

RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING THE MITIGATION AND MONITORING REPORTING PROGRAM, AND STATING OVERRIDING CONSIDERATIONS IN THE APPROVAL OF THE STRATFORD SCHOOL AT PARTRIDGE AVENUE PROJECT**

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

WHEREAS, a Draft Environmental Impact Report ("DEIR") and Final Environmental Impact Report ("FEIR", collectively, the "EIR") has been prepared for and by the City of Sunnyvale for the Stratford School at Partridge Avenue Project ("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 VI of Exhibit A attached hereto; and

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

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

WHEREAS, by motion adopted on January 25, 2016, the Sunnyvale Planning Commission recommended to the City Council the certification of the EIR; and

WHEREAS, a public hearing was held by the City Council on \_\_\_\_\_, 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. The City Council hereby finds and certifies that the EIR has been completed in compliance with CEQA and the CEQA Guidelines; that the EIR adequately addresses the environmental issues of the Project; that the EIR was presented to the City Council; that the City Council has reviewed and considered the information contained in the EIR prior to approving the Project; and that the EIR reflects the independent judgment and analysis of the City Council.

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

Adopted as a Resolution of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT A**

**CITY OF SUNNYVALE**

**STRATFORD SCHOOL AT PARTRIDGE AVENUE PROJECT**

**SIGNIFICANT ENVIRONMENTAL EFFECTS, FINDINGS OF FACT,  
MITIGATION MEASURES, MONITORING PROGRAM, AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

**I. PURPOSE OF THE FINDINGS**

The purpose of these findings is to satisfy the requirement of Public Resources Code Section 21000, et seq., and Sections 15091, 15092, 15093 and 15097 of the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000, et seq., associated with approval of the Stratford School at Partridge Avenue Project, which includes approval of a conditional use permit. These findings provide the written analysis and conclusions of the City Council regarding the project. They are divided into general sections, each of which is further divided into subsections. Each addresses a particular impact topic and/or requirement of law. At times, these findings refer to materials in the administrative record, which is available for review in the City's Planning Division.

**II. PROJECT OBJECTIVES**

Pursuant to CEQA Guidelines Section 15124, the environmental impact report (EIR) must identify the objectives sought by the proposed project. As noted in Section 2.2 of the Draft EIR for the Project, the project objectives are:

- Update and reuse the existing buildings to develop and operate a school.
- Implement design measures that minimize impacts to the surrounding area.
- Preserve healthy trees on-site to the maximum extent feasible.
- Enhance the city's recreational and educational opportunities.

**III. PROJECT DESCRIPTION**

The project would modernize existing buildings to serve a population of approximately 460 students, although peak enrollment would be approximately 520 students. Enrollment in the Stratford School at Partridge Avenue (a private school) in the first operational year would be approximately half of the expected 460 students. Preschool, pre-kindergarten, and elementary school students may be accommodated at the site, depending on future demand. Regardless of the student body makeup, the school's number of students would not exceed 520 at any one time. The project would include modernization of all existing buildings and improvements to meet any required Americans with Disabilities Act (ADA) standards and fire codes. Minor exterior

nonstructural improvements would include a new circulation driveway, and fencing would be part of the site improvements. The project would include modifications to the building façade with contemporary colors and materials. Following construction, all surfaces would be repainted and landscaping would be upgraded.

The project would include the construction of a basketball court inside Raynor Park near the southeast corner of the school property. The full-size court would feature an asphalt play surface and would be surrounded by a 12-foot-tall vinyl-coated chain-link fence. The court would be approximately 104 feet long by 7 feet wide and would require the removal of three existing trees. The court would be used by the school during the school day and would be available for public use during the evening and on weekends and holidays. The project would also include a new volleyball court inside the school courtyard to be used by the school exclusively. Figure 2.4 shows the proposed project site plan, and draft site plans are included in Appendix B.

The project would include the following improvements to existing facilities:

- ADA compliance upgrades, as necessary
- Required fire code upgrades, as required
- Seismic evaluation and upgrades, as necessary
- New windows, classroom walls, and exit doors where necessary
- Newly painted surfaces (interior and exterior)
- Upgrades to restrooms, cabinets, counters, plumbing, whiteboards, and any other building needs
- Fencing of entire campus area for safety and security
- Upgrade of existing open space to include a student courtyard
- A new volleyball court
- A new basketball court, located park-side for both school and public use
- Landscaping upgrades throughout the project site
- Addition of on-site circulation driveway
- Addition of an accessible route to the public right-of-way
- Addition of bicycle parking for students
- Sealcoat and striping of all asphalt parking areas.

A complete description of the project is contained in Draft EIR Section 2.3, Project Description.

#### **IV. THE CEQA PROCESS**

A draft and a final Environmental Impact Report (collectively, the “EIR”) has been prepared for and by the City in accordance with the California Environmental Quality Act (“CEQA”, Public Resources Code Sec 21000 et seq.), and the State CEQA Guidelines (14 Cal. Code of Regulations, Sections 15000 et seq.) in connection with the Project. The EIR for the Project consists of the following:

- A. Draft Environmental Impact Report (“DEIR”), issued September 28, 2015;
- B. All appendices to the DEIR;
- C. Final Environmental Impact Report (“FEIR”), issued January 18, 2016, containing all written comments and responses on the DEIR, refinements and clarifications to the DEIR, the mitigation monitoring and reporting program, and technical appendices;
- D. All of the comments and staff responses entered into the record orally and in writing, as well as accompanying technical memoranda or evidence entered into the record.

In conformance with CEQA, the City has taken the following actions in relation to the EIR:

- A. On April 20, 2015, a Notice of Preparation (NOP) was distributed to appropriate agencies and parties for the purpose of obtaining written comments from the agencies and parties regarding the scope and content of environmental information and analysis which they wanted addressed in the EIR.
- B. On May 6, 2015, the City held a scoping meeting with interested parties for the purpose of receiving comments on the scope of the EIR.
- C. A DEIR was prepared for the Project and was circulated for public review and comment from September 28, 2015 to November 11, 2015. The DEIR was submitted to the State Clearinghouse for review on September 28, 2015 (State Clearinghouse No. 2015042054). Also on this date, notice of the availability of the DEIR was provided to appropriate agencies and the general public via a Notice of Completion sent to the State Clearinghouse and via mailed notice to all interested parties, and to persons living within 2,000 feet of the Project site.
- D. On November 9, 2015 the City of Sunnyvale Planning Commission held a public hearing to receive oral comment on the DEIR.
- E. On January 18, 2016, all comments received on the DEIR during the public comment period were responded to and included in a FEIR, made available for public review on January 18, 2016.
- F. Pursuant to CEQA Guidelines §15088(b), a written response was provided to each public agency on comments made by that public agency at least 10 days prior to the date of this certification.

- G. On January 25, 2016, the Planning Commission conducted a duly and properly noticed public hearing on the Project and the EIR, certified the EIR and did not approve the Project.
- H. The decisions of the Planning Commission were appealed to the City Council pursuant to Section 19.98.070 of the Sunnyvale Municipal Code.
- H. The Project and the EIR came before the City Council on March 15, 2016, at a duly and properly noticed public hearing. On this date, the City Council adopted the following findings, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations.

**V. FINDINGS ARE DETERMINATIVE**

The City Council certifies that the EIR has been completed in compliance with CEQA and that it was presented to, and reviewed and considered by, the City Council prior to acting on the Project. In so certifying, the City Council recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the administrative record; that experts disagree; and that the City Council must base its decision and these findings on the substantial evidence in the record that it finds most compelling. Therefore, by these findings, the City Council ratifies, clarifies, and/or makes insignificant modifications to the EIR and resolves that these findings shall control and are determinative of the significant impacts of the Project.

The mitigation measures proposed in the EIR are adopted in this Exhibit A, substantially in the form proposed in the EIR, with such clarifications and non-substantive modifications as the City Council has deemed appropriate to implement the mitigation measures. Further, the mitigation measures adopted in this Exhibit A are expressly incorporated into the Project pursuant to the adopted conditions of approval.

The findings and determinations in this Exhibit A are to be considered as an integrated whole and, whether or not any subdivision of this Exhibit A fails to cross-reference or incorporate by reference any other subdivision of this Exhibit A, that any finding or determination required or permitted to be made shall be deemed made if it appears in any portion of this document. All of the text included in this document constitutes findings and determinations, whether or not any particular caption sentence or clause includes a statement to that effect.

Each finding herein is based on the entire record. The omission of any relevant fact from the summary discussions below is not an indication that a particular finding is not based in part on the omitted fact.

Many of the mitigation measures imposed or adopted pursuant to this Exhibit A to mitigate the environmental impacts identified in the administrative record may have the effect of mitigating multiple impacts (e.g., conditions imposed primarily to mitigate traffic impacts may also secondarily mitigate air quality impacts, etc.). The City Council has not attempted to exhaustively cross-reference all potential impacts mitigated by the imposition of a particular mitigation measure; however, such failure to cross-reference shall not be construed as a limitation on the potential scope or effect of any such mitigation measure.

Reference numbers to impacts, mitigation measures, and page numbers in the following sections are to the page numbers used in the EIR, as specified.

## VI. IMPACTS, MITIGATION MEASURES AND FINDINGS

In conformance with Section 15091 of the State CEQA Guidelines, this section of the findings lists each significant environmental effect of the project listed in the EIR; describes those mitigation measures recommended in the EIR; and, as required by Section 15091(a), finds that either: the adopted mitigation measures have substantially lessened the significant effect; the adopted mitigation measures, though implemented, do not substantially lessen the significant effect; the mitigation measures cannot be adopted and implemented because they are the responsibility of another public agency; or that specific considerations make infeasible the mitigation measures identified in the EIR.

All feasible mitigation measures listed below have been incorporated into the Mitigation Monitoring and Reporting Program (“MMRP”) included as Attachment A to the FEIR. Compliance with the MMRP is a condition of approval of the Project, and the construction of the Project will incorporate all conditions contained in the MMRP.

### 1. Air Quality

**1.1 Impact.** Project construction could have a significant, temporary impact on nearby sensitive receptors.

#### **Mitigation.**

**MM 3.2.1a** During construction activities, the applicant and/or its contractor shall ensure that all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, and tractors) is California Air Resources Board (CARB) Tier 3 Certified or better.

**MM 3.2.1b** 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 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 (mph).
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. 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.
7. 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.

**Finding.** Implementation of the above FEIR mitigation measure will reduce on-site diesel exhaust emissions to a **less than significant** level.

## 2. Biological Resources

**2.1 Impact.** Project construction could have a significant impact on migratory nesting birds.

**Mitigation. MM 3.3.1** Nesting Bird Preconstruction Surveys. If clearing and/or construction activities will occur during the raptor or migratory bird nesting season (February 15–August 15), the applicant and/or its contractor shall retain a qualified biologist to conduct preconstruction surveys for nesting birds up to 14 days before construction activities. The qualified biologist shall survey the construction zone and a 500-foot buffer surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season.



If active nest(s) are identified during the preconstruction survey, a qualified biologist shall establish a 100-foot no-activity setback for migratory bird nests and a 250-foot setback for raptor nests. No ground disturbance should occur within the no-activity setback until the nest is deemed inactive by the qualified biologist.

**Finding.** Implementation of the above FEIR mitigation measure will reduce impacts to migratory birds to a **less than significant** level.

### 3. Cultural Resources

**3.1 Impact.** Project construction has the potential to significantly impact unknown archeological and paleontological resources.

**Mitigation. MM 3.4.2.** If during the course of grading or construction unknown archeological and paleontological resources are discovered, the contractor shall halt work immediately within 20 feet of the discovery, the City of Sunnyvale shall be notified, and a professional archaeologist, who meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, or paleontologist shall be retained to determine the significance of the discovery. A qualified professional shall determine impacts, significance, and mitigation in consultation with recognized local Native American groups, if appropriate. In addition, prior to the commencement of project site preparation, all construction personnel shall be informed of the potential to inadvertently uncover cultural resources and the procedures to follow subsequent to an inadvertent discovery of cultural resources.

**Finding.** The implementation of the above FEIR mitigation measure will reduce significant cultural resources impacts to a **less than significant** level.

### 4. Hazards and Hazardous Materials

**4.1 Impact.** Project construction and renovation of buildings could have a significant impact due to hazardous materials in the project area.

**Mitigation.**

**MM 3.7.2a.** Prior to construction, the applicant shall implement an Operations and Maintenance Plan. The plan shall include measures which would ensure that the assessment, repair, and maintenance of damaged materials within the buildings shall be done in a manner to protect the health and safety of workers and building occupants as described in applicable state and local regulations. If necessary, the applicant shall retain a Division of Occupational Safety and Health

(Cal/OSHA) registered asbestos contractor to remove asbestos-containing materials to ensure safety to the surrounding neighborhoods.

**MM 3.7.2b.** Prior to construction, the applicant shall consult with a certified lead risk assessor to determine options for control and correction of lead-based paint hazards. If lead-based paints are found to be present, to prevent accidental release of lead-based paint, the applicant and/or its contractor shall use the following techniques during construction:

- Stabilize loose and flaky paint prior to construction activities.
- Require all workers to wear OSHA-level protective material for handling lead-based paint per OSHA requirements for lead in construction.
- Remove all lead-based paint materials to a scrap yard or landfill that can accept such materials.

**MM 3.7.2c.** If project construction includes removing existing site improvements that would expose unimproved areas, the applicant shall contact the local planning or other applicable oversight agency department to determine whether sampling relating to the former agricultural use of the subject property is required prior to construction activities. Sampling activities shall take place as directed by the applicable oversight agency.

**MM 3.7.2d.** If hazardous materials are encountered during construction or accidentally released as a result of construction activities, the contractor shall implement the following procedures:

- Stop all work in the vicinity of any discovered contamination or release.
- Identify the scope and immediacy of the problem.
- Coordinate with responsible agencies (Department of Toxic Substances Control, Central Coast Regional Water Quality Control Board, or EPA).
- Conduct the necessary investigation and remediation activities to resolve the situation before continuing construction work.

**Finding.** The implementation of the above FEIR mitigation measures will reduce identified impacts due to hazards and hazardous materials to a **less than significant** level.

## 5. Transportation

**5.1 Impact.** Project operation could have a significant impact to the project area's circulation systems.

**Mitigation.**

**MM 3.14.1a.**To reduce the conflict point in the drive aisle between the two southern parking lots and to improve the efficiency of the drop-off/pick-up loop, the project applicant shall restrict project site access at the Partridge Avenue driveway to only allow outbound travel during drop-off/pick-up times. The applicant shall place a sign indicating no left or right turns into the parking lot from Partridge Avenue during the specified drop-off and pick-up times on the school property and the public right-of-way to enforce the one-way operation of the driveway.

**MM 3.14.1b.** To improve pedestrian circulation and visibility at the Partridge Avenue driveway, the project applicant shall construct a curb extension at the northern end of the driveway as shown on **Figure 3.14-12a**. Additionally, the project applicant shall install an ADA-compliant raised crosswalk across the driveway to facilitate a continuous and direct extension of the sidewalk. The driveway exit shall include a stop sign and stop bar to clearly delineate the right-of-way.

**MM 3.14.1c** The project applicant shall implement the following enforcement strategies:

- Provide at least three staff stationed throughout the project site to facilitate drop-off/pick-up procedures: one along the northern parking lot; one adjacent to the drop-off/pick-up area, and one at the Partridge Avenue driveway.
- Install a “no stopping/passenger loading” sign along the northern parking lot.
- Restrict passenger loading on Dunford Way and Partridge Avenue during peak drop-off and pick-up times.
- Discourage parking in the neighborhood through communication with parents and students.
- Encourage carpooling, walking, and biking to school, to the extent feasible.

**MM 3.14.1d.**The project applicant shall continually monitor circulation around the immediate area and work with the City and community to identify and resolve issues as appropriate and reasonable. Additionally, the project applicant shall continue to actively communicate with parents about drop-off/pick-up procedures.

**MM 3.14.5a.** The project applicant shall install sharrows on Dunford Way between Wolfe Road and the eastern city limits to clearly delineate Dunford Way as a bike route and increase driver awareness of possible bicyclists on the road (shown in Figure 3.14-12b).

**MM 3.14.5b.** The project applicant shall fund the City's engineering study to determine the need for the installation of crosswalks and yield signs as shown in Figure 3.14 13. If the engineering study finds that crosswalks and yield signs are warranted, the applicant shall fund the installation of crosswalks and yield signs. Additionally, the applicant shall fund the installation of advance school warning signs in both directions along Dunford Way and Partridge Avenue along the school's frontage. The signs will be SW 24 1 (CA) signs as defined by the California Manual on Uniform Traffic Control Devices (MUTCD).

**Finding.** The implementation of the above FEIR mitigation measures will reduce the significant impacts relating to transportation and circulation systems to a **less than significant** level.

## 8. Cumulative Impacts

**8.1 Impact.** During the AM peak hour, the addition of project traffic would exacerbate unacceptable LOS F operations at the intersection of Lawrence Expressway and Benton Street and the project would have a **significant and unavoidable impact**.

**Mitigation.** The addition of a second eastbound left turn lane from Benton Street onto northbound Lawrence Expressway would improve intersection operations to acceptable LOS E. However, this movement is projected to have 182 vehicles under cumulative AM conditions and 79 during cumulative PM conditions, which normally does not warrant a second left turn lane (the HCM recommends the provision of double left-turn lanes when the volume exceeds 300 vehicles.) The main issue that would result in LOS F operations at this intersection would be the heavy through volumes on Lawrence Expressway. Additional through capacity on Lawrence Expressway is needed to improve operations at this location. However, there are currently no plans to widen Lawrence Expressway.

**Finding.** Because of existing traffic volumes on Lawrence Expressway, and the project's additional traffic that does not meet the conditions for the addition of a second left turn lane, mitigation measures for this impact would not be feasible. Further, the City of Sunnyvale as the lead agency does not have authority to widen Lawrence Expressway as it is not a City facility. Thus, it is not certain that the identified mitigation measure could be implemented and therefore, this impact is **significant and unavoidable**.

## VII. SUMMARY OF SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS

With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the proposed project will result in significant unmitigated impacts to cumulative traffic.

1. During the AM peak hour, the addition of project traffic would exacerbate unacceptable LOS F operations at the intersection of Lawrence Expressway and Benton Street and the project would have a significant and unavoidable impact. There are no feasible mitigation measures to reduce the identified impacts to the Lawrence Expressway and Benton Street intersection because the traffic addition does not warrant a second left turn lane and because there are currently no plans to widen Lawrence Expressway to accommodate heavy traffic.

## VIII. PROJECT ALTERNATIVES

### A. Legal Requirements

Section 15126.6(a) of the State CEQA Guidelines requires that an EIR include a “reasonable range of alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project.” Based on the analysis in the EIR, the Project would be expected to result in significant and unavoidable impacts to Traffic and Noise. The EIR alternatives were designed to avoid or reduce these significant unavoidable impacts, while attaining at least some of the proposed objectives of the Project. The City Council has reviewed the significant impacts associated with the reasonable range of alternatives as compared to the Project, and in evaluating the alternatives has also considered each alternative’s feasibility, taking into account a range of economic, environmental, social, legal, and other factors. In evaluating the alternatives, the City Council has also considered the important factors listed in the Statement of Overriding Considerations listed in Section IX below.

Public Resources Code Section 21081(a)(3) provides that when approving a project for which an environmental impact report has been prepared, a public agency may find that 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 environmental impact report and, pursuant to Section 21081(b) with respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment as more fully set forth in Article IX below.

### A. No Project Alternative

1. **Description.** Under this alternative, the project would not be approved and the structures at Raynor Park would not be improved as proposed by Stratford School. There would be no site improvements and park additions like the

basketball court would not be implemented. Under the No Project Alternative, the parcel would remain as City surplus property, and thus the City would not meet its General Plan mandate to maximize utilization of the project site. Under Alternative 1, the City may elect to use the existing buildings and rent them out for various uses. These uses would be similar to past uses like daycare and artist studios.

2. **Comparison to the Proposed Project.** The No Build – No Project Alternative would avoid all of the significant project level and cumulative impacts. Nonetheless, the no project alternative could have significant impacts due to hazardous materials and lack of remediation on the site.

Under the No Project alternative the project site would not be operated as a private school. As such, the project would not result in significant and unavoidable impact to transportation and circulation. Under the No Project alternative there would also be no impacts to other resource areas like biological resources or cultural resources. The City would need to identify options for the project site.

3. **Finding.** Implementation of this alternative would avoid the project's significant and unavoidable impact related to transportation and traffic. The project would also avoid impacts related to air quality, biological resources, cultural resources, and traffic. This alternative does not, however, meet most of the project objectives and could have a significant impact due to hazardous materials.

## **B. REDUCED CAPACITY ALTERNATIVE**

1. **Description.** Alternative 2 would be similar to the proposed project but would have a 20 percent lower student maximum than the proposed project. The project would be approved for a maximum occupancy of 416 total students. Under Alternative 2, the project would modernize existing buildings to serve a population of approximately 416 students, rather than 520 students under the proposed project. Alternative 2 would include all project site improvements as described in Section 2.0, Project Description of the Draft EIR, and construction would be the same in scope and duration. In summary, the project under Alternative 2 would include:

- ADA compliance upgrades, as necessary
- Required fire code upgrades, as required
- Seismic evaluation and upgrades, as necessary
- New windows, classroom walls, and exit doors where necessary
- Newly painted surfaces (interior and exterior)
- Upgrades to restrooms, cabinets, counters, plumbing, whiteboards, and

any other building needs

- Fencing of entire campus area for safety and security
- Upgrade of existing open space to include a student courtyard
- A new volleyball court
- A new basketball court, located park-side for both school and public use
- Landscaping upgrades throughout the project site
- Addition of on-site circulation driveway
- Addition of an accessible route to the public right-of-way
- Addition of bicycle parking for students
- Sealcoat and striping of all asphalt parking areas

Alternative 2, Reduced Capacity Alternative, was chosen because it would reduce overall project impacts on air quality, greenhouse gas emissions, noise, and recreation.

- 2. Comparison to the Proposed Project.** Under this Alternative Stratford would enroll 20% fewer students than the project. Although this alternative would reduce the number of students, it would not avoid the significant and unavoidable impact at the intersection of Lawrence Expressway and Benton Avenue. This impact would be smaller than the proposed project, but would remain significant and unavoidable. This alternative would have comparable construction impacts compared to the proposed project, including air quality, noise, cultural resources, and biological resources.

Under this alternative it was assumed that the project would have 20% less impacts than the proposed project regarding Air Quality, Utilities and Transportation and traffic. For example, as described in Section 4.0 Alternatives Alternative 2 would have a total water demand of approximately 9.84 acre-feet per year, a negligible increase in demand compared with City of Sunnyvale usage rates and projected needs. Alternative 2 would generate approximately 7.84 acre-feet per year of wastewater and 416 pounds of solid waste per day. This reflects a 20% reduction in water demand and waste generation.

Similar to the proposed project, Alternative 2 would include the utilization of Raynor Park and a Joint Use Agreement. As such, impacts to recreational resources would be similar to the proposed project. Noise impacts related to Alternative 2 would be 20% less than the proposed project.

- 3. Finding.** Alternative 2 would result in fewer environmental impacts than the proposed project and would meet all project objectives. It is assumed Alternative 2, the reduced capacity alternative, would reduce impacts related to air quality, greenhouse gas emissions, noise, recreation and transportation and traffic by 20 percent, even though under the proposed project, the impacts are less-than-

significant. While this alternative does not appear capable of reducing the proposed project's only significant and unavoidable impact, Impact 3.14-10, it would marginally reduce the severity of the impacts referenced above. This is the environmentally superior alternative.

### C. Adult School Alternative

1. **Description** Alternative 3 looks at the impacts of operating the existing project site as an adult school. The adult school would be modeled on the Santa Clara Unified School District adult schools, which offers a combination of the following programs: Diploma, Enrichment Courses, Health and Fitness, Parenting and Careers, and Computers. Student enrollment would be capped at 200 students. Typical of adult schools, most offerings would take place in the evening to accommodate an adult student population. Looking at comparable schools in Santa Clara County, evening course offerings typically start between 6:30 p.m. and 7:30 p.m., while recreational classes, like cooking or fitness, take place on weekend mornings or evenings.

Typically adult school attendees drive to class and park during classes. For a 200-student population, approximately 100 parking spaces would be necessary to accommodate school operations. There are currently 91 parking spots available on the project site; as such, there would be an unmet need of 9 parking spots. The Filipino United Church of Christ is located to the west of the project site and through a use agreement, the unmet need of 9 parking spaces could be accommodated. The parking use agreement would be negotiated by the school operator along with the City.

Under Alternative 3, the project would modernize existing buildings to serve a population of approximately 200 adult school students, rather than the 520 middle school students under the proposed project. Alternative 3 would include project site improvements as described in Section 2.0, Project Description of the Draft EIR as they pertain to the existing structures as follows:

- ADA compliance upgrades, as necessary
- Required fire code upgrades, as required
- Seismic evaluation and upgrades, as necessary
- New windows, classroom walls, and exit doors where necessary
- Newly painted surfaces (interior and exterior)
- Upgrades to restrooms, cabinets, counters, plumbing, whiteboards, and any other building needs
- Fencing of entire campus area for safety and security
- Upgrade of existing open space to include a student courtyard



- Landscaping upgrades throughout the project site
- Addition of bicycle parking for students
- Sealcoat and striping of all asphalt parking areas

Alternative 3 was selected to minimize recreational impacts to adjacent Raynor Park, which were of concern to the community. Alternative 3 would not include the addition of volleyball and basketball courts nor the addition of a circulation driveway. Alternative 3 would also not require a joint use agreement between the City and the Stratford School at Partridge Avenue for use of Raynor Park as described in Section 2.0, Project Description of the Draft EIR. As such, it is expected that under Alternative 3 there would be no impacts to recreational resources as discussed below.

2. **Comparison to the Proposed Project.** Under this alternative the project site would not be used as a private school site. The project site would be used as an adult school and the City would need to identify a site operator. This alternative would have comparable construction impacts compared to the proposed project, including air quality, noise, cultural resources, and biological resources.

Under this alternative the project would eliminate the significant and unavoidable AM traffic impact at Lawrence Expressway and Benton Avenue. As described in Section 4.0 Alternatives of the Draft EIR, the directionality of the trips may, however, change and Alternative 3 would potentially have a significant and unavoidable on PM peak-hour traffic due to the later start time.

Alternative 3 would not require the usage of Raynor Park for school activities and therefore a Joint Use Agreement would not be necessary. This alternative would also avoid noise impacts associated with operations of a middle school in the project area.

3. **Finding.** This alternative would avoid the project's significant and unavoidable transportation impact, but could result in a significant and unavoidable impact on PM cumulative traffic conditions. This alternative would meet most of the project objectives and would meet the General Plan mandate to maximize utilization of the project site. Nonetheless, under this alternative the City would need to identify a site operator that would be willing to undertake site renovations and operations.

Implementation of this alternative would avoid the significant transportation impact, but would result in its own significant and unavoidable impact. This alternative does not meet the project objectives as they relate to recreational opportunities in the City.

**IX. STATEMENT OF OVERRIDING CONSIDERATIONS**

The City Council of the City of Sunnyvale adopts and makes the following Statement of Overriding Considerations regarding the project's significant and unavoidable impact and the anticipated benefits of the Project.

The Council has carefully balanced the Project's benefits against any adverse impacts identified in the EIR that could not be feasibly mitigated to a level of insignificance. Notwithstanding the identification and analysis of the impact that is identified in the EIR as being significant and which cannot be eliminated, lessened or mitigated to a level of insignificance, the Council, acting pursuant to CEQA Guidelines Section 15092 and 15093, hereby determines that significant effects on the environment found to be unavoidable in Section VII above (degradation of the level of service under cumulative conditions at the intersections of Lawrence Expressway/Benton Avenue), is acceptable due to overriding concerns described herein.

Based on the objectives identified in the proposed Project and EIR, the Council has determined that the Project should be approved, and the unmitigated environmental impact attributable to the Project is outweighed by the following specific environmental, economic, fiscal, social, and other overriding considerations, each one being a separate and independent basis upon which to approve the Project. Substantial evidence in the record demonstrates the City would derive the benefits listed below from adoption and implementation of the Project.

With regard to the impact on the Lawrence Expressway/Benton Avenue intersection, the City cannot require or control implementation of the mitigation measures because additions of extra capacity on Lawrence Expressway is within the responsibility and jurisdiction of another public agency. Public Resources Code Section 21081(a)(2). Therefore, this impact will remain significant and unavoidable notwithstanding adoption of feasible mitigation measures. Because the City cannot require mitigation measures that are within the responsibility and jurisdiction of other public agencies to be adopted or implemented by those agencies, it is hereby determined that any remaining significant and unavoidable adverse impacts are acceptable for the reasons specified below. Public Resources Code Section 21081(a)(3).

- A. The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible. No feasible mitigation measures or alternatives have been identified to mitigate the significant and unavoidable adverse project impact at Lawrence and Benton Street.
- B. The City Council finds that the project site use by a private school is consistent with the City Council's instructions regarding the project site utilization.
- C. Project implementation would include public improvements to improve pedestrian and bicycle circulation and safety.
- D. The project would provide fees for a traffic study that would improve future pedestrian and bicycle circulation in the project area.

- E. The project would provide traffic impact fees that may be applied to fund improvements to Lawrence Expressway and other City transportation projects.
- F. The project would add a basketball court in Raynor Park, thus enhancing recreational opportunities in the project area.
- G. The City would receive revenue from the sale of the Project site that can be used for the public benefit.

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

Policy LT-4.3: Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the city.

Policy LT-4.14: Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

Policy LT-5.9: Appropriate accommodations for motor vehicles, bicycles, and pedestrians shall be determined for City streets to increase the use of bicycles for transportation and to enhance the safety and efficiency of the overall street network for bicyclists, pedestrians, and motor vehicles.

Policy LT-5.10: All modes of transportation shall have safe access to City streets.

Policy LT-6.2: Promote business opportunities and business retention in Sunnyvale.

Policy LT-7.2: Encourage land uses that generate revenue, while preserving a balance with other city needs, such as housing.

Policy CC-10.6 Leverage available resources by pursuing co-funded and/or cooperative agreements for provision and maintenance of programs, facilities, and services, in order to maximize benefits to the community. Partners may include, but are not limited to, school districts, non-profit groups, governmental agencies and businesses.

Policy CC-10.7 Encourage the use of recreational and open space facilities and services for educational activities of schools that serve Sunnyvale students first, and secondarily the schools that serve students of surrounding communities.

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

**X. MITIGATION MONITORING AND REPORTING PROGRAM**

The Mitigation Monitoring and Reporting Program (“MMRP”) sets forth specific monitoring actions, timing requirements and monitoring/verification entities for each mitigation measure adopted in this Exhibit A, in compliance with Public Resources Code Section 21081.6(a)(1) and CEQA Guidelines Section 15097. The City Council hereby adopts the MMRP and determines that compliance with the MMRP is a condition of approval of the Project.

**XI. THE RECORD**

The environmental analysis provided in the EIR and these findings are based on and are supported by the following documents, materials and other evidence, which constitute the administrative record for the approval of the Project:

A. All application materials for the Project and supporting documents submitted by the applicant, including but not limited to those materials constituting the Project and listed in Section III of this Exhibit A.

B. The NOP, comments received on the NOP and all other public notices issued by the City in relation to the EIR (e.g., Notice of Availability).

C. The Draft EIR, the Final EIR, all appendices to any part of the EIR, all technical materials cited in any part of the EIR, comment letters, oral testimony, responses to comments, as well as all of the comments and staff responses entered into the record orally and in writing between September 28, 2015 and March 15, 2016.

D. All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants related to the EIR, its analysis and findings.

E. Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings or scoping meetings held by the Planning Commission and the City Council.

G. Staff reports associated with Planning Commission and Council Meetings on the Project and supporting technical memoranda and any letters or other material submitted into the record by any party.

H. Matters of common knowledge to the City Council which they consider, such as the Sunnyvale General Plan, any other applicable specific plans or other similar plans, and the Sunnyvale Municipal Code.

**XII. LOCATION AND CUSTODIAN OF RECORDS**

The documents and other materials that constitute the record of proceedings on which the Council findings regarding the mitigation measures and statement of overriding considerations are based are located and in the custody of the Community Development Department, 456 West Olive Avenue, Sunnyvale, California 94086. The location and custodian of these documents is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

**XIII. FILING NOTICE OF DETERMINATION**

The Council hereby directs the Planning Division to file a Notice of Determination regarding the approval of the Project within five business days of adoption of this resolution.