

Applicant and Owner: California Water Service (Cal Water)
Environmental Review: Environmental Impact Report
Project Planner: Mary Jeyaprakash, (408) 730-7449,
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Commissioner Davis recused himself from this agenda item due to the proximity of his home to the proposed project.

Senior Planner Mary Jeyaprakash presented the staff report with a slide presentation.

Commissioner Sigura asked whether consideration has been given to plant greenery around the proposed storage tank to conceal it from view. Senior Planner Jeyaprakash explained that a separate Design Review application will be required, requiring a final landscaping plan and design for the water tank. She added that while mature trees currently exist on site, the addition of trees has been proposed for the peripheries of the proposed project site.

Commissioner Sigura and Senior Planner Jeyaprakash discussed the anticipated construction timeline for the proposed project and the noise standards that will apply for day and night construction work.

At Commissioner Pyne's request, Senior Planner Jeyaprakash confirmed at what stage a Design Review will be considered for the proposed project as well as the cosmetic design aspects that will be evaluated. Senior Planner Jeyaprakash emphasized that the height and diameter of the proposed storage tank will remain unchanged. Commissioner Pyne answered that if the appearance of the structure is likely to change, he is unsure how to make any findings about its appearance, particularly the color it will be, now. Principal Planner Noren Caliva-Lepe reiterated that proposed design of the storage tank will not change substantially as its proposed location, height, material, and mass will remain the same. An example of a minor modification includes relocation of the stairs on the water tank.

Commissioner Pyne confirmed with Principal Planner Caliva-Lepe that at least one of the two findings for the Use Permit must be met.

Commissioner Pyne asked for clarification regarding Finding 2 for the Use Permit.

Commissioner Pyne noted that the resolution to certify the Environmental Impact Report (EIR) was not included as an attachment to the staff report. Senior Assistant City Attorney Sandra Lee responded that the resolution will be attached to the City Council report and that the Planning Commission may still make the California Environmental Quality Act (CEQA) findings that are necessary to certify the EIR.

Commissioner Pyne highlighted that page 28 of Attachment 6 notes that the City's General Plan Land Use designation for the proposed project site is Water, Electric, Phone, Water Facility when it should be Low Density Residential. Principal Planner Caliva-Lepe responded that this information will be corrected.

Commissioner Pyne confirmed with Senior Assistant City Attorney Lee that the Planning Commission may make a motion with wording that differs from the numbered alternatives staff has provided.

Vice Chair Shukla requested information regarding the proposed well and storage tank and how they compare to equivalent wells and tanks in the City. Senior Planner Jeyaprakash responded that the California Water Service (Cal Water) representatives in attendance will be able to provide the requested information.

Commissioner Pyne confirmed with Senior Assistant City Attorney Lee that it is the Planning Commission's responsibility to interpret CEQA Guidelines Section 15093 (a) and determine how to apply it.

At Commissioner Pyne's request, Senior Planner Jeyaprakash, Principal Planner Caliva-Lepe, and Senior Assistant City Attorney Lee provided clarification on Finding 2 for the Use Permit.

Chair Iglesias asked about plans in place to monitor noise and vibration that will be generated by the proposed project. Nick Towstopiat (Project Manager at David J. Powers & Associates, Inc.) explained that a detailed plan to monitor noise will be submitted to the City for review and approval prior to the issuance of permits, and it will involve monitors placed around adjacent property lines. He added that these monitors may be programmed to notify applicable individuals. Regarding vibration monitoring, Mr. Towstopiat stated that since vibration levels that were modeled for both the drilling and other phases of construction were below the applicable threshold, there will be no vibration monitoring during construction activities.

Melinda Schmidt (Superintendent at Cal Water) presented additional information on the proposed project.

Commissioner Pyne and Ms. Schmidt discussed the location of other Cal Water wells and why those sites were not considered in place of the proposed project site. Dawn Smithson (District Manager at Cal Water) provided additional details on this matter.

Commissioner Pyne confirmed with Ms. Smithson that subject to Recommended Condition of Approval GC-7 (a) and (b), Cal Water must provide hotel vouchers to specified residents and, upon request, applicable residents on dates of scheduled nighttime drilling activities.

At Commissioner Serrone's request, Ms. Schmidt explained why there is a need for the proposed well.

Commissioner Serrone confirmed with Ms. Schmidt that a network of functional pipes currently exists on the proposed project site.

Commissioner Serrone asked whether residents are indemnified against long- or short-term damages associated with the proposed project. Senior Assistant City Attorney Lee answered that while the proposed project is not subject to an indemnification requirement, residents may take private action to file a claim or lawsuit against Cal Water for any damage they believe resulted from the proposed project.

Commissioner Serrone questioned whether the noise assessment conducted for the proposed project considered impacts to brick-and-mortar chimneys. Mr. Towstopiat replied that the vibration threshold used for the vibration assessment is conservative and typically reserved for historic structures.

Commissioner Serrone asked whether residents would have access to noise monitoring data if noise monitors were installed at their homes. Ms. Schmidt answered affirmatively.

Commissioner Serrone confirmed with Ms. Schmidt that the emergency generator for the proposed project will not be battery powered.

Vice Chair Shukla and Mary Kean (Capital Delivery Manager at Cal Water) discussed the drilling process for the proposed well. Charlie Jenkins (Geologist at Luhdorff & Scalmanini, Consulting Engineers) explained why the proposed well will have a depth of 800 feet and stated that a well's depth has no bearing on vibration.

Vice Chair Shukla confirmed with Ms. Schmidt that a similar tank and the same mechanism for drilling and water extraction utilized for wells at other sites will be used at the proposed project site.

Commissioner Sigura confirmed with Ms. Schmidt that the emergency generator will only be in use during a power outage and that the well that previously existed

on the site was abandoned and cemented in 2016.

Chair Iglesias confirmed with Mr. Jenkins that the drilling equipment will be powered by diesel engines.

At Chair Iglesias' request, Ms. Smithson explained why the height of the proposed storage tank will be 17 feet.

Chair Iglesias and Carol Colby (who conducted the noise and vibration assessment for the proposed project) spoke about the noise level to be produced by the emergency generator after mitigation.

At Chair Iglesias' request, Ms. Schmidt provided the historical background of the well that previously existed on the site and explained that the well could not be rehabilitated in 2016 because it had deteriorated significantly.

Chair Iglesias confirmed with Principal Planner Caliva-Lepe that, had Cal Water chosen to take action while the previous well was in operation in 2015, their Use Permit would have been valid, but an environmental analysis would have still been required.

Chair Iglesias opened the Public Hearing.

Paul Healy, Sunnyvale resident, requested the preservation of trees 439 and 434 and noted that there is a discrepancy between the site plans and site elevations pertaining to tree removal. He stated that the EIR is incomplete and inaccurate and that the noise analysis fails to consider noise generated by water aeration. He asked that the Use Permit not be issued until all mitigation measures have been defined and agreed upon.

Ann Bogan, Sunnyvale resident, called to question the adequacy of the EIR and related documents. She also proposed that other wells under the ownership of Cal Water should be considered as potential alternatives to the proposed well.

PaoPao, Sunnyvale resident, shared comments on behalf of his neighbor, Tina Baumgartner, pertaining to apprehensions about the EIR, Cal Water's shortcomings in addressing residents' concerns, and the lack of transparency on noise and vibration monitoring data. He urged the Planning Commission to require enforceable, transparent mitigation and plans the public can review, monitoring that can be verified, clear thresholds, and corrective actions.

Mei-Ling Stefan asked about protocols in place to prevent the accidental release of infectious pathogens into the environment and suggested the water be discharged into the nearby East Channel to avoid mishaps underground. She also commented that the noise and air quality mitigation measures are not sufficient.

Commissioner Pyne received clarification on trees 434 and 439 that are proposed to be removed. Senior Planner Jeyaprakash noted that while the Arborist Report indicates that 8 trees will be removed, only 7 trees will be removed.

Ms. Smithson and Ms. Colby provided closing comments.

Commissioner Pyne, Ms. Smithson, and Ms. Schmidt discussed locations for drilling new wells within the next 15 years.

Commissioner Pyne noted where in the site plans tree 439 is listed. Senior Planner Jeyaprakash stated the proposed project site does not include any heritage trees but rather protected trees.

At Commissioner Serrone's request, Ms. Colby explained what would happen if noise levels exceed the threshold that the monitors are programmed for. Senior Planner Jeyaprakash and Mr. Towstopiat provided additional details on this subject as presented in the Mitigation Monitoring and Reporting Program (MMRP).

Commissioner Serrone confirmed that Cal Water would be amenable to monitoring vibration on the proposed project site, if feasible.

Commissioner Serrone confirmed with Ms. Schmidt that an emergency generator did not previously exist on the proposed project site and that in the event of a power outage, the previous well relied on a portable booster.

Commissioner Pyne confirmed with Principal Planner Caliva-Lepe that approval of the proposed project will be considered by the City Council in April 2026.

Commissioner Pyne confirmed with Senior Assistant City Attorney Lee that the Planning Commission may impose a condition of approval without the consent of the applicant if there is sufficient evidence to support that it relates to the impacts of the proposed project.

Chair Iglesias confirmed with Senior Assistant City Attorney Lee that if the Planning Commission imposes a condition of approval mandating the monitoring of vibration levels and the applicant determines prior to the City Council meeting that this is not

feasible, the City Council may choose to remove this condition.

Senior Planner Jeyaprakash clarified that the EIR and proposed site plans indicate that nine trees will be removed (7 of which are protected trees and 2 of which are not) and that the discrepancy between these documents and the Arborist Report will be looked into.

Chair Iglesias closed the Public Hearing.

Chair Iglesias spoke in support of making vibration monitoring data publicly available and holding the contractors accountable if noise and vibration thresholds are exceeded.

Commissioner Sigura spoke in agreement with Chair Iglesias' comments and stressed the importance of a good, clean source of water.

Vice Chair Shukla agreed that while noise levels generated by the proposed project should be monitored, the applicant should be given the opportunity to verify associated costs ahead of the City Council meeting before the Planning Commission imposes a condition to monitor vibration levels.

Commissioner Pyne commented that if the proposed project was not subject to City Council approval, he would move for its continuance to a later date.

MOTION: Commissioner Pyne moved, and Vice Chair Shukla seconded the motion to recommend that the City Council take the following actions:

- 1) Certify the EIR as completed in compliance with CEQA, Make the Findings required by CEQA, and Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, as shown in Attachment 6 with the correction to the General Plan land use designation on page 28; and
- 2) Make the Recommended Findings in Attachment 4 and approve the Use Permit subject to the Recommended Conditions of Approval in Attachment 5 with the addition of a condition recommended by staff stating that "Discharge of water from the production test to the storm drain system shall not exceed 1,200 gallons per minute (gpm). Any such discharge from the site shall occur only during dry weather season to avoid overloading the storm drain system" and a condition of approval to conduct vibration monitoring as described by the applicant's noise and vibration consultant.

FRIENDLY AMENDMENT: Chair Iglesias proposed a friendly amendment to add a condition of approval mandating that the data from noise level monitoring be made publicly available in real time. Commissioner Pyne and Vice Chair Shukla accepted the friendly amendment.

Commissioner Pyne stated that he is in support of the motion since he can make Finding 1 for the Use Permit and asked that a planting diagram be included with the report that will be brought to City Council for consideration. He acknowledged that while the proposed project has clear regional effects, these effects are overridden by mitigation measures and regional benefits. He also stated that more thought should be given to why other Cal Water well sites could not be considered in place of this one.

Vice Chair Shukla spoke in support of the proposed well as it will be necessary to support the City's growing infrastructure. She recognized Cal Water's efforts to take concerns of residents into consideration and protect as many trees as possible. She confirmed her support for the motion and the friendly amendment.

Commissioner Serrone commended the technical expertise of residents in this neighborhood, recognized that Cal Water has made changes to the proposed project plans in response to residents' concerns, acknowledged that the proposed well will need to be built eventually, and noted that there is a need for more water. He voiced his support for the motion.

Commissioner Sigura stated that he is supportive of the motion and stated that although he is not concerned about the effects that vibration associated with the proposed project may pose, he is in favor of making vibration monitoring data available to the public.

Chair Iglesias acknowledged the need for water and the importance of being transparent about noise and vibration levels associated with the proposed project.

The motion carried by the following vote:

Yes: 5 - Chair Iglesias
Vice Chair Shukla
Commissioner Pyne
Commissioner Serrone
Commissioner Sigura

No: 0

Absent: 1 - Commissioner Figone

Recused: 1 - Commissioner Davis

This recommendation will be forwarded to the City Council for consideration at the April 7, 2026, meeting.