

VILLAGE AT SAN ANTONIO CENTER PHASE II PROJECT

CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Sections 15091 and 15093 of the

State CEQA Guidelines and Section 21081 of the Public Resources Code

The City of Mountain View (City), through the City Council, is the lead agency for the Village at San Antonio Center Phase II Project (Project), as defined in Section 15367 of the California Environmental Quality Act (CEQA) Guidelines.

The City makes these CEQA Findings of Fact and Statement of Overriding Considerations (collectively “Findings”) in connection with the following City actions:

- Resolution to certify the Final Environmental Impact Report (Final EIR) and adopt the Mitigation Monitoring and Reporting Program (MMRP) for the Project;
- Ordinance rezoning the project site from the Planned Community Precise Plan (P-9) zoning district to a Planned Community (P) zoning district under Section 36.22 of the City's Municipal Zoning Ordinance; and
- Resolution approving a Planned Community Permit and a Heritage Tree Removal Permit.

The Final EIR prepared by the City for the Project consists of both the Draft EIR (March 2014) and the Final EIR (June 2014), including Responses to Comments on the Draft EIR (together the “Final EIR”). The City’s Resolution certifying the Final EIR certifies that the Final EIR: (1) has been completed in compliance with CEQA; (2) was presented to the City Council, and the City Council reviewed and considered the information contained in the Final EIR prior to approving the Project; and (3) reflects the City’s independent judgment and analysis. CEQA Guidelines § 15090(a).

The Final EIR is incorporated by reference in these Findings and identifies significant environmental impacts that would result from implementation of the Project. The City finds that the inclusion of certain mitigation measures as part of Project approval will reduce all but one significant impact to a less-than-significant level (Section 3 of these Findings). Implementation of the Project would result in a significant impact to one intersection during the PM peak hour under the Cumulative plus Project condition. The Final EIR identifies intersection improvements (Mitigation Measure TRA-MM-4) that would mitigate the Project’s contribution to this significant cumulative impact to less-than-significant, but the improvements cannot be implemented without the approval of the California Department of Transportation (Caltrans), the Santa Clara Valley Transportation Authority (VTA), and the City of Los Altos. Accordingly, although the City finds in Section 5 of this document that these other agencies can and should approve the improvements, it is possible that the improvements will not be made and the Project’s contribution to the significant cumulative impact will, therefore, be significant and unavoidable.

Because of this potentially unavoidable significant impact, Section 4 of this document makes findings regarding the Project Alternatives discussed in the Final EIR. In addition, the City has, in determining whether to approve the Project, balanced the economic, legal, social, technological, and other benefits, including region-wide or statewide environmental benefits of the Project against this unavoidable environmental risk, and has found that the benefits of the Project outweigh the potentially unavoidable adverse environmental effect. The Statement of Overriding

Considerations is set forth in Section 6 of this document. Section 7 explains that recirculation of the EIR is not required.

As noted above, by Resolution the City is adopting the MMRP for the Project. The MMRP is incorporated by reference in these Findings. Together, these documents state the Findings of the City relating to the potentially significant environmental effects of the Project in accordance with the Project Approvals.

TABLE OF CONTENTS

SECTION 1: INTRODUCTION	1
SECTION 2: VILLAGE AT SAN ANTONIO CENTER PHASE II PROJECT	2
SECTION 3: FINDINGS WITH RESPECT TO EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS	4
SECTION 4: FINDINGS WITH RESPECT TO FEASIBILITY OF PROJECT ALTERNATIVES.....	14
SECTION 5: FINDINGS WITH RESPECT TO SIGNIFICANT EFFECTS THAT MIGHT NOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL	20
SECTION 6: STATEMENT OF OVERRIDING CONSIDERATIONS	21
SECTION 7: CONCLUSION; NO RECIRCULATION OF THE EIR IS REQUIRED	25
REFERENCES.....	26

ACRONYMS AND ABBREVIATIONS

ADWF	average dry weather flows
ARB	California Air Resources Board
BAAQMD	Bay Area Air Quality Management District
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
City	City of Mountain View
DPM	diesel particulate matter
EIR	Environmental Impact Report
EV	electric vehicle
Findings	Findings of Fact
General Plan EIR	City of Mountain View 2030 General Plan and Greenhouse Gas Reduction Program Environmental Impact Report
LOS	level-of-service
MMRP	Mitigation Monitoring and Reporting Program
NOx	nitrogen oxide
PM	particulate matter
Project	Village at San Antonio Center Phase II Project
PV	Photovoltaic
ROGs	reactive organic gases
sf	square feet
SFBRWQCB	San Francisco Bay Regional Water Quality Control Board
SRI	Solar Reflectance Index
TDM	Transportation Demand Management
VTa	Santa Clara Valley Transportation Authority
WUCOLS	Water Use Classifications of Landscape Species

SECTION 1: INTRODUCTION

1.1 Requirements for Findings

Section 15091 of the *CEQA Guidelines* states that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh its significant effects on the environment.² The *CEQA Guidelines* state in section 15093(a) that:

“If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

1.2 Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City’s decision on the project consists of: a) matters of common knowledge to the City, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the City:

- Notice of Preparation and other public notices issued by the City in conjunction with the Project (see Appendix A of the Draft EIR for the Notice of Preparation);
- The Public Review Draft EIR for the Village at San Antonio Center Phase II Project, together with appendices, dated March 2014, and all documents cited, incorporated by reference, or referred to therein;
- All written and verbal comments submitted to the City by agencies, organizations, or members of the public (before, during, and after the close of the public comment period on the Draft EIR up through the close of the public testimony portion of the City Council’s public hearing on the Project);
- The Mitigation Monitoring and Reporting Program for the Project;

² Public Resources Code Section 21081(b).

- The Final EIR for the Village at San Antonio Center Phase II Project together with appendices, dated June 2014, and all documents cited, incorporated by reference, or referred to therein;
- All findings and resolutions adopted by the City in connection with the Project, and all documents cited or referred to therein;
- All documents submitted to the City by agencies or members of the public in connection with development of the Project;
- The City of Mountain View 2030 General Plan and Greenhouse Gas Reduction Program, adopted by the City Council on July 10, 2012;
- The City of Mountain View 2030 General Plan and Greenhouse Gas Reduction Program Environmental Impact Report (SCH No. 2011012069), including all appendices thereto (General Plan EIR), and all documents cited, incorporated by reference, or referred to therein, certified by the Mountain View City Council on July 10, 2012, and all findings and resolutions adopted by the City in connection with the General Plan EIR;
- Any minutes or verbatim transcripts of all information and study sessions, workshops, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings; and
- Any other materials required to be in the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The location and custodian of the documents and other materials that constitute the record of proceedings are:

City of Mountain View Community Development Department
 500 Castro Street
 Mountain View, CA 94041
 Contact: Margaret Netto, 650.903.6306

1.3 Organization/Format of Findings

Section 2 of these findings contains a summary description of the Project, sets forth the objectives of the Project, and briefly describes alternatives to the Project evaluated in the Draft EIR. Section 3 identifies the Project's potential environmental effects that were determined to be mitigated to less-than-significant levels. Section 4 discusses the feasibility of Project alternatives. Section 5 identifies the significant cumulative impacts to which the Project would contribute that cannot be mitigated to a less-than-significant level absent approvals from other jurisdictions. Section 6 includes the City's *Statement of Overriding Considerations*. Section 7 explains that recirculation of the EIR is not required.

SECTION 2: VILLAGE AT SAN ANTONIO CENTER PHASE II PROJECT

This section provides a brief description of the Project, lists the objectives of the Project, and lists the Project alternatives evaluated in the Final EIR.

2.1 Project Description

The proposed Project is an infill project that involves redeveloping an approximately 9.9-acre site (Project site) located at San Antonio Road and California Street in Mountain View, California. The Project site is currently occupied by approximately 59,655 square feet (sf) of commercial and retail buildings with associated surface parking. The Project would be

developed with office (392,853 sf), commercial (28,502 sf), hotel (142,084 sf), retail (54,186 sf), cinema (67,280 sf), and restaurant (35,358 sf) uses in a configuration of six distinct development blocks. The Project includes one aboveground garage (with one floor of associated subterranean parking), one subterranean garage, and surface parking. The total amount of new and redeveloped uses proposed is approximately 1.2 million sf. Vehicular access to the Project site would be via Pacchetti Way, California Street, and San Antonio Road. A joint-use promenade would extend from north to south through the middle of the Project site from California Street to the Hetch-Hetchy Parkway. Construction activities would include the demolition of the existing commercial and retail buildings and surface parking lots, and removal of trees and vegetation that would be replaced in accordance with the Project's landscape plan.

2.1 Project Objectives

The objectives for the Village at San Antonio Center Phase II Project, as set forth in the Final EIR include:

- To support the existing demand for office, commercial, retail, hotel, cinema, and associated parking and open space in the City of Mountain View and the surrounding region.
- To locate job-generating uses close to existing residential uses so as to improve the jobs-housing balance and advance associated local and regional transportation objectives.
- To provide an intensity and range of uses that implements the visions of the City's General Plan for land use, urban form and density, economic development, and circulation.
- To promote and enhance a healthy and diverse economy in Mountain View.
- To address the existing lack of hotel space in the west-central portion of the City, an area with significant office and commercial uses that generate substantial local demand for lodging.
- To provide mutually supportive office, hotel, and retail uses in immediate proximity to one another and to substantial existing transit and transportation corridors, including Caltrain and El Camino Real.
- To construct a project that encourages further redevelopment of the overall 56-acre San Antonio regional retail center.
- To conserve land and resources, and reduce impacts on the City's infrastructure through the vertical orientation and density of development.

2.3 Alternatives

Based on the Project objectives and anticipated environmental consequences, and pursuant to Section 15126.6 of the *CEQA Guidelines*, the following project alternatives were evaluated:

- **No Project Alternative:** The site would remain in its existing condition except for the construction a 175,000-sf retail store with associated parking, as approved by *The Precise Plan Amendments and San Antonio Center Project EIR* (City of Mountain View 2010). The existing retail uses on the Project site are assumed to remain operational.
- **Reduced Density (Existing Zoning) Alternative:** This alternative (referred to as the Existing Zoning Alternative) assumes that the existing uses would be demolished, and an office building with ground-floor retail and commercial uses would be constructed. The

hotel and cinema associated with the Project would not be included as part of this Alternative.

- **Reduced Density (Residential Component) Alternative:** This alternative (referred to as the Residential Component Alternative) assumes that the existing uses would be demolished and a mix of office with ground-floor retail, commercial uses, a cinema, and a hotel would be constructed. In addition, unlike the Project, this alternative would include the construction of residential units at the Project site.

A more detailed description of these alternatives, and required findings, are set forth in *Section 4: Findings with Respect to Feasibility of Project Alternatives*.

SECTION 3: FINDINGS WITH RESPECT TO EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS

The EIR identified certain potentially significant effects that could result from the Project. The City finds for each of the significant or potentially significant impacts identified in this section that, based on substantial evidence in the record, changes or alterations have been required or incorporated into the Project which would avoid or substantially lessen the significant effects as identified in the Final EIR.³ Accordingly, adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. Adoption of the recommended mitigation measures as part of the Planned Community (P) zoning district and Planned Community Permit will effectively make the mitigation measures part of the Project. Impacts and Mitigation Measures are presented below in summary form. For a detailed description of impacts and Mitigation Measures, see the appropriate text in the Final EIR.

3.1 Air Quality

Impact AQ-2a: Violation of a BAAQMD air quality standard or substantial contribution to an existing or projected air quality violation during Project construction.

Project construction activities could exceed Bay Area Air Quality Management District (BAAQMD) air quality standards for nitrogen oxide (NO_x) through the use of heavy-duty construction equipment, construction worker vehicle trips, and truck hauling trips. In addition, fugitive dust emissions would result from demolition of existing structures, excavation, and grading. Project construction would not generate reactive organic gases ROG or particulate matter (PM) exhaust in excess of the BAAQMD's numeric thresholds. No mitigation is required for these pollutants. Implementation of **Mitigation Measures AQ-MM-2a** through **AQ-MM-2d** would reduce construction-related NO_x emissions to below BAAQMD's numeric thresholds. As such, implementation of Mitigation Measures AQ-MM-2a, AQ-MM-2b, AQ-MM-2c, and AQ-MM-2d would reduce this impact to less than significant.

³ CEQA Guidelines, Section 15091.

Mitigation Measure AQ-MM-2a: Implement BAAQMD Basic Construction Mitigation Measures to Control Construction-Related NO_x Emissions.

The Project applicant will implement the following BAAQMD-recommended basic control measures to reduce NO_x emissions from construction equipment.

- Idling times will be minimized by shutting off equipment when it is not in use or by reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure of California Code of Regulations [CCR] Title 13, Section 2485). Clear signage will be provided for construction workers at all access points.
- All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Mitigation Measure AQ-MM-2b: Implement BAAQMD Additional Control Measures to Control Construction-Related NO_x Emissions.

The Project applicant will implement the following BAAQMD-recommended additional control measures to reduce NO_x emissions from construction equipment below BAAQMD thresholds.

- Minimize the idling time of diesel powered construction equipment to 2 minutes.
- The Project applicant will develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a Project-wide fleet-average 20 percent NO_x reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.

Mitigation Measure AQ-MM-2c: Use Clean Diesel-Powered Equipment during Construction to Control Construction-Related NO_x Emissions.

The Project applicant will ensure that all off-road diesel-powered equipment used during construction will be equipped with an EPA Tier 4 Interim engine, except for specialized construction equipment for which an EPA Tier 4 Interim engine is not available. The use of Tier 4 Interim engines will reduce NO_x, ROG, and PM emissions from construction equipment.

Mitigation Measure AQ-MM-2d: Use Modern Fleet for On-Road Haul Trucks to Control Construction-Related NO_x Emissions.

The Project applicant will ensure that all on-road heavy-duty diesel trucks with a GWR of 19,500 pounds or greater used at the Project site will comply with EPA 2007 on-road emission standards for PM₁₀ and NO_x (0.01 g/bhp-hr and 0.20 g/bhp-hr, respectively). These PM₁₀ and NO_x standards were phased in through the 2007 and 2010 model years on a percent of sales basis (50% of sales in 2007 to 2009 and 100% percent of sales in 2010). This mitigation measure assumes that all on-road

heavy-duty diesel trucks will be model year 2010 and newer, with all trucks compliant with EPA 2007 on-road emission standards.

Finding: The City of Mountain View finds that such mitigation measures are feasible and hereby agrees to adopt them. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14. Cal. Code Reg. 15091(a)(1)]

Impact AQ-3: Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment.

Project construction activities could result in a cumulative considerable net increase of NO_x. Project construction would not generate ROG or PM exhaust in excess of the BAAQMD's numeric thresholds. No mitigation is required for these pollutants. Implementation of Mitigation Measures AQ-MM-2a, AQ-MM-2b, AQ-MM-2c, and AQ-MM-2d would reduce this impact to less than significant. The full text of these mitigation measures is provided above, under Impact AQ-2a.

Finding: The City of Mountain View finds that such mitigation measures are feasible and hereby agrees to adopt them. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)]

3.2 Cultural Resources

Impact CUL-3: Potential discovery and damage to unknown paleontological or unique geologic features during construction.

Excavation and grading during construction have the possibility to unearth and damage previously unknown paleontological resources or unique geologic features. Implementing Mitigation Measure CUL-MM-3 would reduce this impact would to a less-than-significant level by requiring construction to stop if substantial remains are discovered during Project construction until a registered professional geologist or qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment.

Mitigation Measure CUL-MM-3: Stop work if paleontological or unique geologic features are encountered during ground-disturbing activities.

The applicant will ensure the construction specifications include a stop-work order if substantial fossil remains are discovered during Project construction. All work will stop until a registered professional geologist or qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. The City of Mountain View or the appropriate agency will be responsible for ensuring that recommendations regarding treatment and reporting are implemented. Adherence to this environmental commitment will minimize likelihood of damage to paleontological resources, should they be discovered.

Finding: The City of Mountain View finds that such mitigation measure is feasible and hereby agrees to adopt it. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the

significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)]

3.3 Geology and Soils

Impact GEO-2b: Loss of topsoil as a result of Project construction.

Construction of the Project would include demolition, excavation, and grading, which could result in loss of topsoil. Implementation of Mitigation Measure GEO-MM-2 would minimize the amount of topsoil that could be lost through removal during Project construction, and reduce this impact to a less-than-significant level.

Mitigation Measure GEO-MM-2: Stockpile topsoil removed during construction and reuse stockpiled topsoil during revegetation.

The contractor(s) retained for construction and revegetation of the Project will stockpile excavated topsoil so that it can be reused for revegetation on the Project site as needed. To ensure maximum topsoil recovery, topsoil will be stockpiled separately from other excavated materials and covered. Revegetation and landscaping will use stockpiled topsoil.

Finding: The City of Mountain View finds that such mitigation measure is feasible and hereby agrees to adopt it. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)]

3.4 Hydrology and Water Quality

Impact HWQ-1a: Degradation of water quality and potential violation of water quality standards or waste discharge requirements.

Construction dewatering and long-term structural dewatering could degrade water quality if it is discharged to waters of the state, if the water does not meet water quality standards, or if proper treatment measures are not implemented prior to discharge. Implementation of Mitigation Measure HWQ-MM-1 would reduce this impact to a less-than-significant level by ensuring that the quality of discharge is monitored and, if necessary, reported to the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB).

Mitigation Measure HWQ-MM-1: Implement provisions for construction dewatering and long-term structural dewatering, if required.

Construction Dewatering. If construction dewatering activities lead to discharges to the storm drain system or other waterways that lead to waters of the state, water treatment measures will be designed and implemented as necessary so that water quality standards are met prior to discharge to waters of the state. As a performance standard, these measures will be selected to achieve the maximum removal of contaminants found to be present in the groundwater. Such practices would represent the BAT that is economically achievable. Measures may include the retention of dewatering effluent until particulate matter has settled before it is discharged and the use of infiltration areas. The City or its contractor will perform routine inspections of the construction area to verify that the water quality control measures are properly implemented and maintained, conduct visual observations of the water (i.e., check for odors, discoloration, or an oily sheen on groundwater), collect

samples of the water and/or monitoring data prior to discharge, and properly report to the SFBRWQCB, if necessary.

The final selection of water quality control measures will be subject to review by the SFBRWQCB. If the groundwater is found to not meet water quality standards and treatment measures are not effective, the water will be hauled offsite for treatment and disposal at an appropriate wastewater treatment facility.

Long-term structural dewatering. Long-term structural dewatering will involve measures similar to those for construction dewatering practices for sampling, treating, and reporting in the event that effluent is contaminated. The City will consult with SFBRWQCB to determine if there are any requirements for continual dewatering operations. The City or its contractor will sample the water and ensure it does not contain constituents that exceed water quality standards prior to discharge into waters of the state or a waterway that leads to waters of the state, such as storm drains. Details, such as sampling results, volume of water discharged, and visual observations, will be recorded and provided to the SFBRWQCB, if necessary.

Finding: The City of Mountain View finds that such mitigation measure is feasible and hereby agrees to adopt it. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)]

Impact HWQ-2b: Operation-related depletion of groundwater supplies or interference with groundwater recharge.

Due to the high groundwater elevation relative to the proposed elevation of the below-grade levels at Blocks 1, 2, and 5, it is anticipated that long-term structural dewatering would be required to convey the flow collected by the French drain system (or similar) at Blocks 1 and 2 and potentially Block 5 to the existing storm drain system. Because the structures would require long-term dewatering, dewatering could result in a net localized decrease in groundwater levels. The amount of dewatered water could be greater than the increase in infiltration associated with the increase in pervious surface from the Project, and the Project could therefore interfere with groundwater recharge. Implementation of Mitigation Measure HWQ-MM-2 would ensure this impact is less than significant by ensuring that the quantity of water discharge from dewatering and groundwater levels are monitored on a continual basis, and requiring that additional measures to increase filtration rates be implemented if a deficit is discovered.

Mitigation Measure HWQ-MM-2: Implement measures to maintain groundwater levels.

Where dewatering for garages is conducted, the discharger will implement measures identified by the SFBRWQCB and local ordinances to ensure that groundwater supplies are not depleted by long-term structural dewatering activities. Depletion would occur if the structural dewatering volume is greater than the increase in infiltration resulting from the increase in pervious surface. Prior to constructing the garages, potential water discharge volumes from dewatering will be compared to estimated increases in infiltration rates. If groundwater lowering is anticipated, measures will be implemented to maintain groundwater levels. During operation, local groundwater levels will be monitored to

determine if groundwater levels are lowered on a continual basis, indicating that increased infiltration rates are not great enough to maintain pre-existing groundwater levels. If it is found that groundwater supplies are being depleted, then measures to increase infiltration rates, such as infiltration galleries or porous pavement in impervious areas, will be implemented.

Finding: The City of Mountain View finds that such mitigation measure is feasible and hereby agrees to adopt it. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)]

3.5 Public Services and Recreation

Impact PSR-1a: Reduced service ratios and response times for fire protection and emergency medical services during construction.

Emergency access for fire protection and emergency medical service to the Project area could be affected during Project construction activities. Temporary lane closures and construction-related traffic could delay or obstruct the movement of emergency vehicles. Implementation of Mitigation Measure TRA-MM-8 would reduce the impact to a less-than-significant level by ensuring emergency access. The full text of this mitigation measure is provided under Impact TRA-8.

Finding: The City of Mountain View finds that such mitigation measure is feasible and hereby agrees to adopt it. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)]

Impact PSR-2a: Reduced service ratios and response times for police protection during construction.

Emergency access for police protection to the Project area could be affected during Project construction activities. Temporary lane closures and construction-related traffic could delay or obstruct the movement of emergency vehicles. Implementation of Mitigation Measure TRA-MM-8 would reduce the impact to a less-than-significant level by ensuring adequate emergency access to and around the Project site. The full text of this mitigation measure is provided under Impact TRA-8.

Finding: The City of Mountain View finds that such mitigation measure is feasible and hereby agrees to adopt it. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)]

3.6 Transportation and Circulation

Impact TRA-8: Potential construction impacts on traffic operation and circulation, transit service, nonmotorized transportation facilities, and emergency access.

Transportation system impacts during Project construction include the potential to disrupt traffic flows on area roadways and the potential to disrupt alternative modes of transportation, such as by blocking bicycle or pedestrian pathways or public transit lanes on area roadways.

Although construction impacts would be temporary, this impact is considered potentially significant. Implementation of a construction traffic control plan, as prescribed in Mitigation Measure TRA-MM-8, would reduce this impact to less-than-significant by establishing a consistent and orderly means of directing the flow of traffic by the construction site.

Mitigation Measure TRA-MM-8: Develop and implement a construction traffic control plan.

Prior to issuance of grading permits, the construction contractor will develop the traffic control plan in accordance with City's policies and submit for City approval. The plan will be implemented throughout the course of Project construction and may include, but will not be limited to, the following elements.

- Limit truck access to the Project site during peak commute times (7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM).
- Require that written notification be provided to contractors regarding appropriate routes to and from the Project site, and the weight and speed limits on local roads used to access the Project site.
- Provide access for emergency vehicles at all times.
- Provide adequate onsite parking for construction employees, site visitors, and inspectors as feasible.
- Maintain pedestrian and bicycle access and circulation during Project construction where safe to do so. If construction encroaches on a sidewalk, a safe detour will be provided for pedestrians at the nearest crosswalk. If construction encroaches on a bike lane, warning signs will be posted that indicate bicycles and vehicles are sharing the roadway.
- Require traffic controls in the Project area and the Project entrance driveway, including flag persons wearing bright orange or red vests and using a "Stop/Slow" paddle to control oncoming traffic.
- Post standard construction warning signs in advance of the construction area and at any intersection that provides access to the construction area.
- Repair or restore the road right-of-way to its original condition or better upon completion of the work.

Finding: The City of Mountain View finds that such mitigation measure is feasible and hereby agrees to adopt it. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)]

3.7 Utilities and Service Systems

Impact UTL-2: Increased generation of wastewater at the Project site.

The Project would increase the wastewater generated at the Project site. This increase exceeds estimates in the General Plan Update Utility Impact Study (Infrastructure Engineering Corporation 2010), and would require an upsizing of certain pipeline in the wastewater system. Implementing Mitigation Measure UTL-MM-2 would reduce the impact to a

less-than-significant level by requiring the applicant to either construct new pipelines or make a fair-share contribution to upsizing specific pipelines in the system.

Mitigation Measure UTL-MM-2: Pay fair-share contribution to upsizing specific wastewater pipelines or construct new pipelines in the system.

Before the City can issue a building permit, the Project applicant will be responsible for preparing improvement plans and signing an improvement agreement. Based on the improvement agreement, the Public Works Director will determine whether the Project applicant will construct or pay a fair-share contribution to the City for upsizing specific wastewater pipelines in the system to achieve appropriate hydraulic capacity and continuity. A summary table of pipes with recommended diameter increases for hydraulic capacity and continuity, as well as the percent of contributed flow each agency is responsible for, is included in Appendix L. The proportionate share of the ultimate facilities recommended to be built is based on ultimate average dry weather flows (ADWF).

Finding: The City of Mountain View finds that such mitigation measure is feasible and hereby agrees to adopt it. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)]

3.8 Contributions to Cumulative Impacts

Air Quality

Potential cumulative air quality impacts include contributing to the exceedance of established standards for criteria pollutants and exposing sensitive receptors to diesel particulate matter (DPM) concentrations during construction and operation.

Criteria Pollutants

As discussed under Impact AQ-2a, Impact AQ-2b, and Impact AQ-3 in Section 3.2, Air Quality, construction and operational emissions associated with the Project are not expected to exceed the BAAQMD's quantitative thresholds after mitigation. As a result of participation in this program for mitigation, the Project's contribution will be reduced to a less than considerable level.

Mitigation Measure AQ-MM-2a: Implement BAAQMD Basic Construction Mitigation Measures to Control Construction-Related NO_x Emissions.

The Project applicant will implement the following BAAQMD-recommended basic control measures to reduce NO_x emissions from construction equipment.

- Idling times will be minimized by shutting off equipment when it is not in use or by reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure of California Code of Regulations [CCR] Title 13, Section 2485). Clear signage will be provided for construction workers at all access points.
- All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Mitigation Measure AQ-MM-2b: Implement BAAQMD Additional Control Measures to Control Construction-Related NO_x Emissions.

The Project applicant will implement the following BAAQMD-recommended additional control measures to reduce NO_x emissions from construction equipment below BAAQMD thresholds.

- Minimize the idling time of diesel powered construction equipment to 2 minutes.
- The Project applicant will develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a Project-wide fleet-average 20 percent NO_x reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.

Mitigation Measure AQ-MM-2c: Use Clean Diesel-Powered Equipment during Construction to Control Construction-Related NO_x Emissions.

The Project applicant will ensure that all off-road diesel-powered equipment used during construction will be equipped with an EPA Tier 4 Interim engine, except for specialized construction equipment for which an EPA Tier 4 Interim engine is not available. The use of Tier 4 Interim engines will reduce NO_x, ROG, and PM emissions from construction equipment.

Mitigation Measure AQ-MM-2d: Use Modern Fleet for On-Road Haul Trucks to Control Construction-Related NO_x Emissions.

The Project applicant will ensure that all on-road heavy-duty diesel trucks with a GWR of 19,500 pounds or greater used at the Project site will comply with EPA 2007 on-road emission standards for PM₁₀ and NO_x (0.01 g/bhp-hr and 0.20 g/bhp-hr, respectively). These PM₁₀ and NO_x standards were phased in through the 2007 and 2010 model years on a percent of sales basis (50% of sales in 2007 to 2009 and 100% percent of sales in 2010). This mitigation measure assumes that all on-road heavy-duty diesel trucks will be model year 2010 and newer, with all trucks compliant with EPA 2007 on-road emission standards.

Finding: The City of Mountain View finds that such mitigation measure is feasible and hereby agrees to adopt it. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)].

Cultural Resources

The cumulative setting for cultural resources includes the planned developments within the City that could potentially affect archaeological, historical, and paleontological resources. As determined by the *City of Mountain View 2030 General Plan and Greenhouse Gas Reduction Program Environmental Impact Report* (General Plan EIR)(LSA Associates 2012),

development associated with the *Mountain View 2030 General Plan* buildout would result in potentially significant impacts on known and unknown archeological, historical, and paleontological resources. As such, development of the Project site, in combination with the planned projects of the General Plan EIR, could result in a significant cumulative impact on cultural resources.

However, no known historical, archaeological, or paleontological resources were identified on the Project site, and, therefore, the Project would not contribute to this cumulative impact. To the extent that construction activities unearth previously undiscovered resources, adherence to CUL-MM-3 would ensure that, if such resources are discovered during construction, work is stopped and the resources are properly identified and treated. The Project would, therefore, not result in a considerable contribution to this cumulative impact.

Mitigation Measure CUL-MM-3: Stop work if paleontological or unique geologic features are encountered during ground-disturbing activities.

The applicant will ensure the construction specifications include a stop-work order if substantial fossil remains are discovered during Project construction. All work will stop until a registered professional geologist or qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. The City of Mountain View or the appropriate agency will be responsible for ensuring that recommendations regarding treatment and reporting are implemented. Adherence to this environmental commitment will minimize likelihood of damage to paleontological resources, should they be discovered.

Finding: The City of Mountain View finds that such mitigation measure is feasible and hereby agrees to adopt it. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)].

Utilities and Service Systems

The cumulative impact area for utilities includes the Project site and the City of Mountain View. The General Plan EIR (LSA Associates 2012) does not identify any significant impacts related to utilities. Under the City's *2010 Urban Water Management Plan*, the City's water system is expected to be able to meet projected water demand during normal, single dry, and multiple dry year scenarios through 2035. The General Plan EIR states that new growth and development under the Mountain View 2030 General Plan would not, in and of itself, require the construction of new water or wastewater treatment facilities. However, a subsequent study was conducted specifically for the proposed Project to evaluate the water and sewer system capacity, and it was determined that specific sewer and stormwater pipelines required upgrading and upsizing to meet projected flows from the Project site. The replacement of these lines would be financed by the Project applicant. Implementation of Mitigation Measure UTL-MM-2, identified in Section 3.14, *Utilities and Services Systems*, would reduce potentially significant impacts on wastewater facilities to less than significant. As there are no cumulative impacts related to utilities, the Project would not result in a considerable contribution to a significant cumulative impact.

Mitigation Measure UTL-MM-2: Pay fair-share contribution to upsizing specific wastewater pipelines or construct new pipelines in the system.

Before the City can issue a building permit, the Project applicant will be responsible for preparing improvement plans and signing an improvement agreement. Based on the improvement agreement, the Public Works Director will determine whether the Project applicant will construct or pay a fair-share contribution to the City for upsizing specific wastewater pipelines in the system to achieve appropriate hydraulic capacity and continuity. A summary table of pipes with recommended diameter increases for hydraulic capacity and continuity, as well as the percent of contributed flow each agency is responsible for, is included in Appendix L. The proportionate share of the ultimate facilities recommended to be built is based on ultimate average dry weather flows (ADWF).

Finding: The City of Mountain View finds that such mitigation measure is feasible and hereby agrees to adopt it. Therefore, the City of Mountain View finds that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. [14 Cal. Code Regs. § 15091(a)(1)].

SECTION 4: FINDINGS WITH RESPECT TO FEASIBILITY OF PROJECT ALTERNATIVES

The City of Mountain View certifies the following with regard to the alternatives analyzed in the Final EIR, as described in more detail below.

- The Final EIR describes a reasonable range of alternatives to the Project as proposed.
- The City of Mountain View has evaluated the comparative merits of the alternatives and rejected them in favor of the Project.

4.1 Project Alternatives

CEQA Guidelines Section 15126(d) requires EIRs to evaluate a reasonable range of alternatives to a proposed project, focusing on alternatives that appear to be feasible and to meet most basic project objectives, and would avoid or substantially lessen at least one of the proposed project's significant environmental effects. EIRs must also analyze the No Project Alternative [§15126(e)]. CEQA Guidelines Section 15364 indicates that among the factors that may be taken into account when addressing the feasibility of alternatives are whether they can be accomplished in a reasonable period of time taking into account economic, environmental, legal, social, and technological factors."

The Draft EIR analyzed three alternatives to the Project: the No Project Alternative, the Reduced Density (Existing Zoning) Alternative, and the Reduced Density (Residential Component) Alternative. The impacts associated with and feasibility of each of these alternatives are determined below. Project Alternatives are also discussed in detail in Chapter 5 of the Final EIR.

4.1.1 No Project Alternative

The CEQA Guidelines stipulate that an EIR specifically include a "No Project" alternative. The purpose in including a No Project alternative is to allow decision-makers to compare the impacts of approving the project with the impacts of not approving the project. The Guidelines specifically advise that the No Project alternative is "what would be reasonably expected to

occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services.” The Guidelines emphasize that an EIR should take a practical approach, and not “...create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment [Section 15126.6(e)(3)(B)].”

Under the No Project Alternative, the site would remain in its existing condition except for the construction a 175,000 sf retail store with associated parking, as approved by the *Precise Plan Amendments and San Antonio Center Project EIR* (City of Mountain View 2010). The new retail store would be 2 stories (40 feet) in height and would include parking on the ground level. The new building would have a 60-foot signage tower constructed on the southwest corner of the building and would include landscaping (trees, shrub, and groundcover) around the exterior. There would be no demolition associated with the No Project Alternative and the existing retail uses on the site are assumed to remain operational.

Impacts

The No Project Alternative would substantially reduce most of the environmental impacts of the Project. The significant and potentially unavoidable Cumulative Condition traffic impact at the San Antonio Road/El Camino Real intersection would be avoided. In this scenario, the Project’s less than significant (with mitigation incorporated) air quality impacts related to short-term demolition and construction; possible impacts to paleontological resources; geologic impacts on topsoil, hydrology impacts related to construction and long-term structural dewatering; impacts related to access to public services and emergency response times during construction; construction-related traffic impacts; and impacts on wastewater management during Project operation would be reduced.

Relationship to Project Objectives

The No Project Alternative would meet the following Project objective:

- To support the existing demand for retail and associated parking and open space in the City of Mountain View and the surrounding region.

The No Project Alternative would partially meet the following Project objectives, although not to the same extent as the Project would:

- To locate job-generating uses close to existing residential uses so as to improve the jobs-housing balance and advance associated local and regional transportation objectives.
- To promote and enhance a healthy and diverse economy in Mountain View.

The No Project Alternative would fail to meet the following Project objectives:

- To support existing demand for office, commercial, hotel, and cinema space.
- To provide an intensity and range of uses that implements the visions of the City's General Plan for land use, urban form and density, economic development, and circulation.
- To address the existing lack of hotel space in the west-central portion of the City.
- To provide mutually supportive, office, hotel and retail uses in immediate proximity to one another and to substantial existing transit and transportation corridors.
- To construct a project that encourages further redevelopment of the overall 56-acre San Antonio regional retail center.

- To conserve land and resources, and reduce impacts on the City's infrastructure through the vertical orientation and density of development..

Finding: The City of Mountain View finds that the No Project Alternative would avoid the Project's significant and potentially unavoidable cumulative condition traffic impact at the San Antonio Road/El Camino Real intersection and other Project impacts that are less-than-significant with mitigation impacts. The No Project Alternative would meet part of one Project objective. However, the No Project Alternative would reduce, or completely fail to support, achievement of all other Project objectives

Based on the above considerations, the City of Mountain View finds that the No Project Alternative is infeasible on the grounds that it does not adequately meet Project objectives and, therefore, should not be adopted.

4.1.2 Reduced Density (Existing Zoning) Alternative

The Reduced Density (Existing Zoning) Alternative does not include rezoning of the Project site and, therefore, would not allow the same extent of mixed-use development as the Project. Under the Existing Zoning Alternative, the existing uses would be demolished, and a multi-block development with office, commercial, retail, and restaurant uses would be constructed. However, current zoning does not allow a hotel and cinema, which are part of the Project. Under the Existing Zoning Alternative, the site would be redeveloped based on the existing zoning of P-9 for Planned Community/Precise Plan. The existing zoning would allow the 9.9-acre site to be developed with up to 392,853 sf of office development, 28,502 sf of commercial development, 54,186 sf of retail development, and 35,358 sf of restaurant development for a total of 510,899 sf of new mixed-use development with a maximum height of 6 stories and 88 feet (not including parking). For purposes of analysis, it is assumed that the ground level design and amenities (e.g., outdoor common space and landscaping) would be similar to the Project, and the parking would include underground parking.

Impacts

Impacts under the Reduced Density (Existing Zoning) Alternative would be similar to or slightly less than those under the Project. Less-than-significant impacts (with mitigation incorporated) related to air quality, transportation and circulation, and utilities would be similar but slightly less. Under the Cumulative Condition, the San Antonio Road/El Camino Real intersection is likely still to experience significant and potentially unavoidable traffic impacts, similar to the Project.

Relationship to Project Objectives

This alternative would achieve the following Project objectives to approximately the same extent as the Project:

- To support the existing demand for office, commercial, retail, and associated parking and open space in the City of Mountain View and the surrounding region.
- To provide mutually supportive office and retail uses in immediate proximity to one another and to substantial existing transit and transportation corridors, including Caltrain and El Camino Real.

The Reduced Density (Existing Zoning) Alternative would partially meet the following Project objectives, although not to the same extent as the Project would:

- To locate job-generating uses close to existing residential uses so as to improve the jobs-housing balance and advance associated local and regional transportation objectives.
- To provide an intensity and range of uses that implements the visions of the City's General Plan for land use, urban form and density, economic development, and circulation.
- To promote and enhance a healthy and diverse economy in Mountain View.
- To construct a project that encourages further redevelopment of the overall 56-acre San Antonio regional retail center.
- To conserve land and resources, and reduce impacts on the City's infrastructure through the vertical orientation and density of development.

However, because this alternative would not provide hotel or cinema space, it would not address the objectives of addressing the demand for hotel space in the City or the existing lack of hotel space in the west-central portion of the City, and it would fail to provide the mutual support of hotel facilities to office and retail uses in immediate proximity to one another and to substantial existing transit and transportation corridors. Further, because this alternative does not include the hotel or cinema, it would significantly reduce achievement of the Project objective of providing job-generating uses.

Finding: The City of Mountain View finds that the Reduced Density (Existing Zoning) Alternative would slightly reduce some Project impacts that are less-than-significant with mitigation. The cumulative traffic impact at the San Antonio Road/El Camino Real intersection is likely still to be significant and potentially unavoidable, similar to the Project.

This alternative would somewhat reduce achievement of most Project objectives. Because the mix of uses in this alternative would not provide hotel or cinema space, it would not address the objectives of addressing the existing lack of hotel space in the west-central portion of the city, and it would fail to provide the mutual support of hotel facilities to office and retail uses in immediate proximity to one another and to substantial existing transit and transportation corridors. This alternative would not provide the job creation and mutually supporting commercial services that are central to the San Antonio Change Area vision. Failure to meet this vision makes the alternative socially infeasible.

Based on the above considerations, the City of Mountain View finds that the Reduced Density (Existing Zoning) Alternative is infeasible on the grounds that it does not adequately meet Project objectives and the San Antonio Change Area vision, and therefore should not be adopted.

4.1.3 Reduced Density (Residential Component) Alternative

Under the Reduced Density (Residential Component) Alternative, existing uses would be demolished, and a multi-block development with office, commercial, retail, restaurant, hotel, cinema, and residential uses would be constructed. This alternative would construct half the amount of office and hotel uses as the Project would. Therefore, the Residential Component Alternative would allow the 9.9-acre site to be developed with up to 196,427 sf of office development, 71,042 sf of hotel space (84 rooms), and 150,000 sf of residential uses (150 units). Commercial, cinema, retail, and restaurant uses would be the same as proposed under the Project, with 28,502 sf of commercial development, 67,280 sf of cinema uses, 54,186 sf of retail development, and 35,358 sf of restaurant space. In total, the Residential Component Alternative would include approximately 602,795 sf of new mixed-use development compared with approximately 720,263 sf under the Project. For purposes of analysis, it is assumed that

the ground-level design and amenities (e.g., outdoor common space and landscaping) would be similar to the Project, and the parking would include underground parking.

Impacts

Impacts from the Reduced Density (Residential Component) Alternative would be similar to or slightly less than impacts under the Project. Under the Cumulative Condition, the San Antonio Road/El Camino Real intersection would still experience significant and potentially unavoidable traffic impacts, similar to the Project.

Relationship to Project Objectives

The Reduced Density (Residential Component) Alternative would meet the following two Project objectives to approximately the same extent as the Project would:

- To promote and enhance a healthy and diverse economy in Mountain View.
- To construct a project that encourages further redevelopment of the overall 56-acre San Antonio regional retail center.

Because of its reduced non-residential square footage, the Reduced Density (Residential Component) Alternative would partially meet the following Project objectives, although not to the same extent as the Project would:

- To support the existing demand for office, commercial, retail, hotel, cinema, and associated parking and open space in the City of Mountain View and the surrounding region.
- To locate job-generating uses close to existing residential uses so as to improve the jobs-housing balance and advance associated local and regional transportation objectives.
- To address the existing lack of hotel space in the west-central portion of the City, an area with significant office and commercial uses that generate substantial local demand for lodging.
- To provide an intensity and range of uses that implements the visions of the City's General Plan for land use, urban form and density, economic development, and circulation.
- To provide mutually supportive office, hotel, and retail uses in immediate proximity to one another and to substantial existing transit and transportation corridors, including Caltrain and El Camino Real.
- To conserve land and resources, and reduce impacts on the City's infrastructure through the vertical orientation and density of development.

Finding: The City of Mountain View finds that impacts from the Reduced Density (Residential Component) Alternative would be similar to or slightly less than impacts under the Project. The traffic impact at the San Antonio Road/El Camino Real intersection would still be significant and potentially unavoidable, similar to the Project.

While the Reduced Density (Residential Component) Alternative would add 150,000 sf of residential use, creating additional housing is not one of the Project's objectives. Because of its reduced non-residential square footage, the Reduced Density (Residential Component) Alternative would reduce achievement of most of the Project objectives. Because this alternative provides less office and hotel space than the Project, it would undermine the Project objectives of providing job-generating uses, office space, and hotel space. It would also provide less mutually supportive office, hotel, and retail uses in immediate proximity to each other and to substantial existing transit and transportation corridors. Further, because this alternative includes less hotel and office space, it would undermine the Project objectives of

providing job-generating uses. Job creation and provision of mutually supporting commercial services are central to the San Antonio Change Area vision. Failure to meet this vision makes the alternative socially infeasible.

Based on the above considerations, the City of Mountain View finds that the Reduced Density (Residential Component) Alternative is infeasible on the grounds that it does not adequately meet Project objectives and the San Antonio Change Area vision, therefore, should not be adopted.

4.1.3 Location Alternative

The CEQA Guidelines encourage consideration of an alternative site when significant effects of the project might be avoided or substantially lessened (Section 15126.6(f)(2)(A)). Only locations that would avoid or substantially lessen any of the significant impacts of the project and meet most of the project objectives need be considered for inclusion in the EIR.

The Project proposes a rezoning of approximately 9.9 acres of land currently zoned Planned Community Precise Plan (P-9) into a Planned Community zoning district that would allow office, commercial, hotel, retail, cinema, and restaurant uses on the site. An alternative site would need to be at least of comparable size, within the urbanized area of Mountain View, and have adequate roadway access and utility capacity to serve the development proposed. Since the proposed Project site consists of an older commercial and retail development complex, an appropriate alternative site might also include other developed (or vacant) commercial/retail properties.

In order to identify an alternative site that might be reasonably considered to “feasibly accomplish most of the basic purposes” of the project, and would reduce significant impacts, it was assumed that such a site would ideally have the following characteristics:

- Approximately 10 acres in size.
- Located near transit facilities.
- Located near freeways and/or major roadways.
- Served by available infrastructure.
- Available for development.
- Potentially allow office, commercial, hotel, retail, cinema, and restaurant development at a density similar to what is permitted at the Project site.

A review of sites in Mountain View was completed in order to identify potentially suitable locations for the proposed project. Potential alternative sites were evaluated in terms of whether they would: 1) reduce or avoid some or all of the environmental impacts of the proposed project; 2) be of sufficient size to meet most of the basic project objectives; and 3) be immediately available to be acquired or controlled by the applicant.

A suitably sized development site within Mountain View could be expected to have traffic impacts (such as intersection impacts), as well as impacts associated with construction. Any project of this size and intensity is likely to result in the same or similar impacts on freeway segments, some perhaps more significant, and these sites may also be located in areas that are not as well served by transit as the Project site. No suitable alternative site was found that could meet the basic objectives of the Project, and where significant impacts would not be reduced. Therefore, an offsite alternative was not identified.

SECTION 5: FINDINGS WITH RESPECT TO SIGNIFICANT EFFECTS THAT MIGHT NOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The Final EIR for the Project concluded that the Project's contribution to a significant cumulative traffic congestion impact at the intersection of San Antonio Road and El Camino Real, unlike the Project's other significant environmental impacts, might not be mitigated to less than significant, as follows:

Impact TRA-4: Substantial increase in vehicle delay or deterioration of traffic operation at study intersections under the Cumulative Condition.

As shown in Table 3.13-11 of the Draft EIR, the addition of Project traffic would cause the operation of the San Antonio Road and El Camino Real intersection to degrade from an acceptable level-of-service (LOS E) to an unacceptable level (LOS F) in the Cumulative plus Project condition.

Mitigation measure TRA-MM-4 has been identified to reduce these impacts to a less than significant level. However, because this improvement would require approval by California Department of Transportation (Caltrans), Santa Clara Valley Transportation Authority (VTA), and the City of Los Altos, the City cannot ensure the construction of this improvement at this time because it does not have any authority over those agencies' decisions. Without implementation of the proposed mitigation, the impact would be significant and unavoidable.

Mitigation Measure TRA-MM-4: Pay a fair-share contribution towards the future improvement at the San Antonio Road/El Camino Real intersection

The applicant will pay for the improvement of the San Antonio Road and El Camino Real intersection and will be reimbursed by future developers based on their impact of their respective projects on the level of service at this intersection. The Project will contribute 16.80 percent to the intersection impacts and will ultimately pay only its proportionate share, after reimbursement by future developers contributing impacts to the intersection. The proposed mitigation measure for the San Antonio Road/El Camino Real intersection, located in the City of Los Altos, includes adding a second northbound left-turn lane, and will, if constructed, improve intersection operations to an acceptable level (LOS E or better). An approximate 100-foot long left-turn pocket can be accommodated within the existing curb-to-curb width, although the median will have to be relocated. Signal poles, mast arms, and heads may need to be re-aligned or added with this change. Preliminary consultation with the City of Los Altos indicates that Los Altos accepts the need for the improvements to the intersection and would cooperate with the City of Mountain View and other agencies in ensuring it would be constructed. The final configuration of the improved intersection will require approval from the City of Mountain View, the City of Los Altos, VTA, and Caltrans to address the practical steps of implementing any improvements.

Finding: The City finds that the improvements described in Mitigation Measure TRA-MM-4 are partly within the jurisdiction of other public agencies and can and should be approved by those other agencies. If these improvements are not approved by the necessary agencies, then Mitigation Measure TRA-MM-4 will be infeasible and Cumulative Impact TRA-4 will be significant and unavoidable. This significant and unavoidable impact would be outweighed and overridden by the economic, social, and other benefits detailed in Section 6 below.

SECTION 6: STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable.⁴ CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record.⁵

If other agencies with jurisdiction do not approve the improvements described in Mitigation Measure TRA-MM-4, the Project would result in significant unavoidable impacts at the San Antonio Road/El Camino Real intersection under the Cumulative Condition. The City specifically finds that this significant and potentially unavoidable impact at the San Antonio Road/El Camino Real intersection is outweighed by the Project's benefits and is acceptable in light of the benefits of the Project, based on the findings below:

- The City has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project, as described above.
- All Mitigation Measures recommended in the Final EIR have been incorporated into the Project and will be implemented through the MMRP, incorporated by reference herein.
- In accordance with CEQA Guidelines Section 15093, the City has, in determining whether or not to approve the Project, balanced the economic, legal, social, technological, and other benefits, including region-wide or statewide environmental benefits of the Project against these unavoidable environmental risks, and has found that the benefits of the Project outweigh the unavoidable adverse environmental effect described in Section 5 above. The following statements specify the reasons why, in the City's judgment, the benefits of the Project outweigh its potentially unavoidable environmental risks. The City also finds that any one of the following reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the City's Findings and the benefits described below can be found in the Record of Proceedings.

Economic Benefits

- The Project redevelops an underutilized site that currently contains 59,655 sf of commercial and retail buildings, currently providing employment to approximately 43 employees per day, with a greater land-use intensity mixed-use development that supports business growth in the City, and specifically, higher employment and continued growth in the San Antonio Change Area. Development of the Project will create approximately 2,500 new jobs, greatly increasing the benefits of employment over existing conditions. The Project includes a hotel, providing lodging in an area with significant office and commercial uses that generate substantial local demand for lodging that is currently underserved.
- The Project will advance the vision of the San Antonio Change Area by providing a mixed-use, pedestrian-oriented employment center adjacent to transit and residential uses. The General

⁴ CEQA Guidelines, Section 15093(a)

⁵ CEQA Guidelines, Section 15093(b)

Plan includes the following San Antonio Change Area goals and policies that are supported by the Project.

Goal LUD-21: A gateway neighborhood with diverse land uses, public amenities and strong connections to surrounding areas.

Policies

- LUD 21.1: A mix of land uses. Support a mix of commercial land uses serving the neighborhood and the region.
- LUD 21.3: Improved connectivity. Promote improved connectivity to adjacent neighborhoods, destinations and Downtown.
- LUD 21.4: Improved pedestrian and bicycle circulation. Support improved pedestrian and bicycle circulation and connectivity throughout the area.

Goal LUD-22: A revitalized San Antonio Center with a diverse mix of uses and connections to adjacent neighborhoods.

Policies

- LUD 22.1: San Antonio Center transformation. Support the transformation of San Antonio Center into a regional mixed-use and commercial destination.
- LUD 22.3: Gathering spaces. Encourage new plazas, open space and other gathering spaces in the San Antonio Center.
- LUD 22.4: Pedestrian-oriented design elements. Ensure that developments include pedestrian-oriented design elements such as accessible building entrances, visible storefronts and landscaping.
- LUD 22.6: Improved mobility. Support improved mobility within San Antonio Center for vehicles, transit, bicyclists and pedestrians.
- LUD 22.7: Improved bicycle and pedestrian connections. Promote improved bicycle and pedestrian connections to the San Antonio Caltrain station, El Camino Real bus service, adjacent neighborhoods and the citywide bicycle and pedestrian network.
- The Project will generate revenue for the City through increased property tax revenue and tax revenue from commercial development. The Project will intensify the existing level of commercial development, specifically office, retail, hotel, cinema, and restaurant, resulting in increased tax revenues.
- The Project will dedicate private land to the City to expand the public right-of-way for public sidewalks. This benefits the City by encouraging pedestrian use and improving pedestrian safety in accord with Goal LUD-21, Policy 21.4 and Goal LUD-22, Policy 22.7 as detailed above.
- The Project will provide for conservation of land and resources and reduce impacts on the City's infrastructure through the vertical orientation and density of development. The Project will also include the construction of bicycle lanes on both sides of San Antonio Road from California Street to West El Camino Real. These bicycle lanes will connect to the existing bicycle lanes on San Antonio Road in Los Altos. Providing for conservation of land resources and reducing impacts on infrastructure are in accord with Goal LUD-21, Policy 21.4 and Goal LUD-22, Policy 22.7 as detailed above.

Social Benefits

- The Project will lead to the redevelopment of an underutilized site served by existing transportation and utility infrastructure by allowing the construction of approximately 1.2 million sq. ft. office, commercial, hotel, retail, cinema, and restaurant space constructed to meet the intent of LEED® Gold design standard and comply with CalGreen requirements.
- The Project will advance the vision of the San Antonio Change Area by providing a mixed-use, pedestrian-oriented employment center adjacent to transit and residential uses with integrated, complementary uses such as entertainment, restaurants, department stores and other retail, office, hotels, assembly or civic uses, and public space, consistent with the Project site's Mixed-Use Center General Plan land use designation. The General Plan includes the following San Antonio Change Area goals and policies that are supported by the Project: Goal LUD-21, Policies LUD 21.1, LUD 21.3, LUD 21.4; Goal LUD-22, Policies LUD 22.1, LUD 22.3, LUD 22.4, LUD 22.6.
- The Project will meet the City's land use planning goals for the San Antonio Change Area of the General Plan by providing a transit-oriented employment center that incorporates a Transportation Demand Management (TDM) plan. The General Plan includes the following San Antonio Change Area goals and policies that are supported by the Project: Goal LUD-21, Policy LUD 21.2; Goal LUD-22, Policy LUD 22.6.
- The Project will also meet the City's land use planning goals and development strategies of the of the San Antonio Change Area, which promotes an area with pedestrian and bicyclist connections to public transit, services, and employers, by creating on-site pedestrian and bicycle amenities, and improving connections to off-site pedestrian, bicycle, and transit networks. The General Plan includes the following San Antonio Change Area goals and policies that are supported by the Project: Goal LUD-21, Policy LUD 21.4; Goal LUD-22, Policies LUD 22.4, 22.6, 22.7.
- The Project will improve the overall aesthetic and visual quality of the San Antonio Change Area. The existing Project site consists of three 1- to 2-story retail buildings surrounded by surface parking. Approximately 75 trees are located within the parking lot. The Project includes new landscape amenities and open active areas, well-designed publicly visible and accessible open space areas adjacent to the public right-of-way, and planting of approximately 165 new trees on site. The Project's 2- to 6-story buildings will feature clear glass, natural stone, and architectural metal panels. In addition, the Project site will include a promenade between the east and west blocks that will extend from California Street to the existing Hetch-Hetchy Parkway. The tree-lined promenade will include parking, monument signage, sidewalks, planters, a plaza, benches, outdoor dining tables, lounge chairs/sofas, and cabanas. The proposed mixed-use Project will provide for a more cohesive design than exists under current conditions.

Region-wide or Statewide Environmental Benefits

- The Project will promote compact growth by increasing job opportunities at a location near existing transportation and utility infrastructure, with the goal of reducing the region's overall greenhouse gas emissions by focusing development near transit and infrastructure with a TDM program consistent with the Mountain View General Plan, which recognizes the San Antonio Change Area as an important employment center with growth potential near the Caltrain corridor, and as encouraged by SB 375 and AB 32.
- The Project is consistent with the greenhouse gas reduction measures in the Mountain View Greenhouse Gas Reduction Program, specifically, Measure E-1.3 – Non-Residential Lighting

Retrofit, Measure E-1.7 – Exceed State Energy Standards in New Non-Residential Development, Measure E-2.3 – Non-Residential Photovoltaic Systems, Measure T-1.1 – Transportation Demand Management. The Project is not inconsistent with any of the measures in the GGRP. The Project thus supports the City's efforts to reduce dependency on fossil fuels and nonrenewable energy to decrease its share of GHG emissions and contributions to global climate change and to help make Mountain View a more attractive place to live through implementation of the GGRP, by adding density on an underutilized site served by existing transportation and infrastructure, by developing a project that will be constructed to meet the intent of LEED® Gold design standard and CalGreen requirements, and by implementing a TDM program.

- The Project's TDM program will be designed to reduce parking, driving, and pollution associated with office uses by at least 30 percent during peak periods, substantially above the 9 percent reduction required by the City's Greenhouse Gas Reduction Program, and would encourage workers to commute using transit and other alternatives to single-occupancy vehicles. The Project will include, at a minimum, the following TDM features.
 - Six electric vehicle (EV) charging stations with Type II chargers.
 - Ten pre-wired parking spaces for future EV chargers.
 - Preferred parking for carpool and hybrid/electric vehicles.
 - Proximity to transit and bike routes.
 - Storage lockers and employee shower facilities to reduce dependency on automobile.
 - Bike share program.
 - Web portal for carpooling.
 - Public transit subsidy or passes to be provided to tenants.
 - Shuttles to public transit.
- The Project's TDM program will be enforceable through:
 - Conditions of approval adopted and enforced by the City.
 - Creation of a third-party monitoring and enforcement mechanism with monetary penalties for non-performance.
- The Project includes the following features to fulfill the requirements of the LEED® Gold design standard.
 - California Energy Code requirements based on 2008 Energy Efficiency Standards requirements will be exceeded by at least 15 percent.
 - Installation of a photovoltaic (PV) array on the roof of the parking garage is anticipated to reduce electricity needs by 25–30 percent.
 - Low intensity/energy-efficient lighting.
 - Roofing systems with high Solar Reflectance Index (SRI) and high R-value ceiling and wall insulation will be incorporated to reduce cooling costs and energy requirements.
 - Low-flow lavatory faucets, water closets, and urinals will be installed to minimize water use.

- The majority of trees proposed will be Low Water Use, in accordance with the Water Use Classifications of Landscape Species (WUCOLS). All planted areas would be watered with an approved automatic underground irrigation system to make efficient use of water through conservation techniques, and would comply with the City's Water Conservation in Landscaping Regulations adopted in July 2010 and Green Building Code adopted in March 2011.
- Stormwater runoff will be treated through biofiltration systems on the Project site, prior to discharge into storm drains.
- Development of the Project will reduce solid waste from construction through recycle or salvage, meeting a goal of 50 percent reduction.
- During Project operation, the Project will comply with the City of Mountain View's Zero Waste Plan, reducing the per capita rate for commercial waste. Tenants will be required to recycle waste. The foregoing benefits provided to the public through approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated; and

Each of the Project benefits separately and individually outweighs the potentially unavoidable adverse environmental impact identified in the Final EIR and therefore finds those impacts to be acceptable.

Social and other considerations and benefits derived from the development of the Project override and make infeasible any alternatives to the Project or further Mitigation Measures beyond those incorporated into the Project.

On balance, as discussed above, the City finds that there are specific considerations associated with the Project that serve to override and outweigh the Project's significant and potentially unavoidable cumulative traffic impact. Therefore, pursuant to CEQA Guidelines Section 15093(a), these adverse effects are considered acceptable.

SECTION 7: CONCLUSION; NO RECIRCULATION OF THE EIR IS REQUIRED

The changes and new information provided in the Final EIR consist of the following.

- Clarifications to the Draft EIR analysis in response to comments received.
- Corrections of typographic and editorial errors.

This new information does not include identification of new significant impacts associated with the Project or mitigation measures, or new Project alternatives or mitigation measures that warrant consideration.

The City of Mountain View finds that the new information added to the Final EIR merely clarifies, amplifies, or makes insignificant modifications to an adequate EIR and is not "significant" within the meaning of CEQA Guidelines Section 15088.5. The City of Mountain View further finds that incorporating the new information and corrections does not deprive the public of a meaningful opportunity to comment on the Project or its effects, and that no information has been added to the Final EIR that would warrant recirculation pursuant to Public Resources Code Section 21092.1. This finding is based on all the information presented in the Final EIR and the record of proceedings.

REFERENCES

Bay Area Air Quality Management District. 2010. Bay Area 2010 Clean Air Plan. September 15. San Francisco, CA. Available: <<http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Plans/2010%20Clean%20Air%20Plan/CAP%20Volume%20I%20%20Appendices.ashx>>.

Bay Area Air Quality Management District. 2011. California Environmental Quality Act Air Quality Guidelines. June. San Francisco, CA.

City of Mountain View. 2011. 2010 Urban Water Management Plan. June 14. Available: <<http://www.mountainview.gov/civica/filebank/blobdload.asp?BlobID=8497>>. Accessed: May 22, 2014.

City of Mountain View. 2010. The Precise Plan Amendments and San Antonio Center Project Environmental Impact Report. SCH No 2010072044. Prepared by LSA Associates, Inc. December.

City of Mountain View. 2012. City of Mountain View 2030 General Plan. Prepared by City of Mountain View Community Development Department, Mountain View, CA. Adopted July 10. Available: <http://www.mountainview.gov/city_hall/community_development/planning/plans_regulations_and_guidelines/general_plan.asp>. Accessed: May 23, 2014.

Infrastructure Engineering Corporation. 2011. General Plan Update Utility Impact Study. Prepared for City of Mountain View. October.

LSA Associates. 2012. City of Mountain View 2030 General Plan and Greenhouse Gas Reduction Program Environmental Impact Report. SCH No. 2011012069. Prepared for City of Mountain View, CA. Available: <http://www.mountainview.gov/city_hall/community_development/planning/plans_regulations_and_guidelines/general_plan.asp>. Accessed: May 23, 2014.