

**RECOMMENDED FINDINGS 2015-7302**  
**Resource Alteration Permit**

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

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The Heritage Preservation Commission hereby makes the following findings:

1. The Heritage Preservation Commission has independently reviewed the programmatic Final Environmental Impact Report for the Peery Park Specific Plan, State Clearinghouse #2015062013, certified on September 20, 2016 ("Program EIR").
2. The Peery Park Specific Plan ("PPSP") anticipates construction of an additional 2 million square feet of office, industrial, and commercial development, 200,000 square feet of retail development, and 215 residential units within the 450-acre Peery Park Neighborhood over 20 years.
3. In addition to serving as the environmental document for the approval of the PPSP, the Program EIR was intended by the City to serve as the basis for compliance with CEQA for future discretionary actions to implement the PPSP, in accordance with Public Resources Code Section 21094 and Section 15168 of the CEQA Guidelines.
4. The Program EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the PPSP. In addition, the Program EIR identified significant and unavoidable impacts with regard to air quality, cultural resources and historic structures, greenhouse gas emissions, noise, and transportation, circulation and traffic.
5. On September 20, 2016, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the Program EIR and adopted the PPSP.
6. The City has analyzed the proposed Project pursuant to Public Resources Code Section 21094(c) and Section 15168(c)(2) of the CEQA Guidelines to determine if the Project may cause significant effects on the environment that were not examined in the Program EIR and whether the Project is within the scope of the Program EIR.
7. The Heritage Preservation Commission finds that the Project will not result in environmental effects that were not adequately examined in Program EIR. As demonstrated by the City's analysis of the Project, the Project will incrementally contribute to, but will not increase the severity of, significant environmental impacts previously identified in the Program EIR.

8. For the reasons discussed in Section ENVIRONMENTAL REVIEW of the Heritage Preservation Commission Staff Report for the proposed Project dated 12/7/2106, the Heritage Preservation Commission finds that the proposed Project is consistent with the PPSP.
9. In accordance with Public Resources Code Section 21094(b) and Section 15168(c)(2) of the CEQA Guidelines, none of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the Project:
  - a) The Project does not include any substantial changes in the PPSP and no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken consistent with the PPSP, so the Program EIR does not require any revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
  - b) No new information of substantial importance, which was not known and could not have been known at the time that the Program EIR was certified as complete, shows that the Project would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the Program EIR, that mitigation measures or alternatives found infeasible in the Program EIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the Program EIR would substantially reduce one or more significant environmental impacts found in the Program EIR.
10. All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through the Program EIR mitigation measures adopted in connection with the City Council's approval of the Program EIR. All Program EIR mitigation measures applicable to the Project are hereby made a condition of the Project's approval.
11. In accordance with Public Resources Code Section 21094(d), the Heritage Preservation Commission finds that any significant and unavoidable impacts of the Project with regard to air quality, cultural resources and historic structures, greenhouse gas emissions, noise, and transportation, circulation and traffic are outweighed by overriding considerations as set forth in the Program EIR and in the Findings adopted by the City Council in connection with the approval of the Program EIR, as incorporated by reference and reaffirmed herein.
12. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the Planning Commission, exercising its independent judgment and analysis, finds that the Project is consistent with the PPSP, falls within the environmental parameters analyzed in the Program EIR, and would not result in any new significant

environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the Program EIR, nor would new mitigation be required for the Project.

13. The Department of Community Development, Planning Division, is the custodian of the records of the proceedings on which this decision is based. The records are located at Sunnyvale City Hall, 456 West Olive Ave., Sunnyvale, CA 94086.

### **Resource Allocation Permit:**

Prior to the approval of a Resource Alteration Permit, or approval with modifications, the Heritage Preservation Commission shall find that:

1. The action proposed is consistent with the purposes of the Heritage Preservation Chapter of the Zoning Code; and
2. The action proposed will not be detrimental to a structure or feature of significance as a heritage resource;
3. The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property pursuant to Sunnyvale Municipal Code Section 19.96.110; or
4. The applicant has demonstrated that denial of the application will result in immediate, undue, or substantial hardship pursuant to Sunnyvale Municipal Code Section 19.96.120.
5. If all of the findings in subsections (f)(2) through (f)(4) of this section are not made, the permit shall be denied.

The project is consistent with the purpose of the City's Heritage Preservation code to promote the enjoyment, celebration, and use of heritage resources appropriate for the educational, cultural, recreational as well as material needs of people. The project helps preserves diverse architectural styles, patterns of development, and design preferences reflecting phases of the city's history and to encourage complementary contemporary design and construction and inspire a more livable urban environment. The overall development plan for the site will enhance property values and increase economic and financial benefits to the city and its inhabitants through incentives for preservation. The rehabilitation plan for the Historic house develops and maintains an appropriate setting and environments for the heritage resource. The rehabilitation and reuse plan is consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties. The studies provided by the applicant demonstrate that the historic house is in poor condition and that without significant investment the structure is a hazard.