

CITY OF SUNNYVALE

SUNNYVALE CIVIC CENTER MODERNIZATION MASTER PLAN

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

I. INTRODUCTION

The Draft Program Environmental Impact Report (EIR) prepared by the City of Sunnyvale (City) for the Sunnyvale Civic Center Modernization Master Plan (“Master Plan” or “proposed project”) identified several significant environmental impacts that could occur from implementation of the proposed project. Some of these significant impacts can be avoided through the adoption of feasible mitigation measures. Others cannot be avoided by the adoption of such measures or feasible environmentally superior alternatives. However, these significant impacts are outweighed by the overriding considerations, as further described herein.

II. PURPOSE OF THE FINDINGS

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

III. THE CEQA PROCESS

CEQA requires state and local government agencies to consider the environmental consequences of projects for which they have discretionary authority. This document, which has been prepared in compliance with the requirements of CEQA and the CEQA Guidelines, sets forth the findings of the City as the lead agency under CEQA, regarding the proposed project.

As a first step in complying with the procedural requirements of CEQA, the City implemented a public scoping process consistent with Section 15083 of the CEQA Guidelines. The public was provided opportunities to comment on the scope of the Draft Program EIR a Notice of Preparation (NOP) released on September 26, 2017. Due to the selection of a preferred Master Plan option after the release of the NOP, a revised NOP was circulated for thirty days starting

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on December 11, 2017. The NOP and revised NOP were distributed to federal, state, county, and City agencies, neighborhood groups, and owners and occupants in the proposed project vicinity. The City also held a public Scoping Hearing on October 18, 2017, and public comments on the NOP were received until October 26, 2017 (CEQA Guidelines §15082). The public scoping period for the revised NOP began on December 11, 2017 and ended on January 10, 2018. 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 environmental analysis in the Draft Program EIR for the proposed project.

The Program EIR for the proposed project consists of the following:

- a. Draft Program EIR, issued April 23, 2018;
- b. All appendices to the Draft Program EIR;
- c. Final Program EIR, issued August 23, 2018, containing all written comments and responses on the Draft Program EIR, refinements and clarifications to the Draft Program 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 Program EIR did not provide any significant new information regarding proposed project or cumulative impacts or mitigation measures beyond that contained in the Draft Program EIR. The City, therefore, properly decided not to recirculate the Final Program EIR for additional public review.

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

- a. On September 5, 2018, the Heritage Preservation Commission conducted a duly and properly noticed public hearing on the proposed project and the Draft Program EIR.
- b. On September 10, 2018, the Planning Commission conducted a duly and properly noticed public hearing on the proposed project and the Draft Program EIR.
- c. On September 25, 2018, at a duly and properly noticed public hearing, the City Council certified the Final Program EIR and adopted findings, Mitigation and Reporting Program, and Statement of Overriding Considerations related to the proposed project.

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IV. FINDINGS ARE DETERMINATIVE

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

- a. Has been completed in compliance with the California Environmental Quality Act, Public Resources Code (PRC) Section 21000 et seq. (CEQA) and the State CEQA Guidelines (14 Cal. Code of Regulations, Sections 15000 et seq.);
- b. That the Final Program EIR was presented to and reviewed by the City; and
- c. That the City has reviewed and considered the information contained in the Final Program 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 Program 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 Final Program EIR and resolves that these findings shall control and are determinative of the significant impacts of the proposed project. The City hereby finds that the Final Program EIR reflects the independent judgment and analysis of the City and approves the Final Program EIR.

The mitigation measures proposed in the Final Program EIR are adopted in this document, substantially in the form proposed in the Final Program 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 proposed project pursuant to the Sunnyvale Civic Center Modernization Master Plan.

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

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

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

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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.

V. PROJECT OBJECTIVES

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

- Provide efficient, functional, flexible, and modern facilities to meet the future service delivery needs of the City through replacement and/or renovation of the existing, undersized, functionally deficient buildings within the Civic Center Campus
- Create an environment that inspires community pride, promotes civic engagement, incorporates more open space and trees, and offers a wide range of indoor and outdoor services
- Design the buildings and landscaping within the Civic Center Campus to support participatory governance and be a model of fiscal and environmental sustainability
- Expand or replace the Sunnyvale Library to meet or exceed the regional average service ratio of 0.76 square feet of library space per capita and to provide innovative technology for library users
- Develop a modern City Hall with an effective layout and allocation of space, and integrates modern technology into meeting spaces
- Develop a Public Safety Headquarters with dedicated space for the Emergency Operations Center, an upgraded crime lab facility, and space for evidence storage and processing

VI. PROJECT DESCRIPTION

A. Project Location

The project site includes the existing 24.5-acre Civic Center Campus, which is divided into eight parcels ranging from 0.2 to 6.9 acres in size. The project site is approximately 2 miles to the south of U.S. Highway 101 and approximately half a mile south of the Sunnyvale Caltrain station. The project site is roughly bounded by South Pastoria Avenue to the west, West El Camino Real to the south, South Mathilda Avenue to the East, and West Iowa Avenue to the north. West Olive Avenue passes through the center of the project site.

B. Project Area Characteristics

The project site is developed with six main buildings; the City Hall, City Hall Annex, South City Hall Annex, Library, Public Safety Headquarters, and Sunnyvale Office Complex. Emergency generators are present to serve the City Hall, City Hall Annex, Library, and Public Safety Headquarters. The City Hall fuel dock, located in the southeast corner of the project site, is used for fueling City vehicles. A public garden is located along the northern edge of the project site.

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Surface parking lots, with a total of 952 parking spaces are located throughout the project site. A secured lot with 98 parking spaces serves the Public Safety Headquarters. The project site is designated as Civic Center (CC) and Office (OF) by the Sunnyvale General Plan and is within the Administrative and Professional Office zoning/Planned Development combining district (O-PD), Public Facilities zoning district (PF), and Public Facilities zoning/Precise Plan for El Camino Real combining district (PF-ECR).

C. Project Characteristics and Components

The City would implement the Master Plan, in several phases, over several decades, to modernize and expand the City Civic Center.

Phase I would involve construction of a new, four-story, up to 109,000-square-foot (sf) City Hall and a stand-alone, up to 12,000-sf, building to house the Emergency Operations Center (EOC). An underground parking garage with 110 stalls would be constructed beneath the new City Hall. New emergency generators would be installed to serve the City Hall and the Public Safety Building Addition. Following completion of the new City Hall, the existing City Hall, City Hall Annex, South City Hall Annex, and the Sunnyvale Office Complex buildings would be demolished. The area where the Sunnyvale Office Center is currently located would be landscaped.

Future phases of the Master Plan would involve construction of a two-story, up to 120,000-sf Library and a two-story, up to 65,000-sf Public Safety Headquarters. New emergency generators would be installed to serve the Library and the Public Safety Headquarters. The existing Public Safety Headquarters, Public Safety Building Addition, and Library would be demolished, and the existing City Hall fuel dock would be removed. Alternatively, the existing Library would be renovated and up to 59,000 sf of additional space would be constructed.

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 proposed project listed in the Final Program EIR; describes those mitigation measures recommended in the Final Program EIR; and, as required by Section 15091(a), finds that either: the adopted mitigation measures have substantially lessened the significant impact; the adopted mitigation measures, though implemented, do not substantially lessen the significant impact; the mitigation measures cannot be adopted and implemented because they are the responsibility of another public agency; or that specific considerations make infeasible the mitigation measures identified in the Final Program EIR. Proposed 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 proposed project, and the implementation of the

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proposed project will incorporate all conditions contained in the MMRP for as long as the Sunnyvale Civic Center Modernization Master Plan is adopted by the City.

1. Aesthetics

Impact

Aesthetics-4 The proposed project could create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Mitigation

MM Aesthetics-1: Shield Night Lighting

Stationary lighting used during nighttime construction shall be shielded and directed downward or oriented such that the light source is not directed toward residential areas or into streets where glare could impact motorists or pedestrians.

Finding

The mitigation measure would reduce the potential aesthetic impact (Impact Aesthetics-4) to a **less than significant** level.

2. Air Quality and Greenhouse Gas Emissions

Impact

Air Quality-1 The proposed project could conflict with or obstruct implementation of the applicable air quality plan.

Air Quality-2 The proposed project could violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Air Quality-3 The proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal, State, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Air Quality-4 The proposed project could expose sensitive receptors to substantial pollutant concentrations.

Air Quality-6 The proposed project could result in significant impacts on air quality in combination with past, present, and probable future development in the cumulative analysis study area.

Mitigation

MM Air Quality-1: Fugitive Dust Control

At a minimum the following control measures must be implemented during construction:

- When moisture content is low enough to create dust, all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads)

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shall be watered two times per day, or as often as needed to control dust emissions.

- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Post a publicly visible sign with the telephone number and person to contact at the City of Sunnyvale regarding dust complaints. The City of Sunnyvale shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- Construction equipment shall be properly maintained by a certified mechanic.

MM Air Quality-2: Exhaust Controls

All construction equipment used during Phase I construction shall be fitted with Level 3 Diesel Particulate Filters (DPF) and engines shall meet or exceed the U.S. Environmental Protection Agency Certified Tier 3 emission standards.

Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the City of Sunnyvale clearly show the requirement for Level 3 DPF and Tier 3 or higher emission standards for construction equipment.

The construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City of Sunnyvale Building Division official or their designee. The construction equipment list shall state the makes, models, and number of construction equipment onsite to verify compliance with the requirement for equipment to have Level 3 DPF and Tier 3 or higher emission standards.

Finding

Implementation of the above Final Program EIR mitigation measures would reduce five potentially significant impacts (Impacts Air Quality-1, 2, 3, 4, and 6) on air quality to a **less than significant** level.

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3. Biological Resources

Impact

Biology-1. The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Biology-4. The proposed project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Biology-5. The proposed project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Biology-7. The proposed project could result in significant impacts on biological resources in combination with past, present, and probable future development in the cumulative analysis study area.

Mitigation

MM Biology-1: Nesting Bird Measures

Pre-Construction Survey

- Use of heavy equipment, grading, demolition, construction, and/or tree removal, shall avoid the nesting season to the greatest extent feasible.
- If construction activities occur during the nesting season, a pre-construction survey for active bird nests in the project site shall be conducted on the project site and within 500 feet of the project site by a qualified biologist within 3 days prior to construction start.
 - If no nesting or breeding behavior is observed, construction may proceed.
 - If an active nest is detected, a determination shall be made by a qualified biologist as to whether construction work could affect the active nest. If it is determined that construction would not affect an active nest, work may proceed.
 - If it is determined that construction activities are likely to impair the successful rearing of the young, a ‘no-disturbance buffer’ in the form of orange mesh Environmentally Sensitive Area (ESA) fencing shall be established around occupied nests to prevent destruction of the nest and to prevent disruption of breeding or rearing behavior.
- The extent of the ‘no-disturbance buffer’ shall be determined by a qualified biologist in consultation with CDFW and shall depend on the level of noise or disturbance, line of sight between the nest and the disturbance area, the type of bird, ambient levels of noise and other disturbances, and other topographic or artificial barriers.

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- 'No-disturbance buffers' shall be maintained until the end of the breeding season or until a qualified wildlife biologist has determined that the nestlings have fledged.
- A qualified wildlife biologist shall inspect the active nest to determine whether construction activities are disturbing to the nesting birds or nestlings. If the qualified wildlife biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest, and the 'no-disturbance buffer' expanded.

Inspections

- Construction workers shall conduct daily inspections for nests. If a nest is discovered by workers on the project site during daily inspections, work shall stop and the qualified wildlife biologist shall be called to the site., who shall determine whether construction activities could affect nesting and establish a "no-disturbance buffer", if necessary, as described above.

Lighting

- Lighting shall be limited to areas required for operations or safety, shall be directed on-site to avoid backscatter, and shall be shielded from public view to the extent practical. Lighting that is not required to be on during nighttime hours shall be controlled with sensors or switches operated such that lighting shall be on only when needed.

MM Biology-2: New Trees

New trees shall be sourced from certified disease-free stock.

MM Biology-3: Trees Protection Plan

The Tree Protection Plan, prepared in accordance with § 19.94.110 and incorporating the techniques identified in § 19.94.120, will also include the following requirements:

Project Arborist. The Project Arborist identified to assist with removal of protected trees, relocation of protected trees, and construction activities in the vicinity of protected trees throughout construction shall be certified by the International Society of Arboriculture.

Ground-Disturbing Activities. Ground-disturbing activities shall be conducted outside of the dripline of protected trees. When ground-disturbing activities (i.e., trenching, excavating) encounters roots smaller than two inches occurs outside of the dripline of protected trees, the roots shall be hand trimmed, making clear, clean cuts. All damaged, torn, and cut roots shall be given a clean cut to remove ragged edges, which promote decay. Trenches shall be filled within 24 hours, but, where, this is not possible, the side of the trench/excavation area adjacent to the protected trees shall be shaded with four layers of dampened, untreated burlap, wetted as frequently as necessary to keep the burlap wet. Roots two inches or larger, when encountered, shall be reported immediately to the Project Arborist, who shall decide whether the applicant

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may cut the roots as mentioned above or shall excavate by hand or with compressed air under the root. The root shall be protected with dampened burlap.

In addition, the top two feet of the foundation closest to the protected trees shall be air spaded or hand dug under supervision of the Project Arborist to locate and evaluate any significant roots prior to mechanical excavation. The Project Arborist shall be required to submit a report to the City regarding the findings of the excavation and recommend any additional actions needed to protect the roots to preserve the health and structure of both the redwood and oak trees.

Underground Utilities. To avoid conflict with roots, underground utilities shall be routed outside of an area, ten times the diameter of a protected tree. In addition, where it is not possible to reroute pipes or trenches, the utility shall be routed beneath the dripline of the tree. The boring shall take place not less than three feet below the surface of the soil in order to avoid encountering feeder roots.

Protected Tree Replacement. Protected trees removed during construction shall be replaced using a ratio of between 1:1 and 1:4, depending on the size of the protected tree removed and the size of the replacement tree, in accordance with the City of Sunnyvale Community Development Department Tree Replacement Standards.

Monitoring. The planted replacement trees shall be monitored by the City to ensure that the trees have survived, and shall replace any trees that die.

Finding

Implementation of the above Final Program EIR mitigation measures would reduce four potentially significant impacts (Impacts Biology-1, 4, 5, and 7) on biological resources to a **less than significant** level.

4. Cultural and Tribal Cultural Resources

Impact

Cultural-1. The proposed project could cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

Cultural-2. The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Cultural-3. The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Cultural-4. The proposed project could disturb any human remains, including those interred outside of formal cemeteries.

Cultural-5. The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC §21074 as either a site, feature, place, cultural

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landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC §5020.1(k), or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC §5024.1. In applying the criteria set forth in subdivision (c) of PRC §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Cultural-6. The proposed project could result in significant impacts on cultural resources in combination with past, present, and probable future development in the cumulative analysis study area.

Mitigation

MM Cultural-1: Documentation of the Sunnyvale Civic Center Historic District

Documentation of the Sunnyvale Civic Center Historic District using the standards and guidelines provided by the Historic American Landscapes Survey (HALS) should be prepared. The documentation shall, at a minimum, include (1) a historical narrative and descriptive report using the standard HALS outline format; (2) a plan that identifies the key building and cultural landscape features (to be attached as supplemental material to the report); and (3) large format photographs that show general views to illustrate the overall setting of the historic district's buildings and landscape and individual views of key features such as the buildings, entrance plazas and other circulation features, structures (such as arbors or walls), streets, the central lawn and the character of the vegetation, and details.

Photographs and other field work associated with the documentation must be completed prior to any demolition or alteration of the buildings and cultural landscape features within the Sunnyvale Civic Center Historic District.

The documentation shall be prepared under the oversight of a person with experience in HALS documentation and one who meets the National Park Service's qualifications standards for Historical Landscape Architect.

Copies of the documentation (report, plan, digital prints of the large format photographs, and index to photographs) shall be provided in hard copy and in portable document format (pdf) to local repositories (such as the Sunnyvale Library and the Sunnyvale Historical Society) and the Environmental Design Archive at the University of California, Berkeley.

MM Cultural-2: Documentation of the City Hall

Documentation of City Hall using the Historic American Buildings Survey (HABS) guidelines for the Outline Format Report and HABS photography of representative views of the interior and exterior shall be prepared. The documentation shall be prepared by a person with experience in preparing HABS documentation and one who meets the Secretary of the Interior's

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Historic Preservation Professional Qualifications for Architectural History. Copies of the outline report (both a hard copy and as a pdf) should be provided to local repositories (such as the Sunnyvale Library and the Sunnyvale Historical Society) and the Environmental Design Archive at the University of California, Berkeley.

MM Cultural-3: Documentation of the Sunnyvale Office Center

Documentation of the Sunnyvale Office Center using the Historic American Buildings Survey (HABS) guidelines for the Outline Format Report and HABS photography of representative views of the interior and exterior shall be prepared. The documentation shall be prepared by a person with experience in preparing HABS documentation and one who meets the Secretary of the Interior's Historic Preservation Professional Qualifications for Architectural History. Copies of the outline report (both a hard copy and as a pdf) should be provided to local repositories (such as the Sunnyvale Library and the Sunnyvale Historical Society) and the Environmental Design Archive at the University of California, Berkeley.

MM Cultural-4: Archival of the Historical Plans

Digital (pdf) copies of the historical plans of the Sunnyvale Civic Center Historic District's buildings (City Hall, City Hall Annex, Library, and Sunnyvale Office Center) and landscapes on file with the City shall be provided to local repositories (such as the Sunnyvale Library and the Sunnyvale Historical Society) and the Environmental Design Archive at the University of California, Berkeley.

MM Cultural-5: Cultural Resources Sensitivity Training and Inadvertent Discovery

A professional archaeologist shall provide sensitivity training to supervisory staff prior to initiation of site preparation and/or construction, to alert construction workers to the possibility of exposing significant historic and/or prehistoric archaeological resources within the proposed project area. The training shall include a discussion of the types of prehistoric or historic objects that could be exposed and how to recognize them, the need to stop excavation at a discovery and within 50 feet of a discovery, and the procedures to follow regarding discovery protection and notification. An "Alert Sheet" shall be posted in staging areas, such as in construction trailers, to alert personnel to the procedures and protocols to follow for the discovery of a potentially significant historic and/or prehistoric archaeological resource.^a

^a Significant prehistoric cultural resources may include:

- a. Human bone, either isolated or intact burials.
- b. Habitation, occupation or ceremonial structures as interpreted from rock rings/features, distinct ground depressions, differences in compaction (e.g., house floors).

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In the event that an archaeological resource is discovered, ground disturbing work shall be halted within 50 feet of the find, and a qualified cultural resources specialist/archaeologist shall be brought to the site. The qualified cultural resources specialist/archaeologist shall evaluate the resource and determine whether it is (1) eligible for the CRHR (and thus a historic resource for purposes of CEQA) and/or (2) a unique archaeological resource as defined by CEQA. If the resource is determined to be neither a unique archaeological nor a historical resource, work may commence in the area.

If the resource meets the criteria for either a historical or unique archaeological resource, work shall remain halted within 50 feet of the find, and the qualified cultural resources specialist/archaeologist shall evaluate the resource and determine whether it is (1) eligible for the CRHR (and thus a historic resource for purposes of CEQA) and/or (2) a unique archaeological resource as defined by CEQA. If the resource meets the criteria for either a historical or unique archaeological resource, work shall remain halted within 50 feet of the area of the find and the qualified cultural resource specialist shall consult with City staff regarding methods to ensure that no substantial adverse change would occur to the significance of the resource pursuant to CEQA Guidelines Section 15064.5(b). Preservation-in-place (i.e., avoidance) is the preferred method of mitigation for impacts on cultural resources. If preservation-in-place and avoidance is not possible, data recovery shall be undertaken. The methods and results of data recovery work at an archaeological find shall be documented in a professional-level technical report to be filed with the California Historical Resources Information System (CHRIS). Work in the area may commence upon completion of treatment, as approved by the City.

MM Cultural-6: Paleontological Resources Sensitivity Training and Inadvertent Discovery

A professional paleontologist shall provide sensitivity training to supervisory staff to alert construction workers to the possibility of exposing significant paleontological resources within the proposed project area. The training shall be conducted as defined by the Society of

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- c. Artifacts including chipped stone objects such as projectile points and bifaces; groundstone artifacts such as manos, metates, mortars, pestles, grinding stones, pitted hammerstones; and, shell and bone artifacts including ornaments and beads.
 - d. Various features and samples including hearths (fire-cracked rock; baked and vitrified clay), artifact caches, faunal and shellfish remains (which permit dietary reconstruction), distinctive changes in soil stratigraphy indicative of prehistoric activities.
 - e. Isolated prehistoric artifacts (Basin Research Associates, 2015)

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Vertebrate Paleontology's Conformable Impact Mitigation Guidelines Committee (1995), to recognize fossil materials in the event that any are uncovered during construction.

In the event that a paleontological resource is uncovered during project implementation, all ground-disturbing work within a 50-foot radius shall be halted. A qualified paleontologist shall inspect the discovery and determine whether further investigation is required. If the discovery can be avoided and no further impacts shall occur, no further effort shall be required. If the resource cannot be avoided and may be subject to further impact, a qualified paleontologist shall evaluate the resource and determine whether it is "unique"^b under CEQA, Appendix G, part V. If the resource is determined not to be unique, work may commence in the area. If the resource is determined to be a unique paleontological resource, work shall remain halted, and the paleontologist shall consult with City staff regarding methods to ensure that no substantial adverse change would occur to the significance of the resource pursuant to CEQA.

Preservation-in-place (i.e., avoidance) is the preferred method of mitigation for impacts to paleontological resources. If preservation-in-place is not feasible and avoidance is not possible, the fossils shall be recovered, prepared, identified, catalogued, and analyzed according to current professional standards under the direction of a qualified paleontologist. All recovered fossils shall be curated at an accredited and permanent scientific institution according to Society of Vertebrate Paleontology (SVP) standard guidelines. Work may commence upon completion of treatment.

MM Cultural-7: Human Remains

If human remains are encountered during construction, ground disturbing work shall halt within 50 feet of any area where human remains, or suspected human remains, are encountered in compliance with California law (Health and Safety Code section 7050.5; PRC sections 5097.94, 5097.98, and 5097.99). The City shall contact the Medical Examiner at the county coroner's office. The Medical Examiner has two (2) working days to examine the remains after being

^b A unique paleontological resource is any fossil or assemblage of fossils, or paleontological resource site or formation that meets any one of the following criteria:

- Is the best example of its kind locally or regionally;
- Illustrates a paleontological or evolutionary principle (e.g. faunal succession; plant or animal relationships);
- Provides a critical piece of paleobiological data (illustrates a portion of geologic history or provides evolutionary, paleoclimatic, paleoecological, paleoenvironmental or biochronological data);
- Encompasses any part of a "type locality" of a fossil or formation;
- Contains a unique or particularly unusual assemblage of fossils;
- Occupies a unique position stratigraphically within a formation; or
- Occupies a unique position, proximally, distally or laterally within a formation's extent or distribution (County of San Diego, 2007)

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notified by the City. When the remains are determined to be Native American, the Medical Examiner has 24 hours to notify the Native American Heritage Commission (NAHC).

The NAHC shall immediately notify the identified Most Likely Descendant (MLD), and the MLD has 48 hours, from the time that access to the project site is granted, to make recommendations to the landowner or representative for the respectful treatment or disposition of the remains and grave goods. If the MLD does not make recommendations within 24 hours, the area of the property must be secured from further disturbance. If there are disputes between the landowner and the MLD, the NAHC shall mediate the dispute to attempt to find a resolution. If mediation fails to provide measures acceptable to the landowner, the landowner or his/her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

MM Cultural-8: Tribal Cultural Resources Inadvertent Discovery

The training and Alert Sheet identified under MM Cultural-1 shall encompass tribal cultural resources as well.

In the event that an archaeological resource is discovered, ground disturbing work shall be halted within 50 feet of the find, and a qualified cultural resources specialist/archaeologist shall be brought to the site. The qualified cultural resources specialist/archaeologist shall evaluate the resource and determine whether it is of special importance to a California Native American Tribe. If the resource is determined to not be of importance to the tribe, work may commence in the area.

If the resource meets the criteria for an important tribal resource, work shall remain halted within 50 feet of the find, and the qualified cultural resources specialist/archaeologist shall evaluate the resource and determine whether it is an important resource to the local Native American Tribe. If the resource is important to the tribe, work shall remain halted within 50 feet of the area of the find and the qualified cultural resource specialist shall consult with City staff regarding methods to ensure that no substantial adverse change would occur to the significance of the tribal cultural resource pursuant to PRC section 21084.3. Methods may include the following:

- Preservation-in-place (i.e., avoidance) is the preferred method of mitigation for impacts on tribal cultural resources.
- Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 1. Protecting the cultural character and integrity of the resource
 2. Protecting the traditional use of the resource
 3. Protecting the confidentiality of the resource

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- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Protecting the resource.
- Work in the area may commence upon completion of treatment, as approved by the City.

Finding

Eight mitigation measures would reduce six potentially significant impacts on cultural and tribal cultural resources; one impact (Impact Cultural-1) would remain **significant and avoidable** and five impacts (Impact Cultural-2 through Impact Cultural-6) would be reduced to a **less than significant** level.

5. Geology and Soils

Impact

Geology-3. The proposed project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Geology-4. The proposed project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), or a corrosive soil creating substantial risks to life or property.

Mitigation

MM Geology-1: Geotechnical Investigation

The City shall conduct a design-level geotechnical investigation for the project site to identify and evaluate soil conditions and geologic hazards. Where potential soil or geologic hazards are found to occur, appropriate engineering design and construction measures shall be identified in the geotechnical investigation. These recommendations shall be incorporated into the design of Phase I and of future phases, as deemed appropriate by a California licensed Geotechnical Engineer or Certified Engineering Geologist. Appropriate design measures shall include, but are not limited to removal of unstable materials and replacement with stable materials, and avoidance of highly unstable areas, if found.

Finding

Implementation of the above Final Program EIR mitigation measure would reduce two potentially significant impacts (Impact Geology-3 and Impact Geology-4) on geology and soils to a **less than significant** level.

6. Hazards and Hazardous Materials

Impact

Hazards-1. The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

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Hazards-2. The proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Hazards-3: The proposed project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.

Mitigation

MM Hazards-1: Hazardous Building Materials Survey, Notification, Removal, and Disposal Survey: A lead-based paint and asbestos survey shall be performed prior to any construction and demolition activities.

- The asbestos survey shall adhere to Asbestos Hazard Emergency Response Act (AHERA) sampling protocol and should be performed prior to any activities that may disturb suspect asbestos-containing materials (ACMs).
- The lead-based paint survey will require the project sponsor to collect and test material samples or perform an X-Ray Fluorescence (XRF) survey to determine the presence of lead-based paint.

Asbestos Notification: USEPA and BAAQMD shall be notified using the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) Notification Form, at least ten working days prior to the start of building demolition and demolition shall comply with 40 CFR 61, Subpart M (National Emission Standard for Asbestos), under the Health & Safety Code § 39658(b)(1).

Removal and Disposal: Disposal of contaminated waste shall comply with applicable regulations.

- Removal and disposal of asbestos-containing materials shall comply with BAAQMD Regulation 11 Hazardous Pollutants, Rule 2 Asbestos Demolition, Renovation, and Manufacturing.
- Disposal of building materials from structures built prior to 1978 shall comply with CalOSHA Lead Construction Standard, Title 8, California Code of Regulation 1532, which requires development and implementation of a lead compliance plan when materials that contain lead would be disturbed during construction.

MM Hazards-2: Soil Testing and UST Investigation

Soil Testing. Soil that is intended to be imported, disturbed during grading or construction, disposed of, or removed from the project site shall be tested for hazardous contaminants (i.e., pesticides or petroleum hydrocarbons), with the test results compared to regulatory standards such as Federal (RCRATCLP) and State (Title 22-STLC, TTLC) hazardous waste criteria, and other applicable health-based screening levels established by the California Environmental Protection Agency prior to import, disposal, or removal.

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UST Investigation. An investigation shall verify that the historical UST to the north of the existing City Hall (former Public Safety Building) was removed prior to any future excavation in this area. An investigation of potential subsurface impacts related to the historic gasoline service station and automobile repair facilities formerly located on the southeast corner of the project site shall be conducted prior to any future excavation in this area.

MM Hazards-3: Soil Management Plan

A Soil Management Plan (SMP) shall be prepared for the project site following testing of soil, in accordance with MM Hazards-2. The City shall seek regulatory approval of the SMP if soil samples are found to exceed regulatory standards. The SMP shall include the following measures at a minimum:

- **Management:** If project site soil is found to be contaminated, the soil shall either be properly disposed of based on the results of testing or encapsulated beneath an engineered cap of clean soil or concrete and/or asphalt for areas beneath new impervious surfaces (i.e., parking lots or garages).
- **Import:** If a soil/fill source is found to be contaminated, a new soil/fill source shall be selected.
- **Handling:** Handling of soil or earthen material that could be contaminated with pesticides shall be performed in accordance with all applicable federal, State, and local laws in order to protect worker health and minimize current or future exposure.
- **Health and Safety:** Health and safety procedures shall be prepared and implemented in the event that contaminated soil, undocumented USTs, or other subsurface structures of environmental concern are encountered during construction.

MM Hazards-4: Spill Prevention and Response

The City shall, at a minimum, implement best management practices that address the following procedures related to the use of hazardous materials during construction:

- Proper disposal or management of contaminated soils and materials (i.e., clean up materials)
- Daily inspection of vehicles and equipment for leaks and spill containment procedures
- Emergency response and reporting procedures to address hazardous material releases
- Fuels and lubricating oils for vehicles and heavy equipment will not be stored or transferred within 100 feet of any storm drains
- Emergency spill supplies and equipment shall be available to respond in a timely manner if an incident should occur

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- Response materials such as oil-absorbent material, tarps, and storage drums shall be available in the plan area at all times during management activities and shall be used as needed to contain and control any minor releases
- The absorbent material shall be removed promptly and disposed of properly
- Placement of as needed, minor amounts of fuel, lubricants, and hydraulic fluid for equipment operation in appropriate storage tanks on the bed of fueling vehicles
- Use of secondary containment and spill rags when fueling
- Discourage “topping-off” fuel tanks
- Spill kits for all fuel trucks and fueling areas
- All workers shall be trained on the specific procedures for hazardous materials and emergency response as an element of the required worker environmental training prior to working in the plan area.

Finding

Implementation of the above Final Program EIR mitigation measures would reduce three potentially significant impacts (Impact Hazards-1 through Impact Hazards-3) on hazards and hazardous materials to a **less than significant** level.

7. Hydrology and Water Quality

Impact

Hydrology-1. The proposed project could violate any water quality standards or waste discharge requirements.

Hydrology-4. The proposed project could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

Hydrology-5. The proposed project could create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Hydrology-11. The proposed project could result in significant impacts on water resources in combination with past, present, and probable future development in the cumulative analysis study area.

Mitigation

MM Hazards-2 Soil Testing and UST Investigation (see above)

MM Hazards-3: Soil Management Plan (see above)

MM Hazards-4: Spill Prevention and Response (see above)

MM Hydrology-1: Construction Stormwater Management

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If construction occurs during the rainy season (i.e., November to April^c), temporary detention basins shall be installed to ensure that stormwater flows from the project site into the stormwater collection system do not increase during construction.

Finding

Implementation of the above Final Program EIR mitigation measures would reduce four potentially significant impacts (Impacts Hydrology-1, 4, 5, and 11) on hydrology and water quality to a **less than significant** level.

8. Noise

Impact

Noise-1. The proposed project could expose persons to or generate noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies.

Noise-3. The proposed project could result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Noise-4. The proposed project could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the Project.

Noise-7. The proposed project could result in significant impacts on noise in combination with past, present, and probable future development in the cumulative analysis study area.

Mitigation

MM Noise-1: Noise Management Plan

The City shall prepare a Noise Management Plan that includes the following elements at a minimum:

- **Best Management Practices.** The plan shall identify noise best management practices to be implemented during construction, including but not limited to:
 1. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 2. Construct solid plywood fences (minimum 8 feet in height) or erect noise control blanket barriers between on-site demolition/construction sites and receptors (e.g., residences and library) as defined below. Noise barriers shall also be installed around the perimeter of all staging areas to reduce noise impacts on receptors (e.g., residences, library, and Little Tree Montessori International School of Sunnyvale).

Receptor	Distances within which Noise Blanket or Barrier is Required
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^c Determined as months with an average of one inch or more of rainfall (City of Sunnyvale, 2016)

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	Demolitions & Site Preparation	Foundation Construction	Building Construction & Finishing
Residence	80 feet	60 feet	N/A
Library	200 feet	140 feet	80 feet

3. Position stationary noise-generating equipment as far as possible from receptors (preschool, residences and the library)
- **Construction Schedule.** The plan shall include a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent noise-sensitive land uses, including residences, Little Tree Montessori International School of Sunnyvale, and the Sunnyvale Library, so that construction activities can be scheduled to minimize noise disturbance during noise-sensitive periods (nighttime, preschool nap times, library events, etc.). The schedule shall identify noise-sensitive periods and define noise reduction techniques.
 - **Community Liaison.** The plan shall designate a “Community Liaison” to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise and vibration.
 - **Notices.** The plan shall identify receptors within 400 feet of the project that will receive construction notices. Construction notice details are identified below:
 1. A notice with the name and phone number of the Community Liaison shall be posted on the fencing surrounding the construction work site on the project site.
 2. Residents and schools shall be sent a notice at least 7 days prior to the start of construction.
 3. Residences within 500 feet of nighttime construction shall receive additional notice 7 days prior to each occurrence of nighttime construction.
 4. Notices shall include details regarding the construction schedule and the phone number for the Community Liaison, in addition to tips for reducing noise.
 - **Noise Complaints.** The Community Liaison shall respond to any local complaints regarding construction noise and vibration. The Community Liaison shall determine the cause of the noise or vibration complaint and implement reasonable measures to correct the problem. Reasonable measures could include the following:
 1. Installation of temporary sound absorption barriers (i.e., sound walls, noise control blankets)
 2. Use of mufflers on heavy equipment
 3. Locating of stationary noise sources (i.e., generators) as far as feasible from existing residences and Little Tree Montessori International School of Sunnyvale

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MM Noise-2: Mechanical Equipment

A qualified acoustical consultant shall be retained to review the projected mechanical noise and design specific noise reduction techniques accordingly. Exterior mechanical equipment shall be selected and designed to not exceed 50 dBA at neighboring residential properties.

MM Noise-3: Construction Impacts on the Library

The City shall post notices of project construction at the Sunnyvale Library at least 1 month prior to construction. Notices shall identify activities that would impact library noise levels and alert library users to the potential of vibration impacts that may occur as part of project construction.

The City shall coordinate with library staff at least a week prior to conducting site preparation, demolition, construction, or staging activities within 200 feet of the library, and shall accommodate any special events or noise sensitivities expressed by library staff, as feasible

MM Noise-4: Noise at Schools

The City shall coordinate with administrators at the Little Tree Montessori International School of Sunnyvale to identify noise-sensitive periods (such as nap times) as required by MM Noise-1 and restrict construction activities that have the potential to generate noise levels over 73 dBA at the school (staging activity such as generator use or movement of materials with heavy equipment) within 59 feet of the school during these noise-sensitive periods.

MM Traffic-3: Transportation Demand Management Program (see below)

Finding

Five mitigation measures would reduce four potentially significant impacts on noise, but all four impacts (Impacts Noise-1, 3, 4, and 7) would remain **significant and avoidable**.

9. Traffic and Transportation

Impact

Traffic-1. The proposed project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulations system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Traffic-4: The proposed project could substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Traffic-5: The proposed project could result in inadequate emergency access.

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Traffic-6: The proposed project could conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Traffic-7: The proposed project could result in significant impacts on the transportation network and level of traffic in combination with past, present, and probable future development in the cumulative analysis study area.

Mitigation

MM Traffic-1: Temporary Traffic Control Measures

The following traffic control measures shall be incorporated into the Temporary Traffic Control plan prepared as required by the City:

- **Road and Lane Closures**
 - Time road and lane closures to avoid peak (AM and PM) commuting hours.
 - Road closures along West Olive Avenue shall be prohibited during construction. Two lanes of traffic shall be retained at all times on West Olive Avenue.
- **Construction Traffic and Safety**
 - Time construction worker commute and haul truck trips to avoid peak (AM and PM) commuting hours.
 - Construction traffic routes shall avoid the intersection of Mary Avenue/ West Olive Avenue.
 - Flaggers shall be posted to control the traffic into and out of the construction site.
- **Notification**
 - The City shall notify local emergency personnel (i.e., fire departments, police departments, ambulance, and paramedic services), employees at the Civic Center Campus, and residents within 300 feet at least 7 days prior to road or lane closures. The notice shall include location(s), date(s), time(s), and duration of closure(s), and a contact number for the construction contractor.

MM Traffic-2: Maintain Line of Sight

The City shall evaluate site entrance and underground parking garage driveway designs according to the Caltrans Highway Design Manual and modify designs to ensure that appropriate recommendations for maintaining sight distance are incorporated. The City shall trim trees and other landscaping to ensure that line of sight for drivers entering and exiting site access points and underground parking garages is maintained. If entrances to and exits from the project site or underground parking garages are moved during the final design of each phase, they shall only be moved into positions that allow for adequate lines of sight for ingress and egress.

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MM Traffic-3: Public Transit, Bicycle, and Pedestrian Facilities

The following measures shall be implemented during construction:

- The City shall coordinate with Santa Clara Valley Transportation Agency to re-locate bus stops and/or re-route affected transit services via parallel streets during construction when affected transit service is subject to delays resulting from partial or full street closure.
- The City shall post signs at the affected bus stops on West Olive Avenue. The signs will be posted at least 2 weeks in advance of lane closures and shall indicate when the bus stops along West Olive Avenue would be unavailable and where the nearest bus stop for Route 54 is located.
- The City shall post signs at pedestrian intersections at least 2 weeks in advance of construction that are anticipated to be affected by detours. These signs shall state the date range of construction and shall indicate the route of pedestrian detours during construction.
- Warning signs shall be posted on sidewalks where construction limits pedestrian access and to identify which side of the street can be safely accessed at intersections prior to construction zones.
- The City or its construction contractors shall use “share the road” signs within the construction zones where partial closures would occur and provide clear signs using the bicycle symbol to guide bicyclists to detour routes.

Finding

Five impacts on traffic and transportation would be potentially significant. Three mitigation measures would reduce all five impacts (Impacts Traffic-1, 4, 5, 6, and 7) to a **less than significant** level.

10. Utilities and Service Systems

Impact

Utilities-3. The proposed project could require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Utilities-7. The proposed project could conflict with federal, State, and local statutes and regulations related to solid waste.

Utilities-8. The proposed project could result in significant impacts on utilities and service systems in combination with past, present, and probable future development in the cumulative analysis study area.

Mitigation

MM Hydrology-1: Construction Stormwater Management (see above)

MM Hazards-1: Hazardous Building Materials Survey, Notification, Removal, and Disposal (see above)

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MM Hazards-3: Soil Management Plan (see above)

Finding

Implementation of the above Final Program EIR mitigation measures would address three potentially significant impact (Impacts Utilities-3, 7, and 8) related to utilities and service systems; the impact would be reduced to a **less than significant** level.

VIII. SUMMARY OF SIGNIFICANT AND UNAVOIDABLE ADVERSE EFFECTS

With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the proposed project will result in significant unmitigated impacts to Cultural and Tribal Cultural Resources and Noise, as follows:

1. Cultural and Tribal Cultural Resources:
 - a. Implementation of Phase I would involve demolition and project construction activities that could alter the physical characteristics of the historical significance of properties eligible for listing in the California Register of Historic Places.
2. Noise:
 - a. Implementation of the proposed project could expose persons to noise levels that exceed local standards.
 - b. Implementation of the proposed project could result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
 - c. Implementation of the proposed project could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
 - d. Implementation of the proposed project could result in significant impacts on noise in combination with past, present, and probable future development in the cumulative analysis study area.

IX. PROJECT ALTERNATIVES

Legal Requirement

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 Program EIR, the proposed project would be expected to result in significant and unavoidable impacts to Cultural and Tribal Cultural Resources and Noise. The Program 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 proposed project, and in

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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 proposed project outweigh the significant effects on the environment as more fully set forth in Article IX below.

Alternative 1. No Project Alternative

Description

Pursuant to CEQA Guidelines Section 15126.6(e), an EIR must include an evaluation of a No Project Alternative so decision makers can compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The evaluation of the No Project Alternative must discuss the existing conditions at the time the NOP was published (i.e., revised NOP, December 2017) as well as "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" (CEQA Guidelines Section 15126.6(e)(2)). Therefore, the No Project Alternative considers the reasonably foreseeable actions that would be implemented by the City if the proposed project is not approved.

Under the No Project Alternative, the proposed project would not be implemented. It is reasonable to assume that minor maintenance activities of the buildings and landscaping as well as upgrades within the existing facilities could occur. When the leases of the private tenants expire, City services could expand into the Sunnyvale Office Complex.

Comparison to the Proposed Project Impacts

The No Project Alternative would result in greater environmental impacts than the proposed project on seismic hazards, public services, stormwater runoff, water use, wastewater generation, and energy resources but would reduce impacts on other resource topics. The proposed project would involve construction of efficient, larger, multi-story buildings, minimizing utility and energy use as well as meeting the service ratios for public services. The proposed project would have greater environmental impacts on other resources topics primarily due to construction activities and relocation of the secured lot for police dispatch.

Finding

Implementation of the No Project Alternative would result in less adverse environmental impacts on some resources topics. However, the No Project Alternative would not meet any of

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the project objectives. Although the City could expand into the Sunnyvale Office Complex to serve the public, the existing buildings would not be replaced or renovated to meet future service delivery needs, nor would they be modernized. The library is currently undersized and the existing EOC, housed in the Public Safety Headquarters, is too small and the layout is not adequate to meet the needs of the City. The future service needs of the City would not be met. New indoor and outdoor services would not be offered, and the buildings would not be a model of sustainability.

Alternative 2. Maintenance of Existing Public Safety Headquarters Location Alternative

Description

The location of the existing Public Safety Headquarters and secured parking lot would be maintained. Phase I construction, involving the new City Hall and the Public Safety Building Addition, would remain the same as for the proposed project. The new Library would be constructed during future phases. The new Public Safety Headquarters and secured lot would be constructed in generally the same location as the existing Public Safety Headquarters. Instead of an entirely new Public Safety Headquarters, the existing Public Safety Headquarters and Public Safety Building Addition may be expanded and renovated to achieve the size of up to 65,000 sf. An underground garage could be constructed during future phases beneath the new Public Safety Headquarters.

Comparison to the Proposed Project Impacts

Alternative 2 would avoid the significant and unavoidable impact on periodic increases to ambient noise as the secured lot would remain in the same location as existing conditions. Alternative 2 would meet all basic project objectives.

Finding

Implementation of Alternative 2: Maintenance of Existing Public Safety Headquarters Location Alternative would result in less adverse environmental impacts than the proposed project and was identified as the environmentally superior alternative. Alternative 2 would reduce the significant and unavoidable impacts from conflict with noise standards and from periodic increases in ambient noise of the proposed project, while still meeting the basic objectives.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

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

Section 15093 of the CEQA Guidelines requires the decision-making agency to balance the economic, legal, social, technological, or other benefits of a proposed project against its significant and unavoidable impacts. When the lead agency approves a project that will result in significant impacts identified in the Final Program EIR that are not avoided or substantially lessened, the agency must state in writing the reasons in support of its action based on the Final Program EIR and the information in the record. The statement of overriding considerations

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shall be supported by substantial evidence in the record. Accordingly, the following Statement of Overriding Considerations with respect to the proposed project's significant unavoidable impacts is hereby adopted.

The City Council has balanced the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the proposed project, and has determined that the benefits of the proposed project outweigh the unavoidable adverse environmental impacts, for the following reasons:

- The proposed project would create an environment that inspires community pride and promotes civic engagement.
- The proposed project would increase the quantity of public open spaces on the Civic Center Campus.
- The proposed project would increase the space available to provide City Hall and Sunnyvale Library services to the meet the current and future needs of City residents.
- The proposed project would replace older buildings with modern, efficient buildings reducing energy and water use on the Civic Center Campus.
- The proposed project would provide dedicated space for the Emergency Operations Center enabling faster emergency response.
- The proposed project would upgrade the crime lab facility and provide dedicated space for evidence storage and processing, increasing the efficacy of the Public Safety Headquarters.

The City Council finds that to modernize and expand the City Civic Center would be consistent with the City's General Plan.

The City Council finds that the social and other benefits that would result from development of this proposed project outweigh the unavoidable environmental impacts identified above. These considerations are described below. In making this finding, the City Council has balanced the benefits of the proposed project against its unavoidable environmental impacts and has indicated its willingness to accept these risks.

The above statements of overriding considerations are consistent with, and substantially advance, the following goals and policies of the City's General Plan:

General Plan

- Goal CC-4: *Accessible and attractive public facilities. Provide public facilities which are accessible, attractive and add to the enjoyment of the physical environment.*
- Policy CC-4.1: *Ensure that Sunnyvale's public facilities are easily identified, accessible, attractive and representative of the community's values and aspirations.*

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- Action Statement CC-4.1b: *Consider implementing ways to increase the visibility of the Civic Center on Mathilda Avenue and El Camino Real and consider better identification for the Community Center along Remington.*
- Policy CC-4.2: *Maintain beautiful and comfortable outdoor public places which provide a shared sense of ownership and belonging for Sunnyvale residents, businessowners and visitors.*
- Goal CC-7: *Appreciate library facilities. Maintain library facility and purchases materials that are easily obtainable and appropriate based on changing community needs.*
- Policy CC-7.2: *Maintain a full-service Library adequate to meet community needs.*
- Policy SN-3.1: *Provide rapid and timely response to all emergencies.*
- Policy LT-4.2: *Encourage nodes of interest and activity, public open spaces, well-planned development, mixed-use projects, signature commercial uses, and buildings and other desirable uses, locations, and physical attractions.*
- Action LT-4.2a: *Promote the development of signature buildings and monuments that provide visual landmarks and create a more distinctive and positive impression of Sunnyvale within the greater Bay Area.*
- Action LT-4.2b: *Allow for innovative architectural design.*

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 Program EIR and is hereby incorporated by reference.

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XII. ADMINISTRATIVE RECORD

The environmental analysis provided in the Program 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 proposed project:

- a. The Sunnyvale Civic Center Modernization Master Plan document and supporting documents prepared by the City.
- b. The NOPs, comments received on the NOPs and all other public notices issued by the City in relation to the Draft Program EIR (e.g., Notice of Availability).
- c. The Draft Program EIR, the Final Program EIR, all appendices to any part of the Program EIR, all technical materials cited in any part of the Program EIR, comment letters, oral testimony, responses to comments, as well as all of the comments and staff responses entered into the record orally and in writing between April 23, 2018 and June 7, 2018.
- d. All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants related to the Program EIR, its analysis and findings.
- e. Minutes and transcripts of the discussions regarding the proposed project and/or proposed project components at public hearings or scoping meetings held by the City, including the Planning Commission and the City Council.
- f. Staff reports associated with Planning Commission and Council Meetings on the proposed project and supporting technical memoranda and any letters or other material submitted into the record by any party.
- g. Matters of common knowledge to the City Council which they consider, such as the Sunnyvale General Plan, any other applicable specific plans or other similar plans, and the Sunnyvale Municipal Code.

XIII. LOCATION AND CUSTODIAN OF RECORDS

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

XIV. FILING NOTICE OF DETERMINATION

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

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XV. REFERENCES

Basin Research Associates. (2015, October). Cultural Resources Report Alameda-North Bay Farm Island Pipeline Crossings Project.

City of Sunnyvale. (2016, June). City of Sunnyvale 2015 Urban Water Management Plan.

County of San Diego. (2007, March 19). Guidelines for Determining Significance and Report Format and Content Requirements.