specific Plan would enhance, not disrupt, any existing or planned bicycle facilities and would not conflict with a program, plan, ordinance, or policy addressing bicycle facilities. Additionally, any new demand for bicycle facilities generated by the increase in housing density associated with the project would be satisfied by the multimodal improvements required of new development based on Specific Plan policies. As such, the project would result in a less than significant impact relative to bicycle facilities.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.15.4: Pedestrian Facilities

According to the LUTE, El Camino Real is classified as a Class I arterial, which should have sidewalks with a width of 11 to 13 feet. However, portions of the current sidewalk widths along El Camino Real do not comply with General Plan standards. As discussed in Impact 3.15.3 above, the Specific Plan would require new development in the Plan Area to implement a variety of transit, pedestrian, bicycle, and automobile circulation improvements and develop associated design standards and guidelines. Improvements associated with enhancing pedestrian facilities, connectivity, and safety could include sidewalks, curb ramps, Class I shared-use paved trails, pathways, and bicycle and pedestrian crossings. Therefore, the project would enhance pedestrian facilities and overall connectivity within the Specific Plan Area, and thus, provide additional pedestrian capacity. Additionally, the project would not conflict with the policies concerning pedestrian facilities within the Specific Plan and would provide enhanced connectivity consistent with adopted plans and policies.

The potential for the increase of new housing units could generate demand for pedestrian facilities. However, implementation of the Specific Plan's pedestrian improvements, policies, and requirements would accommodate the increased demand for pedestrian facilities associated with this potential increase in housing units and residents. Therefore, the project would result in a less than significant impact relative to pedestrian Facilities.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.15.5: Substantially Increase Hazards Because of a Geometric Design Feature or Incompatible Uses

The DEIR concluded that project implementation would result in a less than significant impact on transportation hazards because all roadway and pedestrian/bicycle facilities would be designed in accordance with City standards, and the project would not result in a substantial increase in conflicts between different travel modes (e.g., bicycle, pedestrians, rail, and vehicular traffic). All new roadway, bicycle, pedestrian, and transit infrastructure improvements under the project would improve multimodal circulation and access and minimize the potential for pedestrian/bicycle and vehicle conflicts. Additionally, these improvements would be subject to and designed in accordance with City design and safety standards. Therefore, the project would result in a less than significant impact relative to transportation hazards.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.15.6: Result in Inadequate Emergency Access

The Specific Plan includes a number of roadway network improvements that would provide improved access throughout the plan area. These improvements include, but are not limited to, intersection improvements at multiple intersections in the Specific Plan area and street typology adjustments. These improvements would provide improved circulation, and thus, improved emergency access throughout the Specific Plan area. Emergency access for any future developments under the project would be subject to review by the City of Sunnyvale and responsible emergency service agencies and thus would be designed to meet all City of Sunnyvale emergency access and design standards. Therefore, the project would result in a less than significant impact on emergency access.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.14 SECTION 3.16: UTILITIES AND SERVICE SYSTEMS

Impact 3.16.1: Require New or Expanded Facilities

Water Supply and Services

The City relies on four sources for its long-term water supply: 1) City owned groundwater wells; 2) imported water from the San Francisco Public Utilities Commission (SFPUC) Regional Water System; 3) imported water from SCVWD; and 4) recycled water from a wastewater reclamation program which supplies non-potable water for uses such as parks and golf courses. The City has plans to expand the program to produce approximately 16,800 AFY. Analysis in the 2019 Water Supply Assessment (WSA) prepared for the project estimates that implementation of the Specific Plan would add approximately 600 AFY of demand to the City's water system. The potable water demand for the project is estimated to be 967 AFY under normal conditions by the buildout year 2025.

The 2019 WSA determined that the City can meet future water demands, including the demands associated with buildout of the Specific Plan, during drought years by utilizing a combination of groundwater, conservation, recycled water, and the available SFPUC and SCVWD contractual water supply limits. The WSA found that the City has an adequate supply of water to provide water service to the project throughout 2035 under normal and drought conditions. Therefore, the project would not require any new or expanded water supply facilities; refer also to Impact 3.16.2 below.

Wastewater Services

As stated previously, the City's WPCP has an existing treatment capacity of 29.5 mgd. Current flows average approximately 13 mgd. Thus, the WPCP has approximately 16.5 mgd of unused capacity. Projected wastewater flows generated by future buildout of the project would represent a small percentage of this unused capacity. Thus, there is adequate capacity to treat the additional wastewater that would result with project implementation. No new or expanded wastewater facilities would be necessary.

However, as previously stated, in order to maintain the City's aging WPCP infrastructure and ensure the ability to meet future effluent and recycled water quality requirements, ongoing refurbishment and replacement of components of the WPCP is required over time. In 2014, the City began construction on upgrades that are part of a 20-year improvement program to update the plant and to accommodate new regulations and technology. Additionally, all new development occurring with future project buildout would be subject to City discretionary and/or CEQA review to ensure the adequacy of wastewater treatment services and facilities and to address any

potential environmental effects that may result from new or expanded infrastructure improvements. Refer also to Impact 3.16.3 below.

Stormwater Drainage Facilities

New development projects accommodated under the proposed project would be required to provide stormwater drainage system improvements and/or connections as needed to ensure the Citywide drainage system has adequate capacity to accommodate existing and future uses. Applicants for future development within the project area would be required to pay the capital costs of public facilities and services needed to serve such development. Potential environmental effects for construction of future stormwater drainage improvements are evaluated in Section 3.9 of the DEIR. Construction of any new stormwater drainage improvements would be subject to compliance with all applicable local, State, and federal laws, ordinances, and regulations, as well as the specific mitigation measures identified in the DEIR. Compliance with the relevant laws, ordinances, and regulations, as well as any relevant mitigation measures, would ensure that project-related environmental impacts are reduced to less than significant.

Dry Utilities

Implementation of the Specific Plan would result in the renovation of existing buildings and/or development of new buildings. Therefore, it is anticipated that project implementation would increase demand for electric, natural gas, and telecommunications services at the project site compared to current conditions. PG&E currently provides electrical and natural gas services to the project site and would continue to provide these services. The site is already connected to PG&E's electrical and natural gas lines, as well as to telecommunications lines. The assessment for future services expansion, and associated environmental impacts, cannot be identified at this time because that evaluation requires future speculation under unknown circumstances, such as timing and location. All future electrical, natural gas, and telecommunication services expansion would require City discretionary review and/or environmental review under CEQA, as appropriate. With the implementation of City policies, regulations, and standards for new development, including the payment of development fees, project implementation is not anticipated to require or result in the relocation or construction of new or expanded facilities for utility or service provision, the construction or relocation of could cause significant environmental effects. Impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.16.2: Require New or Expanded Water Supplies

Analysis in the 2019 WSA estimates that implementation of the Specific Plan would add approximately 600 AFY of demand to the City's water system. The potable water demand for the project is estimated to be 967 AFY under normal conditions by the buildout year 2035.

The 2019 WSA concluded that the City can meet future water demands, including the demands from associated with buildout from the Specific Plan, during drought years by utilizing a combination of groundwater, conservation, recycled water, and the available SFPUC and SCVWD contractual water supply limits. The 2019 WSA found that supplies of imported water are expected to remain relatively stable throughout the forecast period and that water conservation and increased local well production would balance the demand for water in the City. Analysis of water demand and supply projections for the City finds that the existing water supply contracts, groundwater, conservation, and recycled water programs would sufficiently meet the increased water demand from implementation of the Specific Plan through the year 2035. Reliability of future water supplies to the region is based on implementation of the regional projects, implementation of local agency programs, and combined efforts and programs among agencies, including all water retailers, and the SFPUC, SCVWD, RWQCB, and the Bay Area Water Supply and Conservation Agency (BAWSCA).

Furthermore, analysis in the 2019 WSA also demonstrates that possible reductions in imported water deliveries due to drought conditions do not prevent the City from satisfying its anticipated demands. Therefore, sufficient water supplies would be available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be less than significant.

Mitigation Measures

No mitigation is needed.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.16.3: Inadequate Wastewater Treatment Capacity

As discussed under Impact 3.16.1 above, project implementation would add approximately 600 AFY of demand to the water system by development buildout which would increase the City's total demand from 23,804 to 24,404 AFY by 2025 under normal water year conditions. Therefore, demands for wastewater treatment would similarly increase with the increased demand in water use resulting from project development.

As stated above, the WPCP has an existing treatment capacity of 29.5 mgd. The amount of influent wastewater handled by the plant varies with the time of day and with seasonal changes in demand. Current flows average approximately 13 mgd. Thus, the WPCP has approximately 16.5 mgd of unused capacity. Projected wastewater flows generated by future buildout of the project would represent a small percentage of this unused capacity. Thus, there is adequate capacity to treat the additional wastewater that would result with project implementation. Further, all future development within the project area would be subject to the City's discretionary process and CEQA review to ensure the adequacy of public utilities and to identify any potential environmental effects, as appropriate.

Therefore, the wastewater treatment provider would have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant.

Mitigation Measures

No mitigation is needed.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.16.4: Generate Solid Waste in Excess of State or Local Standards

The City currently provides collection services for cardboard, mixed paper, and beverage containers to meet its target diversion rates pursuant to AB 939. Remaining waste can be hauled to the SMaRT Station for processing. For the years 2018-2019, it is estimated that approximately 107,464 tons of the 259,609 tons (total) of solid waste received and processed at the SMaRT Station were diverted from landfill disposal. Specifically for solid waste generated in the City of Sunnyvale, for the years 2018-2019, an estimated 67,734 tons of 149,245 tons (total) of solid waste received and processed at the SMaRT Station were diverted from landfill disposal. As discussed previously, the SMaRT Station has approximately 500 tons per day remaining capacity and would be capable of serving the project. Given Sunnyvale's current community-wide diversion rate of 65 percent, it is assumed that, after source-separation, then SMaRT Station processing, the remaining waste would be transferred from the SMaRT Station to the Kirby Canyon Landfill. As shown in Table 3.16-5 of the DEIR, the Kirby Canyon Landfill has sufficient capacity to accept solid waste generated over time with project implementation.

Applicants would be required to submit a demolition and/or construction plan to the City prior to the issuance of any related permits for future development within the Specific Plan Area. Development under the Specific Plan would not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and would not violate applicable federal, State, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.16.5: Comply With Federal, State and Local Statutes and Regulations for Solid Waste

The project would generate solid waste during construction and operation activities, thus requiring consideration of waste reduction and recycling measures. The 1989 California Integrated Waste Management Act (AB 939) requires that specific waste diversion goals be achieved for all California cities and counties, including an overall reduction in solid waste produced by 50 percent by the year 2000. In addition, the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development projects to incorporate storage areas for recycling bins into the proposed design. Additionally, California Assembly Bill 341 (2011) established a State goal to reduce, recycle or compost no less than 75 percent of waste generated by the year 2020.

Solid waste produced during construction would be properly disposed of in accordance with applicable statutes and regulations. Similarly, any waste generated during operations/occupancy would be required to be properly managed and disposed of in a licensed, off-site landfill or recycled. All future development within the project area would be required to comply with applicable federal, State, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.15 CUMULATIVE IMPACTS

Impact 3.1.3: Contribute to Cumulative Visual Character Impacts

As indicated in Impact 3.1.1 of the DEIR, the proposed project would be consistent with applicable zoning and regulations related to scenic quality. Further, the Specific Plan would promote high-quality and appropriately scaled buildings that preserve quality of life for adjacent neighborhoods and contribute to an attractive, comfortable, and safe streetscape along the corridor. Components of the proposed project, including the Land Use and Development Standards, the ECRSPC of the SMC, and Urban Design Guidelines, would enhance the character and quality of the Specific Plan Area by creating a more pedestrian-oriented streetscape environment that would enhance, rather than degrade, the existing urban environment. Implementation of the Specific Plan would not conflict with applicable zoning or other regulations governing scenic quality in this regard. Thus, cumulative impacts to scenic quality regulations would be less than significant, and the proposed project would not significantly contribute to cumulative impacts in this regard.

Mitigation Measures

No additional mitigation is required beyond compliance with Sunnyvale General Plan policies, zoning regulations, standard development conditions, Citywide Design Guidelines, and ECRSP policies and guidelines.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.1.3: Contribute to Cumulative Light and Glare Impacts

As discussed in Impact 3.1.2 of the DEIR, short-term and long-term impacts to lighting would be reduced to less than significant levels following conformance with Section 5.6e, Lighting, of the Land Use and Development Standards and Section 4.8, Lighting, of the Urban Design Guidelines. Further, in accordance with SMC Chapter 19.80, any proposed use requiring a discretionary land use permit that includes new construction, changes to the exterior of a building or other site modification within the Specific Plan Area would be subject to the City's Design Review Process. Thus, the project would not cumulatively contribute to the creation of substantial new lighting or glare and impacts in this regard would be less than significant.

Mitigation Measures

No additional mitigation is required beyond compliance with SMC Section 19.42.050, which requires shielding for lighting to avoid glare to adjacent areas.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.2.3: Result in a Cumulatively Considerable Net Increase of any Criteria Pollutant for Which the Project Region is Non-attainment Under an Applicable Federal or State Ambient Air Quality Standard During Operations

The BAAQMD CEQA Guidelines do not contain numeric thresholds related to criteria pollutant emissions resulting from "plan implementation", such as implementation of the proposed Specific Plan. According to the BAAQMD CEQA Guidelines, in order to identify whether the proposed Specific Plan would violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation, the proposed Specific Plan Area must demonstrate consistency with the control measures contained in the Bay Area 2017 Clean Air Plan and show that projected VMT increases as a result of the Specific Plan Area are less than or equal to projected population increases over its planning period. As demonstrated in Impact 3.2.1, the proposed Specific Plan Area would be consistent with the 2017 Clean Air Plan. Therefore, the proposed Specific Plan would be considered to have a less than significant impact if projected increases in VMT are less than or equal to projected increases in population growth.

In comparison to existing conditions, VMT attributable to the Specific Plan Area is anticipated to increase 230 percent. The increase in population is estimated to be 231 percent. As a result, VMT would increase at a lower rate than population growth in comparison to existing conditions. Therefore, this impact would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.5.4: Contribute to Cumulative Energy Impacts

The geographic context for cumulative energy consumption impacts for electricity and natural gas is Countywide and relative to the PG&E service area. While the geographic context for the transportation-related energy use is more difficult to define, it is meaningful to consider the project in the context of Countywide consumption. Future growth within the County is anticipated to increase the demand for electricity, natural gas, and transportation energy, as well as the need for energy infrastructure. As shown above, the project would nominally increase the County's electricity, natural gas, and operational fuel consumption by 0.23, 0.21, and 0.0033 percent, respectively; refer to Table 3.5-4. Additionally, per California's Renewables Portfolio Standard (RPS), the project and cumulative projects would utilize electricity provided by PG&E that would be comprised of 60 percent renewable energy by 2030 and 100 percent renewable energy by 2045. Furthermore, the project and other cumulative projects in the site vicinity would be subject to Title 24 and CALGreen standards, as well as goals and policies of the Climate Action Playbook and General Plan. Thus,

the project and related projects would comply with energy conservation plans and efficiency standards required to ensure that energy is used efficiently. As such, implementation of the project and other cumulative projects would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Mitigation Measures

No additional mitigation is required beyond compliance with the California Energy Code and the City's Climate Action Playbook, which would result in an increase in the use of renewable energy, decarbonization of buildings, and adoption of 100-percent clean energy procurement. In addition, new development proposed under the Specific Plan would be required to comply with the City's reach codes to increase the extent of building electrification, the amount of renewable energy obtained from solar power, and the installation of EV chargers.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.6.5: Contribute to Cumulative Impacts Related to Geology and Soils

Cumulative projects would be required to comply with existing federal, State, and local regulations resources on a project-by-project basis. As discussed in Impact 3.6.1 through 3.6.4 of the DEIR, geologic and seismic hazards associated with the proposed project would be reduced to less than significant levels following conformance with the established regulatory framework (i.e., CBC, SMC, NPDES requirements). Conformance with General Plan Action LT-1.10f would ensure project impacts related to paleontological resources are reduced to less than significant levels. As such, the proposed project would not result in cumulatively considerable impacts related to geology, soils, and paleontological resources. Impacts would be less than significant in this regard.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.7.3: Contribute to Cumulative Impacts Related to Greenhouse Gas Emissions

Project-related GHG emissions are not confined to a particular air basin; instead, GHG emissions are dispersed worldwide. No single project is large enough to result in a measurable increase in global concentrations of GHG emissions. Therefore, project-generated GHG emissions identified under Impact 3.7.1 of the DEIR are not project-specific impacts to global climate change, but rather the proposed project's contribution to this cumulative impact. Notwithstanding, as discussed under Impact 3.7.1 of the DEIR, project-generated GHG emissions would be in-line with the State's long-term climate stabilization goals identified under Executive Order S-03-05.

GHG impacts are recognized as exclusively cumulative impacts, and there are no non-cumulative GHG emission impacts from a climate change perspective. As such, significant direct impacts associated with the proposed project also serve as the project's cumulative impact. Impact 3.7.2 of the DEIR concludes that the proposed project would be consistent with the Plan Bay Area 2040 and the Climate Action Playbook. Thus, the project would not cumulatively contribute to GHG impacts and impacts in this regard would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.9.6: Contribute to Cumulative Water Quality or Groundwater Recharge Impacts

As identified in Impacts 3.9.1 through 3.9.5 of the DEIR, construction and operation of the project and subsequent development projects under the Specific Plan would be required to comply with state and local regulations that would minimize the potential for construction and operational water quality impacts, and project implementation is not expected to substantially prohibit groundwater recharge. Similar to the project, all future development in the City would be required to comply with Sunnyvale Municipal Code Chapter 12.60, the state's Construction General National Pollutant Discharge Elimination System permit, and MRP Provision C.3 requirements for postconstruction urban runoff. Development projects in nearby cities that contribute stormwater flows to the Santa Clara Basin watersheds are also required to comply with construction site runoff controls and MRP Provision C.3 requirements. Thus, implementation of the project would not result in a significant cumulative effect and the project's contribution to cumulative water quality or groundwater recharge impacts would be less than cumulatively considerable.

In addition, development of the Specific Plan in addition to related cumulative projects would result in limited changes to the amounts of impervious surfaces within the Basin area, as the Specific Plan Area is largely developed with impervious surfaces. The Specific Plan Area is not located within a groundwater recharge area and no groundwater extraction would occur as part of the project. Therefore, the project would not result in significant cumulatively considerable impacts to groundwater supplies and groundwater recharge. Impacts would be less than cumulatively considerable.

Mitigation Measures

No additional mitigation is required beyond compliance with Sunnyvale Municipal Code Chapter 12.60, the City of Sunnyvale Urban Runoff Management Plan, and the MRP.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.10.3: Contribute to Cumulative Impacts Related to Division of an Established Community, Conflicts with a Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

The project would not conflict with any applicable land use plans, policies, or regulations. The project would complement the general plans of surrounding jurisdictions, as the project ensures a regional approach to land use and transportation planning in the City while improving regional connections. Development projects within the City undergo a similar plan review process to determine potential land use planning policy and regulation conflicts. Each project would be analyzed independent of other projects, within the context of their respective land use, zoning, and regulatory setting. As part of the review process, each project would be required to demonstrate compliance with the provisions of the applicable land use designation(s) and zoning. As with the proposed project, each project would be analyzed to ensure that the goals, objectives, and policies of the General Plan, Municipal Code, and Plan Bay Area 2040 are upheld. Thus, the project would have a less than significant contribution to regional land use and planning impacts.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.11.3: Contribute to Cumulative Noise Impacts

Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to buildout of the Specific Plan and other projects in the vicinity. The cumulative mobile noise analysis is conducted in a two-step process. First, the combined effects from both the proposed project and other projects are compared. Second, for combined effects that are determined to be cumulatively significant, the project's incremental effects then are analyzed. The project's

contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. The combined effect compares the "Future With Project" condition to "Existing" conditions. This comparison accounts for the traffic noise increase from the project generated in combination with traffic generated by projects in the cumulative projects list.

A significant impact would result only if both the combined (including an exceedance of the applicable exterior standard at a sensitive use) and incremental effects criteria have been exceeded. Noise by definition is a localized phenomenon, and reduces as distance from the source increases. Consequently, only the proposed project and growth due to occur in the project site's general vicinity would contribute to cumulative noise impacts.

As shown in Table 3.11-8 of the DEIR, 19 of the roadway segments modeled (along El Camino Real, Mary Avenue, Hollenbeck Avenue, Mathilda Avenue, Sunnyvale Saratoga Road, Sunnyvale Avenue, Remington Drive, Fair Oaks Avenue, Fremont Avenue, and Wolfe Road) would generate noise levels above the 60 dBA CNEL standard. However, the Incremental Effects criterion of 1.0 dBA and the Combined Effects criterion of 3.0 dBA would not be concurrently exceeded along any roadway segments in the Specific Plan Area. Therefore, the proposed project, in combination with cumulative background traffic noise levels, would result in less than cumulatively considerable impacts.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.12.3: Contribute to Cumulative Inducement of Unplanned Growth

Cumulative impacts involving population and housing are analyzed in terms of consistency with General Plan and ABAG growth assumptions for applicable jurisdictions. As stated above, the project's proposed development potential would introduce up to 6,900 additional units, which would introduce up to 18,561 additional residents to the City. Tables 3.12-4 and 3.12-5 of the DEIR compare the project's anticipated population and housing growth to the General Plan buildout assumptions and ABAG growth forecasts, respectively. The project would not exceed ABAG's population estimates or dwelling unit forecasts for 2035. Although cumulative development in Sunnyvale, including the project, would result in a cumulative increase in population and housing in Sunnyvale, the project's contribution to unplanned population growth would be less than cumulatively considerable.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.13.5: Contribute to Cumulative Public Services Impacts

The DEIR evaluated the cumulative demand for fire and police protection, public schools, and other public facilities and concluded that the project's contribution would be less than cumulatively considerable. As described in Section 3.13.5 of the DEIR, buildout of the project would result in a less than significant impact on public services because applicants of subsequent development projects under the Specific Plan would be required to pay applicable City development fees to pay for the project's fair share of fire and police service personnel and existing facilities. In addition, subsequent development projects within the Specific Plan Area would generate increased tax revenues, which could be used to fund additional personnel and facilities. Regarding demands for public schools, the DEIR concluded that future developments under the Specific Plan would be required to pay impact fees for each additional dwelling unit in the project area, as well as fees based on building area for nonresidential uses. Regarding demands for other public facilities, the DEIR concluded that buildout of the project would result in a less than significant impact because subsequent projects within the Specific Plan Area would be subject to General Plan Policy LT-14.8, which

would ensure that new development provide appropriate improvements or resources to meet the future infrastructure and facility needs of the City (i.e., library services). Under such conditions, and with conformance to applicable City policies and regulations, it is anticipated that any increase in demands would be adequately met.

Implementation of the project, in combination with other past, present, and probable future development within the project region, would involve new development that would generate new residents and students in the area. However, compliance with Sunnyvale General Plan policies regarding public safety service and payment of applicable development fees would ensure that the project's contribution to public service demands would be less than cumulatively considerable by requiring new development to provide funding or dedication of land toward new or expanded public services.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.14.3: Contribute to Cumulative Recreation Impacts

The project's cumulative setting includes future buildout of the General Plan, Lawrence Station Area Plan, Fortinet Precise Plan, and Downtown Specific Plan. Future cumulative development would increase the population of the area and potentially increase the need for additional or expanded park and recreational facilities. Residents of other cities or unincorporated areas lacking in parkland or recreation facilities may also travel to an adjacent city to use such facilities, thereby increasing the use and furthering deterioration of those facilities or resulting in the need for new or expanded facilities. With the dedication of land and/or payment of fees by future developers within the Specific Plan Area, along with development of future parks and recreational amenities undertaken by the City, project impacts to recreational facilities would be less than significant. Applicants that develop within the Specific Plan Area would be required to dedicate parkland and/or pay the City's development fees to aid future land acquisition and/or development of local and community park facilities throughout the City. Similarly, cumulative projects that increase the demand for park and recreation facilities in the City would be required to provide parkland and/or pay the City's development fees.

All substantial expansion or development of new recreational facilities would be subject to the appropriate CEQA environmental review by the City, which would identify and address any site-specific impacts. Therefore, implementation of City policies, such as the collection of development fees, along with compliance with CEQA requirements, would ensure that potential cumulative impacts related to recreational resources are properly addressed and mitigated. Therefore, the project's contribution to potential cumulative impacts on recreational facilities is considered less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 3.16.6: Contribute to Cumulative Utilities and Service Systems Impacts

Water Supply and Services

The DEIR concluded that implementation of the Specific Plan would add approximately 600 acre-feet/year (AFY) of demand to the water system by development buildout in 2025 which would increase the City's total demand from 23,804 AFY to 24,404 AFY by 2025 under normal water year conditions. However, water supplies would be available to meet demands even in times of drought, with no reduction of supply necessary to meet the projected growth outlined in the Specific Plan. Further, during drought events the City would implement demand reduction programs

in order to address potential reductions in water supply. The project site is currently connected to the City's water supply system and would not require any new or expanded off-site water supply infrastructure.

Local and regional growth may result in the need for new water supply infrastructure. However, it is anticipated that such infrastructure would be evaluated on a project-by-project basis and that any necessary improvements would be required to be installed on an as-needed basis as individual developments are undertaken. The project would not require any new or expanded off-site water supply infrastructure. Therefore, the project's contribution to this impact would be less than significant.

Stormwater Drainage and Facilities

Cumulative development, in addition to the proposed project, could have the potential to result in the construction of new stormwater drainage facilities or the expansion of existing facilities. As development is proposed over time, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development. The City would continue to collect and apply development impact fees to pay for infrastructure improvements, including future stormwater facilities. Thus, overall cumulative impacts relative to stormwater drainage would be reduced to less than significant.

Buildout of the Specific Plan is not anticipated to involve significant impacts concerning stormwater drainage following conformance with applicable laws, ordinances, and regulations in place for stormwater drainage (i.e., existing General Plan policies and implementation measures, and payment of development impact fees). Further, as buildout of the Specific Plan is anticipated to gradually occur over the next several decades, the City would effectively plan for increases in population and demands for stormwater drainage improvements or expansion as site-specific development occurs. Therefore, the proposed project would not contribute to a significant cumulative impact relative to stormwater facilities.

Solid Waste Services

The cumulative setting for solid waste includes Santa Clara County and the surrounding region. The cumulative setting includes all existing, planned, proposed, approved, and reasonably foreseeable development in the area. The project, as well as future development in the surrounding region, would result in an incremental cumulative demand for solid waste collection and disposal in regional landfills.

As described in Impact 3.16.3 of the DEIR, implementation of the Specific Plan would result in an increase in solid waste generation as a result of construction/demolition activities, operations of additional land uses, and addition of residential units in the area. However, solid waste management is generally provided by the respective jurisdiction and not on a regional basis. Based on current conditions and future projections, it is anticipated that the SMaRT Recycling Center and Kirby Canyon Landfill would have adequate capacity to accommodate recycling and solid waste generation from the project, as well as from buildout of the City and from other surrounding communities. Therefore, the project's contribution to this impact would be less than significant.

Dry Utilities

The project, along with other existing, planned, proposed, approved, and reasonably foreseeable development in the areas served by PG&E and the various telecommunications purveyors in the region, would result in a cumulative increase in demand for electrical, natural gas, and telecommunications services, and associated infrastructure. The environmental effects of specific infrastructure projects needed to accommodate future growth in the region would be evaluated in greater detail for each specific energy-related project. In general, such infrastructure would be collocated and constructed concurrently with other utilities within roadway rights-of-way to lessen or eliminate potential environmental effects. It is not anticipated that the project would result in future development that would contribute to a substantial increase in the demand for such utilities or service systems. Therefore, this impact would be less than significant.

Mitigation Measures

No mitigation is required.

Finding

The City Council finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

8 FINDINGS REGARDING IMPACTS THAT ARE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

Pursuant to Section 21081(a) of the PRC and Section 15091(a)(1) of the CEQA Guidelines, the City Council finds that, for each of the following potentially significant effects identified in the EIR, changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the identified potentially significant effects on the environment to a less than significant level. These findings are explained below and are supported by substantial evidence in the record of proceedings.

8.1 SECTION 3.2: AIR QUALITY

Impact 3.2.5: Expose Sensitive Receptors to Substantial Toxic Air Contaminants During Construction

Implementation of the Specific Plan would result in the development of residential and commercial land uses. Sources of construction-related TACs potentially affecting the sensitive receptors include off-road diesel-powered equipment. Construction would result in the generation of diesel PM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities.

In the case of most construction projects allowed under the Specific Plan, duration would be short-term. According to the BAAQMD, construction-generated diesel PM emissions contribute to negative health impacts when construction is extended over lengthy periods of time. The use of diesel-powered construction equipment during construction would be temporary and episodic and would occur over several locations isolated from one another. Furthermore, the proposed project would be subject to, and would comply with, California regulations limiting idling to no more than five minutes, which would further reduce nearby sensitive receptors exposure to temporary and variable diesel PM emissions. Many of the individual construction projects would span small areas. Construction projects contained in a site of less than 5 acres are generally considered by CARB to represent less than significant health risk impacts due to (1) limitations on the off-road diesel equipment able to operate and thus a reduced amount of generated diesel PM, (2) the reduced amount of dust-generating ground disturbance possible compared to larger construction sites, and (3) the reduced duration of construction activities compared to the development of larger sites.

For the reasons mentioned above, and because diesel fumes disperse rapidly over relatively short distances, diesel PM generated by most construction activities, in and of itself, would not be expected to create conditions where the probability of contracting cancer is greater than 10 in 1 million for nearby receptors. In addition, therefore, Mitigation Measures AQ-2, AQ-3, and AQ-4 are required with project implementation to reduce these impacts. With implementation of Mitigation Measures AQ-2, AQ-3, and AQ-4, project impacts associated with construction TACs would be less than significant with mitigation incorporated.

Mitigation Measures

Mitigation Measure AQ-3

In the case when a subsequent project's construction is greater than five acres and is scheduled to last more than two years, the subsequent project shall be required to prepare a site-specific construction pollutant mitigation plan in consultation with the Bay Area Air Quality Management District (BAAQMD) staff prior to the issuance of grading permits. A project-specific construction-related dispersion modeling acceptable to BAAQMD shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If BAAQMD risk thresholds (i.e., probability of contracting cancer is greater than 10 in 1 million) would be exceeded, mitigation measures shall be identified in the construction pollutant mitigation plan to address

potential impacts and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. The City shall ensure construction contracts include all identified measures and that the measures reduce the health risk below BAAQMD risk thresholds. Construction pollutant mitigation plan measures shall include, but not be limited to:

- 1) Limiting the amount of acreage to be graded in a single day,
- 2) Notification of affected sensitive receptors one week prior to commencing onsite construction so that any necessary precautions (such as rescheduling or relocation of outdoor activities) can be implemented. The written notification shall include the name and telephone number of the individual empowered to manage construction of the project. In the event that complaints are received, the individual empowered to manage construction shall respond to the complaint within 24 hours. The response shall include identification of measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include the relocation of equipment.

Mitigation Measure AQ-4

The following measures shall be utilized in site planning and building designs to reduce TAC and PM2.5 exposure where new receptors are located within 1,000 feet of emissions sources:

- Future development that includes sensitive receptors (such as residences, schools, hospitals, daycare centers, or retirement homes) located within 1,000 feet of Caltrain, Central Expressway, El Camino Real, Lawrence Expressway, Mathilda Avenue, Sunnyvale-Saratoga Road, US 101, State Route 237, State Route 85, and/or stationary sources shall require site-specific analysis to determine the level of health risk. This analysis shall be conducted following procedures outlined by the BAAQMD. If the site-specific analysis reveals significant exposures from all sources (i.e., health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a hazard Index greater than 10, or annual PM2.5 exposures greater than 0.8 $\mu\text{g}/\text{m}^3$), measures shall be employed to reduce the risk to below the threshold (e.g., electrostatic filtering systems or equivalent systems and location of vents away from TAC sources). If this is not possible, the sensitive receptors shall be relocated.
- Future nonresidential developments identified as a permitted stationary TAC source or projected to generate more than 100 heavy-duty truck trips daily will be evaluated through the CEQA process or BAAQMD permit process to ensure they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a hazard Index greater than 1.0, or annual PM2.5 exposures greater than 0.3 $\mu\text{g}/\text{m}^3$ through source control measures.
- For significant cancer risk exposure, as defined by the BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to avoid adverse public health impacts. Projects shall submit performance specifications and design details to demonstrate that lifetime residential exposures would not result in adverse public health impacts (less than 10 in one million chances).

Finding

The City Council finds that the above mitigation measures are feasible and that they would reduce the potential air quality impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Mitigation Measure AQ-2 (discussed under Impact 3.2.2 of the DEIR) requires that off-road diesel-fueled equipment employed during construction activities be CARB Tier 3 Certified or better when construction activities are projected to exceed NOX and PM thresholds. Implementation of Mitigation Measure AQ-2 would reduce the emissions of toxic pollutants generated by heavy-duty diesel-powered equipment during larger scale construction projects. Mitigation Measure AQ-3 would require a site-specific analysis of large-scale construction projects (larger than 5 acres and

lasting longer than 2 years) for the potential of construction-generated air pollutant impacts based on specific project details of future development, and the development of adequate mitigation, in consultation of the BAAQMD, to address any such impacts. Mitigation Measure AQ-4 shall require site-specific analysis to determine the level of health risk during the site planning and design for projects with the potential for new sensitive receptors located within 1,000 feet of emissions sources. With Mitigation Measures AQ-3 and AQ-4, implementation of the project would not result in a significant effect. (DEIR page 3.2-30)

8.2 SECTION 3.3: BIOLOGICAL RESOURCES

Impact 3.3.1: Substantially Affect Special-Status Species Either Directly or Through Habitat Modifications

Nine special-status plants and two special-status wildlife species occur within the Specific Plan Area vicinity. No special-status vegetation communities were identified.

Based on a review of specific habitat preferences, distributions, and elevation ranges, it was determined that no special-status plant species are expected to occur within the project site, since the project site is completely developed. As such, no impacts would occur in this regard.

Two special-status wildlife species (American peregrine falcon and burrowing owl) have been recorded in the Specific Plan Area vicinity. Based on a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that American peregrine falcon and burrowing owl have a low potential to occur within the Specific Plan Area.

Despite the fact that the Specific Plan Area has been exposed to long-standing anthropogenic disturbances, burrowing owl may occur in less than optimal and/or disturbed conditions (i.e., undeveloped vacant lots); therefore, if active nests would be lost as a result of site-preparation, it could result in a potentially significant impact. Also, although the species has a low potential to occur within the Specific Plan Area, American peregrine falcon have adapted to highly urbanized cityscapes known to attract abundant prey such as pigeons. The Specific Plan Area also provides nesting habitat for American peregrine falcon, since nests typically occur on a depression or ledge in an open site which can occur on buildings, bridges, and other structures. Nesting birds are protected under the MBTA, Bald and Golden Eagle Protection Act, and California Fish and Game Code. Special-status bird species would be further protected through conformance with the City's Bird Safe Building Design Guidelines, which acts to reduce bird mortality events through building design guidelines. All projects within the Specific Plan Area would be subject to Mitigation Measure BIO-1, which would ensure a pre-construction clearance survey is conducted by a qualified biologist for nesting birds and burrowing owl should future construction activities be initiated during the nesting season. Upon implementation of Mitigation Measure BIO-1, impacts to potential special-status wildlife species would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated.

Mitigation Measures

Mitigation Measure BIO-1

Pursuant to the Migratory Bird Treaty Act and the California Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but it can vary slightly from year to year based on seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a preconstruction clearance survey for nesting birds shall be conducted within 30 days of the start of any vegetation removal or ground-disturbing activities to ensure no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur.

If an active avian nest is discovered during the preconstruction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer is expanded to 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the

active nest to ensure nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.

As part of the nesting bird clearance survey, a preconstruction burrowing owl clearance survey shall be conducted within 30 days of the start of ground-disturbing activities to ensure undeveloped vacant lots within the Specific Plan Area do not support burrowing owl. If no burrowing owl are detected, construction may proceed. If construction is delayed or suspended for more than 30 days, the project site or work area shall be resurveyed. If burrowing owls are detected on the project site, a 300-foot "no work" buffer shall be established around the active burrow and all work within the buffer shall be halted until the qualified biologist has determined through non-intrusive methods that the nesting effort is complete (i.e., all young have fledged). Once the nesting effort is complete or if a burrowing owl burrow is detected on-site during the non-breeding season (September 1 to February 28), passive and/or active relocation of burrowing owls may be implemented by a qualified biologist following consultation and approval from the City of Sunnyvale and the California Department of Fish and Wildlife.

Finding

The City Council finds that the above mitigation measure is feasible and that it would reduce the potential biological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Specific Plan Area would be subject to Mitigation Measure BIO-1, which would ensure a pre-construction clearance survey is conducted by a qualified biologist for nesting birds and burrowing owl should future construction activities be initiated during the nesting season. Upon implementation of Mitigation Measure BIO-1, impacts to potential special-status wildlife species would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (DEIR page 3.3-18)

Impact 3.3.2: Conflict With Any Local Policies or Ordinances Protecting Biological Resources, Such as a Tree Preservation Policy or Ordinance

It is the City's policy to continue to evaluate and ensure mitigation of potential biological impacts of future development and redevelopment projects in a manner consistent with applicable local, State, and federal laws and regulations (Policy LT-1.10e). In accordance with Policy LT-1.10e, Mitigation Measure BIO-1 would require a pre-construction clearance survey is conducted by a qualified biologist for nesting birds and burrowing owl, if future construction activities are initiated during the nesting season. The proposed project would not conflict with Policy LT-1.10e in this regard.

According to the Sunnyvale Heritage Resources Inventory Map, a parcel located at the southwestern corner of El Camino Real and Wolfe Road includes three coast live oak and one valley oak, which are identified as heritage trees. These resources are located on City-owned open space within the Three Points Neighborhood of the Specific Plan Area at 871 East Fremont Avenue. The City strictly enforces SMC Section 13.16, City Trees, and SMC Section 19.94, Tree Preservation, to prevent the unauthorized removal, irreversible damage, and pruning of large, protected trees (Policy LT-2.4, Action 1). As discussed, the purpose of SMC Chapter 19.94 is to "regulate the protection, installation and removal and long term management of significantly sized trees on private property within the City and City owned golf courses and parks; encourage the proper protection and maintenance of significantly sized trees which are located on such property; establish a review and permit procedure to assure the correct planting, maintenance, protection and removal of significant trees on such property; and establish penalties for violation of its provisions." Future development occurring within the Specific Plan Area with the potential to impact the three heritage trees at 871 East Fremont Avenue would be subject to approval by the City's Heritage Preservation Commission. Compliance

with existing General Plan policies and SMC Sections 13.16 and 19.94 would ensure impacts to heritage trees are less than significant.

Mitigation Measures

Refer to Mitigation Measure BIO-1, discussed under Impact 3.3.1, above.

Finding

The City Council finds that the above mitigation measure is feasible and that it would reduce the potential biological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Specific Plan Area would be subject to Mitigation Measure BIO-1, which would ensure a pre-construction clearance survey is conducted by a qualified biologist for nesting birds and burrowing owl should future construction activities be initiated during the nesting season. Upon implementation of Mitigation Measure BIO-1, impacts to potential special-status wildlife species would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (DEIR page 3.3-19)

8.3 SECTION 3.4: CULTURAL AND TRIBAL CULTURAL RESOURCES

Impact 3.4.1: Significant Changes to Known Historic Resources

According to the Sunnyvale Heritage Resources Inventory Map, no City-designated individual structures are located within the Specific Plan Area. However, a historical district known as the Taaffe-Frances Heritage Neighborhood (a residential district) is located one block directly north and within 300 feet of the Specific Plan Area. This district contains the largest concentration of pre-World War II housing in Sunnyvale; comprised predominantly of one-story bungalows and period revival styles dating from the 1920s to the 1940s. In addition, although not identified as heritage resources within the City's inventory, there are several buildings that currently meet the minimum age eligibility to be considered historic resources for the purposes of CEQA.

It is the City's policy to ensure site design is compatible with the natural and surrounding built environment (Policy C.C.-3.2) and preserve existing landmark and cultural resources and their environmental settings (Policy CC-5.1). To this end, Chapter 4 (Land Use and Development Standards) of the Specific Plan includes a policy to ensure buildings greater than 50 years undergo a historic resource evaluation prior to undertaking any modifications or demolitions in order to determine their level of historical significance and to inform the appropriate level of discretionary review and applicability of local historic preservation policies (Specific Plan Policy LU-P28, included as Mitigation Measure CUL-1 of this EIR). To address potential impacts to historic districts within 300 feet of the Specific Plan Area, Mitigation Measure CUL-2 would be required. Mitigation Measure CUL-2 would require preparation of a site-specific Construction Protection Plan (CPP) for projects which propose pile driving activities within 50 feet of designated historic resources located within the Taaffe-Frances Heritage Neighborhood. With implementation of Mitigation Measures CUL-1 and CUL-2, impacts to heritage structures and historical districts would be less than significant with mitigation incorporated.

Mitigation Measures

Mitigation Measure CUL-1

Prior to demolition, grading, or building permit approval, any site subject to California Environmental Quality Act (CEQA) review with potentially historic buildings over 50 years in age and not subject to previous identification, recordation on Department of Park and Recreation (DPR) 523 Forms, and National Register of Historic Places, California Register of Historic Resources, and/or City eligibility evaluation (as appropriate) within the last five years, shall be evaluated by a Secretary of the Interior Qualified Cultural Resource

Professional specializing in Architectural History. Results of the evaluation shall specify site-specific mitigation requirements.

Mitigation Measure CUL-2

To avoid impacts to previously recorded historic resources associated with the Taaffe-Frances Heritage Neighborhood, prior to demolition, grading, or building permit approval, a site-specific Construction Protection Plan (CPP) shall be prepared by a qualified Historic Building Architect for projects which propose pile driving activities within 50 feet of designated historic resources. The CPP shall specify mitigation to avoid or reduce impacts to less than significant.

Finding

The City Council finds that the above mitigation measures are feasible and that they would reduce the potential cultural resources impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Specific Plan Area would be subject to Mitigation Measures CUL-1, which requires all future development to conduct site-specific historic resources evaluations, and CUL-2, which requires preparation of a site-specific Construction Protection Plan (CPP) for projects which propose pile driving activities within 50 feet of designated historic resources located within the Taaffe-Frances Heritage Neighborhood. Upon implementation of Mitigation Measures CUL-1 and CUL-2, impacts to potential cultural resources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (DEIR page 3.4-13)

Impact 3.4.2: Significant Changes to Archaeological Resources

No archaeological resources were identified as being located within the Specific Plan Area as part of the NWIC records search completed on October 17, 2017. Nevertheless, development activities associated with the Specific Plan could potentially result in adverse effects on previously unidentified archaeological resources.

It is the City's policy to preserve archeological resources wherever possible (Policy CC-5.5) and to condition projects to halt all ground-disturbing activities until a qualified archaeologist determines the significance of the discovery in the event that previously unidentified archaeological resources are discovered (Action LT-1.10f). Pursuant to Action LT-1.10f, the City would require significant discoveries to be mitigated consistent with Public Resources Code Section 21083.2 to ensure protection of the resource. Thus, following conformance with existing City policies and actions in place to ensure protection of archaeological resources, as well as Mitigation Measure CUL-3, which would require all subsequent projects in the project area to include information on improvement plans to protect cultural resources discovered during groundwork, impacts would be less than significant with mitigation incorporated.

Mitigation Measures

Mitigation Measure CUL-3

All subsequent projects within the project area shall be required to include information on the improvement plans that if, during the course of grading or construction, cultural resources (i.e., prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archaeologist can [assess] the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4(b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential.

Finding

The City Council finds that the above mitigation measure is feasible and that it would reduce the potential cultural resources impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Specific Plan Area would be subject to Mitigation Measure CUL-3, which requires all subsequent projects in the project area to include information on improvement plans to protect cultural resources discovered during groundwork. Upon implementation of Mitigation Measure CUL-3, impacts to potential cultural resources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (DEIR page 3.4-14)

8.4 SECTION 3.6: GEOLOGY AND SOILS

Impact 3.6.4: Directly or Indirectly Destroy a Unique Paleontological Resource or Site or Unique Geologic Feature

The Specific Plan Area is considered sensitive for paleontological resources. Past projects throughout the region have encountered fossilized Rancholabrean-age remains, including mammoth. Future development may therefore have the potential to inadvertently destroy or remove such resources through grading, excavation, and/or construction activities. Similarly, construction could affect undiscovered paleontological resources that may be associated with the paleontologically sensitive Pleistocene-age alluvium.

In accordance with General Plan Action LT-1.10f, the City would continue to condition projects to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered. If paleontological resources are identified during site-specific ground disturbance, General Plan Action LT-1.10f would require retention of a paleontologist to determine the significance of the discovery and recommend a course of action. Implementation of General Plan Action LT-1.10f would reduce impacts to paleontological resources to less than significant with mitigation incorporated.

Mitigation Measures

Mitigation Measure GEO-1

All subsequent projects within the project area shall be required to include information on the improvement plans that if, during the course of grading or construction fossils are discovered, work shall be halted immediately within 50 feet of the discovery, the Sunnyvale Community Development Department shall be notified, and the significance of the find and recommended actions must be determined by a qualified paleontologist. In addition, prior to the commencement of project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow.

Finding

The City Council finds that the above mitigation measure is feasible and that it would reduce the potential paleontological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Specific Plan Area would be subject to Mitigation Measure GEO-1, which requires all subsequent projects in the project area to include information on improvement plans to protect paleontological resources discovered during groundwork. Upon implementation of Mitigation Measure GEO-1, impacts to potential

paleontological resources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (DEIR page 3.6-14)

8.5 SECTION 3.8: HAZARDS AND HAZARDOUS MATERIALS

Impact 3.8.4: Location on a Hazardous Materials Site Where Contamination Could Be Encountered

As discussed in Section 3.8.1, *Existing Setting*, of the DEIR, a search of the DTSC and SWRCB websites determined that the no properties in the plan area are located on the Cortese List of hazardous materials release sites. Future implementing projects would require site-specific testing for hazardous materials, along with a certified Phase I Environmental Site Assessment (ESA), to determine the presence of toxic substances. A Phase II ESA may also be required depending on the results of the Phase I ESA. Additionally, future implementing projects would be required to comply with federal, State, and local policies regarding the handling and disposal of hazardous materials.

Since there are no active and inactive hazardous cleanup sites in the plan area, disturbance of land containing hazardous materials due to excavation would be unlikely. With compliance with all applicable hazardous material regulations at the federal, State, and local levels, impacts would be less than significant with mitigation incorporated.

Mitigation Measures

Mitigation Measure HAZ-1

The City shall require that a Phase I ESA is prepared and submitted with any application for new development or redevelopment within the adopted project boundary. The Phase I ESA shall be prepared by a qualified professional registered in California and in accordance with ASTM E1527-13 (or the most current version at the time a development application is submitted for the project).

If determined necessary by the Phase I ESA, a Phase II ESA shall be conducted to determine the lateral and vertical extent of soil, groundwater, and/or soil vapor contamination, as recommended by the Phase I ESA.

The City shall not issue a building permit for a site where contamination has been identified until remediation or effective site management controls appropriate for the use of the site have been completed, consistent with applicable regulations and to the satisfaction of the City of Sunnyvale, DTSC, or San Francisco Bay RWQCB (as appropriate) before initiation of construction activities. Deed restrictions, if appropriate, shall be recorded. If temporary dewatering is required during construction or if permanent dewatering is required for subterranean features, the City shall not issue an improvement permit or building permit until documentation has been provided to the City that the San Francisco Bay RWQCB has approved the discharge to the sewer. Discharge of any groundwater removed from a construction site within the adopted Specific Plan and to the El Camino Storm Drain Channel, Calabazas Creek, or storm drain shall be subject to Water Pollution Control Permit requirements.

If the Phase I ESA determines there are no Recognized Environmental Conditions (RECs), no further action is required. However, the City shall ensure any grading or improvement plan or building permit includes a statement if hazardous materials contamination is discovered or suspected during construction activity, all work shall stop immediately until a qualified professional has determined an appropriate course of action.

Finding

The City Council finds that the above mitigation measure is feasible and that it would reduce the potential hazardous materials impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The project would implement Mitigation Measure HAZ-1, which requires site-specific testing for hazardous materials, along with a certified Phase I Environmental Site Assessment (ESA), to determine the presence of toxic substances. A Phase II ESA may also be required depending on the results of the Phase I ESA. Additionally, future implementing projects would be required to comply with federal, State, and local policies regarding the handling and disposal of hazardous materials. With Mitigation Measure HAZ-1, implementation of the project would not result in a significant effect. (DEIR page 3.8-16)

Impact 3.8.5: Located Within 2 Miles of a Public or Public Use Airport

The Specific Plan Area is not within 2 miles of a public or private airport. The nearest airport to the Specific Plan Area is Moffett Federal Airfield located approximately 2.5 miles to the north. While a short segment of the western portion of El Camino Real is included in the Moffett Federal Airfield AIA, the plan area is not located within the noise, safety, or height restriction zones delineated in the Comprehensive Land Use Plan (CLUP) for Moffett Federal Airfield and has no heliports listed by the Federal Aviation Administration (FAA). However, future development projects in the Specific Plan Area that fall within the AIA boundaries would require review by FAA and the ALUC.

The CLUP focuses on the three areas of ALUC's responsibility: (1) aircraft noise, (2) the safety of persons on the ground and in aircraft, and (3) the control of objects in navigable airspace. Federal Aviation Regulation (FAR) Part 77 of the FAA establishes imaginary surfaces for Moffett Federal Airfield and its runways as a means to identify objects that are obstructions to air navigation (see Table 3.9-1 of the DEIR). Future development under the proposed project can introduce potential sources of hazards to airfield operations with equipment or structures that exceed FAR Part 77 surfaces. FAA issuance of a "Determination of No Hazard" for future development exceeding FAR Part 77 surfaces, and compliance with any conditions set forth by the FAA in its determinations, would ensure the future development would not be a potential aviation hazard.

With the implementation of Mitigation Measures HAZ-2 and HAZ-3, future development projects in the Specific Plan Area that are within the AIA boundaries would not result in a significant safety hazard to airport operations by obtaining a "Determination of No Hazard" or "Determination of No Hazard with Conditions" (and complying with any conditions set forth by the FAA in its determination) to ensure the development (including construction equipment) would not result in an aviation hazard. Impacts would be reduced to a less than significant level.

Mitigation Measures

Mitigation Measure HAZ-2

Prior to the issuance of a building permit for above ground construction of future projects in the Specific Plan Area, if proposed structures exceed the FAA Part 77 Surface, the project applicant shall submit an FAA Form 7460-1 for the permanent structure prior to submittal for the temporary construction equipment (outlined in Mitigation Measure HAZ-3 below). A "Determination of No Hazard" or "Determination of No Hazard with Conditions" shall be obtained prior to permit issuance for any above ground improvements. If a "Determination of No Hazard with Conditions" is issued, the conditions shall be included on the approved plan set and implemented.

Mitigation Measure HAZ-3

Prior to the issuance of a building permit, if construction equipment has the potential to exceed the FAA Part 77 Surface, the project applicant shall submit an FAA Form 7460-1, "Notice of Proposed Construction or Alteration" to the FAA at least 45 days (60 to 90 days recommended) prior to construction of the project, which shall specify the equipment type (e.g., crane) and duration to be used. An Aeronautical Study Number for the permanent structure shall be included in the submittal form. A "Determination of No Hazard" or "Determination of No Hazard with Conditions" shall be obtained prior to permit issuance for above ground activities. If a "Determination of No Hazard with Conditions" is issued, all conditions shall be included on the approved plan set and implemented.

Finding

The City Council finds that the above mitigation measures are feasible and that they would reduce the potential hazardous materials impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

With the implementation of Mitigation Measures HAZ-2 and HAZ-3, future development projects in the Specific Plan Area that are within the AIA boundaries would not result in a significant safety hazard to airport operations by obtaining a "Determination of No Hazard" or "Determination of No Hazard with Conditions" (and complying with any conditions set forth by the FAA in its determination) to ensure the development (including construction equipment) would not result in an aviation hazard. With Mitigation Measures HAZ-2 and HAZ-3, implementation of the project would not result in a significant effect. (DEIR page 3.8-18)

8.6 SECTION 3.11: NOISE

Impact 3.11.1: Increase in Ambient Noise Levels in Excess of Standards Established in the Local General Plan or Noise Ordinance

During project construction, exterior noise levels could affect the nearest existing sensitive receivers in the vicinity. The nearest sensitive receptors include residences to the north, south, and west of the Specific Plan Area. The City of Sunnyvale does not establish quantitative noise limits for demolition or construction activities occurring in the City. Construction noise levels would be reduced through implementation of Mitigation Measure NOI-1, which would require construction best management practices (BMPs) for projects subject to CEQA review (i.e., non-exempt projects). Specifically, Mitigation Measure NOI-1 would require all construction equipment to be equipped with properly operating and maintained mufflers, locate stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receptors, locate equipment staging in areas furthest away from sensitive receptors, and limit haul truck deliveries to the same hours specified by SMC Chapter 16.08 for construction equipment (between the hours of 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). Therefore, compliance and/or adherence to the SMC and Mitigation Measure NOI-1 would reduce short-term construction noise impacts to less than significant levels.

The DEIR determined that operational noise resulting from project implementation would not exceed standards and a less than significant impact would occur with mitigation incorporated.

Mitigation Measures

Mitigation Measure NOI-1

For projects that are subject to California Environmental Quality Act (CEQA) review (i.e., non-exempt projects), project applicants shall ensure through contract specifications that construction best management practices (BMPs) will be implemented by all project contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Community Development Department prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:

1. Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.
2. Place noise-generating construction equipment and construction staging areas away from sensitive uses.
3. Construction activities shall occur between the hours of between the hours of 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, pursuant to Sunnyvale Municipal Code Chapter 16.08.

4. Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
5. Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
6. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.
7. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 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). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.
8. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Department.

Finding

The City Council finds that the above mitigation measures are feasible and that they would reduce the potential noise impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Specific Plan Area would be subject to Mitigation Measure NOI-1, which requires all subsequent projects in the project area to ensure through contract specifications that construction best management practices (BMPs) will be implemented by all project contractors to reduce construction noise levels. Upon implementation of Mitigation Measure NOI-1, noise impacts would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (DEIR page 3.11-13)

Impact 3.11.2: Generation of Excessive Groundborne Vibration or Groundborne Noise Levels

Ground-borne vibration generated during construction activities would primarily impact existing structures that are located adjacent to or within the vicinity of future Specific Plan development. Based upon the information provided in Table 3.11-7 of the DEIR, vibration levels could reach up to 0.210 inch/second peak particle velocity (PPV) for typical construction activities (and up to 1.518 inch/second PPV if pile driving activities were to occur) at structures located within 25 feet of construction. For structures that are located at or within 25 feet of potential project construction sites, structures at these locations may experience vibration levels during construction activities that exceed the Caltrans vibration impact threshold of 0.2 inch/second PPV; refer to Table 3.11-2 of the DEIR. Therefore, implementation of Mitigation Measure NOI-2 would be required. Pursuant to Mitigation Measure NOI-2, should construction activities requiring operation of groundborne vibration generating equipment take place within 25 feet of a structure, a project-specific vibration impact analysis shall be conducted. In addition, the 0.2 inch/second Caltrans vibration impact threshold would be exceeded within 100 feet of impact pile driving activities and within 60 feet of sonic pile driving activities. Therefore, Mitigation Measure NOI-3 would be required to prohibit impact and sonic pile driving within 100 and 60 feet, respectively, of buildings and instead utilize alternative installation methods. With implementation of Mitigation Measures NOI-2 and NOI-3, construction vibration levels would not exceed 0.2 inch/second PPV. Therefore, the human annoyance threshold criteria (i.e., 0.2 inch/second PPV) would not be exceeded. Short-term vibration impacts would be less than significant with implementation of Mitigation Measures NOI-2 and NOI-3.

Operation of the proposed residential and commercial land uses would not generate high levels of groundborne vibration. Occasional large truck movements may occur in conjunction with transport of materials to the project site. However, large truck movements would generate minor levels of vibration for very short time periods. Therefore, impacts associated with operational groundborne vibration would be less than significant.

Mitigation Measures

Mitigation Measure NOI-2

Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of a structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.

Mitigation Measure NOI-3

Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) which require impact pile driving activities within 100 feet of buildings and/or sonic pile driving activities within 60 feet of buildings shall implement the below measures to reduce the potential for architectural/structural damage resulting from elevated groundborne vibration levels. Contractors shall demonstrate, to the satisfaction of the City Engineer and prior to issuance of a grading permit, that pile driving activities would not exceed the California Department of Transportation (Caltrans) vibration threshold (i.e., 0.2 inch/second PPV) prior to initiation of construction.

- Impact pile driving within 100 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, cast-in-place systems, and resonance-free (i.e., sonic) vibratory pile drivers.
- Sonic pile driving activities within 60 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, and cast-in-place systems.

Finding

The City Council finds that the above mitigation measures are feasible and that they would reduce the potential vibration impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Specific Plan Area would be subject to Mitigation Measures NOI-2 and NOI-3. Pursuant to Mitigation Measure NOI-2, should construction activities requiring operation of groundborne vibration generating equipment take place within 25 feet of a structure, a project-specific vibration impact analysis shall be conducted. In addition, the 0.2 inch/second Caltrans vibration impact threshold would be exceeded within 100 feet of impact pile driving activities and within 60 feet of sonic pile driving activities. Therefore, Mitigation Measure NOI-3 would be required to prohibit impact and sonic pile driving within 100 and 60 feet, respectively, of buildings and instead utilize alternative installation methods. Upon implementation of Mitigation Measures NOI-2 and NOI-3, vibration impacts would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (DEIR page 3.11-19)

8.7 SECTION 3.15: TRANSPORTATION

Impact 3.15.1: Conflict or be Inconsistent With CEQA Guidelines Section 15064.3, Subdivision (b)

The Sunnyvale City Council adopted Council Policy 1.2.8, "Transportation Analysis Policy," on June 30, 2020; thus, establishing vehicle miles traveled (VMT) as the primary threshold of significance for analysis of transportation impacts under CEQA. Council Policy 1.2.8 requires that a project meet the following criteria to presume a less than significant VMT impact for a project based on proximity to a major transit stop or high-quality transit corridor:

- Support the multimodal transportation network by facilitating access to multimodal transportation with improved pedestrian facilities, bike lanes, transit stops; does not harm or hinder access to multimodal transportation.
- Does not exceed maximum parking requirements or propose higher than what is allowed per the development standards;
- Is transit-oriented in design:
 - a. has a walkable design that prioritizes pedestrians;
 - b. is sustainable, and compact;
 - c. facilitates ease of bicycle use;
 - d. is focused or centered around transit; and
- Redevelopment of a site which provides at least as many affordable units as previously existed.

As described in State CEQA Guidelines Section 15064.3(b)(2), transportation projects that reduce, or have no impact on, VMT should be presumed to cause a less than significant transportation impact. Additionally, as detailed in Council Policy 1.2.8 above, multimodal improvements that promote walking, bicycling, and transit generally reduce VMT, and thus, are presumed to cause a less than significant impact on transportation. Therefore, because the transportation improvements included in the Specific Plan were developed to enhance transit, pedestrian, and bicycle facilities and connectivity in the project area, they would not result in a substantial or measurable increase in VMT. Additionally, the proposed intersection improvements provided in the project's *Transportation Impact Analysis* prepared by Hexagon Transportation Consultants (2020) would serve to improve access to the Sunnyvale Caltrain Station and the Lawrence Caltrain Station, improve multimodal safety, and enhance the overall transit-oriented nature of the project area. Therefore, as detailed in Council Policy 1.2.8, these types of roadway improvements would not result in a substantial or measurable increase in VMT.

While the Specific Plan currently proposes land uses consistent with the City VMT Policy, it is recognized that over the extended implementation period of the Specific Plan, implementing projects could potentially fail to meet the density requirements for a Transit Supportive Project as defined by Council Policy 1.2.8 relative to floor area ratio and/or dwelling units per acre. Accordingly, Mitigation Measure TRA-1 requires that in the event that a proposed development does not meet the floor area ratio and/or dwelling unit per acre requirements outlined in Council Policy 1.2.8, the project will be required to prepare a project specific VMT analyses to confirm that the proposed development would not result in a potential increase in VMT. Therefore, implementation of the project would result in a less than significant with mitigation impact relative to VMT.

Mitigation Measures

Mitigation Measure TRA-1

Prior to Planning Permit Completeness, the City of Sunnyvale shall review site-specific development within the El Camino Real Specific Plan area for consistency with the floor area ratio and/or dwelling units per acre requirements specified in the City's Transportation Analysis Policy (referred to as "Council Policy 1.2.8"). In the event that a proposed development does not meet the floor area ratio and/or dwelling units per acre requirements or the required threshold specified in Council Policy 1.2.8, a project-specific vehicle miles

travelled (VMT) analysis shall be conducted to evaluate and disclose transportation-related environmental impacts and identify measures to avoid and minimize VMT impacts. If the VMT analysis determines the potential for an increase in VMT that cannot be mitigated, a subsequent environmental analysis shall be prepared.

Finding

The City Council finds that the above mitigation measure is feasible and that it would reduce the potential transportation impacts project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Specific Plan Area would be subject to Mitigation Measure TRA-1, which requires that, in the event that a proposed development does not meet the floor area ratio and/or dwelling unit per acre requirements outlined in Council Policy 1.2.8, all subsequent projects in the project area will be required to prepare a project specific VMT analyses to confirm that the proposed development would not result in a potential increase in VMT. Upon implementation of Mitigation Measure TRA-1, VMT impacts would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (DEIR page 3.15.12)

Impact 3.15.7: Result in a Temporary but Prolonged Construction-Related Impact to Transportation Facilities

Future implementing project construction would occur adjacent to and within the public roadway right-of-way; thus, it would likely require temporary road, lane, bicycle lane, and sidewalk closures and could result in unexpected slowing of vehicular traffic if not properly planned and managed. Therefore, the project could result in a potentially significant construction-related transportation impact. Therefore, mitigation would reduce potentially significant impacts. As provided for in Mitigation Measure TRA-2 below, a temporary traffic control (TTC) plan will be required by the City and the City would determine the construction truck routes. The duration of construction, number of trucks, truck routing, number of employees, truck idling, lane closures, and a variety of other construction-related activities are unknown at this time, however, they would be determined upon development of the construction management plan. With implementation of Mitigation Measure TRA-2, construction impacts would be reduced to a less than significant level.

Mitigation Measures

Mitigation Measure TRA-2

Before construction or issuance of building permits, the developer or the construction contractor for the project shall prepare a temporary traffic control plan (TTC) to the satisfaction of the City of Sunnyvale Division of Transportation and Traffic and subject to review by all affected agencies. The TTC shall include all information required on the City of Sunnyvale TTC Checklist and conform to the TTC Guidelines of the City of Sunnyvale. At a minimum, the plan shall include the following elements:

- ▶ provide vicinity map including all streets within the work zone properly labeled with names, posted speed limits and north arrow;
- ▶ provide existing roadway lane and bike lane configuration and sidewalks where applicable including dimensions;
- ▶ description of proposed work zone;
- ▶ description of detours and/or lane closures (pedestrians, bicyclists, vehicular);
- ▶ description of no parking zone or parking restrictions;
- ▶ provide appropriate tapers and lengths, signs, and spacing;
- ▶ provide appropriate channelization devices and spacing;

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

Finding

The City Council finds that the above mitigation measure is feasible and that it would reduce the potential construction traffic impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Mitigation Measure TRA-2 would require the developer or the construction contractor of the project to prepare and implement a TTC that is consistent with the most recent 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 TRA-2 would reduce the temporary impact. Additionally, construction traffic impacts would be localized and temporary. (DEIR page 3.15-17)

8.8 CUMULATIVE IMPACTS

Impact 3.3.3: Contribute to Cumulative Impacts to Biological Resources

Development of cumulative projects could result in direct take of special-status species, construction and post-construction disturbances, and/or special-status habitat conversion. Like the proposed project, future cumulative development would be subject to compliance with the City's policy to continue to evaluate and ensure mitigation of potential biological impacts of future development and redevelopment projects in a manner consistent with applicable local, State, and federal laws and regulations (Policy LT-1.10e). As such, all future cumulative development would undergo environmental review on a project-by-project basis, to evaluate potential impacts to biological resources and ensure compliance with the established regulatory framework. Cumulative impacts to biological resources within the City and surrounding areas would be mitigated on a project-by-project basis in this regard.

As concluded in Impact 3.3.1, no special-status plants were identified within the Specific Plan Area. However, American peregrine falcon and burrowing owl have a low potential to occur within the Specific Plan Area. Upon implementation of Mitigation Measure BIO-1, which would ensure a preconstruction clearance survey is conducted by a qualified biologist for nesting birds and burrowing owl, impacts to potential special-status wildlife species would be reduced to

less than significant levels. Therefore, cumulatively considerable impacts to special-status species or habitat would be less than significant with mitigation incorporated.

Mitigation Measures

Implement Mitigation Measure BIO-1.

The reader is referred to Impact 3.3-1, above, for a complete description of this mitigation measure.

Finding

The City Council finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative biological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Specific Plan Area would be subject to Mitigation Measure BIO-1, which would ensure a pre-construction clearance survey is conducted by a qualified biologist for nesting birds and burrowing owl should future construction activities be initiated during the nesting season. Upon implementation of Mitigation Measure BIO-1, impacts to potential special-status wildlife species would be reduced to less than significant levels. Therefore, this impact would be reduced to a less than cumulatively considerable level. (DEIR page 3.3-18)

Impact 3.4.5: Contribute to Cumulative Impacts to Cultural and Tribal Cultural Resources

Future cumulative projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to site-specific historical, archaeological, and/or tribal cultural resources. Related projects would be required to adhere to State and federal regulations, as well as project-specific mitigation measures.

As discussed under Impacts 3.4.1 through 3.4.4, project-related impacts to historical, archeological, and tribal cultural resources have been determined to be less than significant with implementation of Mitigation Measures CUL-1, CUL-2, CUL-3, and existing regulations and policies. Thus, cumulative impacts to historical, archaeological, and tribal cultural resources would be less than significant with mitigation incorporated.

Mitigation Measures

Implement Mitigation Measures CUL-1, CUL-2, and CUL-3.

The reader is referred to Impacts 3.4-1 and 3.4-2, above, for a complete description of these mitigation measures.

Finding

The City Council finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative cultural and tribal cultural resources impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Specific Plan Area would be subject to Mitigation Measures CUL-1, which requires all future development to conduct site-specific historic resources evaluations, and CUL-2, which requires preparation of a site-specific Construction Protection Plan (CPP) for projects which propose pile driving activities within 50 feet of designated historic resources located within the Taaffe-Frances Heritage Neighborhood. Upon implementation of Mitigation Measures CUL-1 and CUL-2, impacts to potential cultural resources would be reduced to less than significant levels. Therefore, this impact would be reduced to a less than cumulatively considerable level. (DEIR page 3.4-13)

All projects within the Specific Plan Area would also be subject to Mitigation Measure CUL-3, which requires all subsequent projects in the project area to include information on improvement plans to protect cultural resources discovered during groundwork. Upon implementation of Mitigation Measure CUL-3, impacts to potential cultural resources would be reduced to less than significant levels. Therefore, this impact would be reduced to a less than cumulatively considerable level. (DEIR page 3.4-14)

Impact 3.8.8: Contribute to Cumulative Impacts Related to Hazards and Hazardous Materials

All projects undertaken in the city require compliance with local, State, and federal hazardous materials regulations. Therefore, compliance with existing federal, State, and local regulations regarding the handling, transport, and disposal of hazardous materials, in addition to site-specific hazardous materials analysis by future development projects in the Specific Plan Area, would minimize potential risks associated with accidental exposure to hazardous materials and reduce impacts to schools within one-quarter mile of future project sites, as well as on emergency response or evacuation routes during construction of future projects.

Future development projects within the Specific Plan Area would implement Mitigation Measure HAZ-1, which requires site-specific testing for hazardous materials, along with a certified Phase I Environmental Site Assessment (ESA), to determine the presence of toxic substances. A Phase II ESA may also be required depending on the results of the Phase I ESA. Additionally, future implementing projects would be required to comply with federal, State, and local policies regarding the handling and disposal of hazardous materials.

In addition, future development projects that fall within the AIA boundaries would require review by FAA and the ALUC. With the implementation of Mitigation Measures HAZ-2 and HAZ-3, future development projects in the Specific Plan Area that are within the AIA boundaries would not result in a significant safety hazard to airport operations by obtaining a "Determination of No Hazard" or "Determination of No Hazard with Conditions" (and complying with any conditions set forth by the FAA in its determination) to ensure the development (including construction equipment) would not result in an aviation hazard. Other future development projects would be held to similar requirements to reduce potentially significant impacts relative to airport hazards.

Therefore, this impact would be reduced to a less than cumulatively considerable level.

Mitigation Measures

Implement Mitigation Measures HAZ-1, HAZ-2, and HAZ-3.

The reader is referred to Impacts 3.8.4 and 3.8.5, above, for a complete description of these mitigation measures.

Finding

The City Council finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative hazardous materials impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The project would implement Mitigation Measure HAZ-1, which requires site-specific testing for hazardous materials, along with a certified Phase I Environmental Site Assessment (ESA), to determine the presence of toxic substances. A Phase II ESA may also be required depending on the results of the Phase I ESA. Additionally, future implementing projects would be required to comply with federal, State, and local policies regarding the handling and disposal of hazardous materials. Therefore, this impact would be reduced to a less than cumulatively considerable level. (DEIR page 3.8-16)

The project would also implement Mitigation Measures HAZ-2 and HAZ-3, which require future projects to obtain a "Determination of No Hazard" or "Determination of No Hazard with Conditions" (and complying with any conditions set forth by the FAA in its determination) to ensure the development (including construction equipment) would not result in

an aviation hazard. Therefore, this impact would be reduced to a less than cumulatively considerable level. (DEIR pages 3.8-18)

Impact 4-19: Contribute to Cumulative Transportation Impacts

As discussed in the DEIR, while the Specific Plan currently proposes land uses consistent with the City VMT Policy, it is recognized that over the extended implementation period of the Specific Plan, implementing projects could potentially fail to meet the density requirements for a Transit Supportive Project as defined by Council Policy 1.2.8 relative to floor area ratio and/or dwelling units per acre. Accordingly, Mitigation Measure TRA-1 requires that in the event that a proposed development does not meet the floor area ratio and/or dwelling unit per acre requirements outlined in Council Policy 1.2.8, the project will be required to prepare a project specific VMT analyses to confirm that the proposed development would not result in a potential increase in VMT. Therefore, with the implementation of Mitigation Measure TRA-1, the project's contribution to cumulative impacts would be less than cumulatively considerable.

In addition, as discussed in the DEIR, construction of the project could potentially result in temporary but prolonged transportation impacts, including, but not limited to, road, lane, bicycle lane, and sidewalk closures. Therefore, the project could result in a significant transportation impact. If construction of the project were to occur simultaneously with one or more nearby projects, the construction-related transportation impacts of these projects may combine to exacerbate construction-related transportation impacts from the project and create a significant cumulative impact. Implementation of Mitigation Measure TRA-2 would require that a temporary traffic control plan be completed and implemented for the project. Implementation of Mitigation Measure TRA-2 would reduce the temporary impact to the degree feasible. Additionally, construction traffic impacts would be localized and temporary. As a result, with the implementation of Mitigation Measure TRA-2, the project's contribution to cumulative impacts would be less than cumulatively considerable.

Mitigation Measures

Implement Mitigation Measures TRA-1 and TRA-2.

The reader is referred to Impacts 3.15.1 and 3.15.7, above, for a complete description of these mitigation measures.

Finding

The City Council finds that the above mitigation measures are feasible and that they would reduce the contribution to cumulative transportation impacts of the project to a less than significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Specific Plan Area would be subject to Mitigation Measure TRA-1, which requires that, in the event that a proposed development does not meet the floor area ratio and/or dwelling unit per acre requirements outlined in Council Policy 1.2.8, all subsequent projects in the project area will be required to prepare a project specific VMT analyses to confirm that the proposed development would not result in a potential increase in VMT. Upon implementation of Mitigation Measure TRA-1, VMT impacts would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (DEIR page 3.15-12)

Implementation of Mitigation Measure TRA-2 would require the developer or the construction contractor of the project to prepare and implement a TTC that is consistent with the most recent 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 TRA-2 would reduce the temporary impact and offset the project's contribution to this cumulative impact. Additionally, construction traffic impacts would be localized and temporary. (DEIR page 3.15-17)

9 FINDINGS REGARDING IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

This section identifies the significant and unavoidable impacts that require a statement of overriding considerations to be issued by the City Council, pursuant to Section 15093 of the CEQA Guidelines, if the proposed project is approved.

Based on the analysis contained in the EIR, project implementation has the potential to generate a significant and unavoidable impacts associated with air quality (Individual and Cumulative Construction-Related Air Quality Emissions) and utilities and service systems (Cumulative Demand for Utility Services and Associated Infrastructure).

9.1 SECTION 3.2: AIR QUALITY

Impact 3.2.2: Cumulatively Considerable Net Increase of any Criteria Pollutant for Which the Project Region is Non-attainment Under an Applicable Federal or State Ambient Air Quality Standard During Construction

Quantifying the air quality pollutant emissions from future, short-term, temporary construction activities allowed under the proposed Specific Plan Area is not possible due to project-level variability and uncertainties related to future individual projects in terms of detailed site plans, construction schedules, equipment requirements, etc., which are not currently determined. However, depending on how development proceeds, construction-generated emissions associated with the Specific Plan Area could potentially exceed BAAQMD thresholds of significance. Therefore, future project-level analyses of air quality impacts may be conducted on a case-by-case basis as individual, future development projects allowed under the Specific Plan proceed. The BAAQMD has promulgated methodology protocols for the preparation of air quality analyses. For instance, the BAAQMD has adopted thresholds of significance depicting the approximate level of construction-generated emissions that would result in a potentially significant impact (i.e., violation of an ambient air quality standard) for each pollutant of concern in the San Francisco Bay Area Air Basin (SFBAAB). The significance criteria established by the BAAQMD may be relied upon to make a determination of impact significance level. In addition, the BAAQMD recommends appropriate emissions modeling input parameters for the SFBAAB in addition to other recommended procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements.

Projects estimated to exceed BAAQMD significance thresholds are required to implement mitigation measures in order to reduce air pollutant emissions as much as feasible. Such measures could include the requirement that all construction equipment employ the use of the most efficient diesel engines available, which are able to reduce NOX, PM10, and PM2.5 emissions by 60 to 90 percent (e.g., EPA-classified Tier 3 and/or Tier 4 engines), and/or that construction equipment be equipped with diesel particulate filters. Furthermore, all development projects in the SFBAAB are subject to BAAQMD rules and regulations adopted to reduce air pollutant emissions. For example, BAAQMD Regulation 8, Rule 3: Architectural Coatings, limits the quantity of volatile organic compounds in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the district. Regulation 8, Rule 15 Emulsified and Liquid Asphalts, limits the emissions of volatile organic compounds caused by the use of emulsified and liquid asphalt in paving materials and paving and maintenance operations.

The quantification of air quality emissions from short-term, temporary construction activities associated with the proposed Specific Plan Area is not possible due to project-level variability and uncertainties related to future individual projects in terms of market conditions of development, detailed site plans, construction schedules, equipment requirements, etc. However, all construction projects can produce O3 precursors and nuisance dust emissions. Therefore, future project-level analyses of air quality impacts, in accordance with CEQA requirements, would be required to be conducted on a case-by-case basis as individual, future development projects allowed in the proposed Specific Plan Area proceed. While the BAAQMD has promulgated methodology protocols for the preparation of air quality analyses, and future development projects allowed under the Specific Plan that are projected to exceed BAAQMD significance thresholds are required to implement mitigation measures in order to

reduce air pollutant emissions as much as feasible, BAAQMD significance thresholds may still be exceeded during project construction. Since it cannot be guaranteed that construction of future projects allowed under the Specific Plan would generate air pollutant emissions below BAAQMD significance thresholds due to the programmatic and conceptual nature of the proposed project and uncertainties related to future individual projects, this is considered a significant impact. Impacts associated with project construction emissions would be reduced through implementation of Mitigation Measures AQ-1 and AQ-2. Mitigation Measure AQ-1 would require the project to implement BAAQMD's basic construction mitigation measures. Mitigation Measure AQ-2 would require CARB Tier 3 or better engine standards for construction projects which exceed BAAQMD significance thresholds. Although Mitigation Measures AQ-1 and AQ-2 would reduce construction-generated air pollutants, impacts would remain significant and unavoidable.

Mitigation Measures

Mitigation Measure AQ-1

Prior to the issuance of grading or building permits, the City of Sunnyvale shall ensure that the Bay Area Air Quality Management District's (BAAQMD) basic construction mitigation measures from Table 8-2 of the BAAQMD 2017 CEQA Air Quality Guidelines (or subsequent updates) are noted on the construction documents. These basic construction mitigation measures include the following:

- 1) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- 2) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 3) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- 4) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- 5) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- 6) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points
- 7) All construction equipment shall be maintained and properly tuned 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.
- 8) A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure AQ-2

In the cases where construction projects are projected to exceed the Bay Area Air Quality Management District's air pollutant significance thresholds for NOX, PM10, and/or PM2.5, all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, and tractors) shall be at least California Air Resources Board (CARB) Tier 3 Certified or better.

Finding

The City Council finds that feasible mitigation measures would not reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Implementation of adopted Mitigation Measure AQ-1 and AQ-2 is required. However, quantifying the air quality pollutant emissions from future, short-term, temporary construction activities allowed under the proposed Specific Plan Area is not possible due to project-level variability and uncertainties related to future individual projects in terms of detailed site plans, construction schedules, equipment requirements, etc., which are not currently determined. However, depending on how development proceeds, construction-generated emissions associated with the Specific Plan Area could potentially exceed BAAQMD thresholds of significance. Therefore, future project-level analyses of air quality impacts may be conducted on a case-by-case basis as individual, future development projects allowed under the Specific Plan proceed. The BAAQMD has promulgated methodology protocols for the preparation of air quality analyses. For instance, the BAAQMD has adopted thresholds of significance depicting the approximate level of construction-generated emissions that would result in a potentially significant impact (i.e., violation of an ambient air quality standard) for each pollutant of concern in the SFBAAB. The significance criteria established by the BAAQMD may be relied upon to make a determination of impact significance level. In addition, the BAAQMD recommends appropriate emissions modeling input parameters for the SFBAAB in addition to other recommended procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements. Therefore, even with the implementation of adopted Mitigation Measures AQ-1 and AQ-2, the project would result in a cumulatively considerable and significant and unavoidable impact. (DEIR page 3.2-23)

9.2 CUMULATIVE IMPACTS

Impact 3.2.8: Contribute to Cumulative Impacts Related to a Net Increase in Non-attainment Criteria Pollutants

The cumulative setting for air quality includes Sunnyvale and the SFBAAB. The SFBAAB is designated as a nonattainment area related to the State standards for O₃, PM₁₀, and PM_{2.5} in addition to federal O₃ and PM_{2.5} standards. The SFBAAB is designated as being unclassified and/or attainment for all other pollutants.

Impact 3.2.2 of the DEIR determined that buildout of the Specific Plan, in combination with cumulative development in the SFBAAB, would result in a cumulatively considerable net increase of criteria air pollutants for which the air basin is designated nonattainment during construction. Although the DEIR required implementation of adopted Mitigation Measures AQ-1 and AQ-2 (i.e., measures to reduce construction-generated air pollutants from development under the project), it could not be guaranteed that construction of subsequent projects allowed under the Specific Plan would generate air pollutant emissions below BAAQMD significance thresholds due to the programmatic and conceptual nature of the proposed project and uncertainties related to future subsequent projects. Therefore, the impact would be cumulatively considerable and significant and unavoidable.

The specific construction activities under future individual projects proposed under the Specific Plan are currently unknown, so it is impossible to determine whether the mitigation measures would fully mitigate this temporary impact below BAAQMD thresholds. In addition, implementation of the project would result in project-generated emissions of ROG, NO_x, PM₁₀, and PM_{2.5} from construction phase activity, material and equipment delivery trips, worker commute trips, and other miscellaneous activities (e.g., application of architectural coatings).

Therefore, although Mitigation Measures AQ-1 and AQ-2 would reduce construction-generated air pollutants, because the project would contribute to the potential cumulative impact related to criteria pollutant emissions during construction, the project would be cumulatively considerable and significant and unavoidable.

Mitigation Measures

Although Mitigation Measures AQ-1 and AQ-2 would reduce construction-generated air pollutants, the project would be cumulatively considerable and significant and unavoidable. No other known mitigation is available to address this cumulative impact.

Finding

The City Council finds that there are no feasible mitigation measures that would reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Implementation of adopted Mitigation Measure AQ-1 and AQ-2 is required. However, quantifying the air quality pollutant emissions from future, short-term, temporary construction activities allowed under the proposed Specific Plan Area is not possible due to project-level variability and uncertainties related to future individual projects in terms of detailed site plans, construction schedules, equipment requirements, etc., which are not currently determined. However, depending on how development proceeds, construction-generated emissions associated with the Specific Plan Area could potentially exceed BAAQMD thresholds of significance. Therefore, future project-level analyses of air quality impacts may be conducted on a case-by-case basis as individual, future development projects allowed under the Specific Plan proceed. The BAAQMD has promulgated methodology protocols for the preparation of air quality analyses. For instance, the BAAQMD has adopted thresholds of significance depicting the approximate level of construction-generated emissions that would result in a potentially significant impact (i.e., violation of an ambient air quality standard) for each pollutant of concern in the SFBAAB. The significance criteria established by the BAAQMD may be relied upon to make a determination of impact significance level. In addition, the BAAQMD recommends appropriate emissions modeling input parameters for the SFBAAB in addition to other recommended procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements.

Therefore, even with the implementation of adopted Mitigation Measures AQ-1 and AQ-2, the project would result in a cumulatively considerable and significant and unavoidable impact. (DEIR page 3.2-34)

Impact 3.16.6: Contribute to Cumulative Impacts on Wastewater Services

Because wastewater services are provided by the City, the cumulative setting for wastewater services includes full buildout of Sunnyvale, which is expected to occur in 2035. It also includes the Rancho Rinconada area in Cupertino and a portion of Moffett Field/NASA Ames. As identified under subsection 3.16.1, *Existing Setting*, of the DEIR, additional wastewater treatment and infrastructure capacity improvements would be needed to serve future development in the City. Implementation of the Specific Plan would increase the allowable development potential within the project area. An increase in housing units and non-residential development would equate to an increase in wastewater that would be conveyed to City facilities for treatment. The projected wastewater flows for the WPCP in 2035 is 19.5 mgd of average dry weather flow (ADWF). Projected flows were based on historic and existing flow data and population and growth assumptions in the City's LUTE. The WPCP's future planned, permitted capacity (19.5 mgd of ADWF) is equivalent to the projected 2035 ADWF (19.5 mgd). Therefore, there would not be sufficient planned capacity at the WPCP to treat wastewater for existing and planned development, as well as buildout of the Specific Plan. Since the approval of the City's LUTE in 2017, multiple large-scale planning projects have been adopted or are in-process, including the Lawrence Station Area Plan, Moffett Park Specific Plan, the Downtown Specific Plan, and the El Camino Real Specific Plan. Each of these plans change the makeup of the City's land uses, and as such changes the amount of anticipated future capacity required at the City's WPCP. In response to these planning efforts, the City has identified the need for potential increased long-term capacity at the WPCP. As of the preparation of this EIR, the City is evaluating the amount of capacity needed, given approved and in-process land use planning efforts. Ultimately, the City will be updating the WPCP Master Plan to include sufficient treatment capacity for existing and planned development and additional growth, and subsequent environmental review for the WPCP Master Plan update shall be completed by the City at that time. The specific design and improvements needed are unknown at this time. Therefore, it is speculative to evaluate the environmental impacts of those undetermined improvements at this time. Thus, the project's contribution to this impact would be cumulatively considerable and significant and unavoidable.

Mitigation Measures

No mitigation is available to address this cumulative impact.

Finding

The City Council finds that there are no feasible mitigation measures that would reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

As discussed above, the planned capacity at the WPCP would not be sufficient to treat wastewater for existing and planned development and buildout of the Specific Plan. The City will be updating the WPCP Master Plan in the near future to include sufficient treatment capacity for existing and planned development and additional growth, including the proposed project, and subsequent environmental review for the WPCP Master Plan update shall be completed by the City. The specific design and improvements needed are unknown at this time. Therefore, it is speculative to evaluate the environmental impacts of those undetermined improvements at this time. Because there would not be sufficient planned capacity at the WPCP to treat wastewater for existing and planned development plus the project, the cumulative impact on wastewater treatment would be cumulatively considerable and significant and unavoidable. (DEIR page 3.16-31)

10 FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” The Final EIR identified and considered the following reasonable range of feasible alternatives to the proposed project; these alternatives would be capable, to varying degrees, of reducing identified impacts:

- ▶ Alternative 1: No Project Alternative
- ▶ Alternative C: Commercial Focus Alternative
- ▶ Alternative M: Mixed-Use Focus Alternative
- ▶ Alternative R: Residential Focus Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the proposed project identified in the Final EIR, as well as for their ability to meet the basic objectives of the proposed project as described in the Final EIR.

10.1 NO PROJECT ALTERNATIVE

DESCRIPTION

CEQA Guidelines Section 15126.6(e)(1) requires that the “no project” alternative be described and analyzed “to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project.” The no project analysis is required to discuss “the existing conditions at the time the notice of preparation is published...as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (Section 15126.6[e][2]). The CEQA Guidelines continue:

If the project is...a development project on identifiable property, the no project alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which

would occur if the project were approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed. In certain instances, the no project alternative means "no build" wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment. (Section 15126.6[e][3][B])

Under Alternative 1, the No Project Alternative, no actions would be taken and the Specific Plan would not be adopted. In the absence of the Specific Plan, the project area would continue to be governed by existing zoning and General Plan designations. Development in the project area would be expected to occur, consistent with the Land Use and Transportation Element (LUTE) that was adopted in 2017. With implementation of the LUTE, the El Camino Real corridor would support new and retain existing community and regional retail uses and accommodate residential uses in several areas along the corridor, including up to 4,200 additional housing units (over existing levels) consisting primarily of mixed-use commercial and residential projects and higher-density apartments. This growth would be consistent with the policies in the approved 2007 Precise Plan for El Camino Real. When comparing Alternative 1 (No Project Alternative) to the proposed project, Alternative 1 would result in 220,000 more square feet of commercial uses but 2,700 fewer residential than the proposed project.

FINDING

Implementation of this alternative would reduce all identified significant impacts of the project. However, the No Project Alternative would not meet the project objectives. The City Council rejects the No Project Alternative as undesirable because it fails the project's underlying purpose and does not meet any of the project objectives.

RATIONALE

As stated above, this alternative does not meet the project objectives. In addition, this alternative would not contribute to the City's goals relative to GHG emissions reduction and land use and planning, as described below.

GHG Emissions

Compared to the proposed project, the reduced development intensity allowed under the 2017 LUTE would proportionally reduce the project's greenhouse gas (GHG) emissions. However, this reduction in GHG emissions would still be considered less than significant which is the same as the proposed project. Further, this alternative would not achieve several plays included within the City's Climate Action Playbook (i.e., Play 3.1 [Increase opportunities for and encourage development of mixed-use sites to reduce vehicle miles per person] and Play 3.2 [Increase transportation options and support shared mobility]). In comparison, the proposed project proposes a mixed-use corridor consisting of commercial and high-density residential uses in a PDA. Therefore, the project would facilitate lower VMT given its proximity to transit and other destinations. As such, this alternative would be environmentally inferior to the proposed project.

Land Use and Planning

The project would not conflict with any applicable land use plans, policies, or regulations. As with the proposed project, development occurring pursuant to the 2017 LUTE would be analyzed to ensure consistency with the goals, objectives, and policies of the General Plan, SMC, and Plan Bay Area 2040. However, development pursuant to the No Project Alternative would fail to achieve several General Plan policies. For example, the No Project Alternative would not uphold the City's policy to integrate land use planning in Sunnyvale and the regional transportation system (General Plan Policy LT-6) nor would the No Project Alternative reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit (General Plan Policy LT-7). The No Project Alternative would not promote modes of travel and actions that provide safe access to City streets and reduce single-occupant vehicle trips and trip lengths locally and regionally (General Plan Policy LT-24), nor would this alternative 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 (General Plan Policy LT-50). The No Project Alternative also would not achieve relevant Plan Bay Area 2040 goals and targets as well as the proposed project. For example, the No Project Alternative would allow for an increase of 2,700 dwelling units (or 8,500 dwelling units total) over that currently allowed with future buildout of the General Plan, thus better fulfilling Plan Bay Area 2040 Adequate Housing, Target 2 (House the region's population). The No Project Alternative would also fail to achieve Plan Bay Area 2040 Transportation System Effectiveness, Target 11 (Increase non-auto mode share), since the improved streetscapes, and safer, more enjoyable environments for walking.

10.2 ALTERNATIVE C: COMMERCIAL FOCUS ALTERNATIVE

DESCRIPTION

Alternative C is the Commercial Focus Alternative, which would result in more commercial use and less residential use than the proposed project. Alternative C would result in 4,400,000 square feet of commercial use, which represents an increase of 420,000 square feet over the proposed project (3,980,000 square feet), but 3,500 fewer residential units (5,000 instead of 8,500).

FINDING

For the reasons set forth below and more fully described in Final EIR and in the record of proceeding, the City Council finds that Alternative C is undesirable because it fails the project's underlying purpose, does not meet several of the project objectives, and was found to be environmentally inferior to the project in multiple environmental topic areas as discussed below.

RATIONALE

This alternative would not contribute to the City's goals relative to air quality; energy; GHG emissions reduction; land use and planning; and transportation, as described below.

Air Quality

Compared to the proposed project, the Commercial Focus Alternative would result in additional commercial development and fewer residential units. The compact, higher density, mixed-use development proposed under the project would reduce VMT given its proximate location to transit and other destinations, upholding several transportation control measures included in the 2017 Clean Air Plan. In contrast, the Commercial Focus Alternative would be expected to result in greater VMT than the proposed project, based on the overall reduction of residential uses proposed under this alternative. As such, this alternative would have the potential of conflicting with the 2017 Clean Air Plan. Compared to the proposed project, this alternative would likely result in similar short-term construction and long-term operational air quality emissions and is not expected to reduce the project's significant unavoidable impacts related to short-term construction emissions. Based on this alternative's potential to conflict with the 2017 Clean Air Plan, this alternative would be environmentally inferior to the proposed project.

Energy

The high-density mixed-use nature of the project and its support of active modes of transportation (i.e., walking, biking, and public transit) would reduce transportation-related fuel consumption by reducing VMT. Compared to the proposed project, the Commercial Focus Alternative would result in additional commercial development and less residential units, thereby reducing the jobs/housing balance and increasing VMT. Since the Commercial Focus Alternative would likely result in greater transportation-related fuel consumption, this alternative would be environmentally inferior to the proposed project.

GHG Emissions

Compared to the proposed project, the Commercial Focus Alternative would be expected to result in greater VMT than the proposed project, based on the overall reduction of residential uses proposed under this alternative. As a result, it would be assumed that the Commercial Focus Alternative would result in greater mobile source emissions than the proposed project. Further, this alternative would not achieve Climate Action Playbook Play 3.1 (Increase opportunities for and encourage development of mixed-use sites to reduce vehicle miles per person) as well as the proposed project. In comparison, the proposed project proposes a mixed-use corridor consisting of commercial and high-density residential uses in a PDA. Therefore, the project would facilitate lower VMT given its proximity to transit and other destinations. As such, this alternative would be environmentally inferior to the proposed project.

Land Use and Planning

The project would not conflict with any applicable land use plans, policies, or regulations. As with the proposed project, development facilitated by the Commercial Focus Alternative would be analyzed to ensure consistency with the goals, objectives, and policies of the General Plan, SMC, and Plan Bay Area 2040. However, development pursuant to the Commercial Focus Alternative would not achieve the City's General Plan Policy LT-63's intent to allow higher-residential density zoning districts in El Camino Real nodes to the extent of the proposed project. The Commercial Focus Alternative also would not achieve Plan Bay Area 2040 Adequate Housing, Target 2 (House the region's population) to the extent of the proposed project, allowing for 3,500 fewer residential units than the proposed project. As such, this alternative would be environmentally inferior to the proposed project.

Transportation

The project would not result in impacts relative to VMT; existing or planned transit/bicycle/pedestrian facilities or conflicts with programs, plans, ordinances, or policies addressing transit/bicycle/pedestrian facilities; increased hazards due to geometric design; or emergency access. Like the proposed project, development occurring under the Commercial Focus Alternative would be subject to conformance with Mitigation Measure TRA-1, which requires the project to prepare a construction management plan for approval by the City of Sunnyvale that identifies the duration of construction, number of trucks, truck routing, number of employees, truck idling, and lane closures, would reduce project-related construction impacts to a less than significant level. However, the compact, higher density mixed-use development proposed under the project would reduce VMT given its proximate location to transit and other destinations. In contrast, the Commercial Focus Alternative would be expected to result in greater VMT than the proposed project, based on the overall reduction of residential uses proposed under this alternative. As such, this alternative would be environmentally inferior to the proposed project.

10.3 ALTERNATIVE M: MIXED-USE FOCUS ALTERNATIVE

DESCRIPTION

Alternative M is the Mixed-Use Alternative, which would result in less commercial use and more residential use than Alternative C, but more commercial use and less residential uses than the proposed project. Alternative M would result in 120,000 SF of additional commercial use compared to the proposed project (4,100,000 instead of 3,980,000 SF), but 2,400 fewer residential units (6,100 instead of 8,500).

FINDING

For the reasons set forth below and more fully described in Final EIR and in the record of proceeding, the City Council finds that Alternative M is undesirable because it fails the project's underlying purpose, does not meet several of the project objectives, and was found to be environmentally inferior to the project in multiple environmental topic areas as discussed below.

RATIONALE

This alternative would not contribute to the City's goals relative to air quality; energy; GHG emissions reduction; land use and planning; and transportation, as described below.

Air Quality

Compared to the proposed project, the Mixed-Use Alternative would result in 120,000 SF of additional commercial use compared to the proposed project (4,100,000 instead of 3,980,000 SF), but 2,400 fewer residential units (6,100 instead of 8,500). The Mixed-Use Alternative would be expected to result in greater VMT than the proposed project, based on the overall reduction of residential uses proposed under this alternative. As such, this alternative would have the potential of conflicting with the 2017 Clean Air Plan. Compared to the proposed project, this alternative would likely result in similar short-term construction and long-term operational air quality emissions and is not expected to reduce the project's significant unavoidable impacts related to short-term construction emissions. Based on this alternative's potential to conflict with the 2017 Clean Air Plan, this alternative would be environmentally inferior to the proposed project.

Energy

The high-density mixed-use nature of the project and its support of active modes of transportation (i.e. walking, biking, and public transit) would reduce transportation-related fuel consumption by reducing VMT. Compared to the proposed project, the Mixed-Use Alternative would result in 120,000 SF of additional commercial use compared to the proposed project (4,100,000 instead of 3,980,000 SF), but 2,400 fewer residential units (6,100 instead of 8,500), thereby reducing the jobs/housing balance and increasing VMT. Since the Mixed-Use Alternative would likely result in greater transportation-related fuel consumption, this alternative would be environmentally inferior to the proposed project.

GHG Emissions

Compared to the proposed project, the Mixed-Use Alternative would be expected to result in greater VMT than the proposed project, based on the overall increase in commercial uses and reduction of residential uses proposed under this alternative. As a result, it would be assumed that the Mixed-Use Alternative would result in greater mobile source emissions than the proposed project. Further, this alternative would not achieve Climate Action Playbook Play 3.1 (Increase opportunities for and encourage development of mixed-use sites to reduce vehicle miles per person) as well as the proposed project. In comparison, the proposed project proposes a mixed-use corridor consisting of commercial and high-density residential uses in a PDA. Therefore, the project would facilitate lower VMT given its proximity to transit and other destinations. As such, this alternative would be environmentally inferior to the proposed project.

Land Use and Planning

The project would not conflict with any applicable land use plans, policies, or regulations. As with the proposed project, development facilitated by the Mixed-Use Alternative would be analyzed to ensure consistency with the goals, objectives, and policies of the General Plan, SMC, and Plan Bay Area 2040. As the Mixed-Use Alternative would result in more commercial use and fewer residential uses than the proposed project, development pursuant to the Mixed-Use Alternative would not achieve the City's General Plan Policy LT-63's intent to allow higher-residential density zoning districts in El Camino Real nodes to the extent of the proposed project. The Mixed-Use Alternative also would not achieve Plan Bay Area 2040 Adequate Housing, Target 2 (House the region's population) to the extent of the proposed project, allowing for 3,500 fewer residential units than the proposed project. As such, this alternative would be environmentally inferior to the proposed project.

Transportation

The project would not result in impacts relative to VMT; existing or planned transit/bicycle/pedestrian facilities or conflicts with programs, plans, ordinances, or policies addressing transit/bicycle/pedestrian facilities; increased hazards due to geometric design; or emergency access. Like the proposed project, development occurring under the Mixed-Use Alternative would be subject to conformance with Mitigation Measure TRA-1, which requires the project to

prepare a construction management plan for approval by the City of Sunnyvale that identifies the duration of construction, number of trucks, truck routing, number of employees, truck idling, and lane closures, would reduce project-related construction impacts to a less than significant level. The compact, higher density mixed-use development proposed under the project would reduce VMT given its proximate location to transit and other destinations. In contrast, the Mixed-Use Alternative would be expected to result in greater VMT than the proposed project, based on the overall reduction of residential uses proposed under this alternative. As such, this alternative would be environmentally inferior to the proposed project.

10.4 ALTERNATIVE R: RESIDENTIAL FOCUS ALTERNATIVE

DESCRIPTION

Alternative R is the Residential Focus Alternative, which would result in the same amount of commercial use as the proposed project (3,980,000 SF), but fewer residential units (6,700 instead of 8,500). Alternative R would result in 1,800 fewer residential units than the proposed project.

FINDING

For the reasons set forth below and more fully described in Final EIR and in the record of proceeding, the City Council finds that Alternative R is undesirable because it fails the project's underlying purpose, does not meet several of the project objectives, and was found to be environmentally inferior to the project in multiple environmental topic areas as discussed below.

RATIONALE

This alternative would not contribute to the City's goals relative to air quality; energy; GHG emissions reduction; land use and planning; and transportation, as described below.

Air Quality

Compared to the proposed project, the Residential Focus Alternative would result in additional residential units and less commercial development. The compact, higher density mixed-use development proposed under the project would reduce VMT given its proximate location to transit and other destinations, upholding several transportation control measures included in the 2017 Clean Air Plan. In contrast, the Residential Focus Alternative would be expected to result in greater VMT than the proposed project, based on the overall reduction of commercial uses proposed under this alternative. As such, this alternative would have the potential of conflicting with the 2017 Clean Air Plan. Compared to the proposed project, this alternative would likely result in similar short-term construction and long-term operational air quality emissions and is not expected to reduce the project's significant unavoidable impacts related to short-term construction emissions. Based on this alternative's potential to conflict with the 2017 Clean Air Plan, this alternative would be environmentally inferior to the proposed project.

Energy

The high-density mixed-use nature of the project and its support of active modes of transportation (i.e. walking, biking, and public transit) would reduce transportation-related fuel consumption by reducing VMT. Compared to the proposed project, the Residential Focus Alternative would result in additional residential units and less commercial development, thereby reducing the jobs/housing balance and increasing VMT. Since the Commercial Focus Alternative would likely result in greater transportation-related fuel consumption, this alternative would be environmentally inferior to the proposed project.

GHG Emissions

Compared to the proposed project, the Residential Focus Alternative would be expected to result in greater VMT than the proposed project, based on the overall reduction of commercial development and increase of residential units proposed under this alternative. As a result, it would be assumed that the Residential Focus Alternative would result in greater mobile source emissions than the proposed project. Further, this alternative would not achieve Climate Action Playbook Play 3.1 (Increase opportunities for and encourage development of mixed-use sites to reduce vehicle miles per person) as well as the proposed project. In comparison, the proposed project proposes a mixed-use corridor consisting of commercial and high-density residential uses in a PDA. Therefore, the project would facilitate lower VMT given its proximity to transit and other destinations. As such, this alternative would be environmentally inferior to the proposed project.

Land Use and Planning

The project would not conflict with any applicable land use plans, policies, or regulations. As with the proposed project, development facilitated by the Residential Focus Alternative would be analyzed to ensure consistency with the goals, objectives, and policies of the General Plan, SMC, and Plan Bay Area 2040. As commercial use would remain the same as the proposed project, but there would be fewer residential uses than the proposed project, development pursuant to the Residential Focus Alternative would not achieve the City's General Plan Policy LT-63's intent to allow higher-residential density zoning districts in El Camino Real nodes to the extent of the proposed project. The Residential Focus Alternative also would not achieve Plan Bay Area 2040 Adequate Housing, Target 2 (House the region's population) to the extent of the proposed project. As such, this alternative would be environmentally inferior to the proposed project.

Transportation

The project would not result in impacts relative to VMT; existing or planned transit/bicycle/pedestrian facilities or conflicts with programs, plans, ordinances, or policies addressing transit/bicycle/pedestrian facilities; increased hazards due to geometric design; or emergency access. Like the proposed project, development occurring under the Mixed-Use Alternative would be subject to conformance with Mitigation Measure TRA-1, which requires the project to prepare a construction management plan for approval by the City of Sunnyvale that identifies the duration of construction, number of trucks, truck routing, number of employees, truck idling, and lane closures, would reduce project-related construction impacts to a less than significant level.

The compact, higher density, mixed-use development proposed under the project would reduce VMT given its proximate location to transit and other destinations. In contrast, the Residential Focus Alternative would be expected to result in greater VMT than the proposed project, based on the overall reduction of residential uses proposed under this alternative. As such, this alternative would be environmentally inferior to the proposed project.

11 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to PRC Section 21081(b) and State CEQA Guidelines Section 15093(a) and (b), the City Council is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project, including regionwide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (State CEQA Guidelines Section 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (State CEQA Guidelines Section 15093[b]).

In accordance with the requirements of CEQA and the State CEQA Guidelines, the City Council finds that the mitigation identified in the Final EIR and the MMRP, would avoid or substantially lessen most of the potentially significant environmental impacts of the project. However, project implementation would result in significant and

unavoidable impacts to air quality (Individual and Cumulative Construction-Related Air Quality Emissions) and utilities and service systems (Cumulative Demand for Utility Services and Associated Infrastructure).

The City Council finds that mitigation identified in the Final EIR within the purview of the City would be implemented with implementation of the project and that the remaining significant and unavoidable impacts are outweighed and are found to be acceptable because of the following specific overriding economic, legal, social, technological, or other benefits based on the facts set forth above, the Final EIR, and the record, as follows:

1. The City and the surrounding Silicon Valley region are currently experiencing a severe housing shortage, especially considering the existing jobs-to-housing imbalance. Increased residential development potential under the ECRSP will lead to construction of much-needed housing and increase the variety of housing options available, including incentives and requirements to build affordable units.
2. The ECRSP provides housing sites that would assist the City in meeting its RHNA of 11,966 residential units for the 2022–2030 Housing Element Update.
3. The ECRSP promotes a variety of affordable and market-rate housing options close to commercial uses, including smaller units such as studios, single-room occupancy, and microunits that are available to serve residents at all income levels. The plan also ensures new development does not displace existing residents without proper relocation commitments.
4. The ECRSP's residential density structure encourages the use of the State Density Bonus and further incentivizes provision of affordable housing through density incentives for very low-income units exceeding the State Density Bonus maximums.
5. The ECRSP capitalizes on the plan area's designation as a regional priority development area (PDA) by allowing higher density and walkable infill development near existing community-serving retail/commercial services and multiple regional bus lines and shuttles. The existing auto-oriented commercial land use pattern would be transformed into an active mixed-use environment with greater emphasis on the needs of transit riders, pedestrians, and bicyclists, while still maintaining a commercial presence when appropriate.
6. The ECRSP promotes a balanced street system that efficiently supports a multimodal transportation network. The plan prioritizes strong pedestrian and bicycle linkages through the corridor with contiguous sidewalks, walking paths, and bicycle lanes. Transit will be easily accessible from higher-density mixed-use development along the corridor. The provision of wide sidewalks and streetscape amenities will promote a strong sense of place and increase safety for pedestrians, transit riders, and bicyclists. Increased access to multimodal transportation systems gives individuals greater choice and control over their mobility.
7. The ECRSP helps to implement the City's Complete Streets policy, Active Transportation Plan (ATP), Roadway Safety Plan, and Vision Zero Plan to improve the accessibility, mobility, and safety for all people who use the corridor. The emphasis on complete streets will improve the quality of life for residents living in and around the plan area. Moreover, these measures would help move the City toward its goal to becoming a complete, sustainable community that is less dependent on automobiles.
8. The ECRSP offers the potential for vibrant destinations in a people-friendly environment while continuing to be the community-serving arterial residents will use for their daily needs. The corridor will evolve into a dynamic place where people live, work, shop, and gather. The ECRSP Community Benefits and Incentives Program incentivizes new publicly-accessible open spaces for new and existing residents.
9. The ECRSP is consistent with the guiding principles of the Grand Boulevard Initiative, a collaboration of local and regional agencies united to improve the performance, safety, and aesthetics of the El Camino Real corridor. In particular, the plan includes:
 - a. Housing growth in strategic nodes along the corridor, providing opportunities to integrate residential uses, amenities, and services with transit accessibility.
 - b. Policies for compact mixed-use development and high-quality urban design and construction.

- c. Policies and design guidelines to create a vibrant pedestrian-oriented environment with improved public spaces and streetscapes, which would seamlessly connect the public realm with private development.
 - d. Prioritization of multimodal transportation and emphasis on improvements to bicycle, pedestrian, and transit networks.
 - e. Retention of on-street parking in key locations.
 - f. Design guidelines to enhance the community character and respect the existing quality of life in adjacent neighborhoods.
 - g. Improved public health and safety through policies that encourage walking and bicycling and access to healthy foods via improved sidewalks and bicycle facilities, new connections, and pedestrian-oriented building siting and design.
 - h. Incentives for new publicly-accessible pedestrian and bicycle pathways.
 - i. Policies and incentives for sustainable development.
10. The ECRSP would help achieve the City's Climate Action Playbook 2.0 emission reduction goals by concentrating mixed-use development along a transit corridor and enhancing infrastructure that is supportive of multimodal transportation. These strategies increase opportunities for shared mobility, fast and reliable transit use, less reliance on single-occupant vehicle trips, and reduced vehicle miles traveled (VMT) per person. Lower VMT leads to less greenhouse gas emissions, energy efficiency, and improved air quality and public health.
 11. The ECRSP prioritizes sustainability in new development. Environmentally-efficient modes of transportation will be prioritized in road improvements. New development will be low-impact and use green building techniques to reduce energy and water use. Sustainable development and green building measures above and beyond standard requirements are incentivized through the ECRSP Community Benefits and Incentives Program. Development in transit-oriented, higher density, and mixed-use areas will reduce automobile reliance and improve the sustainability of residents and the larger plan area.
 12. The ECRSP creates a supportive environment for small and local businesses by placing residential uses within walking distance of existing and future commercial uses in nodes. Auto dealerships and other regional-drawing businesses will be supported alongside small businesses. Commercial uses outside node areas will thrive and benefit from increased population and mobility improvements along the corridor.
 13. New design guidelines will ensure high-quality design and building scale transitions to adjacent lower density development. Building mass and landscaping buffers will help preserve the quality of life of adjacent neighborhoods. Building architecture will respect the existing neighborhood character while providing a new standard of design and quality for future development.
 14. The ECRSP's EIR 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 and still meet the project objectives.
 15. In addition to paying the required Transportation Impact Fee (TIF), projects are also required to pay the ECRSP TIF, which is a fair-share contribution towards relieving traffic congestion and improving transit travel times.

In addition, the adoption of the ECRSP accomplishes the goals of the General Plan, including the following:

COMMUNITY VISION

GOAL I: Long-Range Planning: To engage in long-range physical, fiscal and economic development planning so as to create and sustain an outstanding quality of life in a community with appropriate balances between jobs and residences, development and supporting infrastructure, and the demand for services and the fiscal ability to provide them.

- GOAL II: Attractive Community: To maintain and enhance the appearance of Sunnyvale, and to distinguish it from surrounding communities, through the promotion of high quality architecture, the preservation of historic districts and structures, the maintenance of a healthy urban forest, and the provision of abundant and attractive open space.
- GOAL III: Environmental Sustainability: To promote environmental sustainability and remediation in the planning and development of the City, in the design and operation of public and private buildings, in the transportation system, in the use of potable water and in the recycling of waste.
- GOAL VI: Affordable Housing Options: To provide a variety of housing options by style, size, density and tenure, so all segments of the population may find appropriate high-quality housing in Sunnyvale that is affordable to them.
- GOAL X: Robust Economy: To retain, attract and support strong and innovative businesses, which provide quality jobs for the City's workforce, tax revenue to support public services, and a positive reputation for Sunnyvale as a center of creativity and productivity.
- GOAL XI: Balanced Transportation: To provide and maintain a balanced multi-modal transportation system which provides choice, convenience and efficiency for the movement of people and goods.
- GOAL XII: Supportive Utilities: To provide and maintain water, sewer, solid waste disposal, and drainage facilities that are safe, efficient, and reliable, and which can develop sufficient capacity to meet the expected growth of the city.
- GOAL XIII: Community Identity: To foster a strong sense of community which promotes participation in civic affairs, community pride and a sense of place.

LAND USE AND TRANSPORTATION

- GOAL LT-1 COORDINATED REGIONAL AND LOCAL PLANNING - Protect the quality of life, the natural environment, and property investment, preserve home rule, secure fair share of funding, and provide leadership in the region.
- GOAL LT-2 ENVIRONMENTALLY SUSTAINABLE LAND USE AND TRANSPORTATION PLANNING AND DEVELOPMENT - Support the sustainable vision by incorporating sustainable features into land use and transportation decisions and practices.
- GOAL LT-3 AN EFFECTIVE MULTIMODAL TRANSPORTATION SYSTEM - Offer the community a variety of transportation modes for local travel that are also integrated with the regional transportation system and land use pattern. Favor accommodation of alternative modes to the automobile as a means to enhance efficient transit use, bicycling, and walking and corresponding benefits to the environment, person throughput, and qualitative improvements to the transportation system environment.
- GOAL LT-4 AN ATTRACTIVE COMMUNITY FOR RESIDENTS AND BUSINESSES - In combination with the City's Community Design sub-element, ensure that all areas of the City are attractive and that the City's image is enhanced by following policies and principles of good urban design while valued elements of the community fabric are preserved.
- GOAL LT-6 PROTECTED, MAINTAINED, AND ENHANCED RESIDENTIAL NEIGHBORHOODS - Ensure that all residential areas of the city are maintained and that neighborhoods are protected and enhanced through urban design which strengthens and retains residential character.
- GOAL LT-7 DIVERSE HOUSING OPPORTUNITIES - Ensure the availability of ownership and rental housing options with a variety of dwelling types, sizes, and densities that contribute positively to the surrounding area and the health of the community.
- GOAL LT-8 OPTIONS FOR HEALTHY LIVING Create a City development pattern and improve the City's infrastructure in order to maximize healthy choices for all ages, including physical activity, use of the outdoors, and access to fresh food.

GOAL LT-9 ADEQUATE AND BALANCED OPEN SPACE Provide and maintain adequate and balanced open space and recreation facilities for the benefit of maintaining a healthy community based on community needs and the ability of the City to finance, construct, maintain, and operate these facilities now and in the future.

GOAL LT-11 SUPPORTIVE ECONOMIC DEVELOPMENT ENVIRONMENT Facilitate an economic development environment that supports a wide variety of businesses and promotes a strong economy within existing environmental, social, fiscal, and land use constraints.

GOAL LT-12 A BALANCED ECONOMIC BASE – Develop a balanced economic base that can resist downturns of any one industry and provides revenue for City services.

GOAL LT-13 PROTECTED, MAINTAINED, AND ENHANCED COMMERCIAL AREAS, SHOPPING CENTERS, AND BUSINESS DISTRICTS Achieve attractive commercial centers and business districts and buildings that are maintained and allow a full spectrum of businesses that operate unencumbered.

GOAL LT-14 SPECIAL AND UNIQUE LAND USES TO CREATE A DIVERSE AND COMPLETE COMMUNITY Provide land use and design guidance so that special and unique areas and land uses can fulfill their distinctive purposes and provide a diverse and complete community fabric.

COMMUNITY CHARACTER

GOAL CC-1 DISTINGUISHED CITY IMAGE Promote Sunnyvale's image by maintaining, enhancing and creating physical features, including functional and decorative art, which distinguish Sunnyvale from surrounding communities and by preserving historic buildings, special districts and residential neighborhoods which make the City unique.

GOAL CC-2 ATTRACTIVE STREET ENVIRONMENT Create an attractive street environment which will complement private and public properties and be comfortable for residents and visitors.

GOAL CC-3 WELL-DESIGNED SITES AND BUILDINGS – Ensure that buildings and related site improvements for private development are well designed and compatible with surrounding properties and districts.

GOAL CC-4 ACCESSIBLE AND ATTRACTIVE PUBLIC FACILITIES Provide public facilities which are accessible, attractive and add to the enjoyment of the physical environment.

HOUSING

GOAL HE-1 ADEQUATE HOUSING - Assist in the provision of adequate housing to meet the diverse needs of Sunnyvale's households of all income levels.

GOAL HE-4 ADEQUATE HOUSING SITES - Provide adequate sites for the development of new housing through appropriate land use and zoning to address the diverse needs of Sunnyvale's residents and workforce.

GOAL HE-6 SUSTAINABLE NEIGHBORHOODS Maintain sustainable neighborhoods with quality housing, infrastructure and open space that fosters neighborhood character and the health of residents.

Considering all of the above factors, the City Council finds that there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the ECRSP's significant and unavoidable impacts; thus, the adverse effects are considered acceptable. Therefore, the City Council hereby adopts this Statement of Overriding Considerations.

EXHIBIT H

MITIGATION MONITORING AND REPORTING PROGRAM

Project: Sunnyvale El Camino Real Specific Plan Project

MITIGATION MEASURE	COMPLIANCE METHOD	VERIFICATION/TIMING	RESPONSIBLE PARTY
Air Quality			
<p>AQ-1 Prior to the issuance of grading or building permits, the City of Sunnyvale shall ensure that the Bay Area Air Quality Management District's (BAAQMD) basic construction mitigation measures from Table 8-2 of the BAAQMD 2017 CEQA Air Quality Guidelines (or subsequent updates) are noted on the construction documents. These basic construction mitigation measures include the following:</p> <ol style="list-style-type: none"> 1) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2) All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 5) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points 7) All construction equipment shall be maintained and properly tuned 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. 	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Prior to the issuance of grading or building permits • During construction 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check) • Project applicant (during construction)

MITIGATION MEASURE	COMPLIANCE METHOD	VERIFICATION/TIMING	RESPONSIBLE PARTY
<p>8) A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</p>			
<p>AQ-2 In the cases where construction projects are projected to exceed the Bay Area Air Quality Management District's air pollutant significance thresholds for NO_x, PM₁₀, and/or PM_{2.5}, all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, and tractors) shall be at least California Air Resources Board (CARB) Tier 3 Certified or better.</p>	<ul style="list-style-type: none"> • Plan approval • Site inspection 	<ul style="list-style-type: none"> • Requirements to be identified on construction/ improvement plans • During construction 	<ul style="list-style-type: none"> • Project applicant (during construction) • City of Sunnyvale (plan check and during construction)
<p>AQ-3 In the case when a subsequent project's construction is greater than five acres and is scheduled to last more than two years, the subsequent project shall be required to prepare a site-specific construction pollutant mitigation plan in consultation with the Bay Area Air Quality Management District (BAAQMD) staff prior to the issuance of grading permits. A project-specific construction-related dispersion modeling acceptable to BAAQMD shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If BAAQMD risk thresholds (i.e., probability of contracting cancer is greater than 10 in 1 million) would be exceeded, mitigation measures shall be identified in the construction pollutant mitigation plan to address potential impacts and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. The City shall ensure construction contracts include all identified measures and that the measures reduce the health risk below BAAQMD risk thresholds. Construction pollutant mitigation plan measures shall include, but not be limited to:</p> <ol style="list-style-type: none"> 1) Limiting the amount of acreage to be graded in a single day, 2) Notification of affected sensitive receptors one week prior to commencing on-site construction so that any necessary precautions (such as rescheduling or relocation of outdoor 	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Prior to the issuance of grading permits 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check) • Project applicant (during construction)

MITIGATION MEASURE	COMPLIANCE METHOD	VERIFICATION/TIMING	RESPONSIBLE PARTY
<p>activities) can be implemented. The written notification shall include the name and telephone number of the individual empowered to manage construction of the project. In the event that complaints are received, the individual empowered to manage construction shall respond to the complaint within 24 hours. The response shall include identification of measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include the relocation of equipment.</p>			
<p>AQ-4 The following measures shall be utilized in site planning and building designs to reduce TAC and PM2.5 exposure where new receptors are located within 1,000 feet of emissions sources:</p> <ul style="list-style-type: none"> • Future development that includes sensitive receptors (such as residences, schools, hospitals, daycare centers, or retirement homes) located within 1,000 feet of Caltrain, Central Expressway, El Camino Real, Lawrence Expressway, Mathilda Avenue, Sunnyvale-Saratoga Road, US 101, State Route 237, State Route 85, and/or stationary sources shall require site-specific analysis to determine the level of health risk. This analysis shall be conducted following procedures outlined by the BAAQMD. If the site-specific analysis reveals significant exposures from all sources (i.e., health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a hazard Index greater than 10, or annual PM2.5 exposures greater than 0.8 µg/m3) measures shall be employed to reduce the risk to below the threshold (e.g., electrostatic filtering systems or equivalent systems and location of vents away from TAC sources). If this is not possible, the sensitive receptors shall be relocated. • Future nonresidential developments identified as a permitted stationary TAC source or projected to generate more than 100 heavy-duty truck trips daily will be evaluated through the CEQA process or BAAQMD permit process to ensure they do not 	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Incorporate during site planning and building designs • Prior to Planning approval 	<ul style="list-style-type: none"> • City of Sunnyvale

MITIGATION MEASURE	COMPLIANCE METHOD	VERIFICATION/TIMING	RESPONSIBLE PARTY
<p>cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a hazard Index greater than 1.0, or annual PM2.5 exposures greater than 0.3 µg/m3 through source control measures.</p> <ul style="list-style-type: none"> For significant cancer risk exposure, as defined by the BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to avoid adverse public health impacts. Projects shall submit performance specifications and design details to demonstrate that lifetime residential exposures would not result in adverse public health impacts (less than 10 in one million chances). 			
Archaeological, Historical, and Tribal Cultural Resources			
<p>CUL-1 Prior to demolition, grading, or building permit approval, any site subject to California Environmental Quality Act (CEQA) review with potentially historic buildings over 50 years in age and not subject to previous identification, recordation on Department of Park and Recreation (DPR) 523 Forms, and National Register of Historic Places, California Register of Historic Resources, and/or City eligibility evaluation (as appropriate) within the last five years, shall be evaluated by a Secretary of the Interior Qualified Cultural Resource Professional specializing in Architectural History. Results of the evaluation shall specify site-specific mitigation requirements.</p>	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to demolition, grading, or building permit approval 	<ul style="list-style-type: none"> City of Sunnyvale Secretary of the Interior Qualified Cultural Resource Professional (specializing in Architectural History)
<p>CUL-2 To avoid impacts to previously recorded historic resources associated with the Taaffe-Frances Heritage Neighborhood, prior to demolition, grading, or building permit approval, a site-specific Construction Protection Plan (CPP) shall be prepared by a qualified Historic Building Architect for projects which propose pile driving activities within 50 feet of designated historic resources. The CPP shall specify mitigation to avoid or reduce impacts to less than significant.</p>	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to demolition, grading, or building permit approval 	<ul style="list-style-type: none"> Qualified Historic Building Architect
<p>CUL-3 All subsequent projects within the project area shall be required to include information on the improvement plans that if, during the course of grading or construction, cultural resources (i.e., prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archaeologist can [assess] the</p>	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Information to be included on construction and improvement plans During construction 	<ul style="list-style-type: none"> City of Sunnyvale (plan check) Project applicant (if resources found)

MITIGATION MEASURE	COMPLIANCE METHOD	VERIFICATION/TIMING	RESPONSIBLE PARTY
<p>significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4(b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential.</p>			
Biological Resources			
<p>BIO-1 Pursuant to the Migratory Bird Treaty Act and the California Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but it can vary slightly from year to year based on seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a preconstruction clearance survey for nesting birds shall be conducted within 30 days of the start of any vegetation removal or ground-disturbing activities to ensure no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur.</p> <p>If an active avian nest is discovered during the preconstruction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer is expanded to 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.</p> <p>As part of the nesting bird clearance survey, a preconstruction burrowing owl clearance survey shall be conducted within 30 days of</p>	<ul style="list-style-type: none"> • Pre-construction surveys 	<ul style="list-style-type: none"> • Prior to avian nesting season • Prior to 30 days of the start of any vegetation removal or ground-disturbing activities 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check) • Qualified Biologist (during construction) • California Department of Fish and Wildlife (CDFW)

MITIGATION MEASURE	COMPLIANCE METHOD	VERIFICATION/TIMING	RESPONSIBLE PARTY
<p>the start of ground-disturbing activities to ensure undeveloped vacant lots within the Specific Plan Area do not support burrowing owl. If no burrowing owl are detected, construction may proceed. If construction is delayed or suspended for more than 30 days, the project site or work area shall be resurveyed. If burrowing owls are detected on the project site, a 300-foot “no work” buffer shall be established around the active burrow and all work within the buffer shall be halted until the qualified biologist has determined through non-intrusive methods that the nesting effort is complete (i.e., all young have fledged). Once the nesting effort is complete or if a burrowing owl burrow is detected on-site during the non-breeding season (September 1 to February 28), passive and/or active relocation of burrowing owls may be implemented by a qualified biologist following consultation and approval from the City of Sunnyvale and the California Department of Fish and Wildlife.</p>			
<p>Geology, Soils, and Paleontological Resources</p>			
<p>GEO-1 All subsequent projects within the project area shall be required to include information on the improvement plans that if, during the course of grading or construction fossils are discovered, work shall be halted immediately within 50 feet of the discovery, the Sunnyvale Community Development Department shall be notified, and the significance of the find and recommended actions must be determined by a qualified paleontologist. In addition, prior to the commencement of project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow.</p>	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Prior to issuance of grading permit • During construction 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check) • Project applicant (if fossils discovered)
<p>Hazards and Hazardous Materials</p>			
<p>HAZ-1 The City shall require that a Phase I ESA is prepared and submitted with any application for new development or redevelopment within the adopted project boundary. The Phase I ESA shall be prepared by a qualified professional registered in California and in accordance with ASTM E1527-13 (or the most current version at the time a development application is submitted for the project). If determined necessary by the Phase I ESA, a Phase II ESA shall be conducted to determine the lateral and vertical extent of soil, groundwater, and/or soil vapor contamination, as recommended by the Phase I ESA.</p>	<ul style="list-style-type: none"> • Review of Phase I and/or Phase II ESA • Site inspection 	<ul style="list-style-type: none"> • Phase I and II (if identified as necessary by the Phase I) at the time development application is submitted • Responsible agency approval of applicant’s site 	<ul style="list-style-type: none"> • Project applicant (Phase I/Phase II) • City of Sunnyvale (document compliance)

MITIGATION MEASURE	COMPLIANCE METHOD	VERIFICATION/TIMING	RESPONSIBLE PARTY
<p>The City shall not issue a building permit for a site where contamination has been identified until remediation or effective site management controls appropriate for the use of the site have been completed, consistent with applicable regulations and to the satisfaction of the City of Sunnyvale, DTSC, or San Francisco Bay RWQCB (as appropriate) before initiation of construction activities. Deed restrictions, if appropriate, shall be recorded. If temporary dewatering is required during construction or if permanent dewatering is required for subterranean features, the City shall not issue an improvement permit or building permit until documentation has been provided to the City that the San Francisco Bay RWQCB has approved the discharge to the sewer. Discharge of any groundwater removed from a construction site within the adopted project and to the El Camino Storm Drain Channel, Calabazas Creek, or storm drain shall be subject to Water Pollution Control Permit requirements.</p> <p>If the Phase I ESA determines there are no RECs, no further action is required. However, the City shall ensure any grading or improvement plan or building permit includes a statement if hazardous materials contamination is discovered or suspected during construction activity, all work shall stop immediately until a qualified professional has determined an appropriate course of action.</p>		<p>management controls prior to grading and building permit issuance</p> <ul style="list-style-type: none"> • Site inspection during construction 	
<p>HAZ-2 Prior to the issuance of a building permit for above ground construction of future projects in the Specific Plan Area, if proposed structures exceed the FAA Part 77 Surface, the project applicant shall submit an FAA Form 7460-1 for the permanent structure prior to submittal for the temporary construction equipment (outlined in Mitigation Measure HAZ-2 below). A “Determination of No Hazard” or “Determination of No Hazard with Conditions” shall be obtained prior to permit issuance for any above ground improvements. If a “Determination of No Hazard with Conditions” is issued, the conditions shall be included on the approved plan set and implemented.</p>	<ul style="list-style-type: none"> • Plan Approval 	<ul style="list-style-type: none"> • Prior to the issuance of a building permit for above ground construction of future projects • A “Determination of No Hazard” or “Determination of No Hazard with Conditions” shall be obtained prior to permit issuance for 	<ul style="list-style-type: none"> • Project applicant (submit an FAA Form 7460-1)

MITIGATION MEASURE	COMPLIANCE METHOD	VERIFICATION/TIMING	RESPONSIBLE PARTY
<p>HAZ-3 Prior to the issuance of a building permit, if construction equipment has the potential to exceed the FAA Part 77 Surface, the project applicant shall submit an FAA Form 7460-1, "Notice of Proposed Construction or Alteration" to the FAA at least 45 days (60 to 90 days recommended) prior to construction of the project, which shall specify the equipment type (e.g., crane) and duration to be used. An Aeronautical Study Number for the permanent structure shall be included in the submittal form. A "Determination of No Hazard" or "Determination of No Hazard with Conditions" shall be obtained prior to permit issuance for above ground activities. If a "Determination of No Hazard with Conditions" is issued, all conditions shall be included on the approved plan set and implemented.</p>	<ul style="list-style-type: none"> • Plan approval 	<p>any above ground improvements.</p> <ul style="list-style-type: none"> • Prior to the issuance of a building permit • Prior to construction of the project • A "Determination of No Hazard" or "Determination of No Hazard with Conditions" shall be obtained prior to permit issuance for above ground activities 	<ul style="list-style-type: none"> • Project applicant (submit an FAA Form 7460-1)
Noise and Vibration			
<p>NOI-1 For projects that are subject to California Environmental Quality Act (CEQA) review (i.e., non-exempt projects), project applicants shall ensure through contract specifications that construction best management practices (BMPs) will be implemented by all project contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Community Development Department prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1) Ensure that construction equipment is properly muffled according to industry standards and is in good working condition. 2) Place noise-generating construction equipment and construction staging areas away from sensitive uses. 3) Construction activities shall occur between the hours of between the hours of 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, pursuant to Sunnyvale Municipal Code Chapter 16.08. 	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Prior to issuance of a grading or building permit 	<ul style="list-style-type: none"> • Project applicant • City of Sunnyvale (if complaint is received) • Job superintendent (if complaint is received) • Community Development Department

MITIGATION MEASURE	COMPLIANCE METHOD	VERIFICATION/TIMING	RESPONSIBLE PARTY
<p>4) Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.</p> <p>5) Use electric air compressors and similar power tools rather than diesel equipment, where feasible.</p> <p>6) Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.</p> <p>7) The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 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). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.</p> <p>8) Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Department.</p>			
<p>NOI-2 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of a structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.</p>	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Within 25 feet of a structure shall be required to prepare a project-specific vibration impact analysis • Prior to issuance of a grading permit 	<ul style="list-style-type: none"> • City Engineer

MITIGATION MEASURE	COMPLIANCE METHOD	VERIFICATION/TIMING	RESPONSIBLE PARTY
<p>NOI-3 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) which require impact pile driving activities within 100 feet of buildings and/or sonic pile driving activities within 60 feet of buildings shall implement the below measures to reduce the potential for architectural/structural damage resulting from elevated groundborne vibration levels. Contractors shall demonstrate, to the satisfaction of the City Engineer and prior to issuance of a grading permit, that pile driving activities would not exceed the California Department of Transportation (Caltrans) vibration threshold (i.e., 0.2 inch/second PPV) prior to initiation of construction.</p> <ul style="list-style-type: none"> • Impact pile driving within 100 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, cast-in-place systems, and resonance-free (i.e., sonic) vibratory pile drivers. • Sonic pile driving activities within 60 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, and cast-in-place systems. 	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Prior to issuance of a grading permit 	<ul style="list-style-type: none"> • City Engineer
Traffic and Transportation			
<p>TRA-1 Prior to Planning Permit Completeness, the City of Sunnyvale shall review site-specific development within the El Camino Real Specific Plan area for consistency with the floor area ratio and/or dwelling units per acre requirements specified in the City's Transportation Analysis Policy (referred to as "Council Policy 1.2.8"). In the event that a proposed development does not meet the floor area ratio and/or dwelling units per acre requirements or the required threshold specified in Council Policy 1.2.8, a project-specific vehicle miles travelled (VMT) analysis shall be conducted to evaluate and disclose transportation-related environmental impacts and identify measures to avoid and minimize VMT impacts. If the VMT analysis determines the potential for an increase in VMT that cannot be mitigated, a subsequent environmental analysis shall be prepared.</p>	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Prior to Planning Permit Completeness 	<ul style="list-style-type: none"> • City of Sunnyvale
<p>TRA-2 Before construction or issuance of building permits, the developer or the construction contractor for the project shall prepare a temporary traffic control plan (TTC) to the satisfaction of the City of</p>	<ul style="list-style-type: none"> • Plan approval (applicable to ISI project only) 	<ul style="list-style-type: none"> • Prior construction or issuance of building permits 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check)

MITIGATION MEASURE	COMPLIANCE METHOD	VERIFICATION/TIMING	RESPONSIBLE PARTY
<p>Sunnyvale Division of Transportation and Traffic and subject to review by all affected agencies. The TTC shall include all information required on the City of Sunnyvale TTC Checklist and conform to the TTC Guidelines of the City of Sunnyvale. At a minimum, the plan shall include the following elements:</p> <ul style="list-style-type: none"> • Provide vicinity map including all streets within the work zone properly labeled with names, posted speed limits and north arrow; • Provide existing roadway lane and bike lane configuration and sidewalks where applicable including dimensions; • Description of proposed work zone; • Description of detours and/or lane closures (pedestrians, bicyclists, vehicular); • Description of no parking zone or parking restrictions; • Provide appropriate tapers and lengths, signs, and spacing; • Provide appropriate channelization devices and spacing; • Description of buffers; • Provide work hours/work days; • Dimensions of above elements and requirements per latest CA—MUTCD Part 6 and City's SOP for bike lane closures; • Provide proposed speed limit changes if applicable; • Description of bus stops, signalized and non-signalized intersection impacted by the work; • Show plan to address pedestrians, bicycle and ADA requirement throughout the work zone per CA-MUTCD Part 6 and City's SOP for Bike lane closures; • Indicate if phasing or staging is requested and duration of each; • Description of trucks including: number and size of trucks per day, expected arrival/departure times, truck circulation patterns; • Provide all staging areas on the project site; and • Ensure that the contractor has obtained and read the City's TTC Guidelines and City's SOP for bike lane closures; and • Ensure traffic impacts are localized and temporary. 			<ul style="list-style-type: none"> • Project applicant (prepare plan)

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