

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 11311, DETERMINING THAT A PEDESTRIAN MALL ON THE 100 BLOCK OF SOUTH MURPHY AVENUE BETWEEN WEST EVELYN AVENUE & EAST WASHINGTON AVENUE SHALL BE ESTABLISHED

WHEREAS, in response to the COVID-19 pandemic, the City of Sunnyvale temporarily closed the 100 block of South Murphy Avenue to facilitate outdoor dining and pedestrian zones; and

WHEREAS, a majority of the surveyed users and participating businesses support continuation of the street closure to enhance downtown vitality; and

WHEREAS, the City wishes to retain these pedestrian zones beyond the end of the COVID-19 pandemic; and

WHEREAS, the Pedestrian Mall Law of 1960 (California Streets and Highways Code Section 11000 et seq.) authorizes municipalities to close streets to vehicular traffic and to establish pedestrian malls; and

WHEREAS, on February 7, 2023, the City Council adopted Resolution No. 1171-23 declaring its intention to establish a pedestrian mall on one segment of South Murphy Avenue, between West Evelyn Avenue and East Washington Avenue (i.e., the 100 block of South Murphy Avenue), and the boundaries of the proposed pedestrian mall are shown in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the City Council set a public hearing date on May 16, 2023, or as soon thereafter as the matter could be heard, to hear claims of damages, protests, and objections to the establishment of the pedestrian mall; and

WHEREAS, as required under the Streets and Highways Code Sections 11301 through 11302.5, the City completed the required public noticing of Resolution No. 1171-23, which included posting copies of the resolution on the portion of the street proposed to be established as a pedestrian mall and at all intersecting streets; mailing copies of the resolution to all persons who are either owners in fee or have a lien upon, or legal or equitable interest in, any of those properties located along the street proposed to be established as a pedestrian mall; and recording a copy of the resolution with the Santa Clara County Recorder's Office; and

WHEREAS, on August 11, 2020, the City Council certified an Environmental Impact Report (EIR) (State Clearinghouse #2018052020) for the Downtown Specific Plan (DSP) Amendments and six Specific Development Projects (2020 DSP EIR), which provided a

program-level review of the 2020 DSP Amendments, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15146(b), and project-level review of six development projects, pursuant to CEQA Guidelines Section 15146(a); and

WHEREAS, CEQA Guidelines Section 15164(a) provides that an agency “shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred”; and

WHEREAS, with respect to the establishment of the pedestrian mall on the 100 block of South Murphy Avenue, none of the triggers set forth in CEQA Guidelines Section 15162 has occurred that would require preparation of a subsequent EIR; and

WHEREAS, pursuant to CEQA Guidelines Section 15164, the City prepared an addendum to the 2020 DSP EIR (Addendum), which is attached hereto as Exhibit B and incorporated herein; and

WHEREAS, the City Council held a public hearing on May 16, 2023 on the proposed establishment of the pedestrian mall on the 100 block of South Murphy Avenue; and

WHEREAS, at the public hearing on May 16, 2023, opportunity to present evidence, both written and/or oral, pertaining to the establishment of the pedestrian mall was provided, and all interested persons desiring to comment on the establishment of the pedestrian mall were heard; and

WHEREAS, the City did not receive written objections to the establishment of the pedestrian mall from the owners of land abutting on the proposed pedestrian mall representing a majority of the frontage on the proposed pedestrian mall; and

WHEREAS, no claims for damages by reason of the establishment of the pedestrian mall were filed with the City Clerk prior to the hour set for the public hearing on May 16, 2023; and

WHEREAS, at the public hearing on May 16, 2023, all interested persons desiring to comment on the Addendum or object thereto were heard, and the Addendum was considered; and

WHEREAS, the City Council has considered the evidence on the establishment of the pedestrian mall and has determined that the pedestrian mall shall be established on the 100 block of South Murphy Avenue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. Upon consideration of all comments, protests, objections, and evidence on the establishment of the proposed pedestrian mall, the City Council determines that the pedestrian

mall on the 100 block of South Murphy Avenue between West Evelyn Avenue and East Washington Avenue, as depicted on Exhibit A, shall be established.

2. The Addendum to the 2020 DSP EIR was presented and considered by the City Council during a public hearing on May 16, 2023. The Addendum was prepared for the establishment of the pedestrian mall on the 100 block of South Murphy Avenue in compliance with the requirements of CEQA and CEQA Guidelines, and is adequate for the City’s use as the lead agency under CEQA. Based on the evidence submitted and analysis in the Addendum, none of the conditions described in CEQA Guidelines Section 15162 or 15163 regarding the preparation of a subsequent or supplemental EIR, respectively, has occurred. Accordingly, the establishment of the pedestrian mall on the 100 block of South Murphy Avenue is in compliance with the provisions of CEQA.

3. An ordinance establishing the pedestrian malls shall be prepared for Council adoption in accordance with California Streets and Highways Code Section 11600.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:
- RECUSAL:

ATTEST:

APPROVED:

 DAVID CARNAHAN
 City Clerk
 (SEAL)

 LARRY KLEIN
 Mayor

APPROVED AS TO FORM:

 JOHN A. NAGEL
 City Attorney



DRAFT 5/1/23

Sunnyvale

Downtown Map



P PARKING

Historic Murphy Avenue Pedestrian Mall Project
Second Addendum to the Downtown Specific Plan
Amendments and Specific Development Project
Final Environmental Impact Report

State Clearinghouse #2018052020

April 27, 2023

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Sunnyvale City Council

Larry Klein, Mayor
Russ Melton, Councilmember
Richard Mehlinger, Councilmember
Linda Sell, Councilmember

Omar Din, Vice Mayor
Alysa Cisneros, Councilmember
Murali Srinivasan, Councilmember

1. Introduction

Background

On June 10, 2020, City staff issued a Special Events Permit to temporarily prohibit motor vehicles from using the 100 block of South Murphy Avenue (Historic Murphy Avenue) so that restaurants could expand outdoor dining during the COVID-19 state of emergency.¹

On July 27, 2021, the City Council adopted Resolution No. 1075-21 directing the City Manager to extend the Special Events Permit until December 31, 2021. On December 7, 2021, the City Council extended the deadline to September 30, 2022. On February 7, 2023, the City Council extended the deadline to December 31, 2023. These actions were determined to be exempt from environmental review pursuant to the California Environment Quality Act (CEQA) Guidelines Sections 15301(c) and 15304(e).

It is now the City's intent to evaluate permanently converting Historic Murphy Avenue from a public street to a pedestrian mall under the Pedestrian Mall Law of 1960 (Streets and Highways Code 11000 et seq.) (the "Project"). The Project will require accessibility improvements to the public street, but no physical development is proposed as part of this Project. The closure will create a pedestrian-only zone and maintain the expanded areas for outdoor dining that were created during the COVID-19 emergency. Addition of a bicycle lane is not currently planned, but could be considered in the future.

Public Outreach

Staff conducted several engagement opportunities to seek feedback from the public and businesses about the proposed action. Staff created an Open City Hall survey, visited businesses, posted on social media, and presented several times at Sunnyvale Downtown Association (SDA) meetings. Feedback from the public and businesses showed strong support for eliminating motor vehicles on Historic Murphy Avenue.

The City Council adopted a Resolution of Intention to Establish a Pedestrian Mall at a noticed public hearing on February 7, 2023. Notice of the Resolution was mailed to owners of property abutting Historic Murphy Avenue at least 45 days before the hearing to establish the pedestrian mall in accordance with Streets & Highways Code Section 11302. In addition, signs were posted at both ends of Historic Murphy Avenue and a copy of the Resolution was filed with the Office of the County Recorder 90 days prior to the hearing to establish the pedestrian mall in accordance with Streets & Highways Code Sections 11301 and 11302.5.

¹ Though often referred to as a "street closure" by the public and City staff, the 100 block of South Murphy Avenue was not "closed" but has remained open to pedestrians, including those using mobility devices.

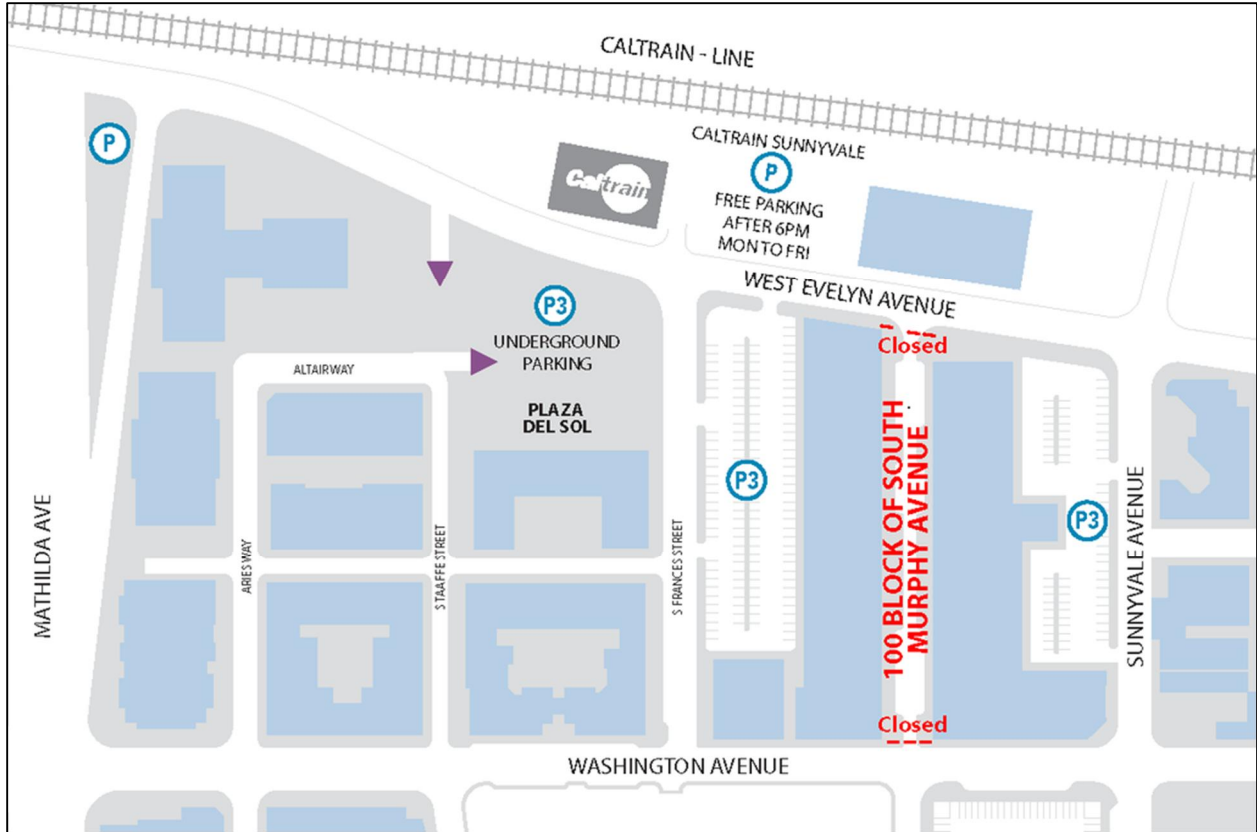


Figure 1. Location of the Historic Murphy Avenue Pedestrian Mall

2. Project Description

Existing Conditions

The 100 block of South Murphy Avenue (Project Area), also known as Historic Murphy Avenue, is a one-block stretch of South Murphy between Washington Avenue and West Evelyn Avenue. It is part of “Block 2” of the Downtown Specific Plan (DSP),² and is located within the DSP’s “North of Washington” District. The Project Area is zoned DSP (Downtown Specific Plan) with a general plan land use designation of “Commercial.” Residential uses are not permitted in the Project Area (see Sunnyvale Municipal Code Table 19.28.070); however, there are a total of 10 existing (legal non-conforming) residential units on the upper floors of two buildings.

The 100 block of South Murphy Ave. features a mixture of one- and two-story buildings (one three-story building) with over half built between 1900 and 1940. It is currently developed with sidewalks, landscape planters, and street trees, with one traffic lane in each direction. There are parking bays on both sides of the street between sidewalk bulb-outs,

² Block 2 includes 31 addresses on S. Murphy Ave., three on Washington Ave. and one on Frances St.

providing about 24 parallel parking spaces. Midblock breezeways connect to public parking lots on South Frances Ave. and Sunnyvale Ave. The intersection at the south end of the block (Washington Ave.) is controlled by stop signs. The north end of the block (West Evelyn Ave.) has a stop sign and crosswalk that provides a route to the Caltrain station.

Based on City records, the existing buildings within DSP Block 2 have approximately 191,000 square feet of floor area, consisting primarily of commercial uses (restaurants and retail) on the ground floors with some second floor offices and 10 residential units. The planned future build-out of DSP Block 2 will have a total of 251,000 square feet of commercial and office uses, and no residential uses. (DSP Table 5-1, p. 5-5.)

The Project Area is listed in Sunnyvale's Heritage Resources Inventory (Rev. 9/18) as the Murphy Station Landmark District. There are two historically significant buildings in the Project Area: the Del Monte Building (114 South Murphy Ave.) and the Stowell Spalding building block (186-198 South Murphy Ave.), both of which are listed on the California Register of Historic Resources. Building renovations and new construction must comply with the Design Guidelines for the Murphy Station Heritage Landmark District (adopted July 2019) and Chapter 19.96 (Heritage Preservation) of the Sunnyvale Municipal Code.

The Project Area is a central destination in Sunnyvale for dining, nightlife, and special events, including a weekly summer music series, an annual art and wine festival, and a holiday tree lighting. Sidewalk dining is permitted in the Project Area through issuance of a miscellaneous plan permit pursuant to City Council Policy 1.1.10, "Use of the Public Sidewalk on the 100 Block of South Murphy Avenue" which was first adopted in 1987 and amended several times. Prior to June 2020, several restaurants on Historic Murphy had permits for sidewalk dining, providing a total of approximately 286 outdoor seats.

Since June 2020, restaurants in the Project Area have been allowed to use a portion of the public street (including the parking bays and sections of the vehicle lanes) for outdoor dining pursuant to a Special Event Permit issued by the City during the COVID-19 emergency. On February 7, 2023, the City Council updated Council Policy 1.1.10 to incorporate standards and regulations for outdoor dining areas in the public street. As of March 2023, there were 234 restaurant seats in the public street and 286 seats on the sidewalk, for a total of 520 outdoor seats in the Project Area.

Surrounding Land Uses and Setting

Land uses within the Project Area are predominantly restaurant and retail establishments. The surrounding blocks of the downtown include a mixture of commercial, office, and high density residential development. The Caltrain Sunnyvale railroad station is located to the north of the Project Area across East Evelyn Avenue.

Project Description

As shown in Figure 1 above, the City intends to establish a pedestrian mall on Historic Murphy Avenue. The total area of existing public right-of-way (including the sidewalks, parking bays, and vehicle travel lanes) is 70 ft. wide by 571.4 ft. long, or approximately 40,000 sq. ft. (0.9 acres). Motor vehicle traffic and parking will be prohibited on the proposed pedestrian mall except for emergency and utility maintenance vehicles. The pedestrian mall will be used for outdoor dining, special events, and enhanced pedestrian circulation. It will include designated areas for outdoor dining, emergency access, and accessible pedestrian routes. A bicycle route may be considered in the future.

Implementation of the pedestrian mall may include adoption of additional regulations and design guidelines governing the use of the outdoor dining areas. No new development and no modifications to any existing buildings are proposed as part of the Project.

Proposed street modifications needed to implement the pedestrian mall include:

- Installation of traffic barriers such as bollards at each end of Historic Murphy Ave.
- Modifications to the public street to create accessible routes between the dining areas, sidewalks, and restaurant entrances as required by the Americans with Disabilities Act. These modifications may include additional sidewalk curb cuts or raising the pavement in the parking bays to create a gradual slope from the sidewalk to the center of the street.

2. The Downtown Specific Plan EIR

City of Sunnyvale's Downtown Specific Plan area (DSP) covers approximately 150 acres generally bounded by the Caltrain tracks to the north, Carroll St. and Bayview Ave. to the east, Olive Ave. and El Camino Real to the south, and Charles St. to the west. The DSP area is divided into 22 "blocks" numbered Blocks 1 to 23 (there is no Block 19), which are organized into five districts. The DSP was originally adopted in 1993 and was comprehensively updated in 2003 and 2020. The DSP is a long-term planning document intended to create a vibrant and traditional downtown that serves the local community and is a regional destination. The DSP contains the land use plan, goals, policies, and design strategies and guidelines to guide development in the DSP area.

On August 11, 2020, City Council certified an Environmental Impact Report (DSP EIR) (State Clearinghouse No. 2018052020), adopted a Mitigation Monitoring and Reporting Program, and adopted a Statement of Overriding Considerations for the DSP amendments and six specific development projects. The DSP EIR provides a program-level review of the 2020 DSP amendments, which intensified the allowable development on six project sites to

accommodate up to 843 residential units, 260,063 square feet of commercial uses, and 860,624 square feet of office uses on those sites. The 2020 amendments also included a comprehensive update of the DSP's goals, policies, and design standards. On February 14, 2023, the City Council adopted an Addendum to the DSP EIR to allow for additional residential units and office square footage on Block 20 of the DSP.

3. Environmental Issues Assessment

Legal Standard for an Addendum

CEQA Guidelines Section 15164(a) provides that "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Under Section 15162, a subsequent EIR is required if:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Conclusions

As discussed further below, conversion of the Project Area to a pedestrian mall is well within the anticipated uses and development capacity of DSP Block 2 that was planned for in the DSP and studied in the DSP EIR. The DSP anticipates a final build-out of 251,000 square feet of commercial and office uses on DSP Block 2, compared to the existing 191,000 square feet, a difference of 60,000 square feet. The entire public right-of-way on Historic Murphy Avenue, including sidewalks, parking bays, and vehicle lanes, is 40,000 square feet, only a portion of which will be used for outdoor dining. Therefore, the Project will not result in environmental impacts that are new or substantially more severe than the impacts analyzed in the DSP EIR, nor does the Project involve new information that requires additional environmental review.

The Project is located within an existing commercial area where the street life has historically included outdoor sidewalk dining and periodic special events. The construction needed to implement the pedestrian plaza, such as installation of bollards and pavement modifications or additional curb cuts, is within the scope of normal operational activities and streetscape improvements anticipated by the DSP. The Project will comply with all applicable mitigation measures adopted in the DSP EIR, as well as all other applicable regulations and guidelines.

Although the DSP depicts the Historic Murphy Ave. as part of the public street network for vehicle traffic (DSP page 7-8), there are no DSP goals or policies that discourage or prohibit the creation of a pedestrian mall. On the contrary, eliminating motor vehicle traffic on the Historic Murphy Ave. is consistent with the pedestrian-oriented policies of the DSP. The 2020 DSP amendments call for a number of bicycle- and pedestrian-friendly upgrades to the Project Area. The DSP identifies Historic Murphy Ave. as a key segment of a future “pedestrian loop” where the convenience and needs of pedestrians will be prioritized over vehicles (DSP p. 3-14). The DSP also proposes various streetscape enhancements to create a “pedestrian promenade” extending along Murphy Ave. between McKinley and Evelyn Avenues (DSP p. 3-13).

The pedestrian mall also furthers the two main goals of the DSP’s North Washington District (DSP Section 5.4.2), which are to support a “lively street life” along the Historic Murphy Ave., and to provide a link between the Caltrain station and the Downtown’s Commercial Core in order to encourage use of Caltrain.

3.1. Aesthetics

The DSP EIR identified less-than-significant impacts on aesthetics resulting from changes in the built urban environment. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe aesthetic impacts than identified in the DSP EIR, and no new mitigation is required. Outdoor dining areas are required to comply with Council Policy 1.1.10, which includes standards and regulations to “promote the attractive commercial and historic environment of Murphy Avenue.”

3.2 Agriculture and Forest Resources

The DSP EIR identified no impacts on agriculture and forestry resources, as these resources do not exist within the DSP area.

3.3 Air Quality

The DSP EIR identified less-than-significant air quality impacts with mitigation required for construction emissions (**MM AQ-2.1, MM AQ-2.2, MM AQ-2.3, MM AQ-4.1**). In addition, the DSP EIR identified air quality impacts related to operational emissions which can be mitigated to less-than-significant use of Transportation Demand Management plans consistent with City requirements to reduce single-vehicle trips (**MM AQ-2.4**). Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe air quality impacts than identified in the DSP EIR, and no new mitigation is required. Closure of the Project Area to motor vehicles furthers the City’s air quality goals by supporting mixed uses within the DSP Area, promoting active mobility, and discouraging vehicle use.

3.4 Biological Resources

The DSP EIR identified a less-than-significant impact on biological resources with mitigation required for nesting birds during construction (**MM BIO-1.1**). No other biological impacts were identified. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe biological impacts than identified in the DSP EIR, and no new mitigation is required.

3.5 Cultural Resources (including Tribal Cultural Resources)

The Project Area is a locally listed historic landmark district, but has been determined not to be eligible for state or national listing due to loss of historic integrity (Draft EIR, p. 91). However, the DSP EIR identified two historically significant buildings within the Project Area: the Del Monte Building at 114 South Murphy Avenue, and the Stowell Spalding building block at 186-198 South Murphy Avenue, both of which are listed on the California Register with “2S2” status indicating eligibility for listing on the National Register. The DSP EIR identified less-than-significant impacts on these historic buildings from construction

vibration (**Impact CR-1 and Impact NOI-2**) associated with the six specific development projects evaluated in the DSP EIR due to the distance of those projects from the historic buildings. The DSP EIR noted, however, that future projects could have an impact on the historic buildings if construction activities exceed vibration threshold limits. As discussed further below under 3.13–Noise, compliance with **MM NOI-4.1**, including preparation of a construction noise control plan, will ensure that noise and vibration does not have a significant impact on the historic buildings in the Project Area.

The DSP EIR identified less-than-significant impacts on archeological resources, human remains, and tribal cultural resources with mitigation required (**MM CR-2.1, MM CR-2.2, MM CR-2.3**). The DSP EIR also identified a significant and unavoidable impact on trees in the redwood heritage grove (outside of the current Project Area) for which the City Council adopted a Statement of Overriding Considerations. The DSP EIR identified no impacts on paleontological resources and unique geological features, as these do not exist within the DSP area.

Therefore, creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe cultural impacts than identified in the DSP EIR, and no new mitigation is required.

3.6 Energy

The DSP EIR identified less-than-significant impacts on energy resources with mitigation required (**MM AQ-2.1 through MM AQ-2.4**) (see above, 3.3–Air Quality). Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe energy impacts than identified in the DSP EIR, and no new mitigation is required.

3.7 Geology and Soils

The DSP EIR identified less-than-significant impacts related to geology and soils. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe impacts on geology and soils resources than identified in the DSP EIR, and no new mitigation is required.

3.8 Greenhouse Gas Emissions

The DSP EIR identified less-than-significant greenhouse gas (GHG) impacts with mitigation required (**MM AQ-2.3, MM AQ-2.4**) (see above, 3.3–Air Quality). Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe GHG impacts than identified in the DSP EIR, and no new mitigation is required. Closure of the Project Area to motor vehicles furthers the City's climate goals by supporting mixed uses within the DSP Area, promoting active mobility, and discouraging vehicle use.

3.9 Hazards and Hazardous Materials

The DSP EIR identified less-than-significant impacts with mitigation required (**MM HAZ-1.1 through MM HAZ-1.9**) related to hazardous materials including PCBs, asbestos, and lead in construction and demolition waste; historic PCE contamination of soil, soil vapor, and groundwater from past dry cleaning businesses; and other potential contaminants from past and present uses of the area. The DSP EIR identified less-than-significant aircraft hazards due to the proximity of Moffett Federal Airfield with mitigation required (**MM HAZ-4.1, MM HAZ-4.2**). The DSP EIR also identified a less-than-significant impact to emergency response and evacuation plans. No other impacts related to hazards and hazardous materials were identified. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more hazards and hazardous materials impacts than identified in the DSP EIR, and no new mitigation is required.

3.10 Hydrology and Water Quality

The DSP EIR identified less-than-significant impacts related to water quality, waste discharge, and stormwater drainage with mitigation required (**MM HYD 1.1, MM HYD-3.1**). The DSP EIR identified less-than-significant impacts related to groundwater depletion/recharge and flooding. Creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more impacts on hydrology and water quality than identified in the DSP EIR, and no new mitigation is required.

3.11 Land Use and Planning

The DSP EIR identified less-than-significant impacts to land use and planning, finding no conflict with applicable land use plans, policies, or regulations. The DSP EIR also found no impact on habitat conservation or natural community preservation plans, which do not exist within the DSP area.

The DSP EIR identified a less-than-significant impact to land use and planning related to the physical division of established communities (**Impact LU-1**). The DSP EIR noted that the proposed development of the DSP area “does not include construction of physical features that would impair mobility or propose closure of an existing street.” Although the pedestrian mall will prevent motor vehicles from driving on Historic Murphy Ave., the street will not be “closed.” It will remain open to the public and will continue to provide a link between the DSP area and the Caltrain station. Drivers and bicyclists will still be able to transit the area in a north-south direction by detouring one block to Frances St. or Sunnyvale Ave. Bicyclists can walk their bicycles on Historic Murphy (addition of a bicycle lane could be considered in the future). Eliminating motor vehicle traffic on Historic Murphy Ave. furthers the goals of the DSP to create pedestrian routes and a lively street

life that will connect, rather than divide, the people and neighborhoods within the Downtown (DSP Section 5.4.2). Therefore, creation of the pedestrian mall will not result in new or substantially more impacts on land use and planning than identified in the DSP EIR, and no new mitigation is required.

3.12 Mineral Resources

The DSP EIR identified no impacts on mineral resources, as these resources do not exist within the DSP area.

3.13 Noise and Vibration

The DSP EIR identified significant and unavoidable noise impacts (**NOI-4, NOI-C**) related to temporary construction noise, for which the City Council adopted a Statement of Overriding Considerations with mitigation required (**MM NOI-4.1**). The DSP EIR identified less-than-significant impacts from groundborne vibration associated with construction of the six specific development projects evaluated in the EIR. The DSP EIR noted, however, that future projects could have an impact on historic buildings if construction activities exceed vibration threshold limits (**Impact NOI-2**). As discussed above under 3.5–Cultural Resources, there are two historically significant buildings in the Project Area, the Del Monte Building and the Spalding Building. According to the “Downtown Specific Plan Environmental Noise and Vibration Assessment” (Apr. 2019) (DSP EIR, Appendix H), certain construction activities that generate ground vibration can cause damage to historic buildings within 25 feet. However, the Project is required to comply with **MM NOI-4.1** including preparation of a construction noise control plan. Through this plan, the City will ensure that construction activities will not generate noise and vibration at a level that would significantly impact the historic buildings in the Project Area. Therefore, the construction of the pedestrian mall will not result in new or substantially more impacts on noise and vibration than identified in the DSP EIR, and no new mitigation is required.

The DSP EIR identified less-than-significant impacts from operational noise with mitigation required related to use of mechanical equipment (**MM NOI-1.1**). The DSP EIR also identified less-than-significant impacts from ambient noise, and no impacts related to airport noise as the DSP is outside Moffett Airfield’s 65 dBA noise contour area. Outdoor dining and special events in the Project Area are subject to the City’s noise regulations, and such uses already exist within the Project Area. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts related to noise, and no new mitigation is required. Eliminating vehicle traffic will potentially reduce ambient noise.

3.14 Population and Housing

The DSP EIR identified less than significant impacts related to population and housing. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of population and housing impacts.

3.15 Public Services

The DSP EIR identified less than significant impacts on public services. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts on public services.

3.16 Recreation

The DSP EIR identified less than significant impacts on parks and recreational facilities. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts on recreation. The creation of the pedestrian mall will enhance opportunities for passive recreation in the DSP area such as walking and enjoying the outdoors.

3.17 Transportation

The DSP EIR used a Level of Service (LOS) traffic analysis to determine whether the DSP amendments and the six specific development projects would significantly increase traffic congestion in the Downtown area and vicinity. The DSP EIR identified significant impacts as a result of increased automobile delay on one freeway segment and thirteen intersections. Several of these impacts were considered significant and unavoidable, for which the City Council adopted a Statement of Overriding Considerations.

Under Senate Bill 743 (Steinberg, 2013), which went into effect on July 1, 2020, a project's effect on automobile delay is no longer considered an environmental impact (CEQA Guidelines Section 15064.3(a)). On June 30, 2020, the City Council adopted City Council Policy 1.2.8 (Transportation Analysis Policy) that requires all projects to evaluate and disclose transportation environmental impacts by measuring Vehicle Miles Traveled (VMT) rather than LOS.

The DSP EIR relied on an LOS traffic analysis because it was released for public review before July 1, 2020. However, the DSP EIR also provided a qualitative discussion of VMT (Draft EIR, page 280). The DSP EIR notes that projects within 0.5 miles of an existing major transit stop, such as the Sunnyvale Caltrain station, are presumed to have no impact on VMT pursuant to CEQA Guidelines Section 15064.3(b)(1). Historic Murphy Avenue is located approximately 300 to 750 feet from the Caltrain station, and is therefore presumed to have no impact on VMT. Furthermore, the Project falls under two exemptions listed in City Council Policy 1.2.8: Section (2)(B), Neighborhood-serving retail/service uses under 100,000

square feet, and Section (2)(E)(IV), Multimodal improvements that promote walking, bicycling, and transit.

The DSP EIR identified no significant impacts on public transit, bicycle or pedestrian facilities, and no other significant transportation impacts. The pedestrian mall supports the pedestrian-oriented goals and policies of the DSP and will reduce the potential for vehicle/pedestrian conflicts and hazards. The pedestrian mall will be required to meet all applicable design standards for pedestrian facilities and emergency access. Therefore, creation of the pedestrian mall does not propose any new construction or activities that would result in new or substantially more severe transportation impacts than identified in the DSP EIR, and no new mitigation is required.

Non-CEQA Impacts to Transportation

Although LOS metrics are no longer used to determine environmental impacts under CEQA, increased traffic may trigger a requirement for a local transportation analysis to address operational deficiencies. Using the Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition, an increase of 299 restaurant seats on Historic Murphy Ave. (in addition to the existing 286 sidewalk seats) would generate approximately 70 new AM Peak trips and 98 new PM Peak trips if all restaurants are open in the morning and evening. This is below the threshold (100 new Peak trips) where further transportation studies are required.

Impacts to parking also fall outside the scope of CEQA. However, the following is provided for informational purposes. The Project will eliminate approximately 24 on-street parking spaces in the Project Area. Visitors to the Project Area will have ample other parking options, including public parking lots on South Frances and South Sunnyvale Avenues and a public parking garage two blocks away on Taaffe Street. The CityLine project, currently under construction on the south side of Washington Avenue, will provide 345 new public parking spaces and over 1,000 shared parking spaces that the public can use after business hours and on weekends. (See Walker Consultants, "Sunnyvale Parking Capacity and Management Study" and presentation to the City Council on Aug. 11, 2019).

3.18 Utilities and Service Systems

The DSP EIR identified a significant and unavoidable cumulative impact to utilities and utility service systems related to wastewater treatment capacity, for which the City Council adopted a Statement of Overriding considerations. No other significant impacts were identified. Creation of the pedestrian mall does not propose any new development or activities that require new analysis of impacts on utilities.

3.19 Wildfire

There are no Fire Hazard Severity Zones, state responsibility areas, Very High Fire Hazard Severity Zones, or local responsibility areas located in or adjacent to Sunnyvale (CAL FIRE 2022). The Project Area is urbanized and not adjacent to large areas of open space or agricultural lands that are subject to wildland fire hazards. The DSP EIR identified no impacts related to wildfire.

3.20 Mandatory Findings of Significance

Creation of the pedestrian mall does not propose any new development or activities that would substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The creation of the pedestrian mall will not have cumulatively considerable impacts, or substantial adverse effects on human beings.

5. Conclusion

None of the conditions described in CEQA Guidelines Section 15162 that would call for preparation of a subsequent EIR have occurred. Therefore, preparation of an Addendum to the 2020 DSP EIR is the appropriate level of environmental review to comply with CEQA for the Historic Murphy Avenue Pedestrian Mall Project. City decisionmakers will consider this Addendum along with the DSP EIR before taking action on the Project.