

RECOMMENDED FINDINGS

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR PROJECTS CONSISTENT WITH THE LAND USE AND TRANSPORTATION ELEMENT (LUTE) ENVIRONMENTAL IMPACT REPORT (EIR)

The Zoning Administrator hereby makes the following findings:

1. The Zoning Administrator has independently reviewed the programmatic Draft and Final Environmental Impact Reports for the Land Use and Transportation Element (LUTE) of the Sunnyvale General Plan, State Clearinghouse #2012032003 (the “LUTE EIR”).
2. The LUTE EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the LUTE. In addition, the LUTE EIR identified significant and unavoidable impacts with regard to transportation, air quality, cultural resources, and noise.
3. On April 11, 2017, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the LUTE EIR and adopted the LUTE.
4. In addition to serving as the environmental document for the adoption of the LUTE, the LUTE EIR was intended by the City to serve as the basis for compliance with CEQA for projects that are consistent with the development density established by the LUTE in accordance with Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines. These sections provide that if an environmental effect of a project is not peculiar to the parcel or the project, has been addressed as a significant impact in the EIR, or can be substantially mitigated by the imposition of uniformly applied development standards or policies, then an additional EIR need not be prepared on the basis of that effect.
5. The City has analyzed the proposed Project to determine if the Project meets the criteria for streamlined environmental review under Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines.
6. The LUTE designates the Project Site as “Industrial”. This designation authorizes a base density of 35% floor area ratio (FAR) with additional FAR available to projects that incorporate sustainable features (LUTE, p.89). Specifically, the City “maintains a limited pool of available square footage that may be applied to projects/sites in industrial areas that request higher floor area ratios and provide

desired community benefits, including participation in the Green Building Program.” The City currently has sufficient square footage in the Citywide Development Pool to meet the Project’s request for additional FAR under the Green Building Program.

7. The LUTE contains a number of goals, policies, and implementing actions that affirm the General Plan’s vision for sustainable development, including Policy LT-2.1 (sustainable practices for the design, construction, maintenance, operation, and deconstruction of buildings), LT-2.1b (encourage green features), LT-2.1c (establish incentives that encourage green building practices beyond mandated requirements), LT-2.7 (provide residents and businesses with opportunities to develop private renewable energy facilities), and LT-3.4 (require large employers to develop and maintain transportation demand management programs to reduce employee vehicle trips).
8. The Project is designed to LEED Gold standards, as required by the City’s Green Building program, and includes many green building features including solar panels, electric vehicle charging stations, use of daylighting, and an advanced heating and cooling system. The Project would also implement a transportation demand management program whereby the trips generated by the Project would not be more than a project built at 35% FAR.
9. The environmental checklist prepared for the Project, including technical analysis of transportation options and historic resources, concludes that the Project will not have any new or more severe impacts, including off-site and cumulative impacts, than were analyzed in the LUTE EIR, with the exception of a transportation impact at the intersection of Commercial Street and Kifer Road, as discussed below.
10. The transportation operations analysis (TOA) for the Project indicates that, with the Project, the level of service (LOS) at the unsignalized intersection of Commercial Street and Kifer Road would operate at an unacceptable LOS unless signalized. Signalizing the intersection will reduce the Project’s effect on LOS to less than significant. Compliance with the recommendations of the TOA is a condition of approval of the Project.
11. Section 15183(f) of the CEQA Guidelines provides that an effect of the project on the environment shall not be considered “peculiar” to the project for purposes of Section 15183 if the effect can be substantially mitigated by the imposition of uniformly applied development standards or policies. The City of Sunnyvale has adopted the following policies that require new development to mitigate traffic impacts:
 - a) LUTE Policy LT-3.24: Ensure effective and safe travel flows for all modes of transport through physical and operational transportation improvements.

b) Council Policy 1.2.2: It is the policy of the City to provide adequate transportation facilities and encourage alternative modes of transportation to reduce air pollution and conserve energy. Further, it is the policy that those creating negative impacts on the transportation system should pay an equitable amount of the cost of providing those facilities. Therefore, transportation impact mitigation measures shall be assessed equitably against all types of new development projects, including residential. The type of mitigation assessment shall be directly related to and in proportion to the impact attributable to any given project. Mitigation measures may include . . . Traffic signals . . . [emphasis added]

12. Based on the environmental checklist for the Project and other information in the record, and after a duly noticed public hearing, the City finds as follows:
- a) The Project is consistent with the Land Use and Transportation Element (LUTE) of the City's General Plan.
 - b) The conditions of approval for the Project require the Project to undertake feasible mitigation measures required by the LUTE EIR and applicable to the Project.
 - c) As applied to the Project, uniformly applied development policies or standards previously adopted by the City, including without limitation LUTE Policy LT-3.24 and Council Policy 1.2.2., would substantially mitigate the impact of the project on the intersection of Wolfe Road and Commercial Street.
 - d) The Project will have no environmental effects that:
 - i) are peculiar to the Project or the parcel on which the Project is located;
 - ii) were not analyzed as significant effects in the LUTE EIR;
 - iii) are potentially significant off-site impacts or cumulative impacts which were not discussed in the LUTE EIR; or
 - iv) are previously identified significant effects which, as a result of substantially new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the LUTE EIR.
 - e) Accordingly, the City finds that no additional EIR needs to be prepared 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.

DESIGN REVIEW

Design Review: In order to approve the Design Review, the proposed project must conform with the applicable City criteria and design guidelines. Staff finds that the project is consistent with all applicable design guidelines, including the Citywide Design Guidelines and Bird-Safe Design Guidelines.

Required Finding:

1. The project's design and architecture conforms with the applicable criteria and various guidelines for design review established by the City Council.

Staff finds the project to be consistent with the Citywide Design Guidelines and Bird-Safe Design Guidelines that apply to the project, as well as applicable Sunnyvale Municipal Code (SMC) standards. The project design contributes positively to the City image and community character through state of the art design, use of unique and high-quality building materials, and introduction of significant, innovative, and noteworthy architectural forms and elements. The project complies with all applicable development standards in the SMC, such as lot coverage, setbacks, parking, height, and landscaping. The project will also incorporate green building features to achieve LEED Gold certification.

The proposed site design will improve the aesthetics of the site area and immediate neighborhood through extensive use of landscaping and open space, reduction of driveway approaches, and installation of public improvements, including street trees and sidewalks where they do not currently exist. There is open space available onsite for employees to meet and interact. Landscaping is provided around the perimeter of the site and throughout the new parking lot. Sufficient bicycle parking, showers and lockers available for employee use, and new green bike lanes will help to encourage bicycle commuting. Pedestrian connectivity is provided through a network of pathways within the project and out to the new public sidewalks.

The distinctive architectural design of the project sufficiently minimizes the mass of long building facades through modulization into smaller segments and use of high-quality materials. There are similar horizontal and vertical proportions, with a distinctive horizontal base, middle, and top to the building as well as symmetrical vertical components. The rectangular facades are further articulated through changes in wall planes and colors/materials between the different building components, as well as fin system applied on the glass façades of the building. The roofline heights vary to provide visual interest. Bird-safe measures have been incorporated through non-reflective mullions, fins, and shadow boxes; and low-reflectivity glass with fritting applied in key locations.

VESTING TENTATIVE PARCEL MAP

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

1. That the proposed map 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 site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the lot merger or proposed improvements are 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 Vesting Tentative Parcel Map.