DRAFT 11/9/16 MCT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING THE MITIGATION AND MONITORING REPORTING PROGRAM, AND STATING OVERRIDING CONSIDERATIONS IN THE APPROVAL OF THE LAWRENCE STATION AREA SPECIFIC PLAN PROJECT, ADOPTING THE WATER SUPPLY ASSESSMENT, AMENDING THE GENERAL PLAN AND ADOPTING A SPECIFIC PLAN FOR THE LAWRENCE STATION AREA SPECIFIC PLAN DISTRICT (THE LAWRENCE STATION AREA SPECIFIC PLAN), ADOPTING THE LAWRENCE STATION AREA PLAN INCENTIVES AND DEVELOPMENT CAP ADMINISTRATIVE REGULATIONS

WHEREAS, in 2008 the City began a study of ways to increase ridership at the Lawrence Avenue Caltrain station. Based on the results of that study and analysis, in 2009 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 area of the City surrounding the Lawrence Caltrain station ("the Project"), and further directed staff to undertake necessary environmental review of the proposed Project; and

WHEREAS, the Lawrence Caltrain Station (the "Station") is currently surrounded by land uses that do not support transit ridership, and has a circulation framework that makes access through the area for pedestrians, bicyclists and motor vehicles a challenge, to the extent that the station had some of the lowest ridership in the system in 2010 and was considered for closure; and

WHEREAS, the purpose of the Lawrence Station Area Specific Plan ("LSAP") is to promote greater use of Lawrence station as a valuable transit asset to the City, and to guide development of a diverse neighborhood of employment, residential, retail, other support services and open space, and to establish goals, policies and guidelines to guide public and private investment in the area; and

WHEREAS, pursuant to the City Council's directive, the LSAP was prepared. The focus of the LSAP district encompasses approximately 372 of already urbanized lands in Sunnyvale adjacent to the Station, part of a larger 629-acre study area general defined by a one-half mile radius circle (approximately a ten-minute walk for an average pedestrian) centered on the Station, as depicted more particularly in the map attached hereto as "Exhibit A" and incorporated herein by reference. The proposed LSAP was developed with extensive community input, and the policy and regulatory elements of the LSAP reflect consultation with business and property owners, developers, staff, and the general public; and

WHEREAS, the proposed LSAP is intended to serve as a land-use policy document to regulate future development within the Project area. The LSAP will create a new "Lawrence Station Area Plan" General Plan land-use category; and

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

WHEREAS, the LSAP 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 LSAP provides for a cap on development square footage within the plan area and includes a program that will offer development incentives in return for providing public improvements and amenities to benefit nearby residents, Lawrence Station Area 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") has been prepared for and by the City of Sunnyvale for the Lawrence Station Area Specific Plan Project ("the Project") pursuant to CEQA and the CEQA Guidelines; and

WHEREAS, the EIR addresses the environmental impacts of the Project, which is further described in Section VI of Exhibit D attached hereto; 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, 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, 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 Lawrence Station Area 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 Lawrence Station Specific Plan Area; and

WHEREAS, by motions adopted on November 14, 2016, the Sunnyvale Planning Commission recommended that the City Council certify the EIR, adopt the Lawrence Station Area 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 December 6, 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. CERTIFICATION OF EIR. 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 "LSAP – Lawrence Station Area Specific Plan" with a corresponding zoning category identified as "Lawrence Station Area Specific Plan (LSAP)" at the end of the text on page 3-8.

B. Appendix A, Implementation Plans, is amended by inserting "Lawrence Station Area 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 Lawrence Station Area Specific Plan area from M-S and M-S ITR to "Lawrence Station Area."

5. ADOPTION OF LAWRENCE STATION AREA SPECIFIC PLAN. Based on the foregoing findings, the City Council finds and determines that adoption of the Lawrence Station Area Specific Plan (LSAP) 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 LSAP. The City Council finds that the LSAP is consistent with the City's General Plan, and supports the City's long-term goals for the area. Based upon the LSAP'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 LSAP, with certain modifications recommended by staff. The City Council further adopts the Lawrence Station Area Plan Incentives and Development Cap Administrative Regulations, attached as Exhibit C. Copies of the LSAP are on file in the office of the City Clerk.

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

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST: APPROVED:

_____ _____

City Clerk Mayor

(SEAL)

APPROVED AS TO FORM:

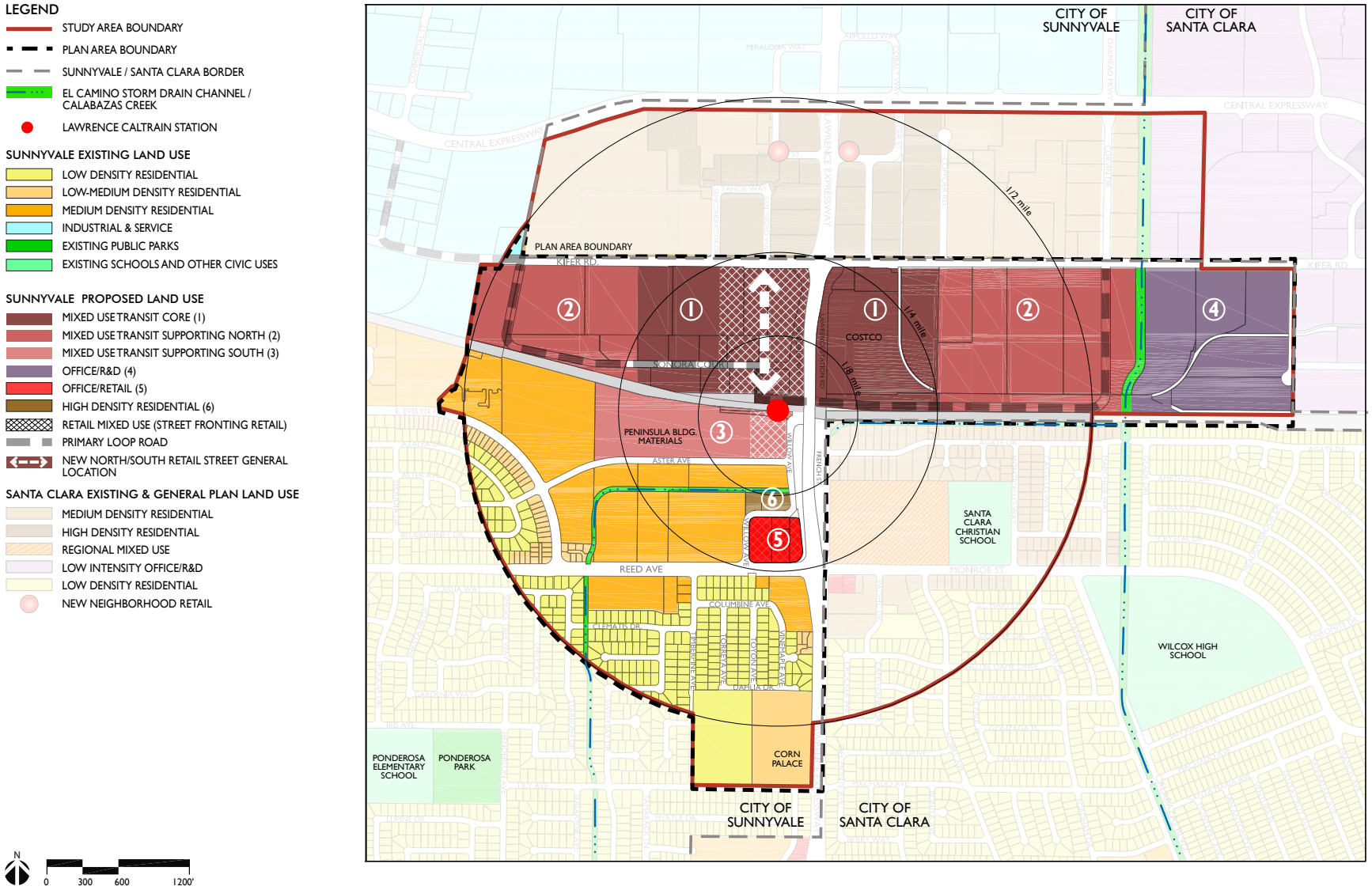
_____

City Attorney

Exhibits:

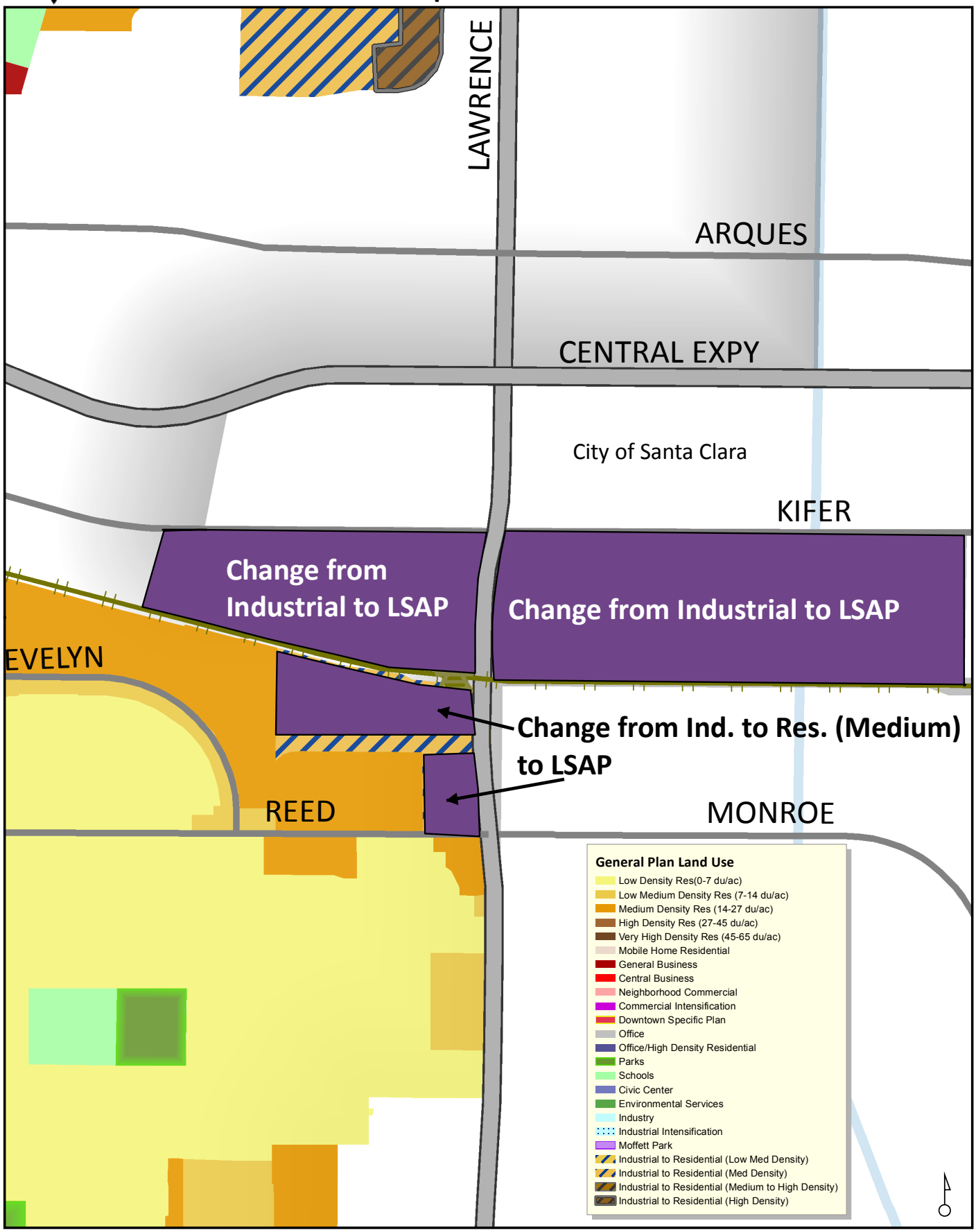
A. LSAP District Map
B. General Plan Map- LSAP
C. LSAP Incentives and Development Cap Administrative Regulations
D. LSAP EIR Impacts, Findings, Mitigation Measures, Mitigation Monitoring, and Statement of Overriding Considerations

Figure 3.2: Land Use Plan



City of Sunnyvale
General Plan Land Use Map

Lawrence Station Area Plan



Community Development Department, 2016

LAWRENCE STATION AREA PLAN
DEVELOPMENT INCENTIVES AND DEVELOPMENT CAP
ADMINISTRATIVE REGULATIONS
December 6, 2016

A. Development Incentives Program

1. Definitions

(a) Loop road

The roadway built to the loop road dimensions connecting the station to Kifer Road.

- West of Lawrence Expressway: Along Kifer the loop road must provide a connection to Sonora Court and be located between the west end of the plan area and the terminus of Semiconductor Drive.
- East of Lawrence Expressway: The road must connect to Kifer Road at the terminus of Corvin Drive and extend to and follow the railroad tracks to the station.

(b) Bike/pedestrian Paths (land and improvements)

Alternative methods to access the plan area and station to allow easier and safer use by cyclists and pedestrians are an important aspect of the plan. To meet this requirement, at least one of the following items must be met:

- Provide easements, build-out the paths to plan standards, and make available to the general public in perpetuity along the entire length of at least one property line that provides access throughout the plan area.

(c) Streets (land and improvements)

Public street infrastructure to implement plan objectives, such as:

- Adding road diet improvements along Kifer Road;
- Improvements along Sonora Court;
- Adding bike lanes along public streets consistent with the plan;
- Adding other circulation easements.

(d) Streets (land only)

In areas where the road network will be added to over time, it will be necessary for development applicants to provide easements for future road improvements.

- Provide right-of-way easement for future public streets as required by the Plan;
- Amount of area required in order to meet incentive depends on need to provide the future roadway.

(e) Bus Transit (infrastructure and facilities)

This includes bus pull-out on private property and bus stop cover as approved by VTA.

(f) Regional Transit (infrastructure and facilities)

This includes transit pull-out on private property and bus stop cover as approved by VTA.

(g) Sustainable Elements (beyond code requirements)

Provide significant sustainable and green building elements into a project beyond the requirements and incentives of the City's green building program. To attain this incentive, a project cannot use green building elements for the green building program AND this incentive. Examples include:

- Zero-waste building
- Zero energy buildings

(h) Mixed Use

Since the entire station area is considered mixed-use, a project qualifies for this incentive if the following criteria are met:

- More than 20% of the building area is devoted to retail uses open to the public;
- More than 20% of the building area is devoted to other public service-type uses, such as a hotel, personal service-type offices, or medical clinics or offices for which the main purpose is to serve patients;
- Any use which includes at least 50% housing

(i) Open Space- Public

Public open space is an important element of the plan. Projects that include active or passive open space designed to allow the general public to congregate of recreate would meet this criteria as follows:

- Open space available to the public must exceed 20% of property (not including any right-of-way easements or dedications);
- Open space that exceeds the zoning requirement by 10% gets half credit.

(j) Parking Programs (shared, unbundled, etc.)

Projects within walking distance of a train station and other transit options should take advantage of the alternative transit possibilities, such as:

- Reduced parking
- Unbundled parking
- Shared parking for mixed-use

(k) Affordable Housing

See attached sheet on sliding scale.

2. Incentive Tables

(a) General Incentives

Incentive Type	Incentive Level	
	Residential Additional dwelling units per acre above minimum	**Office** Additional floor area ratio above base of 45% FAR
PRIMARY VALUES		
Road, bike/ped		
Loop road land and improvements	10.00	0.30
Bike/ped path improvements (beyond frontage dedication or easement)	7.00	0.20
Streets- land and improvements	7.00	0.20
Streets- land only	7.00	0.10
Max Allowed	17.00	0.40
Transit Related		
Bus transit (infrastructure and facilities)	3.00	0.10
Regional Transit- infrastructure and facilities (bus stops and transit facilities)	3.00	0.05
Max Allowed	3.00	0.10
Sustainable		
Sustainable elements (beyond those required by code or green building requirements)	3.00	0.05
Max Allowed	3	0.05
Mixed-use		
Mixed Use	3.00	0.20
Max Allowed	3.00	0.20

Open Space

Open space- publically accessible	10.00	0.25
Max Allowed	10.00	0.25

Parking

Shared parking	3.00	0.05
Unbundled residential parking	3.00	0.05
Max Allowed	6.00	0.10

Housing

Affordable Housing- See attached sheet	Varies	NA
Max Allowed	Varies	0.00
Total	**42.00**	**1.10**

SECONDARY VALUES		
Below grade parking	3.00	0.05
Structured parking	3.00	0.05
Open space- private amenities beyond code requirements	3.00	0.05
Child care facilities (serving area)	3.00	0.05
Retail within 1/8 mile of Caltrain station	3.00	0.05
Transportation Demand Management programs beyond requirements	3.00	0.05
Maximum Secondary Incentive Points Available	**18.00**	**0.30**

(b) Affordable Housing Incentives

		36 u/ac Area		24 u/ac bonus	
% Very Low Income Units	**% Density Bonus**	**36 u/ac bonus**	**Total Unit Bonus 36 u/ac**	**24 u/ac bonus**	**Total Unit Bonus 24 u/ac**
5	20				
6	22.5				
7	25				
8	27.5				
9	30				
10	32.5				
11	35				
12	**37.5**	**13**	**49**	**9**	**33**
13	**40**	**14**	**50**	**10**	**34**
14	**42.5**	**15**	**51**	**10**	**34**
15	**45**	**16**	**52**	**11**	**35**
16	**47.5**	**17**	**53**	**11**	**35**
17	**50**	**18**	**54**	**12**	**36**

DEVELOPMENT CAP:

Development in the LSAP District shall be subject to a total density limit on each use type in a zoning district, which shall be adopted, periodically reviewed, and amended from time to time by resolution of the City Council, to ensure a balance of use types as development occurs in the LSAP District. The phase one development cap adopted for the LSAP plan area effective December 6, 2016 is:

Office/R&D: 650,000 net new square feet
Residential: 1,160 new units

As development progresses within the LSAP area, Staff will return to Council as development or projected development approaches these caps for review of actual use types and recommendations for amending and increasing the caps to ensure an appropriate balance of uses.

EXHIBIT D

LAWRENCE STATION AREA PLAN
SIGNIFICANT ENVIRONMENTAL IMPACTS, FINDINGS OF FACT, MITIGATION MEASURES, MONITORING PROGRAM, AND STATEMENT OF OVERRIDING CONSIDERATIONS

I. INTRODUCTION

The Draft Environmental Impact Report (EIR) prepared by the City of Sunnyvale (City) for the Lawrence Station Area Plan (LSAP; Project) identified several significant environmental impacts that would occur from Project implementation. Most 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.

The Lawrence Station Area Plan EIR is a "Program EIR," as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15168. The program-level analysis in the Draft EIR considered the broad environmental effects of the proposed project. The EIR will be used to evaluate subsequent projects (public and private) under the proposed LSAP consistent with CEQA and the CEQA Guidelines. When individual projects or activities under the LSAP are proposed, the City would be required to examine the projects or activities to determine whether their effects were adequately analyzed in this EIR as provided under CEQA Guidelines Sections 15168 and 15183.

II. PURPOSE OF THE FINDINGS

CEQA and the State CEQA Guidelines (Guidelines) provide that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been certified which identifies one or more significant effects on the environment that will occur if a project is approved or carried out, unless the public agency makes one or more of the following findings (California Public Resources Code Section 21081; 14 California Code of Regulations Section 15091[a]):

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

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 August 9, 2013, 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 August 28, 2013, and public comments were received until September 7, 2013 (CEQA Guidelines Section 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 EIR for the Project.

The EIR for the Project consists of the following:

A. Draft EIR, issued May 20, 2016;

B. All appendices to the Draft EIR;

C. Final EIR, issued August 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 EIR:

E. On November 14, 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 December 6, 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:

A. the Final EIR for Project 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. the Final EIR was presented to and reviewed by the City; and

C. 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 Lawrence Station Area 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 cross-references or incorporates 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 Draft EIR, as specified.

V. PROJECT OBJECTIVES

Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed Project. The City of Sunnyvale has established “Vision” goals below that are the basis of the LSAP and are the project objectives for purposes of the EIR:

- Promote a diversity of land uses and densities that will support transit usage and neighborhood services.
- Locate highest intensity development closest to Lawrence Station.
- Improve connectively for all modes of travel.
- Ensure the area has a character that is unique to its location while being compatible with the overall character of Sunnyvale and sensitive to existing environmental assets.
- Create a strong sense of place and community identity with the development of a vibrant neighborhood center.
- Allow the area to redevelop over time through a flexible system that is responsive to the goals, schedule, and needs of individual business and property owners, developers, and residents.
- Redevelop the area in a manner that is environmentally, economically, and socially sustainable.

A. Project Location

The LSAP is located in the east-central part of the City of Sunnyvale in Santa Clara County, adjacent to the City of Santa Clara (Draft EIR Figures 2.0-1 and 2.0-2). The Lawrence Caltrain Station is located at 137 San Zeno Way, directly below the Lawrence Expressway overpass. U.S. 101 to the north and Interstate 280 to the south provide regional access to the plan area, and a network of major streets (Kifer Road, E. Evelyn Avenue, and Reed Avenue/Monroe Street) provides local access.

B. Project Area Characteristics

The plan area is generally bisected in a north-south direction by Lawrence Expressway, and by the Caltrain tracks in the east-west direction. It contains a combination of residential and non-residential uses. The area north of the Caltrain tracks is dominated by industrial and commercial uses on large parcels. Many of these date from the early years of Silicon Valley growth and consist of one-story structures. East of Lawrence Expressway, more recent development includes new office and research and development (R&D) uses. Major existing uses in the plan area north of the Caltrain tracks include Intuitive Surgical, along with auto-oriented retail such as Costco. Parking is typically in large surface lots. Roadways are wide, and pedestrian and bicycle facilities are generally lacking. South of the Caltrain tracks, the plan area is primarily low-density neighborhoods consisting of single-family detached homes and areas of multi-family apartments and condominiums. There is some limited local-serving retail.

The plan area contains few distinguishing natural physical characteristics and is generally flat, with elevation relief provided only by the overpass of Lawrence Expressway at the Caltrain tracks. Calabazas Creek flows south-to-north to the San Francisco Bay in a concrete channel along the eastern edge of the plan area. It has little to no vegetation within its approximately 65-foot right-of-way. The El Camino Storm Drain Channel traverses through the residential neighborhoods south of the station and along the south edge of the rail tracks before draining into Calabazas Creek. This channel, although mostly concrete, has stretches of grass and earthen banks along its 40- to 45-foot right-of-way. There are no public parks or open space and very little natural vegetation in the plan area. However, the streets and gardens of the existing residential areas and some of the non-residential areas contain mature planted street trees and ornamental plantings, including a stand of redwoods along Sonora Court one block north of the station.

C. Project Characteristics and Components

The purpose of the LSAP is to establish a framework for the future development of the Lawrence Caltrain Station area in order to improve the relationship between transit availability and land use for the long-term development of an economically, environmentally, and socially vibrant mixed-use district in Sunnyvale.

The LSAP includes goals, policies, and urban design guidelines that will help guide development and buildout of the plan area. Implementation of the Project is expected to occur over a 20-year (2035) planning horizon through construction of both private developments and public improvements. The LSAP provides the basis for the City's consideration of all subsequent discretionary and ministerial project approvals and entitlements. The LSAP, in conjunction with the City's Zoning Code and other relevant requirements, will govern the design of individual projects in the plan area. To move forward with a particular project that implements the LSAP, the City will require full compliance with LSAP policies and design guidelines; EIR mitigation measures; applicable chapters of the Municipal Code; and other City standards, policies, and regulations. Processing of individual development applications will be subject to review and approval by the City. Subsequent project applications may require environmental review that would tier off the program EIR.

The LSAP land use plan is built around a flexible mixed-use concept. Mixed-use refers to the practice of allowing different types of land uses within easy walking distance of each other. Such uses can be combined vertically, within the same building, or horizontally within different buildings but on the same block. Flexibility would allow properties north of Lawrence Station and the Peninsula Building Materials property just south of the station to have the option to develop a variety of uses such as office/research and development (R&D) or residential, depending on market demand and landowner preferences.

The LSAP would establish new General Plan land use categories for the plan area and would retain existing ones. Several of the categories are existing land use designations already in use by the City of Sunnyvale in the existing neighborhoods within the plan area. Others are existing land use designations available in the City of Sunnyvale General Plan and Zoning Code, but not previously applied in the plan area. These areas would require a change of zoning in order to be compliant with the LSAP. Others are new land use categories that do not currently exist in the Sunnyvale General Plan and Zoning Code.

Approximately 200 acres (63 percent) of the plan area would require a change in land use designation or rezoning in order to allow and encourage development in conformance with LSAP goals and policies. The greatest change would be associated with the change in land use designations and zoning for parcels currently designated Industrial and Service (i.e., areas north of the Caltrain tracks and the Calstone/Peninsula Building Materials site) to new land use designations and zoning for Mixed Use totaling approximately 142 acres. This would allow for high-density residential development in industrial-zoned areas where residential uses are not allowed under current zoning. Current zoning provides, generally, for a floor area ratio (FAR) of 0.35. The LSAP proposes increases ranging from 0.5 FAR to 1.5 FAR, depending on the location.

PROPOSED LSAP LAND USE DESIGNATIONS AND ZONING

Proposed LSAP Land Use Designation	Acres	Proposed Zoning District	Existing or New Proposed Land Use/Zoning Designation or Redesignation
Residential			
Low Density Residential	**50.7**	**No change**	**Existing (no change in acreage, land use, or density**
Low Medium Density Residential	**16.8**	**No change**	**Existing, plus add one property along Aster Avenue currently designated Industrial to Residential**
Medium Density Residential	**48.6**	**No change**	**Existing (no change in acreage, land use, or density)**
High Density Residential	**1.3**	**R-5 – High Density Residential**	**Add two properties along Willow currently designated auto-oriented retail**
Mixed-Use			
Mixed-Use Transit Core	**60.5**	**LSAP MXD I - Flexible Mixed-Use**	**New designation (change from Industrial and Service)**
Mixed-Use Transit Supporting North	**64.6**	**LSAP MXD II - Flexible Mixed-Use II**	**New designation (change from Industrial and Service)**
Mixed-Use Transit Supporting South	**17.1**	**LSAP MXD III - Flexible Mixed Use III**	**New designation (change from General Industrial/Industrial to Residential)**
Office/R&D/Retail			
Office/R&D – Single Use	**34.8**	**M-S – Industrial and Service (no change)**	**Existing zoning (M-S) east of Calabazas Creek remains unchanged, only land use designation changed**
Office/Retail	**3.8**	**C-1/O – Neighborhood Commercial with Office combinin**	**Add designation to properties at Lawrence Expressway and redesignate**

Proposed LSAP Land Use Designation	Acres	Proposed Zoning District	Existing or New Proposed Land Use/Zoning Designation or Redesignation
		g district	**office at corner of Lawrence Expressway to Mixed Use**
Other			
Drainage channels/Calabazas Creek	**4.5**	**No change**	**Existing (no change)**
Railroads/Utility	**16.2**	**No change**	**Existing (no change)**
Total Without Roads	**319**		

The LSAP incorporates a "complete streets" approach for circulation planning to accommodate all travel modes so that driving is an option, but not a necessity. Complete streets are designed and operated to enable safe and convenient access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. The LSAP addresses both the mobility and parking needs of existing uses while accommodating future development planned for the area. The circulation framework plan includes existing streets as well as new major and minor streets that would be strategically located to allow multi-modal mobility throughout the plan area. The LSAP also identifies pedestrian and bicycle facilities improvements. Parking would be accommodated in the plan area on a shared parking concept basis. The shared parking requirements would maximize the LSAP's mixed use plans by allowing for maximizing utilization of parking supply. As part of the development incentive program in the LSAP, new development in the plan area would be required to implement a Transportation Demand Management (TDM) program with robust monitoring measures.

Project actions may include the following:

- Certification of the EIR, which includes review of the actions listed below.
- Adoption of the LSAP.
- General Plan amendments consisting of revisions to text, graphics, and figures related to land use, including the adopted General Plan to identify the LSAP as the land use policy for the plan area.
- Zoning Code amendments consisting of revisions to text, graphics, and figures related to zoning, including the Zoning Map to reflect the land uses set forth in the LSAP.

VI. IMPACTS, MITIGATION MEASURES, AND FINDINGS

In conformance with Section 15091 of the State CEQA Guidelines, this section of the findings lists each significant environmental 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 Lawrence Station Area Plan is adopted by the City.

A. Air Quality

Impact

Impact 3.5.3 The proposed project could result in short-term construction emissions that could violate or substantially contribute to a violation of federal and state standards.

Mitigation

MM 3.5.3a Prior to the issuance of grading or building permits, the City of Sunnyvale shall ensure that the Bay Area Air Quality Management District's (BAAQMD) basic construction mitigation measures from Table 8-1 of the BAAQMD 2011 CEQA Air Quality Guidelines (or subsequent updates) are noted on the construction documents. These basic construction mitigation measures include the following:

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

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

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

4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).

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

6. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

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

MM3.5.3b In the cases where construction projects are projected to exceed the Bay Area Air Quality Management District's (BAAQMD) air pollutant significance thresholds for NOx, PM10, and/or PM2.5, all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, and tractors) shall be at least California Air Resources Board (CARB) Tier 3 Certified or better.

Finding

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Explanation/Facts Supporting the Finding: Quantifying the air quality pollutant emissions from future, short-term, temporary construction activities under the LSAP is not possible due to project-level variability and uncertainties related to future individual projects in terms of detailed site plans, construction schedules, equipment requirements, etc., which are not currently available because a specific project has not been proposed. Construction of individual projects could result in emissions exceeding BAAQMD significance threshold. All development projects in the SFBAAB are subject to BAAQMD rules and regulations adopted to reduce air pollutant emissions. Projects estimated to exceed BAAQMD significance thresholds are required to implement mitigation measures in order to reduce air pollutant emissions as much as feasible. Implementation of mitigation measures MM 3.5.3a and MM 3.5.3b would reduce construction emissions for individual projects. However, the extent of construction that may occur at any specific period of time to determine whether the above mitigation measures would fully mitigate this temporary impact below BAAQMD thresholds for a specific project cannot be determined at a programmatic level. Given this uncertainty, the impact would remain significant and unavoidable (Draft EIR p.3.5-26 – 3.5-28).

Impact

Impact 3.5.5 The proposed project could result in increased exposure of existing or planned sensitive land uses to construction-source toxic air contaminant (TAC) emissions.

Mitigation

MM 3.5.5 In the case when a subsequent project's construction spans greater than five acres and is scheduled to last more than two years, the subsequent project shall be required to prepare a site-specific construction pollutant mitigation plan in consultation with the Bay Area Air Quality Management District (BAAQMD) staff prior to the issuance of grading permits. A project-specific construction-related dispersion modeling acceptable to BAAQMD shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If BAAQMD risk thresholds (i.e., probability of contracting cancer is greater than 10 in 1 million) would be exceeded, mitigation measures shall be identified in the construction pollutant mitigation plan to address potential impacts, and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. The City shall ensure construction contracts include all identified measures and that the measures reduce the health risk below BAAQMD risk thresholds. Construction pollutant mitigation plan measures shall include, but not be limited to:

1) Limiting the amount of acreage to be graded in a single day,

2) Restricting intensive equipment usage and intensive ground disturbance to hours outside of normal preschool hours,

3) Notification of affected sensitive receptors one week prior to commencing on-site construction so that any necessary precautions (such as rescheduling or relocation of outdoor activities) can be implemented. The written notification shall include the name and telephone number of the individual empowered to manage construction of the project. In the event that complaints are received, the individual empowered to manage construction shall respond to the complaint within 24 hours. The response shall include identification of measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include the relocation of equipment.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to toxic air contaminant (TAC) emissions.

Explanation/Facts Supporting the Finding: Implementation of future projects under the LSAP would result in construction activities that would generate diesel particulate matter (PM) emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. In the case of most construction projects expected under the LSAP, duration would be short-term, lasting less than one year. According to the BAAQMD, construction-generated diesel PM emissions contribute to negative health impacts when construction is extended over lengthy periods of time. The use of diesel-powered construction equipment during construction activities would be temporary and episodic and would occur over several locations isolated from one another. Mitigation measures MM 3.5.3a and 3.5.3b would substantially lessen sources of construction emissions. However, if construction were to occur over a longer period of time or involve more than 5 acres of earthwork, implementation of mitigation measure MM 3.5.5 would ensure that a site-specific plan developed in consultation of the BAAQMD would be implemented to reduce emissions to risk to a level below BAAQMD thresholds. This would reduce the impact to less than significant (Draft EIR pp.3.5-30 – 3.5-32).

Impact

Impact 3.5.6 The proposed project could result in the development of housing units (sensitive land uses) near stationary or mobile source TACs.

Mitigation

MM 3.5.6 The following measures shall be utilized in site planning and building designs to reduce TAC and $PM_{2.5}$ exposure where new receptors are located within 1,000 feet of emission sources:

- Future development with the LSAP that includes sensitive receptors (such as residences, schools, hospitals, daycare centers, or retirement homes) located within 1,000 feet from Caltrain and/or stationary sources shall require site-specific analysis to determine the level of health risk. This analysis shall be conducted following procedures outlined by BAAQMD. If the site-specific analysis reveals significant exposures from all sources (i.e., health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a hazard Index greater than 10, or annual $PM_{2.5}$ exposures greater than 0.8 $\mu g/m^3$) measures shall be employed to reduce the risk to below the threshold (e.g., electrostatic filtering systems or equivalent systems and location of vents away from TAC sources). If this is not possible, the sensitive receptors shall be relocated.
- Future nonresidential developments projected to generate more than 100 heavy-duty trucks daily will be evaluated through the CEQA process or BAAQMD permit process to ensure they do not

cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a hazard index greater than 1.0, or annual $PM_{2.5}$ exposures greater than 0.3 µg/m^3.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to toxic air contaminant (TAC) emissions.

Explanation/Facts Supporting the Finding: Mobile sources, such as freeways and diesel locomotive trains are sources of diesel PM, which CARB has listed as a TAC. The primary mobile source affecting the plan area is the Caltrain corridor. Per BAAQMD guidance, all other sources within 1,000 feet of a proposed sensitive receptor need to be identified and analyzed. While there are no freeways within 1,000 feet of the plan area, the plan area is bisected by the Caltrain tracks, and there are stationary sources as well, which are both sources of TAC emissions that could affect new sensitive receptors in the plan area. Implementation of mitigation measure MM 3.5.6 requires that if a site-specific health risk analysis indicates BAAQMD risk thresholds could be exceeded, the proposed development project must incorporate physical design features to reduce risks or the project is designed so that the sensitive receptors are located where risks would not be exceeded. This would reduce the impact to less than significant (Draft EIR pp. 3.5-32 – 3.5.41).

Impact

Impact 3.5.8 The proposed project, in combination with cumulative development in the SFAAB, could result in a cumulatively considerable net increase of criteria air pollutants for which the air basin is designated nonattainment.

Mitigation

Implement mitigation measures MM 3.5.3a and MM 3.5.3b.

Finding

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Explanation/Facts Supporting the Finding: All development projects in the SFBAAB are subject to BAAQMD rules and regulations adopted to reduce air pollutant emissions. Projects estimated to exceed BAAQMD significance thresholds are required to implement mitigation measures in order to reduce air pollutant emissions as much as feasible. According to the BAAQMD, no

single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. Because the proposed project could exceed its identified significance thresholds, the project would be cumulatively considerable. Even with implementation of mitigation measures MM 3.5.3a and MM 3.5.3b and adherence to BAAQMD rules to reduce emissions, it cannot be guaranteed that construction of subsequent projects under the LSAP would generate air pollutant emissions below BAAQMD significance. The cumulative impact would remain significant and unavoidable (Draft EIR p. 3.5-42).

B. Biological Resources

Impact

Impact 3.9.1 Construction of projects developed under the LSAP in the Southern Residential subarea (Corn Palace parcel) could result in substantial adverse effects, either directly or indirectly or through habitat modifications, on special-status burrowing owl.

Mitigation

MM 3.9.1 If clearing and construction activities will occur during the nesting period for burrowing owls (February 1–August 31) on the vacant portion of the Corn Palace property, a qualified biologist shall conduct focused surveys for burrowing owls on and adjacent to the project site. Surveys shall be conducted in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation, published March 7, 2012. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season.

If no burrowing owls are detected, no further mitigation is required. If active burrowing owls are detected, the project proponent will implement the avoidance, minimization, and mitigation methodologies outlined in the CDFW's Staff Report prior to initiating project-related activities that may impact burrowing owls.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to burrowing owl.

Explanation/Facts Supporting the Finding: Future development of the Corn Palace parcel for residential uses may result in the loss of burrowing owls through destruction of active nesting sites and/or incidental burial of adults, young, and eggs, should they become established on-

site. This potentially significant impact would be reduced to a less than significant level through mitigation measure MM 3.9.1, which requires pre-construction surveys for burrowing owl and protective measures if burrowing owls are found (Draft EIR pp. 3.9-14 – 3.9.15).

Impact

Impact 3.9.2 Construction of subsequent projects developed under the LSAP would result in substantial adverse effects, either directly or through habitat modifications, to special-status bats.

Mitigation Measure

MM 3.9.2 Prior to the removal of trees or the demolition of buildings, a bat survey shall be performed by a qualified biologist no more than 3 days prior to the start of construction activities. If bat roosts are identified, the City shall require that the bats be safely flushed from the sites where roosting habitat is planned to be removed. If maternity roosts are identified during the maternity roosting season (typically May to September), they must remain undisturbed until a qualified biologist has determined the young bats are no longer roosting. If roosting is found to occur on-site, replacement roost habitat (e.g., bat boxes) shall be provided to offset roosting sites removed. If no bat roosts are detected, no further action is required if the trees and buildings are removed prior to the next breeding season.

If a female or maternity colony of bats is found on the project site, and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in a large oak tree not planned for removal), a qualified biologist shall determine what buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1).

If an active nursery roost is documented on-site and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from the site after July 31 and before March 1 to prevent the formation of maternity colonies. Nonbreeding bats shall be safely evicted under the direction of a bat specialist.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to special-status bats.

Explanation/Facts Supporting the Finding: Potential maternity and night-roosting sites occur in snags, under bark, and in human structures in the plan area. Demolition or renovation of existing structures or tree removal for individual projects that could be constructed in the LSAP plan area could result in removal of maternity roost sites, which may cause direct mortality of numerous bats. Noise and dust from construction could indirectly impact bat species during construction. This potentially significant impact would be reduced to a less than significant level through implementation of mitigation measure MM 3.9.2, which requires pre-construction surveys for bats and protective measures if bats are found (Draft EIR pp. 3.9-15 – 3.9.16).

Impact

Impact 3.9.3 Construction of subsequent projects allowed under the LSAP could result in direct disturbance of nesting raptors and other migratory birds.

Mitigation Measure

MM 3.9.3 All construction and clearing activities shall be conducted outside of the avian nesting season (January 15–August 31), when feasible. If clearing and/or construction activities occur during the nesting season, preconstruction surveys for nesting raptors, special-status resident birds, and other migratory birds protected by the Migratory Bird Treaty Act shall be conducted by a qualified biologist, up to 3 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.

If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest). Alternative exclusion zones may be established through consultation with the CDFW and the USFWS, as necessary. The City shall be notified if altered exclusion zones widths are authorized by these agencies prior to the initiation of work. The exclusion zones shall remain in force until all young have fledged.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impacts on nesting raptors and other migratory birds.

Explanation/Facts Supporting the Finding: The LSAP contains several guidelines intended to protect trees, but recognizes that some trees may need to be removed to accommodate new projects. If construction occurs during the nesting season and trees are removed or substantially pruned, this could result in direct impacts on nesting birds and raptors should they be present. In addition, noise and other human activity may result in nest abandonment if nesting birds are

present within 200 feet (500 feet for raptors) of a work site. This potentially significant impact would be reduced to a less than significant level through implementation of mitigation measure MM 3.9.3, which requires pre-construction surveys for nesting birds and raptors and protective measures if nesting birds or raptors are found (Draft EIR pp. 3.9-16 – 3.9.17).

C. Cultural Resources

Impact

Impact 3.10.2 Construction of subsequent projects developed under the LSAP would indirectly result in the potential disturbance of undiscovered cultural resources (i.e., prehistoric sites, isolated artifacts and features) and unrecorded human remains.

Mitigation Measure

MM 3.10.2 All subsequent projects within the LSAP plan area shall be required to include information on the improvement plans that if, during the course of grading or construction cultural resources (i.e., prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archaeologist can access the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4 (b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to undiscovered cultural resources.

Explanation/Facts Supporting the Finding: The proposed LSAP would not directly affect archaeological resources or human remains, implementation of the LSAP would allow new development, redevelopment, and infrastructure improvements that could involve subsurface disturbance for installation of foundations, utilities, or subterranean building features. These subsequent actions have the potential to impact undiscovered cultural resources and unrecorded human remains. If human remains are discovered, they would be managed in accordance with Health and Safety Code Section 7050.5(b). The potentially significant impact on archaeological resources would be reduced to a less than significant level through implementation of mitigation measure MM 3.10.2, which requires that work stop in the event

cultural resources are discovered, evaluation of the find, and appropriate treatment pursuant to federal and state laws and regulations pertaining to mitigation for cultural resources (Draft EIR p. 3.10.-10).

D. Geology, Soils, and Paleontological Resources

Impact

Impact 3.7.4 Construction of subsequent projects developed under the LSAP could affect paleontological resources.

Mitigation Measure

MM 3.7.4 All subsequent projects within the LSAP plan area shall be required to include information on the improvement plans that if, during the course of grading or construction fossils are discovered, work shall be halted immediately within 50 feet of the discovery, the Sunnyvale Community Development Department shall be notified, and the significance of the find and recommended actions must be determined by a qualified paleontologist. In addition, prior to the commencement of project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to paleontological resources.

Explanation/Facts Supporting the Finding: The underlying geology of the plan area consists of basin and alluvial deposits that have the potential to contain fossils, based on previously reported finds in similar materials in other locations in the Bay Area. New development and redevelopment activities in the plan area could involve the installation of footings and foundations and/or excavations. Because the plan area is developed, it is likely that a substantial amount of ground disturbance and placement of fill has altered the subsurface soils and underlying geologic materials at varying depths. However, if a large area were excavated to depths greater than 10 feet, it is possible the excavation could be within Holocene-age deposits or older Pleistocene alluvial materials, which could contain fossils. The inadvertent damage or destruction during excavation and grading activities at construction sites could further reduce this finite resource base. The potentially significant impact on paleontological resources would be reduced to a less than significant level through implementation of mitigation measure MM 3.7.4, which requires that work stop in the event fossils are discovered, evaluation of the find, and appropriate treatment (Draft EIR p. 3.7-11).

E. Hazards and Hazardous Materials

Impact

Impact 3.3.3 Subsequent projects developed under the LSAP could encounter contaminated soil, soil vapors, or groundwater, which may pose a human health or environmental risk.

Mitigation

MM 3.3.3 The City shall require a Phase I Environmental Site Assessment (ESA) prepared and submitted with any application for new development or redevelopment in any LSAP subarea north of the Caltrain tracks, the Peninsula subarea, the Lawrence/Reed/Willow subarea, or the Corn Palace property. The Phase I ESA shall be prepared by a qualified professional registered in California and in accordance with ASTM E1527-13 (or the most current version at the time a development application is submitted for the project).

If determined necessary by the Phase I ESA, a Phase II ESA shall be conducted to determine the lateral and vertical extent of soil, groundwater, and/or soil vapor contamination, as recommended by the Phase I ESA.

The City shall not issue a building permit for a site where contamination has been identified until remediation or effective site management controls appropriate for the use of the site have been completed consistent with applicable regulations and to the satisfaction of the City of Sunnyvale, DTSC, or SFBRWQCB (as appropriate) prior to initiation of construction activities. Deed restrictions, if appropriate, shall be recorded.

If temporary dewatering is required during construction or if permanent dewatering is required for subterranean features, the City shall not issue an improvement permit or building permit until documentation has been provided to the City that the Water Pollution Control Permit has approved the discharge to the sewer. Discharge of any groundwater removed from a construction site in any LSAP subarea north of the Caltrain tracks, the Peninsula subarea, the Lawrence/Reed/Willow subarea, or the Corn Palace property to the El Camino Storm Drain Channel, Calabazas Creek, or storm drain shall be prohibited. The City shall ensure all plans and permits state this prohibition.

If the Phase I ESA determines there are no recognized environmental conditions (RECs), no further action is required. However, the City shall ensure any grading or improvement plan or building permit includes a statement if hazardous materials contamination is discovered or suspected during construction activities, all work shall stop immediately until a qualified professional has determined an appropriate course of action.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to environmental contamination.

Explanation/Facts Supporting the Finding: Based on a hazardous materials sites database review, most of the known hazardous materials release sites in the plan area have been closed (i.e., remediated or managed in a way to minimize further hazards). However, not all potential development locations in the plan area have been evaluated. Construction workers and the public could be inadvertently exposed to hazardous materials if new development or redevelopment were located on a current or historical hazardous material site where ground disturbance could occur and if contaminants are present in underlying soil or groundwater. Installation of footings and foundations for buildings may require dewatering, either temporarily during construction, or permanently if there are subterranean building features, and contaminated groundwater could be encountered. Soil vapors with contaminants could enter subterranean features such as enclosed parking or basements, and soil vapors could also migrate into overlying occupied spaces, where they could pose in inhalation hazard. This potentially significant impact would be reduced to a less than significant level through implementation of mitigation measure MM 3.3.3, which requires that evaluations be prepared for specific locations and that no building permit be issued for a site where contamination has been identified until remediation or effective site management controls have been completed. This mitigation measure also establishes requirements for dewatering and actions to be taken in the event previously unknown contamination is encountered during construction (Draft EIR pp. 3.3-11 – 3.3-12).

Impact

Impact 3.3.5 Construction of subsequent projects developed under the LSAP could temporarily interfere with emergency response or evacuation plans.

Mitigation Measure

MM 3.3.5 Prior to issuance of a permit for a specific development project or prior to approving a City-initiated roadway improvement identified in the LSAP, the City shall determine whether project construction activities have the potential to affect traffic conditions on roadways as a result of construction of the development project or roadway improvement(s). If there is the potential the activities could impair or inhibit emergency response or evacuation, a Construction Traffic Control Plan shall be prepared for City review and approval. The plan shall include, but not be limited to, schedule of construction and anticipated methods of handling traffic for each phase of construction to ensure the safe flow of traffic and adequate emergency access, including maintaining an open lane for vehicle travel at all times. All traffic control measures shall conform to City of Sunnyvale, Santa Clara County, and/or Caltrans standards, as applicable. The City shall ensure final

approved plans for private development projects specify the requirement, as appropriate, to implement the construction traffic control plan.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to interference with emergency response or evacuation plans.

Explanation/Facts Supporting the Finding: Construction activities for individual projects could temporarily affect operating conditions on these roadways from movement of heavy equipment, worker vehicle parking, and materials delivery and storage, depending on the locations. Connection of a development site to water, wastewater, and storm drain lines could involve work within the roadway itself. The LSAP also proposes roadway improvements along existing roadways. These activities may result in the need for temporary traffic lane closures or narrowing, which could affect emergency response or evacuation routes. This potentially significant impact would be reduced to a less than significant level through implementation of mitigation measure MM 3.3.5, which requires a Construction Traffic Control Plan be prepared for City review and approval if construction activities associated with a project developed under the LSAP could affect traffic conditions on local roadways (Draft EIR p. 3.3-13).

F. Hydrology and Water Quality

Impact

Impact 3.8.3 Subsequent projects developed under the LSAP could result in the exposure of additional people and/or structures to potential risks from flooding hazards.

Mitigation Measure

MM 3.8.3 Prior to approving a subsequent project in the LSAP at any location where fill is placed in the FEMA AO zone to elevate the ground surface above the base flood elevation, the project applicant shall submit a hydraulic analysis prepared by a California-registered professional engineer for City Engineer review and approval. The analysis shall, at a minimum, identify: (1) the specific locations where changes in water surface elevations due to fill encroachment could occur; and (2) drainage improvements that will be used to ensure placement of fill will not increase flood hazards in areas not previously subject to flooding during occurrence of the base flood discharge.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to flooding hazards.

Explanation/Facts Supporting the Finding: There are some locations within the plan area that are within FEMA-designated 100-year flood hazard Zone AO, and future projects within Zone AO could be subject to 100-year flood hazard. The Prevention of Flood Damage chapter (Chapter 16.62) of Sunnyvale's Buildings and Construction ordinance provides standards for construction in 100-year flood hazard areas. However, it is possible that projects in the AO zone could require raising the existing grade, mostly likely by importing fill materials, by an average of 1.5 feet to elevate the building floor and mechanical features above the base flood elevation The placement of fill in a flood hazard zone to elevate a location could reduce the amount of area in the floodplain that acts as storage for floodwaters, which could exacerbate an existing flood hazard or cause new flooding elsewhere. The potentially significant impact related to flood hazards would be reduced to a less than significant level through implementation of mitigation measure MM 3.8.3, which requires that a hydraulic analysis prepared by a California-registered engineer and approved by the City Engineer be used to identify drainage improvements are implemented to ensure placement of fill would not exacerbate flood hazards (Draft EIR pp. 3.8-17 – 3.8-18).

G. Noise

Impact

Impact 3.6.4 Planned development under the proposed LSAP would not result in the exposure of persons to or generation of noise levels in excess of the City of Sunnyvale's noise standards, as short-term construction noise is exempt from all noise level standards and construction is limited to daytime hours.

Mitigation Measure

MM 3.6.4 Subsequent projects in the LSAP shall employ site-specific noise attenuation measures during 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. Measures specified in the Noise Control Plan and implemented during 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.

- 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.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to construction noise.

Explanation/Facts Supporting the Finding: Construction activities have the potential to result in temporary, short-term, and/or periodic increases in noise levels. This potentially significant impact would be reduced to a less than significant level through implementation of mitigation measure MM 3.6.4, which requires individual development projects under the LSAP to use site-

specific noise attenuation measures during construction and that these measures be included in a Noise Control Plan approved by the City (Draft EIR pp. 3.6-21 – 3.6-25).

H. Transportation and Circulation

Impact

Impact 3.4.6 Implementation of the land uses under the LSAP would contribute to significant traffic operational impacts to intersections and freeway segments as compared to existing conditions.

Mitigation Measure

MM 3.4.6 Should the proposed Land Use and Transportation Element Update not be adopted, the following roadway improvements shall be a component of the implementation of the LSAP:

- Wolfe Road & Kifer Road - Construction of a second southbound left-turn lane and a second westbound left-turn lane. Both left-turn lanes would need to have the same length as the original left-turn lane. Depending on the width of each travel lane, the north leg and east leg of the intersection will need to be widened between 8 feet and 11 feet. The through lanes at this intersection will be realigned. The required right-of-way would need to be acquired from the northwest, northeast, and/or southeast quadrants of the intersection. Existing bicycle and pedestrian facilities will be retained.
- With this improvement, the intersection would operate at an acceptable LOS D during the AM peak hour. There would be secondary deficiencies associated with this improvement such as increased pedestrian and bicyclist exposure to traffic when crossing the intersection. The increased exposure time would range from approximately 2 to 3 seconds for pedestrians and 1 to 2 seconds for bicyclists. This increased exposure time would be minimal. Located within an industrial area and immediately between the rail tracks and Central Expressway, this intersection is also not expected to serve a considerable amount of pedestrian and bicyclist volume. The required right-of-way acquisition would be minimal and would not displace businesses or parking spaces. This improvement would be a requirement for projects within the LSAP only and not a city-wide requirement.
- Wolfe & Fremont Avenue - Construction of an exclusive southbound right-turn lane for the length of the segment. The eastbound inner left-turn lane will require restricting the U-turn movement to allow for a southbound overlap right-turn phase. Vehicles wishing to perform the

eastbound U-turn movement would instead perform the U-turn at Elanor Way. Depending on the extent of the median on the north leg that could be removed, the north leg would be widened between 3 to 11 feet. The north leg would be realigned to accommodate the southbound right-turn. There is existing right-of-way on the northeast quadrant of the intersection.

With this improvement, the intersection would still operate at an unacceptable LOS E during the PM peak hour, but would no longer have an LSAP intersection deficiency. Secondary deficiencies on the pedestrian and bicycle facilities associated with this improvement would not be considerable. The increased exposure time would range from approximately 1 to 3 seconds for pedestrians and 1 to 2 seconds for bicyclists. This increased exposure time would be minimal. The required right-of-way acquisition would be minimal and would not displace businesses. This improvement would be a requirement for projects within the LSAP only and not a city-wide requirement.

Finding

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Explanation/Facts Supporting the Finding: Implementation of the LSAP would result in significant traffic operations impacts at several intersections (including Congestion Management Plan [CMP] facilities and intersections in the City of Santa Clara) along Lawrence Expressway and freeway segments. Implementation of mitigation measure MM 3.4.6 would reduce a significant impact at the Wolfe Road/Kifer Road and Wolfe Road/Fremont Avenue intersection within the City of Sunnyvale to a less than significant level. For remaining intersections and freeway segments, improvements are planned for Lawrence Expressway, SR 237, and US 101, but the City does not have the ability to ensure their construction as the timing of implementation as well as availability of funding for the improvements are uncertain. As such, this remains a significant and unavoidable impact (Draft EIR pp. 3.4-40 – 3.4-58).

VII. 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, as set forth in Article VI.A (Air Quality) and Article VI.H (Transportation and Circulation), above, the City has determined that the proposed Project will result in significant unmitigated impacts related to criteria air pollutant emissions during construction (Impact 3.5.3 [project impact] and Impact 3.5.8 [cumulative impact]) and traffic operations at roadway intersections and freeway segments (Impact 3.4.6).

VIII. 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 related to construction air emissions and traffic operations at roadway intersections and freeway segments. 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.

A. Alternative 1: No Project Alternative

Description

The No Project Alternative assumes that the LSAP would not be approved, but it does not necessarily preclude use or development of the area around the Lawrence Caltrain Station. Rather, the No Project Alternative considers "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" (State CEQA Guidelines Section 15126.6 [e][2]). Under the No Project Alternative, the existing General Plan designations and policies and Zoning regulations would continue to apply to the area within the plan area boundary, and it is anticipated development according to those policies and regulations would continue. The proposed LSAP policies and guidelines that would guide growth within the plan area would not be adopted.

The No Project Alternative would result in less residential development as compared to the Project at buildout (2,241 fewer residents and 926 fewer dwelling units) and slightly more nonresidential development (400,000 more square feet).

Comparison to the Proposed Project Impacts

Alternative 1 would avoid significant traffic operation impacts to the Wolfe Road & Arques Avenue and Wolf Road & Reed Avenue intersections, and would result in similar impacts on traffic operations at intersections affected by Project traffic. It would also result in new significant traffic operational impacts to the Lawrence Expressway & Kifer Road (LOS F in AM under 2035 conditions) and Oakmead Parkway & Central Expressway (LOS E in AM and LOS F in PM under 2035 conditions, which would not occur with the Project. This alternative would result in fewer residents being exposed to TACs as compared to the Project, which would reduce the magnitude of the less than significant (with mitigation) impact of the Project. Alternative 1 would result in reduced demand for public services and utility systems, as compared to the Project; however, no significant impacts for the Project were identified. Alternative 1 would be consistent with the City's Climate Action Plan (CAP) because the CAP is based on current General Plan assumptions, and implementation of the CAP would provide progress towards post-2020 reductions. However, Alternative 1 does not include LSAP policies that address CAP measures. The No Project Alternative would not avoid the significant and unavoidable construction air emissions (project-level and cumulative) because development would still occur with this alternative. All other impacts would be similar to those of the Project (Draft EIR pp. 4.0-3 – 4.0-8).

Finding

The purpose of the LSAP is to establish a framework for the future development of the area in order to improve the relationship between transit availability and land use for the long-term development of an economically, environmentally, and socially vibrant mixed-use district in Sunnyvale. Goals to achieve this vision are articulated in the seven project objectives (Article V, above). Under the No Project Alternative, development would continue to occur in the plan area, but it would not be guided by the land use plan and implementing policies and guidelines in the LSAP. As such, the No Project Alternative would not achieve the Project objectives to any significant degree. While the No Project Alternative would avoid one of the Project's traffic operations impacts, it would result in a new significant traffic operations impact that would not occur with the Project. It would not avoid or substantially lessen the significant air quality impact of the Project. This alternative would not achieve as many of the benefits of the proposed project, which are set forth in the Statement of Overriding Considerations (Article IX, below).

For all of the foregoing reasons, and any of them individually, the City Council rejects Alternative 1 (No Project Alternative).

B. Alternative 2: Residential Emphasis Alternative

Description

The Residential Emphasis Alternative would expand the generally residential character of the plan area found south of the Caltrain tracks into the area north of the tracks, although it is envisioned that the north area would develop at considerably higher densities than the predominantly single-family detached densities found in the south. Alternative 2 would result in

more residential development as compared to the Project at build out (5,413 additional residents and 2,237 additional dwelling units). However, the amount of nonresidential space would be substantially lower (2.91 million square feet less).

In this alternative, existing low-density industrial, research and development (R&D) and office uses would be replaced over time by residential development at higher densities. Densities would range from 19 dwelling units (dus) per acre (townhouses) to 78 dus per acre in multi-story buildings in new development areas. The highest densities would be focused nearest the Lawrence Station, declining in density as the distance from the station increases. Retail would be located along new pedestrian-oriented retail streets north of the Caltrain tracks on both sides of the Lawrence Expressway and in selected areas south of the tracks. The Calstone/Peninsula Building Materials site would be residential. Along Willow Avenue, small auto-serving retail parcels on the north would be residential, consistent with adjoining uses, while the parcels between Reed and Willow Avenue would be office/retail mixed-use with street-fronting and pedestrian-oriented retail. All other policy provisions of the proposed LSAP would be included in this alternative, and the alternative would be required to implement the City's CAP.

Comparison to the Proposed Project Impacts

Alternative 2 could result in fewer vehicle trips because it would not include the industrial/office/R&D component of the Project (which generates more daily trips than residential uses). This could reduce some of the traffic volume generated during peak AM and PM periods. However, it is anticipated that significant and unavoidable traffic operation impacts along Lawrence Expressway corridor as well as SR 237 and US 101 would still occur under year 2035 conditions. This alternative would result in additional residents being exposed to TACs as compared to the Project, although this would not be a new significant impact because mitigation measures identified for the Project would reduce this impact. Alternative 2 would generally result in increased demand for public services and utility systems, as compared to the Project; however, no significant impacts for the Project were identified, and the added demand under this alternative would not result in new significant impacts. Alternative 2 would not avoid the significant and unavoidable project-level and cumulative construction air emissions impacts because development would still occur with this alternative. All other impacts would be similar to those of the Project (Draft EIR pp. 4.0-8 – 4.0-12).

Finding

The Residential Emphasis Alternative would not avoid or substantially lessen the significant and unavoidable construction air quality and traffic operations impacts identified for the Project. This alternative would meet Project objectives for locating highest density development closest to the Lawrence Station, improving connectivity for all modes of travel, and redevelopment, in general. Although it would provide for a range of housing types and densities, it would not promote a diversity of land uses that would support neighborhood services to the extent that would be achieved by the Project. Redevelopment with predominantly residential uses would generally be compatible with the overall character of Sunnyvale, but would not fully achieve the objective of ensuring the area has a character that is unique to its location or creating a sense of place and

community identify with a vibrant neighborhood center. This alternative would not achieve as many of the benefits of the proposed project, which are set forth in the Statement of Overriding Considerations (Article IX, below).

The Residential Emphasis is one of three land use development concepts that were presented for review by the general public, business and property owners, the Citizens Advisory Group, staff from the cities of Sunnyvale and Santa Clara, the Sunnyvale Planning Commission, and the Sunnyvale City Council when initial planning began in 2009-2010. However, of the three concepts (residential emphasis, office/research and development, and mixed-use), the mixed-use development concept, which is the basis for the LSAP, received the most favorable comments from members of the public.

For all of the foregoing reasons, and any of them individually, the City Council rejects Alternative 2 (Residential Emphasis Alternative).

C. Alternative 3: Office/Research and Development (R&D) Emphasis Alternative

Description

Under the Office/Research and Development (R&D) Emphasis Alternative, land uses in new development areas north of the Lawrence Station would be almost exclusively office and research and development (R&D), with a limited amount of support services. Alternative 3 would result in less residential development as compared to the LSAP at buildout (4,315 fewer residents and 1,783 fewer dwelling units) but substantially greater nonresidential space (2.3 million more square feet).

While land uses north of the Caltrain tracks would be similar to the existing condition, there would be less emphasis on industrial uses. Development would be at higher densities, appropriate to R&D and office uses, and buildings and parking would conform to the more accessible circulation framework. Highest densities would be focused nearest the Lawrence Station, declining in density as distances from the station increase. It is anticipated that market demand for retail uses would be lower with the office/R&D concept than for the LSAP or Alternative 2 concepts that include residential. Retail would be located along new pedestrian-oriented retail streets north of the Caltrain tracks on both sides of the Lawrence Expressway and in selected areas south of the tracks. Such support uses would include copy and print shops, restaurants, delis, and business supply stores, with less demand for grocery stores and pharmacies than Alternative 2 may generate. New residential development would be limited to specific parcels south of the Caltrain tracks (the Calstone/Peninsula Building Materials property). All other policy provisions of the proposed LSAP would be included in this alternative.

Comparison to the Proposed Project Impacts

Alternative 3 could reduce some of the traffic volume generated during peak AM and PM periods because of the proximity to Lawrence Station. However, it is anticipated that significant and unavoidable traffic operation impacts along Lawrence Expressway corridor as well as SR

237 and US 101 would still occur under year 2035 conditions. This alternative would result in fewer residents being exposed to TACs as compared to the Project, which would reduce the magnitude of the less than significant (with mitigation) impact of the Project. This alternative would result in reduced demand for public services and utility systems, as compared to the Project; however, no significant impacts for the Project were identified. Alternative 3 would be required to implement the City's CAP. Alternative 3 would not avoid the significant and unavoidable project-level and cumulative construction air emissions impacts because development would still occur with this alternative. All other impacts would be similar to those of the Project. The Office/Research and Development Emphasis Alternative was identified as the environmentally superior alternative (Draft EIR pp. 4.0-12 – 4.0-16).

Finding

The Office/Research and Development Emphasis Alternative would not avoid or substantially lessen the significant and unavoidable construction air quality and traffic operations impacts identified for the Project. This alternative would meet the objective of locating highest intensity development closest to Lawrence Station; it would improve connectivity for all modes of travel and would allow for redevelopment. However, it would not meet objectives pertaining to diversity of land uses, particularly as it relates to a range of housing types, nor would it create a strong sense of place and community with a vibrant neighborhood center, or ensure the area has a character that is unique to its location. This alternative would not achieve as many of the benefits of the proposed project, which are set forth in the Statement of Overriding Considerations (Article IX, below).

The Office/R&D emphasis concept is one of three land use development concepts, as noted above, and was based in part on input received from some members of public who expressed a preference for retaining and increasing the skilled job base in Sunnyvale. However, of the three concepts, the mixed-use development concept, which is the basis for the LSAP, received the most favorable comments from members of the public.

From an economic perspective, based on a pro forma analysis to evaluate development feasibility of the office/high-value R&D product types evaluated in Appendix C in the LSAP (which assumed each would require structured parking), none achieved positive residual land values under current market conditions. Lower-density development with lower-cost surface parking may yield improved financial feasibility because of lower construction costs, but would not be consistent with the development goals of the LSAP.

For all of the foregoing reasons, and any of them individually, the City Council rejects Alternative 3 (Office/R&D Emphasis Alternative).

IX. 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 and 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 promote greater use of the Lawrence Caltrain Station and guide the development of a diverse neighborhood of employment, residential, retail, other support services, and open space. The mix of uses would allow people the opportunity to access their homes, jobs, recreational facilities and neighborhood goods and services within close proximity of one another, reducing dependence on the automobile.
- Residential densities would vary across the plan area, ranging from existing residential neighborhoods, which would be protected, to higher-density residential and employment uses near the Lawrence Station. The range of housing densities would allow a full range of housing options at all levels of affordability. It would also allow variety in business and job opportunities and provide a sufficient population base to support transit as well as provide critical mass to support neighborhood services and amenities such as retail, open space, and recreational facilities.
- The higher employment and residential populations that would result from locating the highest intensities of development adjacent to Lawrence Station would support transit ridership and energize station area public spaces. This would further regional goals for housing and employment while also capitalizing on Lawrence Station, an existing built asset that is currently underutilized.
- The proposed Project would lessen the need for increased expenditures on regional highways and associated greenhouse gas emissions and other adverse environmental impacts related to heavy reliance on automobiles in the overall transportation system.

- A new framework of streets, blocks, and paths would be created that would improve access throughout the plan area for pedestrians, bicyclists, transit vehicles, automobiles, and service vehicles. The new framework of streets and paths emphasizes improved north-south connectivity to provide access to Lawrence Station and to link the neighborhoods on both sides of the tracks.
- Although there is no requirement for the Project meet is pro rata share of the City's Regional Housing Needs Assessment (RHNA) allocation established by the Association of Bay Area Governments as set forth in the General Plan Housing Element, if Sunnyvale's current RHNA (2009-2014) were applied to the LSAP, it would suggest that between 400 and 940 of the new units (40 percent) should be available to low and very low income households.
- A financial analysis and development feasibility study included in the LSAP (Appendix C) indicated the value of new development in the plan area at buildout (exclusive of the value of existing development that would remain) is estimated to range between $698.5 million and $2.1 billion in today's dollars, depending on the density scenario. While the value of the development does not directly affect the revenues generated through development impact fees, development value does factor into estimates of supportable infrastructure costs and revenues from special assessments that may be established.

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 goals of the Lawrence Station Area Plan:

General Plan

Goal LT-2: *An Attractive Community. Preserve and enhance an attractive community, with a positive image and a sense of place that consists of distinctive neighborhoods, pockets of interest, and human-scale development.*

Policy LT-2.2: *Encourage nodes of interest and activity, such as parks, public open spaces, well planned development, mixed use projects and other desirable uses, locations and physical attractions.*

Goal LT-3: *Appropriate Mix of Housing. Ensure ownership and rental housing options in terms of style, size and density that are appropriate and contribute positively to the surrounding area.*

Policy LT-3.1: *Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities for locating in the community.*

Policy LT-3.3: *Maintain lower density residential development areas where feasible.*

Goal LT-4: *Quality Neighborhoods and Districts. Preserve and enhance the quality character of Sunnyvale's industrial, commercial and residential neighborhoods by promoting land use patterns and related transportation opportunities that are supportive of the neighborhood concept.*

Policy LT-4.1: *Protect the integrity of the City's neighborhoods whether residential, industrial or commercial.*

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-4.5: *Support a roadway system that protects internal residential areas from citywide and regional traffic.*

Policy LT-4.6: *Safeguard industry's ability to operate effectively by limited the establishment of incompatible uses in industrial areas.*

Policy LT-4.9: *Allow industrial, residential, commercial and office uses in the Industrial to Residential (ITR) futures sites*.

Goal LT-5: *Effective, Safe, Pleasant and Convenient Transportation. Attain a transportation system that is effective, safe, pleasant and convenient.*

Policy LT-5.2: *Integrate the use of land and the transportation system.*

Policy LT-5.5: *Support a variety of transportation modes.*

Policy LT-5.6: *Minimize expansion of the current roadway system, while maximizing opportunities for alternative transportation systems and related programs.*

Policy LT-5.8: *Provide a safe and comfortable system of pedestrian and bicycle pathways.*

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 bicyclist, pedestrians, and motor vehicles.*

Goal LT-7: *Balanced Economic Base. A balanced economic base that can resist downturns of any one industry and provides revenue for city services.*

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

Lawrence Station Area Plan

Land Use Goal LU-G1: *Protect existing residential areas south of the railroad tracks.*

Land Use Goal LU-G3: *Promote a mix of employment and residential uses.*

Land Use Goal LU-G5: *Provide a mix of uses within the plan area that encourages transit ridership, creates a neighborhood of 24-hour activity and supports the provision of amenities such as open space and support services such as retail.*

Land Use Goal LU-G6: *Provide a flexible land use pattern that provides the desired balance of employment and residential uses in order to create an active daytime and nighttime environment.*

Land Use Goal LU-G7: *Incorporate land use flexibility to respond to variable market conditions, while promoting a blend of employment, residential and retail uses.*

Land Use Goal LU-G9: *Provide sufficient development intensity to allow the feasible development of associated amenities (such as open space) and support services.*

Land Use Goal LU-G10: *Maximize development intensities in order to support transit usage.*

Housing Goal H-G1: *Provide sufficient housing in the plan area to support an increase in rail transit ridership.*

Housing Goal H-G2: *Provide a range of housing types in the station area to provide for all income groups and lifestyles.*

Housing Goal H-G3: *Encourage and support development of affordable housing in the plan area.*

Retail Goal R-G2: *Provide retail that supports the needs of surrounding neighborhoods.*

Retail Goal R-G4: *Provide retail that is convenient and accessible to pedestrians and transit users.*

Industrial Goal I-G1: *Allow existing industrial uses to remain in the area, but ensure materials used, operations and work hours are compatible with nearby residential users.*

Open Space Goal OSG-1: *Establish a system of parks and public spaces connected by green corridors and linear parks that serve and connect both new residential development and new non-residential development.*

Open Space Goal OSG-3: *Connect open space areas to the local and regional bikeways and trail networks to the greatest extent possible.*

Circulation Framework Goal CF-G1: *Create a complete, multi-modal transportation network that supports a mixed-use neighborhood throughout the Plan area.*

Circulation Framework Goal CF-G2: *Create a balanced circulation system that is accessible to all modes of travel and does not favor one mode over another.*

Circulation Framework Goal CF-G3: *Create a street and block framework that provides a variety of vehicular access options and is scaled to pedestrians.*

Circulation Framework Goal CF-G4: *Provide improved north-south access throughout the plan area.*

Circulation Framework Goal CF-G5: *Improve access to bus and rail transit by all modes of travel.*

Circulation Framework Goal CF-G6: *Create streets (both new and improved) that are comfortable and convenient for pedestrians, so walking is a pleasure and accessing residences and businesses is easy.*

Circulation Framework Goal CF-G7: *Make the area in and around the station bicycle-friendly, so residents and employees of all ages and abilities can feel comfortable and secure biking to work, services, and for recreation.*

Circulation Framework Goal CF-G8: *Minimize the impacts of the Lawrence Expressway on the plan area.*

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.

X. 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.

XI. 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 Lawrence Station Area 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 August 2013 and December 6, 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.

XII. LOCATION AND CUSTODIAN OF RECORDS

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

XIII. FILING NOTICE OF DETERMINATION

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