

DRAFT 2/25/16 rum

RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE CERTIFYING THE SUBSEQUENT 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 MOFFETT TOWERS II 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 Subsequent Environmental Impact Report ("DEIR") and Final Subsequent Environmental Impact Report ("FEIR", collectively, the "SEIR") has been prepared for and by the City of Sunnyvale for the Moffett Towers II Project ("the Project") pursuant to CEQA and the CEQA Guidelines; and

WHEREAS, the SEIR addresses the environmental impacts of the Project, which is further described in Sections IV and 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 II 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 II of Exhibit A attached hereto; and

WHEREAS, by motion adopted on March 28, 2016, the Sunnyvale Planning Commission recommended to the City Council the certification of the SEIR; and

WHEREAS, a public hearing was held by the City Council on April 19, 2016, regarding the Project and the SEIR, 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 SEIR was considered; and

WHEREAS, by this Resolution, the City Council, as the lead agency under CEQA for preparing the SEIR 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 SEIR 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 SEIR has been completed in compliance with CEQA and the CEQA Guidelines; that the SEIR adequately addresses the environmental issues of the Project; that the SEIR was presented to the City Council; that the City Council has reviewed and considered the information contained in the SEIR prior to approving the Project; and that the SEIR 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 SEIR 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 by the City Council at a regular meeting 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

CEQA FINDINGS OF FACT

and

STATEMENT OF OVERRIDING  
CONSIDERATIONS

*for*

*1111 Lockheed Martin Way Office Project*

*(Moffett Towers II)*

*Planning Project #2015-7106*



City Council

City Of Sunnyvale

February 2016

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## **I. INTRODUCTION**

The Draft Subsequent EIR prepared for the 1111 Lockheed Martin Way Office Project (also referred to as the Project or Moffett Towers II) identified several significant environmental effects that the proposed Project may cause. Some of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Others cannot be avoided by the adoption of such measures or feasible environmentally superior alternatives. However, these effects are outweighed by the overriding considerations, which are included with the Findings for those significant proposed Project impacts that cannot be mitigated.

Pursuant to Title 14, California Code of Regulations, Section 15090, the City Council of Sunnyvale (Council) hereby certifies that the Final Subsequent Environmental Impact Report (Final SEIR) for the Moffett Towers II Project (proposed Project) has been completed in compliance with the California Environmental Quality Act, Public Resources Code (PRC) Section 21000 et seq. (CEQA), that the Final SEIR was presented to the Council, and that the Council has reviewed and considered the information contained in the Final SEIR prior to approving the proposed Project, as set forth below. As part of this certification, the Council hereby finds that the Final SEIR reflects the independent judgment and analysis of the Council and approves the Final SEIR.

## **II. ENVIRONMENTAL REVIEW PROCESS**

CEQA (PRC Section 21000 et seq.) requires state and local government agencies to consider the environmental consequences of projects for which they have discretionary authority. This document, which has been prepared in compliance with the requirements of CEQA and the CEQA Guidelines (California Code of Regulations Title 14 Section 15000 et seq.), sets forth the findings of the City of Sunnyvale (City), the lead agency under CEQA, regarding the Moffett Towers II Project (proposed Project). The document also presents a Statement of Overriding Considerations.

The primary source for this document is the Final Subsequent Environmental Impact Report (Final SEIR; SCH #2001052121) for the proposed Project, and the documents that have been incorporated into the Final SEIR directly or by reference. Full descriptions of the proposed Project, associated environmental impacts, mitigation measures, Project alternatives, a Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project, and other features required under CEQA are contained in the Final SEIR itself.

A Program EIR, the Moffett Park Specific Plan (MPSP) Environmental Impact Report (MPSP EIR; SCH #2001052121) was certified by the Sunnyvale City Council on November 11, 2003. The MPSP establishes a comprehensive development policy and provides regulatory guidance for the buildout of the Moffett Park Area. In May 2015, MT II LLC, submitted an application to the City for the current proposed Project, which if approved and implemented, would develop the site at a higher intensity than what is currently permitted under the MPSP, resulting in the need for an amendment to the MPSP and the City of Sunnyvale Zoning Ordinance. This would have the potential to result in major revisions to the MPSP EIR. Therefore, in order to consider the Project as proposed, the City chose to

prepare a project-level Subsequent EIR (SEIR) pursuant to Section 15162 of the CEQA Guidelines.

The SEIR where applicable, tiers off of and incorporates by reference the program-level MPSP EIR. Where applicable and where potential impacts associated with the proposed Project were adequately analyzed in the program-level MPSP EIR, the SEIR relies on the analysis and findings presented in that document.

To determine the scope of the SEIR, the City prepared a Notice of Preparation. On June 26, 2015, the Notice of Preparation (NOP) for the proposed Project were distributed to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse. This began the 30-day public review period, which ended on July 27, 2015. A total of two comment letters from an agency and a member of the public were received. A scoping meeting was held on July 16, 2015 and additional comments were received. These comments were considered during the preparation of the Draft SEIR (see below), and are included in their entirety in Appendix A to that document.

The Draft SEIR, with an accompanying Notice of Completion (NOC), was circulated to the State Clearinghouse, trustee agencies, responsible agencies, other government agencies, and interested members of the public for a 45-day review period, extending from December 28, 2015 through February 12, 2016. On February 8, 2016, the City of Sunnyvale Planning Commission held a public hearing to receive oral comment on the Draft SEIR. Comments on the Draft SEIR, a list of commenters, and the City's responses to comments are contained in the Final SEIR, which was issued on March 23, 2016. In addition, the Final SEIR contains the Draft SEIR itself, and the applicable mitigation measures from the MPSP Final EIR. Pursuant to CEQA Guidelines §15088(b), the Final SEIR was made available for review by trustee and responsible agencies that provided written comments on the Draft SEIR for a 10-day period, extending from March 23, 2016 to April 4, 2016.

The SEIR for the Project consists of the following:

- A. Draft Subsequent Environmental Impact Report ("Draft SEIR"), issued December 28, 2015;
- B. All appendices to the Draft SEIR;
- C. Final SEIR, issued March 23, 2016, containing all written comments and responses on the Draft SEIR, refinements and clarifications to the Draft SEIR, 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.



The Final SEIR did not provide any significant new information regarding proposed Project or cumulative impacts or mitigation measures beyond that contained in the Draft SEIR. The City therefore properly decided not to recirculate the Final SEIR for additional public review.

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

- A. On March 28, 2016, the Planning Commission conducted a duly and properly noticed public hearing on the Project and the SEIR, and recommended that the City Council certify the EIR and approve the MPSP Amendment and Rezone from MP-I to MP-TOD.
- B. On April 19, 2016, at a duly and properly noticed public hearing, the City Council certified the EIR and adopted findings, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations related to the MPSP Amendment and Rezone from MP-I to MP-TOD.
- C. On May 23, 2016, at a duly and properly noticed public hearing, the Planning Commission recommended approval of the Development Agreement and Major Moffett Park Design Review.
- D. On June 14, at a duly and properly noticed public hearing, the City Council considered and approved the Development Agreement and Major Moffett Park Design Review.

### **III. PROJECT DESCRIPTION**

#### **A. Project Location**

The proposed Project is located within the Moffett Park Specific Plan (MPSP) area located within the City of Sunnyvale, California. The Project site is located at 1111 Lockheed Martin Way. The Project site is currently developed with buildings constructed as part of a former Lockheed Martin facility and surface parking areas. The Project site is located to the west of E Street between 11th Avenue and 5th Avenue, and east of Enterprise Way on Assessor's Parcel Numbers (APN) 101-01-36 and -38. The Project is located approximately 1,750 feet north of the State Route 237 South Bay Freeway and US Highway 101 interchange and east of the Moffett Federal Airfield.

#### **B. Site Characteristics**

The proposed Project consists of two developed parcels on 47.4 acres. The Project site is developed with five buildings and approximately 924,500 square feet of existing building space for office, electronic assembly and testing, aluminum machining, satellite assembly, and research and testing laboratory uses. Currently, the main vehicular access to the property is provided via 5th Avenue from Enterprise Way and 11th Avenue. The site has restricted access at the Lockheed Martin security gate located at Enterprise Way and 5th Avenue. Pedestrian access to the site is currently limited to 11th Avenue. Existing uses onsite include associated driveways, parking areas, and landscaping.

## C. Project Characteristics

The Moffett Towers II Project is proposed by MT II, LLC. The Project Proponent's objectives are the redevelopment of the site with a total of 1,651,795 square feet of total building area of Class A office space in a high-quality integrated corporate campus environment that utilizes a transit-oriented, pedestrian friendly layout and design.

The proposed Project would replace 924,500 square feet of existing buildings with five new eight-story office buildings (320,359 square feet each), a two-story amenities building (50,000 square feet), surface parking (2,200 stalls) and three 4-level parking (3,140 stalls). The Project would involve the redevelopment of property into an office campus environment through the removal of existing industrial buildings and their associated parking lots, and the subsequent construction of five 8-story office buildings. Implementation of the proposed Project would require an amendment to the MPSP and the City of Sunnyvale Zoning Ordinance.

The proposed Moffett Towers II would require the following modifications to the existing 2004 MPSP:

1. Text Amendment to allow two parcels currently zoned as Moffett Park Industrial (MP-I) to be rezoned to Moffett Park Transit Oriented Development (MP-TOD).
2. Amendment to the Moffett Park Specific Plan to allow the base density of the existing MP-I parcels to increase from a 35% up to approximately 50% Floor Area Ratio (FAR).

Proposed Project details include the following:

- The proposed campus would be organized so that the five new buildings are oriented to surround a large landscaped common space to accommodate active and passive recreation on-site. The six buildings would be eight stories, a maximum of 129 feet in height and would have a gross building area of 320,359 square feet. The architectural style for the proposed buildings would be consistent with the goals and policies of the General Plan and the MPSP. The architecture and materials for the buildings are intended to reflect high quality "Class A" office buildings.
- The Project proposes approximately 50,000 square feet of amenity space for employee support services. The amenity space would be contained within a two-story "amenities" building that would be located in the center of the Project site. The amenities building would include, but is not limited to, a cafe, fitness center, extensive outdoor facilities including a pool and a sports court, exercise equipment, gym, multi-purpose room, and shower/locker/changing rooms.
- The Project proposes a central pedestrian network that would connect the corporate campus to several VTA stations, including the Moffett Park Drive and the Mathilda Avenue stations. The pedestrian network would also connect the office buildings to each other and to the amenities building and parking. The pedestrian network would be an automobile free zone (except where driveways and internal roadways cross the

- network) for pedestrians, bicycles, and other alternative wheeled transportation (i.e., rollerblades).
- Parking for the proposed Project would be provided by surface parking lots and three parking structures. Approximately 5,430 parking spaces would be provided onsite at a rate of 1 space per 300 square feet of floor area (1,086 spaces per building). Parking structures would be four levels in height, respectively. The proposed Project would provide carpool, vanpool, and electric vehicle spaces as required by the MPSP. In addition, 200 secured and 67 unsecured bicycle parking spaces would be provided as required by the City Zoning Code. As proposed, the proposed Project design would accommodate adequate parking for all uses.
  - The Project proposes a transit-oriented layout and design. The Mathilda Avenue Station is located in proximity to the Project site, with two other Light Rail Stations within the MPSP that are also easily accessible. The Project proposes to incorporate Transportation Demand Management (TDM) measures that are designed to provide access to the Project site through alternative modes transportation (e.g., bicycle, light rail, and bus) in order to reduce the total amount of vehicular trips generated by employees onsite. Conceptual TDM measures include:
    - Transit Service: The Project would provide direct access to VTA bus and light rail service on Mathilda Avenue via public pathways and private sidewalks, and improved sidewalk access to VTA bus and LRT service on Mathilda Avenue via public sidewalks on 5th Avenue and 11th Avenue.
    - Bike and Pedestrian: The Project would include the following elements to enhance bike and pedestrian access:
      - Public sidewalks and bike lanes along the proposed improvements to E Street adjacent to the Project;
      - Formal pedestrian pathways connecting all buildings and parking facilities;
      - Designated passenger loading and unloading zones at all main building entries;
      - Bicycle parking space at a minimum of 60 spaces per building located throughout the Project site to enhance usefulness and convenient access from City bike lanes; a minimum of 75% of total bicycle parking spaces would be Class I (secure enclosure), provided in all three parking structures; remaining bicycle parking spaces would be Class II (lockable rack), installed near each building entrance.
    - Preferential parking for carpool, vanpool and electric vehicle users;

- Total parking supply at the minimum allowable ratio of 1 space per 300 square feet, which is less than the maximum allowable parking supply ratio of 1 space per 250 square feet; and,
- The Project amenities facility includes a 50,000 square feet building with fitness center (including changing facilities and showers) and cafe, and extensive outdoor features including a pool and basketball courts. Also, the High Garden atop Parking Structure A would include additional recreational facilities.

The proposed Project may have multiple tenants, therefore, the building owners would work with the tenants to implement programs to incentivize the buildings employees to utilize alternative forms of transportation. Conceptual programs and service measures include:

- Financial Incentives: Tenants providing VTA Eco Passes and Guaranteed Ride Home services;
- Work Schedule Options: TDM Coordinators assist employees with telecommuting and compressed/alternative work schedule activities; and
- Rideshare Matching: TDM Coordinators may assist tenants and their employees in establishing carpools and vanpools by providing ride matching support. This information may be provided by individual tenants or by accessing 511 Rideshare by phone or internet. Similarly, TDM Coordinators may assist tenants and employees in finding “bike buddies” and “walk buddies” to commute with.
- The proposed Project would remove all but 40 of the existing ornamental trees during construction, including 28 trees that would be relocated on-site. The proposed landscaping would plant approximately 1,050 trees in replacement throughout the Project site, including common areas and parking areas, at a replacement of a 3:1 ratio. Other landscaping proposed throughout the site includes native and ornamental shrubs, grasses and other groundcovers. The utilization of native grasses and shrubs will ensure the landscaping is low-maintenance and will conserve water.
- LEED (Leadership in Energy and Environmental Design) was first introduced by the US Green Building Council (USGBC) in 1998. It is a voluntary program based on national standards for developing high-performance, sustainable buildings. The proposed Project would achieve the LEED Platinum rating from USGBC.
- The proposed Project is planned to be developed in one phase. Demolition of existing buildings and construction of the proposed approximately 1,651,795 square feet of new buildings, new parking lots, parking garage, and landscaping is proposed to be completed in approximately 24 months, depending on proposed Project phasing, market conditions, and the extent of new development.

- The Project includes the approval of a Development Agreement between the applicant and the City for improvements related to the construction of the project and other minor improvements in the vicinity of the Project area (e.g., sidewalks, pedestrian crossings, etc.). The Development Agreement is a legal and contractual mechanism that provides assurances to both parties (in this case the City and the project applicant) that each will meet their obligations. The City gains assurances that the applicant will fund and construct the agreed upon improvements, and Specific cost amounts and timelines in which the improvements must be constructed are memorialized in the Development Agreement. The applicant, as the party responsible for incurring costs associated with constructing the improvements, receives assurances that the City will meet its obligations outlined in the agreement.

Items covered in the Development Agreement that relate to physical impacts on the environment include:

- The applicant may develop up to 0.80 FAR with Green Building incentives as allowed for under the MPSP and the City's zoning code.
- The applicant is responsible for the payment of an additional Traffic Improvement Payment in addition to the traffic impact fees required for the project.
- The applicant is responsible for the design and construction of E Street.
- The applicant is responsible for a contribution of a Public Safety Payment for the funding of three public safety officers at Fire Station 5.

#### **IV. SIGNIFICANT EFFECTS AND MITIGATION MEASURES**

The Final SEIR analyzed proposed Project impacts in the following ten environmental topic areas: Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Greenhouse Gases; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Public Services and Utilities; Recreation; and Transportation and Traffic. Potentially significant or significant impacts were identified in all but three of these areas: Hydrology and Water Quality; Greenhouse Gases; and Recreation. With implementation of proposed Project-specific mitigation measures, potentially significant impacts would be reduced to less-than-significant levels, with the exception of one impact each in Air Quality and Transportation and Circulation. However, these impacts are outweighed by overriding considerations, which are presented later in this findings document.

The following discussion elaborates on potentially significant and significant impacts identified in the Moffett Towers II Final SEIR and mitigation measures proposed for those impacts. Additional discussion of less-than-significant impacts is not provided; however, mitigation measures set forth in the MPSP Final EIR to reduce less-than-significant impacts are included in the proposed Project approval along with the mitigation measures described below.

## A. Aesthetics

### 1. Potentially Significant Impacts Reduced to Less Than Significant Levels

**Impact 4.1-3: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.**

The Project site currently generates light and glare from indoor and outdoor lighting, security lighting, and parking lot lighting. Sunlight that is reflected off of reflective building surfaces (windows, aluminum siding, etc.), equipment, and vehicles also generates glare from the Project site and its surroundings. Glare impacts from sunlight reflections in the MPSP area are the most severe during the morning and evening hours when sunlight is directly reflected from glass windows and building surfaces onto motorists, pedestrians and bicyclists, and all persons traveling in or through the area.

Implementation of the proposed Project could increase the amount of light and glare at the Project site, as it would increase the amount of development within the Project site compared to existing conditions. It is anticipated that proposed lighting would include exterior wall-mounted light fixtures and lighting within the on-site surface parking areas to ensure public safety and safe pedestrian and vehicular circulation. To ensure that impacts related to light and glare are reduced to levels considered less than significant, the proposed Project would adhere to existing City policies for community design and aesthetics, and would require implementation of the lighting guidelines of the MPSP, as defined in Chapter 5, *Development Regulations*.

### Mitigation Measures

The following mitigation measures are required to reduce the proposed Project's impacts to a less than significant level:

**Mitigation Measure 4.1-3a: Glare Reduction.** All exterior windows and glass used on building surfaces shall be non-reflective or treated with a non-reflective coating.

**Mitigation Measure 4.1-3b: Exterior Lighting Location Requirements.** All exterior and interior lighting proposed as part of the Project's required exterior lighting plan shall be constructed and located in such a manner that it cannot be mistaken for airport approach or runway lights by pilots. Exterior lighting shall also be consistent with the City's Bird Safe Building Design Guidelines.

#### Finding

**All of the proposed Project specific environmental impacts on aesthetics will be reduced to a less than significant level with the implementation of the proposed mitigation measures.**

**Mitigation Measures: 4.1-3a; 4.1-3b**

**Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR.**

## B. Air Quality

### 1. Significant and Unavoidable Impacts

**Impact 4.2-1: Project construction would violate an air quality standard or contribute substantially to an existing or projected air quality violation.**

Unmitigated emissions exceed significance thresholds; therefore, implementation of the Basic Construction Mitigation Measures would be required. Basic Construction Mitigation Measures include dust control (watering, covering/stabilizing disturbed areas, limiting on-site vehicle speeds, etc.). With implementation of the Basic Construction Mitigation Measures, Table 4.2-3 (from Section 4.2 of the SEIR) indicates that Project-related construction emissions would still exceed the thresholds for ROG and NO<sub>x</sub>. Therefore, Additional Control Mitigation Measures would be required, such as low VOC content paint, CARB certified off-road engines, and use of Best Available Control Technology<sup>1</sup>. While implementation of Additional Control Mitigation Measures would further reduce construction-related emissions, the Project would continue to exceed the thresholds for ROG in year 3; and NO<sub>x</sub> for years 1, 2, and 3.

**Table 4.2–3 Project Construction Emissions**

Emissions Sources	Emissions (pounds/day)			
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Year 1 – 2016</b>				
Unmitigated Emissions	23.42	164.54	31.23	13.69
Mitigated Emissions <sup>a, b</sup>	19.17	138.93	23.74	9.26
<i>BAAQMD Emissions Threshold</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
<i>Threshold Exceeded?</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>No</i>
<b>Year 2 – 2017</b>				
Unmitigated Emissions	15.56	93.18	20.50	7.30
Mitigated Emissions <sup>a, b</sup>	13.26	79.40	19.61	6.52
<i>BAAQMD Emissions Threshold</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
<i>Threshold Exceeded?</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>No</i>
<b>Year 3 – 2018</b>				
Unmitigated Emissions	120.81	93.04	23.47	8.21
Mitigated Emissions <sup>a, b</sup>	118.26	79.61	22.66	7.52
<i>BAAQMD Emissions Threshold</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
<i>Threshold Exceeded?</i>	<i>Yes</i>	<i>Yes</i>	<i>No</i>	<i>No</i>
ROG = reactive organic gases; NO <sub>x</sub> = nitrogen oxides; PM <sub>10</sub> = particulate matter less than 10 microns; PM <sub>2.5</sub> = particulate matter less than 2.5 microns				

<sup>1</sup> Best Available Control Technology (BACT) is defined as technology, verified by CARB, for an off-road vehicle that achieves reductions in emissions at the highest applicable classification level for diesel emission control strategies. A summary of CARB-verified diesel emission control strategies may be found at <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>. Where this policy requires BACT, this requirement can be satisfied by a factory installed equivalent device, such as a diesel particulate filter.

**Notes:**

- a The reduction/credits for construction emission mitigations are based on mitigation included in CalEEMod and as typically required by the BAAQMD (Basic Control Measures and Regulation 6: Particulate Matter and Visible Emissions). The mitigation includes the following: replace ground cover on disturbed areas quickly, water exposed surfaces twice daily, and proper loading/unloading of mobile and other construction equipment.
- b Enhanced Mitigation involves compliance with an additional control measure requiring the use of CARB Certified low-NO<sub>x</sub> emissions equipment and the use of low volatile organic compound (VOC) coatings (compliance with BAAQMD Regulation 8, Rule 3; Architectural Coatings).
- c Refer to Appendix B for assumptions used in this analysis.

**ROG Emissions.** In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O<sub>3</sub> precursors. In accordance with the methodology prescribed by the BAAQMD, the ROG emissions associated with paving have been quantified with CalEEMod. In addition, based upon the size of the buildings, architectural coatings were also quantified in CalEEMod.

The highest concentration of ROG emissions would be generated during the application of architectural coatings beginning in 2018. As required by law, all architectural coatings for the proposed Project structures would comply with BAAQMD Regulation 8, Rule 3: Architectural Coating. Regulation 8, Rule 3 provides specifications on painting practices and regulates the ROG content of paint. As indicated in Table 4.2-3, the Project construction would result in an exceedance of ROG emissions in year 3 despite implementation of Basic Construction Mitigation Measures. Therefore, compliance with BAAQMD Additional Construction Mitigation Measures would be required to further reduce ROG emissions. The BAAQMD recommends that all projects, where construction-related emissions would exceed the applicable thresholds, implement the Additional Construction Mitigation Measures. Specifically, the Project would be required to use low VOC content coatings; refer to Mitigation Measure 4.2-1b for the maximum VOC content allowed for construction. Despite implementation of Mitigation Measure 4.2-1b, impacts would remain significant and unavoidable for ROG emissions.

**Construction Equipment and Worker Vehicle Exhaust.** Exhaust emission factors for typical diesel-powered heavy equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include: level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported onsite or offsite.

Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the Project site, emissions produced on site as the equipment is used, and emissions from trucks transporting materials and workers to and from the site. Emitted pollutants would include ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Despite the implementation of Basic Construction Mitigation Measures, NO<sub>x</sub> thresholds would be exceeded during construction years 1, 2, and 3. Therefore, Mitigation Measure 4.2-1c would be required to reduce NO<sub>x</sub> emissions. Despite implementation of Mitigation Measures 4.2-1c, NO<sub>x</sub> emissions would remain significant and unavoidable during construction years 1, 2, and 3.

**Total Daily Construction Emissions.** In accordance with the BAAQMD Guidelines, CalEEMod was utilized to model construction emissions for ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Construction



would occur in one phase (approximately three years), with the greatest amount of fugitive dust emissions being generated during the initial stage of Project construction. Additionally, the greatest amount of ROG emissions would typically occur during the final stage of construction due to the application of architectural coatings. As indicated in Table 4.2-3, implementation of Mitigation Measures 4.2-1a through 4.2-1c, would reduce emissions to a less than significant level for PM<sub>10</sub> and PM<sub>2.5</sub>. However, ROG emissions would remain significant and unavoidable for construction year 3; and NO<sub>x</sub> emissions would remain significant and unavoidable for construction years 1, 2, and 3.

## Mitigation Measures

**Mitigation Measure 4.2-1a: BAAQMD Basic and Additional Construction Mitigation Measures.** Prior to issuance of any Grading or Demolition Permit, the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that the following basic and enhanced construction mitigation measures shall be implemented:

- Water all active construction areas to maintain 12 percent soil moisture.
- All grading shall be suspended when winds exceed 20 miles per hour.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- 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. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Wind breaks and perimeter sand bags shall be used to minimize erosion.
- The amount of simultaneously disturbed surface shall be minimized as much as possible.
- Site access points from public roadways shall be paved or treated to prevent track-out.
- Replace vegetation in disturbed areas as quickly as possible.

- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City 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.

**Mitigation Measure 4.2-1b: BAAQMD Architectural Coatings Mitigation Measures.** Prior to issuance of any Building Permit, the Chief Building Official and Project LEED Accredited Professional shall confirm that the Building Plans and specifications include the following BAAQMD additional construction mitigation measures:

- Use low volatile organic compounds (VOC) (i.e., reactive organic gases [ROG] coatings beyond the BAAQMD requirements [i.e., Regulation 8, Rule 3: Architectural Coatings]).
- VOC content of architectural coatings shall not exceed 50 grams per liter during Project construction.

**Mitigation Measure 4.2-1c: NO<sub>x</sub> Reduction Measures.** The following measures shall be implemented during construction to reduce NO<sub>x</sub> related emissions. They shall be included in the Grading Plan, Building Plans, and contract specifications. Contract specification language shall include the following:

- All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub>.
- All contractors shall use equipment that meets the California Air Resources Board's most recent certification standard for off-road heavy duty diesel engines.
- The idling time of diesel powered construction equipment shall be minimized to two minutes.
- The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction Project (i.e., owned, leased, and

subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent PM reduction compared to the most recent California Air Resources Board fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.

- Utilize existing power sources (i.e., electrical power) when available. This measure would minimize the use of higher polluting gas or diesel generators.

#### **Finding**

**The majority of proposed Project specific environmental impacts on air quality will be reduced to a less than significant level with the implementation of the proposed mitigation measures.**

**Mitigation Measures: 4.2-1a; 4.2-1b; 4.2-1c; 4.7-2**

**Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR with the exception of violations of air quality standards during construction activity, which exceed the BAAQMD thresholds for ROGs during construction years 1 through 3.**

## **C. Biological Resources**

### **1. Potentially Significant Impacts Reduced to Less Than Significant Levels**

**Impact 4.3-4: Project development would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.**

Given the urban environment and the height of the proposed buildings, there is an increased potential for avian injury and mortality resulting from collisions with buildings. Bird collisions are a known occurrence in city and suburban settings. Some birds are unable to detect and avoid glass and have difficulty distinguishing between actual objects and their reflected images. In addition, artificial lighting from buildings can interfere with some night-migrating birds. The frequency of bird collisions in any particular area depends on many factors, including local and migratory avian populations; densities and species composition; migration characteristics; resting and feeding patterns; habitat preferences; time of year; prevailing winds; and weather conditions.

The proposed Project could result in bird collisions and mortalities due to the large percentage of glass proposed for the buildings and the extensive landscaping proposed onsite. Bird collisions would be expected to mostly occur at the lower levels of the buildings where the vegetation is most prominent. Potential impacts to birds as a result of bird

collisions would result in a potentially significant impact. Implementation of Mitigation Measure 4.3-4(a) would reduce impacts associated with bird collisions to a less than significant level.

The landscape and structures on the Project site could provide nesting habitat for non-special-status migratory birds and raptors. If construction occurs during the breeding season (generally between March 1 and August 15), demolition and construction activities (e.g., tree and shrub removal, excavation, grading) that occur within the Project area could disturb or remove occupied nests of non-special-status migratory birds and raptors. This disturbance could cause nest abandonment and subsequent loss of eggs or developing young at active nests located in or near the Project area. This impact is considered significant because the Project could result in a substantial adverse effect (through loss of eggs or young) on species (migratory birds and raptors) that are protected by the MBTA and California Fish and Game Code Sections 3503 and 3503.5. Implementation of Mitigation Measure 4.3-4(b) would reduce this impact to a less than significant level.

### **Mitigation Measures**

**Mitigation Measure 4.3-4(a): Bird Safe Design Guidelines.** Prior to the issuance of any building permits, the Project applicant shall demonstrate to the satisfaction of the City Community Development Director, that the proposed building design incorporates appropriate design features included in the City's Bird Safe Building Design Guidelines, so long as they do not conflict with the Project objective of constructing an energy efficient building designed to meet LEED Platinum certification. In addition, the applicant will be required to work with the future tenants to implement a "Lights Out" Program. A Lights Out program encourages building owners, managers and tenants to ensure that any and all unnecessary lighting is turned off during specific months of the year during peak bird migratory periods, such as the program sponsored by the Golden Gate Audubon Society.

**Mitigation Measure 4.3-4(b): Migratory Birds and Raptors.** Prior to the issuance of Grading Plans or improvement plans, the Project applicant shall demonstrate to the satisfaction of the City Community Development Director that the following notes are shown on the grading and improvement plans: All tree and building removal and initial grading of the site shall occur outside of the migratory bird and raptor breeding season (August 16 through February 28) unless the following requirements are implemented:

- If construction activities are scheduled to occur during the breeding season for non-special-status species (generally between March 1 and August 15), a qualified wildlife biologist shall be retained to conduct the following focused nesting surveys, as follows:
  - Tree surveys shall be conducted within the Project site to look for nesting non-special-status migratory birds and raptors.
  - Surveys of all buildings shall be conducted to look for nesting non-special-status migratory birds and raptors.

- The surveys shall be conducted between March 1 and August 15 and within one week prior to initiation of construction activities.
- A summary report of the survey findings shall be submitted to the satisfaction of the Community Development Director. If no active nests are detected during surveys, then no additional mitigation is required.
- If construction activities are scheduled to occur during the breeding season (generally between March 1 and August 15), and if surveys indicate that migratory bird or raptor nests are found in any areas that would be directly affected by construction activities, a no-disturbance buffer shall be established around the site to avoid disturbance or destruction of the nest site until after the breeding season, or after a wildlife biologist determines that the young have fledged (usually late-June to mid-July). The extent of these buffers shall be determined by a qualified wildlife biologist and shall depend on the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors shall be analyzed in order to make an appropriate decision on buffer distances. A summary report of the survey findings with the location of the active nests and required buffer distances shall be submitted to the satisfaction of the City Community Development Director.

**Impact 4.3-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.**

The tree survey report prepared for the Project site included an inventory of the trees located onsite. The inventory identified 416 trees on the site, consisting of 22 different species, most of which are considered moderate (62%) to low suitability (35%) for preservation. Of the 416 trees inventoried, 95 (23%) were identified as Significant Trees, and also protected trees, consistent with Section 19.94.030(4) of the City Code. The Project would remove a total of 351 trees. Of the 37 existing trees that would not be removed during construction, 28 would be relocated. The location of the trees and the identification of the trees to be removed are shown in Figure 4.3-2, Existing Tree and Protection Plan. Removal of significant sized trees is considered a potentially significant impact and mitigation is required.

The proposed landscape plan specifies approximately 1,050 new trees would be planted in replacement throughout the Project site including common areas and parking areas, at a replacement ratio of 3:1. The proposed landscaping plan is shown in Figure 3-16 in Chapter 3.0, Project Description, of this SEIR.

### **Mitigation Measure**

**Mitigation Measure 4.3-5: Tree Preservation.** Prior to the issuance of a grading permit the applicant shall demonstrate, to the satisfaction of the City Community Development Director, that the removal of the protected trees as defined by the City Code has been mitigated through the planting of new trees at a 3:1 ratio on the Final Landscape Plan.

**Finding**

**All of the proposed Project specific environmental impacts on biological resources will be reduced to a less than significant level with the implementation of the proposed mitigation measures.**

**Mitigation Measures: 4.3-4a; 4.3-4b; 4.3-5**

**Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR.**

## **D. Cultural Resources**

### **1. Potentially Significant Impacts Reduced to Less Than Significant Levels**

**Impact 4.4-1: Project implementation would not affect any historical resource. (Less Than Significant With Mitigation Incorporated)**

As noted in Section 4.4-3, an historical resource may be eligible for inclusion on the California Register of Historic Resources (CRHR), as determined by the State Historical Resources Commission or the lead agency, if the resource:

1. "Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;"
2. "Is associated with the lives of persons important in our past;"
3. "Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or"
4. "Has yielded, or may be likely to yield, information important in prehistory or history."

Based on the historical resources evaluation prepared by WSA (located in Appendix D of the SEIR), Buildings 150, 151, and 152 have an important association with events that have made a significant contribution to the broad patterns of California's history (criterion 1 above), particularly the development of the defense industry and advanced communications systems in the San Francisco Bay Area. Buildings 141 and 155 are not over 45 years of age and were used primarily for support services. As a result, they do not meet criterion 1.

For purposes of context, nearby properties that have made similar large-scale technological contributions to defense-related pursuits include Moffett Federal Airfield to the west and the Onizuka Air Force Station to the east. As mentioned above, Moffett Federal Airfield Hangars One, Two, and Three, and the adjacent Shenandoah Plaza are designated a National Historic District and are listed on the NRHP. Similarly, a NRHP-eligible Historic District, the

U.S. Air Force Satellite Test Center, has been created that comprises six interconnected buildings on the former Onizuka Air Force Station, just east of the Project site. In 2010, they were recorded as part of the Historic American Building Survey (HABS) with Level II documentation.

Buildings 150, 151, and 152 retain integrity of location, design, materials, and workmanship. Building 150 has been expanded from its original footprint, although expansion and some level of modification are to be expected in buildings used for a variety of technical applications over time.

Portions of the Lockheed campus have been sold for redevelopment in the last decade and new high tech tenants occupy nearby buildings although, on the whole, Buildings 150, 151, and 152 retain integrity of setting, feeling, and association, since the Project vicinity retains several of the large-scale buildings that characterized the aerospace industry in the last half of the 20th century. While assessments of integrity are subjective, WSA recommends that Buildings 150, 151, and 152 retain their ability to convey their significance. Therefore, potential impacts to the structure of these buildings are considered significant and mitigation is required.

Buildings 141 and 155 are situated in the northeast corner of the Project site. Unlike the larger buildings, which were used for research, development, and manufacturing, the two smaller buildings contained support services. They were built in 1985 and 1976, respectively; and are between 30 and 39-years-old. Due to their recent date of construction they are not subject to an architectural evaluation per CEQA.

None of the five buildings within the Project site meet criteria 2 or 3 listed above, as their association with a broad historical pattern, and not their association with a particular individual or building style, is what defines their contribution. Criterion 4 is not typically applied to built resources and is most appropriately applied to archaeological sites. Potential impacts under these criteria are considered less than significant.

Regarding Buildings 150, 151, and 152, it is recommends they be recorded as part of the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) documentation program. HABS/HAER are the national historical architectural and engineering documentation programs of the National Park Service that promote standardized documentation for inclusion in the HABS/HAER collections of the Library of Congress. The goal of the collections is to provide architects, engineers, scholars, and interested members of the public with comprehensive documentation of buildings, sites, structures and objects significant in American history and the growth and development of the built environment.

There are four levels of HABS/HAER documentation that consist of various requirements for measured drawings, photographs and written data that provide a detailed record that reflects a property's significance. Measured drawings and properly executed photographs act as a form of insurance against fires and natural disasters by permitting the repair and, if necessary, reconstruction of historic structures damaged by such disasters. Documentation is used to provide the basis for enforcing preservation easement. In addition,

documentation is often the last means of preservation of a property. When a property is to be demolished, its documentation provides future researchers access to valuable information that otherwise would be lost.

The HABS/HAER requirements include information important to the preparation of documentation for other purposes such as State or local archives. The standards for development of documentation include details regarding content, quality, materials, and presentation.

The Standards describe the fundamental principles of HABS/HAER documentation. They are supplemented by other material describing more specific guidelines, such as line weights for drawings, preferred techniques for architectural photography, and formats for written data. This technical information is found in the HABS/HAER Procedures Manual.

Documentation must meet one of four levels to be considered adequate for inclusion in the HABS/HAER collections.

Lockheed Buildings 150, 151, and 152 are recommended to be recorded with Level II documentation. Level II includes a written component, such as a historic context, which in this case is valuable since the buildings eligibility are based on their association with Lockheed Martin's past involvement in the California's defense and high tech industries and their larger, ongoing mission, and not specific architectural characteristics.

### **Mitigation Measure**

**Mitigation Measure 4.4-1: Level II Historic American Buildings Survey (HABS).** Prior to the issuance of any demolition permit, grading permit, approval or improvement plans, or any other permit authorizing construction on the Project site, the Project Applicant shall submit to the satisfaction of the Community Development Director, a Historic American Buildings Survey (HABS) Level II recordation document prepared for Buildings 150, 151, and 152 of the Lockheed Martin Space Systems Company (LMSSC) Plant One Complex. The HABS documents shall be prepared by a qualified architectural historian, historic architect, or historic preservation professional who satisfies the Secretary of the Interior's Professional Qualification Standards for History, Architectural History, or Architecture, pursuant to 36 CFR 61. The HABS documents shall include a historical narrative on the architecture and history of the buildings; their architect, occupants and the activities conducted within them during their time of occupancy, and shall record the existing appearance of the buildings in professional large format HABS photographs. In addition, any existing and available historic photographs as well as design and/or as-built drawings shall be compiled, reproduced, and incorporated into the recordation document. The building exterior, representative interior spaces, character-defining features, as well as the property setting and contextual views shall be documented. All documentation components shall be completed in accordance with the Guidelines for Architectural and Engineering Documentation (HABS standards). Original copies of the report shall be submitted to the National Park Service, the Library of Congress, and the City of Sunnyvale Community Development Department. The HABS Level II recordation document shall consist of the following:



1. Drawings: select existing drawings, where available, should be photographed with large-format negatives or photographically reproduced on Mylar.
2. Photographs: photographs with large-format negatives of exterior and interior views, or historic views, where available.
3. Written data: history and description.

**Impact 4.4-2: Demolition and construction activities on the project site could cause a substantial adverse change in the significance of unknown subsurface archaeological resources, including the disturbance of human remains.**

No historic archaeological resources were identified through the archival study performed for the Project. Additionally, the Project site was not historically utilized by the Native American population and has not been identified for the presence of Native American cultural resources by the NAHC. Although the likelihood of encountering intact archaeological resources is considered low, there is the possibility that unknown buried archaeological resources may be encountered during construction activities. Therefore, site preparation, grading, and construction activities could adversely impact previously undiscovered archaeological resources.

The Project site is not within a known cemetery or other burial ground, but unknown human remains could be encountered during grading activities. Therefore, site preparation, grading, and construction activities could adversely impact previously undiscovered human remains.

Implementation of Mitigation Measures 4.4-2a and 4.4-2b would ensure the proper precautions are taken if an unknown archaeological resource is encountered during Project activities. Measure 4.4-2c would ensure appropriate actions are taken in the event that human remains are encountered during construction, reducing this impact to less than significant.

### **Mitigation Measures**

**Mitigation Measure 4.4-2a: Archaeological Monitor.** Prior to the issuance of any grading permits or improvement plans, the Project Applicant shall provide to the satisfaction of the Community Development Director a letter of proof that a qualified archaeologist has been retained to monitor the site clearing and grading operations in those areas where buildings will be removed and/or new construction will occur. The consulting archaeologist shall be responsible for the following:

- Contract with a Native American monitor to be involved with the site clearing and grading operations;
- The archaeologist shall be present on-site to observe site clearing at a representative sample of building removal areas until he/she is satisfied that there is no longer a potential for finding buried resources;

- In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the Project archaeologist shall stop work inside a zone designated by him/her where additional archaeological resources could be found; and,
- A plan for the evaluation of discovered resources shall be submitted to the Community Development Director for approval. Evaluation normally takes the form of limited hand excavation and analysis of materials and information removed to determine if the resource is eligible for inclusion on the California Register of Historic Resources (CRHR).

**Mitigation Measure 4.4-2b: Discovery of Archaeological Resources.** If prehistoric or historic archaeological resources are encountered during Project activities, all work within 25 feet of the discovery shall be stopped and a qualified archaeologist meeting Federal criteria under 36 CFR 61 shall be contacted to assess the resources and make recommendations. While prehistoric or historic archaeological resources shall be avoided by Project activities, if the resources cannot be avoided, they shall be evaluated for their potential historic significance in consultation with the City of Sunnyvale. If the resources are recommended to be non-significant, avoidance is not necessary. If the resources are recommended as potentially significant or eligible to the CRHR, they shall be avoided. If avoidance is not feasible, Project impacts shall be mitigated in accordance with the recommendations of the evaluating archaeologist and CEQA Guidelines Section 15126.4 (b)(3)(C), which requires development and implementation of a data recovery plan that will include recommendations for the treatment of the discovered archaeological materials. The data recovery plan shall be submitted to the City of Sunnyvale for review and approval. Upon approval and completion of the data recovery program, Project construction activity within the area of the find may resume, and the archaeologist shall prepare a report documenting the methods of investigation and the findings. The report shall be submitted to the City of Sunnyvale. Once the report is reviewed and approved by the City of Sunnyvale, a copy of the report shall be submitted to the NWIC.

**Mitigation Measure 4.4-2c: Discovery of Human Remains.** In the event that human remains are discovered, the County Coroner and Community Development Director shall be contacted immediately. Upon recognizing the remains as being of Native American origin, the County Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC has various powers and duties, including the appointment of a Most Likely Descendant (MLD) to the Project. The MLD, or in lieu of the MLD, the NAHC, has the responsibility to provide guidance as to the ultimate disposition of any Native American remains. The MLD shall make recommendations to the Community Development Director regarding the method for exposure and removal of human burials and associated grave goods, and shall advise the Community Development Director regarding the place and method of reburial of these materials.

Public Resources Code Section (PRC) 21083.2(e)(1) states that the City cannot require the Project Applicant to pay more for mitigation measures required for unique archaeological resources than one half of 1% of the projected cost of the Project. This applies to cultural resources mitigation measures undertaken within the site boundaries of a commercial or industrial project. In addition, PRC Section 21083.2(f) specifies that unless special or

unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after the applicant receives the final approval necessary to begin physical development of the Project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. Mitigation measures can be effectively performed in a manner that complies with PRC Section 21083.2.

**Impact 4.4-3: Demolition and construction activities on the project site would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature.**

Paleontological resources are the fossilized remains of plants and animals, including vertebrates (animals with backbones), invertebrates (e.g., starfish, clams, ammonites, and marine coral), and fossils of microscopic plants and animals (microfossils). The age and abundance of fossils depend on the location, topographic setting, and particular geologic formation in which they are found. Fossil discoveries not only provide a historic record of past plant and animal life, but may assist geologists in dating rock formations.

The potential for encountering paleontological resources at the Project site is considered to be low. However, since there remains the potential for impacts on any undiscovered resources to occur, implementation of Mitigation Measures 4.4-3a and 4.4-3b would be required to reduce this impact to a less than significant level.

### **Mitigation Measures**

**Mitigation Measure 4.4-3a: Paleontological Monitor:** A qualified paleontologist shall be retained to monitor the site clearing and grading operations in those areas where buildings will be removed and/or new construction will occur. The paleontologist shall be present onsite to observe site clearing at a representative sample of building removal areas until he/she is satisfied that there is no longer a potential for finding buried resources. In the event that any potentially significant paleontological resources are discovered, the Project paleontologist shall stop work inside a zone designated by him/her where additional paleontological resources could be found. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval.

**Mitigation Measure 4.4-3b: Halt Construction and Evaluate Resource.** In the event that a paleontological resource (fossilized invertebrate, vertebrate, plant or micro-fossil) is found during construction, excavation within 50 feet of the find shall be temporarily halted or diverted until the discovery is evaluated. Upon discovery, the Community Development Director shall be notified immediately and a qualified paleontologist shall be retained to document and assess the discovery in accordance with Society of Vertebrate Paleontology's 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, and determine procedures to be followed before construction is allowed to resume at the location of the find. If the Community Development Director determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for collection and recovery including preparation, identification, cataloging, and curation of any salvaged specimens.

**Finding**

**All of the proposed Project specific environmental impacts on cultural resources will be reduced to a less than significant level with the implementation of the proposed mitigation measures.**

**Mitigation Measures: 4.4-1, 4.4-2a; 4.4-2b; 4.4-2c; 4.4-3a; 4.4-3b**

**Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR.**

## **E. Geology and Soils**

### **1. Potentially Significant Impacts Reduced to Less Than Significant Levels**

**Impact 4.5-1: The proposed project could result in exposure of people and structures to potential adverse effects, including risk of loss, injury, or death involving strong seismic ground shaking; or seismic related ground failure, including liquefaction.**

**Liquefaction.** The geotechnical investigation (located in Appendix E of the SEIR) identified the potential for liquefaction of several sand and silt layers below the design groundwater depth ranging from approximately 0.25 inches to about 2.25 inches of total settlement for the upper 50 feet. Thus, the potential for liquefaction for the proposed Project is low. However, where an individual stratum of potentially liquifiable soil could result in settlement greater than about 0.75 inches, the soils above the layer could generate downdrag forces on pile foundations as the liquefiable soils and overlaying materials settle.

Based on the results of the liquefaction analysis, there is potential for liquefaction to occur on portions of the Project site to depths of approximately 30 feet. Based on these results, the potential impacts from liquefaction are considered potentially significant. Mitigation Measure 4.5-1a is proposed to reduce this impact to a less than significant level by requiring the proposed buildings and parking structures to be supported on deep foundations consisting of augered cast-in-place piles. Additionally, the implementation of Mitigation Measures 4.5-1b and 4.5-1c would ensure the Project Applicant is implementing all of the recommendations of the Project geotechnical report by requiring a geotechnical monitor to be onsite during grading and earthwork.

### **Mitigation Measures**

**Mitigation Measure 4.5-1a: Foundations.** The proposed 8-story office buildings, and parking structures shall be supported on deep foundations consisting of augered cast-in-place piles. In order to reduce the potential for settlements due to liquefaction impacting pile foundations, each pile shall extend to a depth of at least 50 feet below grade or to the depth determined in the Final Geotechnical Report.

**Mitigation Measure 4.5-1b: Implement Recommendations of Geotechnical Report.** The Project Applicant shall implement all of the recommendations of the Project geotechnical report, and any associated updates or revisions, related to review of plans and specifications for proposed buildings; demolition observation and testing; construction observation and testing; site demolition, clearing, and preparation; subgrade preparation; subgrade stabilization; material for fill; compaction requirements; trench backfill; site drainage; foundations; concrete slabs and pedestrian pavements; vehicular pavements; and retaining walls.

**Mitigation Measure 4.5-1c: Geological Monitor.** A professionally licensed geotechnical engineer shall be retained by the Project Applicant to observe the geotechnical aspects of the grading and earthwork for general conformance with the geotechnical report recommendations, including site preparation, selection of fill materials, and the placement and compaction of fill. The Project plans and specifications shall incorporate all recommendations contained in the Geotechnical Report.

**Impact 4.5-3: The proposed project could cause a geologic unit to become unstable as a result of the project, and potentially resulting in lateral spreading, subsidence, liquefaction or collapse.**

**Liquefaction.** Construction of the Project would not be adding soils to the project site that would increase the potential for lateral spreading. There is potential for liquefaction to occur on portions of the Project site to depths of approximately 30 feet. Based on these results, the potential impacts from liquefaction are considered potentially significant. Mitigation Measure 4.5-1a is proposed to reduce this impact to a less than significant level by requiring the proposed buildings and parking structures to be supported on deep foundations consisting of augered cast-in-place piles. Additionally, the implementation of Mitigation Measures 4.5-1b and 4.5-1c would ensure the Project Applicant is implementing all of the recommendations of the Project geotechnical report by requiring a geotechnical monitor to be onsite during grading and earthwork.

**Subsidence.** The buildings constructed under the proposed Project could also experience subsidence without proper design of subgrade preparations, site fills, site drainage, foundations, and ancillary features. This would be a potentially significant impact. Implementation of Mitigation Measure 4.5-1b and Mitigation Measure 4.5-1c would reduce this impact to a less than significant level by requiring the Project Applicant to implement the recommendations of the Project geotechnical report under the approval of a geotechnical monitor during project grading and earthwork.

**Collapse.** The existing utilities located within the proposed Project area could also potentially be backfilled with variable fill material, which could settle in the future, and unused utility lines could collapse and cause ground loss if not appropriately abandoned. The level of consolidation of the fill for the Project is unknown and settlement could occur if a structure were located at least partially within the fill materials or over an unused utility line that collapsed, resulting in distress to the structure. This would be considered a potentially significant impact. Implementation of Mitigation Measures 4.5-3a and 4.5-3b would reduce this impact to a less than significant level by requiring the appropriate fill and

compaction rates and proper abandonment of existing utility lines within the building areas in accordance with the recommendations of the Project geotechnical report.

**Soil Corrosion.** The soil resistivity results for Project site samples ranged from 1,155 to 9,095 ohm-centimeters. Based on these results and the resistivity correlations, the corrosion potential to buried metallic improvements is characterized as mildly to severely corrosive. Therefore, potential impacts from soil corrosion are potentially significant. Mitigation Measure 4.5-3c is proposed to require a corrosion protection engineer to determine the appropriate corrosion protection methods for buried metallic materials on the Project site.

### **Mitigation Measures**

**Mitigation Measure 4.5-3a: Compaction.** In accordance with the recommendations of the Project geotechnical report, all fill and scarified surface soils shall be uniformly compacted to at least 90% relative compaction at a moisture content near the laboratory optimum, except for the native expansive clays. The native expansive clays shall be compacted to between 87% and 92 % relative compaction at a moisture content at least 3% over optimum. Fill shall be placed in lifts no greater than 8 inches in uncompacted thickness. Each successive lift shall be firm and relatively non-yielding under the weight of construction equipment.

In pavement areas, the upper 6 inches of subgrade and full depth of aggregate base shall be compacted to at least 95% relative compaction, except for the native clays. Aggregate base and all import soils shall be compacted at a moisture content near the laboratory optimum moisture content.

If there are updates or revisions to the Project geotechnical report, the above mitigation requirements shall be revised to match the updated recommendations as necessary.

**Mitigation Measure 4.5-3b: Abandonment of Existing Utilities.** In accordance with the recommendations of the Project geotechnical report, the Project Applicant shall ensure that existing utilities are completely removed from all building areas. A utility shall only be abandoned in place if it will not pose an unacceptable risk, and if approved by the geotechnical engineer. If abandoned in place, the utility shall be completely backfilled with grout or plugged with concrete. Utilities outside of the building area must be capped with concrete. Trench fills must also be removed and replaced with engineered fill with the trench side slopes flattened to at least 1:1.

If there are updates or revisions to the Project geotechnical report, the above mitigation requirements shall be revised to match the updated recommendations as necessary.

**Mitigation Measure 4.5-3c: Corrosion Protection Engineer.** In accordance with the recommendations of the Project geotechnical report, a corrosion protection engineer shall be consulted to provide specific recommendations regarding corrosion protection methods for buried metallic materials on the Project site prior to site grading and construction. The

recommendation of the Corrosion Protection Engineer shall be incorporated into the Project final geotechnical report or final Project design.

**Impact 4.5-4: The proposed project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property.**

The geotechnical investigation identified layers of moderately compressible clays in the upper 20 to 25 feet below grade. Two Plasticity Index (PI) tests were performed on the clay samples, which indicated moderate to high plasticity and expansion potential of the near surface soils. The specific results of the PI tests can be found in the geotechnical report attached in Appendix E. Because of the presence of compressible soils and high groundwater at the site, the geotechnical investigation suggests that the planned 8-story office buildings, parking structures, and vehicular bridge should be supported on deep foundations. The more lightly loaded amenities building could potentially be supported on shallow foundations.

The implementation of Mitigation 4.5-1a, and Mitigation 4.5-1b would reduce this impact to a less than significant level by requiring the Project Applicant to provide the proper foundations and to implement the recommendations of the Project geotechnical report and any subsequent updates or revisions as it relates to foundations and expansive soil.

## **Mitigation Measures**

**Mitigation:** Implement Mitigation Measures 4.5-1a and 4.5-1b

### **Finding**

**All of the proposed Project specific environmental impacts on geology and soils will be reduced to a less than significant level with the implementation of the proposed mitigation measures.**

**Mitigation Measures: 4.5-1a; 4.5-1b; 4.5-1c; 4.5-3a; 4.5-3b; 4.5-3c**

**Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR.**

## **F. Hazards and Hazardous Materials**

### **1. Potentially Significant Impacts Reduced to Less Than Significant Levels**

**Impact 4.7-2: The project could create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials to the environment during building demolition.**

**Potential Exposure to Hazardous Building Materials.** The existing buildings were constructed in the 1960s, 1970s, and 1980s. Based on their age, asbestos-containing materials and lead-based paint may have been used during construction. In addition, fluorescent light tubes containing mercury vapors, fluorescent light ballasts containing PCBs or DEHP, and PCB containing electrical equipment may be present in the buildings that would be demolished.

If friable or non-friable asbestos is present, there is a potential for release of airborne asbestos fibers when the asbestos-containing materials are disturbed, unless proper asbestos abatement precautions are taken. Such a release could expose the construction workers, occupants of the business park, and adjacent residents to airborne asbestos fibers. Similarly, if lead-based paint is present and has delaminated or chipped from the surfaces of the building materials, there is a potential for the release of airborne lead particles, unless proper lead abatement procedures are followed. The demolition of existing structures would follow BAAQMD and Cal/OSHA regulations regarding abatement of asbestos-containing materials and the Cal/OSHA Lead in Construction Standard for the abatement of lead-based paint, all of which are described in Section 4.7.2, Regulatory and Planning Framework.

If PCBs are present in the building to be demolished, leakage could expose workers to unacceptable levels of PCBs (greater than 5 ppm, based on Title 22, CCR). Removal of fluorescent light tubes and fixtures could result in exposure to mercury vapors if the lights are broken or exposure to DEHP, if present in the light ballasts.

Based on the results of the Phase I ESA investigation, potential exposure to hazardous building materials during building demolition would be a potentially significant impact. The implementation of Mitigation Measure 4.7-2, which requires the Project Applicant to conduct surveys for hazardous building materials prior to demolition, and if warranted, to implement appropriate abatement and disposal procedures in compliance with applicable regulations mitigated to a less than significant level. In addition, the Project Applicant would be required to obtain clearance for asbestos removal from BAAQMD prior to issuance of a demolition permit. To obtain this clearance, BAAQMD (and as required by existing Federal and State law) would require specific testing for confirmation and, if present, proper handling of materials prior to and during demolition that would avoid/minimize worker exposure during demolition. These requirements would require proper disposal of hazardous materials after demolition.

## **Mitigation Measures**

**Mitigation Measure 4.7-2: Hazardous Building Materials Surveys and Abatement.** Prior to demolition of each building, the Project applicant shall incorporate into contract specifications the requirement that the contractor(s) have a hazardous building materials survey completed by a Registered Environmental Assessor or a registered engineer. This survey shall be completed prior to any demolition activities associated with the Project. If any friable asbestos-containing materials or lead-containing materials are identified, adequate abatement practices, such as containment and/or removal, shall be implemented in accordance with applicable laws prior to demolition. Specifically, asbestos abatement



shall be conducted in accordance with Section 19827.5 of the California Health and Safety Code, as implemented by the BAAQMD, and Title 8 CCR Section 1529 and Sections 341.6 through 341.14, as implemented by Cal/OSHA. Lead-based paint abatement shall be conducted in accordance with Cal/OSHA's Lead in Construction Standard.

Any PCB-containing equipment, fluorescent light tubes containing mercury vapors, and fluorescent light ballasts containing DEHP shall also be removed and legally disposed of in accordance with applicable laws including 22 CCR Section 66261.24 for PCBs, Title 22 CCR Section 66273.8 for fluorescent lamp tubes, and 22 CCR Division 4.5, Chapter 11 for DEHP.

**Impact 4.7-3: The proposed Project would not create a hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment.**

The Phase I and Phase II Environmental Site Assessment (ESA) reports prepared for the Project site concluded that some releases of chemical pollutants were identified in soil and groundwater samples performed onsite. The reports concluded that the pollutants were likely the result of the historical uses onsite related to the property's connection to the Lockheed Martin Plant One Complex. Based on the documentation provided in the Phase I and Phase II reports, evidence exists of releases that exceed conservative regulatory screening levels for VOCs, specifically PCE and TCE, within areas of the Project site. Exposure or release of these chemicals to the public or the environment is a potential significant impact.

Implementation of Mitigation Measure 4.7-3 would reduce potential impacts from VOCs, including PCE and TCE, in the soil and groundwater because it requires the Project applicant to prepare a soil and groundwater management plan to address these and potential additional industrial constituents encountered during Project development activities.

### **Mitigation Measure**

**Mitigation Measure 4.7-3: Soil and Groundwater Remediation.** Prior to the issuance of any grading plans, or approval of improvement plans in lieu of grading plans, the Project Applicant shall demonstrate to the satisfaction of the City's Public Works Director, that a soil remediation and management plan for the Project site has been approved by the California Regional Water Quality Control Board (RWQCB). The soil remediation and management plan shall include a description of cleanup activities for soil and soil gas containing chemicals in concentrations exceeding cleanup goals established by the California Environmental Protection Agency California Human Health Screening Levels (CHHSLs) and the RWQCB Environmental Screening Levels (ESLs). The clean-up activities shall include:

- Investigation to define preliminary extents of contamination in soil and soil gas.
- Excavation of unsaturated-zone soil above cleanup goals.

- Collection of excavation confirmation sampling to confirm achievement of cleanup goals.
- Demonstration of compliance with RWQCB Site Cleanup Requirements Order No. 00-124.

The specific elements of the Project cleanup shall consist of:

- Sampling and analysis plan (SAP) and methods to define preliminary soil excavation extents. The soil remediation and management plan SAP shall provide a dynamic process for defining the limits of contamination in soil at the Project site. This approach shall provide site-specific criteria for streamlining and accelerating decision making events for the soil removal / excavation plan. The SAP shall define sampling objectives, present initial sampling locations rationale; describe field methods and procedures; present the analytical methods and procedures; and data reporting procedures.
- Excavation and offsite disposal of soil and debris containing chemicals exceeding site cleanup goals. The planned limits of soil excavation will be based on the existing site data and the data from the SAP implementation.
- Stockpiling of excavated soil and debris in prepared onsite areas.
- Loading of excavated soil and debris into containers (e.g., trucks, bins, rail cars) for offsite disposal.
- Collecting and analyzing confirmation soil samples to confirm achievement of cleanup goals. The confirmation sample results will be approved by the RWQCB prior to initiating backfill in any corresponding excavation area.
- Importing backfill soil and possible reuse of excavated soil found be clean. Soil would be tested to ensure that it does not contain chemicals of concern exceeding site cleanup goals prior to bringing new material onsite or reusing excavated soil.
- The planned excavation is anticipated to be only of unsaturated soil. If dewatering of excavations to facilitate soil excavation below groundwater table, is needed, dewatering activities shall be consistent with the waste discharge requirements of the RWQCB Groundwater General Permit, RWQCB Order No. R2-2012-0060 and NDPES No. CAG912004.

#### **Finding**

**All of the proposed Project specific environmental impacts on hazards and hazardous materials will be reduced to a less than significant level with the implementation of the proposed mitigation measures.**

**Mitigation Measures: 4.7-2 and 4.7-3**

**Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR.**

**G. Land Use****1. Potentially Significant Impacts Reduced to Less Than Significant Levels**

**Impact 4.9-2: The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.**

**Comprehensive Land Use Plan Santa Clara County, Moffett Federal Airfield.** As indicated in the following discussion, the proposed Project would conform to the applicable compatibility policies of the Moffett Federal Airfield CLUP with the incorporation of mitigation measures recommended below.

General and Overflight Compatibility Policy Compliance. The Project proposes the construction of a corporate campus. Such a use would not cause a hazard to aircraft in flight, as it would not produce electrical interference, include high intensity lighting, or attract birds in large numbers like those seen on agricultural uses and sanitary landfills. Nor would the proposed corporate campus produce smoke, dust, or glare. The proposed Project would be required to implement Mitigation Measure 4.1-3a, identified in Section 4.1, which requires all exterior windows and glass used on building surfaces be non-reflective or treated with a non-reflective coating. Finally, all new exterior lighting within the proposed corporate campus would be designed to create no interference with aircraft operations, as it would be required to adhere to existing City policies for community design and aesthetics, and would require implementation of the lighting guidelines in Chapter 5, Development Regulations of the MPSP. The MPSP lighting guidelines require an exterior lighting plan for new development, subject to the approval of the Director of Community Development. Implementation of Mitigation Measure 4.1-3b requires that the proposed lighting plan locate all lighting in such a manner that it cannot be mistaken for airport approach or runway lights by pilots. Adherence to existing City policies, the preparation of a lighting plan required by the MPSP, and implementation of Mitigation Measure 4.1-3b would ensure that all lighting illuminates only the intended area, off-site glare is fully controlled, and exterior lighting would be arrayed in such a manner that it cannot be mistaken for airport approach or runway lights by pilots. The proposed Project would be required to dedicate an avigation easement to the County of Santa Clara. Mitigation Measure 4.9-2a requires the easement to be similar to that shown as Exhibit 1 in Appendix A of the Moffett Federal Airfield CLUP.

Height and Tall Structure Compatibility Policy Compliance. The Project's proposed development of a corporate campus consisting of five new eight-story office buildings, a two-story amenities building, surface parking and three 4-level parking structures would be compatible with the Moffett Federal Airfield CLUP height and tall structure compatibility policies, as the proposed structures would not exceed the maximum allowable height at the

Project site of 182 feet above MSL, as specified by Federal Air Regulations (FAR) Part 77. This is because a typical eight story office building would be expected to be approximately 80 to 100 feet tall. Mitigation Measure 4.9-2b identified below requires the Project applicant to notify the FAA as required by FAR Part 77, Subpart B on FAA Form 7460-1. Thus, the height of the proposed corporate campus is not anticipated to pose hazards to flight that would increase the risk of an accident occurring.

## Mitigation Measures

**Mitigation Measure 4.9-2a: Avigation Easement Dedication.** As a condition of development approval, the Project applicant shall dedicate an avigation easement to the County of Santa Clara. The avigation easement shall be similar to that shown as Exhibit 1 in Appendix A of the Moffett Federal Airfield CLUP.

**Mitigation Measure 4.9-2b: Federal Aviation Administration (FAA) Notification.** As a condition of development approval, the Project Applicant shall notify the Federal Aviation Administration (FAA) as required by Federal Air Regulation Part 77, Subpart B on FAA Form 7460-1, Notice of Proposed Construction or Alteration.

### Finding

**All of the proposed Project specific environmental impacts on land use will be reduced to a less than significant level with the implementation of the proposed mitigation measures.**

**Mitigation Measures: 4.1-3b; 4.9-2a; 4.9-2b**

**Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR.**

## H. Noise

### 1. Potentially Significant Impacts Reduced to Less Than Significant Levels

**Impact 4.10-1: Project construction could cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project due to operation of heavy equipment during construction.**

**On-site Construction Activities.** The potential for construction-related noise to adversely affect nearby sensitive receptors would depend on the location and proximity of construction activities to these receptors. As indicated discussed in Section 4.10.1.5, the nearest sensitive receptors to the Project site are single-family residences located approximately 0.5 miles to the southeast of the Project site.

Miscellaneous noise levels can be created by the operation of heavy-duty trucks, backhoes,

bulldozers, excavators, front-end loaders, scrapers, and other heavy-duty construction equipment. Table 4.10-6, *Maximum Noise Levels Generated by Construction Equipment*, (from Section 4.10 of the SEIR) indicates the anticipated noise levels of construction equipment. The average noise levels presented in Table 4.10-6 are based on the quantity, type, and Acoustical Use Factor for each type of equipment that would be used.

Operating cycles for construction equipment used during these phases may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). These estimations of noise levels take into account the distance to the receptor, attenuation from molecular absorption, and anomalous excess attenuation. As the nearest sensitive receptors are located approximately 0.5 miles away from the Project site, noise impacts from operation of construction equipment at the Project site would noise adversely affect nearby sensitive receptors. Additionally, Project construction activities would be required to take place within the allowable hours of the Municipal Code (7:00 a.m. to 6:00 p.m. on weekdays and 7:00 a.m. to 5:00 p.m. on Saturdays). Mitigation Measure 4.10-1 would be required to ensure that all construction equipment uses proper mufflers and noise attenuation devices and that construction occurs during the City's allowable hours, consistent with the assumptions in this analysis. With implementation of Mitigation Measure 4.10-1, short-term noise impacts from construction activities would be less than significant.

**Table 4.10-6** Maximum Noise Levels Generated by Construction Equipment

Type of Equipment	Acoustical Use Factor <sup>1</sup> (percent)	L <sub>max</sub> at 50 Feet (dBA)
Crane	16	81
Dozer	40	82
Excavator	40	81
Generator	50	81
Grader	40	85
Other Equipment (greater than five horse power)	50	85
Paver	50	77
Roller	20	80
Tractor	40	84
Truck	40	80
Welder	40	73
Note: 1. Acoustical use factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.		
Source: Federal Highway Administration, <i>Roadway Construction Noise Model (FHWA-HEP-05-054)</i> , January 2006.		

## Mitigation Measure

**Mitigation Measure 4.10-1: Construction Noise.** Prior to the issuance of demolition permits or ground disturbing activities (whichever occurs first), the Contractor shall demonstrate to the satisfaction of the Community Development Director that the proposed Project complies with the following:

- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
- Property occupants located adjacent to the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed Project. A sign, legible at a distance of 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the City of Sunnyvale Community Development Department prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.
- The Contractor shall provide evidence that a construction staff member will be designated as a Noise Disturbance Coordinator and will be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Community Development Department. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
- Pursuant to the Municipal Code Chapter 16.08, construction activities shall occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, 7:00 a.m. and 5:00 p.m. on Saturdays, and shall be prohibited on Sundays and holidays.

### **Finding**

**All of the proposed Project specific environmental impacts on noise will be reduced to a less than significant level with the implementation of the proposed mitigation measures.**

**Mitigation Measures: 4.10-1**

**Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR.**

## **I. Public Services and Utilities**

### **1. Potentially Significant Impacts Reduced to Less Than Significant Levels**

**Impact 4.11-1: Construction of the proposed Project would require additional emergency and public services for future visitors or workers, and could require the construction of new or physically altered government facilities to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, or other public facilities.**

**Fire Protection.** The City's DPS, has indicated that Fire Station 5, which is located within the Specific Plan area, currently has sufficient equipment to serve the Specific Plan area. However, the additional demands of the proposed Project could potentially affect response time and coverage ability by creating the need additional staff within the service area. . Therefore, the impact on fire protection performance would result in a potentially significant impact.

**Police Protection.** Currently, the number of Public Safety Officers assigned to the MPSP is adequate, however the increase in future construction, anticipated work force associated with the new buildings and increased vehicle traffic may cause an increase in traffic congestion, vehicle accidents, medical calls for service and potentially reported crimes in the area. Given the increased intensity of use (and corresponding day-time population) and related traffic volumes, DPS anticipates an increase in the number of calls for police protection service in the Specific Plan area. As a result, the increase intensity could inhibit the police department's ability to meet its response time goals. As such, the impact on police protection services is considered potentially significant.

### **Mitigation Measure**

**Mitigation Measure 4.11-1: Fire and Police Protection.** Concurrent with Project entitlements, the Project applicant shall enter into a binding agreement (such as a Development Agreement) with the City of Sunnyvale regarding the addition of public safety personnel within the City.

### **Finding**

**All of the proposed Project specific environmental impacts on public services and utilities will be reduced to a less than significant level with the implementation of the proposed mitigation measures.**

**Mitigation Measures: 4.11-1**

**Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR.**

## **J. Transportation and Traffic**

### **1. Potentially Significant Impacts Reduced to Less Than Significant Levels**

**Impact 4.6-1:** The proposed project could conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

#### **Existing Plus Project - Intersections**

Traffic operations were evaluated at 55 study intersections in the surrounding area under existing conditions plus traffic generated by the Project. All study intersections function within acceptable standards under this analysis scenario with the exception of the following intersections:

- #18 – N Mathilda Avenue / W Moffett Park Drive (AM and PM Peaks)
  - ✓ AM Peak: Intersection operating unacceptably without project; with increase in critical movement delay by more than four (4) seconds, and increase in critical v/c ratio by more than 0.01 – **Significant Impact**
  - ✓ PM Peak: Intersection operating unacceptably without project; with increase in critical delay by less than four (4) seconds – **Not a Significant Impact**
- #19 – N Mathilda Avenue / WB SR-237 Ramps (PM Peak)
  - ✓ Intersection operating unacceptably without project; with increase in critical movement delay by more than four (4) seconds, and increase in critical v/c ratio by more than 0.01 – **Significant Impact**
- #21 – N Mathilda Avenue / Ross Drive (PM Peak)
  - ✓ Intersection operating unacceptably without project; with increase in critical movement delay by more than four (4) seconds, and increase in critical v/c ratio by more than 0.01 – **Significant Impact**

Therefore, potential impacts on existing signalized intersections where the intersection delay is increased by more than the acceptable standard are considered significant. None of the unsignalized intersections met the peak hour signal warrant for the Existing Plus Project scenario in the AM and PM peak hours.



## Mitigation Measure

**Mitigation Measure 4.13-1a: Existing Plus Project Payment of Traffic Impact Fee.** Prior to occupancy of the Project (or each phase if a phased project), the Project Applicant shall, to the satisfaction of the Public Works Director, provide evidence that a fair share payment has been made to the City of Sunnyvale for the Mathilda Avenue / SR 237 interchange improvements project via payment of the City's Traffic Impact Fee (TIF). This project is identified in the Valley Transportation Plan (VTP) 2040 as project ID #H33. These improvements would include:

- Realigning the westbound SR 237 off-ramp with the Moffett Park Drive/Mathilda Avenue intersection
- Removal of the WB SR 237 on-ramp
- Construction of a southbound Mathilda Avenue to northbound US Highway 101 diagonal on-ramp

The following intersections require fair share payments for the Mathilda Avenue / SR 237 interchange improvements project under the Existing Plus Project scenario:

- N Mathilda Avenue / W Moffett Park Drive (AM Peak)
- N Mathilda Avenue / WB SR 237 Ramps (PM Peak)
- N Mathilda Avenue / Ross Drive (PM Peak)

## Existing Plus Project - Freeway Segments

The Project would add more than 1% of the freeway segment capacity to the segment of eastbound SR 237 between US Highway 101 and Mathilda Avenue during the AM peak period. Therefore, potential Project impacts on that segment of SR 237 are considered significant.

### Eastbound SR 237

- Between US Highway 101 and Mathilda Avenue (AM Peak)
  - ✓ Operated unacceptably under Existing Condition, Project would more than 1% of freeway capacity, **Significant Impact**

## Mitigation Measure

**Mitigation Measure 4.13-1b: Fair Share Payment For Freeway Improvement Projects.** Prior to occupancy of the Project (or each phase if a phased project), the Project Applicant shall, to the satisfaction of the Public Works Director, provide evidence that a fair share payment has been made to the Santa Clara Valley Transportation Agency (VTA) towards freeway improvement projects as listed in the Valley Transportation Plan (VTP) 2040. The VTP 2040

has identified multiple freeway improvement projects designed to add capacity to the freeways in Santa Clara County. Included in this list are projects specifically related to the impacted freeway segment. The following improvement would apply to the impacted freeway segment: VTP 2040 project ID #H5: Build new express lanes on SR 237 from Mathilda Avenue to SR 85.

The following segment requires a fair share payment under the Existing Plus Project Scenario:

- Eastbound SR 237 between US Highway 101 and Mathilda Avenue (Existing Plus Project AM Peak)

#### **Existing Plus Background Plus Project**

The following intersections would operate at unacceptable levels of service in the Existing Plus Background Plus Project scenario:

- N Mathilda Avenue / W Moffett Park Drive (AM and PM Peaks)
  - ✓ AM Peak: Intersection operating unacceptably without Project; with increase in critical movement delay by more than four (4) seconds and increase in critical v/c ratio by more than 0.01 – **Significant Impact**
  - ✓ PM Peak: Intersection operating unacceptably without Project; with increase in critical movement delay by less than four (4) seconds – **Not a Significant Impact**
- #19 – N Mathilda Avenue / WB SR 237 Ramps (AM and PM Peaks)
  - ✓ Intersection operating unacceptably without Project; with increase in critical movement delay by more than four (4) seconds and increase in critical v/c ratio by more than 0.01 – **Significant Impact**
- #20 – N Mathilda Avenue / EB SR-237 Ramps (AM and PM Peaks)
  - ✓ Intersection operating unacceptably without Project; with increase in critical movement delay by more than four (4) seconds and increase in critical v/c ratio by more than 0.01 – **Significant Impact**
- #21 – N Mathilda Avenue / Ross Drive (AM and PM Peaks)
  - ✓ Intersection operating unacceptably without Project; with increase in critical movement delay by more than four (4) seconds and increase in critical v/c ratio by more than 0.01 – **Significant Impact**

#### **Mitigation Measure**

**Mitigation Measure 4.13-1c: Payment of Traffic Impact Fee.** Prior to occupancy of the Project (or each phase if a phased project), the Project Applicant shall, to the satisfaction of the Public Works Director, provide evidence that a fair share payment has been made to the City of Sunnyvale for the Mathilda Avenue / SR 237 interchange improvements project via

payment of the City's Traffic Impact Fee (TIF). This project is identified in the Valley Transportation Plan (VTP) 2040 as project ID #H33. These improvements would include:

- Realigning the westbound SR 237 off-ramp with the Moffett Park Drive/Mathilda Avenue intersection
- Removal of the WB SR 237 on-ramp
- Construction of a southbound Mathilda Avenue to northbound US Highway 101 diagonal on-ramp

The following intersections require fair share payments for the Mathilda Avenue / SR 237 interchange improvements project under the Existing Plus Background Plus Project scenario:

- N Mathilda Avenue / W Moffett Park Drive (AM Peak)
- N Mathilda Avenue / WB SR 237 Ramps (AM and PM Peak)
- N Mathilda Avenue / EB SR 237 Ramps (AM and PM Peak)
- N Mathilda Avenue / Ross Drive (AM and PM Peak)

**Impact 4.13-2: The proposed project could conflict with an applicable congestion management program, including, but not limited to LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.**

The Santa Clara County Valley Transportation Authority (VTA) is the applicable congestion management agency responsible for establishing LOS standards for CMP-designated roads and highways. The following criteria were included in the analysis discussed in Impact 4.6-1 above which included the LOS standards and travel demand measures for CMP intersections and freeway segments.

Mitigation measures (4.13-1a, 4.13-1b, and 4.13-1c), including fair share payments to VTA improvement projects were recommended for Project impacts that exceeded the VTA thresholds. As such, no conflicts with the applicable congestion management program have been identified and impacts are less than significant. No mitigation is required.

**Impact 4.13-3: The proposed project could result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks.**

The Project site is located within the Airport Influence Area (AIA) of Moffett Field Airport, less than one mile away. However, implementation of the proposed Project would not result in a change in air traffic patterns. The Project applicant is required to notify the Federal Aviation Administration (FAA) as required by FAR Part 77 Subpart B on FAA Form 7460-1. Thus, the height of the proposed corporate campus is not anticipated to pose hazards to flight that could increase the risk of an accident occurring, nor would a change in

air traffic patterns be necessary. Implementation of Mitigation Measures 4.9-1a and 4.9-1b would reduce potential impacts to a less than significant level; refer to Impact 4.9-1, above, for additional information.

**Cumulative Impact:** The proposed project could conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

The cumulative analysis provides a long-term projection (Year 2025) of the traffic operations within the Project study area and summarizes the potential long-term transportation related impacts associated with the proposed Project. Intersection level of service calculations and results are provided for cumulative conditions with and without the Project.

The following intersections would operate at unacceptable levels of service in the Cumulative Plus Project scenario:

- #18 – N Mathilda Avenue / W Moffett Park Drive (AM and PM Peaks)
  - ✓ Intersection operating unacceptably without Project would increase in critical movement delay by more than four (4) seconds and increase in critical v/c ratio by more than 0.01 – **Significant Impact**
- #19 – N Mathilda Avenue / WB SR 237 Ramps (AM and PM Peaks)
  - ✓ Intersection operating unacceptably without Project would increase in critical movement delay by more than four (4) seconds and increase in critical v/c ratio by more than 0.01 – **Significant Impact**
- #20 – N Mathilda Avenue / EB SR-237 Ramps (AM and PM Peaks)
  - ✓ AM Peak: Intersection operating unacceptably without project with increase in critical movement delay by less than four (4) seconds – **Not a Significant Impact**
  - ✓ PM Peak: Intersection operating unacceptably without project with increase in critical movement delay by more than four (4) seconds and increase in critical v/c ratio by more than 0.01 – **Significant Impact**
- #21 – N Mathilda Avenue / Ross Drive (AM and PM Peaks)
  - ✓ Intersection operating unacceptably without Project would increase in critical movement delay by more than four (4) seconds and increase in critical v/c ratio by more than 0.01 – **Significant Impact**

## Mitigation Measure

**Mitigation Measure 5.4-1b: Payment of Traffic Impact Fee.** Prior to occupancy of the Project (or each phase if a phased project), the Project Applicant shall, to the satisfaction of

the Public Works Director, provide evidence that a fair share payment has been made to the City of Sunnyvale for the Mathilda Avenue / SR 237 interchange improvements project via payment of the City's Traffic Impact Fee (TIF). This project is identified in the Valley Transportation Plan (VTP) 2040 as project ID #H33. These improvements would include:

- Realigning the westbound SR 237 off-ramp with the Moffett Park Drive/Mathilda Avenue intersection
- Removal of the WB SR 237 on-ramp
- Construction of a southbound Mathilda Avenue to northbound US Highway 101 diagonal on-ramp

#### **Finding**

**All of the proposed Project specific environmental impacts on transportation and traffic will be reduced to a less than significant level with the implementation of the proposed mitigation measures.**

#### **Mitigation Measures: 5.4-1b**

**Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR.**

## **2. Significant and Unavoidable Impacts**

**Cumulative Impact:** The proposed project could conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

The cumulative analysis provides a long-term projection (Year 2025) of the traffic operations within the Project study area and summarizes the potential long-term transportation related impacts associated with the proposed Project. This analysis provides intersection level of service calculations and results for cumulative conditions with and without the Project. The cumulative analysis concluded that the following intersection would operate at unacceptable levels of service in the Cumulative Plus Project scenario:

- #17 – N Mathilda Avenue / Innovation Way (PM Peak)
  - ✓ Intersection operating unacceptably without Project would increase in critical movement delay by more than four (4) seconds and increase in critical v/c ratio by more than 0.01 – **Significant Impact**

#### **Mitigation Measure**

**Mitigation Measure 5.4-1a: Fair Share Payment For Interconnected Managed Traffic Control Project.** Prior to occupancy of the Project (or each phase if a phased project), the Project Applicant shall, to the satisfaction of the Public Works Director, provide evidence that a fair share payment has been made to the City of Sunnyvale towards a project that would implement a fully coordinated and interconnected managed traffic control system along Mathilda Avenue to improve signal operations. This improvement will include installing fiber optic lines and conduit to upgrade the existing infrastructure along Mathilda Avenue. The fair share contributions for the intersection shall be based off of the following fair share calculations:

- N Mathilda Avenue / Innovation Way: PM peak period

Mitigation to develop a fully coordinated and interconnected managed traffic control system along Mathilda Avenue is proposed, however; this project is an unfunded project and future implementation of the proposed managed traffic control system is unknown. As such, potential impacts remain significant and unavoidable.

#### **Finding**

**The majority of proposed Project specific environmental impacts on traffic will be reduced to a less than significant level with the implementation of the proposed mitigation measures.**

#### **Mitigation Measures: 5.4-1a**

**Changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR with the exception of cumulative traffic impacts at the Mathilda Avenue/Innovation Way.**

## **V. PROJECT ALTERNATIVES**

The Final SEIR evaluated two alternatives to the proposed Project. These were evaluated based on their ability to (1) reduce the significant impacts of the proposed Project, and (2) attain proposed Project objectives. As described earlier in this findings document, the Project Proponent's objectives are the redevelopment of the site with a total of 1,651,795 square feet of total building area of Class A office space in a high-quality integrated corporate campus environment that utilizes a transit-oriented, pedestrian friendly layout and design.

The alternatives evaluated were:

- Alternative 1: No Project Alternative
- Alternative 2: Existing Specific Plan (0.60 FAR) Alternative

Based on a comparison of the impacts of each alternative, Alternative 2, Existing Specific Plan (0.60 FAR) Alternative, was identified as the “environmentally superior” alternative; however, it would result in the same significant and unavoidable impacts as the proposed Project. The other alternatives would not achieve the proposed Project’s objectives and/or offer no substantial benefits as compared to the Project as proposed, for the reasons set forth below.

## **A. Alternative 1: No Project Alternative**

Under the No Project Alternative, the proposed Project would not be developed and the environmental impacts identified in this report (summarized above) would be avoided. The existing industrial, electronic assembly, and office space would likely go unused as Lockheed Martin no longer utilizes this portion of its former industrial park. However, the portion of the existing office and industrial space that is vacant could presumably be rented out, and the buildings would remain in place. If the buildings were to remain, hazardous materials on the site and in soil would not be removed and properly treated and disposed.

Traffic levels on local roadways providing access to the site would decrease because less traffic would be generated by empty or partially used buildings. This alternative would also eliminate potential increases in construction-related noise and air quality impacts, as well as operational GHG emissions. Since the Project would result in incremental impacts in these areas compared to levels under existing conditions, the No Project Alternative would be considered the Environmentally Superior Alternative.

However, if a new corporate campus is not developed on the Project site, all of the objectives of the Project would not be met. This alternative would result in a continued lack of Class A office space necessary to attract and accommodate large, high quality corporate tenants. In addition, this alternative would result in a continued lack of density necessary to take advantage of the site’s proximity to the existing transit facilities. Moreover, the need for expanded and updated facilities would continue to persist and would not be satisfied by interior remodeling (which would not be subject to environmental review).

Under the No Project Alternative, a Class A corporate campus that would contribute to the City’s General Plan vision of an attractive community would not be constructed, and there would be no maintenance or enhancement of the appearance of Sunnyvale that would help distinguish it from other cities through high quality architecture. In addition, the No Project Alternative would not meet the City’s General Plan vision of environmental sustainability because it would not result in the construction of energy efficient buildings. Finally, this alternative would not meet the General Plan vision for a robust economy, as it would not result in the development of a Class A corporate campus that would attract businesses, which provide jobs and tax revenue. This alternative would not meet some of the goals, policies, and action statements of the General Plan, such as to develop clear, safe, and convenient linkages between all modes of travel, including access to transit stations and stops, and connections between work, home, and commercial sites (Action Statement LT-5.6a). The No Project Alternative would not meet General Plan Goal LT-6 or supporting policies LT-6.2 and LT-7-2, as it would not promote economic development or business opportunities.

In addition, the No Project Alternative would not meet some of the guiding principles and objectives of the Moffett Park Specific Plan. Specifically, it would not develop additional needed Class A office space (Guiding Principle 1.0). It would not focus areas of higher intensity development in areas adjacent to public transportation facilities (Guiding Principle 5.0). Nor would it result in the construction of energy efficient buildings that would contribute to the Moffett Park Specific Plan Guiding Principle 10.0 of incorporating sustainable design and green building concepts into private and public projects. This alternative would not provide for higher intensity development within close proximity to rail and transit stations (Objective LU-6).

## **B. Alternative 2: Existing Specific Plan (0.60 FAR) Alternative**

The Existing Specific Plan (0.60 FAR) Alternative would result in the development of the Project site with a corporate campus similar to the proposed Project. All features would remain the same as the proposed Project, including the site layout, access, number of buildings/parking garages, green building techniques, landscaping, etc. with the exception that the amount of gross building area would be reduced from a total of 1,651,795 square feet as proposed by the Project to a total of 1,238,846 square feet. The overall amount of building space on the Project site would be increased by 314,409 square feet over existing conditions. It should be noted that under this alternative, a ten percent increase in square footage would be sought under the City's Green Building Program which would make the total building area 1,362,731 square feet. Due to the reduction in gross building area, the office buildings and parking structures would have less square footage and fewer stories/levels, as described below:

- All the features of the amenities building would remain the same, including the number of stories (two), height (60 feet), and square footage (50,000 square feet).
- The five office buildings would be reduced from eight stories to six stories and 129 feet tall to 96 feet tall with a slightly larger development footprint.
- Parking would be provided at the same ratio of one space per 300 square feet of building space and thus, 4,542 parking spaces would be provided under the Existing Specific Plan (0.60 FAR) Alternative, which would result in a reduction of 798 parking spaces compared to the proposed Project.
- Due to the reduction in parking spaces, each of the parking structures under this alternative would be reduced to 2 levels with a height of 17 feet.

Table 5.6-1 below (from Section 5.6 of the SEIR), presents a comparison between buildout of the Existing Specific Plan (0.60 FAR) Alternative and the proposed Project.



**Table 5.6–1 Existing Specific Plan (0.60 FAR)**  
Alternative Compared to the Proposed Project

	<b>Project</b>	<b>Existing Specific Plan (0.60 FAR) Alternative</b>
<b>Office Buildings</b>		
Number of Buildings	5	5
Number of Stories	8	6
Maximum Height	129 feet	96 feet
<b>Amenities Building</b>		
Number of Buildings	1	1
Number of Stories	2	2
Maximum Height	60 feet	60 feet
<b>Total Gross Building Area</b>	<b>1,651,795 square feet</b>	<b>1,238,846 square feet</b>
<b>Parking Structure A</b>		
Number of Levels	3	2
Maximum Height	65 feet	24 feet
<b>Parking Structure B</b>		
Number of Levels	3	2
Maximum Height	55 feet	24 feet
<b>Parking Structure C</b>		
Number of Levels	3	2
Maximum Height	55	24
<b>Total Number of Parking Spaces</b>	<b>5,340</b>	<b>4,542</b>

This alternative would not meet key Project objectives of developing an office/R&D park of sufficient size and quality that enable it to attract and accommodate large corporate tenants and of sufficient intensity to support the proposed Project amenities.

The environmental effects of this alternative would be similar to those of the proposed Project; impacts under this alternative associated with land use, aesthetics, transportation and traffic, noise and vibration, air quality, greenhouse gases, public services and utilities, and recreation and energy resources would be less than the impacts identified under the proposed Project. Similar mitigation measures for land use, aesthetics, public services and utilities, and construction impacts related to noise would remain. With the reduction in total building square footage, the amount of traffic would be reduced under this alternative. Similarly, operational impacts regarding noise and vibration, air quality, greenhouse gases, and recreation and energy resources would be less than identified for the proposed Project, because of the reduce project size, and thus the reduction in the potential number of employees. Similar to the proposed Project, construction related impacts regarding air

quality standards would be considered significant and unavoidable, despite compliance with BAAQMD rules and implementation of a TDM plan. Cumulative impacts at the Mathilda Avenue/Innovation Way intersection would be considered significant and unavoidable because the City does not have an identified funding source to implement a fully coordinated and interconnected managed traffic control system along Mathilda Avenue.

## C. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Requirements under CEQA state that an Environmentally Superior Alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. If the No Project Alternative is the Environmentally Superior Alternative, CEQA requires that another alternative be chosen as the Environmentally Superior Alternative.

Alternative 2, Existing Specific Plan (0.60 FAR) Alternative, would provide the greatest reduction in potentially significant environmental effects when compared to the proposed Project. While this alternative would result in significant and unavoidable air quality impacts, when compared to the proposed Project, the Existing Specific Plan (0.60 FAR) Alternative would be the environmentally superior alternative when overall environmental impacts of each alternative are taken into consideration.

## VI. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the City's approval of the Moffett Towers II Project will result in environmental impacts that cannot be substantially lessened or avoided. The following adverse impact of the proposed Project is considered significant and unavoidable based on the Final SEIR, and conclusions and findings of the City Council. While mitigation measures would reduce these impacts, impacts would remain significant and unavoidable.

### A. Project-Level Impacts

**Impact 4.8-1: Air Quality – Project construction would violate an air quality standard or contribute substantially to an existing or projected air quality violation.**

**Total Daily Construction Emissions.** In accordance with the BAAQMD Guidelines, CalEEMod was utilized to model construction emissions for ROG, NOX, PM10, and PM2.5. Construction would occur in one phase (approximately three years), with the greatest amount of fugitive dust emissions being generated during the initial stage of Project construction. Additionally, the greatest amount of ROG emissions would typically occur during the final stage of construction due to the application of architectural coatings. Implementation of Mitigation Measures 4.2-1a through 4.2-1c, would reduce emissions to a less than significant level for PM10 and PM2.5. However, ROG emissions would remain significant and unavoidable for construction year 3; and NOx emissions would remain significant and unavoidable for construction years 1, 2, and 3.

## B. Cumulative

**Cumulative Impact:** The proposed project could conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

The cumulative analysis provides a long-term projection (Year 2025) of the traffic operations within the Project study area and summarizes the potential long-term transportation related impacts associated with the proposed Project. This analysis provides intersection level of service calculations and results for cumulative conditions with and without the Project. The cumulative analysis concluded that the following intersection would operate at unacceptable levels of service in the Cumulative Plus Project scenario:

- #17 – N Mathilda Avenue / Innovation Way (PM Peak)
  - ✓ Intersection operating unacceptably without Project would increase in critical movement delay by more than four (4) seconds and increase in critical v/c ratio by more than 0.01 – **Significant Impact**

Mitigation to develop a fully coordinated and interconnected managed traffic control system along Mathilda Avenue is proposed, however; this project is an unfunded project and future implementation of the proposed managed traffic control system is unknown. As such, potential impacts remain significant and unavoidable.

## C. Conclusion

Section 15093 of the CEQA Guidelines requires the decision-making agency to balance the economic, legal, social, technological, or other benefits of a proposed Project against its unavoidable impacts. When the lead agency approves a project that will result in significant effects identified in the Final EIR that are not avoided or substantially lessened, the agency must state in writing the reasons in support of its action based on the Final EIR and the information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record. Accordingly, the following Statement of Overriding Considerations with respect to the proposed Project's significant unavoidable impacts is hereby adopted.

The City Council has balanced the benefits of the proposed Project against its unavoidable environmental risks in determining whether to approve the proposed Project, and has determined that the benefits of the proposed Project outweigh the unavoidable adverse environmental effects, for the following reasons:

The City Council finds that the development of the site with an office campus environment, containing five new eight-story Class A office buildings, would be consistent with the City of Sunnyvale's General Plan. The creation of an office campus environment that brings jobs to

the residents of Sunnyvale and the surrounding area would meet several major goals of the City including developing and maintaining a strong economic base.

The City Council finds that the economic, social and other benefits, which would result from development of this proposed Project, outweigh the unavoidable environmental impact identified above. These considerations are described below. In making this finding, the City Council has balanced the benefits of the proposed Project against its unavoidable environmental impacts and has indicated its willingness to accept these risks.

- The proposed Project would increase local government revenues via additional business tax, which in turn will be used to enhance City services.
- The proposed Project would provide more opportunities for businesses to be located in Sunnyvale, which would provide more employment opportunities for residents and attract new residents to the City.
- The proposed Project would increase the number of employees in the MPSP area which would provide additional opportunities for existing businesses in the area.
- The proposed Project will replace older buildings with modern office buildings that are more energy efficient and incorporate “green building” construction materials and design standards.
- The proposed Project will increase the number of employment opportunities that can be served by mass transit in the MPSP area.
- The proposed Project would provide monetary contributions to planned improvements at the Mathilda/SR 237 interchange and SR 237 freeway improvements.
- The proposed Project would include a Development Agreement that among other requirements, would require the Project applicant to be responsible for a Public Safety Payment for the funding of three public safety officers at Fire Station 5.
- The proposed Project would include a Development Agreement that among other requirements, would require the Project applicant to be responsible for an additional Traffic Improvement Payment in addition to the traffic impact fees required for the Project.

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

## **1. General Plan**

Goal C-4: *Sustain a strong local economy that contributes fiscal support for desired City services and provides a mix of jobs and commercial opportunities.*

Goal 5.1C: *Endeavor to maintain a balanced economic base that can resist downturns of any one economic sector.*

Policy 5.1C.3 *Maintain an attractive business community.*

Policy 5.1C.4 *Promote business opportunities and business retention in Sunnyvale.*

Policy 5.1C.5 *Support land use policies that provide a diversified mix of commercial/industrial development.*

## **2. MPSP**

Guiding Principle 1.0: *Positively influence the Sunnyvale business climate and enhance economic vitality by providing comprehensive land use policies and permitting processes that encourage development of additional needed Class A office space to diversify the industrial base of Sunnyvale.*

Guiding Principle 4.0: *Provide opportunity for strategic retention and attraction of business and private investment.*

Guiding Principle 5.0: *Focus areas of higher intensity development in areas adjacent to public transportation facilities.*

Guiding Principle 8.0: *Increase utilization of public transit through coordinated land use, transportation, and infrastructure planning.*

Guiding Principle 9.0: *Incorporate the principles of “smart growth” into all planning decisions.*

Guiding Principle 10.0: *Incorporate sustainable design and green building concepts into private and public projects.*

Guiding Principle 11.0: *Preserve Moffett Park for Industrial Uses into the future and prevent erosion of its industrial base to non-compatible uses.*

The Council hereby finds that each of the reasons stated above constitutes a separate and independent basis of justification for the Statement of Overriding Considerations, and each is able to independently support the Statement of Overriding Considerations and override the proposed Project's unavoidable environmental effects. In addition, each reason is independently supported by substantial evidence contained in the administrative record.

All proposed Project impacts, including the effects of previously identified cumulative impacts, are covered by this Statement of Overriding Considerations.

## **VII. MITIGATION MONITORING AND REPORTING PROGRAM**

The City Council recognizes that any approval of the proposed Project would require concurrent approval of a Mitigation Monitoring and Reporting Program (MMRP), which ensures performance of identified mitigation measures. Such an MMRP would need to identify the entity responsible for monitoring and implementation, and the timing of such activities. The City will use the MMRP to track compliance with proposed Project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is included as part of the Final SEIR, and is hereby incorporated by reference, and attached as Exhibit A to this Resolution.

## **VIII. RECORD OF THE PROCEEDINGS**

The documents and other materials that constitute the record of proceedings on which the Council bases the Findings are located at the Community Development Department, 456 West Olive Avenue, Sunnyvale, California 94086. The custodian for these documents and materials that constitute the record is the City of Sunnyvale Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Title 14 California Code of Regulations (*CEQA Guidelines*) Section 15091(e).

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 these findings.
- 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 December 28, 2015 and February 12, 2015.
- 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 Planning Commission and 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.

## IX. INCORPORATION BY REFERENCE

In addition to the Final SEIR, the following document is incorporated into these Findings by reference in its entirety:

- City of Sunnyvale, *Moffett Park Specific Plan EIR*. Certified November 11, 2003.

Without limitation, this incorporation is intended to elaborate on the scope and nature of project and cumulative impacts, related mitigation measures, the basis for determining the significance of impacts, and the comparative analysis of alternatives.

## X. SUMMARY

- A. Based on substantial evidence in the foregoing Findings and in the information contained in the record, the Council has made the following findings with respect to each of the significant effects of the proposed Project identified in the Final SEIR:

1. Changes or alterations have been required in, or incorporated into, the proposed Project which avoid or substantially lessen the significant environmental effect on the environment.

Those changes or alterations that are within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other agency.

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final SEIR that would otherwise avoid or substantially lessen identified significant environmental effects on the proposed Project.

2. Based on the foregoing Findings and the information contained in the record, it is determined that:

With the exception of impacts in the area of Air Quality, all significant effects on the environment due to the approval of the proposed Project have been eliminated or substantially lessened where feasible.

The remaining significant effects found to be unavoidable are acceptable due to the factors described above in the Statement of Overriding Considerations