

RECOMMENDED FINDINGS

The project is categorical exempt from further environmental review pursuant to Section 15332, Class 32 (Infill Development Project) of the California Environmental Quality Act (CEQA):

The Planning Commission hereby makes the following findings:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as applicable zoning designations and regulations.

Staff Analysis:

The proposed hotel project implements the General Plan by promoting business and employment opportunities, bolsters the local economy with transit occupancy tax revenue and provides high quality design that enhances the City's image. The project is consistent with Zoning regulations in terms of land use and complies applicable development standards. The proposed hotels add vitality to the area and complements the neighboring commercial uses and employment centers.

2. The proposed development occurs within the city limits, on a project site that is no more than 5 acres and surrounded by urban uses.

Staff Analysis:

The project site is within the City limits and is located on a 1.5-acre site consisting of two parcels. The project site is within a developed, urban area of Sunnyvale and is surrounded by other commercial and industrial buildings and uses.

3. The project site has no value as habitat for endangered, rare, or threatened species.

Staff Analysis:

The project site is within an urbanized area of Sunnyvale and is developed with existing improvements and buildings. The project site is not an active habitat for known special status biological resources or wildlife. Based on the Biological Assessment dated July 2020 prepared by Rincon Consultants and the Transportation Element (LUTE) Environmental Impact Report (EIR) Biological Resources section, there are no special-status species or ecological communities on or surrounding the project site, nor is the project site designated for conservation or protection. The project site has no value as a habitat or special-status species and, therefore, adheres to the criteria of CEQA Guidelines Section 15332(c).

4. Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.

Staff Analysis:

Standard Requirements and Conditions of Approval are adopted as requirements of an individual project when it is approved by the City and are designed to avoid or substantially reduce a project's environmental effects with respect to the following.

Traffic

The project is not anticipated to generate traffic impacts. Based on the City Council Policy 1.2.8 Transportation Policy, the project would meet the exemption criteria based on the following:

- Per Report to Council 20-0640 Attachment 9 Transit Supportive Projects Map, the proposed project is located within ½ mile of an existing major bus stop or existing stop along a high-quality transit corridor.
- It has a FAR of 2.2, which is more than 0.75.
- It supports multimodal transportation network as it would not harm or hinder access to multimodal transportation and it would make sidewalk improvements along its project frontage.
- It provides 219 on-site parking spaces, which complies with the required parking spaces of per Sunnyvale Municipal Code 19.46.100.
- It is transit originated in design as the site plan as well as the frontage improvements contain a walkable design that prioritizes pedestrians. It provides comfort and safety elements for pedestrians, including new streetlight fixture and street trees.

Hotels are treated like an office land use. Trips generated by hotel employees are regular trips that would be generated daily. Trips generated by hotel guests would be transient as they do not stay at the hotel daily, and their destinations vary depending on the purpose of their visit. CEQA Guideline Section 15064.3 (b)(1), states that lead agencies generally should presume that certain projects (including residential, retail and office projects, as well as projects that are a mix of these uses) that proposed within ½ mile of an existing major transit stop or an existing stop along a high-quality transit corridor would have a less than significant impact on VMT.

Noise

A Noise and Vibration Study was prepared by Rincon in August 2020. The study provides site-specific analysis of existing noise conditions and the extent of project noise impacts. The assessment concludes the project operation would not result in a significant increase and the site would continue to meet Sunnyvale noise standards. The project would generate temporary noise during construction. With implementation of LUTE standard conditions, potential construction noise impact would be reduced to less than significant level.

Air Quality

An Air Quality Study was prepared for this project by Rincon Consultants, Inc in July 2020 to evaluate air quality impacts. The study concluded the following:

- The project would not result in exceedances of BAAQMD's thresholds for criteria air pollutants and thus would not conflict with the 2017 Clean Air Plan's goal to attain air quality standards. Furthermore, the proposed project would include applicable control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of such control measures. Therefore, the proposed project would result in no impact related to consistency with the 2017 Clean Air Plan.
- The project construction emissions would be below the BAAQMD average daily thresholds of significance and therefore the impacts would be less than significant. Furthermore, standard conditions in the LUTE EIR require construction projects to implement BAAQMD's basic construction mitigation measures, which include the following dust control measures:
 - a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
 - b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
 - c) 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;
 - d) All vehicle speeds on unpaved roads shall be limited to 15 mph;
 - e) 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; and
 - f) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours.
- The BAAQMD operational screening level size for hotels is 489 guest rooms. The proposed project guidance, a detailed air quality assessment of their project's criteria air pollutant emissions is not necessary, and project operation would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Impacts would be less than significant.
- The project would not expose sensitive receptors to substantial pollutant concentrations. The sensitive receptors nearest to the project site are apartment buildings 0.6 mile northwest of the project site as well as San Miguel Elementary School 0.7 mile north of the project site.
- The impact of localized CO emissions would be less than significant.

Based on CalEEMod trip generation estimates for the land use type of “Hotel”, there would be approximately 2,247 vehicle trips to the site per weekday, 2,252 vehicle trips to the site per Saturday, and 1,636 vehicle trips to the site per Sunday. Considering the small size of the surrounding roadways in the project vicinity, this increase in project trip generation would not be expected to exceed the screening thresholds listed below.

- a. The project is consistent with an applicable congestion management program for designated roads or highways, regional transportation plan, and local congestion management agency plans.
 - b. The project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour
 - c. The project traffic would not increase traffic volumes at the affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage).
- The proposed hotel project is not defined by CARB as a sensitive land use, which includes residences, schools and school yards, parks and playgrounds, daycare centers, nursing homes, and medical facilities (BAAQMD 2017c). Therefore, the proposed project would not expose sensitive populations to substantial pollutant concentrations from freeway or roadway sources.
 - The project would generate oil and diesel fuel odors during construction from equipment use as well as odors related to asphalt paving. The odors would be limited to the construction period and would be temporary. With respect to operation, the BAAQMD’s CEQA Air Quality Guidelines (2017) identifies land uses associated with odor complaints to include, but not limited to, wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. Hotel uses are not identified on this list. Therefore, the proposed project would not generate objectionable odors affecting a substantial number of people, and impacts would be less than significant. Standard conditions required in the LUTE EIR require construction projects to implement BAAQMD’s basic construction mitigation measures. Therefore, the findings of the certified LUTE EIR concerning consistency with air quality plans remain valid and no further analysis is required.

Water Quality

Stormwater management is required by the Federal Government through the National Pollutant Discharge Elimination System (NPDES) program. The City of Sunnyvale complies with the NPDES requirement through participation in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). Projects are subject to Sunnyvale Municipal Code (SMC)

Section 12.60. Compliance with these existing stormwater regulations and the City's Standard Requirements and Conditions of Approval would ensure that the project would not result in significant effects relating to water quality, consistent with the requirement of the Class 32 exemption under CEQA Guidelines Section 153332(d).

5. The site can be adequately served by all required utilities and public services.

The project site is already served by all required utilities, such as water, sewer, and solid waste. Public services are also adequately provided, such as police and fire. All required utilities and public services would continue to be provided after completion of the proposed project.

Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element 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.

- 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.
- LT-4.2c - Allow for innovative architectural design.
- LT-4.2d - Promote distinctive commercial uses.

Land Use and Transportation Element Policy LT-11.2 - Support a full spectrum of conveniently located commercial, mixed-use, public, and quasi-public uses that add to the positive image of the community.

Land Use and Transportation Element Policy LT-11.3 - Promote business opportunities and business retention in Sunnyvale.

- LT-11.3a Encourage conveniently located retail, restaurant, and other supportive land uses near business areas.

Land Use and Transportation Element Policy LT-12.4 - Attract and retain diversity of commercial enterprises and industrial uses to sustain and bolster the local economy and provide a range of job opportunities.

Land Use and Transportation Element Policy LT-12.9 - Consider the importance of tax generation (retail, hotel, auto, and business-to-business uses) to support the fiscal health of the community and to fund municipal services.

Community Characters Policy LT-3.3 - Place a priority on quality architecture and site design, which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.

Citywide Design Guidelines SD-1.1 - Design projects to be compatible with their surrounding development in intensity, setbacks, building forms, material, color and landscaping unless there are specific planning goals to change the character of the area.

Citywide Design Guidelines SD-2.1 - Locate site components such as structures, parking, driveways, walkways, landscaping, and open spaces to maximize visual appeal and functional efficiency. In multi-building complexes, a distinct visual link should be established among various buildings by using architectural or site design elements such

as courtyards, plazas, landscaping and walkways to unify the project.

Citywide Design Guidelines SD-2.11 - Define site boundaries by landscaping and bands of decorative paving to announce entry into the site.

Citywide Design Guidelines SD-1.4 - Project perimeter landscaping shall be integrated with the landscaping of adjacent development for streetscape continuity.

Citywide Design Guidelines BD-2.8 - In non-residential buildings maintain visually interesting activities at the street level by placing active facades with windows and openings on the street side to promote pedestrian activities.

Citywide Design Guidelines BD-3.1 - Maintain diversity and individuality in style but be compatible with the character of the neighborhood.

Citywide Design Guidelines BD-3.2 - In areas where no prevailing architectural style exists, maintain the general neighborhood character by the use of similar scale, forms, and materials providing that it enhances the neighborhood.

Citywide Design Guidelines BD-3.3 - Develop a comprehensive architectural theme for multibuilding complexes. Unify various site components through the use of similar design, material, and colors.

Citywide Design Guidelines BD-3.5 - Buildings should have three distinct components: base; middle; and top. Define each component by horizontal and vertical articulation. Façade articulation may consist of changes in the wall plane, use of opening and projections, and material and color variations. Exceptions may be permitted only where a specific architectural style offers other types of building form and façade articulations, as determined by the planning staff.

Citywide Design Guidelines LA-1.4 - Properly landscape all areas not covered by structures, driveways, and parking.

Citywide Design Guidelines LA-1.6 - Choose a variety of plant material with different textures and colors. Use water wise plant material, as specified in the Landscape regulations.

Bird Safety Building Design Guidelines - The project site is located more 300 feet away from the closest body of water and is not adjacent to a landscaped area, open space or park larger than 1 acre in size. Therefore, policies in Option 2 are applicable to this project.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project. ***Finding Met.***

The development of a hotel would diversify the uses within the immediate industrial zoning neighborhood by providing a location for overnight guests who may utilize goods and services of local businesses. The proposed hotel project allows for economic growth, which can be accommodated without significant impact on the existing infrastructure and roadway systems. The project is consistent with the General Plan by contributing jobs within the construction and hospitality sector, as well as establishing a transient occupancy tax generator.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. ***Finding Met.***

The proposed hotels will improve the character of the site, surrounding neighborhood, and community by adding a new use and services with a six-story contemporary hotel buildings and streetscape improvements and incorporates the above Citywide Design Guidelines. The proposed project, as conditioned, uses architecture and high-quality building materials with an appropriate site design and enhanced landscaping that includes 51 new trees to be installed. Parking is concealed underground with limited surface parking that is tucked in the interior of the lot. The proposed six-story building would be in scale with the Apple Campus building to the west. However, it creates a taller building than the neighboring buildings to the north and east. The project provides compatibility by utilizing similar building forms and materials. The buildings in the area consist of flat roofs, stucco and/or concrete walls and storefront glazing. The frontage is activated with entry elements, enhanced landscaping, and an outdoor dining patio. A good interface is achieved by having the hotel lobby entrances face each other and connected by an entry plaza that is designed with decorative paving, enhanced landscaping, seat walls and artwork that also help orient guest with a visual point of arrival. The main pedestrian walkway is 8 feet wide that helps connect the two hotels to the public sidewalk. The building layout is designed to minimize shading impacts on the adjacent one-story buildings and is buffered with a fence and landscaping.

With respect to the Bird Safety Building Design Guidelines, the project site is located more 300 feet away from the closest body of water and is not adjacent to a landscaped area, open space or park larger than 1 acre in size. As such, the project adheres to the policies in Option 2 in that project does not propose large, expansive glass, glass curtain walls, or glass skyways. As condition, site lighting will not produce unwanted glares or light spillage. Light fixtures shall include shields to ensure lighting is casted down onto the area to be illuminated.

Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative 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 findings (B.1-8) and recommends approval of the Tentative Map.