

**RECOMMENDED FINDINGS (UPDATED FOR CITY COUNCIL)****CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR  
PROJECTS IN PEERY PARK**

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The City Council hereby makes the following findings:

1. The City Council has independently reviewed the programmatic Final Environmental Impact Report for the Peery Park Specific Plan, State Clearinghouse #2015062013, certified on September 20, 2016 ("Program EIR").
2. The Peery Park Specific Plan ("PPSP") anticipates construction of an additional 2.2 million square feet of office, industrial, and commercial development and 215 residential units within the 450-acre Peery Park Neighborhood over 20 years.
3. In addition to serving as the environmental document for the approval of the PPSP, the Program EIR was intended by the City to serve as the basis for compliance with CEQA for future discretionary actions to implement the PPSP, in accordance with Public Resources Code Section 21094 and Section 15168 of the CEQA Guidelines.
4. The Program EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the PPSP. In addition, the Program EIR identified significant and unavoidable impacts with regard to air quality, cultural resources and historic structures, greenhouse gas emissions, noise, and transportation, circulation and traffic.
5. On September 20, 2016, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the Program EIR and adopted the PPSP.
6. The City has analyzed the proposed Project pursuant to Public Resources Code Section 21094(c) and Section 15168(c)(2) of the CEQA Guidelines to determine if the Project may cause significant effects on the environment that were not examined in the Program EIR and whether the Project is within the scope of the Program EIR.
7. The City Council finds that the Project will not result in environmental effects that were not adequately examined in Program EIR. As demonstrated by the City's analysis of the Project, the Project will incrementally contribute to, but will not increase the severity of, significant environmental impacts previously identified in the Program EIR.

8. For the reasons discussed in Section ENVIRONMENTAL REVIEW of the Staff Report to the Planning Commission for the proposed Project dated April 10, 2017, the City Council finds that the proposed Project is consistent with the PPSP.
9. In accordance with Public Resources Code Section 21094(b) and Section 15168(c)(2) of the CEQA Guidelines, none of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the Project:
  - a) The Project does not include any substantial changes in the PPSP and no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken consistent with the PPSP, so the Program EIR does not require any revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
  - b) No new information of substantial importance, which was not known and could not have been known at the time that the Program EIR was certified as complete, shows that the Project would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the Program EIR, that mitigation measures or alternatives found infeasible in the Program EIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the Program EIR would substantially reduce one or more significant environmental impacts found in the Program EIR.
10. All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through the Program EIR mitigation measures adopted in connection with the City Council's approval of the Program EIR. All Program EIR mitigation measures applicable to the Project are hereby made a condition of the Project's approval.
11. In accordance with Public Resources Code Section 21094(d), the Planning Commission finds that any significant and unavoidable impacts of the Project with regard to air quality, cultural resources and historic structures, greenhouse gas emissions, noise, and transportation, circulation and traffic are outweighed by overriding considerations as set forth in the Program EIR and in the Findings adopted by the City Council

in connection with the approval of the Program EIR, as incorporated by reference and reaffirmed herein.

12. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the City Council, exercising its independent judgment and analysis, finds that the Project is consistent with the PPSP, falls within the environmental parameters analyzed in the Program EIR, and would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the Program EIR, nor would new mitigation be required for the Project.
13. The Department of Community Development, Planning Division, is the custodian of the records of the proceedings on which this decision is based. The records are located at Sunnyvale City Hall, 456 West Olive Ave., Sunnyvale, CA 94086.

**PEERY PARK PLAN REVIEW PERMIT**

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**Peery Park Plan Review Permit:** The project is consistent with the Vision Statement, Guiding Principles and District Policies of the Peery Park Specific Plan (PPSP) including the Development Code.

Required Findings:

1. The project design is consistent with the Peery Park Specific Plan; and
2. The use is consistent with the certified Environmental Impact Report prepared for the Peery Park Specific Plan
3. The project design is consistent with the General Plan; and
4. The project design meets all the development standards in the Peery Park Development Code and Sunnyvale Municipal Code; and
5. The project design is consistent with applicable Peery Park and City-adopted design guidelines, and
6. The location, size, and design characteristics of the project are compatible with the surrounding area.

The project is consistent with the above findings; the project is master-planned and designed in an integrated campus setting that promotes innovation and joint use of space across property lines. Buildings are clustered around common open spaces that include amenities and provide space for meeting, interaction, and recreation. Connectivity is enhanced with a new street that breaks up an existing “superblock,” as well as through a network of pathways within the project and bicycle route improvements on existing streets. Land dedication is also provided to accommodate the future Mary Avenue Overcrossing project to Moffett Park.

Streetscape improvements will further encourage use of alternative transportation modes (e.g. reducing crossing distances, improving bicycle routes, and providing sidewalks where none currently exist) and enhance aesthetics. Vehicular traffic will be minimized through a Transportation Demand Management (TDM) program and by the property owner’s participation in a Transportation Management Association (TMA). Parking supply is consistent with PPSP requirements and is largely consolidated within parking structures. Remaining surface parking areas are heavily landscaped.

LEED-certified buildings, preservation of existing mature trees, and reduction of existing impervious surface through increased open spaces will contribute towards environmental sustainability goals. The distinctive architectural design of the project ensures an improved district image and more visibility inside workspaces. The project’s height and density is consistent with the County of Santa Clara’s Comprehensive Land Use Plan (CLUP) for Moffett Federal Airfield, as well as PPSP and Federal Aviation Administration (FAA) height limits.

The deviations beyond the maximum front yard setback allowance for Buildings 2, 3, 8, 11, 12, Amenity A and B, and Parking Structure D are consistent with the intent of the PPSP. The intent of the maximum front yard setback allowance is to ensure buildings are close enough to the street to provide a sense of enclosure and convenient pedestrian access to building entrances. All buildings in the project have entrances that face public streets with connecting walkways to the public sidewalk. The justifications for the requested deviations are described in the table below:

Maximum Front Yard Setback Deviations

<b>Building</b>	<b>Required</b>	<b>Proposed</b>	<b>Justification</b>
Building 2	30' min. / 40' max. (Mary Ave.) 15' min. / 30' max. (Almanor and Palomar Ave.)	96'-9" (Mary Ave.) 156'-8" (Almanor Ave.) 32'-5" (Palomar Ave.)	The building is located at the end of a block with three street frontages. Additionally, the location of the Hetch Hetchy ROW prevents a closer setback to Mary and Almanor Avenue. The building has been situated as the terminus feature of the internal pathline pedestrian corridor. Moving the building closer to Palomar Avenue would offset this alignment.
Building 3	15' min. / 30' max. (Almanor and Pastoria Ave.)	56'-11" (Almanor Ave.) 217' (Pastoria Ave.)	The building is located at the end of a block with three street frontages. The primary building façade is oriented toward Palomar Avenue, the longer street frontage, and is consistent with setback requirements on that side. Moving the building closer to Almanor Avenue would misalign the building with Building 2 and reduce the landscaping buffer. A new surface parking lot fronts Pastoria Avenue, and there is no property line separating it from the building, technically exceeding the maximum front yard setback allowance, but does not functionally violate the intent of the requirement.
Building 8	15' min. / 30' max. (Del Rey Ave.)	32'-7"	The building is located at the end of a block with two street frontages. The primary building façade is oriented toward Palomar Avenue, the longer

			street frontage, and is consistent with setback requirements on that side. Moving the building closer to Del Rey Avenue would reduce the landscaping buffer and likely require removal of an existing Coast Redwood tree.
Building 11	15' min. / 30' max. (Benecia Ave.)	87'	The building is located at the end of a block with two street frontages. The primary building façade is oriented toward Mary Avenue, the longer street frontage, and is consistent with setback requirements on that side. Moving the building closer to Benecia Avenue would reduce the landscaping buffer and increase the distance of its surface parking lot to the building entrance.
Building 12	15' min. / 30' max. (Almanor Ave.)	58'-1" to Hetch Hetchy ROW; 140'-3" to Almanor Ave.	The location of the 80-foot wide Hetch Hetchy ROW through the southeastern corner of the parcel prevents a closer setback to Almanor Avenue. Moving the building to the other side is not feasible because the land dedication for the future Mary Avenue extension is proposed on that side, as well as a drive aisle for emergency vehicle access.
Amenity A	30' min. / 40' max. (Mary Ave.)	42'-4"	Preservation of existing Blue Atlas Cedar and Monterey Pine trees along Mary Avenue.
Amenity B	30' min. / 40' max. (Mary Ave.)	54'-8"	Preservation of existing Coast Redwood trees along Mary Avenue.
Parking Structure D	15' min. / 30' max. (Benecia Ave.)	65'	Increased setback resulting from neighboring property owner's request for reduced visibility of the parking structure from Benecia Avenue.

The deviation beyond the maximum building length Parking Structures A and B are consistent with the PPSP. The PPSP requires compliance with the Building Length Exception Design Guidelines if a deviation is requested. The applicant has proposed a highly articulated recess of 49-feet wide by 20-feet

deep on the middle portion of the façade for each parking structure. With the recess added, each segment of the façade would not be over 275 feet. Moreover, the back portion of the recessed wall facing the street is treated with darker colors to give the appearance of a greater setback. The intent of the requirement is to make a clear and distinct break in the building length, which is met with the highly articulated recess.

The deviation to the minimum street-facing upper floor setback requirement for Building 7 is consistent with the intent of the PPSP. There are horizontal building offsets that deconstruct the massing of the building as viewed from the street, and the height above the 60-foot threshold is minimal.

The deviation to the minimum street-facing upper floor setback requirement for Parking Structure C is consistent with the intent of the PPSP. The parking structure is located where only other portions of the project area are affected and its street-facing visual mass is minimal.

**TENTATIVE MAP**

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**Tentative Map:** In order to approve the Tentative Map, the proposed lot merger must be consistent with the General Plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied.

1. That the lot merger is not consistent with the General Plan.
2. That the design or improvement of the proposed lot merger is not consistent with the General Plan.
3. That the sites are not physically suitable for the proposed type of development.
4. That the sites are not physically suitable for the proposed density of development.
5. That the design of the lot merger or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the lot merger or type of improvements is likely to cause serious public health problems.
7. That the design of the lot merger or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

Staff was not able to make any of the following findings and recommends approval of the Tentative Map.



**SENSE OF PLACE FEE**

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The City Council hereby makes the following findings:

1. On September 20, 2016, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified a Program EIR and adopted the Peery Park Specific Plan (PPSP), which anticipates construction of an additional 2.2 million square feet of office, industrial, and commercial development and 215 residential units within the 450-acre Peery Park Neighborhood over 20 years (Resolution No. 778-16).
2. On September 20, 2016, the City Council found an essential nexus between the new development anticipated by the PPSP and the need for “Sense of Place” improvements that will create a more pedestrian and bike-friendly environment in Peery Park in order to reduce the impacts of higher density development on traffic, greenhouse gas emissions, and noise (Resolution No. 779-16). In order to mitigate the impacts of the higher density development in the PPSP district, the City Council authorized imposition of Sense of Place fees on discretionary projects on an ad hoc basis and directed that such fees should be roughly proportional to the impacts of such projects.
3. The City has calculated the total cost of the necessary Sense of Place improvements in Peery Park to be a total of \$5,299,221.00 which, divided by 2.2 million square feet of anticipated new development, results in a fee of \$2.41 per square foot. The components of the Sense of Place improvements are shown in Exhibit A to these Findings.
4. The City Council finds that there is a reasonable relationship between the proposed Project and the need for Sense of Place improvements, that the fee of \$2.41 per square is roughly proportional to the impact of the new development, and therefore the fee should be imposed on the proposed Project.

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**WATER INFRASTRUCTURE FEE**

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The City Council hereby makes the following findings:

1. On September 20, 2016, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified a Program EIR and adopted the Peery Park Specific Plan (PPSP), which anticipates construction of an additional 2.2 million square feet of office, industrial, and commercial development and 215 residential units within the 450-acre Peery Park Neighborhood over 20 years (Resolution No. 778-16).
2. The Mitigation Monitoring and Reporting Program (MM UT-1) requires that the City impose a Water Infrastructure Fee on development in Peery Park to ensure adequate financing for funding of water infrastructure improvements to serve the Peery Park area. Additional information about the necessary improvements to water facilities resulting from the higher density development are discussed in the Program EIR and the Peery Park Specific Plan.
3. On September 20, 2016, the City Council found an essential nexus between the new development anticipated by the PPSP and the need improvements to water facilities (Resolution No. 779-16). In order to mitigate the impacts of the higher density development in the PPSP district on water facilities, the City Council authorized imposition of Water Infrastructure fees on discretionary projects on an ad hoc basis and directed that such fees should be roughly proportional to the impacts of such projects.
4. The City has calculated the total cost of the necessary improvements to water facilities in Peery Park to be a total of \$15,173,146.00 which, divided by 2.2 million square feet of anticipated new development, results in a fee of \$6.90 per square foot.
5. The City Council finds that there is a reasonable relationship between the proposed Project and the need for water infrastructure improvements, that the fee of \$6.90 per square foot is roughly proportional to the impact of the new development, and therefore the fee should be imposed on the proposed Project.

## Exhibit A

Peery Park Specific Plan Sense of Place Fee				
Item	Number Needed	Cost/Item	Total Cost	Notes
Shuttle Stops	10	\$ 5,000.00	\$ 50,000.00	
Pastoria Avenue Streetscape Improvements:				Northern portion approximately 2,050 feet in total length
Double-head decorative LED streetlights	2 every 80' = 51	\$ 25,000.00	\$ 1,275,000.00	
24" box tree	2 every 30' = 137	\$ 4,000.00	\$ 548,000.00	Includes soil, granite, topper & irrigation
Stamped/Decorative Concrete Plaza Area	1	\$ 1,000,000.00	\$ 1,000,000.00	22' wide
New/Improved Bicycle Lanes	12	see attached	\$ 1,726,221.00	See Attached Breakdown of Bike Lanes Included
Crosswalks with In-Roadway Warning Lights	Up to 10	\$ 70,000.00	\$ 700,000.00	
			\$ 5,299,221.00	
Cost/Sq. Ft.			\$2.41	Divided by 2.2 million net new sq. ft.