

FINDINGS

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR PROJECTS IN PEERY PARK

The City Council hereby makes the following findings:

1. The City Council has independently reviewed the programmatic Final Environmental Impact Report for the Peery Park Specific Plan, State Clearinghouse #2015062013, certified on September 20, 2016 (“Program EIR”).
2. The Peery Park Specific Plan (“PPSP”) anticipates construction of an additional 2 million square feet of office, industrial, and commercial development, 200,000 square feet of retail development, and 215 residential units within the 450-acre Peery Park Neighborhood over 20 years.
3. In addition to serving as the environmental document for the approval of the PPSP, the Program EIR was intended by the City to serve as the basis for compliance with CEQA for future discretionary actions to implement the PPSP, in accordance with Public Resources Code Section 21094 and Section 15168 of the CEQA Guidelines.
4. The Program EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the PPSP. In addition, the Program EIR identified significant and unavoidable impacts with regard to air quality, cultural resources and historic structures, greenhouse gas emissions, noise, and transportation, circulation and traffic.
5. On September 20, 2016, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the Program EIR and adopted the PPSP.
6. The City has analyzed the proposed Project pursuant to Public Resources Code Section 21094(c) and Section 15168(c)(2) of the CEQA Guidelines to determine if the Project may cause significant effects on the environment that were not examined in the Program EIR and whether the Project is within the scope of the Program EIR.
7. The City Council finds that the Project will not result in environmental effects that were not adequately examined in Program EIR. 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 EIR.
8. For the reasons discussed in Section ENVIRONMENTAL REVIEW of the PLANNING COMMISSION Staff Report for the proposed Project dated 12/10/2018, the City Council finds that the proposed Project is consistent with the PPSP.
9. In accordance with Public Resources Code Section 21094(b) and Section 15168(c)(2) 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 PPSP and no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken consistent with the PPSP, so the Program EIR does 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 EIR was 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 EIR, that mitigation measures or alternatives found infeasible in the Program EIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the Program EIR would substantially reduce one or more significant environmental impacts found in the Program EIR.
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 EIR mitigation measures adopted in connection with the City Council's approval of the Program EIR. All Program EIR 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 City Council finds that any significant and unavoidable impacts of the Project with regard to air quality, cultural resources and historic structures, greenhouse gas emissions, noise, and transportation, circulation and traffic are outweighed by overriding considerations as set forth in the Program EIR and in the Findings adopted by the City Council in connection with the approval of the Program EIR, 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 City Council, exercising its independent judgment and analysis, finds that the Project is consistent with the PPSP, falls within the environmental parameters analyzed in the Program EIR, 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 EIR, 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.

PEERY PARK SPECIFIC PLAN CONDITIONAL USE PERMIT

Peery Park Specific Plan Conditional Use Permit: The project is consistent with the Vision Statement, Guiding Principles and District Policies of the Peery Park Specific Plan including the Development Code.

Required Findings:

1. The use is consistent with the Peery Park Specific Plan;
2. The use is consistent with the certified Environmental Impact Report prepared for the Peery Park Specific Plan;
3. The use is consistent with the General Plan;
4. The use meets all the development standards in the Peery Park Development Code and Sunnyvale Municipal Code;
5. The use is consistent with applicable Peery Park Specific Plan and City-adopted design guidelines;
6. The location, size, design and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity;
7. The use and recommended conditions will adequately mitigate any noise, traffic, parking, or other impacts that would interfere with adjacent properties; and
8. Any special structure or building modifications necessary to contain the proposed use would require a Peery Park plan review permit and would not impair the architectural integrity and character of the sub-district in which it is to be located.

ADJUSTMENTS TO PARKING REQUIREMENTS

A parking adjustment permits flexibility in parking requirements to address unusual or specific use or locational characteristics. To grant an adjustment from a parking ratio minimum for nonresidential uses, the director or approving body shall find:

Required Findings:

1. One or more of the following applicable characteristics are present:
 - a. There are parking agreements with off-site properties; or
 - b. There is a parking management plan that includes valet parking, off-site employee parking, parking agreements, or other demand management tools; or
 - c. The uses on a site have complementary peak hours; or
 - d. The use is commercial in nature and is intended to serve adjacent employment centers. The use provides adequate pedestrian connections to the site from nearby properties and businesses; or
 - e. The use is within one-half mile of a walk from a rail station, light rail station, or major bus stop. A major bus stop is defined as a stop where six or more buses per hour from the same or different routes stop during the peak period in core, corridor or station areas; or
 - f. The proposed use has an unusual characteristic that results in less parking demand. This characteristic shall be described and limited in applicable conditions of approval for a discretionary land use permit. Land uses that are permitted by right may not apply for adjustment because of this criterion of unusual characteristics.
2. Based on the characteristics present in subsection (1), the proposed parking is adequate and will not spill over onto surrounding properties or streets.