

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 2017 LAND USE AND TRANSPORTATION ELEMENT (LUTE), ADOPTING THE WATER SUPPLY ASSESSMENT, AMENDING THE GENERAL PLAN, AND REPEALING THE SOUTHERN PACIFIC CORRIDOR SPECIFIC PLAN SITES 1, 6, 7, 8 AND 9**

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WHEREAS, California law requires that every city prepare and adopt a long-term, comprehensive General Plan for its future development that sets forth an integrated and internally consistent statement of goals, objectives, policies and programs to guide decisions regarding the physical development of the City; and

WHEREAS, the Land Use and Transportation Element (LUTE) of the City of Sunnyvale's General Plan was adopted in 1997; and

WHEREAS, in December 2006, the City Council directed staff to initiate a multi-year study issue to update the LUTE in order to reflect the City's current environmental, social and economic conditions and to establish policies and goals that will govern the development of the City over the coming decades; and

WHEREAS in May 2007, the City Council adopted the *Sunnyvale Community Vision – A Guiding Framework for General Planning*, which was the culmination of a six month citywide visioning process to identify community core values and desired future for the City; and

WHEREAS, on June 24, 2008, the City Council adopted a work plan for completion of the LUTE update including a framework for community participation and the preparation of an Environmental Impact Report (EIR); and

WHEREAS, on February 23, 2010, the City Council revised the LUTE work plan and directed the creation of the Horizon 2035 Advisory Committee to act in an advisory capacity during the preparation of the LUTE and the City's Climate Action Plan (CAP), in order to ensure robust community participation in the development of both the LUTE and CAP; and

WHEREAS, the Horizon 2035 Advisory Committee meet regularly during 2010 and 2011 and provided detailed feedback, goals and priorities that informed the preparation of the LUTE and the CAP; and

WHEREAS, the CAP was adopted by the City Council on May 20, 2014, and sets forth Sunnyvale's path toward creating a more sustainable, healthy, and livable city; and

WHEREAS, the proposed 2017 LUTE has been prepared in order to replace the existing Land Use and Transportation Sections of the Sunnyvale General Plan in a way that reflects the values, goals and policy direction from the 2007 Community Vision process, the 2014 Climate Action Plan, other chapters of the General Plan, specific plans and other land use and planning documents; and

WHEREAS, the California Environmental Quality Act (Public Resources Code Sections 21000 *et seq.*, ("CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations, Sections 15000 *et seq.*) (the "CEQA Guidelines") requires local agencies to consider environmental consequences of projects for which they have discretionary authority; and

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

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

WHEREAS, pursuant to CEQA Guidelines Section 15043 the City Council has the authority to approve this project even though it may cause significant effects on the environment so long as the City Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant impacts (CEQA Guideline Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the projects (CEQA Guidelines Section 15093); and

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

WHEREAS, Section 10910 of the Water Code and Section 15155 of the CEQA Guidelines require that a Water Supply Assessment (WSA) be prepared and approved for development projects of a certain size, which includes the 2017 LUTE; and

WHEREAS, in November 2015, a Water Supply Assessment was prepared which includes an assessment of the available water supply for the City and multiple development projects and growth areas within the City as contemplated by the 2017 LUTE; and

WHEREAS, by motion adopted on March 27, 2017, the Sunnyvale Planning Commission recommended that the City Council certify the EIR, adopt the 2017 LUTE and make related amendments to the City's General Plan; and

WHEREAS, a public hearing was held by the City Council on March 27, 2017, regarding the Project and the EIR, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto were heard, and the EIR was considered; and

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

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

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

2. MITIGATION MONITORING AND OVERRIDING CONSIDERATIONS. The City Council hereby identifies the significant effects, adopts the mitigation measures, adopts the monitoring Mitigation Monitoring and Reporting Plan to be implemented for each mitigation measure, makes the findings, and adopts a statement of overriding considerations set forth in detail in the attached Exhibit D, which is incorporated in this Resolution by this reference. The statements, findings and determinations set forth in Exhibit A 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 amendments to the General Plan as set forth in the 2017 LUTE which is incorporated herein by reference.

5. REPEAL OF THE SOUTHERN PACIFIC CORRIDOR SPECIFIC PLAN – SITES 1, 6, 7, 8 and 9. Based on the foregoing findings, the City Council finds and determines that the Southern Pacific Corridor Specific Plan – Site 1 (adopted February 28, 1984, Resolution No. 122-84) and Sites 6, 7, 8 and 9 (adopted March 13, 1984, Resolution No. 127-84), have been superseded by the 2017 LUTE and are hereby repealed. The boundaries of the Southern Pacific Corridor Specific Plan are shown on the map attached hereto as Exhibit B and incorporated by reference.

Adopted by the City Council at a regular meeting held on April 11, 2017, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Rebecca L. Moon  
Sr. Assistant City Attorney

**EXHIBIT A**

**CITY OF SUNNYVALE**

**LAND USE AND TRANSPORTATION ELEMENT**

**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 Land Use and Transportation Element (LUTE; 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 overriding considerations, as further described herein.

The Land Use and Transportation Element EIR is a “program EIR,” as defined by California Environmental Quality Act (CEQA) Guidelines Section 15168. The program-level analysis in the Draft EIR considered the broad environmental effects of implementing the project. When individual projects or activities are proposed, the City would be required to examine the projects or activities to determine whether their effects were adequately analyzed in the LUTE 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 has been certified which identifies one or more significant effects on the environment that would 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 California Code of Regulations Section 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 State CEQA Guidelines, sets forth the findings of the City as the lead agency under CEQA regarding the project.

A Notice of Preparation (NOP) dated March 2, 2012, was completed for the project under the project title *Sunnyvale Land Use and Transportation Element (LUTE) Update and Climate Action Plan (CAP)* (SCH #2012032003), and a scoping meeting was held on March 22, 2012. Subsequently, the Climate Action Plan (CAP) was separated from the then-proposed project and presented to the City Council for adoption independently from the Draft LUTE. An Initial Study/Negative Declaration (IS/ND) was prepared for the CAP, and the IS/ND and the CAP were adopted on May 20, 2014.

The public was provided an opportunity to comment on the scope of the EIR through a reissued Notice of Preparation (NOP) released on May 22, 2015, which was distributed to federal, state, county, and City agencies, neighborhood groups, and property owners and occupants in the project area. The City also held a public scoping meeting on June 17, 2015, and public comments on the Draft EIR were received until October 11, 2015 (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 August 26, 2015;

- B. All appendices to the Draft EIR;
- C. Final EIR, issued March 17, 2017, 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 March 27, 2017, 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 April 11, 2017, 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 California Code of Regulations, Section 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 Land Use and Transportation Element.

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

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

Many of the mitigation measures imposed or adopted pursuant to this document to mitigate the environmental impacts identified in the administrative record may have the effect of mitigating multiple impacts (e.g., measures imposed primarily to mitigate traffic impacts may also secondarily mitigate air quality impacts). 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**

The proposed project is the Draft LUTE, which upon adoption, would be incorporated into the Land Use and Transportation chapter of the General Plan.

Pursuant to State CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed project. The City of Sunnyvale has identified the following objectives to be achieved through adoption and implementation of the LUTE:



1. **Complete Community.** Create a place to live that is less dependent on automobiles, and reduces environmental impacts, with distinctive activity centers and neighborhoods with character and access to nearby services.
2. **Neighborhood and Transit-Oriented Placemaking.** Develop mixed-use areas that incorporate commercial, public, and residential uses that are compatible with surrounding neighborhoods, create dynamic gathering spaces, establish unique visual character, provide nearby services, and reduce reliance on automobiles.
3. **Economic Development.** The City fosters an economic development environment which provides a wide variety of businesses and promotes a strong economy that can resist downturns within existing environmental, social, fiscal, and land use constraints.
4. **Environmental Sustainability.** Provide environmental leadership through sustainable land use patterns, renewable energy opportunities, and a multimodal transportation system.
5. **Multimodal Transportation.** Offer the community a variety of options for travel in and around the city that are connected to regional transportation systems and destinations.
6. **Healthy Living.** Maximize healthy living choices by providing easy access to fresh and healthy food, a range of recreation and open space options for community members of all ages, and convenient and safe biking and walking options throughout the community.
7. **Attractive Design.** Protect the design and feel of buildings and spaces to ensure an attractive community for residents and businesses.
8. **Diverse Housing.** Provide residential options for all incomes and lifestyles, including a variety of dwelling types, sizes, and densities that contribute positively to the surrounding area and the diversity of the community.
9. **Special and Unique Land Uses.** Allow for land uses such as child care, nursing homes, places of worship, etc., that complete the community fabric.
10. **Neighborhood Preservation.** Ensure that all residential areas and business districts in the planning area retain desired character and are enhanced through urban design and compatible mixes of activities.

## VI. PROJECT DESCRIPTION

### A. Project Location

The City of Sunnyvale LUTE Planning Area is located in Santa Clara County, California. The Planning Area includes Sunnyvale and the City's Sphere of Influence. The Sphere of Influence is located in unincorporated Santa Clara County and comprises a portion of Moffett Federal Airfield in unincorporated Santa Clara County and one unincorporated county island. The LUTE

Planning Area boundaries are consistent with the currently adopted General Plan and consist of approximately 24 square miles of land located in the northwestern portion of Santa Clara County. Sunnyvale is located in the greater San Francisco Bay Area, southeast of Mountain View, west of Santa Clara, and north of Cupertino.

## **B. Project Area Characteristics**

The general area where Sunnyvale is located is commonly referred to as the South Bay and is also known as the Silicon Valley, as this region is home to many of the world's largest technology corporations. Sunnyvale is almost entirely surrounded by the cities of Santa Clara, Cupertino, Los Altos, and Mountain View and San Francisco Bay, generally between Calabazas Creek on the east and Stevens Creek on the west. Sunnyvale is located between two major earthquake faults, the San Andreas fault approximately 14 miles to the west and the Hayward fault approximately 18 miles to the east.

Sunnyvale is at the crossroads of five of the South Bay's major freeways and expressways—US 101 and State Route (SR) 237 to the north, SR 85 to the west, Interstate 280 (I-280) to the south, and Lawrence Expressway to the east. It also has airports nearby, including San Jose International Airport and Moffett Federal Airfield. Elevations in the city rise slightly from sea level at San Francisco Bay to 300 feet in the Planning Area's southwest corner.

Nearly all properties in Sunnyvale are developed; only 0.9 percent of land area is vacant. Residential areas account for the single largest land use, amounting to 54 percent of the developed area, while industrial and office uses constitute 25 percent of the developed area, excluding baylands and streets. The balance comprises open space and commercial and other urban land uses.

## **C. Project Characteristics and Components**

The Draft LUTE establishes the fundamental framework as to how the city would be laid out (streets and buildings) and how various land uses, developments, and transportation facilities would function together. It includes a series of land use and transportation goals, policies, and actions that provide direction for how much the city would change and grow, and where the change or growth would take place. These goals, policies, and programs reflect the economic, social, and cultural values of Sunnyvale. The land use policies identify the type, intensity, and design of land uses, and establish the desired mix and relationship between land uses.

The Draft LUTE includes a Land Use Map designating appropriate locations for existing and proposed future land uses and establishes standards for residential density and nonresidential building intensity for all land located in the Planning Area (see Table 1). The Draft LUTE includes increased residential densities and mixed-use residential/commercial growth in key transit-oriented areas and in new areas transformed into Village Centers, relative to existing conditions. The Draft LUTE also identifies areas for additional business (or industrial) development relative to existing conditions.

**Table 1: Draft LUTE Land Use Designations**

Land Use Category	Description	Maximum Density or Intensity	Typical Zoning District(s)
<b>Residential Land Uses</b>			
Low Density Residential	Primarily preserves existing single-family neighborhoods designed around parks or schools and located along neighborhood streets or residential collector streets. Larger lots may accommodate accessory dwelling units.	0–7 du/ac	R-0 and R-1 – Low Density Residential (7 du/acre)
Mobile Home Residential	Preserves existing mobile home parks found primarily in the northern part of the city. Several smaller mobile home parks in the southern section of the city are designated to transition to other types of residential uses. No new mobile home park development is anticipated.	0–12 du/ac	R-MH – Residential Mobile Home District (12 du/acre)
Low-Medium Density Residential	Preserves existing single-family, duplexes, and smaller multi-family use neighborhoods designed around parks or schools and located along neighborhood streets or residential collector streets. This designation includes small-lot single-family homes and zero lot line homes. Larger single-family lots may accommodate accessory living units.	7–14 du/ac	R-1.5– Low-Medium Residential (10 du/acre) R-2 – Low-Medium Residential (12 du/acre) R-1.7/PD – Low-Medium Density Residential/Planned Development (14/du/acre)
Medium Density Residential	Allows townhomes, apartments, and condominiums. Medium-density neighborhoods and developments are generally located along arterials and residential collector streets, and may also be located near industrial or commercial areas.	15–24 du/ac	R-3 – Medium Density Residential (24 du/acre)
High Density Residential	Allows apartments or condominiums, generally located next to expressways, major arterial roads, or freeways. Mixed-use projects are also encouraged when sites are located near public transit and where commercial uses would be beneficial to create a Village Center or meet a need for service in a residential or commercial neighborhood.	25–36 du/ac	R-4 – High Density Residential (36 du/acre) R-5 – High Density Residential/Office (45 du/acre)
Very High Density Residential	Allows for large-scale apartments or condominiums in Downtown or within Transit or Corridor Mixed Use areas. Very high density areas are limited to specific plan areas.	36–45 du/ac	Specific Plan or Area Plan

Land Use Category	Description	Maximum Density or Intensity	Typical Zoning District(s)
<b>Mixed Land Uses</b>			
Transit Mixed Use	Allows a mix of residential uses at various densities, high-intensity commercial uses, regional commercial uses, and office uses located near rail stops or other mass transit.	Typically up to 65 du/acre near transit stations Specific densities and intensities determined by Specific Plan or Area Plan	Downtown Specific Plan Blocks 1–23 Lawrence Station Area Plan Lawrence Station Mixed Use Development
Corridor Mixed Use	Allows regional, community, or employment-serving retail uses in conjunction with residential uses along major corridors.	Commercial FAR: 25% Residential: 24 du/acre Specific densities and intensities determined by Specific Plan or Area Plan	C-1, C-2, R-3, R-4, P-F, O, and other properties located in the Precise Plan for El Camino Real MU-C – Mixed-Use Commercial
Village Mixed Use	Allows neighborhood-serving commercial uses integrated with residential uses, typically located near arterial intersections or major collector streets providing pedestrian and bicycle connections. Promotes residential uses concentrated near street corners above commercial uses and buffers between higher-intensity development and adjacent lower-density neighborhoods.	Commercial FAR minimum: 10% Typical maximum: 25% Specific densities and intensities determined by Specific Plan or Area Plan	MU-V – Mixed-Use Village LSP – Lakeside Specific Plan (47 du/acre) with 263 hotel rooms
<b>Commercial, Office, and Industrial Land Uses</b>			
Commercial	Supports retail and retail service uses, with varying character, corresponding to zoning districts.		
	Neighborhood Commercial: Allows low-scale neighborhood-serving commercial uses such as grocery stores, retail, personal services, recreational studios, and tutoring.	Maximum height: 40 feet Lot coverage: 35%	C-1 – Neighborhood Business

Land Use Category	Description	Maximum Density or Intensity	Typical Zoning District(s)
	Highway Business: Allows retail and service uses such as “big-box” retailers, auto dealers, and hotels located along regionally significant roads.	Maximum height: 75 feet; greater heights allowable with conditional use permit Lot coverage: 35%	C-2 – Highway Business
	Commercial Central Business: Allows large-scale retail, commercial, shopping, and service facilities that serve the greater regional area.	Maximum height: 75 feet; greater heights allowable with conditional use permit Lot coverage: 35%	C-3 – Regional Business
	Service Commercial: Allows service commercial uses, including auto repair, other service shops, and self-storage.	Maximum height: 40 feet Lot coverage: 35%	C-4 – Service Commercial
Industrial	Allows research and development, manufacturing, office, and heavy industrial uses in the northern portion of the Planning Area. Retail restaurant and other retail service uses may also be appropriate. Sensitive receptors are limited or prohibited.	FAR: 35% with specialized areas of the city designated for more intensive development (see Specialized Areas Map) or as approved by conditional use permit.	M-S – Industrial Service (35% FAR) M-3 – General Industrial (35% FAR) MP-TOD – Moffett Park Transit-Oriented Development MP-I – Moffett Park General Industrial MP-C – Moffett Park Commercial
Office	Allows corporate, professional, and medical offices in close proximity to residential neighborhoods. Child-care facilities and places of assembly may also be appropriate. Not intended for retail, retail service, or uses involving hazardous or noxious chemicals. Conditionally compatible with residential zoning.	N/A	O – Office
<b>Public Designations</b>			
Public	Allows public and quasi-public services	Varies	P-F – Public Facility

Land Use Category	Description	Maximum Density or Intensity	Typical Zoning District(s)
Facilities	such as parks, schools, places of assembly, child care, civic facilities, public works facilities, Moffett Federal Airfield and other public services and facilities.		
Baylands	Natural resource conservation areas north of the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station) and industrial campuses within the Moffett Park Specific Plan. This area may include trails and other public recreation uses, but no habitable structures or permanent development are anticipated.	N/A	P-F – Public Facility

The Draft LUTE plans for the potential buildout of 72,100 housing units and 59.8 million square feet of industrial, office, and commercial space in the city for approximately the next 20 years (“Horizon 2035 LUTE”) (see Table 2). This represents an additional 5,530 housing units and 4.3 million square feet of office, industrial, and commercial development over the current adopted LUTE at buildout, as shown in Table 2. Based on historic growth rates, buildout is not expected to occur by 2035, and the Draft LUTE does not include any policy mandating that this extent of growth be achieved within this time frame. However, for purposes of the analysis in the Draft EIR, it was assumed that buildout would occur by 2035.

**Table 2: Draft LUTE Land Use Characteristics (2014–2035)**

	2014 Conditions	Existing LUTE Buildout	Horizon 2035 LUTE Buildout
Population	147,055	161,099	174,500
Housing Units	57,000	66,570	72,100
Industrial/Office/Commercial (million sq. ft.)	47.3	55.5	59.8
Jobs	82,000	109,901	124,410
Jobs to Housing Units Ratio	1.44	1.65	1.73

The Draft LUTE includes nine area or specific plans and directs preparation of additional plans for each of the proposed Village Centers (see Table 3). Some of these plan areas are already fully or nearly fully built out, while others are identified for transformation.

**Table 3: Specific and Area Plans**

Name	Land Use Type(s)	Status
Downtown	Transit Mixed Use	Specific Plan complete. Identified as Transformation site in Draft LUTE.

Name	Land Use Type(s)	Status
Moffett Park	Corporate headquarters; R&D	Specific Plan complete. Identified as Transformation site in Draft LUTE.
The Woods	Small-scale industrial	Future Area Plan anticipated.
East Sunnyvale and other Industrial to Residential (ITR) sites	Residential	80% of designated sites have transitioned to residential uses; possible expansion to provide additional sites.
El Camino Real	Corridor Mixed Use	Specific Plan update in progress. Identified as Transformation site in Draft LUTE.
Lawrence Station Area	Transit Mixed Use	Area Plan recently completed. Identified as Transformation site in Draft LUTE.
Peery Park	Industrial; Commercial	Specific Plan recently completed. Identified as Transformation site in Draft LUTE.
Neighborhood Village Centers	Transit Mixed Use	Future specific or area plans anticipated. Identified as Transformation sites in Draft LUTE.
Lakeside Specific Plan	Hotel; Residential	Specific Plan recently completed Identified as Transformation site in Draft LUTE.

These area and specific plans would accommodate the distribution of net new development anticipated in the table titled Draft LUTE Land Use Characteristics (2014–2035), above, primarily in Peery Park, Lawrence Station, El Camino Real, Reamwood, and proposed mixed-use Village Centers. A small number of new residential units are anticipated throughout the Planning Area outside of these areas.

The Draft LUTE also envisions a more efficient and effective future transportation system for Sunnyvale. Draft LUTE policies represent a continuing shift in focus from primarily automobile travel to increased use of public transit, bicycle, and pedestrian transportation modes. The Draft LUTE identifies planned enhancements to the system. For each roadway type, the Draft LUTE identifies design guidelines illustrating how street space is divided among right-of-way, roadway travel lanes, sidewalks, parkways, bikeways, and spaces for other travel modes. The Draft LUTE prioritizes investment in pedestrian, bicycle, and transit improvements as a way to achieve greater mobility within the community and to comply with recent legislation related to the reduction of greenhouse gas emissions. Transportation performance metrics are established in the Draft LUTE to assess new projects consisting of a traditional approach using level of service (LOS). Draft LUTE transportation policies also outline future approaches the City may use to measure and evaluate transportation system performance using alternative metrics, including, but not limited to, vehicle miles traveled (VMT). Draft LUTE policies focus on providing multiple transportation options to increase LOS for vehicle travel and decrease VMT by single-occupant cars.

**D. PROJECT ACTIONS**

Project actions may include the following:

- Certify the Final EIR
- Amend the General Plan and adopt the Draft LUTE
- Adopt required findings for the adoption of the Draft LUTE, including required findings under State CEQA Guidelines Sections 15090, 15091, and 15093
- Adopt a Mitigation Monitoring and Reporting Program

## **VII. IMPACTS, MITIGATION MEASURES, AND FINDINGS**

In conformance with Section 15091 of the State CEQA Guidelines, this section of the findings lists each significant environmental impact of the project listed in the 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 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 LUTE is adopted by the City.

### **A. Air Quality**

#### **Impact**

**Impact 3.5.2** Subsequent land use activities associated with implementation of the proposed Draft LUTE would not conflict with the Bay Area 2010 Clean Air Plan; however, such activities would result in a vehicle miles traveled increase greater than the projected population increase. Therefore, consistent with BAAQMD guidance, the Draft LUTE would result in an air quality violation.

#### **Mitigation Measures**

None feasible.

#### **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: The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines do not contain numeric thresholds related to criteria pollutant emissions resulting from plan implementation, such as implementation of the proposed Draft LUTE. According to the BAAQMD CEQA Guidelines, in order to identify whether the proposed Draft LUTE would violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation, the proposed project must demonstrate consistency with the control measures contained in the Bay Area 2010 Clean Air Plan and show that projected VMT increases as a result of the Draft LUTE are less than or equal to projected jobs and population increases (service population increases) over the plan's planning period. The proposed Draft LUTE would be consistent with the 2010 Clean Air Plan, but the Draft LUTE would result in an estimated addition of 27,445 residents and 42,410 jobs over existing conditions by the year 2035, equating to a 30.4 percent service population increase. The Draft LUTE would result in the estimated addition of 939,604 daily vehicle miles traveled (VMT) over existing conditions in 2035, an increase of 43.8 percent. As a result, VMT would increase at a higher rate than service population growth in comparison to existing conditions. Therefore, this impact would be significant. Even with the Draft LUTE's focus on infill and alternative transportation modes, there are no feasible measures to further reduce VMT without substantially altering the Draft LUTE and reducing its infill development potential. The impact would remain significant and unavoidable. (Draft EIR pp. 3.5-20 through -23).

### **Impact**

**Impact 3.5.3** Subsequent land use activities associated with implementation of the proposed Draft LUTE could result in short-term construction emissions that could violate or substantially contribute to a violation of federal and state standards.

### **Mitigation Measures**

**MM 3.5.3** The following will be added as policies to the Environmental Management Chapter of the General Plan:

NEW POLICY: 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.

NEW POLICY: In the cases where construction projects are projected to exceed the BAAQMD's air pollutant significance thresholds for NOX, PM<sub>10</sub>, and/or PM<sub>2.5</sub>, all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, 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: Construction of residential and nonresidential projects under the Draft LUTE would generate air pollutant emissions. Quantifying the air quality pollutant emissions from future, short-term, temporary construction activities allowed under the proposed Draft LUTE 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 determined. However, depending on how development proceeds, construction-generated emissions associated with the Draft LUTE could be below or could exceed BAAQMD thresholds of significance. Future project-level analyses of air quality impacts may be conducted on a case-by-case basis as individual, future development projects allowed under the Draft LUTE proceed. Projects estimated to exceed BAAQMD significance thresholds are required to implement mitigation measures in order to reduce air pollutant emissions as much as feasible. Mitigation measure MM 3.5.3 requires new policies to be added to the Environmental Management Chapter of the General Plan to address construction emissions. These policies require development projects to incorporate dust control and construction equipment emissions controls, which would likely mitigate most construction emissions from development under the Draft LUTE. However, the extent of construction that may occur at any specific period of time is currently unknown to determine whether the above mitigation measures would fully mitigate this temporary impact below BAAQMD thresholds. Given this uncertainty, this impact would remain significant and unavoidable (Draft EIR pp. 3.5-23 through -25).

## **Impact**

**Impact 3.5.5** Subsequent land use activities associated with implementation of the proposed Draft LUTE could result in increased exposure of existing or planned sensitive land uses to construction-source toxic air contaminant (TAC) emissions.

## **Mitigation Measures**

**MM 3.5.5** The following will be added as policies to the Environmental Management Chapter of the General Plan:

NEW POLICY: In the case when a subsequent project's construction span is greater than 5 acres and/or is scheduled to last more than two years, the subsequent project applicant shall be required to prepare a site-specific construction pollutant mitigation plan in consultation with Bay Area Air Quality Management District (BAAQMD) staff prior to the issuance of grading permits. A project-specific construction-related dispersion modeling

acceptable to the 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 one 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 school hours.
3. Notifying 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 TAC emissions during construction.

Explanation/Facts Supporting the Finding: Implementation of the Draft LUTE would result in the construction of new dwelling units and nonresidential square footage. Sources of construction-related TACs potentially affecting sensitive receptors include off-road diesel-powered equipment. Construction would result in the generation of diesel particulate matter (PM) emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The use of diesel-powered construction equipment during construction would be temporary and episodic and would occur over several locations isolated from one another. Construction projects contained in a site of less than 5 acres are generally considered to represent less than significant health risk impacts due to (1) limitations on the off-road diesel equipment able to operate and thus a reduced amount of generated diesel PM, (2) the reduced amount of dust-generating ground disturbance possible compared to larger construction sites, and (3) the reduced duration of construction activities compared to the

development of larger sites. Nonetheless, there is a potential for larger-scale construction projects to occur in close proximity to residential and other sensitive land uses, which may result in construction TAC emissions requiring mitigation. This potentially significant impact would be reduced to a less than significant level through implementation of mitigation measure MM 3.5.5, which requires the addition of a policy to the Environmental Management Chapter of the General Plan to address TAC emissions. Under this policy, a site-specific analysis of large-scale construction projects (greater than 5 acres and/or lasting longer than two years) would be required to evaluate construction-generated TAC impacts based on specific project details of future development, and the development of adequate mitigation, in consultation with the BAAQMD, to address impacts (Draft EIR pp. 3.5-26 through -28).

### **Impact**

**Impact 3.5.6** Subsequent land use activities associated with implementation of the proposed Draft LUTE could result in the development of housing units (sensitive land uses) near stationary or mobile-source TACs. In addition, future development could generate new sources of TACs in the city, which could expose existing or new sensitive receptors to unhealthy levels of TACs and PM<sub>2.5</sub>.

### **Mitigation Measures**

**MM 3.5.6** The following will be added as policies to the Environmental Management Chapter of the General Plan:

NEW POLICY: The following measures shall be utilized in site planning and building designs to reduce TAC and PM<sub>2.5</sub> exposure where new receptors are located within 1,000 feet of emissions sources:

- Future development that includes sensitive receptors (such as residences, schools, hospitals, daycare centers, or retirement homes) located within 1,000 feet of Caltrain, Central Expressway, El Camino Real, Lawrence Expressway, Mathilda Avenue, Sunnyvale-Saratoga Road, US 101, State Route 237, State Route 85, 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 the 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<sub>2.5</sub> exposures greater than 0.8  $\mu\text{g}/\text{m}^3$ ) 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 identified as a permitted stationary TAC source or projected to generate more than 100 heavy-duty truck trips 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<sub>2.5</sub> exposures greater than 0.3 µg/m<sup>3</sup> through source control measures.
- For significant cancer risk exposure, as defined by the BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to avoid adverse public health impacts. Projects shall submit performance specifications and design details to demonstrate that lifetime residential exposures would not result in adverse public health impacts (less than 10 in one million chances).

### **Finding**

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to TAC emissions during occupancy of future projects in the Draft LUTE Planning Area.

Explanation/Facts Supporting the Finding: There is a potential that future sensitive receptors in Sunnyvale could be exposed to TAC emissions from stationary and/or mobile sources, depending on location. Additionally, there is a potential that new TAC sources could be constructed, exposing existing or new sensitive receptors to TAC emissions. The primary mobile sources affecting Sunnyvale include the Caltrain corridor, major streets, expressways, and freeways. Stationary sources of TACs within and adjacent to Sunnyvale include gasoline stations, emergency backup generators, and dry cleaning facilities. The primary TAC emitted by trains traversing Sunnyvale is diesel PM. By 2040, Caltrans has scheduled 100 percent of Caltrain trains to be powered by electricity, which would substantially reduce PM emissions. Diesel PM is also the primary TAC associated with the major roadways and highways traversing Sunnyvale. Recent regulations imposed by CARB are anticipated to substantially reduce future diesel PM emissions.

The Draft LUTE would allow for the potential growth of new sensitive receptors in areas that might be exposed to substantial concentrations of TACs. The proposed Draft LUTE would also allow for the potential development of nonresidential land uses that are TAC emissions sources. Typically, new TAC sources developed in the Planning Area would be evaluated through the BAAQMD permit process or the CEQA process to identify and mitigate any significant exposures. In addition to adherence to BAAQMD regulations and CARB land use guidelines for siting sensitive receptors near TAC sources, Draft LUTE policies and actions would further reduce the exposure of additional people to potential risks from TACs. The BAAQMD's permitting procedures require substantial control of emissions from stationary sources, and permits are not issued unless TAC risk screening or TAC risk assessment can show that risks are not significant. However, some new TAC sources, such as truck loading docks or truck

parking areas, do not require a BAAQMD permit and would not be subject such a process, thereby resulting in the potential to cause significant increases in TAC exposure. This potentially significant impact would be reduced to a less than significant level through implementation of mitigation measure MM 3.5.6, which requires the addition of a policy to the Environmental Management Chapter of the General Plan to address TAC emissions. With the addition of this policy, adequate measures and associated performance standards would be in place to reduce health risk due to TAC emissions during project operation (Draft EIR pp. 3.5-28 through -32).

### **Impact**

**Impact 3.5.7** Subsequent land use activities associated with implementation of the proposed Draft LUTE could include sources that could create objectionable odors affecting a substantial number of people or expose new residents to existing sources of odor.

### **Mitigation Measures**

**MM 3.5.7** The following will be added as a policy and actions to the Environmental Management Chapter of the General Plan:

NEW POLICY: Avoid Odor Conflicts. Coordinate land use planning to prevent new odor complaints.

NEW ACTION: Consult with the BAAQMD to identify the potential for odor complaints from various existing and planned or proposed land uses in Sunnyvale. Use BAAQMD odor screening distances or city-specific screening distances to identify odor potential.

NEW ACTION: Prohibit new sources of odors that have the potential to result in frequent odor complaints unless it can be shown that potential odor complaints can be mitigated.

NEW ACTION: Prohibit sensitive receptors from locating near odor sources where frequent odor complaints would occur, unless it can be shown that potential odor complaints can be mitigated.

### **Finding**

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to odors during occupancy of future projects in the Draft LUTE Planning Area.

Explanation/Facts Supporting the Finding: Subsequent land use activities associated with implementation of the proposed Draft LUTE could allow the development of uses that have the potential to produce odorous emissions during either construction or operation of future

development. Additionally, subsequent land use activities may allow the construction of sensitive land uses (i.e., residential development, parks, offices, etc.) near existing or future sources of odorous emissions. Sunnyvale includes potential odor sources throughout the city that could affect new sensitive receptors. Most of these major existing sources are already buffered. However, due to the commercial or industrial nature of sections of Sunnyvale, odors may be present. Responses to odors are subjective and vary by individual and type of use. Sensitive land uses that include outdoor uses, such as residences and possibly daycare facilities, are likely to be affected most by existing odors. According to the BAAQMD, an odor source with five or more confirmed complaints per year averaged over three years is considered to have significant impacts, and the BAAQMD recommends that buffer zones to avoid adverse impacts from odors should be reflected in local plan policies, land use maps, and implementing ordinances. Draft LUTE policies and actions would reduce the exposure of additional people to odors, but there is not a policy provision that specifically addresses potential conflicts in land uses that could result in odor complaints. Implementation of mitigation measure MM 3.5.7, which requires the addition of a policy and actions to the Environmental Management Chapter of the General Plan to address odors, would reduce this potentially significant impact to a less than significant level. With these measures, potential land use conflicts associated with odors would be addressed through careful planning, and if control measures are required, they would be incorporated into project design (Draft EIR pp. 3.5-32 through -34).

### **Impact**

**Impact 3.5.8** Subsequent land use activities associated with implementation of the proposed Draft LUTE, in combination with cumulative development in the SFBAAB [San Francisco Bay Area Air Basin], could result in a cumulatively considerable net increase of criteria air pollutants for which the air basin is designated nonattainment.

### **Mitigation Measures**

Implement mitigation measures MM 3.5.3 and MM 3.5.6.

### **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: Air pollution is largely a cumulative impact. 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. If a project exceeds its identified significance

thresholds, the project's impact would be cumulatively considerable. As stated above, VMT would increase at a higher rate than service population growth in comparison to existing conditions under the proposed Draft LUTE. In addition, due to the programmatic and conceptual nature of the proposed Draft LUTE and uncertainties related to future individual projects, it cannot be guaranteed, even with mitigation, that construction of subsequent projects allowed under the Draft LUTE would generate air pollutant emissions below BAAQMD significance thresholds or that future projects would not result in the exposure of sensitive receptors to substantial concentrations of TACs. Even with implementation of mitigation measures MM 3.5.3 and MM 3.5.6 and adherence to BAAQMD rules to reduce emissions, it cannot be guaranteed that air pollutant emissions would be reduced to below BAAQMD significance thresholds. This cumulative impact would remain significant and unavoidable (Draft EIR pp. 3.5-34 through -35).

## **B. Cultural Resources**

### **Impact**

**Impact 3.10.1** Implementation of the Draft LUTE could indirectly result in impacts on historic structures.

### **Mitigation Measures**

None feasible.

### **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:** Sunnyvale includes numerous buildings that have historical value which are associated with the city's previous industrial and military-related industries. While the Draft LUTE does not propose the removal of any historic resources, implementation of Draft LUTE policies and actions would allow for new land uses, development, and redevelopment. Depending upon the buildings' location, these subsequent actions have the potential to directly (i.e., demolition) or indirectly (i.e., adverse effects to historical setting from adjacent construction) impact historic buildings and structures that qualify as historic resources under CEQA. Policies in the Community Character chapter of the Sunnyvale General Plan provide a mechanism to protect resources, but there may be circumstances where it may not be feasible to retain a historic structure. While prohibiting demolition of historic structures or requiring modifications to historic structures to comply with the Secretary of the Interior's Standards may avoid this impact, compliance with such requirements may not be feasible in all circumstances for public health and safety reasons. The required rehabilitation of the structure may also result in the loss of historic features and/or uses, and/or costs to rehabilitate the structure in accordance with the Secretary of the Interior's Standards may be economically



infeasible. Therefore, no feasible mitigation is available, and this impact would remain significant and unavoidable (Draft EIR p. 3.10-13).

### **Impact**

**Impact 3.10.3** Implementation of the Draft LUTE, in addition to existing, approved, proposed, and reasonably foreseeable development in the region, could result in significant cumulative impacts to cultural resources in Santa Clara County.

### **Mitigation Measures**

None available.

### **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: Most cultural resources impacts are generally site-specific and not cumulative in nature, as impacts vary by site characteristics and history. However, continued growth in the region would contribute to the potential for loss of cultural resources, which are finite and nonrenewable resources. These resources include archaeological resources associated with Native American activities and historic resources associated with settlement, farming, and economic development. Implementation of the Draft LUTE, in combination with cumulative development in the surrounding portions of Santa Clara County, would increase the potential to disturb known and undiscovered cultural resources. For built-environment historical resources, subsequent proposed development projects consistent with the Draft LUTE could adversely affect such resources due to resource demolition or surrounding land uses and site designs that are more intense and incompatible, which could impact the historical integrity of nearby historical buildings. Such development also has the potential to adversely affect archaeological resources and human remains through their destruction or disturbance. These conditions exist both in Sunnyvale and in portions of surrounding Santa Clara County. Implementation of Draft LUTE policies would offset Draft LUTE impacts on archaeological resources by protecting discovered resources. While prohibiting demolition of historic structures or requiring modifications to historic structures would avoid this impact, compliance with such requirements may not be feasible in all circumstances. Therefore, the Draft LUTE's contribution to this significant impact is considered cumulatively considerable, and the impact would be significant and unavoidable (Draft EIR pp. 3.0-14 through -15).

## **C. Noise**

### **Impact**

**Impact 3.6.2** New development under the Draft LUTE would generate increased local traffic volumes that could cause a substantial permanent increase in ambient noise levels for existing noise-sensitive receptors.

**Mitigation Measures**

None available.

**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: The City reviews proposed development for compliance with specific noise thresholds, and the General Plan requires that analyses account for the increases in noise levels over pre-project noise conditions. The primary factor contributing to the ambient noise environment as a result of the Draft LUTE would be an increase in vehicular traffic from proposed new land uses. Predicted increases in traffic noise levels associated with the project would not be greater than the applicable noise level thresholds along most roadway segments, with the exception of Hollenbeck Avenue between Evelyn Avenue and El Camino Real, and Remington Avenue between Hollenbeck Avenue and Sunnyvale Avenue. The need for site-specific noise attenuation measures from any noise source will be determined on a project-by-project basis at the time development is proposed. It is infeasible to ensure that existing residential uses along these portions of Hollenbeck Avenue and Remington Avenue would not be exposed to future traffic noise levels exceeding the City's noise standards or significantly exceeding the levels to which they are currently exposed. For example, it may not be possible to construct a noise barrier at an existing residence due to engineering constraints (utility easements or driveway openings), and building façade sound insulation would only benefit interior spaces, so outdoor activity areas may still be affected. It may also be infeasible to reduce speed limits in areas where speed surveys would not safely support the reduction. In addition, busy streets tend to also serve commercial uses, so restricting trucks on the busier streets would be impractical. Although a combination of various noise reduction measures could be highly effective in reducing traffic noise levels on a citywide basis, it is not possible to state with absolute certainty that feasible mitigation measures are available to mitigate this impact at every existing noise-sensitive use. As a result, this impact would remain significant and unavoidable (Draft EIR pp. 3.6-34 through -38).

**Impact**

**Impact 3.6.3** The Draft LUTE would provide for development of sensitive land uses in areas of the city adjacent to the existing Caltrain and light rail corridors. Groundborne vibration from construction activities could be substantial.

Implementation of the Draft LUTE would not result in excessive operational vibration but does not address construction vibration.

### **Mitigation Measures**

**MM 3.6.3** The following will be included as a policy or implementation measure to the Safety and Noise Chapter of the General Plan:

New development and public projects shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City. 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., jackhammers, 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; 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 and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures). 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;
  - Implementing “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, notifying 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 groundborne vibration during construction of future projects in the Draft LUTE Planning Area.

Explanation/Facts Supporting the Finding: Construction activities would require the use of off-road equipment such as tractors, jackhammers, and haul trucks. Ground vibration generated by most construction equipment would not be anticipated to exceed what the Federal Transit Administration considers an acceptable level for vibration (85 vibration decibels [VdB] at 50 feet). However, pile driving (not a frequent construction method) can generate peak particle velocity of up to 1.5 inches per second at a distance of 25 feet, which can damage buildings. This potentially significant impact would be reduced to a less than significant level through implementation of mitigation measure MM 3.6.3, which requires a policy or implementation measure be added to the Safety and Noise Chapter of the General Plan that establishes that new development and public projects shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. The mitigation measure provides some recommended control strategies that specifically address construction vibration (Draft EIR pp. 3.6-38 through -40).

### **Impact**

**Impact 3.6.4** New development provided for by the Draft LUTE could result in the exposure of persons to or generation of noise levels in excess of City noise standards.

### **Mitigation Measures**

Implement mitigation measure MM 3.6.3 (included above).

### **Finding**

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to noise generated during construction of future projects in the Draft LUTE Planning Area.

Explanation/Facts Supporting the Finding: Major noise-generating construction activities associated with new projects would include removal of existing pavement and structures, site grading and excavation, installation of utilities, construction of building foundations, cores, and shells, paving, and landscaping. The highest noise levels would be generated during demolition of existing structures when impact tools are used (e.g., jackhammers, hoe rams) and during the construction of building foundations when impact pile driving is required to support the structure. Site grading and excavation activities would also generate high noise levels, as these phases often require the simultaneous use of multiple pieces of heavy equipment such as dozers, excavators, scrapers, and loaders. The City of Sunnyvale does not establish quantitative noise limits for demolition or construction activities occurring in the city.

Because construction noise would be intermittent, short in duration, and would take place during legal hours of construction, increases in noise due to construction activities would not be typically considered substantial. However, there may be circumstances where temporary construction noise levels are substantial and would cause substantial annoyance to residents during the daytime hours. This potentially significant impact would be reduced to a less than significant level through implementation of mitigation measure MM 3.6.3, which requires the development of a Noise Control Plan for construction activities. Measure implementation would ensure that construction noise attenuation is being provided to minimize this temporary noise impact in combination with the time restrictions for construction activities (Draft EIR pp. 3.6-40 through -42).

### **Impact**

**Impact 3.6.6** New development pursuant to the Draft LUTE would contribute to a substantial increase in permanent traffic noise levels on area roadways.

### **Mitigation Measures**

None available.

### **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: Noise levels along highways, expressways, and other roadways in Sunnyvale under cumulative year 2035 conditions with implementation of the Draft LUTE would result in increases in noise levels over the cumulative without project noise conditions that would be greater than the applicable noise level thresholds on Remington Avenue between Hollenbeck Avenue and Sunnyvale Avenue, and on Hollenbeck Avenue between Evelyn Avenue and El Camino Real. Noise levels cannot be feasibly mitigated, as stated in the discussion for Impact 3.6.2. The Draft LUTE's contribution would be cumulatively

considerable, and the impact would remain significant and unavoidable (Draft EIR pp. 3.6-43 through -44).

## **D. Transportation and Circulation**

### **Impact**

**Impact 3.4.2** Subsequent land use activities associated with implementation of the Draft LUTE would result in traffic operations in the Planning Area that would adversely impact transit travel times.

### **Mitigation Measures**

None feasible.

### **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: Traffic from the Draft LUTE buildout in 2035 would have significant traffic operational impacts at 17 intersections when compared to existing conditions. Currently, all but the SR 85 southbound ramps and the Fremont Avenue intersection are located on one or more bus routes. The intersection delays at 16 impacted intersections would significantly impact transit travel times. Draft LUTE policies provide the elements of a Transportation Demand Management (TDM) program consisting of a combination of services, incentives, facilities, and actions that would reduce single-occupant vehicle trips to help relieve traffic congestion. The City would require that new development achieve a 20 to 35 percent trip reduction target, depending on the proposed land use and its location. Implementation of a TDM program consistent with these policies would eliminate the intersection impacts at six more intersections. As stated in Impact 3.4.7 in the Draft EIR, feasible mitigation measures for improved intersection operations (mitigation measure MM 3.4.7) are only available at the intersections of Duane Avenue/Stewart Drive/Duane Avenue (intersection #19) and Wolfe Road/Fremont Avenue (intersection #29). With implementation of Draft LUTE policies and mitigation measure MM 3.4.7, the significant cumulative impact on transit travel times at these intersections would be reduced to less than significant. For the remaining nine impacted intersections, listed in the Impact 3.4.7 discussion below, the Draft LUTE's cumulative impact on transit travel times would be cumulatively considerable. Additional intersection and roadway facility improvements are not feasible and/or are not under the City's control to reduce the impacts at these intersections. Therefore, the impact on transit travel times would remain significant and unavoidable (Draft EIR pp. 3.4-56 through -58).

## **Impact**

**Impact 3.4.7** Subsequent land use activities associated with implementation of the Draft LUTE would contribute to significant traffic operational impacts to intersections and freeway segments as compared to existing conditions.

## **Mitigation Measures**

**MM 3.4.7a** *Duane Avenue/Stewart Drive & Duane Avenue (#19)*. The following roadway improvements shall be included in the City's fee program:

- Restripe the westbound leg to one left turn lane, one shared through-right lane, and one right turn lane.

Or

- Convert the intersection to a two-lane roundabout.

**MM 3.4.7b** *Wolfe Road & Fremont Avenue (#29)*. The following roadway improvements shall be included in the City's fee program:

Construction of an exclusive southbound right turn lane for the length of the segment. The northbound leg will also require a second left turn lane. The eastbound inner left turn lane will require restricting the U-turn movement to allow for a southbound overlap right turn phase. Depending on the extent of the median on the north leg that could be removed, the north leg will be widened between 3 and 11 feet. The north leg will be realigned to accommodate the southbound right turn. There is existing right-of-way on the northeast quadrant of the intersection. The second northbound left turn lane will need to be the same length as the existing left turn lane. Right-of-way acquisition would be required from the southwest quadrant. The south leg will need to be realigned. The south leg will be widened by 10 feet.

## **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: Traffic from the Draft LUTE buildout in 2035 would have significant traffic operational impacts at 17 intersections (including Congestion Management Plan facilities and intersections in the City of Santa Clara) when compared to existing conditions. Draft LUTE TDM policies would eliminate the intersection impacts at six intersections. Implementation of mitigation measure MM 3.4.7 would reduce the impacts at two intersections: Duane Avenue/Stewart Drive (intersection #19) and Wolfe Road/Fremont Avenue (intersection #29) to a less than significant level. For the following nine intersections, a TDM

program would not be sufficient to mitigate the intersection impacts by reducing the Draft LUTE's contribution below the threshold for a significant contribution or reducing the overall intersection volumes to a level that eliminates significant cumulative impacts. The Draft LUTE intersection impact at all nine remaining intersections would be cumulatively considerable, and there is no feasible mitigation available to the City of Sunnyvale to mitigate the cumulative impact. Therefore, the impact would remain significant and unavoidable.

- Lawrence Expressway/Lakehaven Drive (#12) (intersection on CMP roadway) – from LOS E in PM under existing conditions to LOS F in PM peak hour under 2035 conditions
- Lawrence Expressway/Oakmead Parkway (#15) (intersection on CMP roadway) – from LOS D in AM and LOS E in PM under existing conditions to LOS F in AM and PM peak hours under 2035 conditions
- Mary Avenue/Central Expressway (#52) (CMP intersection) – from LOS E in PM under existing conditions to LOS F in PM peak hour under 2035 conditions
- Mary Avenue/Fremont Avenue (#55) – from LOS D in AM and PM under existing conditions to LOS F in AM and PM peak hours under 2035 conditions
- SR 85 Southbound/Fremont Avenue (#60) – from LOS D in AM and LOS C in PM under existing conditions to LOS F in AM and PM peak hours under 2035 conditions
- Lawrence Expressway/Cabrillo Avenue (#82) (intersection on CMP roadway in the City of Santa Clara) – from LOS E in AM and PM under existing conditions to LOS F in AM and PM peak hours under 2035 conditions
- Lawrence Expressway/Benton Street (#84) (intersection on CMP roadway in the City of Santa Clara) – from LOS F in AM and LOS E PM under existing conditions to LOS F in AM and PM peak hours under 2035 conditions
- Lawrence Expressway/Homestead Road (#85) (CMP intersection in the City of Santa Clara) – from LOS F in PM and PM under existing conditions to increased delay and LOS F in AM and PM peak hours under 2035 conditions
- Lawrence Expressway/Pruneridge Avenue (#86) (intersection on CMP roadway in the City of Santa Clara) – from LOS E in AM under existing conditions to LOS F in AM peak hour under 2035 conditions

The Draft LUTE would result in cumulatively considerable contributions to mixed-flow lanes on certain freeway segments in Santa Clara, San Mateo, and Alameda counties that are expected to operate at LOS F during either the AM or PM peak hour under 2035 conditions as compared to existing conditions. The Santa Clara Valley Transportation Authority's (VTA) Valley Transportation Plan 2040 identifies freeway express lane projects along segments of SR 237, US 101, I-280, and I-880 and along all of SR 87 and SR 85. The Metropolitan Transportation Commission plans to convert the existing high-occupancy vehicle (HOV) lanes to express lanes on I-880 at certain locations. On all identified freeway segments, the existing HOV lanes are proposed to be converted to express lanes. The freeways are under Caltrans jurisdiction, and capacity improvements on freeways are beyond the capabilities of the City of Sunnyvale and



are not within the City's authority to implement. There is no feasible mitigation available to the City of Sunnyvale to mitigate the cumulative impact. Therefore, the freeway impacts would remain significant and unavoidable (Draft EIR pp. 3.4-62 through -98).

## **E. Greenhouse Gases and Climate Change**

### **Impact**

**Impact 3.13.1** The Draft LUTE may conflict with the Sunnyvale Climate Action Plan (CAP), as it consists of growth beyond what was utilized in the CAP.

### **Mitigation Measures**

**MM 3.13.1** Upon adoption of the Draft LUTE, the City will update the Climate Action Plan to include the new growth projects of the Draft LUTE and make any necessary adjustments to the CAP to ensure year 2020 and 2035 greenhouse gas emission reduction targets are attained.

### **Finding**

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen any potential impact related to greenhouse gas emissions and the City's Climate Action Plan.

Explanation/Facts Supporting the Finding: Under the Draft LUTE, greenhouse gas (GHG) emissions would be generated over the short term from construction activities, consisting primarily of emissions from equipment exhaust. There would also be long-term regional emissions associated with new vehicle trips and indirect source emissions, such as electricity usage for lighting. Buildout under the Draft LUTE would result in approximately 176,672 metric tons of carbon dioxide equivalents (CO<sub>2</sub>e) annually under year 2035 conditions. This amount reflects combined emissions from all the potential new development allowed under the Draft LUTE. The corresponding metric ton per service population ratio is 2.5 for year 2035 conditions. This service population ratio is below the ratio of 2.6 metric tons per service population in the City's CAP. According to the latest biennial report for the CAP, the ratio is 2.7.

The City's CAP used existing General Plan designations when predicting growth. While Draft LUTE-specific growth was not factored into the CAP growth projections, future development projects under the Draft LUTE would be required to comply with the provisions of the Sunnyvale CAP, and implementation of Draft LUTE policies and actions would further help reduce GHG emissions. Nonetheless, the Draft EIR recognized that GHG modeling for the Draft LUTE (CalEEMod) used different assumptions and inputs than the activity-based modeling used for the Sunnyvale CAP, and results of each cannot equivalently be compared to demonstrate compliance with GHG reduction targets in the CAP for 2035. This cumulatively considerable impact could be reduced to a less than significant level through implementation of mitigation

measure MM 3.13.1, which would ensure that the CAP incorporates the Draft LUTE growth projections to ensure GHG emissions are reduced consistent with CAP greenhouse gas reduction targets and percentages that are consistent with state reduction targets (Draft EIR pp. 3.13-12 through -19).

## **VIII. SUMMARY OF SIGNIFICANT AND UNAVOIDABLE ADVERSE EFFECTS**

With respect to the foregoing findings and in recognition of those facts that are included in the record, as set forth in Article VII.A (Air Quality), Article VII.B (Cultural Resources), Article VII.C (Noise), Article VII.D (Transportation and Circulation), and Article VII.E (Greenhouse Gases and Climate Change), above, the City has determined that the proposed project will result in nine significant unmitigated impacts related to criteria air pollutant emissions during construction and operation (Impact 3.5.2 and Impact 3.5.3 [project impact] and Impact 3.5.8 [cumulative impact]); historic and cultural resources (Impact 3.10.1 [project impact] and Impact 3.10.3 [cumulative impact]); increases in ambient noise at specific locations due to the addition of project traffic (Impact 3.6.2 [project impact] and Impact 3.6.6 [cumulative impact]); and traffic operations at roadway intersections and freeway segments (Impact 3.4.7) and associated effects on traffic operations that could affect travel times (Impact 3.4.2) (Draft EIR p. 6.0-1).

## **IX. PROJECT ALTERNATIVES**

### **Legal Requirements**

Section 15126.6(a) of the State CEQA Guidelines requires that an EIR include a “reasonable range of alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project.” Based on the analysis in the EIR, the project would be expected to result in significant and unavoidable impacts related to construction air emissions and traffic operations at roadway intersections and on 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.

**Overview**

Based on the environmental impact analysis in Sections 3.1 through 3.13 and 4.0 in the Draft EIR, there are no unique ground disturbance impacts that would identify the need for a modification of the development pattern for the Planning Area. For example, any development activity in the Planning Area is anticipated to result in air quality impacts related to construction emissions, increases in traffic noise, and potential impacts on historic resources. Thus, the alternatives analysis evaluates environmental impacts that involve modification in the type of development in the Planning Area, as shown in the Table 4.

**Table 4: Buildout Conditions for Alternatives and Draft LUTE**

<b>Development Assumption</b>	<b>Draft LUTE</b>	<b>Alternative 1 (No Project/Existing LUTE)</b>	<b>Alternative 2 (Reduced Jobs/Housing Ratio)</b>	<b>Alternative 3 (Partial Neighborhood Village Growth to Commercial Nodes)</b>
Housing Units	72,100	66,570	81,151	72,095
Nonresidential Growth (square feet)	59,800,000	55,500,000	58,327,300	59,837,000
Jobs	124,410	115,396	121,275	124,414
Jobs/Housing Ratio	1.73	1.73	1.49	1.73

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

**Description**

Under the No Project Alternative, the Draft LUTE would not be adopted and the current 1997 LUTE (included in the 2011 Consolidated General Plan) would remain in effect. Under the No Project Alternative, there would be an additional 55,500,000 square feet of net new nonresidential development and an additional 66,570 housing units. This alternative would reduce residential and job development potential compared to the Draft LUTE, but the jobs/housing ratio would remain 1.73 (same as existing LUTE).

**Comparison to the Proposed Project Impacts**

The No Project Alternative would result in traffic operations impacts at intersections and freeway segments (and associated transit travel time impacts), but there would be fewer affected intersections to which this alternative would make a cumulatively considerable contribution. However, intersections that were identified as significant and unavoidable impacts for the Draft LUTE would still occur with this alternative. Alternative 1 would generate a total of 2,804,752

vehicle miles traveled daily (12.30 VMT per capita), as compared to the Draft LUTE at 3,082,098 VMT (12.00 VMT per capita).

Operational air quality impacts would be reduced by approximately 36–37 percent as a result of the reduced development potential as compared to the Draft LUTE, but impacts would still be significant and unavoidable under the No Project Alternative, as would short-term construction impacts.

The No Project Alternative would result in less demand on public services and utilities than the Draft LUTE because of its lower development potential.

Alternative 1 would be consistent with the City's Climate Action Plan because the CAP is based on current General Plan assumptions, and mitigation measure MM 3.13.1, which is required for the proposed project to mitigate CAP consistency impacts, would not be required. Therefore, the No Project Alternative would avoid this impact.

Certain environmental impacts of the No Project Alternative could be greater than the proposed project because the existing LUTE does not contain the policies in the Draft LUTE that mitigate impacts related to the potential for discovery of unknown archaeological and/or paleontological resources, sea level rise flooding, and biological resources.

Environmental impacts of the No Project Alternative in the areas of aesthetics, air quality (TACs and odors), historic resources, geology and soils, hazardous materials, hydrology and water quality, mineral resources, and noise would be similar to the Draft LUTE. These resource areas would be affected by ground disturbance and construction projects within the LUTE Planning Area, which would be the same as the current LUTE. However, this alternative would not avoid the significant and unavoidable cultural resources and noise impacts identified for the Draft LUTE (Draft EIR pp. 5.0-4 through -9).

### **Finding**

The No Project Alternative would not avoid or substantially lessen any of the significant and unavoidable air quality, cultural resources, and noise impacts of the proposed project. It could result in fewer intersection operations impacts, but significant and unavoidable impacts would still occur. The No Project Alternative would avoid the CAP consistency impact. Demand on services and utilities would be reduced. Certain environmental impacts of the No Project Alternative could be greater than the proposed project because the existing LUTE does not contain the policies in the Draft LUTE that mitigate impacts, while other impacts would be similar to the proposed project.

While the overall physical extent of urban development for the existing LUTE would be the same as the Draft LUTE, notable differences include the lack of mixed-use land use designations that allow for additional intensity and density in select locations. The existing LUTE also does not include new policies (e.g., environmental sustainability, multimodal transportation, and Village

Centers) that support the new project objectives. This alternative would not achieve some of the benefits of the proposed project, which are set forth in the Statement of Overriding Considerations (Article X, below).

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

## **B. Alternative 2: Reduced Jobs/Housing Ratio Alternative**

### **Description**

The Reduced Jobs/Housing Ratio Alternative would be similar to the proposed project, except that the residential development potential of the Draft LUTE would be increased and the employment potential reduced in order to achieve a jobs/housing ratio of approximately 1.49, which is similar to existing conditions (1.44) but lower than the existing LUTE and the Draft LUTE (1.73). This alternative would increase the number of housing units in all growth areas (Downtown, Industrial to Residential (ITR) sites, planned mixed-use areas, El Camino Real, etc.) by 60 percent. Alternative 2 would also reduce planned nonresidential floor area at the ITR 5 site (Northrop Grumman) by 40 percent. The proposed employment potential of all other project areas would be retained. The policy provisions of the Draft LUTE would be included in this alternative.

### **Comparison to the Proposed Project Impacts**

Under the Reduced Jobs/Housing Ratio Alternative, an increase in housing units would potentially increase Sunnyvale-generated trips by 5,040 during each peak hour, compared to the proposed Draft LUTE. Alternative 2 would result in the same impacted intersections and transit travel times identified above for the Draft LUTE, and it could also generate two additional significant intersection impacts (as well as transit travel times) at the Hollenbeck Avenue/El Camino Real and Mary Avenue/El Camino Real intersections that would not occur under the Draft LUTE. It would result in the same significant and unavoidable freeway segment impacts as the Draft LUTE. Alternative 2 is expected to result in an increase in VMT as compared to the Draft LUTE. Under Alternative 2, the reduced jobs/housing ratio would mean more jobs in Sunnyvale may be filled by residents of Sunnyvale and could increase the number of internal-internal trips. The increase in residential units could also increase internal-external trips (home to work in the morning) and external-internal trips (work to home in the evening). The decrease in jobs could instead reduce external-internal trips (home to work in the morning) and internal-external trips (work to home in the evening). The increase in internal-external and external-internal trips due to the increase in residential units would outweigh the decrease in trips due to the reduction in jobs.

The Reduced Jobs/Housing Alternative would result in similar construction air quality impacts, given that the extent of construction would be similar to the Draft LUTE. Operational impacts would also be similar to the Draft LUTE. However, this alternative's total emissions would be approximately 20–24 percent higher compared to the Draft LUTE, given the increased

residential development potential and associated trips. This alternative would not avoid or substantially lessen the project's significant and unavoidable impacts.

Alternative 2 would result in a 31 percent increase in greenhouse gas emissions as compared to the Draft LUTE as a result of the increased development potential and anticipated VMT increases. This would result in GHG emissions per service population of 2.9 metric tons for year 2035 that would be above the City's CAP target of 2.6 metric tons for that same year.

This alternative would increase the demand for water by approximately 1,345 acre-feet annually beyond that of the proposed project, but there is adequate water in normal years to meet this increased demand. Alternative 2 would also increase residential wastewater generation by approximately 2.41 million gallons per day (mgd). Adequate wastewater treatment capacity is available to accommodate this increase. Alternative 2 would generate approximately 50 tons per day more of solid waste than the proposed project. However, there would be adequate landfill capacity to accommodate this increase. This alternative would result in additional increased demand for public services such as schools and parks, as compared to the proposed project.

The environmental impacts of the Reduced Jobs/Housing Ratio Alternative would be similar to the proposed project in the areas of aesthetics, air quality (TACs and odors), biological resources, cultural resources, geology and soils, hazardous materials, hydrology and water quality, land use, mineral resources, and noise. These resource areas would be affected by ground disturbance and construction projects within the Draft LUTE Planning Area, which would be the same as the current LUTE. This alternative would not avoid or substantially lessen the significant and unavoidable cultural resources and noise impacts (Draft EIR pp. 5.0-9 through -14).

### **Finding**

The Reduced Jobs/Housing Ratio Alternative would not avoid or substantially lessen any of the significant and unavoidable impacts of the proposed project, and it could result in greater traffic, air quality, and GHG emissions impacts.

The Reduced Jobs/Housing Ratio Alternative would meet most of the Draft LUTE's guiding principles and objectives. This alternative would not achieve some of the benefits of the proposed project, which are set forth in the Statement of Overriding Considerations (Article X, below). For example, replacing some areas intended for employment uses with residential uses may not fully realize the project as planned and could result in less financial gain to the community in the form of community benefits and sense of place elements. However, this alternative could result in increased housing opportunities near workplace locations and result in a reduction of peak-hour trips in and out of the area because of the reduction in industrial/office square footage, possible internalization of trips, and/or differences in commuting patterns.

For all of the foregoing reasons, and any of them individually, the City Council rejects Alternative 2 (Reduced Jobs/Housing Ratio Alternative).

**C. Alternative 3: Redistribute a Portion of Neighborhood Village Growth to Commercial Alternative**

**Description**

The Redistribute a Portion of Neighborhood Village Growth to Commercial Alternative would relocate 600 housing units (approximately 66 percent) currently identified in the Village Mixed Use land use designation to the Transit Mixed Use and Corridor Mixed Use land use designations. Specifically, planned housing units in four Neighborhood Village areas would be redistributed, resulting in a higher concentration of these uses along transportation corridors (e.g., El Camino Real) and in Transit Village Centers (e.g., Downtown, Lawrence Station). Proposed neighborhood Village Centers would be retained as neighborhood commercial uses. This alternative allows for 72,095 housing units and 59,837,000 additional square feet of nonresidential development. Alternative 3 would result in a jobs/housing ratio of 1.73, which is the same as the Draft LUTE. All other policy provisions of the Draft LUTE would be included in this alternative.

**Comparison to the Proposed Project Impacts**

Relocating residential units to areas that are closer to major transit centers could increase the number of transit riders by 5 percent and reduce the number of automobile trips. However, 600 housing units translates to approximately 300 peak-hour trips, and the potential 5 percent increase in transit riders would translate to 15 riders. This decrease in automobile trips and increase in transit riders would not be significant when considered at the citywide level. It is thus expected that Alternative 3 would have similar significant and unavoidable intersection impacts (as well as transit travel time impacts) compared to the Draft LUTE. Alternative 3 would also result in similar freeway segment impacts to the Draft LUTE. This alternative is expected to result in similar VMT compared to the Draft LUTE.

Alternative 3 would result in a 15 percent increase in greenhouse gas emissions as compared to the Draft LUTE as a result of the increased development potential and VMT increases. This would result in GHG emissions per service population of 2.6 metric tons for year 2035, which would be similar to the City's CAP target of 2.6 metric tons for that same year.

This alternative would result in an additional approximately 77 acre-feet annual water demand beyond that of the proposed project. There is adequate water in normal years to meet this increased demand. Alternative 3 would also increase residential wastewater generation by approximately 1.0 mgd beyond that of the proposed project. Adequate wastewater treatment capacity is available to accommodate this increase. Alternative 3 would generate approximately 37 tons per day of solid waste, which is slightly more than the proposed project. However, there would be adequate landfill capacity to accommodate this increase. This alternative would result in additional increased demand for public services such as schools and parks, but it would be less than that of the proposed project because there would be fewer residential units.

The environmental impacts of the Redistribute a Portion of Neighborhood Village Growth to Commercial Alternative would be similar to the proposed project in the areas of aesthetics, air quality, biological resources, cultural resources, geology and soils, hazardous materials, hydrology and water quality, land use, mineral resources, and noise. These resource areas would be affected by ground disturbance and construction projects within the LUTE Planning Area, which would be the same as the Draft LUTE. This alternative would not avoid or substantially lessen the significant and unavoidable air quality, cultural resources, and noise impacts (Draft EIR pp. 5.0-14 through -18).

### **Finding**

The Redistribute a Portion of Neighborhood Village Growth to Commercial Nodes Alternative would not avoid or substantially lessen the significant and unavoidable construction air quality, cultural resources, noise, and traffic operations impacts identified for the project.

Alternative 3 would meet most of the LUTE's guiding principles and objectives because it would result in the adoption of major multimodal transportation policies and other objectives similar to the Draft LUTE. However, moving growth to only commercial nodes may not fully realize the project as planned, as Village Centers are an important component of creating car-light or car-free living opportunities throughout the city.

For all of the foregoing reasons, and any of them individually, the City Council rejects Alternative 3 (Redistribute a Portion of Neighborhood Village Growth to Commercial Nodes Alternative).

## **X. STATEMENT OF OVERRIDING CONSIDERATIONS**

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

Section 15093 of the State 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 EIR that are not avoided or substantially lessened, the agency must state in writing the reasons in support of its action based on the 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:

- Changes in land use that could occur with implementation of the policies and actions in the Draft LUTE would be concentrated in areas of the city that are located along transportation corridors and near transit nodes, contain underutilized land, and are best able to accommodate growth.
- Changes to land use designations in the existing General Plan that would be implemented as part of the Draft LUTE are designed to focus development, increase commercial intensities in close proximity to residential uses, allow a mix of uses, and increase economic development in Sunnyvale. The land use designation changes would generally not conflict with established uses and current adopted land use plans.
- Urban growth that would occur in Sunnyvale as a result of the Draft LUTE would be generally consistent with the Focused Future strategy identified by the Association of Bay Area Governments (ABAG) and Plan Bay Area, in that growth would be focused in areas that are already urbanized, are located in close proximity to transit, and can accommodate additional residential and employee populations without adversely affecting sensitive natural resources. The development of dense residential and mixed-use districts in close proximity to transit nodes represents an environmentally preferred method for accommodating a growing population and reducing sprawl.
- The higher employment and residential populations that would result from the policies and actions in the Draft LUTE would advance regional goals for housing and employment.
- The Draft LUTE is intended to implement local land use and transportation planning efforts in a manner consistent with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), called Plan Bay Area. Plan Bay Area is a regional growth strategy required under Senate Bill (SB) 375 that, in combination with transportation policies and programs, strives to reduce GHG emissions. It is designed to achieve regional GHG reduction targets set by the California Air Resources Board.

The City Council finds that the economic, social and other benefits that would result from development of the 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 the City's willingness to accept these risks.

The above statements of overriding considerations are consistent with, and substantially advance, state planning law requirements pertaining to general plans. The legal adequacy of the general plan is critical, since many city actions and programs are required to be consistent with the general plan. California Government Code Section 65302 specifically requires that

general plans address seven topics (referred to as “elements”): land use, circulation, housing, open space, conservation, safety, and noise. A local jurisdiction may adopt a general plan in the format that best fits its unique circumstances (California Government Code Section 65300.5). California Government Code Section 65302 specifically calls for elements of general plans to be combined when major issues cross topics. The Draft LUTE combines the required land use and circulation elements into a single chapter. The chapter is internally consistent and is consistent with other elements of the Sunnyvale General Plan and other plans adopted by the City of Sunnyvale. The Draft LUTE includes the fiscally, economically, and environmentally sustainable land use and transportation policies necessary to support goals established in each of the other chapters of the City’s General Plan. The Draft LUTE will be incorporated into the Land Use and Transportation chapter of the General Plan, which also contains the Open Space Element.

The City’s Zoning Code establishes land use regulations that implement the General Plan land use designations. Numerous policies in the Draft LUTE would require updates to the Zoning Code to maintain consistency with the Draft LUTE and enable the land use patterns envisioned in the Draft LUTE. The governing action is Policy 100, which requires the use of specialized zoning districts and other zoning tools to address issues in the community and updates as needed to keep up with evolving values and new challenges in the community. Other policies and actions in the Draft LUTE address consistency with the land use conditions in the city and the Planning Area. Following updates to the Zoning Code directed by the Draft LUTE and implementation of other related policies in the Draft LUTE, the project would not conflict with the Zoning Code.

The Council hereby finds that each of the reasons stated above constitutes a separate and independent basis of justification for the Statement of Overriding Considerations, and each is able to independently support the Statement of Overriding Considerations and override the proposed project’s unavoidable environmental impacts. In addition, each reason is independently supported by substantial evidence contained in the administrative record. All proposed project impacts, including the effects of previously identified cumulative impacts, are covered by this Statement of Overriding Considerations.

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

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

## **XII. ADMINISTRATIVE RECORD**

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

- A. The Land Use and Transportation Element 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, and responses to comments, as well as all of the comments and staff responses entered into the record orally and in writing between March 2, 2012 and April 11, 2017.
- D. All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants related to the EIR and 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 meetings of the Planning Commission and the City Council.
- F. Staff reports associated with Planning Commission and City Council meetings on the project and supporting technical memoranda and any letters or other material submitted into the record by any party.
- G. Matters of common knowledge to the City Council which they consider, such as the Sunnyvale General Plan, any other applicable specific plans or other similar plans, and the Sunnyvale Municipal Code.

### **XIII. LOCATION AND CUSTODIAN OF RECORDS**

The documents and other materials that constitute the record of proceedings on which the City 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 State CEQA Guidelines Section 15091(e).

### **XIV. FILING NOTICE OF DETERMINATION**

The City 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.

**EXHIBIT B**

**SOUTHERN PACIFIC CORRIDOR SPECIFIC PLAN LOCATION**  
Location Map

