

RECOMMENDED FINDINGS

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR PROJECTS CONSISTENT WITH THE LAND USE AND TRANSPORTATION ELEMENT (LUTE) ENVIRONMENTAL IMPACT REPORT (EIR)

The Planning Commission hereby makes the following findings:

1. The Planning Commission has independently reviewed the programmatic Draft and Final Environmental Impact Reports for the Land Use and Transportation Element (LUTE) of the Sunnyvale General Plan, State Clearinghouse #2012032003 (the "LUTE EIR").
2. The LUTE EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the LUTE. In addition, the LUTE EIR identified significant and unavoidable impacts with regard to transportation, air quality, cultural resources, and noise.
3. On April 11, 2017, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the LUTE EIR, and adopted the LUTE.
4. In addition to serving as the environmental document for the adoption of the LUTE, the LUTE EIR was intended by the City to serve as the basis for compliance with CEQA for projects that are consistent with the development density established by the LUTE in accordance with Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines. These sections provide that if an environmental effect of a project is not peculiar to the parcel or the project, has been addressed as a significant impact in the EIR, or can be substantially mitigated by the imposition of uniformly applied development standards or policies, then an additional EIR need not be prepared on the basis of that effect.
5. The City has analyzed the proposed Project to determine if the Project meets the criteria for streamlined environmental review under Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines.
6. The LUTE designates the Project Site as "Industrial". This designation authorizes a base density of 35% floor area ratio (FAR) with a greater density considered by incorporation of sustainable features or by Use Permit (LUTE page 3-91).
7. The LUTE contains a number of goals, policies, and implementing actions that affirm the General Plan's vision for sustainable development, including Policy LT-2.1 (sustainable practices for the design, construction, maintenance, operation, and deconstruction of buildings), LT-2.1b (encourage green features), and LT-2.1c (establish incentives that encourage green building practices beyond mandated requirements).

8. The project proposes to meet LEED Gold Level with US Green Building Council (USGBC) Certification that achieves at least 75 total points with Design Phase Credits reviewed and approved by USGBC, and achieve an all-electric building without any gas line connection.
9. Section 15183(f) of the CEQA Guidelines provides that an effect of the project on the environment shall not be considered “peculiar” to the project for purposes of Section 15183 if the effect can be substantially mitigated by the imposition of uniformly applied development standards or policies.
10. Based on the environmental checklist for the Project and other information in the record, and after duly noticed public hearing, the City finds as follows:
 - a. The Project is consistent with the Land Use and Transportation Element (LUTE) of the City’s General Plan.
 - b. The conditions of approval for the Project require the Project to undertake feasible mitigation measures required by the LUTE EIR and applicable to the Project.
 - c. The Project will have no environmental effects that:
 - i. are peculiar to the Project or the parcel on which the Project is located;
 - ii. were not analyzed as signification in the LUTE EIR;
 - iii. are potentially significant off-site impacts or cumulative impacts which were not discussed in the LUTE EIR; or
 - iv. are previously identified significant effects which, as a result of substantially new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the LUTE EIR.
 - d. Accordingly, the City finds that no additional EIR needs to be prepared for the Project.
11. 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.

Use Permit

Goals and Policies that relate to this project are:

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

Land Use and Transportation Element Policy LT-11.2 - *Support a full spectrum of conveniently located commercial, mixed-use, public, and quasi-public uses that add to the positive image of the community.*

Land Use and Transportation Element Policy LT-12.9 - *Consider the importance of tax generation (retail, hotel, auto, and business-to-business uses) to support the fiscal health of the community and to fund municipal services.*

Community Characters Policy LT-3.3 - *Place a priority on quality architecture and site design, which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project. **Finding Met.**

This finding can be made for the project as conditioned. The development of a hotel would diversify the uses within the immediate industrial zoning neighborhood, which already has various administrative offices, research and development offices, and a mixed-use development with retails and residential. The proposed hotel project allows for economic growth, which can be accommodated without significant impact on the existing infrastructure and roadway systems. It is anticipated to have a positive fiscal impact on the City and would supply hotel rooms within the City, as well as capturing the immediately neighboring City's needs for hotels and services due to its proximity to Levi's Stadium and the Great America Amusement Park.

2. The proposed use 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. **Finding Met.**

The proposed hotel will improve the character of the site, surrounding neighborhood, and community by adding a new use and services with a six-story contemporary building and streetscape improvements like meandering sidewalk where no sidewalk exists. The proposed project, as conditioned, uses architecture and high quality building materials with an appropriate site design, landscaping and parking. The proposed building is sited appropriately on the site and does not interfere access of other immediately abutting properties with one-story office buildings. The proposed

six-story building creates a taller building than the immediately abutting office buildings but its height assimilates more with the existing mixed-use building across the Lawrence Station Road and also appropriate for being immediately adjacent to a freeway, State Route (SR) 237. The proposed design and intensification of the site supports office and research and development uses in the immediate vicinity and office park north of SR 237 in a manner that that does not impair the orderly development or use of those properties.