

## RECOMMENDED FINDINGS

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR PROJECTS CONSISTENT WITH THE LAWRENCE STATION AREA PLAN (LSAP) ENVIRONMENTAL IMPACT REPORT (EIR) AND THE LSAP UPDATE SUBSEQUENT EIR**

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The Planning Commission hereby makes the following findings:

1. The Planning Commission has independently reviewed the programmatic Final Environmental Impact Report for the Lawrence Station Area Plan (LSAP), State Clearinghouse #2013082030, certified on December 6, 2016, and the LSAP Update Subsequent EIR, State Clearinghouse #2019012022, certified on September 14, 2021 (the "Program EIRs").
2. The LSAP anticipates construction of an additional 1.2 million square feet of office and R&D, 16,600 square feet of retail, and 2,323 residential units within the 319-acre LSAP neighborhood through 2035. The LSAP Update included an additional 3,612 new residential units, for a total; LSAP residential development of 5,935 units.
3. In addition to serving as the environmental document for the approval and update of the LSAP, the Program EIRs were intended by the City to serve as the basis for compliance with CEQA for future discretionary actions to implement the LSAP, in accordance with Public Resources Code Section 21094 and Section 15168 of the CEQA Guidelines.
4. The Program EIRs identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the LSAP. In addition, the Program EIR identified significant and unavoidable impacts with regard to construction air quality, cumulative air quality and traffic operations. The LSAP SEIR identified significant and unavoidable impacts with regards to cause construction air quality, cumulative air quality and cumulative impacts on wastewater services.
5. On December 6, 2016, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the LSAP Program EIR and adopted the LSAP.

On September 14, 2021, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the LSAP SEIR and adopted the LSAP Update.

6. The City has analyzed the proposed Project pursuant to Public Resources Code Section 21094(c) and Section 15168(c)(2) and (4) of the CEQA Guidelines to determine if the Project may cause significant effects on the environment that were not examined in the Program EIRs and whether the Project is within the scope of the Program EIRs.

7. The Planning Commission finds that the Project will not result in environmental effects that were not adequately examined in Program EIRs. As demonstrated by the City's analysis of the Project, the Project will incrementally contribute to, but will not increase the severity of, significant environmental impacts previously identified in the Program EIRs.
8. For the reasons discussed in Section ENVIRONMENTAL REVIEW of the PLANNING COMMISSION Staff Report for the proposed Project. The Project is consistent with the LSAP, based on the following: The Project has been evaluated pursuant to the California Environmental Quality Act (CEQA) and is consistent with the development assumptions, land use designations, and intensity anticipated by the LSAP and its associated Program EIRs.
  - a) The Project would not result in new or more severe significant environmental impacts beyond those previously identified in the Program EIRs, and no new mitigation measures are required.
  - b) The Project is consistent with the LSAP's planned land use pattern, including allowable residential densities, and transit-oriented development framework.
  - c) The Project supports LSAP goals related to transit accessibility, bicycle and pedestrian connectivity, and reduced reliance on automobile travel.
9. In accordance with Public Resources Code Section 21094(b) and Section 15168(c)(2) and (4) of the CEQA Guidelines, none of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the Project:
  - a) The Project does not include any substantial changes in the LSAP and no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken consistent with the LSAP, so the Program EIRs do not require any revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
  - b) No new information of substantial importance, which was not known and could not have been known at the time that the Program EIRs were certified as complete, shows that the Project would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the Program EIRs, that mitigation measures or alternatives found infeasible in the Program EIRs would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the Program EIRs would substantially reduce one or more significant environmental impacts found in the Program EIRs.
10. All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through the Program EIRs mitigation measures adopted in connection with the City Council's approval of

the Program EIRs. All Program EIRs mitigation measures applicable to the Project are hereby made a condition of the Project's approval.

11. In accordance with Public Resources Code Section 21094(d), the Planning Commission finds that any significant and unavoidable impacts of the Project with regard to construction air quality, cumulative air quality and traffic operation are outweighed by overriding considerations as set forth in the Program EIRs and in the Findings adopted by the City Council in connection with the approval of the Program EIRs (Resolution Nos. 794-16 and 1083-21), as incorporated by reference and reaffirmed herein.
12. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Planning Commission, exercising its independent judgment and analysis, finds that the Project is consistent with the LSAP, falls within the environmental parameters analyzed in the Program EIRs, and would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the Program EIRs, nor would new mitigation be required for the Project.
13. The Department of Community Development, Planning Division, is the custodian of the records of the proceedings on which this decision is based. The records are located at Sunnyvale City Hall, 456 West Olive Ave., Sunnyvale, CA 94086.

## **Special Development Permit**

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In order to approve the Special Development Permit, the Planning Commission must make at least one of the following two findings:

1. Finding 1: The proposed project attains the objectives and purposes of the General Plan and Lawrence Station Area Plan (LSAP) of the City of Sunnyvale. The Planning Commission hereby makes this finding based on the following.

Key goals, objectives, and policies from the General Plan and LSAP are listed below:

### **General Plan Land Use and Transportation Element**

#### Regional Participation

*Policy LT-1.2: Minimize regional sprawl by endorsing strategically placed development density in Sunnyvale and by utilizing a regional approach to providing and preserving open space for the broader community.*

*Policy LT-1.2a: Promote transit-oriented and mixed-use development near transit centers such as Lawrence Station...*

#### Bordering Cities

*Policy LT-1.4: Coordinate with adjacent cities on local land use and transportation planning.*

Effective Integration of Transportation and Land Use Planning

*Policy LT-3.1: Use land use planning, including mixed and higher-intensity uses, to support alternatives to the single-occupant automobile such as walking and bicycling and to attract and support high investment transit such as light rail, buses, and commuter rail.*

Protected, Maintained, and Enhanced Residential Neighborhoods

*Policy LT-6.2: Limit the intrusion of incompatible uses and inappropriate development in and near residential neighborhoods, but allow transition areas at the edges of neighborhoods.*

*Policy LT-6.2a: Where appropriate, use higher-density residential and higher intensity uses as buffers between neighborhood commercial centers and transportation and rail corridors.*

Diverse Housing Opportunities

*Policy LT-7.2: Determine the appropriate residential density for a site by evaluating the site planning opportunities and proximity of services (such as transportation, open space, jobs, and supporting commercial and public uses).*

*Policy LT-7.3: Encourage the development of housing options with the goal that the majority of housing is owner-occupied.*

*Policy LT-7.5: Consider the impacts of all land use decisions on housing affordability and on the housing needs of special needs groups in Sunnyvale.*

Supportive Economic Development Environment

*Policy LT-11.4: Participate in regional efforts to respond to transportation and housing problems caused by economic growth in order to improve the quality of life and create a better environment for businesses to flourish.*

*Policy LT-11.4a: Support land use policies to achieve a healthy relationship between the creation of new jobs and housing.*

Healthy City Policy

*LT-8.4: Promote compact, mixed-use, and transit-oriented development in appropriate neighborhoods to provide opportunities for walking and biking as an alternative to auto trips.*

Special and Unique Land Uses to Create a Diverse and Complete Community

*Policy LT-14.2: Support the Lawrence Station Area Plan, and update it as needed to keep up with evolving values and new challenges in the community.*

*Policy LT-14.5: Use the Industrial-to-Residential (ITR) combining district to help meet the community's housing needs for all ages and economic sectors and balance*

*its use with maintaining a healthy economy and employment base. ITR areas include the Lawrence Station Area.*

*Policy LT-14.5b: During the transition from industrial to residential uses, anticipate and monitor compatibility issues between residential and industrial uses. Identify appropriate lead departments and monitoring strategies for each compatibility issue.*

*Goal LT-14.8: Ensure that development projects provide appropriate improvements or resources to meet the City's future infrastructure and facility needs, and provide development incentives that result in community benefits and enhance the quality of life for residents and workers.*

*Goal LT-14.8b: Establish zoning incentives, density bonuses, or other land use tools where higher development potential may be allowed based on contributions toward desired community benefits.*

### **General Plan Housing Element**

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

*Policy HE-4.1: Provide site opportunities for development of housing that responds to diverse community needs in terms of density, tenure type, location and cost.*

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

*Policy HE-4.6: Provide expanded areas for higher density housing through the conversion of underutilized industrial areas to residential use, if the sites are fit for residential uses (i.e. no health hazards exist).*

*Policy HE-6.1: Continue efforts to balance the need for additional housing with other community values, including preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.*

### **Lawrence Station Area Plan**

*Goal H-G1: Provide sufficient housing in the Plan area to support an increase rail transit ridership.*

*Goal H-G2: Provide a range of housing types in the station area to provide for all income groups and lifestyles.*

*Goal H-G3: Encourage and support development of affordable housing in the Plan area.*

*Policy H-P1: Encourage a diverse mix of housing types, including ownership, rental, affordable and housing for seniors.*

*Policy H-P2 Prioritize the provision of affordable housing in the Lawrence Station area.*

*Policy H-P3 Provide City-based incentives to promote development of affordable housing.*

*Policies OSP-3: Improve the following public street corridors as Green Streets as linkages in the open space connector system.*

- *The Loop*
- *Sonora Court*
- *Kifer Road*
- *San Ysidro Way Extension (Retail Street)*
- *Willow Avenue*

*OSP-6: Preserve and protect the existing mature street trees on Sonora Court (Redwoods) and Kifer Road.*

*Goal D-G2: Target minimum development of at least 2,000 new housing units and 5,960 jobs within the Sunnyvale portion of the Plan by the horizon year of 2035 in order to support a critical mass of retail services in the area and support existing and improved transit infrastructure.*

*Goal CF-G3: Create a street and block framework that provides a variety of vehicular access options and is scaled to pedestrians.*

*Policy CF-P1: In the residential areas south of the Caltrain tracks, retain the existing framework of streets and blocks. Improve street connections to the residential areas south of the Caltrain tracks to provide safer street crossings and minor access improvements for pedestrians, bicycles and transit users.*

*Policy CF-P7: To the extent feasible, incorporate Sonora Court in the alignment of The Loop.*

*Policy CF-P14 Ensure the existing mature street trees along Kifer Road and Sonora Court will not be adversely impacted by street improvement projects. Incorporate the mature trees into the landscape improvements of the street.*

*Policy B-P1: Require property development to provide Class I and Class II bicycle facilities to fill in the gaps in the existing and planned bicycle network.*

*Goal BSP-G1: As properties redevelop incrementally, establish a publicly accessible framework of streets and blocks scaled to pedestrian and bicycle users and accessible to all modes of travel.*

*Goal BSP-UDG3: To the extent feasible, add publicly accessible pathways in existing development areas where street connectivity is limited.*

*Goal BH-UDG2: Place taller buildings or building elements at corner intersections to achieve greater visibility, scale relationships, and architectural massing and interest.*

*Goal BH-UDG4: Vary building heights within blocks and parcels in order to provide visual interest and variety and to avoid a blocky, uniform appearance. The taller portion of a building (i.e., the tower) shall not occupy more than 25 percent of the length of a lot.*

*Goal BMA-UDG3: Accentuate major gateways in the Plan area with architectural modulation.*

*Goal BMA-UDG4: Reinforce street corners with changes in architectural massing and height.*

*Goal BO-G1: Activate the street and sidewalk by providing active ground floor uses, locating building entries and windows in appropriate locations, and providing pedestrian-scaled elements.*

*Goal BO-UDG1: Orient buildings to ensure that the primary facades and entrance areas of all buildings face the street, open space areas, or other pedestrian oriented circulation areas.*

*Goal BO-UDG2: Place windows and storefronts at the street level and ground floor.*

*Goal BO-UDG3: Use clear, non-reflective glazing on all windows at street level.*

*Goal BO-UDG4: Emphasize building entries with small entry plazas, vertical massing, and architectural elements such as awnings, arcades, or porticos.*

*Goal BO-UDG5: Design entries so that they are clearly identifiable from the street.*

*Goal BO-UDG6: Provide a walkway leading from the street to the building entrance if the building is not located directly on a public sidewalk.*

*Goal BO-UDG7: Enhance building entries and the adjoining pedestrian realm with plazas and landscaping.*

*Goal BO-UDG10: Include features that add depth, shadow and architectural interest, such as balconies, recesses, cornices, bay windows, and step-backs at upper floors, consistent with the building's style and scaled for pedestrians.*

*Goal BO-UDG11: Limit blank walls along pedestrian-oriented streets and pathways to no greater than 30 linear feet without being interrupted by a window or entry.*

*Goal RB-G1: Ensure that residential buildings contribute activity to public streets and open spaces.*

*Goal RB-G2: Ensure that residential buildings provide privacy for residents.*

*Goal RB-UDG1: Provide entries to residential buildings that are accessed directly from the street or public open spaces.*

*Goal RB-UDG2: For residential development, design ground-floor units to have a direct relationship with the street and pedestrian realm.*

*Goal RB-UDG5: Use balconies, stoops, windows, and courtyards to provide architectural interest.*

*Goal RB-UDG6: Employ variation in scale and form for residential development, allowing for both pedestrian-scaled and larger-scaled massing.*

*Goal RB-UDG7: For residential development facing onto local residential streets or public open space, use lower-scale residential forms such as townhomes up to three stories in height at the street. Buildings should step back to add an additional story.*

*Goal MU-UDG1: Orient building entrances to the street and space no more than 50 feet apart.*

*Goal MU-UDG3: Utilize architectural elements such as recesses, awnings, colonnades, and pronounced entrances.*

*Goal BM-G2: Use building materials to define the functional levels of a building and its relationship to the public realm (particularly at the street level).*

*Goal BM-G3: Ensure that materials avoid excessive monumentality or a monolithic character.*

*Goal BM-G4: Ensure that materials fit with the character and context of the existing development.*

*Goal BM-G5: Prioritize sustainability as a key consideration.*

*Goal BM-UDG1: Use high-quality, durable architectural materials and finishes that provide a sense of permanence.*

*Goal BM-UDG2: Use materials that express their true properties; faux reproductions of stone, for example, are discouraged.*

*Goal BM-UDG3: Give preference to sustainable materials, buildings systems, and technologies.*

*Goal BM-UDG4: Use materials that improve building envelope performance through insulation values and thermal mass.*

*Goal BM-UDG5: Avoid highly reflective surfaces and materials that can cause heat or glare for pedestrians.*

*Goal BM-UDG6: Avoid dark materials that absorb heat and reduce solar reflectivity.*

*Goal BM-UDG7: Use glazing that is as clear and non-reflective as possible in order to provide transparency and visibility while meeting energy and daylighting performance requirements.*

*Goal BM-UDG9: Employ accent materials such as tile insets or natural stone at the ground level to add texture, color, and visual interest at the pedestrian level along all pedestrian corridors.*

*Goal BM-UDG10: Employ color to differentiate between building elements and to moderate the scale of buildings.*

*Goal OS-UDG8: For residential uses, provide private and semi-private open space in accordance with the Sunnyvale Zoning Code.*

*Goal PK-UDG11: Design parking structure access lanes to have the character of an attractive, well-landscaped small urban street.*

*Goal PK-UDG12: Locate parking structures away from primary pedestrian corridors.*

*Goal PK-UDG14: Create visual interest and reduce the mass of parking structures through the use of:*

- Variation in the dimension and proportion of openings of the façade.
- Decorative screens, railings, and trellis elements of durable, high-quality materials.
- Materials and designs that are similar to surrounding buildings on site.
- Awnings, arcades, trellises, or porticos along street-facing façades and pedestrian connections.
- Provide parking access lanes and driveways at spacing along the street of not less than 100 feet.
- Where parking lanes or courts are visible from the street, planter beds with trees or potted plants should be located between garage doors.
- Create shared, unallocated parking spaces, such as carports, in order to maximize site area for new building development and open space.

*Goal PS-UDG2: Locate tallest buildings and highest densities along the train tracks, transitioning to lower scale buildings to the south and west, where they adjoin or face nearby apartments and townhouses.*

*Goal PS-UDG3: For buildings adjacent to the tracks, incorporate landscape and building design measures to mitigate the negative effects of noise and vibration from train operations.*

*Goal ST-G3: Create a pedestrian environment of streets and pathways that is:*

- Interesting, with appealing things to see, touch, hear and smell that makes one's time in the area a positive experience and encourages return visits.

- Attractive, with building and landscape improvements that create a beautiful setting in which people can walk, drive, shop, work, and live.
- Safe, allowing people to feel comfortable and secure, whether alone or in a group, during the day, evening and night.
- Successful, where walking becomes a primary means of local transportation, enhancing transit ridership and supporting a thriving neighborhood and retail climate.

*Goal SW-UDG3: Use special paving materials, such as unit pavers made of brick, stone, or concrete, at special nodes, plaza areas and streets, within sidewalk extensions and other special pedestrian areas in order to differentiate them from the sidewalk and define a specific place.*

*Goal STP-UDG4: Use pedestrian-scaled, ornamental trees to define small-scaled pedestrian ways.*

*Goal SF-UDG2: Incorporate unique, especially designed street furnishing elements to provide a unique character in special areas, such as gateways, nodes, pedestrian corridors and retail districts, and gathering places.*

*Goal SF-UDG6: Provide trash receptacles with recycling options.*

*Goal SF-UDG3: Design and/or finish utility and service devices to either visually recede or, as appropriate, match other furnishing items.*

*Goal SF-UDG8: Place bicycle racks in the curb zone such that locked bicycles do not obstruct the sidewalk pedestrian path of travel.*

*Goal SF-UDG12: Provide tree grates for all new or transplanted trees that are located in paved pedestrian areas in order to increase the usable sidewalk area and protect the tree's roots.*

*Goal OSW-UDG2: Include the following features in the planning and installation of the signage and wayfinding system:*

- Direct pedestrians, bicyclists and motorists to major area destinations, especially Lawrence Station.
- Promote transit use by indicating the location of bus and shuttle stops and system routing.
- Facilitate efficient traffic flow by directing drivers to destinations such as important roadways and parking facilities.
- Select typography, graphics, form, illumination and mounting to be compatible with the design of area street furnishings.
- Avoid visual clutter through the creation of efficient and clear signage that does not require a large amount of repetition.
- Consolidate information on a single pole, whenever feasible.
- Design directional signage in a consistent manner throughout the Plan area, regardless of the street type or land use.

- Design signage and way finding system to be appropriately- scaled to the various modes and speeds of travel.

*Goal PB-UDG5: Provide continuous pedestrian-scaled lighting on all pedestrian ways to ensure a feeling of security.*

*Goal PB-UDG7: Plantings may be of a design that is either consistent with the palette of adjoining properties or of a design that delineates the pedestrian way.*

*Goal PB-UDG8: Ensure that plantings do not obscure visibility of the pedestrian way from surrounding properties and public spaces and do not interfere with emergency vehicle access.*

*Goal WS-UDG3: Improve signage to the station and expand to include signage on Reed and Monroe Avenues as well as Lawrence Expressway.*

*Goal WS-UDG4: Accommodate bicycles in the roadway. The narrow right of way suggests that a shared lane is necessary. Install bicycle notations and warning systems such as “sharrows” and “Share the Road” signs to indicate bicycles will be welcome.*

The current Flexible Mixed Use I (MXD-I) zoning district allows high-density residential development ranging from 54 dwelling units per acre (du/ac) up to 80 du/ac with incentives. The highest intensities of development within the Lawrence Station Area Plan (LSAP) are anticipated in areas generally located within one-quarter mile of Lawrence Station, designated as the Mixed-Use Transit Core. The proposed project includes a residential density of 132 du/ac, which exceeds the base density established under the LSAP. However, the project qualifies for additional density pursuant to the State Density Bonus Law (AB 1763). As such, the proposed density is permitted by State law and is therefore considered consistent with the LSAP.

The project attains the objectives and policies of the General Plan and the LSAP by providing a transit- and pedestrian-oriented residential development that supports the area’s mixed-use character. Located in proximity to Lawrence Station, the project promotes transit ridership and reduces reliance on automobile travel.

In addition, the project will provide much-needed affordable housing serving a range of lower household income levels (up to 80 percent of Area Median Income). The development will not result in the displacement of existing housing or tenants.

The visual impacts of parking are minimized by containing the parking within enclosed structures. Direct pedestrian and bicycle access to the station is provided through pathways around the site, and with new public sidewalks in the public right-of-way will better connect to the residential area to the north of the site. The variety of landscaping and open spaces will significantly improve onsite aesthetics. The project will also preserve mature trees to the maximum extent possible.

Although waiver to the front yard setback is requested, the project provides visual interest along the façade particularly portions between the trees. There is also variation, relief, and visual interest in the proposed architectural design that utilizes thematic elements from the existing office use. Aside from the setback waiver, the project meets or exceeds all development standards, such as parking, landscaping and usable open space. There are adequate environmental mitigation measures in place as part of the LSAP MMRPs to reduce construction-related impacts to the neighborhood. There is also a requirement to properly address any contaminated soils and groundwater and noise attenuation for future residents.

2. Finding 2: The proposed project ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. The Planning Commission makes this finding based on the following.

The project site is located within the adopted LSAP which specifically permits mixed-use development onsite, including residential and retail uses. The proposed project will improve the character of the site, surrounding neighborhood, and community by providing housing options within walking distance to the Lawrence Caltrain Station; and beautifying existing industrial conditions with landscaping. The project has been designed to complement the adjacent neighborhood through high quality architecture and building materials with appropriate massing and scale. The requested waivers are reasonable and not anticipated to negatively affect adjacent properties. The reduced parking aligns with the Lawrence Station Area Plan's transit-oriented development goals, and the project's proximity to Caltrain, lower expected vehicle ownership among residents, and comparable affordable housing projects with similar parking ratios support the conclusion that the parking supply is reasonable. Potential environmental impacts can be mitigated to less than significant levels with the measures included in the LSAP MMRPs.