RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING THE MITIGATION AND MONITORING REPORTING PROGRAM, STATING OVERRIDING CONSIDERATIONS IN THE APPROVAL OF THE PEERY PARK SPECIFIC PLAN, ADOPTING THE WATER SUPPLY ASSESSMENT, AMENDING THE GENERAL PLAN AND ADOPTING A SPECIFIC PLAN FOR THE PEERY PARK DISTRICT (THE PEERY PARK SPECIFIC PLAN), ADOPTING THE PEERY PARK COMMUNITY BENEFITS PROGRAM TABLE, AND REPEALING THE SOUTHERN PACIFIC CORRIDOR SPECIFIC PLAN SITE 2

WHEREAS, on November 20, 2007, the City Council directed staff to initiate a general plan amendment and to prepare a comprehensive regulatory and policy document to guide development of properties in the Peery Park neighborhood of the City ("the Project"), and further directed staff to undertake necessary environmental review of the proposed Project; and

WHEREAS, on October 22, 2013, the City Council adopted Ordinance No. 3003-13, amending the Precise Zoning Plan and Zoning Districts Map to establish the Peery Park District for the purpose of regulating development in Peery Park during the specific plan development process; and

WHEREAS, the purpose of the Peery Park Specific Plan (PPSP) is to create a high-tech 21st century employment center within the City of Sunnyvale, to improve the visual characteristics of Peery Park through architectural, landscaping, and pedestrian-oriented improvements, support and attract high-profile technology firms, develop activity centers to provide commercial and recreational opportunities for residents and employees, strengthen and provide opportunities for small-scale technology firms, provide opportunities to develop housing in a small portion of Peery Park, improve multi-modal accessibility for parking and transportation to Peery Park, including a more pedestrian and bicycle friendly environment to reduce and improve the circulation of vehicle traffic within Peery Park; and

WHEREAS, the current general plan designation for the properties within the Peery Park District are Industry, Industrial Intensification, Neighborhood Commercial, and Parks, with zoning district designations that include MS/PPD (Industrial and Service-Peery Park District) and C1 (Neighborhood Business-Peery Park District); and

WHEREAS, pursuant to the City Council's directive, the PPSP was prepared. The PPSP district encompasses approximately 450 acres in the northern portion of the City of Sunnyvale.

It is bounded roughly by California State Route 237 to the north and northwest, Mathilda Avenue to the east, Southern Pacific Railroad to the south, and Mary Avenue to the west, with a limited area extending west of Mary Avenue toward the Sunnyvale Golf Course and south of Maude Avenue, as depicted more particularly in the map attached hereto as "Exhibit A" and incorporated herein by reference. The proposed PPSP was developed with extensive community input, and the policy and regulatory elements of the PPSP reflect consultation with business and property owners, developers, staff, and the general public; and

WHEREAS, the proposed PPSP is intended to serve as a land-use policy document to regulate future development within the Project area. The PPSP will create a new “Peery Park” General Plan land-use category; and

WHEREAS, implementation of the PPSP will require (1) adoption of amendments to the City of Sunnyvale General Plan and General Plan Map, (2) adoption of the Peery Park Specific Plan, (3) adoption of amendments to the City's Zoning Code, including the Precise Zoning Plan/Zoning District Map; and

WHEREAS, the PPSP has been prepared, along with related zoning code amendments and a proposal to amend the General Plan, including the General Plan Map, designating land use for the Project area, as described and depicted in “Exhibit B,” attached hereto and incorporated herein by reference; and

WHEREAS, the PPSP includes a community benefits program that will offer development incentives in return for providing public improvements and amenities to benefit nearby residents, Peery Park workers and the community as a whole, as further outlined in “Exhibit C” attached hereto and incorporated herein by reference; and

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 programmatic Draft Environmental Impact Report (“DEIR”) and Final Environmental Impact Report (“FEIR”, collectively, the “EIR”) have been prepared for and by the City of Sunnyvale for the Project pursuant to CEQA and the CEQA Guidelines; and

WHEREAS, the EIR addresses the environmental impacts of the Project, which is further described in Sections VII of Exhibit D attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to CEQA Guidelines Section 15043 the City Council has the authority to approve this project even though it may cause significant effects on the environment so long as the City Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant impacts (CEQA Guideline Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy

of reducing or avoiding significant environmental impacts of the projects (CEQA Guidelines Section 15093); and

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

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

WHEREAS, Section 10910 of the Water Code and Section 15155 of the CEQA Guidelines require that a Water Supply Assessment (WSA) be prepared and approved for development projects of a certain size, which includes the Peery Park Specific Plan; and

WHEREAS, in November 2015, a Water Supply Assessment was prepared in connection with a proposed update to the City's Land Use and Transportation Element (LUTE), which includes an assessment of the available water supply for the City and multiple development projects and growth areas within the City including the Peery Park Specific Plan; and

WHEREAS, by motion adopted on August 22, 2016, the Sunnyvale Planning Commission recommended that the City Council certify the EIR, adopt the Peery Park Specific Plan, and make related amendments to the City's Zoning Code and General Plan; and

WHEREAS, a public hearing was held by the City Council on September 20, 2016, regarding the Project and the EIR, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto were heard, and the EIR was considered; and

WHEREAS, by this Resolution, the City Council, as the lead agency under CEQA for preparing the EIR and the entity responsible for approving the Project, desires to comply with the requirements of CEQA and the CEQA Guidelines for consideration, certification, and use of the EIR in connection with the approval of the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sunnyvale as follows:

1. EIR CERTIFICATION. The City Council hereby finds and certifies that the EIR has been completed in compliance with CEQA and the CEQA Guidelines; that the EIR adequately addresses the environmental issues of the Project; that the EIR was presented to the City Council; that the City Council has reviewed and considered the information contained in the EIR prior to approving the Project; and that the EIR reflects the independent judgment and analysis of the City Council.

2. MITIGATION MONITORING AND OVERRIDING CONSIDERATIONS. 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 D, which is incorporated in this Resolution by this reference. The statements, findings and determinations set forth in Exhibit D attached hereto are based on the above certified EIR and other information available to the City Council, and are made in compliance with Sections 15091, 15092, 15093, and 15096 of the CEQA Guidelines and Sections 21081 and 21081.6 of CEQA.

3. WATER SUPPLY ASSESSMENT. The City Council hereby finds that projected water supplies are sufficient to satisfy the demands of the Project in addition to existing and future uses. The City Council hereby approves the Water Supply Assessment (WSA) in compliance with Section 10910 of the Water Code and Section 15155 of the CEQA Guidelines, and adopts the WSA as a technical addendum to the Environmental Impact Report.

4. GENERAL PLAN AMENDMENT. Based on the foregoing findings, the City Council finds and determines that the General Plan Amendment constitutes a suitable and logical change in the plan for physical development of the City of Sunnyvale, and it is in the public interest to approve the General Plan Amendment, which is next described in more detail.

A. Figure 3-1: General Plan and Zoning Districts, is amended by adding a new General Plan Category entitled “PP - Peery Park Specific Plan - Office, Industrial, Commercial and Limited Residential Services” with a corresponding zoning category identified as “Peery Park Specific Plan (PPSP)” at the end of the text on page 3-8.

B. Appendix A, Implementation Plans, is amended by inserting “Peery Park Specific Plan” under “Specific/Precise Plans” on page A-3.

C. The General Plan Map is revised as depicted in Exhibit B to this Resolution to change the land use designations for the properties in the Peery Park Specific Plan area from Industry, Industrial Intensification, and Neighborhood Commercial to “Peery Park.”

D. The land use designation of the property known as Encinal Park located at 972 Corte Madera (Assessor’s Parcel No. 165-33-012) will continue to be “Park.”

5. ADOPTION OF PEERY PARK SPECIFIC PLAN. Based on the foregoing findings, the City Council finds and determines that adoption of the Peery Park Specific Plan (PPSP) constitutes a suitable and logical change in the plan for the physical development of the City of Sunnyvale, and it is in the public interest to approve the PPSP. The City Council finds that the PPSP is consistent with the City's General Plan, and supports the City's long-term goals for the area. Based upon the PPSP’s consistency with the General Plan, and subject to the implementation of the Mitigation Monitoring and Reporting Program as a condition of approval, the City Council approves and adopts the PPSP, with certain modifications recommended by staff. The City Council further adopts the Peery Parks Specific Plan Community Benefits Program Table. Copies of the PPSP are on file in the office of the City Clerk.

6. REPEAL OF THE SOUTHERN PACIFIC CORRIDOR SPECIFIC PLAN – SITE 2. Based on the foregoing findings, the City Council finds and determines that the Southern Pacific Corridor Specific Plan – Site 2, adopted on February 28, 1984 (Resolution No. 123-84), has been superseded by the Peery Park Specific Plan and is hereby repealed. The Southern Pacific Corridor Specific Plan – Site 2 comprises the properties bounded by California Avenue to the north, the Southern Pacific Railroad to the South, Mathilda Avenue overpass to the east, and Pajaro Court to the west.

Adopted by the City Council at a regular meeting held on _____, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor
(SEAL)

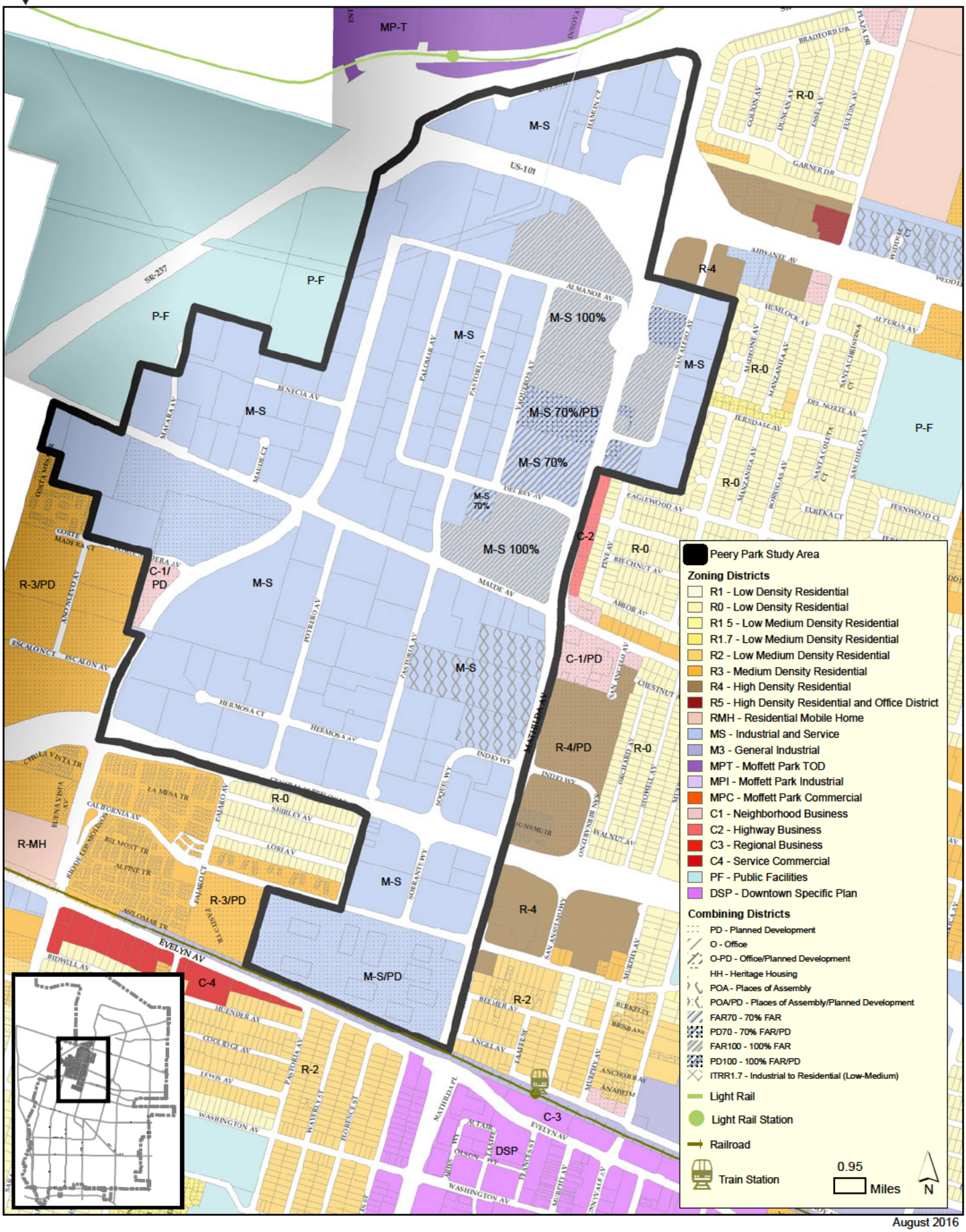
APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT A

ATTACHMENT 3

PEERY PARK SPECIFIC PLAN STUDY AREA



August 2016

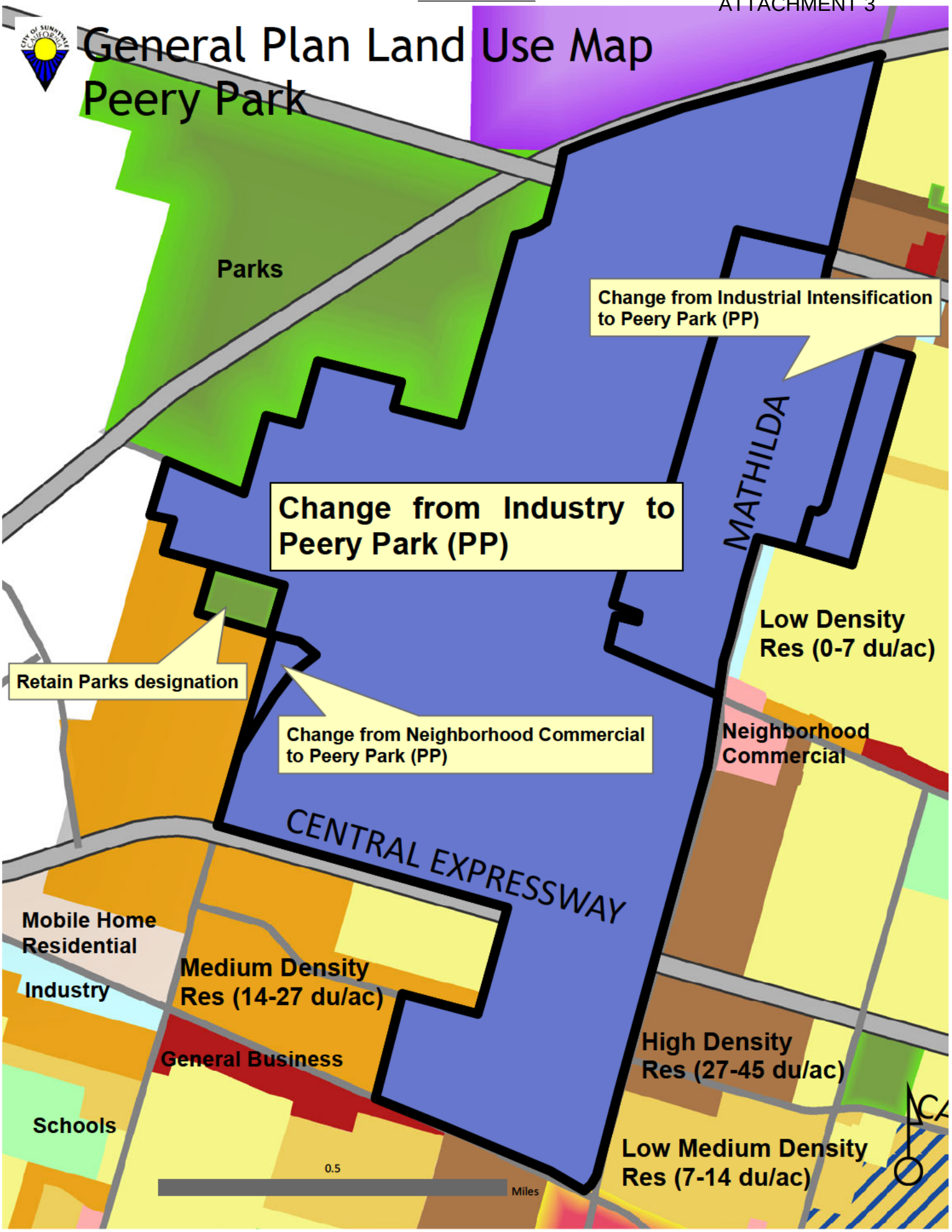

General Plan Land Use Map
Peery Park
Parks
Change from Industrial Intensification to Peery Park (PP)
MATHILDA
Change from Industry to Peery Park (PP)
Low Density Res (0-7 du/ac)
Retain Parks designation
Change from Neighborhood Commercial to Peery Park (PP)
Neighborhood Commercial
CENTRAL EXPRESSWAY
Mobile Home Residential
Industry
Medium Density Res (14-27 du/ac)
General Business
High Density Res (27-45 du/ac)
Schools
Low Medium Density Res (7-14 du/ac)
0.5
Miles

EXHIBIT C

Peery Park Specific Plan
Community Benefits Program

The Peery Park Specific Plan Community Benefits Program is described in detail within Book 4 of the Peery Park Specific Plan (PPSP). The requirement for the type of community benefits that will be required is located within Book 2 of the PPSP. In addition, the following information applies to the PPSP Community Benefits Program.

Types of Community Benefits Required

Zone	Maximum Allowed FAR from Defined Benefits	Maximum Allowed FAR from Flexible Benefits
Zone 1	Up to 80% FAR	Up to 100% FAR
Zone 2	Up to 100% FAR	Up to 120% FAR

Community Benefits Table

DEFINED COMMUNITY BENEFITS		
Type of Community Benefits	**Maximum Increase in FAR%**	**Increased FAR% Calculation Method**
Innovation-Friendly Development	5	Locate small scale tenant space (at least 5,000 sq. ft.) adjacent to a publicly accessible retail cluster or publicly accessible open space. Small scale tenant space must be independently from the primary tenant.
	10	Configure at least 50% of ground floor space for tenants under 15,000 sq. ft.
	10	Provide space for a mixture of light industrial and office tenants in a single development (at least 10% of space reserved for the secondary use)

Open Space/Landscaping	3	Configure 20-30% of site (private property) as open space/landscaping
	5	Configure 30-40% of site (private property) as open space/landscaping
	7	Configure over 40% of the site (private property) as open space/landscaping
Publicly Accessible Open Space with Recorded Easement or other Guarantee	3	Provide at least 50 sq. ft. per 1,000 sq. ft. of floor area (existing floor area that is retained can be excluded)
	5	Provide at least 100 sq. ft. per 1,000 sq. ft. of floor area (existing floor area that is retained can be excluded)
	10	Provide at least 150 sq. ft. per 1,000 sq. ft. of floor area (existing floor area that is retained can be excluded)
Public Access Easements with Recorded Easement or other Guarantee	5	Provide new publicly accessible pedestrian/bike path(s) (10 foot minimum width) in the approximate area shown on the Bicycle and Pedestrian Network Figures in Book 4 of the PPSP
	15	Provide new publicly accessible street(s) in the approximate area shown on the Street Improvement Figure in Book 4 of the PPSP
Retail	10	Provide 2,500 sq. ft. - 5,000 sq. ft. of publicly accessible retail in a Small Activity Cluster configuration
		Provide a minimum 100,000 sq. ft. of publicly accessible retail in a pedestrian oriented Activity Center
	5	Orient publicly accessible retail towards publicly accessible open space
Childcare	5	Provide child care facilities (where permitted)
Publicly Accessible Recreation with Recorded Easement or other Guarantee	5	Provide a minimum of 1,000 sq. ft. of public recreational facilities

Parking	5	Gain 300 sq. ft. of development per structured parking space (up to 5% additional FAR)
		Gain 300 sq. ft. of development per parking space designated as shared (up to 5% additional FAR)
	10	Gain 600 sq. ft. of development per parking space when providing parking in an underground structure (up to 10% additional FAR)
Green Building	10	Achieve LEED Gold with USGBC certification (includes tenant improvements if developed separately from exterior shell and site work) on all new construction
	13	Obtain 75-79 LEED points with USGBC certification (includes tenant improvements if developed separately from exterior shell and site work) on all new construction
	17	Obtain 80+ LEED points (LEED Platinum) with USGBC certification (includes tenant improvements if developed separately from exterior shell and site work) on all new construction
FLEXIBLE COMMUNITY BENEFITS		
Type of Community Benefits	**Maximum Increased FAR%**	**Increased FAR% Calculation Method**
Innovation Anchor Facilities	Flexible	Provide an innovative anchor such as a coworking/incubator/accelerator/maker space, training/education facilities, shared meeting facilities, or other proposed anchor facility
Transportation/Streetscape Improvements	Flexible	Provide bicycle, pedestrian, transit, green street, or other sense-of-place amenities beyond the minimum required

TDM Programs or Facilities	Flexible	Provide shuttle, parking, apps, or other transportation demand management or transportation management association services beyond the minimum TDM/TMA requirements
Sustainability Project Elements	Flexible	Provide additional energy saving concepts, improvements to water quality, recycled water, low impact development, air quality, or other sustainability project elements beyond the minimum requirements
Community Facilities or Services	Flexible	Provide community meeting space, district wi-fi, green infrastructure improvements or other community facility/service
Community Programs	Flexible	Organize and manage community programs
Community Benefits Fund	Flexible	Establish or contribute to a community benefits fund
Other Community Benefits	Flexible	Other proposed community benefits

EXHIBIT D

CITY OF SUNNYVALE

PEERY PARK SPECIFIC PLAN PROJECT

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

I. INTRODUCTION

The Draft Program Environmental Impact Report (EIR) prepared by the City of Sunnyvale (City) for the Peery Park Specific Plan (Project) identified several significant environmental impacts that would occur from Project implementation. Some of these significant impacts can be 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 significant impacts are outweighed by the overriding considerations, as further described herein.

II. PURPOSE OF THE FINDINGS

The purpose of these findings is to satisfy the requirement of Public Resources Code Section 21000, et seq., and Sections 15091, 15092, 15093 and 15097 of the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000, et seq., associated with approval of the Project. These findings provide the written analysis and conclusions of the City Council regarding the Project. They are divided into general sections, each of which is further divided into subsections. Each addresses a particular impact topic and/or requirement of law.

III. THE CEQA PROCESS

CEQA 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 sets forth the findings of the City as the lead agency under CEQA regarding the Project.

As a first step in complying with the procedural requirements of CEQA, the City performed a public scoping process consistent with Section 15083 of the CEQA Guidelines. The public was provided an opportunity to comment on the scope of the EIR through a Notice of Preparation (NOP) released on June 9, 2015, which was distributed to federal, state, county, and City agencies,

neighborhood groups, and owners and occupants in the Project vicinity. The City also held a public Scoping Hearing on June 25, 2015, and public comments were received until July 9, 2015 (CEQA Guidelines §15082). The scoping process assisted the City in determining if any aspect of the proposed Project may cause a significant effect on the environment and, based on that determination, to narrow the focus (or scope) of the subsequent environmental analysis contained in the Program EIR for the Project.

The Program EIR for the Project consists of the following:

A. Draft EIR, issued April 28, 2016;

B. All appendices to the Draft EIR;

C. Final EIR, issued August 12, 2016, containing all written comments and responses on the Draft EIR, refinements and clarifications to the Draft EIR, the mitigation monitoring and reporting program, and technical appendices; and

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

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

E. On August 22, 2016, the Planning Commission conducted a duly and properly noticed public hearing on the Project and the EIR, and recommended that the City Council certify the EIR and approve the Project.

F. On September 20, 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 Project.

IV. FINDINGS ARE DETERMINATIVE

Pursuant to Title 14, California Code of Regulations, Section 15090, the City Council hereby certifies that the Final EIR for Project:

A. has been completed in compliance with the California Environmental Quality Act, Public Resources Code (PRC) Section 21000 et seq. (CEQA) and the State CEQA Guidelines (14 Cal. Code of Regulations, Sections 15000 et seq.);

B. that the Final EIR was presented to and reviewed by the City; and

C. that the City has reviewed and considered the information contained in the Final EIR prior to approving the proposed Project, as set forth below.

In so certifying, the City Council recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the Final EIR and the administrative record; that experts disagree; and that the City Council must base its decision and these findings on the substantial evidence in the record that it finds most compelling. Therefore, by these findings, the City Council ratifies, clarifies, and/or makes non-substantive modifications to the EIR and resolves that these findings shall control and are determinative of the significant impacts of the Project. The City hereby finds that the Final EIR reflects the independent judgment and analysis of the City and approves the Final EIR.

The mitigation measures proposed in the EIR are adopted in this document, substantially in the form proposed in the EIR, with such clarifications and non-substantive modifications as the City Council has deemed appropriate to implement the mitigation measures. Further, the mitigation measures adopted in this document are expressly incorporated into the Project pursuant to the adopted Peery Park Specific Plan.

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

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

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

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

V. PROJECT OBJECTIVES

Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed Project. As noted in Section 2.3.1 of the EIR for the Project, the Project objectives are to:

- Create a high-tech 21st century employment center within the City of Sunnyvale.
- Improve the visual characteristics of Peery Park through architectural, landscaping, and pedestrian oriented improvements.
- Support and attract the business of high-profile technology firms.
- Develop activity centers to provide recreational opportunities for residents and employees, and alleviate over-use of existing recreational facilities.
- Strengthen and provide opportunities for small-scale technology firms.
- Provide opportunities to develop housing in a transition area to bridge the gap between residential neighborhoods and employment centers in a manner that would protect the privacy and security of existing residents.
- Improve multi-modal accessibility for parking and transportation to Peery Park, including a more pedestrian and bicycle friendly environment to reduce and improve the circulation of vehicle traffic within Peery Park.

VI. PROJECT DESCRIPTION

A. Project Location

The Project area encompasses approximately 450 acres in the northern portion of the City within Santa Clara County, California (Figure 2-1). The Project area is roughly bounded by California State Route 237 (SR 237) to the north and northwest, Mathilda Avenue to the east, the Southern Pacific Railroad line to the south, and Mary Avenue to the west, with a limited area extending west of Mary Avenue toward the Sunnyvale Golf Course.

B. Project Area Characteristics

The Project area is one of five major industry/workforce centers in the City, supporting software, hardware, innovation services, biomedical, and electronic components. The Project area supports approximately 7 million square feet (sf) of existing development with 0.5 million sf approved or under construction. The Project area currently provides a range of building qualities and types, though the majority of the structures are Class B and C leasable space. The area is almost completely developed. The Project area is approximately 450 gross acres (446 net), containing 223 parcels ranging from 0.02 acres to 21.45 acres in size. Land use within the Project area is

approximately 77 percent industrial, 12 percent service and retail commercial, 10 percent recreational, and less than 1 percent residential. Existing land uses in the Project area are predominantly industrial, but also include a range of other uses along the peripheral areas, such as small retail commercial centers, auto repair and service stations, lodging, restaurants, religious institutions, social and fraternal organizations, recreational facilities, a public park, professional and medical offices, a former nursery and farm, and four single-family homes.

C. Project Characteristics and Components

The Project consists of the proposed adoption of a Specific Plan with associated development standards and programs for the Project area. The proposed Project would provide a plan for urban design, land use, and circulation within the Project area through the adoption of goals, policies, and development standards. The Project would be implemented over the next 20 years through individual development projects and associated public improvements. Proposed development standards would ensure that the Project area evolves over time into a more accessible, multi-modal, pedestrian and bicycle friendly urban area that serves the needs of a developing high-tech and innovation district.

Consistent with the Project Objectives identified above, the Project would establish:

- Development standards and Design Guidelines to guide future building and redevelopment projects, including site design, architectural design, and size, bulk, and scale of new development.
- Development standards for building height that would specify varying maximum allowable building heights throughout the Project area ranging from a minimum of 30 feet to a maximum of 88 feet (excluding roof top mechanical equipment).
- Development standards specifying the maximum allowable FAR for development throughout the Project area.
- A community benefits program that allows development projects within the Project area to exceed the baseline FAR allowances by providing defined or flexible community benefits.
- Up to two Activity Centers to facilitate development of commercial, social, and recreational facilities.
- Policies to support and attract the business of high-tech industrial firms.
- Implementation measures and associated development fees.
- A residential transition area that has the potential to include the development of up to 215 housing units.

The Project would also include a General Plan Amendment to create the Peery Park land use designation and modifications to the Sunnyvale Municipal Code, the Sunnyvale Zoning Map and the Sunnyvale General Plan Map. The Project area would be rezoned to “Peery Park Specific Plan - PPSP”, which would refer all zoning standards to the Peery Park Specific Plan, and the zoning map would be amended to reflect this change.

Project actions may include the following:

- Adoption of the Peery Park Specific Plan;
- Carrying out an urban design framework for six subdistricts of the Project area, including the Activity Center, Innovation Edge, Mixed Industry Core, Mixed Commercial Edge, Neighborhood Transition, and Public Facility subdistricts;
- Adoption of a Community Benefits Program tied to development capacity;
- Implementation of development code regulations for modifications to buildings, streets, open space, parking, and signage; and
- Improvements to the Project area that may include:
    - Street improvements;
    - Traffic circulation and new transportation services;
    - Utilities and infrastructure upgrades;
    - Expansion of open space in Project area; and
    - Infrastructure and public facilities improvements.

The proposed land use plan for Peery Park would allow a mix of uses and building types to enhance Peery Park's role as an innovation and high-profile technology district. Development standards would promote a more pedestrian and bicycle friendly environment and encourage trip reduction through transportation demand management requirements. Improvements would also include public and private open space; multi-modal connectivity for transit, cyclists, and pedestrians; transitional buffer areas between industrial and residential uses; and industrial growth. Additionally, the Project would include in the Specific Plan development standards and design guidelines that address building setbacks, parking requirements, frontage improvements, architectural features, maximum block sizes, and increased open space. The Project designates overall policies that would apply to all new construction, significant additions of greater than 20% of the building's floor area, major exterior renovations, intensification of the use of a building, and other site improvements. The Project would also require all new development projects to prepare a transportation demand management plan and to join the business-sponsored Peery Park Transportation Management Association (TMA).

The Project's primary components and programs are organized into four "Books" within the Specific Plan and are summarized in Table 1.

Table 1. Primary Project Components and Programs

Book Number	Book Title	Book Information
Book 1	Community Intent of the Peery Park Specific Plan	Outlines the necessity for the Specific Plan guiding principles, district goals, and community input.

Book Number	Book Title	Book Information
Book 2	Development Code	Governs all private development actions and land uses within the Project area, and would be used to evaluate development projects. Development regulations consist of land use regulations, building scale regulations, façade and roof regulations, open space regulations, parking regulations, and procedures to govern development through 2035.
Book 3	Design Guidelines	Contains the design guidelines for development in the Project area. Includes supplemental information to Book 2 for building massing and articulation, frontage and building orientation, façade and roof design, open space and landscaping, parking, and sustainability.
Book 4	City Actions	Describes the community benefits program, capital improvements, the Sense of Place concepts, and other fees specific to Peery Park to be implemented in conjunction with development in the Project area.

Projects proposing higher FARs than the Project's baseline standard may be permitted, but would be required to incorporate a range of community benefits, such as additional open space, structured or underground parking, green building components, public open space or various other benefits.

Implementation of the Project is expected to occur over a 20-year (2035) planning horizon through construction of both private developments and public improvements scheduled by the City. The Project would allow for development of an additional 2.2 million sf of primarily office or R&D industrial uses with limited retail commercial, as well as 215 units of multi-family residential uses limited to the eastern side of the Project area along San Aleso Avenue. This future development would contribute to the 7.5 million sf of existing and approved development for a total of 9.7 million sf within the Project area by 2035. It is anticipated that most of this new development would occur on sites within the Project area that are either vacant, underutilized, or occupied by existing Class 'C' buildings that do not meet the needs of current and future Silicon Valley business needs. The most prevalent types of development would be office and R&D industrial buildings with pedestrian-friendly streetscapes. However, employee-serving uses, such as restaurants and commercial services, would also be developed and encouraged within two activity center locations, the mixed commercial edge district and within small activity clusters.

VII. IMPACTS, MITIGATION MEASURES, AND FINDINGS

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

mitigation measures identified in the EIR. Project impacts that are determined to be less than significant and do not require mitigation are not included in the list below.

All feasible mitigation measures listed below have been incorporated into the Mitigation Monitoring and Reporting Program ("MMRP") which sets forth specific monitoring actions, timing requirements and monitoring/verification entities for each mitigation measure adopted herein. The MMRP is adopted with the Project, and the implementation of the Project will incorporate all conditions contained in the MMRP for as long as the Peery Park Specific Plan is adopted by the City.

1. Air Quality

Impact

AQ-1. Implementation of the Project would result in construction emissions that could substantially contribute to air pollution and would result in a projected air quality violation. While this impact would be reduced through construction technologies to control emissions, no additional mitigation measures would be available to reduce this impact to a less than significant level. Therefore, this impact is significant and unavoidable.

AQ-2. Project-generated traffic, together with other cumulative traffic in the area, would incrementally increase CO levels in the vicinity of intersections. Therefore, this impact is significant and unavoidable.

AQ-3. Onsite construction-related emissions would affect sensitive receptors. Implementation of mitigation measures would not reduce this impact to a less-than-significant level. Therefore, this would be a significant and unavoidable impact.

AQ-5. Implementation of the Project would result in a considerable net increase of multiple criteria pollutants for which the air basin is currently in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for O_3 precursors). This would be a potentially significant impact. Implementation of mitigation measures would not reduce this impact to a less-than-significant level. Therefore, this would be a significant and unavoidable impact.

Mitigation

MM AQ-1. Fugitive Dust Plan – New development and redevelopment within the Project shall comply with the following construction-related measures to reduce fugitive dust:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose material offsite shall be covered.

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer‘s specifications. All equipment shall be checked by a certified visible emissions evaluator.

8. A publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District‘s phone number shall also be visible to ensure compliance with applicable regulations.

BAAQMD recommends that all proposed projects, where construction-related emissions would exceed the applicable thresholds, implement the following additional construction mitigation measures identified below.

MM AQ-2. Construction-Related Emissions Reduction Plan -– New development and redevelopment within the Project shall comply with the following construction-related measures to reduce emissions generation:

1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour (mph).

3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.

4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

6. All trucks and equipment, including tires, shall be washed prior to the vehicle leaving the site.

7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.

8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

9. The idling time of diesel powered construction equipment shall be minimized to 2 minutes.

10. 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 of 20 percent NO_X reduction and 45 percent particulate matter reduction compared to the most recent California ARB 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.

11. Low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings) shall be used.

12. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and particulate matter.

13. All contractors shall be required to use equipment that meets California ARB‘s most recent certification standard for off-road heavy duty diesel engines.

Additionally, MM T-6a and MM T-6b as described below.

Finding

Implementation of the above Final EIR mitigation measures would help to reduce all impacts to air quality; however, none would result in less than significant air quality impacts and all four potentially significant impacts would be **significant and unavoidable**.

2. Cultural Resources and Historic Structures

Impact

CR-2. Implementation of the Project would result in impacts to the City-designated Heritage Resource, Mellow's Nursery and Farm. Demolition, redevelopment or alterations to the property would result in a significant and unavoidable impact.

CR-3. Construction activities anticipated to occur under the proposed Project could potentially uncover paleontological resources in geologic deposits during earthwork activities. If improperly handled, such resources could be adversely impacted. With mitigation, impacts would be reduced to less than significant.

CR-4. Construction activities anticipated to occur under the Project could potentially uncover significant prehistoric or historic archaeological deposits during earthwork activities. If improperly handled, such resources could be adversely impacted. With mitigation, impacts would be reduced to less than significant.

Mitigation

MM CR-1. Historical Record of Property - In the event of demolition, redevelopment, or alteration of Mellow's Nursery and Farm, a historical record including photographs and artifacts shall be incorporated into the Sunnyvale Heritage Park Museum. A qualified historian shall complete thorough photographic and historic documentation of Mellow's Nursery and Farm to be incorporated into historical records prior to any development.

MM CR-2. Preservation and Relocation of the Mellow's Nursery House - Future development of the Mellow's Nursery site shall consider preserving and relocating the historic house on site. If such action is feasible, a subsequent cultural resource evaluation shall be prepared to determine if the relocation and rehabilitation of the historic house on site retains its historic qualities and complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

MM CR-3. Paleontological Monitoring – Construction activities involving excavation or other soil disturbance to a depth greater than 6 feet within the Project area shall be required to retain a qualified Paleontological Monitor as defined by the Society for Vertebrate Paleontology (SVP) (2010) equipped with necessary tools and supplies to monitor all excavation, trenching, or other ground disturbance in excess of 6 feet deep. Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. In the event that a paleontological resource is discovered, the monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and collected if necessary.

The Paleontological Monitor will periodically assess monitoring results in consultation with the Principal Paleontologist. If no (or few) significant fossils have been exposed, the Principal Paleontologist may determine that full-time monitoring is no longer necessary, and periodic spot

checks or no further monitoring may be recommended. The City shall review and approve all such recommendations prior to their adoption and implementation.

MM CR-4. Inadvertent Discovery of Fossils – If fossils are discovered during excavation, the Paleontological Monitor will make a preliminary taxonomic identification using comparative manuals. The Principal Paleontologist or his/her designated representative will then inspect the discovery, determine whether further action is required, and recommend measures for further evaluation, fossil collection, or protection of the resource in place, as appropriate. Any subsequent work will be completed as quickly as possible to avoid damage to the fossils and delays in construction schedules. If the fossils are determined to be significant under CEQA, but can be avoided such that no further impacts will occur, the fossils and locality will be documented in the appropriate paleontological resource records and no further effort will be required. At a minimum, the paleontological staff will assign a unique field number to each specimen identified; photograph the specimen and its geographic and stratigraphic context along with a scale near the specimen and its field number clearly visible in close-ups; record the location using a global positioning system (GPS) with accuracy greater than 1 foot horizontally and vertically (if such equipment is not available at the site, use horizontal measurements and bearing(s) to nearby permanent features or accurately surveyed benchmarks, and vertical measurements by sighting level to point(s) of known elevation); record the field number and associated specimen data (identification by taxon and element, etc.) and corresponding geologic and geographic site data (location, elevation, etc.) in the field notes and in a daily monitoring report; stabilize and prepare all fossils for identification, and identify to lowest taxonomic level possible by paleontologists, qualified and experienced in the identification of that group of fossils; record on the outside of the container or bag the specimen number and taxonomic identification, if known. Breathable fabric bags will be used in packaging to avoid black mold.

Upon completion of fieldwork, all significant fossils collected will be prepared in a properly equipped paleontology laboratory to a point ready for curation. Preparation will include the careful removal of excess matrix from fossil materials and stabilizing and repairing specimens, as necessary. Following laboratory work, all fossil specimens will be identified to the lowest taxonomic level, cataloged, analyzed, and delivered to an accredited museum repository for permanent curation and storage. The cost of curation is assessed by the repository and is the responsibility of the Project proponent.

At the conclusion of laboratory work and museum curation, a final report shall be prepared describing the results of the paleontological mitigation monitoring efforts associated with the Project. The report will include a summary of the field and laboratory methods, an overview of the Project area geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. If the monitoring efforts produced fossils, then a copy of the report will also be submitted to the designated museum repository.

MM CR-5. Archaeological Data Recovery – For projects that inadvertently discover buried prehistoric or historic-period archaeological resources, the City shall apply a program that

combines resource identification, significance evaluation, and mitigation efforts into a single effort. This approach would combine the discovery of deposits (Phase 1), determination of significance and assessment of the project's impacts on those resources (Phase 2), and implementation of any necessary mitigation (Phase 3) into a single consolidated investigation. This approach must be driven by a Treatment Plan that sets forth explicit criteria for evaluating the significance of resources discovered during construction and identifies appropriate data recovery methods and procedures to mitigate project effects on significant resources. The Treatment Plan shall be prepared prior to issuance of building permits by a Registered Professional Archaeologist (RPA) who is familiar with urban historical resources, and at a minimum shall include:

- A review of historic maps, photographs, and other pertinent documents to predict the locations of former buildings, structures, and other historical features and sensitive locations within and adjacent to the specific development area;

- A context for evaluating resources that may be encountered during construction;

- A research design outlining important prehistoric and historic-period themes and research questions relevant to the known or anticipated sites in the study area;

- Specific and well-defined criteria for evaluating the significance of discovered remains; and

- Data requirements and the appropriate field and laboratory methods and procedures to be used to treat the effects of the project on significant resources.

The Treatment Plan shall also provide for a final technical report on all cultural resource studies and for curation of artifacts and other recovered remains at a qualified curation facility, to be funded by the developer. To ensure compliance with City and state preservation laws, this plan shall be reviewed and approved by the Historic Landmarks Commission and the City of Sunnyvale Planning Division prior to issuance of building permits.

MM CR-6. Inadvertent Discoveries – In the event of any inadvertently discovered prehistoric or historic-period archaeological resources during construction, the developer shall immediately cease all work within 50 feet of the discovery. The proponent shall immediately notify the City of Sunnyvale Planning and Community Development Department and shall retain a Registered Professional Archaeologist (RPA) to evaluate the significance of the discovery prior to resuming any activities that could impact the site. If the archaeologist determines that the find may qualify for listing in the California Register of Historic Resources (CRHR), the site shall be avoided or a data recovery plan shall be developed pursuant to MM CR-5. Any required testing or data recovery shall be directed by an RPA prior to construction being resumed in the affected area. Work shall not resume until authorization is received from the City.

Finding

Six mitigation measures would help to reduce three potentially significant impacts to cultural resources and historic structures; one impact (CR-1) would remain **significant and unavoidable** and two impacts (CR-2 and CR-3) would be reduced to a **less than significant** level.

3. Greenhouse Gas Emissions

Impact

GHG-1. The Project would generate GHG emissions from both mobile and operational sources, as well as short-term GHG emissions from construction, but emissions would exceed the 1,100 tons CO2e/year threshold. Therefore, this would be a significant impact.

GHG-2. The Project would be inconsistent with Greenhouse Gas Reduction Policy 12. Therefore, impacts would be significant.

Mitigation

MM GHG-1. The following measures shall be implemented to reduce impacts from vehicle emissions:

- To the greatest extent feasible, ensure new development within the Project area implements City programs to reduce GHG emissions, including requiring preparation of transportation demand management (TDM) plans for new development, which provide incentives to employees to carpool/vanpool, use public transportation, telecommute, walk, bike, as well as other approaches to reduce vehicle trips. Further, priority parking shall be assigned for car- and van-pooling employees, as supported by the City's TDM program requirements.

- Limit idling time for commercial vehicles, including delivery and construction vehicles.

Finding

Two impacts to greenhouse gas emissions would be potentially significant. One impact (GHG-2) could not be mitigated with feasible mitigation and would be **significant and unavoidable**. One mitigation measure would help to reduce one greenhouse gas emission impact; however, this impact (GHG-1) would remain **significant and unavoidable**.

4. Hazards and Hazardous Materials

Impact

HAZ-1. Demolition and construction activities associated with the Project could create hazards to the public and environment through the release of hazardous building materials and hazardous materials within the existing building onsite. However, with mitigation, this impact would be less than significant.

Mitigation

MM HAZ-1. Phase I Environmental Site Assessment (Phase I ESA) – Prior to demolition, project applicants in the Project area shall prepare a Phase I ESA. Consistent with local, state and federal regulations, the Phase I ESA shall be subject to City review and address the following:

Asbestos-Containing Materials (ACM), Lead-Based Paints (LBP), and polychlorinated biphenyls (PCBs). Prior to the issuance of any demolition permit, the Applicant shall conduct a comprehensive survey of ACM, LBP, and PCBs. If such hazardous materials are found to be present, the Applicant shall follow all applicable local, state, and federal codes and regulations, as well as applicable best management practices, related to the treatment, handling, and disposal of ACM, LBP, and PCBs to ensure public safety.

Potential Onsite Hazardous Materials or Conditions. A visual survey and reconnaissance-level investigation of the existing site shall be conducted to determine if there are any structures or features within or near the buildings that are used to store, contain, or dispose of hazardous materials. For any development within the Project area that has not been subject to a Phase I ESA or successful remediation efforts in the past, a Phase I ESA shall be performed to determine the likelihood of contaminants in areas beyond what has already been assessed in accordance with EPA ASTM Practice E 1527-05 as may be amended. If the Phase I ESA finds that contaminated soil or other hazardous materials are suspected to be present within the area, the Applicant shall follow all applicable local, state and federal codes and regulations, as well as applicable best management practices, related to the treatment, handling, and disposal of each hazardous material.

Finding

Mitigation measure MM HAZ-1 would reduce one potentially significant impact related to hazards and hazardous materials (HAZ-1) to a **less than significant** level.

5. Noise

Impact

NOI-1. Construction of the Project could generate noise that exceeds the City's Noise Ordinance Standards. With implementation of proposed mitigation, impacts resulting from increases in ambient noise would be less than significant with mitigation.

NOI-2. Construction of the Project could generate excessive ground-borne vibration or noise. However, with mitigation, this impact would be less than significant.

NOI-4. The Project could temporarily or periodically increase ambient noise levels in the Project area. Implementation of mitigation measures would not reduce impacts to a less than significant level. Therefore, impacts associated with increases in ambient noise would be temporarily significant and unavoidable.

NOI-7. Planned development under the proposed Peery Park Specific Plan would contribute to a substantial increase in permanent traffic noise levels on area roadways. Impacts to traffic related noise levels resulting from planned developments would be significant and unavoidable.

NOI-11. The Near-Term 7 Projects could temporarily or periodically increase ambient noise levels in the Project area. As increases in ambient noise levels from these projects would be temporary, impacts are considered temporarily significant and unavoidable.

NOI-14. Planned development under the proposed Near-Term 7 projects would contribute to a substantial increase in permanent traffic noise levels on area roadways. Regardless of implementation of mitigation, impacts resulting from permanent increases in noise levels generated by increase in traffic would be potentially significant and unavoidable.

NOI-18. The proposed Near-Term Irvine project could temporarily or periodically increase ambient noise levels in the Project area. As increase in ambient noise levels from this project would be temporary, impacts are considered temporarily significant and unavoidable.

NOI-21. Planned development under the Near-Term Irvine project would contribute to a substantial increase in permanent traffic noise levels on area roadways. Regardless of implementation of mitigation measures, impacts resulting from permanent increases in noise levels generated by increases in traffic would be potentially significant and unavoidable.

Mitigation

MM NOI-1. Additional Project Review. The Project shall be subject to review by City staff to further assess impacts resulting from increases in ambient noise levels generated by Project construction and operation activities. The City staff shall determine whether additional analysis of noise-related impacts is required to adequately assess impacts resulting from Project construction and operation activities. During this review, City staff may propose additional measures appropriate to reduce potential noise related impacts, with regards to nearby sensitive land uses. To verify that acceptable noise levels are met and/or maintained, the Applicant shall retain a City-approved acoustical consultant to monitor noise during construction activities within close proximity to nearby sensitive receptors. Review of the Project shall be made by City staff prior to the issuance of a development permit.

MM NOI-4a. Construction Noise Control Measures. The applicant shall employ site-specific noise attenuation measures during Project construction to reduce the generation of construction noise. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City of Sunnyvale Building Services Division to ensure that construction noise is consistent with the standards set forth in the City's Noise Ordinance. Measures specified in the Noise Control Plan and implemented during Project construction shall include, at a minimum, the following noise control strategies:

- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds;

- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used; and

- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.

MM NOI-4b. Pile Driving Noise-Reducing Techniques and Muffling Devices. Noise-reducing pile-driving techniques shall be employed during Project construction. These techniques shall include:

- Installing intake and exhaust mufflers on pile-driving equipment;

- Vibrating piles into place when feasible, and installing shrouds around the pile- driving hammer where feasible;

- Implement “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

- Use cushion blocks to dampen impact noise, if feasible based on soil conditions. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and

- At least 48 hours prior to pile-driving activities, the applicant shall notify building owners and occupants within 600 feet of the Project area of the dates, hours, and expected duration of such activities.

Findings

Eight noise impacts would be potentially significant. Three impacts (NOI-7, NOI-14, and NOI-21) could not be mitigated with feasible mitigation and would be **significant and unavoidable**. Three

mitigation measures would help to reduce five of these noise impacts; three impacts (NOI-4, NOI-11, and NOI-18) would remain **significant and unavoidable** and two impacts (NOI-1 and NOI-2) would be reduced to a **less than significant** level.

6. Transportation, Circulation, and Traffic

Impact

T-1. Construction activities anticipated to occur under the proposed Peery Park Specific Plan would potentially create short-term traffic impacts due to congestion from construction vehicles (e.g., construction trucks, construction worker vehicles, equipment, etc.), traffic lane and sidewalk closures, and loss of on-street parking. With implementation of the mitigation measure for construction traffic, construction-traffic impacts would be reduced to less than significant.

T-2. Under the 2035 proposed General Plan conditions, increased traffic generated by buildout of the proposed Peery Park Specific Plan would substantially increase congestion at 4 of the 90 study intersections. While the proposed Peery Park Specific Plan would include improvements to transit, pedestrian, and bike facilities and expand the City's TDM Program to minimize new vehicle trips and vehicle miles traveled, potential peak period congestion would sill exceed existing City vehicular oriented LOS thresholds. This would be a significant and unavoidable impact.

T-3. Under the 2035 proposed General Plan conditions, increased traffic generated by buildout of the proposed Peery Park Specific Plan would increase congestion at 10 mixed-flow freeway segments and six HOV segments resulting in significant and unavoidable impacts.

T-6. Implementation of the Peery Park Specific Plan would have a potentially significant impact associated with increased demand for the transit, including VTA buses as well as the Caltrain Shuttle. Impacts associated with transit demand would be less than significant with mitigation.

T-9. Under the 2035 proposed General Plan conditions, increased traffic generated by buildout of the proposed General Plan, including the Peery Park Specific Plan would substantially increase congestion at 5 of the 90 study intersections. This would be a significant and unavoidable impact.

T-10. Under the 2035 proposed General Plan conditions, increased traffic generated by buildout of the proposed General Plan, including the Peery Park Specific Plan, would increase congestion at 10 mixed-flow freeway segments and nine HOV segments resulting in significant and unavoidable impacts.

T-11. Increased traffic generated by the proposed seven projects would substantially increase congestion at 1 of the 43 study intersections under Existing plus Project Conditions. With implementation of the mitigation measure for intersection improvements, impacts would be reduced to less than significant.

T-12. Increased traffic generated by the proposed seven projects would substantially increase congestion at 2 of the 49 study intersections under Background plus Project Conditions. With implementation of the mitigation measure for intersection improvements, impacts would be reduced to less than significant.

T-13. Increased traffic generated by the proposed seven projects would increase congestion at four mixed-flow freeway segments and two HOV segments. With implementation of the mitigation measure for improvements to U.S. 101, impacts could be reduced; however, impacts to U.S. 101 and SR 237 would remain significant and unavoidable.

T-15. Implementation of the proposed seven projects would increase demand for the multi-modal transportation facilities. Impacts to transit facilities would be significant and unavoidable.

T-16. Under 2025 conditions, the proposed seven projects, would contribute to increased traffic generated by approved projects and background traffic growth through year 2025. This would be a significant and unavoidable impact.

T-17. Increased traffic generated by the proposed Irvine project would substantially increase congestion at 2 of the 30 study intersections under Existing plus Project Conditions. With implementation of the mitigation measure for intersection improvements, impacts would be reduced to less than significant.

T-18. Increased traffic generated by the proposed Irvine project would substantially increase congestion at 2 of the 36 study intersections under Background plus Project Conditions. With implementation of the mitigation measure for intersection improvements, impacts would be reduced to less than significant.

T-19. Increased traffic generated by the proposed Irvine project would increase congestion at four mixed-flow freeway segments and two HOV segments. With implementation of the mitigation measure for improvements to U.S. 101, impacts would be reduced; however, impacts to U.S. 101 and SR 237 would remain significant and unavoidable.

T-21. Implementation of the proposed Irvine project would increase demand for the multi-modal transportation facilities. Impacts to transit facilities would be significant and unavoidable.

T-22. Under 2025 conditions, the proposed Irvine project, would contribute to increased traffic generated by approved projects and background traffic growth through year 2025. This would be a significant and unavoidable impact.

Mitigation

MM T-1. Future development occurring under the proposed Peery Park Specific Plan shall be required to prepare a Construction Impact Mitigation Plan for review and approval prior to

issuance of a grading or building permit to address and manage traffic during construction and shall be designed to:

- Prevent traffic impacts on the surrounding roadway network
- Minimize parking impacts both to public parking and access to private parking to the greatest extent practicable
- Ensure safety for both those constructing the project and the surrounding community
- Prevent substantial truck traffic through residential neighborhoods

The Construction Impact Mitigation Plan shall be subject to review and approval by the following City departments: Community Development, Public Works, and Public Safety to ensure that the Construction Impact Mitigation Plan has been designed in accordance with this mitigation measure. This review shall occur prior to issuance of grading or building permits. It shall, at a minimum, include the following:

Ongoing Requirements throughout the Duration of Construction:

- A detailed Construction Impact Mitigation Plan for work zones shall be maintained. At a minimum, this shall include parking and travel lane configurations; warning, regulatory, guide, and directional signage; and area sidewalks, bicycle lanes, and parking lanes. The Construction Impact Mitigation Plan shall include specific information regarding the project's construction activities that may disrupt normal pedestrian and traffic flow and the measures to address these disruptions. Such plans shall be reviewed and approved by the Community Development Department prior to commencement of construction and implemented in accordance with this approval.
- Per Sunnyvale Municipal Code Section 16.08.030 work within the public right-of-way shall be performed between 7:00 AM and 6:00 PM Monday through Friday, and 8:00 AM to 5:00 PM on Saturday. With limited exceptions described in Sunnyvale Municipal Code Section 16.08.030, no construction work would be permitted on Sundays and national holidays that City offices are closed. Construction work includes, but is not limited to dirt and demolition material hauling and construction material delivery. Work within the public right-of-way outside of these hours shall only be allowed after the issuance of an after-hours construction permit.
- Streets and equipment shall be cleaned in accordance with established Public Works requirements.
- Trucks shall only travel on a City-approved construction route. Limited queuing may occur on the construction site itself.

- Materials and equipment shall be minimally visible to the public; the preferred location for materials is to be on-site, with a minimum amount of materials within a work area in the public right-of-way, subject to a current Use of Public Property Permit.

- Any requests for work before or after normal construction hours within the public right-of-way shall be subject to review and approval through the After Hours Permit process administered by the Building and Safety Division.

- Provision of off-street parking for construction workers, which may include the use of a remote location with shuttle transport to the site, if determined necessary by the City.

Project Coordination Elements That Shall Be Implemented Prior to Commencement of Construction:

- The traveling public shall be advised of impending construction activities which may substantially affect key roadways or other facilities (e.g., information signs, portable message signs, media listing/notification, Hotline number, and implementation of an approved Construction Impact Mitigation Plan).

- A Use of Public Property Permit, Excavation Permit, Sewer Permit, or Oversize Load Permit, as well as any Caltrans permits required for any construction work requiring encroachment into public rights-of-way, detours, or any other work within the public right-of-way shall be obtained.

- Timely notification of construction schedules shall be provided to all affected agencies (e.g., VTA, Police Department, Fire Department, Public Works Department, and Community Development Department) and to all owners and residential and commercial tenants of property within a radius of 500 feet.

- Construction work shall be coordinated with affected agencies in advance of start of work. Approvals may take up to two weeks per each submittal.

- Public Works Department approval of any haul routes for earth, concrete, or construction materials and equipment hauling shall be obtained.

MM T-2a. Third Westbound Left-Turn Lane. At the intersection of Mary Avenue with the Central Expressway a third westbound left-turn lane would mitigate Project-related increases to vehicle delay and V/C ratio. This project is identified as a Tier 3 project as a part of the August 2015 update of the County of Santa Clara Expressway Plan 2040. The third westbound left-turn lane could be feasibly accommodated within the existing right-of-way with minimal secondary impacts to pedestrian and bicycle facilities. Therefore, project applicants within the Project area shall pay a fair share contribution towards the planned third westbound left-turn lane at this intersection.

MM T-2b. County of Santa Clara Expressway Plan 2040 Fee. The August 2015 update of the County of Santa Clara Expressway Plan 2040 identifies a number of long-range intersection improvements, including at the intersections of Lawrence Expressway with Cabrillo Avenue, Benton Street, Homestead Road, and Pruneridge Avenue. These planned Tier 1 and Tier 3 projects would reduce potentially significant impacts to less than significant levels. Therefore, project applicants within the Project area shall pay a fair share contribution towards the planned County of Santa Clara Expressway Plan 2040 improvements at these intersections.

MM T-3. VTA VTP 2040 Fee. The VTA's VTP 2040 identifies a number of long-term improvement projects, including freeway express lane projects along U.S. 101 between Cochran Road and Whipple Avenue and along SR 85. The existing HOV lanes along these segments are proposed to be converted to express lanes and a second express lane is proposed to be implemented in each direction. Therefore, project applicants within the Project area shall pay a fair share contribution towards the planned VTA VTP 2040 improvements.

MM T-6a. Transportation Management Agency. The City Public Works and Community Development Department shall require individual property owner's to join a Transportation Management Association (TMA) to help facilitate TDM programs for tenants within the Project area.

MM T-6b. Transportation Impact Fee Project applicants in the Project area shall be required to pay a fair share transportation impact fee to the City that funds costs associated with the increased development to the Project area.

Finding

Sixteen impacts to transportation, circulation, and traffic would be potentially significant. Four impacts (T-9, T-10, T-13, and T-22) could not be mitigated with feasible mitigation and would be **significant and unavoidable**. Six mitigation measures would help to reduce ten of these transportation impacts; six impacts (T-2, T-3, T-15, T-16, T-19, and T-21) would remain **significant and unavoidable;** and six impacts (T-1, T-6, T-11, T-12, T-17, and T-18) would be reduced to a **less than significant** level.

7. Utilities and Infrastructure

Impact

UT-1. Implementation of the Project may require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Impacts would be reduced to less than significant with mitigation.

UT-4. The Project may require or result in the construction of new wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Impacts would be reduced to less than significant with mitigation.

Mitigation

MM UT-1. Peery Park Infrastructure Fee: The City shall ensure adequate financing for funding of infrastructure improvements to serve the Project area. The PPIF shall be calculated prior to the approval of the first entitlements for a development within the Project area, following adoption of the Project. All agencies or developers responsible for new development within the Project area shall be conditioned to be subject to payment of its fair share of any impact fees identified under this program. The PPIF shall determine the costs of and establish a funding program for capital improvements to upgrade water delivery as needed to serve the demands of new land uses anticipated to occur under the Project. As part of the PPIF, a supplemental water system impact fee shall be established to assess developers their proportional cost of water line improvements to accommodate the planned development capacity in Peery Park. Each project will be required to prepare a hydraulic analysis to determine the required fire flow requirement for the site. As determined by the City, a developer would either pay an impact fee for its proportional share of the cost of Peery Park improvements, or be required to upgrade/replace specific water lines that serve the project site.

The PPIF shall also:

a. Identify the cost of improvements to or replacement of undersized water and wastewater lines within the Project area needed to serve the Project;

b. Clearly apportion existing and projected demand on these facilities and costs between existing users, the City and proposed future development.

c. Identify potential funding mechanisms for sewer and water line construction, including the equitable sharing of costs between new development, the City and existing users, including development impact fees, grants, assessments, etc.

d. Identify the impact fees for all residential and non-residential development to ensure that development pays its fair share of public infrastructure costs; and

e. Include a regular fee update schedule, consistent with the City's Capital Improvement Program.

MM UT-2. Peery Park Infrastructure Fee: In addition to the improvements to the water delivery system described in MM UT-1, the City shall ensure adequate financing for funding of infrastructure improvements to the wastewater system. The PPIF shall determine the costs of and establish a funding program for capital improvements to wastewater conveyance as needed to serve the demands of new development occurring under the Project.

Finding

Two mitigation measures (MM UT-1 and MM UT-2) would address two potentially significant impacts related to utilities; both impacts (UT-1 and UT-2) would be reduced to a **less than significant** level.

VIII. SUMMARY OF SIGNIFICANT AND UNAVOIDABLE ADVERSE EFFECTS

With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the proposed Project will result in significant unmitigated impacts to Air Quality, Cultural Resources and Historic Structures, Greenhouse Gas Emissions, Noise, and Transportation, Circulation, and Traffic, as follows:

1. Air Quality:
    a. Implementation of the Project would result in construction emissions that could substantially contribute to air pollution and would result in a projected air quality violation, though this impact would be reduced through construction technologies to control emissions.
    b. Project-generated traffic, together with other cumulative traffic in the area, would incrementally increase CO levels in the vicinity of intersections.
    c. Onsite construction-related emissions would affect sensitive receptors.
    d. Implementation of the Project would result in a considerable net increase of multiple criteria pollutants for which the air basin is currently in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for O_3 precursors).
2. Cultural Resources and Historic Structures:
    a. Implementation of the Project would result in impacts to the City-designated Heritage Resource, Mellow's Nursery and Farm.
3. Greenhouse Gas Emissions:
    a. The Project would generate GHG emissions from both mobile and operational sources, as well as short-term GHG emissions from construction, but emissions would exceed the 1,100 tons CO2e/year threshold.
    b. The Project would be inconsistent with Greenhouse Gas Reduction Policy 12.
4. Noise:
    a. Planned development under the proposed Project would contribute to a substantial increase in permanent traffic noise levels on area roadways.
    b. The Near-Term 7 Projects could temporarily or periodically increase ambient noise levels in the Project area.
    c. Planned development under the proposed Near-Term 7 projects would contribute to a substantial increase in permanent traffic noise levels on area roadways.
    d. The proposed Near-Term Irvine project could temporarily or periodically increase ambient noise levels in the Project area.
    e. Planned development under the Near-Term Irvine project would contribute to a substantial increase in permanent traffic noise levels on area roadways.

5. Transportation, Circulation, and Traffic:
    a. Under the 2035 proposed General Plan conditions, increased traffic generated by buildout of the proposed Project would substantially increase congestion at 4 of the 90 study intersections. While the proposed Project would include improvements to transit, pedestrian, and bike facilities and expand the City's TDM Program to minimize new vehicle trips and vehicle miles traveled, potential peak period congestion would sill exceed existing City vehicular oriented LOS thresholds.
    b. Under the 2035 proposed General Plan conditions, increased traffic generated by buildout of the proposed Project would increase congestion at 10 mixed-flow freeway segments and six HOV segments.
    c. Under the 2035 proposed General Plan conditions, increased traffic generated by buildout of the proposed General Plan, including the Project would substantially increase congestion at 5 of the 90 study intersections.
    d. Under the 2035 proposed General Plan conditions, increased traffic generated by buildout of the proposed General Plan, including the Project, would increase congestion at 10 mixed-flow freeway segments and nine HOV segments.
    e. Increased traffic generated by the proposed seven projects would increase congestion at four mixed-flow freeway segments and two HOV segments.
    f. Implementation of the proposed seven projects would increase demand for the multi-modal transportation facilities.
    g. Under 2025 conditions, the proposed seven projects, would contribute to increased traffic generated by approved projects and background traffic growth through year 2025.
    h. Increased traffic generated by the proposed Irvine project would increase congestion at four mixed-flow freeway segments and two HOV segments.
    i. Implementation of the proposed Irvine project would increase demand for the multi-modal transportation facilities.
    j. Under 2025 conditions, the proposed Irvine project, would contribute to increased traffic generated by approved projects and background traffic growth through year 2025.

IX. PROJECT ALTERNATIVES

Legal Requirements

Section 15126.6(a) of the State CEQA Guidelines requires that an EIR include a "reasonable range of alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project." Based on the analysis in the EIR, the Project would be expected to result in significant and unavoidable impacts to Air Quality, Cultural Resources and Historic Structures, Greenhouse Gas Emissions, Noise, and Transportation, Circulation, and Traffic. The EIR alternatives were designed to avoid or reduce these significant unavoidable impacts, while attaining at least some of the proposed objectives of the Project. The City Council has reviewed the significant impacts associated with the reasonable range of

alternatives as compared to the Project, and in evaluating the alternatives has also considered each alternative's feasibility, taking into account a range of economic, environmental, social, legal, and other factors. In evaluating the alternatives, the City Council has also considered the important factors listed in the Statement of Overriding Considerations listed in Section X below.

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

Alternative 1: No Project Alternative

Description

Under the required No Project Alternative, existing policies and development standards would continue to apply to properties in the Project area. New development and redevelopment of existing facilities would occur in accordance with 2011 General Plan land use designations, the current Zoning Ordinance, and all applicable development standards and regulations. Under the existing zoning within the Project area, there is potential for an additional 900,000 square feet (sf) of development to occur within the Project area, for a total of 8.4 million sf. The amount of future development under this alternative would therefore be approximately 40.9 percent of the 9.7 million sf of total potential buildout under the Project. This reduction in potential development would reduce the projected number of employees generated by development within the Project area, associated vehicle trips, roadway noise, air pollutant and GHG emissions, as well as demand for public services and utilities.

Land uses within the Project area would remain as identified in the 2011 General Plan: 77 percent of the site would remain designated for Industry, with 12 percent designated for service and retail uses, 10 percent for recreational uses, and very limited residential uses (less than 1 percent). The No Project Alternative would maintain the existing M-S Industrial zoning, which limits building height to a maximum of 8 stories (75 feet) and 35 percent FAR over approximately 95 percent of the Project area; portions of the site currently zoned from 70 to 100 percent FAR along Mathilda Avenue would retain their higher potential FAR buildout allotment. The remainder of the Project area would maintain C1 Neighborhood Business zoning, which limits maximum building heights to 2 stories or up to 40 feet. The 215 housing units that are proposed under the Project could potentially be developed under the No Project Alternative with a Use Permit, as indicated by the Use Regulations for the M-S zone, but would not be specifically planned for or facilitated.

Comparison to the Proposed Project Impacts

This alternative could incrementally reduce some potential impacts of the proposed Project, such as traffic congestion, utilities, and jobs-housing balance. However, this alternative would not provide a uniform development standard for the district and would not obtain community benefits through an incentive zoning program. This alternative may also reduce Project-level streetscape improvements and would not promote an activity centers or related retail amenities or services.

Finding

Implementation of the No Project Alternative would result in less adverse environmental impacts than the Project. However, the Project's policies and standards aimed at creating a high-tech 21st century employment center, attracting business of high-profile technology firms to ensure the long term wellbeing of the local and regional economy would not be fully implemented. Additionally, the No Project Alternative would not foster the development of activity centers to provide recreational opportunities for residents and employees, and alleviate use of existing recreational facilities. Therefore, this alternative would not achieve many of the Project Objectives.

Alternative 2: Mixed Use Housing Alternative

Description

The Mixed Use Housing Alternative would replace some proposed commercial uses with residential uses to diversify the land uses within the Project area. Specifically, this alternative would adjust the land use plan to allow housing at the Southern Mixed Use Activity Center. This proposed activity center involves 16 acres of land near the intersection of Mary Avenue and Central Expressway. This alternative would replace approximately 500,000 sf of proposed office uses with residential uses, which would allow up to an additional 640 dwelling units (du) at an average density of 40 du/acre. This alternative would continue to include retail uses at the Activity Center area to serve new residents and employees as well as existing residents in the surrounding area.

Under this alternative, the Project would include use of development standards to prescribe the height, FAR, and allowed uses of potential mixed use development in appropriate locations in the Project area. These areas would be restricted in terms of allowable use to ensure compatibility between residential and commercial uses. This Alternative would limit mixed use development to the Activity Center, while retaining other areas in the Project area for office and R&D uses. This alternative would incrementally reduce potential impacts, but would not provide as great an increase in employment within the Project area and therefore not as effectively meet the intent of many of the Project objectives to high-tech, high-profile employment center. The incremental reduction in impacts would also be associated with the loss of employment opportunities and potential community benefits associated with the Project, but would increase housing to partially address housing demand in Sunnyvale and regional housing demands (see Figure 5-1).

Comparison to the Proposed Project Impacts

The goal of this alternative would be to replace some proposed commercial uses with residential uses to diversify the land uses within the Project area. Developing housing closer to jobs in the Project area would potentially reduce some environmental impacts, such as those to regional traffic congestion, air quality, and utilities demand; nevertheless, impacts identified as significant and unavoidable under the Project would not be reduced to less than significant under this alternative. Significant impacts to air quality, cultural resources, greenhouse gas emissions, and traffic would remain. Though this alternative would incrementally reduce potential impacts, but would not provide as much opportunity for increased employment within the Project area. The incremental reduction in impacts would also be associated with the loss of employment opportunities and potential community benefits associated with those developments, but would increase housing to meet demand in the City and regionally.

Finding

Implementation of the Mixed Use Housing Alternative would result in incrementally less adverse environmental impacts than the Project, and was identified as the environmentally superior alternative due to increased amounts of housing within the Project area and City. Project Objectives, including development of housing in transition areas, could be met or partially met. However, development of high-tech, high-profile employment centers would not be as fully realized as the Project; however, opportunity for redevelopment would still be possible throughout most of the Project area. With less employment center development, employment would be reduced given the conversion of approximately 500,000-sf of employment-generating uses to residential uses. Nevertheless, increased housing opportunities would be located closer to workplace locations, which would improve multi-modal accessibility for pedestrians and cyclists, reduce vehicular traffic, and bridge another gap between residential and employment center locations. Overall, this alternative would address many Project Objectives, but not to the extent of the Project.

Alternative 3: Higher Intensity Buildout Alternative

Description

The Higher Intensity Buildout Alternative would implement an urban form, land use, and circulation plan for the industrial park and would be implemented through individual development projects over the next 20 years. This alternative would further concentrate development within the proposed activity centers and edges of the Project area to increase the employment and economic viability of the Project area beyond that of the Project. Under this alternative, the Project would include use of development standards to increase potential development. In total, this alternative would increase the development potential of the Project area by 1 million sf beyond the Project for a net increase of 3.2 million sf and total of 10.7 million sf of development. This alternative would focus development on areas of the Project designated to support and attract high profile firms, as well as the proposed new activity centers. This alternative would also allow for the development of 215 residential units.

Comparison to the Proposed Project Impacts

The goal of this alternative would be to intensify and concentrate development within the proposed activity centers and innovation edges of the Project area to increase the employment and economic viability of Peery Park beyond the proposed Project, fulfilling the project objectives to a greater extent. Significant and unavoidable impacts would remain largely similar to the Project, through significant and unavoidable impacts to traffic and air quality greater than the Project. The alternative would increase some less than significant impacts as well, including utilities, land use and planning, and aesthetics, and also enable increased attractiveness to multiple high-profile companies to increase employment within the Project area. The increase in impacts would be similar to the type of impacts associated with the increase of employment opportunities and potential community benefits associated with the Project, though impacts would largely be greater than the Project. All objectives would be met under this alternative.

Finding

Implementation of the Higher Intensity Buildout Alternative would result in incrementally greater adverse environmental impacts than the Project, and would attain most of the key Project Objectives through implementation of policies and development standards within the Project. These development standards and policies would be aimed at attracting high-profile technology firms, generating employment, strengthen and provide opportunities for small-scale technology firms, improving the visual characteristics of the Project area through architectural and landscaping, and developing activity centers. However, the Project Objective to improve multi-modal accessibility and improve circulation of traffic within the district would be more difficult under this alternative due to a higher amount of buildout and associated travel by members of the workplace. Overall, this alternative would meet most of the Project Objectives.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the City's approval of the Project will result in environmental impacts that cannot be substantially lessened or avoided. While mitigation measures would reduce these impacts, impacts would remain significant and unavoidable.

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 significant and unavoidable impacts. When the lead agency approves a project that will result in significant impacts 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 impacts, for the following reasons:

- The proposed Project would provide more opportunities for renowned businesses to be located in Sunnyvale, which could provide economic benefits to the City including employment opportunities for residents.
- The proposed Project would increase the number of employees in the Project area, which would provide additional opportunities for existing businesses in the area and increase the ridership base for improved transit options.
- The proposed Project would encourage the replacement of older buildings with modern office buildings that are more energy efficient and incorporate "green building" construction materials and design standards.
- The proposed Project would increase the number of employment opportunities that can be served by mass transit in the Project area.
- The proposed Project would provide monetary contributions to planned transportation and circulation improvements and would require new developments to implement transportation demand management (TDM) programs to reduce vehicle trips.
- The proposed Project would enable the creation of up to two "Activity Centers" and other smaller retail nodes within the district which would support the district's employees.
- The proposed Project would enact coordinated streetscape improvements for the Project area for all forms of transportation, including automobiles, bicycles, and pedestrians.
- The proposed Project would introduce housing opportunities to the Project area in close proximity to adjacent highways and existing and potential businesses.
- The proposed Project would allow for additional neighborhood protections (i.e. height restrictions, landscape buffers) beyond what is currently required in the M-S (Industrial and Service) zoning district.

The City Council finds that the development of the site with a higher buildout office and industrial environment would be consistent with the City's General Plan. The creation of a higher intensity office and industrial 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 that would result from development of this proposed Project outweigh the unavoidable environmental impacts 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 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 Peery Park Specific Plan:

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.*

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

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

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

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

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

Peery Park Specific Plan

Guiding Principle 1: *Innovation. New development and capital improvements will provide the district with the mix of uses, building types, and public spaces that businesses and workers need to be innovative and successful in the 21st Century economy.*

Guiding Principle 2: *Connectivity. New and improved vehicular, pedestrian, and bicycle connections into, out of, and within Peery Park will improve the experience of district businesses/employees, nearby residents, and reduce traffic*

impacts. New development will not be isolated and cut-off from the surrounding district or adjacent neighborhoods.

Guiding Principle 3: *Transportation Demand Management (TDM). The transportation impacts of new development will be limited by focusing on pedestrians, bicyclists, transit, and alternative transportation improvements. Emphasis will be on improvements that reduce vehicle trips instead of street network changes that simply accommodate more cars. A Transportation Management Association will be one of the tools used to manage district-wide transportation demand.*

Guiding Principle 4: *Environmental sustainability and resilience. Increased open space, improved landscaping, green architecture, and green infrastructure will improve water quality, improve air quality, and reduce energy within the district and contribute to City-wide sustainability goals.*

Guiding Principle 5: *Public spaces. Creating spaces for people to meet, interact, recreate, and relax will support innovation in the district and provide amenities for residents of nearby neighborhoods.*

Guiding Principle 6: *Complementary uses, diverse job opportunities and businesses. A broad range of mutually supportive land uses will be encouraged to create a strong workplace ecosystem and provide diverse jobs.*

Guiding Principle 7: *Economic viability. District transformation will leverage existing strengths by retaining existing firms and targeting existing industry clusters. A mix of building types for businesses of different sizes and flexible workspaces will allow the district to adapt to a changing economy by accommodating a range of uses and tenants over time.*

Guiding Principle 8: *Protect nearby neighborhoods. Height limits, land use transitions, and landscape buffers will help to preserve neighborhood character. Residents will have convenient retail services within walking distance.*

Guiding Principle 9: *Quality design. New development will contribute to an improved district image with architecture and landscaping that reflects Sunnyvale's standards for quality development.*

Guiding Principle 10: *Healthy lifestyles. The district will include a mix of uses, a variety of public spaces, and a bike/pedestrian network connecting it all that will encourage and enable healthy lifestyles.*

Guiding Principle 11: *Community Benefits. New development within Peery Park will provide benefits serving the whole community. Projects will include public improvements such as parks and public space, pedestrian and bicycle improvements, shared parking, and impact fees or assessments to fund items such as transportation improvements and open space.*

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 impacts. 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.

XI. 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 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 EIR, and is hereby incorporated by reference.

XII. ADMINISTRATIVE RECORD

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

A. The Peery Park Specific Plan document and supporting documents prepared by the City.
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 October 2013 and September 2016.
D. All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants related to the EIR, its analysis and findings.
E. Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings or scoping meetings held by the City, including the Planning Commission and the City Council.

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

XIII. LOCATION AND CUSTODIAN OF RECORDS

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

XIV. FILING NOTICE OF DETERMINATION

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