RECOMMENDED FINDINGS

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

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 City Council for the proposed Project dated June 12, 2018 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 City Council 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 SPECIFIC PLAN PERMIT

Peery Park Plan Review Permit: The project is consistent with the Vision Statement, Guiding Principles and District Policies of the Peery Park Specific Plan 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.

Staff finds the project to be consistent with the above findings as the project is consistent with the certified Environmental Impact Report and meets all development standards in the Peery Park Development Code and Sunnyvale Municipal Code. The unique architectural design, through the use of high quality materials and interesting form, complies with applicable guidelines for the Peery Park Specific Plan area. Sidewalk improvements and the landscaped plaza/green space between the new building and the garage and walk path will be constructed to create ease of pedestrian circulation and connection between the structures and landscape provide for a much-improved streetscape and pedestrian experience. The project will also be subject to Transportation Demand Management Plan trip reduction standards required in the PPSP.

The project will not result in environmental effects that were not adequately examined in Program EIR. The project is consistent with the Program EIR and does not increase the severity of, significant environmental impacts previously identified in the Program EIR. The height of the building and setbacks meets the development standards for the PPSP

VESTING TENTATIVE PARCEL MAP

In order to approve the Vesting Tentative Parcel Map, the proposed subdivision 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. Staff was not able to make any of the following findings and recommends approval of the Tentative Parcel Map.

1. That the subdivision is not consistent with the General Plan.

2. That the design or improvement of the proposed subdivision 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 subdivision 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 subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision 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 finding (B.1-8), and recommends approval of the Vesting Tentative Parcel Map.

SENSE OF PLACE FEE

The City Council 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.