ENVIRONMENTAL CHECKLIST FOR THE

102 E Fremont Mixed Use Development Project

Prepared for:

Sunnyvale

City of Sunnyvale

Contact:

Shétal Divatia
Senior Planner

April 2022

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City of Sunnyvale
Community Development
Department, Planning Division
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Sunnyvale, California 94086

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April 2022

20210214.01

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LIST OF ABBREVIATIONS

AB	Assembly Bill
AFY	acre-feet per year
APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
BMP	best management practice
CAFÉ	Corporate Average Fuel Economy
CalEEMod	California Emissions Estimator Model
CARB	California Air Resources Board
CBC	California Building Code
CEQA	California Environmental Quality Act
CHRIS	California Historic Resources Information System
CLUP	Comprehensive Land Use Plan
CO	carbon monoxide
CRHR	California Register of Historical Resources
cy	cubic yards
dBA	decibels (A-weighted)
EIR	environmental impact report
EO	Executive Order
EPA	US Environmental Protect Agency
EPM	environmental protection measure
ESA	Environmental Site Assessment
EV	electric vehicle
FAR	floor area ratio
GHG	greenhouse gas
HOA	homeowners association
kWh	kilowatt-hour
lbs/day	pounds per day
LID	low impact design
LOS	level of service
LUTE	Land Use and Transportation Element
MBTA	Migratory Bird Treaty Act
MERV	Minimum Efficiency Reporting Value
mgd	million gallons per day

MIR	maximally impact sensitive receptor
MRP	Municipal Regional Stormwater Permit
$MTCO_2e$	million tons of carbon dioxide equivalent
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NZE	net zero energy
OPR	Governor's Office of Planning and Research
PCE	tetrachloroethylene
PG&E	Pacific Gas and Electric Company
PM_{10}	respirable particulate matter with an aerodynamic diameter of 10 microns or smaller
$PM_{2.5}$	fine particulate matter with an aerodynamic diameter of 2.5 microns or smaller
PPV	peak particle velocity
PRC	Public Resources Code
PV	photovoltaic
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel Efficient
SB	Senate Bill
SCCDEH	Santa Clara County Department of Environmental Health
SO_2	sulfur dioxide
sq. ft.	square feet
SVCE	Silicon Valley Clean Energy
SWPPP	stormwater pollution prevention plan
TAC	toxic air contaminant
TCE	tetrachloroethene
TDM	Transportation Demand Management
UWMP	Urban Water Management Plan
VMT	vehicle miles traveled
VOC	volatile organic compound
WSA	water supply assessment

1 INTRODUCTION

This Infill Environmental Checklist has been prepared by the City of Sunnyvale (City), pursuant to Public Resources Code Section 21094.5 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and implementing regulations in the CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations), specifically Section 15183.3 and Appendices M and N, as well as Section 15183.

1.1 PURPOSE OF THE INFILL ENVIRONMENTAL CHECKLIST

Public Resources Code Section 21094.5 (Senate Bill [SB] 226), along with its implementing regulations (Section 15183.3 and Appendices M and N of the State CEQA Guidelines) (infill streamlining provisions), provides a streamlined CEQA process for projects that qualify as infill development.

In order to qualify for coverage under these infill streamlining provisions, a project site must either be in an urban area that has been previously developed or have qualifying urban development, defined as one or a combination of residential, commercial, public institutional, transit or transportation passenger facility, or retail use on at least 75 percent of the site perimeter.

The CEQA Guidelines, in Appendix M, include a set of performance standards, as required by SB 226, that a qualifying project must satisfy in order to be eligible for the infill streamlining process.

If a project meets the Appendix M performance standards, the lead agency may prepare an environmental checklist based on CEQA Guidelines Appendix N. The Appendix N Infill Environmental Checklist is a tool to evaluate a development project and provide substantial evidence of its eligibility to use the infill streamlining process. The Infill Environmental Checklist also assists the lead agency in identifying and summarizing project-specific effects and how those effects are or are not addressed in a prior programmatic-level document or by uniformly applicable development policies:

> Once the lead agency has determined that a particular physical impact may occur as a result of an infill project, then the checklist answers must indicate whether that impact has already been analyzed in a prior EIR. If the effect of the infill project is not more significant than what has already been analyzed, that effect of the infill project is not subject to CEQA. The brief explanation accompanying this determination should include page and section references to the portions of the prior EIR containing the analysis of that effect. The brief explanation shall also indicate whether the prior EIR included any mitigation measures to substantially lessen that effect and whether those measures have been incorporated into the infill project.

For purposes of this Environmental Checklist, "uniformly applicable development policies or standards" include policies and standards adopted or enacted by the City or by regional or state agencies that reduce one or more adverse environmental impacts. Such policies and standards can include, without limitation, local and state building codes, design guidelines, impact fee programs, traffic impact fees, policies for the reduction of greenhouse gases contained in adopted land use plans, policies, or regulations, and ordinances for the protection of trees or historic resources (see State CEQA Guidelines Section 15183.3[f][7]).

This checklist identifies uniformly applicable development standards, such as measures set forth in a city's code or general plan, to substantially mitigate effects of the project. All general plan policies identified herein as applicable to the project would be implemented through project design or conditions of approval.

The City, as CEQA lead agency for the project, has determined, based on substantial evidence contained in the documents and records regarding the project, that the project is eligible for infill streamlining pursuant to Public Resources Section 21094.5. This Environmental Checklist confirms that the project qualifies for infill streamlining and provides documentation showing that the impacts of the project fall within the impacts evaluated in prior EIRs, in this case, the City of Sunnyvale Land Use and Transportation Element (LUTE) Update Environmental Impact Report (EIR), or can be substantially mitigated by uniformly applicable development policies or standards.

Additionally, because the LUTE EIR analyzed anticipated growth in Sunnyvale, including development of the project site with a mix of residential and commercial uses, this checklist identifies potential environmental impacts that qualify for streamlined review under Section 15183 of the CEQA Guidelines. Section 15183 states that, where a project is consistent with the use and density established for a property under an existing general plan for which a city has already certified an EIR, additional environmental review is not required "except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." If such requirements are met, the examination of environmental effects is limited to those which the agency determines:

1. Are peculiar to the project or the parcel on which the project would be located,
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan with which the project is consistent,
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Consistent with the requirements of State CEQA Guidelines Section 15183, this checklist determined that the project would not result in significant impacts peculiar to the project or project site or any significant impacts that were not analyzed or discussed in the LUTE EIR and/or are substantially mitigated by the imposition of uniformly applied development policies or standards. Additionally, the project would not result in any potentially significant off-site or cumulative impacts that were not discussed in the LUTE EIR. Also, there are no significant effects that substantial new information shows would be more severe than discussed in the LUTE EIR. Thus, the City may rely upon the analysis in the certified LUTE EIR, and no further CEQA review is required.

1.2 LAND USE AND TRANSPORTATION ELEMENT UPDATE AND PROJECT OVERVIEW

The Sunnyvale City Council adopted the updated LUTE of the General Plan in April 2017. The LUTE establishes the fundamental framework for the layout of streets and buildings in the city and the future establishment of various land uses, developments, and transportation facilities. The LUTE and accompanying policies were developed to help guide decision making regarding land use and transportation for an approximate 20-year horizon—a time frame that is referred to as *Horizon 2035*. The LUTE land use policies provide direction for the amount, location, and direction of future change. The City prepared and certified the LUTE EIR (State Clearinghouse No. 2015062013) for the LUTE that evaluated the environmental impacts associated with development of the land uses and implementation of transportation planning efforts in Sunnyvale as regulated and guided by the LUTE.

The LUTE includes mixed-use residential/commercial uses in key transit-oriented areas and in transformed Village Centers as well as in areas for additional business (or industrial) growth. The project site is designated Village Mixed-Use in the Sunnyvale General Plan; the designation provides for neighborhood-serving commercial uses integrated with residential uses. The project area is also identified as an area to "enhance," which is an area expected to experience minor infill, improvements, and redevelopment.

The project site is also located in a transit priority area, with two frequent bus stops located adjacent to the project site (City of Sunnyvale 2021). According to the vehicle miles traveled (VMT) map (Appendix B) in the City of Sunnyvale Transportation Analysis Guidelines for Vehicle Miles Traveled and Local Transportation Analysis, the project site is location within a VMT area below the 15 percent threshold for residential uses (City of Sunnyvale 2021). The City's transportation policies create incentives for non-vehicular modes of transportation (transit, pedestrian, and bicycle networks), but recognize that driving will remain a significant transportation mode in Sunnyvale, while offering options for car-free or car-light living. The transportation policies integrate with the land use policies, in part by reducing travel distances by promoting compact, mixed-use development.

The proposed 102 E. Fremont Mixed Use Development Project (hereinafter referred to as the proposed project) is located on approximately 1.84 acres at 1310 Sunnyvale Saratoga Road. The proposed project would consist of the demolition of a majority of the existing western on-site buildings and asphalt to allow for construction of three 3- and 4-story condominium buildings containing a total of 35 dwelling units and a 1-story commercial building. The proposed project would also remodel the existing east building (102–124 E. Fremont Avenue) from approximately 9,500 square feet of commercial uses to approximately 8,048 square feet of commercial uses. In addition, an approximately 3,757-square-foot common open space would be provided between the remaining commercial and new residential uses and will be accessible to the public. The proposed project would also include the installation of 100 parking spaces—82 residential spaces and 18 commercial spaces.

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2 SATISFACTION OF APPENDIX M PERFORMANCE STANDARDS

This section provides information demonstrating that the proposed infill project satisfies the performance standards in Appendix M of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387).

1. Does the non-residential infill project include a renewable energy feature? If so, describe below. If not, explain below why it is not feasible to do so.

The proposed project is a mixed-use (residential/commercial) infill project. The residential component is the predominant land use and is not required to include a renewable energy feature (State CEQA Guidelines Appendix M (IV.G).

2. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, either provide documentation of remediation or describe the recommendations provided in a preliminary endangerment assessment or comparable document that will be implemented as part of the project.

Soil beneath the project site was contaminated with a tetrachloroethene (PCE) release at the dry cleaner (Angela's Cleaners) located at 110 East Fremont Avenue. A Corrective Action Plan (CAP) has been prepared that consists of removal of soil vapor containing PCE.

3. If the infill project includes residential units located within 500 feet, or such distance that the local agency or local air district has determined is appropriate based on local conditions, a high volume roadway or other significant source of air pollution, as defined in Appendix M, describe the measures that the project will implement to protect public health. Such measures may include policies and standards identified in the local general plan, specific plans, zoning code or community risk reduction plan, or measures recommended in a health risk assessment, to promote the protection of public health. Identify the policies or standards, or refer the site specific analysis, below.

The proposed infill project includes residential units that would be located within 500 feet of a high volume roadway (Sunnyvale Saratoga Road and East Fremont Avenue). Project design would include indoor air filtration systems with a Minimum Efficiency Reporting Value (MERV) of 13 or better, as required under Title 24, Part 6, Subchapter 7, Section 150.0(m)12.C. This filtration standard is used to capture particulate matter to protect public health.

4. For residential projects, the project satisfies which of the following?

☒ Located within a low vehicle travel area, as defined in Appendix M.

The project is anticipated to generate a net decrease of 315 daily trips. According to the City of Sunnyvale Transportation Analysis Guidelines for Vehicle Miles Traveled and Local Transportation Analysis the project site is location within a VMT area below the 15 percent threshold for residential uses (Appendix B) and is within high quality transit corridor (Appendix D) and is exempt from further analysis.

☒ Located within ½-mile of an existing major transit stop or an existing stop along a high quality transit corridor.

The project would be located adjacent to two frequent bus stops and located within a transit priority area and high quality transit corridor (City of Sunnyvale Transportation Analysis Guidelines for Vehicle Miles Traveled and Local Transportation Analysis Appendix D).

☐ Consists of 300 or fewer units that are each affordable to low income households. (Attach evidence of legal commitment to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.)

5. For commercial projects with a single building floor-plate below 50,000 square feet, the project satisfies which of the following?

☐ Located within a low vehicle travel area, as defined in Appendix M. (Attach VMT map.)

☐ The project is within one-half mile of 1800 dwelling units. (Attach map illustrating proximity to households.)

The proposed project is a mixed-use (residential/commercial) infill project. The residential component is the predominant land use. The reader is referred to responses under item 4 above.

6. For office building projects, the project satisfies which of the following?

☐ Located within a low vehicle travel area, as defined in Appendix M. (Attach VMT map.)

☐ Located within ½ mile of an existing major transit stop or within ¼ mile of a stop along a high quality transit corridor. (Attach map illustrating proximity to transit.)

The project is not an office building project.

7. For school projects, the project does all of the following: (Briefly describe the project's surroundings.)

☐ The project complies with the requirements of Sections 17213, 17213.1 and 17213.2 of the California Education Code.

☐ The project is an elementary school and is within one mile of 50% of the student population, or is a middle school or high school and is within two miles of 50% of the student population. Alternatively, the school is within ½ miles of an existing major transit stop or an existing stop along a high quality transit corridor. (Attach map and methodology.)

☐ The project provides parking and storage for bicycles and scooters.

The project is not a school project.

8. For small walkable community projects, the project must be a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both.

The project is not proposed as a small walkable community.

3 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The 102 E. Fremont Mixed Use Development Project would remodel an existing 9,500-square-foot commercial building to 8,048 square feet of commercial use and construct three 3- and 4-story condominium buildings containing a total of 35 dwelling units. The proposed project would create 100 parking spaces on the site.

3.2 PROJECT LOCATION

The 1.84-acre site (project site) is located on the westernmost parcel of the Fremont Corners Shopping Center and has served Sunnyvale since the 1950s. The site is located on a portion of the 1310 Sunnyvale Saratoga Road property and along 102 E. Fremont Avenue (Assessor's Parcel Number 309-01-002) (Figures 2-1 and 2-2). The project site is bounded by existing commercial and E. Fremont Avenue to the north, Sunnyvale Saratoga Road to the west, Avon Terrace Residential to the south, and existing commercial and a parking lot to the east.

3.3 EXISTING SETTING

The site contains two commercial/retail buildings totaling approximately 27,900 square feet, 110 surface parking spaces, and drive aisles. No natural habitat or water features exist on the project site. The existing use of the site is commercial. Surrounding land uses consist of commercial and residential uses. The project site, including the proposed development area, has a General Plan land use designation of Village Mixed-Use.

3.4 PROJECT OBJECTIVES

The project objectives are to:

- Provide a 35-unit mixed-use development project consistent with the land use designations under the LUTE;
- Provide sufficient on-site parking; and
- Improve the visual characteristics of the project site through architectural, landscaping, and streetscape improvements.

3.5 PROJECT DESCRIPTION

The proposed project would consist of the demolition of a majority of the existing western on-site buildings (approximately 18,400 square feet) and asphalt and the construction of construct of three 3- and 4-story condominium buildings (72,162 total square feet) containing a total of 35 dwelling units. Building 1 would be 26,294 square feet and would incorporate 13 units. Building 2 would be 22,934 square feet, and consists of 11 units. Building 3 would be 22,934 square feet and provide 11 units. The project would also remodel the existing east building (102–124 E. Fremont Avenue) from approximately 9,500 square feet of commercial uses to approximately 8,048 square feet of commercial uses. A total of 100 parking spaces (82 residential spaces and 18 commercial spaces) would be included. Figure 2-3 depicts the proposed site plan. Figures 2-4 through 2-6 show the proposed architectural design of the project buildings.

As described in the project's Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report, the project design would include solar panels for the residential portion of the project (FirstCarbon Solutions 2021a:73).

The proposed project will remove 14 existing trees from the project site and preserve two trees. Per the City of Sunnyvale's Tree Preservation Ordinance, the project is required to replace eight trees. However, the project proposes to install a total of 123 24-inch box trees on the project site (Project Plan Set Sheet L006).

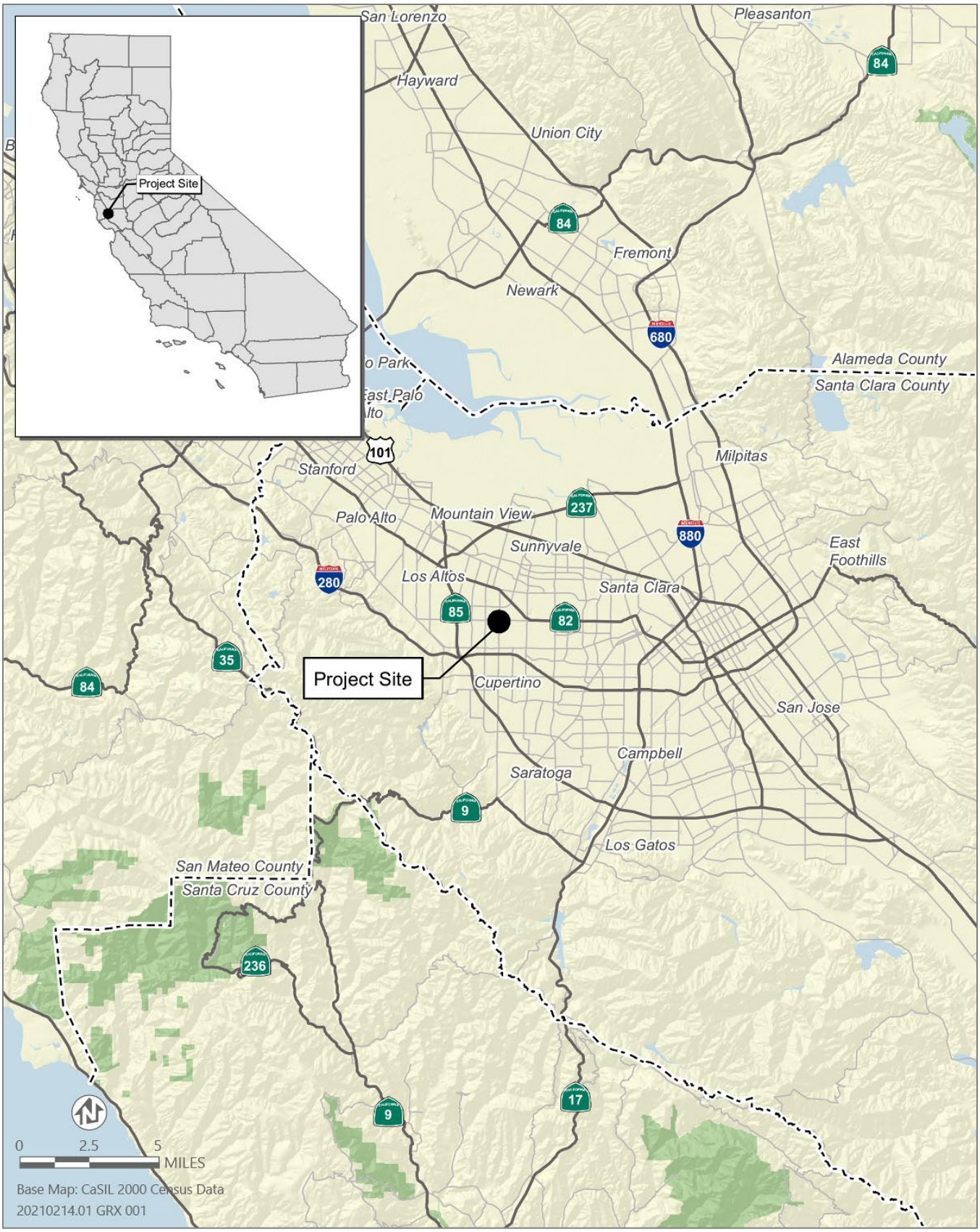
Figure 2-7 depicts the preliminary landscape plan for the proposed project. The preliminary landscape plan proposes to install permeable pavers with a concrete band at pedestrian walkways, concrete paving, streetscape, evergreen screen trees, street trees, a paseo enlargement and a central open space for the commercial building. The proposed project would also install several stormwater best management practices such as pervious pavers and drain inlets (Project Plan Set Sheet TM10).

A tentative subdivision map is also proposed that would subdivide the project site in the following manner (Figure 2-8):

- Lot 1: 12,943 square feet (13 residential units)
- Lot 2: 10,249 square feet (11 residential units)
- Lot 3: 11,011 square feet (11 residential units)
- Lot 4: 8,048 square feet (commercial uses)
- Lot 5: 36,912 square feet (common areas)

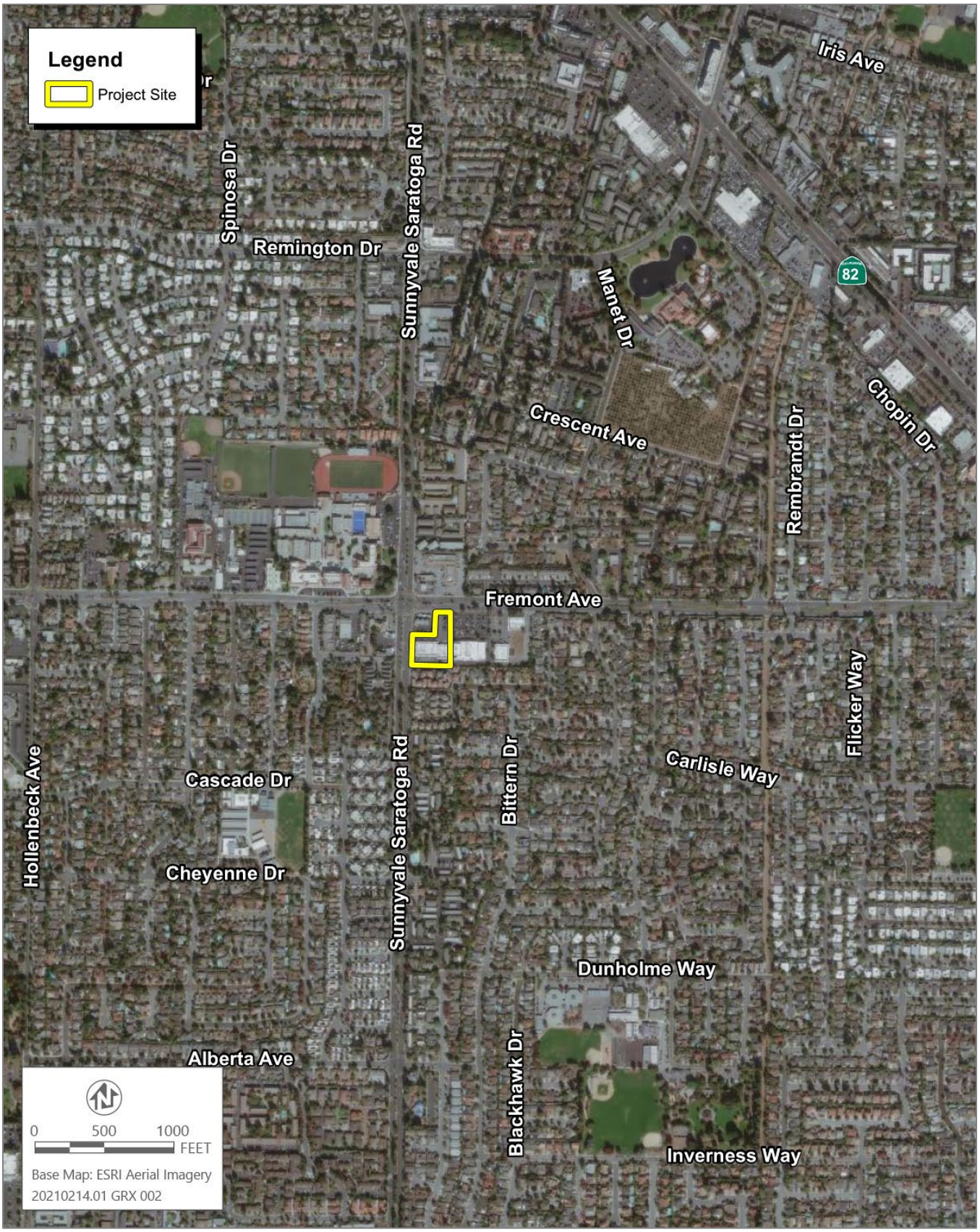
3.6 CONSTRUCTION

Construction activities would consist of demolition, site preparation, grading, building construction, and paving over a 264-day construction period. Worker trips are estimated to range from 7 to 37 daily trips, with a total of 320 haul trips associated with removal of building debris resulting from demolition.



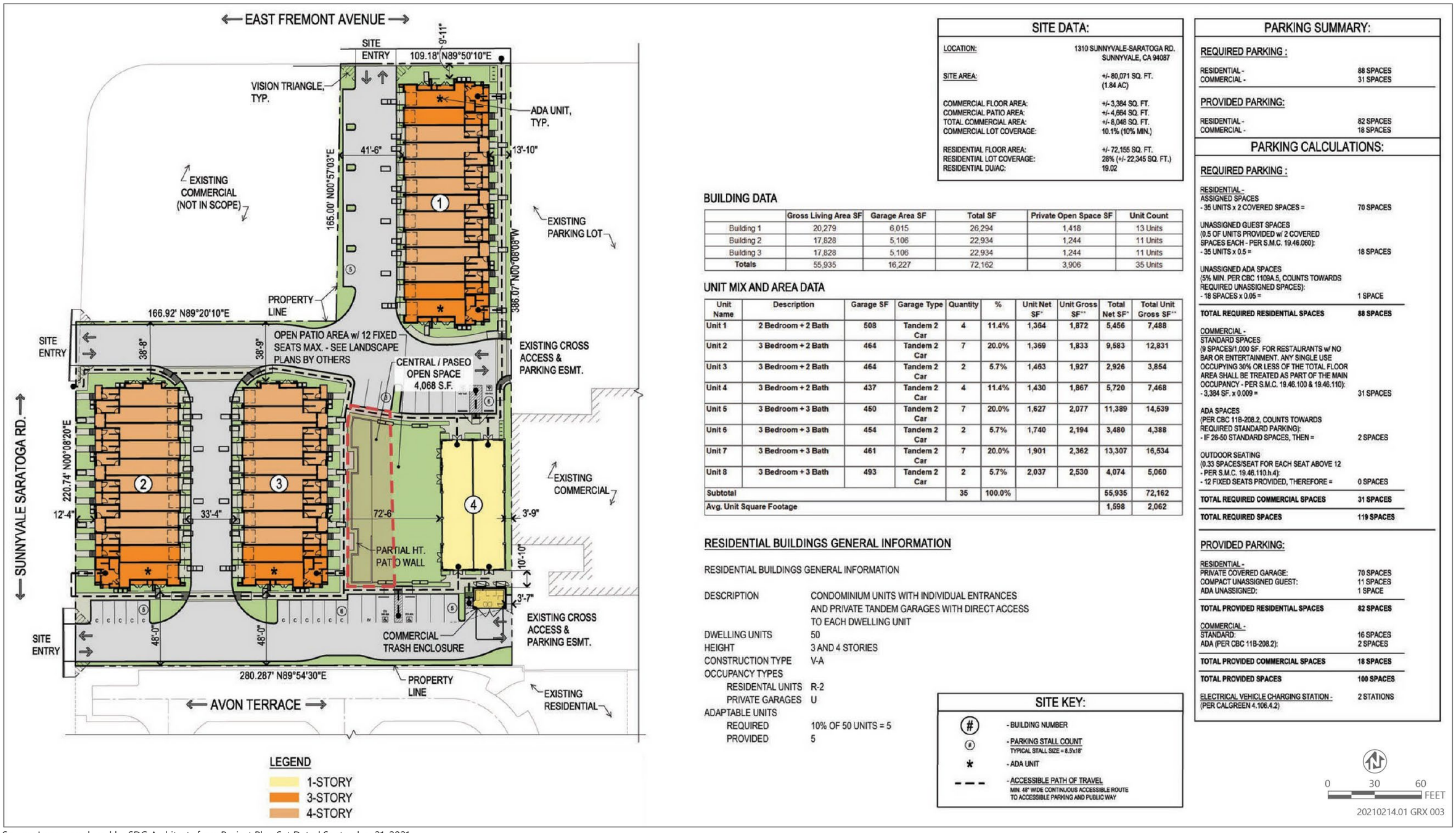
Source: Image produced by FirstCarbon Solutions in 2021

Figure 2-1 Regional Location



Source: Image produced by FirstCarbon Solutions in 2021

Figure 2-2 Project Location



SITE DATA:

LOCATION:	1310 SUNNYVALE-SARATOGA RD. SUNNYVALE, CA 94087
SITE AREA:	+/- 80,071 SQ. FT. (1.84 AC)
COMMERCIAL FLOOR AREA:	+/- 3,384 SQ. FT.
COMMERCIAL PATIO AREA:	+/- 4,664 SQ. FT.
TOTAL COMMERCIAL AREA:	+/- 8,048 SQ. FT.
COMMERCIAL LOT COVERAGE:	10.1% (10% MIN.)
RESIDENTIAL FLOOR AREA:	+/- 72,155 SQ. FT.
RESIDENTIAL LOT COVERAGE:	28% (+/- 22,345 SQ. FT.)
RESIDENTIAL DU/AC:	19.02

BUILDING DATA

	Gross Living Area SF	Garage Area SF	Total SF	Private Open Space SF	Unit Count
Building 1	20,279	6,015	26,294	1,418	13 Units
Building 2	17,828	5,106	22,934	1,244	11 Units
Building 3	17,828	5,106	22,934	1,244	11 Units
Totals	55,935	16,227	72,162	3,906	35 Units

UNIT MIX AND AREA DATA

Unit Name	Description	Garage SF	Garage Type	Quantity	%	Unit Net SF*	Unit Gross SF**	Total Net SF*	Total Unit Gross SF**
Unit 1	2 Bedroom + 2 Bath	508	Tandem 2 Car	4	11.4%	1,364	1,872	5,456	7,488
Unit 2	3 Bedroom + 2 Bath	464	Tandem 2 Car	7	20.0%	1,369	1,833	9,583	12,831
Unit 3	3 Bedroom + 2 Bath	464	Tandem 2 Car	2	5.7%	1,463	1,927	2,926	3,854
Unit 4	3 Bedroom + 2 Bath	437	Tandem 2 Car	4	11.4%	1,430	1,867	5,720	7,468
Unit 5	3 Bedroom + 3 Bath	450	Tandem 2 Car	7	20.0%	1,627	2,077	11,389	14,539
Unit 6	3 Bedroom + 3 Bath	454	Tandem 2 Car	2	5.7%	1,740	2,194	3,480	4,388
Unit 7	3 Bedroom + 3 Bath	461	Tandem 2 Car	7	20.0%	1,901	2,362	13,307	16,534
Unit 8	3 Bedroom + 3 Bath	493	Tandem 2 Car	2	5.7%	2,037	2,530	4,074	5,060
Subtotal				35	100.0%			55,935	72,162
Avg. Unit Square Footage								1,598	2,062

RESIDENTIAL BUILDINGS GENERAL INFORMATION

RESIDENTIAL BUILDINGS GENERAL INFORMATION

DESCRIPTION	CONDOMINIUM UNITS WITH INDIVIDUAL ENTRANCES AND PRIVATE TANDEM GARAGES WITH DIRECT ACCESS TO EACH DWELLING UNIT
DWELLING UNITS	50
HEIGHT	3 AND 4 STORIES
CONSTRUCTION TYPE	V-A
OCCUPANCY TYPES	
RESIDENTIAL UNITS	R-2
PRIVATE GARAGES	U
ADAPTABLE UNITS	
REQUIRED	10% OF 50 UNITS = 5
PROVIDED	5

SITE KEY:

- (#) - BUILDING NUMBER
- (#) - PARKING STALL COUNT (TYPICAL STALL SIZE = 8.5'x18')
- * - ADA UNIT
- - - - ACCESSIBLE PATH OF TRAVEL (MIN. 48" WIDE CONTINUOUS ACCESSIBLE ROUTE TO ACCESSIBLE PARKING AND PUBLIC WAY)

PARKING SUMMARY:

REQUIRED PARKING :

RESIDENTIAL -	88 SPACES
COMMERCIAL -	31 SPACES

PROVIDED PARKING:

RESIDENTIAL -	82 SPACES
COMMERCIAL -	18 SPACES

PARKING CALCULATIONS:

REQUIRED PARKING :

RESIDENTIAL - ASSIGNED SPACES - 35 UNITS x 2 COVERED SPACES =	70 SPACES
UNASSIGNED GUEST SPACES (0.5 OF UNITS PROVIDED w/ 2 COVERED SPACES EACH - PER S.M.C. 19.46.060): - 35 UNITS x 0.5 =	18 SPACES
UNASSIGNED ADA SPACES (5% MIN. PER CBC 1109A.5, COUNTS TOWARDS REQUIRED UNASSIGNED SPACES): - 18 SPACES x 0.05 =	1 SPACE
TOTAL REQUIRED RESIDENTIAL SPACES	**88 SPACES**
COMMERCIAL - STANDARD SPACES (9 SPACES/1,000 SF. FOR RESTAURANTS w/ NO BAR OR ENTERTAINMENT. ANY SINGLE USE OCCUPYING 30% OR LESS OF THE TOTAL FLOOR AREA SHALL BE TREATED AS PART OF THE MAIN OCCUPANCY - PER S.M.C. 19.46.100 & 19.46.110): - 3,384 SF. x 0.009 =	31 SPACES
ADA SPACES (PER CBC 11B-208.2, COUNTS TOWARDS REQUIRED STANDARD PARKING): - IF 26-50 STANDARD SPACES, THEN =	2 SPACES
OUTDOOR SEATING (0.33 SPACES/SEAT FOR EACH SEAT ABOVE 12 - PER S.M.C. 19.46.110.h.4): - 12 FIXED SEATS PROVIDED, THEREFORE =	0 SPACES
TOTAL REQUIRED COMMERCIAL SPACES	**31 SPACES**
TOTAL REQUIRED SPACES	**119 SPACES**

PROVIDED PARKING:

RESIDENTIAL - PRIVATE COVERED GARAGE:	70 SPACES
COMPACT UNASSIGNED GUEST:	11 SPACES
ADA UNASSIGNED:	1 SPACE
TOTAL PROVIDED RESIDENTIAL SPACES	**82 SPACES**
COMMERCIAL - STANDARD:	16 SPACES
ADA (PER CBC 11B-208.2):	2 SPACES
TOTAL PROVIDED COMMERCIAL SPACES	**18 SPACES**
TOTAL PROVIDED SPACES	**100 SPACES**
ELECTRICAL VEHICLE CHARGING STATION - (PER CALGREEN 4.106.4.2)	2 STATIONS

0 30 60 FEET

20210214.01 GRX 003

Source: Image produced by SDG Architects from Project Plan Set Dated September 21, 2021

Figure 2-3 13-Site Plan

Source: Image produced by SDG Architects from Project Plan Set Dated September 21, 2021

Figure 2-4 13-Unit Building Elevation

Source: Image produced by SDG Architects from Project Plan Set Dated September 21, 2021

Figure 2-5 11-Unit Building Elevation

SOUTH ELEVATION

EAST ELEVATION

NORTH ELEVATION

WEST ELEVATION (FACING OPEN PATIO)

EXTERIOR MATERIALS

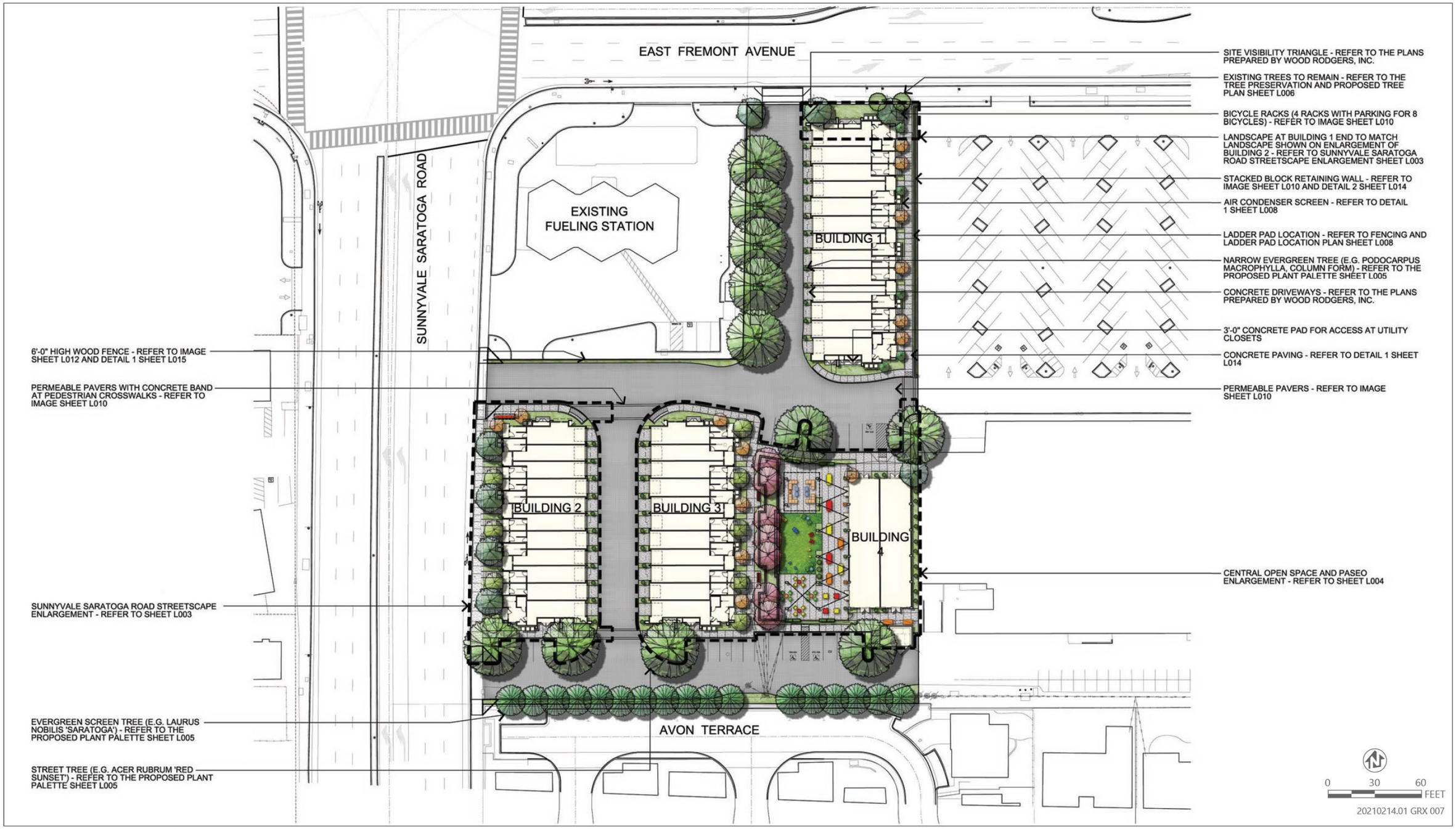
1 STONE TILE SIDING
2 VERTICAL METAL SIDING
3 STUCCO W/ LIGHT SAND FINISH
4 DARK ANODIZED ALUMINUM STOREFRONT SYSTEM
5 METAL AWNINGS
6 PRE-FINISHED METAL COPING COLOR TO MATCH ADJACENT SURFACE
7 R.T.U. SCREEN WALL BEYOND, V.I.F.
8 WALL SCONCE
9 STRING PATIO LIGHTS

0 8 16 FEET

20210214.01 GRX 006

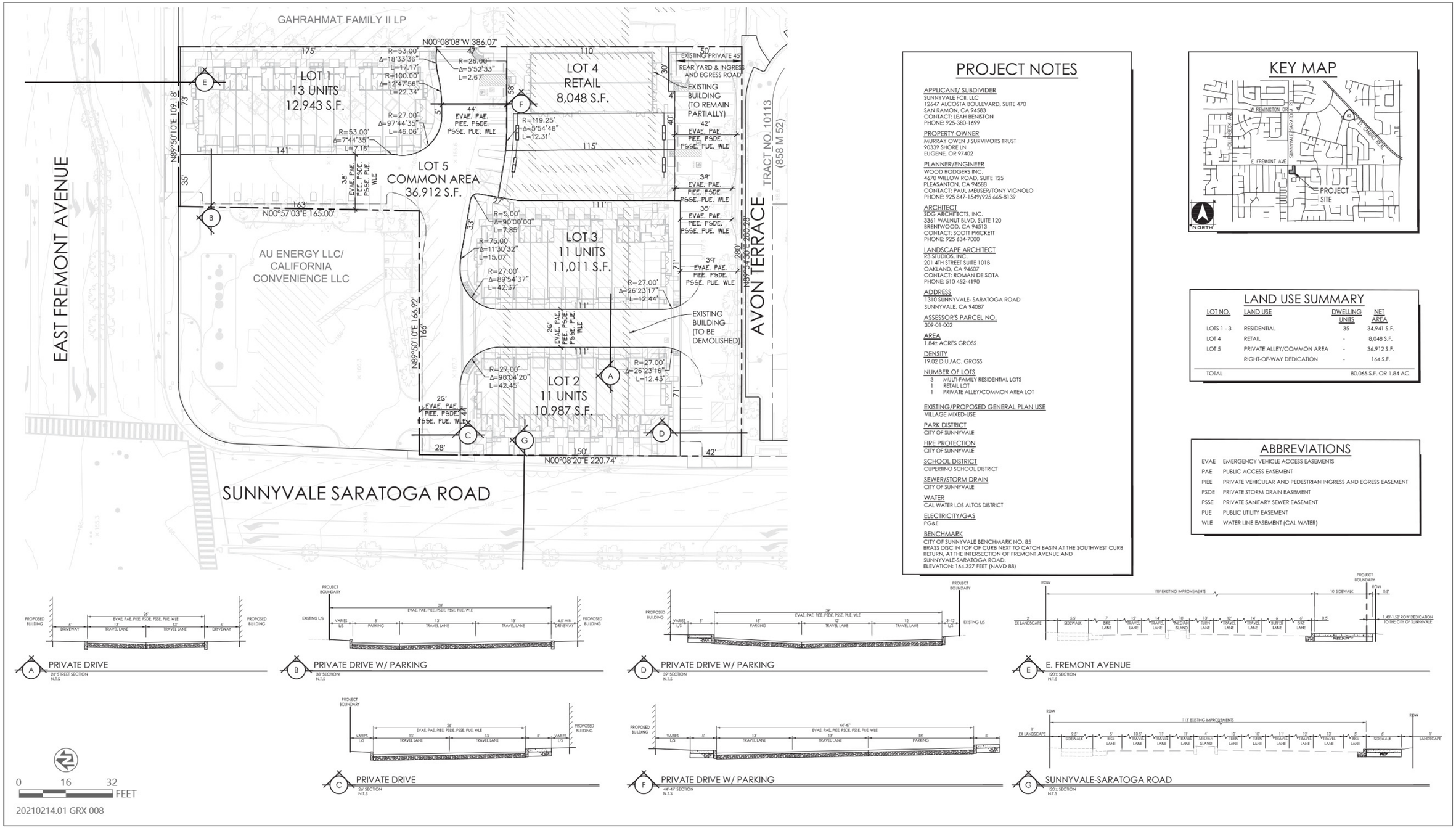
Source: Image produced by SDG Architects from Project Plan Set Dated September 21, 2021

Figure 2-6 Commercial Building Elevation



Source: Image produced by R Studios from Project Plan Set Dated September 21, 2021

Figure 2-7 Landscape Plan



PROJECT NOTES

APPLICANT/ SUBDIVIDER
SUNNYVALE FCII, LLC
12647 ALCOSTA BOULEVARD, SUITE 470
SAN RAMON, CA 94583
CONTACT: LEAH BENISTON
PHONE: 925-380-1699

PROPERTY OWNER
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90339 SHORE LN
EUGENE, OR 97402

PLANNER/ENGINEER
WOOD RODGERS INC.
4670 WILLOW ROAD, SUITE 125
PLEASANTON, CA 94588
CONTACT: PAUL MEUSER/TONY VIGNOLO
PHONE: 925 847-1549/925 665-8139

ARCHITECT
SDG ARCHITECTS, INC.
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BRENTWOOD, CA 94513
CONTACT: SCOTT PRICKETT
PHONE: 925 634-7000

LANDSCAPE ARCHITECT
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201 4TH STREET SUITE 1018
OAKLAND, CA 94607
CONTACT: ROMAN DE SOTA
PHONE: 510 452-4190

ADDRESS
1310 SUNNYVALE- SARATOGA ROAD
SUNNYVALE, CA 94087

ASSESSOR'S PARCEL NO.
309-01-002

AREA
1.84± ACRES GROSS

DENSITY
19.02 D.U./AC. GROSS

NUMBER OF LOTS
3 MULTI-FAMILY RESIDENTIAL LOTS
1 RETAIL LOT
1 PRIVATE ALLEY/COMMON AREA LOT

EXISTING/PROPOSED GENERAL PLAN USE
VILLAGE MIXED-USE

PARK DISTRICT
CITY OF SUNNYVALE

FIRE PROTECTION
CITY OF SUNNYVALE

SCHOOL DISTRICT
CUPERTINO SCHOOL DISTRICT

SEWER/STORM DRAIN
CITY OF SUNNYVALE

WATER
CAL WATER LOS ALTOS DISTRICT

ELECTRICITY/GAS
PG&E

BENCHMARK
CITY OF SUNNYVALE BENCHMARK NO. 85
BRASS DISC IN TOP OF CURB NEXT TO CATCH BASIN AT THE SOUTHWEST CURB RETURN, AT THE INTERSECTION OF FREMONT AVENUE AND SUNNYVALE-SARATOGA ROAD.
ELEVATION: 164.327 FEET (NAVD 88)

KEY MAP

LAND USE SUMMARY

LOT NO.	LAND USE	DWELLING UNITS	NET AREA
LOTS 1 - 3	RESIDENTIAL	35	34,941 S.F.
LOT 4	RETAIL	-	8,048 S.F.
LOT 5	PRIVATE ALLEY/COMMON AREA	-	36,912 S.F.
	RIGHT-OF-WAY DEDICATION	-	164 S.F.
TOTAL			80,065 S.F. OR 1.84 AC.

ABBREVIATIONS

EVAE	EMERGENCY VEHICLE ACCESS EASEMENTS
PAE	PUBLIC ACCESS EASEMENT
PIEE	PRIVATE VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
PSSE	PRIVATE SANITARY SEWER EASEMENT
PUE	PUBLIC UTILITY EASEMENT
WLE	WATER LINE EASEMENT (CAL WATER)

Source: Image produced by Wood Rodgers from Project Plan Set Dated September 21, 2021

Figure 2-8 Tentative Subdivision Map

3.7 PROJECT ENVIRONMENTAL PROTECTION MEASURES

The following are project environmental protection measures (EPM) that the applicant is committed to implement as part of the proposed project that are based on adopted LUTE mitigation measures.

3.7.1 Air Quality

EPM AIR-1: Implement BAAQMD Best Management Practices During Construction

The following Best Management Practices (BMPs), as recommended by mitigation measure 3.5.3 of the Sunnyvale General Plan Land Use and Transportation Element Mitigation Monitoring and Reporting Program, shall be implemented during construction:

- All active construction areas shall be watered at least two times per day.
- All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure, Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Sunnyvale and the construction contractor shall take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

EPM AIR-2: Reduce Diesel Exhaust Emissions During Construction

To demonstrate compliance with MM 3.5.5 of the Sunnyvale General Plan Land Use and Transportation Element Mitigation Monitoring and Reporting Program, the project applicant shall provide the City with documentation demonstrating the use of the following diesel exhaust reduction measures prior to the issuance of grading or building permits:

- All off-road construction equipment with engines greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (CARB) Tier 4 Final off-road emission standards;
- All cranes, loaders, backhoes, tractors, air compressors, concrete and industrial saws, dozers, forklifts, and welders used during project construction shall be electric-powered; and

- All generators used on-site during project construction shall be limited to powering hand tools and shall not exceed 5 horsepower. All electric construction equipment that cannot be powered using a 5-horsepower generator shall plug in to grid electricity.
- The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.
- As an alternative to the above diesel exhaust reduction measures, the project applicant prior to the issuance of grading and building permits may provide the City with documentation demonstrating that the construction fleet, through the utilization of emission reduction techniques and technologies, would achieve at a minimum a 98 percent reduction in on-site $PM_{2.5}$ exhaust emissions as compared to the PM2.5 exhaust emissions presented in this analysis.

EPM AIR-3: Implement Indoor $PM_{2.5}$ Reduction Measures

To demonstrate compliance with mitigation measure 3.5.6 of the Sunnyvale General Plan Land Use and Transportation Element Mitigation Monitoring and Reporting Program, the project applicant shall provide the City with documentation, prior to the issuance of grading or building permits, demonstrating that the project would install indoor air filtration systems with a Minimum Efficiency Reporting Value (MERV) of 13 or better, as required under Title 24, Part 6, Subchapter 7, Section 150.0(m)12.C, to ensure that future residents do not experience a cumulative cancer risk exceeding 100 in one million or concentrations of $PM_{2.5}$ greater than 0.8 $\mu g/m^3$.

To ensure long-term maintenance and replacement of the MERV filters in the individual units, the following shall occur:

- Developer, sale, and/or rental representative shall provide notification to all affected tenants/residents of the potential health risk for affected units.
- For rental units, the owner/property manager shall maintain and replace MERV filters in accordance with the manufacturer's recommendations. The property owner shall inform renters of increased risk of exposure to toxic air contaminants when windows are open.
- For residential owned units, the homeowners association (HOA) shall incorporate requirements for long-term maintenance in the Covenant Conditions and Restrictions and inform homeowners of their responsibility to maintain the MERV filter in accordance with the manufacturer's recommendations. The HOA shall inform homeowners of increased risk of exposure to toxic air contaminants when windows are open.
- For residential units located adjacent to the Shell gas station located at 1300 Sunnyvale Saratoga Road, air intake vents shall be located on the side of the building opposite to the gas station, as feasible.
- For residential units located adjacent to the Shell gas station located at 1300 Sunnyvale Saratoga Road, the buildings shall be designed to limit the use of operable windows and/or balconies facing the gas station.

3.7.2 Biological Resources

EPM BIO-1: Compliance with the Migratory Bird Treaty Act

Any tree removal/trimming and/or other vegetation removal should be conducted outside of the nesting bird season. If such work must occur during the nesting bird season, it is recommended that a nesting bird survey be conducted by a qualified Wildlife Biologist no more than 14 days prior to the start of these activities. If active nests are identified, a no-disturbance buffer should be implemented around each nest to avoid impacts to nesting birds. Buffers will be determined after the nesting bird survey is complete and should remain in place until all young are fledged, forage independently, or have habituated to construction disturbance, as determined by a qualified biologist. Pre-construction nesting surveys may be conducted concurrently for Coopers hawk, white-tailed kite, and non-special-status nesting bird.

EPM BIO-2: Pre-Construction Survey for Roosting Bats

A qualified Wildlife Biologist shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine if bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.).

Not more than 2 weeks prior to building demolition, the applicant shall ensure that a qualified Biologist (i.e., one familiar with the identification of bats and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If the Biologist determines or presumes bats are present, the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Building demolition shall only commence after the Biologist verifies 7 to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts to non-volant bats, the Biologist shall only conduct bat exclusion from May 1 through October 1. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).

3.7.3 Noise

EPM NOI-1: Construction Noise Reduction Measures

The following measures shall be implemented during construction to ensure noise levels are reduced:

- Consistent with Section 16.08.030 of the Sunnyvale Municipal Code, construction will be limited to between 7:00 AM and 6:00 PM, Monday through Friday, and between 8:00 AM and 5:00 PM on Saturdays.
- Provide an 8-foot to 10-foot tall construction noise barrier on the south side of the project to shield adjacent residential receivers. The construction barrier should be constructed with two layers of ½-inch thick plywood (joints staggered), and K-rail or other support; or a limp mass barrier material weighing two pounds per square foot such as Kinetics KNM 200B or equivalent attached to a chain-link fence.
- Contractors shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- Internal combustion engine-driven equipment shall be equipped with mufflers which are in good condition and appropriate for the equipment.
- Stationary noise-generating equipment, such as air compressors and portable power generators, shall be located as far away as possible from adjacent residences.
- Staging areas and construction material areas shall be located as far away as feasible from adjacent residences.
- All unnecessary idling of internal combustion engines will be prohibited.
- The contractor will designate a "noise disturbance coordinator/superintendent" who will be responsible for tracking and responding to any complaints about construction noise. The noise disturbance coordinator/superintendent will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures are implemented to correct the problem. The telephone number for the noise disturbance coordinator/superintendent will be posted at the construction site and included in any construction notices sent to neighbors.

3.8 REQUIRED ACTIONS

The project would require the following actions by the City:

- Approval of a Use Permit/Special Development Permit for site and architectural (i.e., design) review, removal of protected trees.
- Approval of tentative subdivision map for condominiums.

4 ENVIRONMENTAL CHECKLIST FOR INFILL ENVIRONMENTAL REVIEW

4.1 EXPLANATION OF CHECKLIST EVALUATION CATEGORIES

The LUTE EIR was prepared as a program EIR consistent with the requirements of CEQA. The analysis considered the environmental impacts of development buildout that could occur under the LUTE (assumed to be year 2035).

As discussed in Chapter 1, the proposed project is consistent with the LUTE policy provisions regarding Village Centers. State CEQA Guidelines Section 15183 dictates that, in circumstances such as these, a lead agency "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Section 15183 further indicates that an initial study or other analyses should be prepared by a lead agency to determine the scope of environmental review in light of this prohibition. The purpose of this process is to streamline the review of covered projects and reduce the need for the preparation of repetitive environmental studies.

Under Section 15183, the lead agency's initial study checklist (based on State CEQA Appendix G and the impact analysis provided in the LUTE EIR) is used to determine whether the following types of impacts may merit additional environmental analysis:

1. Are peculiar to the project or the parcel on which the project would be located,
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan with which the project is consistent,
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

The purpose of this checklist is to evaluate the categories listed in CEQA Guidelines Section 15183 to determine whether, in light of the LUTE EIR, there are any significant environmental effects requiring additional environmental analysis. The purpose of each column of the checklist is described below.

Where Impact Was Analyzed in LUTE Draft and Final EIR?

This column cross-references the pages of the LUTE EIR where information and analysis may be found relative to the environmental issue listed under each topic.

Any Peculiar Impact?

Pursuant to CEQA Guidelines Sections 15183(b)(1) and 15183(f), this column indicates whether the project could result in a peculiar impact, including a physical change that belongs exclusively or especially to the proposed project or that is a distinctive characteristic of the project or the project site and that peculiar impact is not substantially mitigated by the imposition of uniformly applied development policies or standards.

Any Impact Not Analyzed as Significant Effect in LUTE EIR?

Pursuant to CEQA Guidelines Section 15183(b)(2), this column indicates whether the proposed project would result in a significant effect that was not analyzed as significant in the LUTE EIR. A new EIR is not required if such a project impact can be substantially mitigated by the imposition of uniformly applied development policies or standards.

Any Significant Off-Site or Cumulative Impact Not Analyzed?

Pursuant to CEQA Guidelines Section 15183(b)(3), this column indicates whether the proposed project would result in a significant off-site or cumulative impact that was not discussed in the LUTE EIR. A new EIR is not required if such an off-site or cumulative impact can be substantially mitigated by the imposition of uniformly applied development policies or standards.

Any Adverse Impact More Severe Based on Substantial New Information?

Pursuant to CEQA Guidelines Section 15183(b)(4), this column indicates whether there is substantial new information that was not known at the time the LUTE EIR was certified, indicating that there would be a more severe adverse impact than discussed in the LUTE EIR. A new EIR is not required if such an impact can be substantially mitigated by the imposition of uniformly applied development policies or standards.

Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?

This column indicates whether the LUTE EIR and adopted CEQA Findings incorporate mitigation measures to address effects in the related impact category. In some cases, the mitigation measures have already been implemented. This column also indicates whether uniformly applied development standards or policies address identified impacts. A "yes" response will be provided if the impact is addressed by a LUTE mitigation measure or uniformly applied development standards or policies. If "NA" is indicated, this Environmental Checklist review concludes that there was no impact, the adopted mitigation measures are not applicable to this proposed project, or the impact was less than significant with implementation of City requirements and, therefore, no mitigation measures are needed.

4.2 DISCUSSION AND MITIGATION SECTIONS

Discussion

The elements of the checklist are discussed under each environmental category to clarify the answers. The discussion provides information about the particular environmental issue, how the proposed project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

Mitigation Measures

Applicable mitigation measures from the prior environmental review that would apply to the proposed project are listed under each environmental category.

Conclusions

A discussion of the conclusion relating to the need for additional environmental documentation is contained in each section.

5 ENVIRONMENTAL CHECKLIST

5.1 AESTHETICS

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
1. Aesthetics. Would the project:						
a) Have a substantial adverse effect on a scenic vista?	Draft EIR Setting pp. 3.12-1 to 3.12-5 Impacts 3.12.1 and 3.12.5	No	No	No	No	NA, no impact would occur
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Draft EIR Setting pp. 3.12-1 to 3.12-5 Impacts 3.12.2 and 3.12.5	No	No	No	No	NA, no impact would occur
b) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Draft EIR Setting pp. 3.12-1 to 3.12-5 Impacts 3.12.3 and 3.12.5	No	No	No	No	NA, impact remains less than significant
c) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Draft EIR Setting pp. 3.12-1 to 3.12-5 Impacts 3.12.4 and 3.12.5	No	No	No	No	NA, impact remains less than significant

5.1.1 Discussion

No substantial change in the environmental and regulatory settings related to aesthetics, described in LUTE Draft EIR Section 3.12, "Visual Resources and Aesthetics," has occurred since certification of the EIR in April 2017.

a) Have a substantial adverse effect on a scenic vista?

As discussed under Impact 3.12.1 of the LUTE Draft EIR, Sunnyvale does not have any designated scenic vistas, but there are several trees and historic resources, as well as the Libby Water Tower, the Murphy Station Heritage Landmark District, and the cherry orchards on Mathilda Avenue, that comprise important local scenic attributes. The

LUTE Draft EIR identified no significant project or cumulative (Impact 3.12.5) impacts on scenic vistas that would occur with buildout under the General Plan.

The project site is located in an existing developed residential/commercial area that does not include these features or any scenic vistas. Therefore, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR remain valid and no further analysis is required.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Impact 3.12.2 of the LUTE Draft EIR identified that there are no designated state scenic highways in the city. Therefore, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR remain valid and no further analysis is required

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Impact 3.12.3 of the LUTE Draft EIR identified that new development under the LUTE would mostly be concentrated around transit nodes and other areas that are visually appropriate for increased development intensities and densities and structure heights compared to existing developed conditions. The LUTE would result in new urban uses that would complement the city's existing urban character. The LUTE policies and associated actions require compliance with design guidelines for future development subsequent to the LUTE and would maintain compatibility with existing surrounding neighborhoods. These guidelines would further support the direction provided in the Citywide Design Guidelines. The LUTE Draft EIR identified that no significant project or cumulative (Impact 3.12.5) impacts on visual character would occur.

The project site is located in an existing developed residential/commercial area and is consistent with applicable zoning and design guideline regulations. The proposed architectural design of the proposed project would be consistent with the developed conditions (residential and commercial) along the Sunnyvale Saratoga Road and E. Fremont Avenue corridors (see Figures 2-4 through 2-6). Project landscaping would enhance the existing visual character of the street frontage along Sunnyvale Saratoga Road and E. Fremont Avenue (see Figure 2-7). Therefore, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR remain valid and no further analysis is required.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Impact 3.12.4 of the LUTE Draft EIR identified that future development under the LUTE would not result in substantial increases in existing daytime glare or nighttime lighting conditions in the city. Citywide Design Guideline 3.B9 provides guidance on reducing light impacts and associated glare. Guideline 2.E3 cites design considerations to address glare, such as avoiding large expanses of highly reflective surfaces and mirror glass exterior walls. Furthermore, compliance with Sunnyvale Municipal Code Section 19.42.050 regarding restrictions on lighting would ensure that all lights, spotlights, floodlights, reflectors, and other means of illumination are shielded or equipped with special lenses in such a manner as to prevent any glare or direct illumination on any public street or other property.

The LUTE Draft EIR identified that no significant project or cumulative (Impact 3.12.5) impacts from glare and nighttime lighting would occur.

The project site is located in an existing developed residential/commercial area that contains existing sources of daytime glare from buildings as well as nighttime lighting from buildings, street lighting, and parking lot lighting. The proposed residential buildings and remodeled commercial building would include architectural treatments designed to address glare. The proposed project is also subject to compliance to the lighting requirements in Sunnyvale Municipal Code Section 19.42.050 regarding the shielding of lighting. The project would be required to meet the City's lighting requirements and policies designed to prevent glare and direct illumination beyond the project's property line. Therefore, with application of uniformly applied development standards and policies, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR remain valid and no further analysis is required.

Mitigation Measures

No significant aesthetic impacts were identified in the LUTE EIR, and no mitigation measures were required.

Conclusion

There are no significant impacts that are peculiar to the proposed project or the site on which it would be located. No new impacts have occurred nor has any new information been found requiring new analysis or verification. The project would be required to comply with lighting standards under Sunnyvale Municipal Code Section 19.42.050 and would not have any potentially significant off-site impacts or cumulative impacts that were not discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR remain valid and approval of the proposed project would not require additional environmental review.

5.2 AGRICULTURE AND FOREST RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/ Resolve Impacts?
2. Agriculture and Forestry Resources. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Scoped out at Notice of Preparation stage. Resources do not exist in the city.	No	No	No	No	NA
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Scoped out at Notice of Preparation stage. No agricultural zoning or Williamson Act contracted lands exist in the city.	No	No	No	No	NA
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	Scoped out at Notice of Preparation stage. Resources do not exist in the city.	No	No	No	No	NA
d) Result in the loss of forest land or conversion of forest land to non-forest land?	Scoped out at Notice of Preparation stage. Resources do not exist in the city.	No	No	No	No	NA
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Scoped out at Notice of Preparation stage. Resources do not exist in the City.	No	No	No	No	NA

5.2.1 Discussion and Conclusion

Agricultural and forestry impacts were scoped out of the LUTE EIR at the Notice of Preparation stage, as these resources do not exist in Sunnyvale. The project site does not contain any of these resources and would also have no impact.

5.3 AIR QUALITY

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
3. Air Quality. Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	Draft EIR Setting pp. 3.5-1 to 3.5-13 Impact 3.5.1	No	No	No	No	NA, impact remains less than significant
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Draft EIR Setting pp. 3.5-1 to 3.5-13 Impacts 3.5.2, 3.5.3, and 3.5.8	No	No	No	No	Yes, but impact remains significant and unavoidable
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Draft EIR Setting pp. 3.5-1 to 3.5-13 Impacts 3.5.2, 3.5.3, and 3.5.8	No.	No	No	No	Yes, but impact remains significant and unavoidable
d) Expose sensitive receptors to substantial pollutant concentrations?	Draft EIR Setting pp. 3.5-1 to 3.5-13 Impacts 3.5.4, 3.5.5, 3.5.6, and 3.5.8	No.	No	No	No	NA, but impact remains significant and unavoidable
e) Create objectionable odors affecting a substantial number of people?	Draft EIR Setting pp. 3.5-1 to 3.5-13 Impact 3.5.7	No.	No	No	No	NA, impact remains less than significant

5.3.1 Discussion

There have been changes in the regulatory setting related to air quality, described in LUTE Draft EIR Section 3.5, "Air Quality," since certification of the EIR in April 2017, but these changes do not result in any new analysis requirements such that any new or more severe significant effects would occur than were analyzed in the LUTE EIR.

On April 19, 2017, the Bay Area Air Quality Management District (BAAQMD) adopted an updated Clean Air Plan. Like the 2010 Clean Air Plan, the 2017 Clean Air Plan contains a regional strategy to protect public health and protect the climate. The 2017 Clean Air Plan updates the most recent Bay Area ozone plan, the 2010 Clean Air Plan, pursuant to air quality planning requirements defined in the California Health and Safety Code. To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors—reactive organic gases (ROG) and nitrogen oxides (NO_X)—and reduce transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Clean Air Plan builds on BAAQMD's efforts to reduce emissions of fine particulate matter and toxic air contaminants.

Since certification of the LUTE EIR in April 2017, BAAQMD updated its CEQA Guidelines in May 2017, but did not make any substantive changes to its recommended thresholds. In December 2018, the Governor's Office of Planning and Research (OPR) finalized updates to the CEQA Guidelines. The final adopted text included revisions to the significance criteria in Appendix G of the CEQA Guidelines. The following impact analysis uses the most recent iteration of Appendix G and, where appropriate, has been aligned with the significance criteria used in the LUTE EIR.

a) Conflict with or obstruct implementation of the applicable air quality plan?

Impact 3.5.1 of the LUTE Draft EIR evaluated whether the LUTE would conflict with or obstruct implementation of the applicable air quality plan. BAAQMD's 2010 Clean Air Plan includes various control strategies to reduce emissions of local and regional pollutants and to promote health and energy conservation. As stated in Impact 3.5.1, the LUTE supports the goals of, includes applicable pollutant control mechanisms, and is consistent with the 2010 Clean Air Plan. Therefore, this impact is considered less than significant.

No changes in the air quality conditions for the project site have occurred since approval of the LUTE. The proposed project would be consistent with land use designations and would not include any development beyond that assumed and analyzed in the LUTE EIR. The project applicant prepared an Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report (FirstCarbon Solutions 2021a) for the proposed project. The proposed project would not conflict with the 2017 Clean Air Plan after incorporation of project design features. As identified in Section 3.7, Project Environmental Protection Measures, above, the applicant has committed to implement environmental protection measures EPM AIR-1, requiring implementation of BAAQMD best management practices during construction, and EPM AIR-2, requiring the use of diesel exhaust reduction measures during construction, which ensure the proposed project's compliance with the adopted LUTE mitigation measures that address air quality. Therefore, with application of uniformly applied development standards and policies, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR concerning consistency with air quality plans remain valid and no further analysis is required.

b) Violate any air quality standard of contribute substantially to an existing or projected air quality violation?

and

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

Impacts 3.5.2, 3.5.3, and 3.5.8 of the LUTE Draft EIR identified that implementation of the LUTE would result in short-term construction and long-term operational emissions that would substantially contribute to air pollution or result in a cumulatively considerable net increase of a criteria pollutant. The analysis noted that, while contribution of the LUTE to adverse impacts to air quality would be cumulatively considerable, the BAAQMD-recommended significance thresholds, as applied to each individual project, would be used to determine whether a project's contribution to a significant impact to air quality would be cumulatively considerable.

The City adopted Mitigation Measure 3.5.3 that requires construction projects to implement BAAQMD's basic construction mitigation measures as well as use construction equipment that is CARB Tier 3 Certified or better to address construction emissions. The LUTE Draft EIR identified that the LUTE would improve the viability of walking, biking, and transit that would reduce vehicle use. However, the LUTE EIR concluded that construction and operational air quality impacts of LUTE implementation were significant and unavoidable under project and cumulative conditions (Impact 3.5.8).

Construction- and operational-related emissions of air pollutants as a result of the project were calculated using the California Emissions Estimator Model, as recommended by BAAQMD and other air districts in the state. Air quality modeling input and output parameters, detailed assumptions, and construction and operational emissions estimates are provided in the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report (FirstCarbon Solutions 2021a).

For purposes of the air quality impact analysis in the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report (FirstCarbon Solutions 2021a), the duration of activity and associated equipment represent a reasonable approximation of the expected construction fleet. Demolition of the parking lot and existing commercial building could generate fugitive dust emissions. New construction could generate dust and particulate matter from soil disturbance. The use of heavy equipment for demolition and construction activities would generate exhaust emissions such as NO_X, sulfur dioxide (SO_2), carbon monoxide (CO), ROG, respirable particulate matter with an aerodynamic diameter of 10 microns or smaller (PM_{10}), and fine particulate matter with an aerodynamic diameter of 2.5 microns or smaller ($PM_{2.5}$). Project construction is anticipated to commence in the second quarter of 2022 and end in the third quarter of 2023, spanning approximately 15 months. There is nothing peculiar about the proposed project's demolition or construction or the project site that would require non-standard demolition or construction techniques.

Maximum daily construction emissions of criteria pollutants and precursors are summarized in Table 5.3-1. As shown in Table 5.3-1, the construction emissions from all construction activities would not exceed BAAQMD's applicable thresholds of significance. However, fugitive PM_{10} and $PM_{2.5}$ dust emissions could contribute to localized pollutant concentrations that exceed applicable national ambient air quality standards and/or California ambient air quality standards if dust control measures are not implemented. As noted above, LUTE EIR Mitigation Measure 3.5.3 requires construction projects to implement BAAQMD's basic construction mitigation measures, which include the following dust control measures: (1) All active construction areas shall be watered at least two times per day; (2) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, unpaved access roads) shall be watered two times per day; (3) All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard; (4) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; (5) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph); (6) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and (7) A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The project would be required to implement Mitigation Measure 3.5.3, identified in the LUTE EIR, to reduce the air quality impacts of short-term construction.

Table 5.3-1 Construction Emissions (Unmitigated Average Daily Rate)

Parameter	Air Pollutants			
	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total Emissions (tons/year)	0.44	1.65	0.07	0.09
Total Emissions (lbs/year)	886	3,292	144	188
Average Daily Emissions (lbs/day)	**3.36**	**12.47**	**0.55**	**0.71**
Significance Threshold (lbs/day)	**54**	**54**	**82**	**54**
Exceeds Significant Threshold?	**No**	**No**	**No**	**No**

Notes: lbs/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter; $PM_{2.5}$ = fine particulate matter

Maximum Daily Exhaust Emissions represent maximum daily level for each pollutant over the entire construction period.

Source: Modeling performed by FirstCarbon Solutions, 2021a.

Project operations were analyzed assuming full buildout in 2023. The major sources for existing and proposed operational emissions of ROG, NOx, PM_{10}, and $PM_{2.5}$ include motor vehicle traffic, use of natural gas, and the occasional repair of buildings. The existing commercial building on the project site would be removed as part of the project; therefore, the existing emissions were included in the analysis baseline to estimate the net change in

emissions. The estimated maximum daily net emissions are summarized in Table 5.3-2, and the annual net emissions from project operations are summarized in Table 5.3-3.

Table 5.3-2 Maximum Daily Operational Emissions (Unmitigated)

Emissions Source	Pounds per Day			
	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Area	1.11	0.03	0.02	0.02
Energy	<0.01	0.08	<0.01	<0.01
Mobile (Motor Vehicles)	0.75	2.38	2.30	0.63
Estimated Maximum Daily Project Emissions	1.87	2.50	2.33	0.65
Estimated Maximum Daily Existing Emissions	1.69	3.72	3.26	0.89
Estimated Maximum Daily Net Emissions	**0.18**	**(1.22)**	**(0.93)**	**(0.24)**
Thresholds of Significance (lbs/day)	**54**	**54**	**82**	**54**
Exceeds Significant Threshold?	**No**	**No**	**No**	**No**

Notes: lbs/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter; $PM_{2.5}$ = fine particulate matter

Source: Modeling performed by FirstCarbon Solutions, 2021a.

Table 5.3-3 Annual Operational Emissions (Unmitigated)

Emissions Source	Pounds per Day			
	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Area	0.20	<0.01	<0.01	<0.01
Energy	<0.01	0.02	<0.01	<0.01
Mobile (Motor Vehicles)	0.10	0.35	0.34	0.09
Estimated Annual Project Emissions	0.29	0.37	0.34	0.10
Estimated Annual Existing Emissions	0.24	0.53	0.45	0.12
Estimated Annual Net Emissions	**0.05**	**(0.16)**	**(0.11)**	**(0.02)**
Thresholds of Significance (lbs/day)	**10**	**10**	**15**	**10**
Exceeds Significant Threshold?	**No**	**No**	**No**	**No**

Notes: lbs/day = pounds per day; ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter; $PM_{2.5}$ = fine particulate matter

Source: Modeling performed by FirstCarbon Solutions, 2021a.

As shown in Tables 5.3-2 and 5.3-3, the proposed project would not result in net operational-related air pollutants or precursors that would exceed BAAQMD's thresholds of significance, exceedance of which would indicate that proposed operation would be considered to have the potential to generate a significant quantity of air pollutants. Therefore, long-term operational impacts associated with the proposed project would be less than significant.

Section 3.7, Project Environmental Protection Measures, identifies that the applicant has committed to implement environmental protection measure EPM AIR-1, requiring implementation of BAAQMD best management practices during construction, which ensures the proposed project's compliance with the requirements of adopted Mitigation Measure 3.5.3 of the LUTE. Therefore, with application of Mitigation Measure 3.5.3, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR remain valid and no further analysis is required.

d) Expose sensitive receptors to substantial pollutant concentrations?

Impacts 3.5.4, 3.5.5, 3.5.6, and 3.5.8 of the LUTE Draft EIR evaluated whether construction and operational activities would expose sensitive receptors to substantial pollutant concentrations of toxic air contaminants (TACs). Sensitive receptors include residences, schools, medical facilities, family day cares, and places of worship. Construction-related TACs potentially affecting sensitive receptors include off-road diesel-powered equipment, and operational TACs include mobile and stationary sources of diesel particulate matter. Both of these impacts are identified in the LUTE EIR as potentially significant. Implementation of Mitigation Measures 3.5.5 and 3.5.6, in addition to BAAQMD permitting requirements, were determined in the LUTE EIR to provide adequate mitigation to reduce these impacts to less than significant under project conditions, but found that the LUTE's contribution to significant cumulative impacts would be cumulatively considerable (Impact 3.5.8).

The maximally impacted sensitive receptor (MIR) would be located at a single-family residence located approximately 35 feet south of the project site. Table 5.3-4 summarizes the project's construction cancer risk, chronic non-cancer hazard, and annual $PM_{2.5}$ concentration impacts at the MIR prior to and after the application of any equipment-related mitigation. As identified in Table 5.3-4, construction of the proposed project would result in exceedance of two of the three applicable BAAQMD cancer risk thresholds.

Table 5.3-4 Estimated Health Risks and Hazards during Project Construction – Unmitigated and Mitigated

Impact Scenario	Cancer Risk (risk per million) (unmitigated)	Cancer Risk (risk per million) (mitigated)	Chronic Non-Cancer Hazard Index[2] (unmitigated)	Chronic Non-Cancer Hazard Index[2] (mitigated)	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$) (unmitigated)	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$) (mitigated)
Risks and Hazards at the MIR: Infant[1]	257.07	0.17	0.150	0.001	0.751	0.003
Risks and Hazards at the MIR: Child[1]	91.85	0.35	0.150	0.001	0.751	0.003
Risks and Hazards at the MIR: Adult[1]	19.89	0.06	0.150	0.001	0.751	0.003
BAAQMD Thresholds of Significance (lbs/day)	10	1	1	1	0.30	0.30
Exceeds Individual Source Threshold?	Yes	No	No	No	Yes	No

[1] The MIR is a single-family residence located approximately 35 feet south of the project site.

[2] Chronic non-cancer hazard index was estimated by dividing the annual diesel particulate matter concentration (as $PM_{2.5}$ exhaust) by the REL of 5 $\mu g/m^3$.

Source: Modeling performed by FirstCarbon Solutions, 2021a.

The proposed project would be consistent with land use designations and zoning and would not include any development beyond that allowed by the LUTE EIR. The project proposes residential and commercial/retail uses and would not have on-site source TACs during operation. As identified in Section 3.7, Project Environmental Protection Measures, above, the applicant has committed to implement environmental protection measures EPM AIR-2, requiring the use of diesel exhaust reduction measures during construction (Tier 4 construction equipment), and EPM AIR-3, requiring the implementation of indoor $PM_{2.5}$ reduction measures, which ensure the proposed project's compliance with the requirements of adopted Mitigation Measures 3.5.5 and 3.5.6 of the LUTE. Therefore, with implementation of Mitigation Measures 3.5.5 and 3.5.6 and application of uniformly applied development standards and policies, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR concerning the exposure of sensitive receptors to substantial pollutant concentrations remain valid and no further analysis is required.

e) Create objectionable odors affecting a substantial number of people?

Impact 3.5.7 of the LUTE Draft EIR identified that development associated with the LUTE could create objectionable odors affecting a substantial number of people. The LUTE Draft EIR concluded that implementation of Mitigation Measure 3.5.7 would reduce this impact to less than significant.

The proposed project does not include any long-term uses that are considered to be sources of objectionable odors (e.g., landfill, wastewater treatment plant). Operation of the project is not expected to produce any offensive odors that would result in odor complaints. During project operation, odors would primarily be generated by passenger vehicles traveling to and from the site. These occurrences would not produce objectionable odors affecting a substantial number of people. Thus, the project would not be not a source of objectionable odors, the surrounding development, which consists of primarily commercial and residential uses, is not a source of objectionable odors, and there is no cumulative impact related to objectionable odors. Therefore, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR related to odors remain valid and no further analysis is required.

Mitigation Measures

The following adopted mitigation measures were identified in the LUTE EIR and are new General Plan policies that are applicable to the proposed project. As identified in Section 3.7, Project Environmental Protection Measures, above, the applicant has committed to implement environmental protection measures EPM AIR-1, EPM AIR-2, and EPM AIR-3, which ensure the proposed project's compliance with the requirements of the adopted LUTE mitigation measures listed below.

Mitigation Measure MM 3.5.3 Short-Term Construction Emissions

The following will be added as policies to the Environmental Management Chapter of the General Plan:

- Prior to the issuance of grading or building permits, the City of Sunnyvale shall ensure that BAAQMD basic construction mitigation measures from Table 8-1 of the BAAQMD 2011 CEQA Air Quality Guidelines (or subsequent updates) are noted on the construction documents.
- In the cases where construction projects are projected to exceed the BAAQMD's air pollutant significance thresholds for NO_X, PM_{10}, and/or $PM_{2.5}$, all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, tractors) shall be at least CARB Tier 3 Certified or better.

Mitigation Measure MM 3.5.5 Short-Term Construction Emissions

The following will be added as policies to the Environmental Management Chapter of the General Plan:

In the case when a subsequent project's construction span is greater than 5 acres and/or is scheduled to last more than two years, the subsequent project applicant shall be required to prepare a site-specific construction pollutant mitigation plan in consultation with Bay Area Air Quality Management District (BAAQMD) staff prior to the issuance and grading permits. A project-specific construction-related dispersion modeling acceptable to the BAAQMD shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If BAAQMD risk threshold (i.e., probability of contracting cancer is greater than 10 in one million) would be exceeded, mitigation measures shall be identified in the construction pollutant mitigation plan to address potential impacts and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. The City shall ensure construction contracts include all identified measures and that the measures reduce the health risk below BAAQMD risk thresholds. Construction pollutant mitigation plan measures shall include but not be limited to:

1. Limiting the amount of acreage to be graded in a single day.
2. Restricting intensive equipment usage and intensive ground disturbance to hours outside of normal school hours.

3. Notifying affected sensitive receptors one week prior to commencing on-site construction so that any necessary precautions (such as rescheduling or relocation of outdoor activities) can be implemented. The written notification shall include the name and telephone number of the individual empowered to manage construction of the project. In the event that complaints are received, the individual empowered to manage construction shall respond to the complaint within 24 hours. The response shall include identification of measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include the relocation of equipment.

Mitigation Measure MM 3.5.6 Health Risks

The following will be added as policies to the Environmental Management Chapter of the General Plan:

The following measures shall be utilized in site planning and building designs to reduce TAC and PM2.5 exposure where new receptors are located within 1,000 feet of emissions sources:

- Future development that includes sensitive receptors (such as residences, schools, hospitals, daycare centers, or retirement homes) located within 1,000 feet of Caltrain, Central Expressway, El Camino Real, Lawrence Expressway, Mathilda Avenue, Sunnyvale-Saratoga Road, US 101, State Route 237, State Route 85, and/or stationary sources shall require site-specific analysis to determine the level of health risk. This analysis shall be conducted following procedures outlined by the BAAQMD. If the site-specific analysis reveals significant exposures from all sources (i.e., health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a hazard index greater than 10, or annual $PM_{2.5}$ exposures greater than 0.8 $\mu g/m^3$) measures shall be employed to reduce the risk to below the threshold (e.g., electrostatic filtering systems or equivalent systems and location of vents away from TAC sources). If this is not possible, the sensitive receptors shall be relocated.
- Future nonresidential developments identified as a permitted stationary TAC source or projected to generate more than 100 heavy-duty truck trips daily will be evaluated through the CEQA process or BAAQMD permit process to ensure they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a hazard index greater than 1.0, or annual $PM_{2.5}$ exposures greater than 0.3 $\mu g/m^3$ through source control measures.
- For significant cancer risk exposure, as defined by the BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to avoid adverse public health impacts. Projects shall submit performance specifications and design details to demonstrate that lifetime residential exposures would not result in adverse public health impacts (less than 10 in one million chances).

Conclusion

While project-specific analyses provide additional detail for the project site, the analysis confirms that with application of mitigation measures and/or uniformly applied development standards and policies the proposed project would result in no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. In addition, as identified in Section 3.7, Project Environmental Protection Measures, above, the applicant has committed to implement the environmental protection measures EPM AIR-1, EPM AIR-2, and EPM AIR-3, which ensure the proposed project's compliance with the requirements of the LUTE. The conclusions of the LUTE EIR regarding air quality impacts remain valid and no additional analysis is required.

5.4 BIOLOGICAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
4. Biological Resources. Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impacts 3.9.1 and 3.9.5	No	No	No	No	NA, impact remains less than significant
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impacts 3.9.2 and 3.9.5	No	No	No	No	NA, impact remains less than significant
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impacts 3.9.2 and 3.9.5	No	No	No	No	NA, impact remains less than significant
d) Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impacts 3.9.3 and 3.9.5	No	No	No	No	NA, impact remains less than significant
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impacts 3.9.4 and 3.9.5	No	No	No	No	NA, impact remains less than significant
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impacts 3.9.4 and 3.9.5	No	No	No	No	NA, impact remains less than significant

5.4.1 Discussion

No new information pertaining to biological resources has become available since the LUTE EIR was certified in April 2017.

To determine if there was substantial new information about the project setting, the project applicant had a qualified biologist evaluate the project site and the proposed project. The biologist confirmed that the site has no natural plant communities, other natural habitat or sensitive habitat, no suitable habitat for any special-status species, and no wetlands or other waters of the United States. The biologist also concluded that the project site does not support any suitable habitat for wildlife nursery sites, including Cooper's hawk, white-tailed kite, or roosting bat colonies. However, because there is occurrence of these species near the project site, the biologist recommends preconstruction surveys to avoid any potential impacts. The biologist also noted that five trees on the site meet the specifications in the City's Tree Preservation Ordinance and if removal of these trees is necessary, the project would comply with the Tree Preservation Ordinance (FirstCarbon Solutions 2021b). The project would remove eight existing trees. preserve two trees, and plant 123 24-inch box trees.

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the US Fish and Wildlife Service?

As identified in LUTE Draft EIR Impact 3.9.1, the urbanized portions of the city are largely built out and do not have large areas of natural habitat. Ruderal infill lots could support burrowing owl and Congdon's tarplant. Urban parks, open space, and riparian areas could support nesting birds. Active nests of all migratory birds, including raptors, are protected by state and federal law. Direct impacts on special-status species could occur as a result of the construction of private development and/or public projects supporting future uses (e.g., trails). The LUTE policies and actions include protections that address natural habitat conditions in the city. The City of Sunnyvale is also required to comply with all applicable federal and state laws and regulations pertaining to species and habitat protection. This would include ensuring that nesting birds and raptors are not impacted during construction activities. Thus, the LUTE Draft EIR identified this impact as less than significant under project and cumulative (Impact 3.9.5) conditions.

The project site consists of paved parking areas and landscaped areas with trees. No natural habitat conditions exist to support special-status species. However, there is a potential for migratory birds to nest in the on-site trees and for roosting bats to be located on the buildings (FirstCarbon Solutions 2021b). The proposed project also is required to comply with the federal and state provisions that prohibit harm to nesting birds and raptors. As identified in Section 3.7, Project Environmental Protection Measures, above, the applicant is committed to implementing environmental protection measures EPM BIO-1, requiring compliance with the Migratory Bird Treaty Act, and EPM BIO-2, requiring preconstruction surveys for roosting bats, which ensure the proposed project's compliance with the requirements of applicable federal and state laws and regulations pertaining to species and habitat protection.

With the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR remain valid and no further analysis is required.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the US Fish and Wildlife Service?

LUTE Draft EIR Impacts 3.9.2 and 3.9.5 addressed potential impacts to wetlands and other sensitive habitats from implementation of the LUTE. The analysis identified that subsequent projects under the LUTE are required to comply with all applicable federal and state laws and regulations pertaining to species and habitat protection in addition to

LUTE policies and actions and the City's Municipal Code. This impact was identified as less than significant under project and cumulative (Impact 3.9.5) conditions.

As identified above in item a), the project site does not contain riparian areas or other sensitive natural habitat communities. The project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding biological impacts remain valid and no further analysis is required.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

LUTE Draft EIR Impacts 3.9.2 and 3.9.5 addressed potential impacts to wetlands from implementation of the LUTE. The analysis identified that subsequent projects under the LUTE are required to comply with all applicable federal and state laws and regulations pertaining to species and habitat protection in addition to LUTE policies and actions and the City's Municipal Code. This impact was identified as less than significant under project and cumulative (Impact 3.9.5) conditions.

As identified above in item a), the project site contains no wetland resources. The proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding wetlands and waters of the United States remain valid and no further analysis is required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

LUTE Draft EIR Impacts 3.9.3 and 3.9.5 identified no significant impacts to wildlife movement, as planned development of the city under the LUTE would occur in existing developed areas of Sunnyvale and would not extend into wetlands and open space areas along San Francisco Bay that provide habitat and movement corridors for wildlife species in the region. In addition, creek and waterway corridors in the city (i.e., Stevens Creek, Calabazas Creek, and Moffett Channel) would be retained in their current condition under the LUTE. This impact was identified as less than significant under project and cumulative (Impact 3.9.5) conditions.

The project site is located in an existing developed area and contains no wildlife movement corridors. The proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding migratory fish and wildlife movement and use of native wildlife nursery sites remain valid and no further analysis is required.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

As identified in Impact 3.9.4 of the LUTE Draft EIR, the LUTE includes policies that support the objectives of the San Francisco Bay Plan and would not conflict with the City's tree protection provisions in Sunnyvale Municipal Code Chapter 19.94. Thus, no significant impacts were identified.

The proposed project would remove eight trees and preserve two trees. The project would comply with the City's tree replacement requirements, which for the protected tree removal requires a minimum of two 24-inch box trees to be planted on site. New tree plantings are also required to comply with City parking lot shading (Municipal Code Chapter 19.46) and landscaping (Municipal Code Chapter 19.37) requirements. The project proposes to plant 123

24-inch box size trees. Thus, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding consistency with local policies and ordinances protecting biological resources remain valid and no further analysis is required.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Sunnyvale is not located in a habitat conservation plan area. As a result, the LUTE Draft EIR determined that no conflict with an adopted habitat conservation plan would occur and no impact would result. Therefore, no significant impact was identified under project or cumulative conditions. No new conservation plans have been adopted since approval of the LUTE. Therefore, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR concerning conflicts with adopted conservation plans remain valid and no further analysis is required.

Mitigation Measures

No significant biological resource impacts were identified in the LUTE EIR, and no additional mitigation measures would be required for the proposed project.

Conclusion

With the application of uniformly applied development standards and policies, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. In addition, as identified in Section 3.7, Project Environmental Protection Measures, above, the applicant is committed to implement environmental protection measures EPM BIO-1 and EPM BIO-2, which ensure the proposed project's compliance with the requirements of applicable federal and state laws and regulations pertaining to species and habitat protection. Therefore, the findings of the certified LUTE EIR regarding biological resources remain valid and no further analysis is required.

5.5 CULTURAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation. Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
5. Cultural Resources. Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	Draft EIR Setting pp. 3.10-1 to 3.10-11 Impacts 3.10.1 and 3.10.3	No	No	No	No	NA, but impact remains significant and unavoidable. Project would not contribute to this impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	Draft EIR Setting pp. 3.10-1 to 3.10-11 Impact 3.10.2	No	No	No	No	NA, impacts would remain less than significant
c) Disturb any human remains, including those interred outside the formal cemeteries?	Draft EIR Setting pp. 3.10-1 to 3.10-11 Impact 3.10.2	No	No	No	No	NA, impacts would remain less than significant

5.5.1 Discussion

The applicant had a Cultural Resource Investigation prepared for the proposed project (PaleoWest 2020). The report concluded that the proposed project would not result in any impacts to cultural resources. Refer to Section 5.18 below for a discussion of tribal cultural resources.

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

Impact 3.10.1 of the LUTE Draft EIR identified that the city contains numerous buildings that have historical value associated with previous industrial and military-related industries and that subsequent actions under the LUTE have the potential to directly (i.e., demolition) or indirectly (i.e., adverse effects to historical setting from adjacent construction) impact historic buildings and structures that qualify as historic resources under CEQA. The Community Character chapter of the Sunnyvale General Plan includes various policies addressing this issue. Policy CC-5.1 states that the City will preserve existing landmarks and cultural resources and their environmental settings, Policy CC-5.3 seeks to identify and work to resolve conflicts between the preservation of historic resources and alternative land uses, and Policy CC-5.4 states that the City will seek out, catalog, and evaluate heritage resources that may be significant. The LUTE EIR concluded that implementation of the LUTE would result in significant and unavoidable impacts under project and cumulative (Impact 3.10.3) conditions.

The existing buildings at 102–126 E. Fremont Avenue were evaluated for historical significance by applying the criteria of the California Register of Historical Resources (CRHR). It was determined that the existing buildings on the project site are not eligible for the CRHR under any criteria and are not considered a historical resource (PaleoWest 2020). Therefore, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding historical resources remain valid and no further analysis is required.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Impact 3.10.2 of the LUTE Draft EIR noted that implementation of the LUTE could impact buried archaeological resources during construction activities. The LUTE Draft EIR concluded that implementation of Policy 10 Action 6 (now Policy LT-1.10f), quoted below, would ensure that impacts to archaeological resources and human remains (in combination with Health and Safety Code Section 7050.5[b]) are reduced to a less-than-significant level under project and cumulative (Impact 3.10.3) conditions.

> LT-1.10f: Continue to condition projects to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered. Retain an archaeologist to determine the significance of the discovery. Mitigation of discovered significant cultural resources shall be consistent with Public Resources Code Section 21083.2 to ensure protection of the resource.

The project area does not include any known archaeological resources or human remains, and the project site has a low to moderate potential for unrecorded historic-period archaeological resources (PaleoWest 2020). The proposed project would be required to comply with General Plan Policy LT-1.10f that would be applied as a condition of project approval by the City. Therefore, with the application of uniformly applied development standards and policies, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding historical and archaeological resources remain valid and no further analysis is required.

c) Disturb any human remains, including those interred outside of formal cemeteries?

See analysis in item b) above. In addition, projects must comply with state laws that protect human remains, including Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, which protect human remains from adverse impacts.

Mitigation Measures

No mitigation measures pertaining to cultural resources were identified in the certified LUTE EIR, and no additional mitigation measures are required for the proposed project.

Conclusion

With the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR regarding cultural resources remain valid and no further analysis is required.

5.6 ENERGY

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
6. Energy. Would the project:						
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Draft EIR Setting pp. 3.11-30 to 3.11-31 Impact 3.11.4.1	No	No	No	No	NA, impact remains less than significant
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Draft EIR Setting pp. 3.5-18 and 3.11-32 Impact 3.13.1 Final EIR pp. 3.0-5 to 3.0-6	No	No	No	No	NA, impact remains less than significant

5.6.1 Discussion

Since completion of the LUTE EIR, the City of Sunnyvale and the Cities of Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, and Saratoga, and unincorporated Santa Clara County became members of Silicon Valley Clean Energy (SVCE), which serves as the Community Choice Aggregation for its member communities. SVCE works in partnership with the Pacific Gas and Electric Company (PG&E) to deliver direct, renewable electricity to customers within its member jurisdictions. Consistent with state law, all electricity accounts in Sunnyvale were automatically enrolled in SVCE; however, customers can choose to opt out or remain with PG&E. According to the Sunnyvale Climate Action Plan Biennial Progress Report released in 2018, 98 percent of residential and commercial accounts received carbon-free electricity from SVCE (City of Sunnyvale 2018). Electricity is supplied to the city using infrastructure built and maintained by PG&E. An energy analysis was completed for the project as part of the Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report prepared by FirstCarbon Solutions (2021a). The results of this analysis are summarized below.

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

As described in Impact 3.11.4.1, implementation of the LUTE would increase the consumption of energy. However, subsequent development would comply with Building Energy Efficiency Standards included in Title 24 of the California Code of Regulations and implement the energy efficiency requirements of the City's Climate Action Plan. This would include obtaining carbon-free electricity from SVCE. Implementation of the LUTE would also result in an improvement in vehicle miles traveled (VMT) per capita as compared to citywide level of service (LOS) under the previous General Plan. This impact was identified as less than significant under project and cumulative conditions.

Construction of the proposed project would require the use of fuel, but equipment and fuel during construction are not typically used wastefully. Therefore, it is not anticipated that construction of the proposed project would result in wasteful, inefficient, and unnecessary construction of energy. Operation of the proposed project would consume an estimated 194,877 kilowatt-hours (kWh) of electricity and an estimated 330,253 kilo-British thermal units of natural gas on an annual basis. It is estimated that the proposed project would generate approximately 56,700 kWh of renewable energy on-site annually, with the installation of solar panels on the proposed residential buildings and

compliance with the State's Building Energy Efficiency Standards, which will ensure that the building energy consumption would not be wasteful, inefficient, or unnecessary. Project-related vehicle trips would consume an estimated 23,228 gallons of gasoline and diesel annually. However, the project site is located in in an urban area that has regional access to transit and Interstate 280. Thus, transportation fuel consumption would not be wasteful, inefficient, or unnecessary. Therefore, with the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to energy consumption remain valid and no further analysis is required.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

See analysis in item a) above.

Mitigation Measures

No mitigation measures were identified in the certified LUTE EIR regarding energy, nor are any additional mitigation measures required for the project.

Conclusion

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, with the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR pertaining to energy remain valid and no further analysis is required.

5.7 GEOLOGY AND SOILS

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
7. Geology and Soils. Would the project:						
a) Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides?	Draft EIR Setting pp. 3.7-1 to 3.7-13 Impact 3.7.1 and Impact 3.7.5	No	No	No	No	NA, impact remains less than significant
b) Result in substantial soil erosion or the loss of topsoil?	Draft EIR Setting pp. 3.7-1 to 3.7-13 Impacts 3.7.2 and 3.7.5	No	No	No	No	NA, impact remains less than significant
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	Draft EIR Setting pp. 3.7-1 to 3.7-13 Impacts 3.7.3 and 3.7.5	No	No	No	No	NA, impact remains less than significant
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Draft EIR Setting pp. 3.7-1 to 3.7-13 Impact 3.7.3	No	No	No	No	NA, impact remains less than significant
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Scoped out in Draft EIR on page 3.7-14	No	No	No	No	NA
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Draft EIR Setting pp. 3.7-1 to 3.7-13 Impacts 3.7.4 and 3.10.3	No	No	No	No	NA, impact remains less than significant

5.7.1 Discussion

No substantial change in the environmental and regulatory settings related to geology and soils, described in LUTE Draft EIR Section 3.7, "Geology, Soils, and Paleontological Resources," has occurred since certification of the LUTE EIR. The regional and local settings remain the same as stated in Section 3.7 of the LUTE Draft EIR.

Since preparation of the LUTE Draft EIR, a California Supreme Court decision (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 377) clarified CEQA with regard to the effects of existing environmental conditions on a project's future users or residents. The effects of the environment on a project are generally outside the scope of CEQA unless the project would exacerbate these conditions. Changes to the CEQA Guidelines to reflect this decision are in process by the State but have not been adopted. Local agencies are not precluded from considering the impact of locating new development in areas subject to existing environmental hazards. However, CEQA cannot be used by a lead agency to require a developer or other agency to obtain an EIR or implement mitigation measures solely because the occupants or users of a new project would be subjected to the level of hazards specified. However, previous discussions of effects of the environment related to geology and soils is included herein for disclosure purposes.

a) Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

As discussed in Impact 3.7.1 and 3.7.5 of the LUTE Draft EIR, the City has adopted the California Building Code (CBC) by reference in Municipal Code Section 16.16.020, with changes and modifications providing a higher standard of protection. All new development and redevelopment would be required to comply with the current adopted CBC, which includes design criteria for seismic loading and other geologic hazards. Compliance with the CBC requires that new developments incorporate design criteria for geologically induced loading that governs sizing of structural members and provides calculation methods to assist in the design process. While ground shaking could result in damage to structures, incorporation of CBC criteria that recognize this potential would lessen those impacts. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing and includes specific measures such as anchoring structures to the foundation and structural frame design. The LUTE EIR concludes that impacts related to landslides would be less than significant under project and cumulative conditions.

A preliminary geotechnical report prepared for the project provides recommendations for construction of the proposed project (Cornerstone Earth Group 2018).

The proposed project would be subject to CBC and Sunnyvale Municipal Code provisions for geologic stability. The project applicant's preliminary geotechnical report (Cornerstone Earth Group 2018) addresses project-specific geologic and seismic stability issues. The final design would incorporate seismic design recommendations as necessary, which would safeguard against significant damage to structures that could result from seismic activity. With the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR regarding geologic hazards remain valid.

b) Result in substantial soil erosion or the loss of topsoil?

As identified in Impact 3.7.2 of the LUTE Draft EIR, implementation of the LUTE would allow for new development, redevelopment, and infrastructure improvements. Grading and site preparation activities associated with such development could temporarily remove buildings and pavement, which could expose the underlying soils to wind and water erosion. Ground-disturbing activities would be required to comply with CBC Chapter 70 standards, which would ensure implementation of appropriate site-specific measures during grading activities to reduce and control soil erosion. Additionally, any development involving clearing, grading, or excavation that causes soil disturbance of one or more acres would be required to prepare and comply with a stormwater pollution prevention plan (SWPPP), which includes a schedule for the implementation and maintenance of erosion control measures and a description of the erosion control practices, including appropriate design details and a time schedule. The SWPPP would consider the full range of erosion control BMPs, including any additional site-specific and seasonal conditions. As further discussed in LUTE Draft EIR Section 3.8, "Hydrology and Water Quality," the State Water Resources Control Board has adopted a Construction General Permit (Order No. 20090009-DWQ, as amended by Order No. 2010-0014-DWQ and Order 2012-0006-DWQ) that provides additional standards and requirements to avoid soil erosion. In addition, the City's grading standards (Municipal Code Section 18.12.110) specify that when grading will create a nuisance or hazard to other properties, public way, or public facilities due to erosion from storm runoff or rainfall, grading cannot commence or continue without specific consent in writing from the Director of Public Works or the Director of Community Development. The grading standards also regulate gradients for cut-and-fill slopes. The LUTE EIR concluded that impacts from soil erosion and loss of topsoil would be less than significant under both project and cumulative (Impact 3.7.5) conditions.

The project is subject to the above standards. With the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR regarding loss of topsoil and erosion remain valid.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

The LUTE Draft EIR indicated that future structures and improvements developed in the city under the LUTE could experience stresses on various sections of foundations and connected utilities, as well as structural failure and damage to infrastructure if located on expansive or unstable soils (Impact 3.7.3). The City requires preparation of geotechnical reports for all development projects, which include soil sampling and laboratory testing to determine the soil's susceptibility to expansion and differential settlement and would provide recommendations for design and construction methods to reduce potential impacts, as necessary. The LUTE EIR concluded that impacts from geologic instability would be less than significant under both project and cumulative (Impact 3.7.5) conditions.

The CBC includes common engineering practices requiring special design and construction methods to reduce potential expansive soil and settlement-related impacts. Preparation of final geotechnical reports and required compliance with CBC regulations would ensure the adequate design and construction of the building foundations, and ground preparation to resist soil movement. Adherence to the City's Municipal Code and the CBC would reduce potential impacts associated with development on unstable soils to a less-than-significant level for the LUTE under project and cumulative conditions.

The proposed project is subject to the above standards and includes soil stability and erosion controls on project plans. The project applicant has submitted a geotechnical report (Cornerstone Earth Group 2018) that addresses project-specific geologic and soil stability issues. The project would not cause a geologic unit or soil to become unstable and with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact

would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR regarding geologic and soil stability remain valid.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?

See analysis under item c) above.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

As described in the LUTE EIR, development in Sunnyvale would use the City's existing wastewater conveyance and treatment systems. Septic systems or alternative waste water disposal systems are not proposed or required as part of the proposed project; therefore, no impact under project or cumulative conditions would occur. The project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR regarding waste disposal systems where sewers are not available remain valid and no further analysis is required.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact 3.7.4 of the LUTE Draft EIR noted that implementation of the LUTE could impact undiscovered paleontological resources during construction activities. The LUTE Draft EIR concluded that implementation of Policy 10 Action 6 (now Policy LT-1.10f), as identified below, would ensure that impacts to paleontological resources are reduced to a less-than-significant level under project and cumulative (Impact 3.10.3) conditions.

> LT-1.10f: Continue to condition projects to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered. Retain an archaeologist to determine the significance of the discovery. Mitigation of discovered significant cultural resources shall be consistent with Public Resources Code Section 21083.2 to ensure protection of the resource.

According to the LUTE EIR, the above policy is intended to result in work stopping when a paleontological resource may be encountered. The project area does not include any known paleontological resources, and the project would be required to comply with General Plan Policy LT-1.10f as a condition of approval. Therefore, with the application of uniformly applied development standards and policies, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding paleontological and unique geologic features remain valid and no further analysis is required.

Mitigation Measures

No significant geologic impacts were identified in the LUTE EIR, and no mitigation measures were required.

Conclusion

With the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR regarding geology and soils remain valid and no additional analysis is required.

5.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
8. Greenhouse Gas Emissions. Would the project:						
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Draft EIR Setting pp. 3.13-1 to 3.13-9 Impact 3.13.1 Final EIR pp. 3.0-5 to 3.0-6	No	No	No	No	NA, impact remains less than significant
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Draft EIR Setting pp. 3.13-1 to 3.13-9 Impact 3.13.1 Final EIR pp. 3.0-5 to 3.0-6	No	No	No	No	NA, impact remains less than significant

5.8.1 Discussion

On August 13, 2019, the City adopted the Climate Action Playbook (Playbook), which builds upon the City's previous Climate Action Plan (CAP 1.0) in 2014. Through implementation of measures in CAP 1.0, the City experienced a 12 percent decrease below 1990 emissions levels in 2016. In 2016, the City emitted 880,000 million tons of carbon dioxide equivalent ($MTCO_2e$). To demonstrate compliance with the state's long-term climate change reduction goals, the City must achieve an interim target of a 56 percent reduction below 1990 levels by 2030 (SB 32) with the goal of meeting the state's target of 80 percent below 1990 emissions by 2050 (Executive Order [EO] S-3-05). The Playbook includes a Game Plan 2020, which contains the "next moves" for the City and contains 46 actions that are planned for implementation over 3 years (2019–2022). Several Playbook next moves are directly applicable to land use development projects. The City requires land use development projects to adhere to the CAP as a condition of approval.

Since the adoption of the LUTE EIR, there have been several new or updated greenhouse gas (GHG) executive orders, plans, policies, or regulations issued that include the following:

- EO B-55-18: This executive order, signed September 10, 2018, sets a goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter."
- Scoping Plan Update: EO B-30-15 and SB 32 require CARB to prepare another update to the Scoping Plan to address the 2030 target for the state. On December 24, 2017, CARB approved the 2017 Climate Change Scoping Plan Update, which outlines potential regulations and programs, including strategies consistent with Assembly Bill (AB) 197 requirements, to achieve the 2030 target.
- 2017 Update to the SB 375 Targets: Under SB 375, CARB is required to update the emission reduction targets for the metropolitan planning organizations every 8 years. CARB adopted the updated targets and methodology in March 2018. Subsequent sustainable community strategies adopted after this date are subject to these new targets.
- SB 100: SB 100 raises California's Renewables Portfolio Standard requirements to 60 percent by 2030, with interim targets, and 100 percent by 2045. The bill also establishes a state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under the bill, the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon free electricity target.

- Building Energy Efficiency Standards: Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the California Energy Commission) in June 1977 and most recently revised in 2016 (Title 24, Part 6, of the California Code of Regulations). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. The 2019 Building Energy Efficiency Standards, which were adopted on May 9, 2018, went into effect starting January 1, 2020. The 2022 Building Energy Efficiency Standards will go into effect on January 1, 2023, and will result in more energy efficiency buildings than the 2019 standards.
- CALGreen Updates: CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The recently adopted 2019 standards went into effect on January 1, 2020. Each iteration of the CALGreen standards improves the energy efficiency and sustainability of new development from the prior iteration. The next iteration will go into effect on January 1, 2023.
- SB 743: Requires transportation CEQA impacts to no longer consider congestion but instead focus on the impacts of VMT. The OPR technical advisory explains that this criterion is consistent with Public Resources Code Section 21099, which states that the criteria for determining significance must "promote the reduction in greenhouse gas emission" (Governor's Office of Planning and Research 2017:18). This metric is intended to replace the use of delay and level of service to measure transportation-related impacts.
- SAFE Rule: Part One of the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule revokes a waiver granted by the U.S. Environmental Protect Agency (EPA) to the State of California under Section 209 of the federal Clean Air Act to enforce more stringent emission standards for motor vehicles than those required by EPA for the explicit purpose of GHG emission reduction, and indirectly, criteria air pollutant and ozone precursor emission reduction. On March 31, 2020, Part Two of the SAFE Rule was published and would amend existing Corporate Average Fuel Economy (CAFE) and tailpipe carbon dioxide emissions standards for passenger cars and light trucks and establish new standards covering model years 2021 through 2026. On December 21, 2021, the National Highway Traffic Safety Administration published its CAFE Preemption rule, which finalizes its repeal of 2019's SAFE Rule and reopens pathways for state and local fuel economy laws.

The changes to the regulatory environment will act to reduce the proposed project's long term GHG emissions by reducing emissions from energy and automobiles and therefore do not constitute substantial new information that would cause a more severe adverse impact on climate change than discussed in the LUTE EIR.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The LUTE EIR determined significance by comparing the 2016 LUTE's emissions to the City's efficiency metric threshold of GHG emissions per service population based on the City's GHG emissions inventory and emissions targets at that time.

Existing land uses at the project site are estimated to generate 390 $MTCO_2e$ under 2023 conditions and 384 $MTCO_2e$ under 2030 conditions. Project construction is estimated to generate approximately 311 $MTCO_2e$. Project operations at buildout are estimated to generate 302 $MTCO_2e$ under 2023 conditions and 297 $MTCO_2e$ under 2030 conditions (FirstCarbon Solutions 2021a:Table 22).

Thus, the proposed project is expected to result in a net reduction of GHG emissions as compared to existing land uses. The project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR regarding GHG emissions remain valid.

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The City's Playbook identifies GHG reduction strategies that set the foundation for bold climate action and Plays that identify opportunities for action to achieve the City's overall GHG reduction targets. The Playbook lays out six strategies that outline the overarching approach to achieve 80 percent GHG emissions reductions below 1990 levels by 2050. In each strategy, there are several Plays that identify areas for action and measurable targets to define progress. Consistency with the Playbook and the City's long-term goal of carbon neutrality are being demonstrated through multiple project features. Table 5.8-1 summarizes in detail the proposed project's consistency with the Playbook (strategies and Plays that are not applicable to the project are not included in the consistency analysis). As identified below, the proposed project would attain the objectives of the Playbook.

Table 5.8-1 Project Consistency with the 2019 Sunnyvale Climate Action Playbook

Strategies and Play	Project Consistency
Strategy 1: Promoting Clean Electricity	Consistent. The proposed project would support the goals of Strategy 1 by having SVCE's carbon-free electricity available to the project and installing rooftop solar on the residential uses.
Play 1.1: Promote 100 percent clean electricity. The City is committed to working with SVCE to expand 100 percent clean energy services to 100 percent of our community. Supporting and protecting this clean electricity supply is critical to other Strategies from this Playbook that rely on decarbonization (namely, Strategies 2 and 3).	Consistent. SVCE, the area's electricity provider, delivers 100 percent carbon-free electricity. As a result, the proposed project would have clean energy available to residents and commercial uses.
Play 1.2: Increase local solar photovoltaics (PV). Targeted incentives, regulations and educational resources will be essential to increasing adoption of distributed solar resources in Sunnyvale. These will help ensure local supply but also help to offset demands on the electricity grid during peak demand periods.	Consistent. The proposed project would be equipped with rooftop solar on the residential uses.
Strategy 2: Decarbonizing Buildings	Consistent. SVCE's carbon-free electricity would be available to the project. The proposed project also includes solar for the residential uses. The project would be conditioned to be all electric.
Play 2.3: Achieve all-electric new construction. While the state requires moving toward Zero Net Energy (ZNE) for new construction, the City will work towards also incentivizing and promoting all-electric new construction options for deep decarbonization.	Consistent. SVCE's carbon-free electricity would be available to the project. The proposed project also includes solar for the residential uses. The project would be conditioned to be all electric.
Strategy 3: Decarbonizing Transportation and Sustainable Land Use	Consistent. The proposed project would provide bicycle parking, and cross-parcel access and linkages from the development entrance to the public sidewalk system, transit stops, nearby employment and shopping centers, schools, parks, and other parcels for ease of pedestrian and cyclist access. The proposed project would meet the City's Building Code for electric vehicle (EV) chargers, which requires pre-wiring garages/carports attached to townhouses for a Level 2 electric vehicle charger.
Play 3.1: Increase opportunities for and encourage development of mixed-use sites to reduce vehicle miles per person. The City is committed to creating places to live that are less dependent on automobiles, through ensuring access to nearby services and activity centers. Furthermore, Sunnyvale seeks to provide housing options for all incomes and lifestyles, particularly near transit corridors and Caltrain stations, to support alternative modes of transportation.	Consistent. The proposed project would provide residential uses in an area identified as a transit priority area, and there are two bus stops located adjacent to the project site.

Strategies and Play	Project Consistency
Play 3.2: Increase transportation options and support shared mobility. Multimodal transportation choices need to be enhanced to offer a variety of travel options in and around the city that are connected to regional transportation systems and destinations. Advocating for and increasing transportation options and shared mobility will create safer, healthier, and more convenient movement throughout Sunnyvale.	Consistent. The project site is located within a Village Center and a transit priority area, with two bus stops located adjacent to the project site. The proposed project would provide bicycle parking and cross-parcel access and linkages from the development entrance to the public sidewalk system, transit stops, nearby employment and shopping centers, schools, parks, and other parcels for ease of pedestrian and cyclist access.
Play 3.3: Increase zero-emission vehicles. Shifting to electric or alternatively fueled (e.g., hydrogen) vehicles has significant potential to reduce GHG emissions related to transportation. Since SVCE provides 100 percent carbon-free electricity, promoting a shift to electric vehicles away from fossil fuels would significantly reduce emissions. Other priorities include electrification of public transportation, car sharing, and electric bikes and scooters, and also improving availability of alternative fueling stations (e.g., EV charging facilities, hydrogen fueling stations). Currently (as of October 1, 2018) 2.4 percent of vehicles registered in Sunnyvale are battery-electric vehicles and 1.3 percent are plug-in hybrid electric vehicles. a. 2030 Target: 20 percent of all vehicles on road are zero-emission vehicles by 2030 and 75 percent of all vehicles on road are zero-emission by 2050	Consistent. The proposed project would include EV charging infrastructure.
Strategy 4: Managing Resources Sustainably	Consistent: The proposed project would plant trees and improve stormwater management.
Play 4.1: Achieve Zero Waste goals for solid waste. Diverting waste away from landfills, either to recycling, energy recovery or composting facilities, is critical for the City to realize its Zero Waste goals as outlined in its Zero Waste Strategic Plan. This can be accomplished by waste prevention—consuming and throwing away less—and being smarter about the items that must be thrown away. Expanding Sunnyvale's food scraps collection program (FoodCycle) will help to increase the amount of organic material diverted away from the landfill. However, state laws and policies limit access to diversion technologies so that 75 percent diversion is the current limit. Increasing diversion to 90 percent will require changes at the state level to allow use of technologies that recover energy from unrecyclable resident waste, primarily plastic and paper.	Consistent: The proposed project would generate additional waste but would comply with City's Zero Waste goals and state laws and policies to reduce solid waste.
Play 4.2: Ensure resilience of water supply. As the region faces water supply challenges driven by recurring droughts and population growth, it will be critical to find ways to reduce the amount of water consumed and increase the sustainability of water supplies. Water conservation and water reuse, in the form of recycled and purified water, will help Sunnyvale reduce the stress placed on Northern California's water resources.	Consistent: The proposed project would require the use of water. Cal Water confirmed the availability of water for the project, and the project will comply with all water conservation requirements.
Play 4.3: Enhance natural carbon sequestration capacity. The natural environment, including plants and soil, have an immense capacity to store carbon dioxide that would otherwise be released into the atmosphere. Through implementation of the City's Urban Forest Management Plan and Green Stormwater Infrastructure Plan, Sunnyvale can continue to capture carbon by expanding its urban tree canopy and designing landscape features to address stormwater pollution and flood risk.	Consistent. The proposed project will result in a net increase in trees on the project site and will add stormwater quality control features.

Source: Ascent Environmental, 2022.

The proposed project's land use and development intensities are consistent with the LUTE and what was assumed in the GHG analysis in the LUTE EIR. As noted in item a) above, the project would result in a net reduction in existing GHG emissions from the site. No changes in the GHG conditions for the project site have occurred since approval of the LUTE and the LUTE EIR. The proposed project would not include any development beyond that assumed and analyzed in the LUTE EIR. Therefore, with the application of uniformly applied development standards and policies, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding GHG emissions remain valid and no further analysis is required.

Mitigation Measures

No mitigation measures are required.

Conclusion

The proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR regarding climate change impacts remain valid and no additional analysis is required.

5.9 HAZARDS AND HAZARDOUS MATERIALS

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
9. Hazards and Hazardous Materials. Would the project:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Draft EIR Setting pp. 3.3-1 to 3.3-9 Impacts 3.3.1 and 3.3.6	No	No	No	No	NA, impacts would remain less than significant
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Draft EIR Setting pp. 3.3-1 to 3.3-9 Impacts 3.3.2 and 3.3.6	No	No	No	No	NA, impacts would remain less than significant
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Draft EIR Setting pp. 3.3-1 to 3.3-9 Impacts 3.3.3 and 3.3.6	No	No	No	No	NA, impacts would remain less than significant
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Draft EIR Setting pp. 3.3-1 to 3.3-9 Impacts 3.3.2 and 3.3.6	No	No	No	No	NA, impacts would remain less than significant
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Draft EIR Setting pp. 3.3-1 to 3.3-9 Impacts 3.3.4 and 3.3.6 Final EIR pp 3.0-2 to 3.0-3	No	No	No	No	NA, impact would remain less than significant
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working on the project area?	Draft EIR Setting pp. 3.3-1 to 3.3-9 and p. 3.6-28 Impacts 3.3.4 and 3.3.6	No	No	No	No	NA, no impact would occur
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Draft EIR Setting pp. 3.3-1 to 3.3-9 Impacts 3.3.5 and 3.3.6	No	No	No	No	NA, impacts would remain less than significant
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires?	Draft EIR Setting p. 3.3-15 No impact	No	No	No	No	NA, no impact would occur

5.9.1 Discussion

No substantial change in the environmental and regulatory settings related to hazards and hazardous materials, described in LUTE Draft EIR Section 3.3, "Hazards and Human Health," has occurred since certification of the LUTE Draft EIR.

Site investigation activities began in 2006 and revealed that tetrachloroethylene (PCE) was found in the subsurface of the project site. Since that time, PCE has been discontinued and subsurface remediation has been conducted. Following cessation of active remediation in 2019, periodic soil vapor monitoring indicated that partial rebound of PCE concentrations has occurred.

A Draft Site Closure Report (Phase I and II Summary) was prepared for the Fremont Corners Shopping Center (102–136 East Fremont Avenue) by RMD Environmental Solutions, Inc. (2022). The report summarizes the results of Phase I and Phase II Environmental Site Assessments and documents the closure criteria evaluation and recommendations for activities to prepare the project site for construction from commercial to mixed residential and commercial land use. A Corrective Action Plan has been prepared that consists of removal of soil vapor containing PCE.

Based on discussions with the Santa Clara County Department of Environmental Health (SCCDEH), the project site can be redeveloped for residential and commercial use but will likely remain open until monitoring results confirm that concentrations of volatile organic compounds (VOC) in soil vapor have attenuated to levels that do not pose an unacceptable risk to human health, which is typical for sites conditionally closed under the California Regional Water Quality Control Board (RWQCB) Low Threat Chlorinated Solvent Closure Policy. It is recommended that a soil management plan, plans and specifications for a vapor mitigation system, and Covenants, Conditions & Restrictions elated to vapor mitigation system maintenance be submitted to SCCDEH for review after completion of required additional investigation activities. SCCDEH may also require preparation of a post-construction soil vapor monitoring plan to document attenuation of VOC concentrations in soil vapor to levels below concern.

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Impact 3.3.1 in the LUTE Draft EIR evaluated whether implementation of the LUTE would increase the routine transport, use, or disposal of hazardous materials. The analysis concluded that although LUTE policies provide for additional nonresidential growth, hazardous materials use would not be expected to expand appreciably because the types of new businesses that would be expected would not involve extensive use of hazardous materials, as has occurred historically. The analysis also stated that the transport, storage, use, and disposal of hazardous materials in land use activities associated with the LUTE would be required to comply with all applicable federal, state, and local regulations during construction and operation. Facilities that use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous materials releases. Compliance with federal, state, and local regulations and implementation of LUTE policies (Policy LT-1.11 and associated actions LT-1.11a though j) would ensure that the LUTE would have less-than-significant impacts related to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and that the LUTE would have a less than cumulatively considerable contribution to significant cumulative impacts (Impact 3.3.6).

Operation of the proposed project would result in residential and new commercial uses on the project site that use common hazardous materials, such as cleaners, solvent, fuels, oils, or lubricants, typically used for routine cleaning and maintenance activities. The project would be subject to the federal, state, and local regulations that regulate hazardous material use and safety measures during construction and operation as discussed in the LUTE EIR. As noted above, a Corrective Action Plan has been prepared that consists of removal of soil vapor containing PCE to allow for the development of the project site. With the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of

the certified LUTE EIR regarding impacts from the routine transport, use, or disposal of hazardous materials remain valid and no further analysis is required.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

In the LUTE Draft EIR, Impact 3.3.2 evaluated whether implementation of LUTE policies and actions would provide for land uses that would involve the transportation, storage, use, and disposal of hazardous materials. These activities could result in the release of hazardous materials into the environment and exposure of the public to hazardous materials as a result of inadvertent releases or accidents. The analysis states that the transport, storage, and use of hazardous materials by developers, contractors, business owners, and others must occur in compliance with local, state, and federal regulations. Facilities that store or use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous material releases. Special regulations apply to operations that may result in hazardous emissions or use large quantities of regulated materials to ensure accidental release scenarios are considered and measures included in project design and operation to reduce the risk of accidents. In addition, transportation of hazardous materials into and within Sunnyvale is regulated to reduce the potential for transportation accidents involving hazardous materials. The LUTE EIR concludes that such impacts would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.3.6).

The project would be subject to the federal, state, and local regulations that regulate hazardous material use and safety measures associated with construction as discussed in the LUTE EIR. Therefore, with the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR related to hazardous materials handling remain valid and no further analysis is required.

Impact 3.3.2 also identified that implementation of the LUTE could expose the public to hazardous materials if new development or redevelopment were to be located on a site where historical uses have resulted in hazardous materials contamination of soil or groundwater due to discharges that may not have been regulated prior to the enactment of stringent regulations in place today, or through illegal waste disposal activities. In addition, buildings and/or sites could contain electrical transformers containing polychlorinated biphenyls and persistent residual chemicals, including pesticides, herbicides, and fertilizers. In addition, redevelopment activities associated with the LUTE could result in exposure to hazardous materials by disturbing and thus releasing asbestos and/or lead during demolition and remodeling activities. Prior to approving any project at a site that is known to have contamination from historical uses or at a site where the potential exists based on historical or current uses but has not yet been evaluated, the City must ensure the project is consistent with Policy SN-1.1 in the General Plan Safety and Noise Chapter. This policy directs that land use decisions be based on an awareness of the hazards and potential hazards for the specific parcel of land. In addition, under Policy SN-1.5, the City intends to promote a living and working environment safe from exposure to hazardous materials. The LUTE EIR concludes that the potential for impacts from hazards released through redevelopment of contaminated sites would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.3.6).

As noted above, a Corrective Action Plan has been prepared that consists of removal of soil vapor containing PCE to allow for the development of the project site. In compliance with SCCDEH requirements, the proposed project would require that a soil management plan, plans and specifications for a vapor mitigation system, and Covenants, Conditions & Restrictions related to vapor mitigation system maintenance be submitted to SCCDEH for review after completion of required additional investigation activities. SCCDEH may also require preparation of a post-construction soil vapor monitoring plan to document attenuation of VOC concentrations in soil vapor to levels below concern. Compliance with the requirements of SCCDEH would ensure that any residual conditions of contamination of soil and soil vapor at the project site are not expected to expose the public to a significant hazard.

In addition, the proposed project is required to comply with Sunnyvale Municipal Code requirements for the management of hazardous materials. Therefore, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR related to hazardous material handling remain valid and no further analysis is required.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Impact 3.3.3 in the LUTE Draft EIR analyzed the potential for implementation of the LUTE to locate schools in the vicinity of land uses involving the use, transport, disposal, or release of hazardous materials. The LUTE EIR concluded that such impacts would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.3.6).

Fremont High School and Nimitz Elementary School are located within one-quarter mile of the project site. The proposed project consists of operation of residential and commercial uses and would not handle large quantities of hazardous materials. Therefore, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding impacts from hazardous materials near schools remain valid and no further analysis is required.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

See discussion under item b) above.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

LUTE Draft EIR Impact 3.3.4 evaluated the potential for hazards associated with exposing additional workers and visitors to aircraft-related safety hazards by locating additional development within the approach path of Moffett Federal Airfield. The analysis noted that the Moffett Federal Airfield Comprehensive Land Use Plan (CLUP) includes land use policies and height restrictions for construction and new structures near the airfield. The LUTE also contains several policies and actions that would assist in reducing airport hazards (Policy 8 and associated Actions 1, 4, and 5). In the LUTE Draft EIR, this impact was determined to be less than significant because compliance with Federal Aviation Administration regulations and airport land use commission requirements, including CLUP restrictions, as well as implementation of LUTE policies and actions, would reduce airport safety hazards. The LUTE EIR concludes that the LUTE's contribution to aircraft-related safety hazards would be less than cumulatively considerable under cumulative conditions (Impact 3.3.6).

The project site is located approximately 3.5 miles southeast of Moffett Federal Airfield and is outside the CLUP boundaries. Therefore, with the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR related to airport safety hazards remain valid and no further analysis is required.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

As identified on page 3.6-28 of the LUTE Draft EIR, Sunnyvale does not include and is not proximate to any private airfields. Therefore, no impacts related to private airfield safety under project or cumulative conditions were identified in the LUTE EIR.

No new private airports have been developed near the project site. The proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR regarding hazards from proximity to private airstrips remain valid and no further analysis is required.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The potential for implementation of the LUTE to interfere with the City of Sunnyvale Emergency Plan was evaluated in Impact 3.3.5 of the LUTE Draft EIR. The analysis specified that the proposed roadway system in the LUTE would improve city roadway conditions from existing conditions, allowing better emergency vehicle access to residences as well as evacuation routes for area residents. Thus, impacts from implementation of the LUTE would result in a less-than-significant impact under project conditions and would have a less than cumulatively considerable contribution under cumulative conditions related to interference with an adopted emergency response plan or emergency evacuation plan.

The proposed project is infill development to construct residential and commercial uses and would not modify the roadway network in the city in a manner that would obstruct emergency access. Street improvements resulting from the project would be limited to the project site and would promote traffic flow and emergency access on site. With the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR related to impacts from interference with emergency plans remain valid and no further analysis is required.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires?

As discussed on page 3.3-15 of the LUTE Draft EIR, the LUTE was determined to have no impact under project or cumulative conditions related to this threshold.

No changes to the location of the project have occurred and no changes to the risks from wildfires has occurred since approval of the LUTE. The project site is not in a high wildfire severity zone or near an wildland-urban interface. The proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR related to impacts from wildland fires remain valid and no further analysis is required.

Mitigation Measures

No significant hazard impacts were identified in the LUTE EIR, and no mitigation measures were required.

Conclusion

With the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR related to impacts from hazards and hazardous materials remain valid and no additional analysis is required.

5.10 HYDROLOGY AND WATER QUALITY

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
10. Hydrology and Water Quality. Would the project:						
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impacts 3.8.1 and 3.8.4	No	No	No	No	NA, impacts would remain less than significant
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Draft EIR Setting pp. 3.11-1 to 3.11-11 Impacts 3.11.1.1 and 3.11.1.3	No	No	No	No	NA, impacts would remain less than significant
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impacts 3.8.1 and 3.8.4	No	No	No	No	NA, impacts would remain less than significant
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impacts 3.8.2 and 3.8.5	No	No	No	No	NA, impacts would remain less than significant
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impacts 3.8.1 and 3.8.4	No	No	No	No	NA, impacts would remain less than significant
f) Otherwise substantially degrade water quality?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impacts 3.8.1 and 3.8.4	No	No	No	No	NA, impacts would remain less than significant
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impacts 3.8.2 and 3.8.5	No	No	No	No	NA, impacts would remain less than significant
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impacts 3.8.2 and 3.8.5	No	No	No	No	NA, impacts would remain less than significant

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
10. Hydrology and Water Quality. Would the project:						
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impacts 3.8.2 and 3.8.5	No	No	No	No	NA, impacts would remain less than significant
j) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impact 3.8.3	No	No	No	No	NA, impacts would remain less than significant

5.10.1 Discussion

No substantial change in the environmental and regulatory settings related to hydrology and water quality, described in LUTE Draft EIR Section 3.8, "Hydrology and Water Quality," have occurred since certification of the LUTE EIR.

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

As analyzed in Impact 3.8.1 of the LUTE Draft EIR, construction activities associated with development of projects allowed under the LUTE would include grading, demolition, and vegetation removal, which would disturb and expose soils to water erosion, potentially increasing the amount of silt and debris entering downstream waterways. In addition, refueling and parking of construction equipment and other vehicles on site during construction could result in oil, grease, or related pollutant leaks and spills that may discharge into storm drains. Individual development projects would be required to comply with Chapter 12.60, Stormwater Management, of the Sunnyvale Municipal Code, as well as to implement BMPs for the prevention of erosion and the control of loose soil and sediment, to ensure that construction does not result in the movement of unwanted material into waters within or outside the plan area. The Municipal Code's Stormwater Management chapter provides regulations and gives legal effect to certain requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to Sunnyvale regarding municipal stormwater and urban runoff requirements. During construction of projects in the city, the dischargers, through individual coverage under the State's General Construction NPDES permit, must develop and implement a SWPPP and perform monitoring of discharges to stormwater systems to ensure compliance with state regulations and General Plan Policy EM-8.5. Construction impacts would be less than significant under project and cumulative (Impact 3.8.4) conditions.

As indicated in the LUTE EIR, urban runoff pollutants such as heavy metals, oil and grease, sediment, and other chemicals would continue to be generated, but because the changes in land use are primarily related to increased intensity of development and not new land uses, the types and amounts of pollutants in stormwater runoff would not vary considerably from existing conditions. All private development projects would be required to include appropriate features to meet applicable Municipal Regional Stormwater Permit (MRP) Provision C.3 requirements and implement low impact design (LID). Common LID strategies that would be appropriate for the plan area would include treatment methods such as bio-retention basins and flow-through planters, green roofs, media filtration devices, and pervious surfaces. These features would be included on individual sites on a project-by-project basis. Compliance with existing requirements of the City's Municipal Code Chapter 12.60, the City of Sunnyvale Urban Runoff Management Plan, and MRP Provision C.3 requirements, along with implementation of General Plan policies EM-8.6, EM-10.1, and EM-10.3, would reduce surface water quality impacts associated with occupancy of projects in the LUTE to a less-than-significant level under project and cumulative (Impact 3.8.4) conditions.

The proposed project is subject to the water quality control requirements identified above. Project design plans include water quality control features for the site (Project Plan Set Sheet TM10). With the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR related to impacts from conflicts with water quality standards and waste discharge requirements remain valid and no further analysis is required.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The LUTE EIR indicated that implementation of projects allowed by the LUTE would have little or no effect on groundwater recharge because the city is largely built out and the LUTE would not reduce the amount of permeable surfaces. The City has historically relied on groundwater to meet between 4 and 11 percent of its total demand (approximately 1,000–2,700 acre-feet per year [AFY]). The City projects producing approximately 1,000 AFY from the groundwater basin through 2035 (LUTE Draft EIR page 3.11-5). Groundwater production is not expected to increase beyond 1,000 AFY except in multiple dry year conditions and is actively managed by the Santa Clara Valley Water District to avoid groundwater overdraft through its conjunctive use efforts. The LUTE EIR concluded that impacts related to groundwater would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.11.1.3). No mitigation was required.

The proposed project would not substantially change development patterns and the areas of impermeable surfaces from that approved in the LUTE. The project decreases the project site's impervious surface area from 1.75 acres (95 percent of the site) to 0.78 acres (43 percent of the site). Approximately 1.06 acres (57 percent) of the site would be covered by landscaped areas including lawns, shrubs, and trees as well as pervious pavers (Wood Rodgers 2020b). Therefore, with the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR related to groundwater impacts remain valid and no further analysis is required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation?

See discussion under item a) above.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?

Impact 3.8.2 in the LUTE Draft EIR identified locations in the city that are within 100-year flood hazard Zone AO, as designated by the Federal Emergency Management Agency, or could be inundated from levee failure. Chapter 16.62, Prevention of Flood Damage, of Sunnyvale's Buildings and Construction Ordinance includes standards for construction in 100-year flood hazard areas. The standards for construction generally require the elevation of the lowest floor of any structure to or above the base flood elevation, anchoring, and the use of flood damage-resistant materials and methods. Individual development projects are required under Municipal Code Section 12.60.160 to demonstrate that each individual development project would not increase runoff over pre-project rates and durations. In addition, General Plan Policy EM-9.1 requires that the City maintain and operate the storm drain system so that stormwater is drained from 95 percent of the streets within one hour after a storm stops. For flood-prone locations, Policy EM-10.2 requires incorporation of appropriate controls to detain excess stormwater. Compliance with the existing regulations in the City's Municipal Code would reduce potential impacts associated with flooding and stormwater drainage to a level that is less than significant for the LUTE under project and cumulative (Impact 3.8.5) conditions.

The project site is not located within the 100-year flood hazard Zone AO. The project site is in Flood Zone X (an area with reduced flood risk due to a levee). The proposed project is required to comply with Section 12.60.160 of the City's Municipal Code. Project design plans include water quality control and drainage features for the site (Project Plan Set Sheet TM10). With the application of uniformly applied development standards and policies, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR related to flooding impacts remain valid and no further analysis is required.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

See discussion under items a) and d) above.

f) Otherwise substantially degrade water quality?

See discussion under item a) above.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

See discussion under item d) above.

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

See discussion under item d) above.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

See discussion under item d) above.

The project site is not located in an inundation area. Therefore, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding impacts from levee and dam failure remain valid and no further analysis is required.

j) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

As described in LUTE Draft EIR Impact 3.8.3, seiches and tsunamis would not be expected to affect areas developed as part of the LUTE. It is probable that an earthquake similar to the 1906 earthquake would be the largest to occur in the Bay Area; consequently, seiches with an increase in water elevation of more than 4 inches would be considered unlikely. Tsunamis would only be expected to affect low-lying marsh areas and bayward portions of sloughs. Mudflow (a type of landslide) would not be a hazard in Sunnyvale because of the city's generally flat terrain and distance from hilly or mountainous areas. The LUTE EIR concludes that impacts related to inundation by seiche, tsunami, or mudflow would be less than significant under project conditions. The LUTE would not exacerbate the likelihood for inundation by seiche, tsunami, or mudflow.

The project site is located on flat terrain in the inland portion of the city and outside of the marsh areas of the bay. The proposed project is required to comply with Section 12.60.160 of the City's Municipal Code, and project design plans include water quality control and drainage features for the site. The project would not exacerbate the likelihood for inundation by seiche, tsunami, flood hazard, or mudflow. Therefore, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE

EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR related to impacts from inundation by seiche, tsunami, flood hazard, and mudflow remain valid and no further analysis is required.

Mitigation Measures

No significant hydrology impacts were identified in the LUTE EIR, and no mitigation measures were required.

Conclusion

No new circumstances or project changes have occurred, nor has any new information been found requiring new analysis or verification. Therefore, with the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there are no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR regarding impacts to hydrology and water quality remain valid and no additional analysis is required.

5.11 LAND USE AND PLANNING

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
11. Land Use and Planning. Would the project:						
a) Physically divide an established community?	DEIR EIR Setting pp. 3.1-1 to 3.1-10 Impacts 3.1.1 and 3.1.5	No	No	No	No	NA, this impact would remain less than significant
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	DEIR EIR Setting pp. 3.1-1 to 3.1-10 Impacts 3.1.2, 3.1.3, and 3.1.5	No	No	No	No	NA, this impact would remain less than significant

5.11.1 Discussion

No substantial change in the environmental and regulatory settings related to land use and planning, described in LUTE Draft EIR Section 3.1, "Land Use," has occurred since certification of the LUTE EIR.

a) Physically divide an established community?

Impact 3.1.1 of the LUTE Draft EIR identified that the LUTE does not include large-scale infrastructure projects such as new freeways or high-volume roadways that would divide an established community. Likewise, critical transportation infrastructure linking one neighborhood to another would not be removed as part of the LUTE. Implementation of the policy provisions of the LUTE would ensure integration and compatibility of new development with existing land use conditions. This impact was determined to be less than significant under project and cumulative (Impact 3.1.5) conditions.

The project proposes mixed residential and commercial uses and is considered infill development. The proposed project would not alter local land use patterns or obstruct movement through the area. Therefore, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to physical divisions of established communities remain valid and no further analysis is required.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Impacts 3.1.2 and 3.1.3 of the LUTE EIR evaluated whether the LUTE would be consistent with adopted City and regional land use plans and policies and concluded that the LUTE's impact would be less than significant under project and cumulative (Impact 3.1.5) conditions.

The proposed project is consistent with the LUTE and City regulations. It is consistent with the LUTE's land use designation and policy provisions for Village Centers. Therefore, with the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding consistency with applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects remain valid and no further analysis is required.

Mitigation Measures

No significant land use impacts were identified in the LUTE EIR, and no mitigation measures were required.

Conclusion

No new circumstances or project changes have occurred, nor has any new information been identified requiring new analysis or verification. Therefore, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR regarding land use and planning remain valid and no additional analysis is required.

5.12 MINERAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
12. Mineral Resources. Would the project:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Draft EIR p. 3.7-14. Scoped out of impact analysis.	No	No	No	No	NA, no impact would occur
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	Draft EIR p. 3.7-14. Scoped out of impact analysis.	No	No	No	No	NA, no impact would occur

5.12.1 Discussion and Conclusion

As discussed on page 3.7-14 of the LUTE Draft EIR, no active mines and no known areas with mineral resource deposits or resources of statewide importance are located in Sunnyvale. Therefore, no impact to availability of a known mineral resource would result. The proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to mineral resources remain valid and no further analysis is required.

5.13 NOISE

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
13. Noise. Would the project result in:						
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards	Draft EIR Setting pp. 3.6-1 to 3.6-27 Impact 3.6.1	No	No	No	No	NA, impact remains less than significant
b) Generation of excessive groundborne vibration or groundborne noise levels?	Draft EIR Setting pp. 3.6-1 to 3.6-27 Impact 3.6.3	No	No	No	No	NA, impact remains less than significant with mitigation
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Draft EIR p. 3.6-28 Scoped out of impact analysis.	No	No	No	No	NA, no impact would occur

5.13.1 Discussion

No substantial change in the environmental and regulatory settings related to noise and vibration, described in LUTE Draft EIR Section 3.6, "Noise," has occurred since certification of the LUTE EIR. No new substantial noise sources have been introduced near the project site since the LUTE EIR was prepared. In December 2020, Salter prepared a Draft Environmental Noise Assessment for the proposed project (Salter 2020).

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

Impact 3.6.1 of the LUTE EIR identified less-than-significant impacts related to subsequent development generating noise levels that exceed City noise standards.

Construction of the proposed project would require the use of heavy equipment for grading and other construction activities, which may temporarily result in noise levels above 75 decibels (dBA). To ensure that construction of the project does not exceed the noise thresholds set forth in the City's Municipal Code, as part of the proposed project the applicant will implement environmental protection measure EMP NOI-1, requiring the implementation of reduction measures during construction, as discussed above in Section 3.7, Project Environmental Protection Measures. EMP NOI-1 requires the construction contractor to comply with Sunnyvale Municipal Code Section 16.08.030 and to implement several measures during construction to ensure that temporary construction noise levels are reduced.

During project operation, the residential units would have heating, ventilating, and air-conditioning units located in areas that could be exposed to adjacent property lines. Typical condensing/heat pump units have a sound power rating of approximately 75 dBA, which corresponds to a noise level of approximately 62 dBA at 5 feet (Salter 2020). Therefore, the individual pieces of equipment would be expected to meet the City of Sunnyvale's Noise Ordinance at a distance of 20 feet from the property line. The existing commercial building mechanical equipment is limited to the roof; an existing parapet wall shields the equipment from residential receivers to the south. The proposed project is designed to comply with the City's Noise Ordinance and not result in an increase in noise levels at existing adjacent properties. In addition, the proposed project would result in a net decrease of 315 daily trips from existing conditions. The proposed project would not result in increase in traffic-related noise at existing adjacent properties. Therefore, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to exposure of persons to noise in excess of applicable standards remain valid and no further analysis is required.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Impact 3.6.3 of the LUTE Draft EIR evaluated the potential for construction activities to generate excess groundborne vibration and identified that damage to older buildings can occur at 0.25 inches per second of peak particle velocity (PPV) and at 0.5 inches per second PPV for conventional buildings. This impact was identified as potentially significant. Mitigation Measure 3.6.3 requires noise- and vibration-reducing pile-driving techniques to be employed during construction and monitoring to ensure no damage to nearby structures occurs (i.e., vibrations above PPVs of 0.25 inches per second at nearby structures). The LUTE Draft EIR identified that implementation of Mitigation Measure 3.6.3 (restated below) would reduce the construction vibration impact to a less-than-significant level.

The proposed project would not entail the use of pile drivers or unusual construction equipment beyond what was evaluated in the LUTE EIR and would be required to comply with the same mitigation measures in the LUTE EIR. The Environmental Noise Assessment prepared for the proposed project concluded that vibration levels during construction are not expected to generate excess groundborne vibration (Salter 2020). Therefore, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to groundborne vibration and noise remain valid and no further analysis is required.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Impact 3.6.5 of the LUTE Draft EIR identified that compliance with the Comprehensive Land Use Plan (CLUP) for Moffett Field Airfield and with the City's normally acceptable noise level standards effectively reduces potential aircraft noise impacts. LUTE Draft EIR page 3.6-28 identified that no private airfields are located near the city and thus there would be no impact.

No private airstrips have been developed in the project area since certification of the LUTE EIR. Therefore, there are no new circumstances or new information requiring new analysis or verification. The project site is located outside of the CLUP noise contours of Moffett Field Airfield. Therefore, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding exposure of people to excessive noise from airports remain valid and no further analysis is required.

Mitigation Measures

The following mitigation measure was identified in the LUTE EIR and would continue to remain applicable if the proposed project were approved. As identified in Section 3.7, Project Environmental Protection Measures, the applicant has committed to implement environmental protection measure EPM NOI-1, which would ensure the proposed project's compliance with the requirements of the adopted LUTE mitigation measure cited below.

Mitigation Measure MM 3.6.3

The following will be included as a policy or implementation measure to the Safety and Noise Chapter of the General Plan:

- New development and public projects shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City. Measures specified in the Noise Control Plan and implemented during construction shall include, at a minimum, the following noise control strategies:
  - Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds;
  - Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
  - Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
  - Noise and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures). These techniques shall include:
    - Installing intake and exhaust mufflers on pile-driving equipment;
    - Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible;
    - Implementing "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
    - Use cushion blocks to dampen impact noise, if feasible based on soil conditions. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and
    - At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities.

Conclusion

No new circumstances or project changes have occurred, nor has any substantially important new information been found requiring new analysis or verification. Therefore, with the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. In addition, as identified in Section 3.7, Project Environmental Protection Measures, the applicant has committed to implement the environmental protection measure EPM NOI-1, which ensures the proposed project's compliance with the requirements of the LUTE that address construction noise. The conclusions of the LUTE EIR regarding noise and vibration remain valid and no further analysis is required.

5.14 POPULATION AND HOUSING

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
14. Population and Housing. Would the project:						
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Draft EIR Setting pp. 3.2-1 to 3.2-3 Impacts 3.2.1 and 3.2.3	No	No	No	No	NA, impacts would remain less than significant
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	Draft EIR Setting pp. 3.2-1 to 3.2-3 Impacts 3.2.2 and 3.2.4	No	No	No	No	NA, impacts would remain less than significant.

5.14.1 Discussion

No substantial change in the regulatory setting related to population and housing, described in LUTE Draft EIR Section 3.2, "Population, Housing, and Employment," has occurred since certification of the LUTE EIR.

As described in the project description, the proposed project is consistent with the LUTE and would contribute to the anticipated employment growth expected under the LUTE.

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

LUTE Draft EIR Impact 3.2.1 evaluated whether new development in Sunnyvale would induce new growth under the LUTE. The analysis noted that the number of additional jobs that would be generated by the LUTE would be within the overall employment growth projections identified by the Association of Bay Area Governments. The LUTE does not propose any new housing and would not directly induce population growth in the area under project or cumulative (Impact 3.2.3) conditions.

The applicant proposes a mixed-use project with residential and commercial uses consistent with the LUTE. The project would provide housing to accommodate existing growth in the city and the jobs generated by the commercial use, but these jobs would replace the jobs currently generated by the existing commercial uses on the site.

The proposed project is consistent with the land use designations and anticipated employment growth set forth in the LUTE. Therefore, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to population growth remain valid and no further analysis is required.

b) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

As described in Impact 3.2.2 of the LUTE Draft EIR, the intent of the LUTE is to accommodate anticipated growth through a compact urban form that seeks to make efficient use of existing infrastructure and public services, thus minimizing the need for new or significantly expanded infrastructure that could be the impetus for the removal of housing units and/or businesses. Because most of Sunnyvale has been developed with urban uses, the LUTE focuses on redeveloping existing properties. It is not expected that residential uses would convert to nonresidential uses. The LUTE EIR concludes that impacts related to displacement of people are less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.2.4).

The project site does not include any existing housing and the project would have no impact related to the displacement of housing or people. However, the proposed project would provide housing to accommodate growth in the city. Therefore, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to displacement remain valid and no further analysis is required.

Mitigation Measures

No significant population and housing impacts were identified in the LUTE EIR, and no mitigation measures were required.

Conclusion

No new circumstances or project changes have occurred, nor has any new information been found requiring new analysis or verification. Therefore, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR pertaining to population and housing remain valid and no further analysis is required.

5.15 PUBLIC SERVICES

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
15. Public Services.						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any public services:						
i) Fire protection?	Draft EIR Setting pp. 4.0-1 – 4.0-3 Impacts 4.1.1 and 4.1.2	No	No	No	No	NA, impact remains less than significant
ii) Police protection?	Draft EIR Setting pp. 4.0-6 Impacts 4.2.1 and 4.2.2	No	No	No	No	NA, impact remains less than significant
iii) Schools?	Draft EIR Setting pp. 4.0-9 – 4.0-10 Impacts 4.3.1 and 4.3.2	No	No	No	No	NA, impact remains less than significant
iv) Parks?	Draft EIR Setting pp. 4.0-15 Impact 4.4.1 and 4.4.2	No	No	No	No	NA, impact remains less than significant

5.15.1 Discussion

No substantial change in the regulatory settings related to public services, described in LUTE Draft EIR Chapter 4, "Public Services," has occurred since certification of the LUTE EIR.

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?

Impact 4.1.1 in the LUTE Draft EIR evaluated whether implementation of the LUTE would increase the demand for fire protection and emergency medical services. The analysis noted that it is anticipated that population and employment growth resulting from implementation of the LUTE would increase the demand for fire protection services. The LUTE includes Policy 104 that provides general direction regarding how public services should be provided. The Sunnyvale General Plan contains fire protection policies that address maintaining timely response to emergencies and ensuring adequate equipment and facilities are maintained (Policies SN-3.1 and SN-5.1). Additionally, Impact 4.1.2 notes that development under the LUTE would be subject to developer fees, which would provide sufficient resources to serve the projected needs of the Sunnyvale Department of Public Safety Bureau of Fire Services (Fire Bureau) under cumulative conditions. Implementation of the LUTE would result in a less-than-significant impact under project conditions and a less than cumulatively considerable impact under cumulative conditions (Impact 4.1.2).

The proposed project would be required to meet all City requirements regarding fire protection and public safety, including fire access. The project would redevelop an existing commercial site to a mixed-use development that would add residential uses. The proposed project could result in a net increase in demand for fire protection and emergency medical services; however, this increase is within the increase contemplated by the LUTE. In addition, consistent with the LUTE, the project applicant will be required to pay developer fees to provide sufficient resources to serve the City. The project would not trigger the need to construct new fire facilities that could result in physical environmental impacts. Thus, with the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR pertaining to fire protection services remain valid and no further analysis is required.

Police protection?

Impact 4.2.1 in the LUTE Draft EIR evaluated whether implementation of the LUTE would increase the demand for law enforcement services. The analysis noted that it is anticipated that population, the number of housing units, and the increase in employment resulting from implementation of the LUTE would increase the demand for law enforcement services. The LUTE includes Policy LT-14.9 that provides general direction regarding how public services should be provided. The Sunnyvale General Plan contains Policy SN-3.1 that addresses maintaining timely response to emergencies. Implementation of the LUTE would result in a less-than-significant impact under project conditions and a less than cumulatively considerable impact under cumulative conditions (Impact 4.2.2)

The proposed project would redevelop an existing commercial site to a mixed-use development that would add residential uses. It would result in a net increase in demand for law enforcement services; however, this increase is within the increase contemplated by the LUTE. In addition, consistent with the LUTE, the project applicant will be required to pay developer fees to provide sufficient resources to serve the City. The project would not trigger the need to construct new law enforcement facilities that could result in physical environmental impacts. With the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR pertaining to law enforcement services remain valid and no further analysis is required.

Schools?

Impact 4.3.1 in the LUTE Draft EIR evaluated whether implementation of the LUTE would increase population in the local school districts' service areas, which would subsequently increase student enrollment in local schools. Subsequent development under the Draft LUTE, including residential and commercial development, would be subject to school facility fees to pay for additional school facility needs. With payment of school facility fees, the impact from buildout of the LUTE would be less than significant under project conditions and less then cumulatively considerable under cumulative conditions (Impact 4.3.2).

The proposed project would redevelop an existing commercial site to a mixed-use development that would add residential uses. In accordance with the LUTE, the project applicant is required to pay school facility fees to ensure that impacts would be less than significant. The project would not trigger the need to construct school facilities that could result in physical environmental impacts. Thus, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR pertaining to schools remain valid and no further analysis is required.

Parks?

See discussion under item b) in Section 5.16, Recreation.

Mitigation Measures

No mitigation measures were required for the certified LUTE EIR regarding public services. No additional mitigation measures are required for the project.

Conclusion

With the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR pertaining to public services remain valid and no further analysis is required.

5.16 RECREATION

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
16. Recreation.						
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Draft EIR Setting p. 4.0-15 and 4.0-16 Impacts 4.4.1 and 4.4.2	No	No	No	No	NA, impact remains less than significant
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Draft EIR Setting p. 4.0-15 and 4.0-16 Impacts 4.4.1 and 4.4.2	No	No	No	No	NA, impact remains less than significant

5.16.1 Discussion

No substantial change in the regulatory settings related to recreation, described in LUTE Draft EIR Chapter 4, "Public Services," has occurred since certification of the LUTE EIR.

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

See discussion under item b) below.

b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Impact 4.4.1 of the LUTE Draft EIR evaluated whether the increase in employees and residents from implementation of the LUTE would increase demand for public parks. Per the City's Municipal Code, new residential development would also be required to dedicate land, pay a fee in lieu thereof, or both, for park or recreational purposes at a ratio of 5 acres per 1,000 residents. These fees may be used to upgrade existing park facilities. The LUTE Draft EIR also programmatically evaluated the environmental impacts of upgrading existing parks and the development of new park facilities as part of the overall development analyzed in the EIR (LUTE Draft EIR page 4.0-17). Therefore, the impact conclusions in the LUTE EIR capture the impacts from construction of new parks and recreational facilities. The LUTE EIR concludes that the LUTE's impact on recreational facilities and parks would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 4.4.2).

The proposed project would redevelop an existing commercial site to a mixed-use development that would add residential uses that would create additional park and recreation demands. Per the City's Municipal Code, the project applicant would be required to pay a fee for park or recreation purposes associated with the increase in population. Therefore, with the payment of the necessary fees, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than

discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to recreation remain valid and no further analysis is required.

Mitigation Measures

No mitigation measures pertaining to parks and recreational facilities were identified in the certified LUTE EIR regarding recreation, and no additional mitigation measures are required for the project.

Conclusion

The proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR pertaining to recreation remain valid and no further analysis is required.

5.17 TRANSPORTATION/TRAFFIC

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
17. Transportation/Traffic. Would the project:						
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	Transit: Draft EIR Setting pp. 3.4-34 to 3.4-40 Impacts 3.4.1 and 3.4.2 Bicycle: Draft EIR Setting pp. 3.4-33 Impact 3.4.3 Pedestrian: Draft EIR Setting pp. 3.4-33 Impact 3.4.4	No	No	No	No	NA, impact remains less than significant and significant and unavoidable for impacts to transit travel times.
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	Draft EIR Setting pp. 3.4-47 to 3.4-48 No impact conclusion	No	No	No	No	NA
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Draft EIR Setting pp. 3.4-1 to 3.4-45 Impact 3.4.5	No	No	No	No	NA, impact remains less than significant
d) Result in inadequate emergency access?	Draft EIR Setting pp. 3.4-1 to 3.4-45 Impact 3.4.6	No	No	No	No	NA, impact remains less than significant

5.17.1 Discussion

Pursuant to SB 743, Public Resources Code (PRC) Section 21099, and California Code of Regulations Section 15064.3(a), generally, vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts and a project's effect on automobile delay no longer constitutes a significant impact under CEQA. Additionally, on June 30, 2020, the Sunnyvale City Council adopted a resolution and Council Policy (Policy 1.2.8, Transportation Analysis Policy) establishing VMT as the primary threshold of significance for analysis of transportation impacts under CEQA. Policy 1.2.8 notes that the City will retain LOS as an operational measurement of intersection efficiency but reiterates that a project's effect on LOS (i.e., automobile delay) is no longer considered an environmental impact under CEQA. The LUTE EIR was completed prior to these changes to CEQA and City Council Policy 1.2.8.

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Potential conflicts with public transit, bicycle, and pedestrian facilities and uses are addressed in Impacts 3.4.1 and 3.4.2 (public transit), 3.4.3 (bicycle facilities), and 3.4.4 (pedestrian facilities) of the LUTE EIR.

Public Transit

As identified in Impacts 3.4.1 and 3.4.2 of the LUTE Draft EIR, the LUTE would increase the demand for transit and transit travel times would be adversely impacted due to the degradation of LOS associated with implementation of the LUTE. Impact 3.4.1 pertaining to the increased demand for transit was determined to be less than significant; however, Impact 3.4.2 concluded that impacts related to transit travel times would be significant and unavoidable with implementation of all feasible mitigation measures.

The proposed project would redevelop an existing commercial site to a mixed-use development that would add residential uses. The project site is located within a designated Village Center and that is adjacent to two bus stops. The proposed project would bring transit users to the site, which meets the goals of a transit priority area. Therefore, transit capacity and transit travel times would not be adversely affected. Finally, the project would not obstruct any transit routes or facilities by intervening structures/development.

Therefore, the proposed project would not disrupt existing or planned transit services or facilities, nor would it create inconsistencies with any adopted programs, plans, ordinances, or policies related to transit. Thus, no new significant impacts or substantially more severe impacts would occur. The findings of the certified LUTE EIR remain valid and no further analysis is required.

Bicycle and Pedestrian

As identified in Impact 3.4.3 of the LUTE Draft EIR, the LUTE includes policies and actions including improving bicycle facilities as part of transportation improvement projects, providing linkages to all modes of travel, and implementing a citywide bike plan to improve bicycle access. Impact 3.4.3 related to bicycle facilities was determined to be less than significant. As identified in Impact 3.4.4 of the LUTE Draft EIR, the LUTE includes policies and actions including closing existing sidewalk gaps, building new pedestrian connections, enhancing pedestrian intersection crossings, and enhancing pedestrian comfort level on sidewalks. Impact 3.4.4 related to pedestrian facilities was determined to be less than significant.

The proposed project would provide connection to existing bicycle and pedestrian facilities along E. Fremont Avenue and Sunnyvale Saratoga Road within the designated Village Center. Due to the proposed and planned pedestrian and bicycle improvements and project consistency with LUTE policies, no new significant impacts or substantially more severe impacts would occur. The proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR remain valid and no further analysis is required.

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Introduction

The LUTE EIR concluded that impacts related to traffic operational impacts would be significant and unavoidable with implementation of all feasible mitigation measures. However, pursuant to SB 743, Public Resources Code (PRC) Section 21099, and California Code of Regulations Section 15064.3(a), generally, VMT is the most appropriate measure of transportation impacts and a project's effect on automobile delay no longer constitutes a significant impact under CEQA. Additionally, on June 30, 2020, the Sunnyvale City Council adopted a resolution and Council Policy (Policy 1.2.8, Transportation Analysis Policy) establishing VMT as the primary threshold of significance for analysis of transportation impacts under CEQA. Policy 1.2.8 notes that the City will retain LOS as an operational measurement of intersection efficiency but reiterates that a project's effect on LOS (i.e., automobile delay) is no

longer considered an environmental impact under CEQA. Therefore, the transportation analysis herein evaluates impacts using VMT and does not include LOS analysis.

VMT Methodology

The City of Sunnyvale has developed and adopted VMT guidelines and thresholds (i.e., Council Policy 1.2.8) to meet the state requirements set by SB 743 and to address CEQA Guidelines Section 15064.3. Therefore, the VMT analysis herein primarily relies on the guidance provided in Council Policy 1.2.8 and CEQA Guidelines Section 15064.3.

State CEQA Guidelines Section 15064.3(b) identifies four criteria for analyzing the transportation impacts of a project. To determine how the proposed project should be considered, the applicable criteria are discussed below.

Section 15064.3(b)(1) addresses land use projects. The proposed project would be considered a land use project. Section 15064.3(b)(1) describes that projects with specified proximity to "major" or "high-quality" transit should be presumed to cause a less than significant transportation impact. As defined in PRC Section 21064.3, a "major transit stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. PRC Section 21155(b) defines a high-quality transit corridor as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. Additionally, Section 15064.3(b)(1) describes that projects resulting in a decrease of VMT in the project area as compared to existing conditions should also be presumed to have a less-than-significant effect. Section 15064.3(b)(4), Methodology, explains that the lead agency (in this case, the City of Sunnyvale) has discretion to choose the most appropriate methodology to evaluate VMT subject to other applicable standards, such as CEQA Guidelines Section 15151 (standards of adequacy for EIR analyses).

Sunnyvale Council Policy 1.2.8 defines the requirements for VMT analysis by project type, the criteria under which projects are presumed to result in a less-than-significant VMT impact and are not required to analyze it, and the thresholds of significance for determining VMT-based transportation impacts under CEQA. As detailed in Council Policy 1.2.8, a set of criteria is set forth under which conforming projects are assumed to be exempt from preparing a detailed VMT analysis. By virtue of conforming to the exemption criteria, a project would further the City's goals and policies and would be presumed to result in a less-than-significant impact to VMT.

As detailed in State CEQA Guidelines Section 15064.3(b)(1) and Section 2, Exemptions, of Council Policy 1.2.8, small infill projects (i.e., projects generating 110 daily trips or less) should generally be presumed to cause a less-than-significant transportation impact.

Additionally, this exemption criterion is generally consistent with the guidance in the OPR Technical Advisory on Evaluating Transportation Impacts, which states that projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.

Analysis

The LUTE EIR did not include an impact analysis or significance determination related to VMT, as it was not required under CEQA at the time. However, the LUTE EIR did disclose the results of a VMT assessment, which determined that implementation of the LUTE would result in a net increase in total VMT as compared to existing conditions and the 2035 no-project scenario, but a lower countywide VMT per capita as compared to the countywide existing and 2035 no-project scenarios.

The proposed project is anticipated to generate a net decrease of 315 daily trips. According to the City of Sunnyvale Transportation Analysis Guidelines for Vehicle Miles Traveled and Local Transportation Analysis, the project site is located in a VMT area below the 15 percent threshold for residential uses (Appendix B) and is within a high-quality transit corridor (Appendix D) and is exempt from further analysis.

For the reasons detailed above, the proposed project would conform to the criteria set forth in Council Policy 1.2.8 for the presumption of a less-than-significant VMT impact for small infill projects. Thus, no new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified LUTE EIR remain valid and no further analysis is required.

c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

As identified in Impact 3.4.5 in the LUTE Draft EIR, the LUTE incorporates a "complete streets" approach for circulation planning that accommodates all travel modes. Complete streets are designed and operated to enable safe and convenient access for all users, including pedestrians, bicyclists, and motorists. Additionally, as detailed in Impact 3.4.5, the anticipated circulation improvements in the LUTE would help reduce the potential for pedestrian/bicycle and vehicle conflicts, and all roadway and pedestrian/bicycle facilities would be designed in accordance with City standards. Impact 3.4.5 related to transportation hazards was determined to be less than significant.

Access improvements associated with the proposed project would be constructed in accordance with applicable City of Sunnyvale design and safety standards. Additionally, the project is subject to the City's review process, which would ensure that adequate sight distance would be provided at all access points. The project does not propose incompatible uses and services that are inconsistent with the surrounding uses. Therefore, with application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR remain valid and no further analysis is required.

d) Result in inadequate emergency access?

As identified in Impact 3.4.6 in the LUTE Draft EIR, the LUTE incorporates a "complete streets" approach for circulation planning that accommodates all travel modes. Complete streets are designed and operated to enable safe and convenient access for all users, including pedestrians, bicyclists, and motorists. Additionally, all improvements associated with the LUTE would be required to meet City of Sunnyvale roadway design standards. Impact 3.4.6 related to emergency access was determined to be less than significant.

Emergency access would be subject to review by the City of Sunnyvale and responsible emergency service agencies, thus ensuring the project would be designed to meet all City emergency access and design standards. Therefore, adequate emergency access would be provided, and no new significant impacts or substantially more severe impacts would occur. The project does not propose altering any existing or planned emergency access route. Therefore, with application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR remain valid and no further analysis is required.

Mitigation Measures

LUTE EIR Mitigation Measures MM 3.4.7a and 3.4.7b are directed at the City to update its transportation impact fee program to incorporate additional transportation improvements; the measures are not applicable to the proposed project. No additional mitigation measures are required for the project.

Conclusion

With application of generally uniformly applied development policies and standards, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR pertaining to transportation and traffic remain valid.

5.18 TRIBAL CULTURAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
18. Tribal Cultural Resources. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:						
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	Draft EIR Setting pp. 3.10-1 to 3.10-11 Impacts 3.10.1 and 3.10.3	No	No	No	No	NA. No project impact would occur because none buildings impacted by the project are considered historic. No tribal cultural resources have been identified in the site.
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Draft EIR Setting pp. 3.10-1 to 3.10-11 Impacts 3.10.2 and 3.10.3	No	No	No	No	NA. No impact would occur because none buildings impacted by the project are considered historic. No tribal cultural resources have been identified in the site.

5.18.1 Discussion

The applicant had a Cultural Resource Investigation prepared for the proposed project (PaleoWest 2020). The existing buildings at 102–126 E. Fremont Avenue were evaluated for historical significance by applying the criteria of the CRHR. It was determined that the existing buildings on the project site are not eligible for the CRHR under any criteria and are not considered a historical resource (PaleoWest 2020). The project area does not include any known archaeological resources or human remains, and the project site has a low to moderate potential for unrecorded historic-period archaeological resources (PaleoWest 2020).

As discussed on page 3.10-11 of the LUTE Draft EIR, the City initiated consultation with Native American tribes in 2010 with respect to the possible preservation of or the mitigation of LUTE impacts on Native American resources located within City jurisdiction. No requests from tribes for consultation under SB 18 were received by the City.

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

Impact 3.10.1 of the LUTE Draft EIR identified that Sunnyvale contains numerous buildings that have historical value associated with previous industrial and military-related industries and that subsequent actions under the LUTE have the potential to directly (i.e., demolition) or indirectly (i.e., adverse effects to historical setting from adjacent construction) impact historic buildings and structures that qualify as historic resources under CEQA. The Community

Character chapter of the Sunnyvale General Plan includes various policies addressing this issue. Policy CC-5.1 states that the City will preserve existing landmarks and cultural resources and their environmental settings, Policy CC-5.3 seeks to identify and work to resolve conflicts between the preservation of historic resources and alternative land uses, and Policy CC-5.4 states that the City will seek out, catalog, and evaluate heritage resources that may be significant. The LUTE EIR concluded that implementation of the LUTE would result in significant and unavoidable impacts under project and cumulative (Impact 3.10.3) conditions.

The project site does not contain any known historic resources (PaleoWest 2020). Therefore, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding historical resources remain valid and no further analysis is required.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

LUTE Draft EIR Impact 3.10-2 concluded that implementation of Policy 10 Action 6 (now Policy LT-1.10f), cited below, would ensure that impacts to archaeological resources and human remains (in combination with Health and Safety Code Section 7050.5[b]) are reduced to a less-than-significant level under project and cumulative (Impact 3.10.3) conditions.

> LT-1.10f: Continue to condition projects to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered. Retain an archaeologist to determine the significance of the discovery. Mitigation of discovered significant cultural resources shall be consistent with Public Resources Code Section 21083.2 to ensure protection of the resource.

The project site does not include any known archaeological resources or human remains and the project applicant would be required to comply with General Plan Policy LT-1.10f as a condition of project approval. There are no anticipated tribal cultural resources that would not also be characterized as archaeological resources or human remains. Therefore, with the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR regarding archaeological resources remain valid and no further analysis is required.

Mitigation Measures

No mitigation measures pertaining to tribal cultural resources were identified in the certified LUTE EIR, and no additional mitigation measures are required for the project.

Conclusion

With the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR regarding tribal cultural resources remain valid and no further analysis is required.

5.19 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
19. Utilities and Service Systems. Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Draft EIR Setting pp. 3.11-17 to 3.11-19 Impacts 3.11.2.1 and 3.11.2.3	No	No	No	No	NA, impact remains less than significant.
b) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Water and wastewater: Draft EIR Setting pp. 3.11-1 to 3.11-9 and 3.11-17 to 3.11-19 Impacts 3.11.1.2 and 3.11.2.2 Electric power, natural gas, or telecommunications facilities: Draft EIR Setting pp. 3.11-30 to 3.11-31 Impact 3.11.4.1	No No	No No	No No	No No	Water and wastewater: NA, impact remains less than significant Electric power, natural gas, or telecommunications facilities: NA, impact remains less than significant
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Draft EIR Setting pp. 3.8-1 to 3.8-3 Impacts 3.8.1 and 3.8.4	No	No	No	No	NA, impact remains less than significant
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needs?	Draft EIR Setting pp. 3.11-1 to 3.11-9 Impacts 3.11.1.1 and 3.11.1.3	No	No	No	No	NA, impact remains less than significant
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Draft EIR Setting pp. 3.11-17 to 3.11-19 Impacts 3.11.2.2 and 3.11.2.3	No	No	No	No	NA, impact remains less than significant
f) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Draft EIR Setting pp. 3.11-24 Impacts 3.11.3.1 and 3.11.3.3	No	No	No	No	NA, impact remains less than significant

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
19. Utilities and Service Systems. Would the project:						
g. Comply with federal, state, and local statutes and regulations related to solid waste?	Draft EIR Setting pp. 3.11-24 Impacts 3.11.3.2 and 3.11.3.3	No	No	No	No	NA, impact remains less than significant

5.19.1 Discussion

A water supply assessment (WSA) was prepared that addressed the LUTE as well as the Peery Park Specific Plan and the Lawrence Station Area Plan in accordance with state water planning law. The information about existing and planned supplies, historic and future demand, and supply reliability presented in Section 3.11.1, Water Supply and Service, of the LUTE Draft EIR is taken from the WSA.

Since completion of the WSA, the City adopted a 2015 Urban Water Management Plan (UWMP) that is not reflected in the WSA. While there is some variation in the estimates for water demand and supply between the WSA and the 2015 UWMP, both documents conclude that there is adequate water supply for growth anticipated under the Draft LUTE under normal year and drought conditions. Thus, the 2015 UWMP does not substantially change water supply impact analysis provided in the LUTE Draft EIR.

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Impact 3.11.2.1 in the LUTE Draft EIR evaluated whether implementation of the LUTE would exceed wastewater treatment requirements of the San Francisco Bay RWQCB. The analysis noted that the increase in wastewater flows under the LUTE would be within the permitted design flow capacity of the Donald M. Sommers Water Pollution Control Plant and would be within the design flow capacity assumed in the Water Pollutant Control Plant Master Plan. The City would regulate any new industrial or commercial facilities through the pretreatment program. The analysis concluded that implementation of the LUTE would not exceed the requirements and the impact would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.11.2.3).

Based on a Preliminary Sewer Study that was prepared for the proposed project, the existing uses on the project site generate 4,863.7 gallons per day of wastewater, while the proposed project would generate 4,725 gallons per day, which is a decrease of 138.7 gallons per day (Wood Rodgers 2020a). Therefore, the project would not result in an increase in the generation of wastewater flows. Thus, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to wastewater treatment remain valid and no further analysis is required.

b) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water and wastewater

Impacts 3.11.1.2 and 3.11.2.2 in the LUTE Draft EIR evaluated whether implementation of the LUTE would require the construction of new or expanded water and wastewater infrastructure and treatment facilities. The analysis identified that the City's wastewater collection system has the capacity to convey sewage and industrial wastes generated when Sunnyvale is fully developed in accordance with the city's development potential (with an approximately 55.7 million gallons per day [mgd] collection capacity). The City's Wastewater Collection System Master Plan, Water Master Plan, and Capital Improvement Program identify the conveyance improvement projects including improvements to lift stations, pump stations 1 and 2, and pipeline improvements. Wastewater treatment capacity is addressed under item a) above. The LUTE EIR concludes that impacts related to construction of wastewater treatment facilities would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.11.2.2).

The project site is within the development scope of the LUTE. Based on a Preliminary Sewer Study that was prepared for the proposed project, the existing uses on the project site generate 4,863.7 gallons per day of wastewater and the proposed project would generate 4,725 gallons per day, which is decrease of 138.7 gallons per day (Wood Rodgers 2020a). Therefore, the proposed project would not result in an increase in the generation of wastewater flows. In addition, the project applicant obtained a will-serve letter from California Water Service (Cal Water) on November 11, 2021, which confirms that Cal Water would provide potable water service to the proposed project, and no facilities outside of the project site require improvements at this time. In addition, landscape water would comply with City and state low-water-use requirements. Therefore, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to the construction or expansion wastewater treatment facilities remain valid and no further analysis is required.

Electric power, natural gas, and telecommunications facilities

See Section 5.6, Energy, item b) regarding energy use. The project would connect to existing electrical, natural gas, and telecommunication infrastructure adjacent to the project site. The project is not expected to require offsite improvements to these facilities that could create environmental impacts.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

LUTE Draft EIR Impact 3.8.1 evaluated whether buildout under the LUTE would increase impervious surfaces and as a result, alter drainage patterns and increase drainage rates and runoff over existing conditions. The analysis noted that the amount and type of runoff generated by various projects under the LUTE would be greater than that under existing conditions due to increases in impervious surfaces. These impacts would be reduced through compliance with existing regulatory programs, including Sunnyvale Municipal Code Chapter 12.60 and the City's Urban Runoff Management Plan. Implementation of the LUTE would result in a less-than-significant impact under project conditions and would be less than cumulatively considerable under cumulative conditions (Impact 3.8.4).

The proposed project is consistent with development assumptions analyzed in the LUTE Draft EIR. The project is required to adhere to applicable regulatory programs. Project design plans include drainage water quality control features for the site (Project Plan Set Sheet TM10) and reduce impervious surface area. Therefore, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR,

and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to the construction or expansion of storm water drainage facilities remain valid and no further analysis is required.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

As described in Impacts 3.11.1.1 and 3.11.1.3 in the LUTE Draft EIR, cumulative development in Sunnyvale would result in a net additional water demand of 2,274 acre-feet per year. The LUTE WSA identified that there is adequate water supply available to meet buildout of the city in year 2035 under normal, single-dry, and multiple-dry years. This impact was identified as less than significant under project and cumulative conditions.

The proposed project is consistent with LUTE land use designations and development intensities that were utilized in the WSA. As noted above, the City adopted a 2015 Urban Water Management Plan that is not reflected in the WSA, but both documents conclude that there is adequate water supply for growth anticipated under the LUTE under normal and drought conditions. Therefore, the 2015 UWMP does not substantially change the water supply impact analysis in the LUTE EIR. In addition, the project applicant obtained a will-serve letter from California Water Service on November 11, 2021, which confirms that Cal Water would provide potable water service to the proposed project, and no facilities outside of the project site require improvements at this time. Thus, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to water supplies remain valid and no further analysis is required.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

Impact 3.11.2 in the LUTE Draft EIR evaluated whether implementation of the LUTE would require the construction of new or expanded wastewater infrastructure and treatment facilities. The analysis identified that the City's wastewater collection system has the capacity to convey sewage and industrial wastes generated when Sunnyvale is fully developed in accordance with the LUTE's development potential (with an approximately 55.7 mgd collection capacity). The City's Wastewater Collection System Master Plan and Capital Improvement Program identify the conveyance improvements projects including improvements to lift stations, pump stations 1 and 2, and pipeline improvements. Wastewater treatment capacity is addressed under item a) above. This impact was identified as less than significant under project and cumulative (Impact 3.11.2.3) conditions.

The proposed project is consistent with LUTE land use designations and development intensities that were utilized in the LUTE EIR wastewater impact analysis. Based on a Preliminary Sewer Study prepared for the proposed project, the existing uses on the project site generate 4,863.7 gallons per day of wastewater and the proposed project would generate 4,725 gallons per day, which is decrease of 138.7 gallons per day (Wood Rodgers 2020a). Therefore, the proposed project would not result in the increased generation of wastewater flows. No impact would occur and the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to wastewater treatment capacity remain valid and no further analysis is required.

f) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

As identified in Impacts 3.11.3.1 and 3.11.3.3 of the LUTE Draft EIR, Sunnyvale would generate approximately 54,020 tons annually of solid waste at buildout. The LUTE Draft EIR identified that there is available combined remaining capacity of 32.8 million tons at three local landfills. This includes the Waste Management–owned Guadalupe Landfill,

which has 11,055,000 tons of remaining capacity. By 2035, approximately 412,979 pounds (206.49 tons) of solid waste would be generated per day in Sunnyvale (including the LUTE, Peery Park Specific Plan, and Lawrence Station Area Plan). This amount of waste represents approximately 12.6 percent of the permitted daily throughput of the Kirby Canyon Landfill or 5.9 percent of the throughput at the Monterey Peninsula Landfill. This impact was identified as less than significant under project and cumulative conditions.

The proposed project's contribution to solid waste generation were factored in the LUTE EIR given that the project's land use and intensities are consistent with the LUTE. Therefore, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to landfill capacity remain valid and no further analysis is required.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

As discussed in Impact 3.11.3.2 of the LUTE Draft EIR, Sunnyvale had a waste diversion rate of 66 percent as of 2011, and under current methods for tracking progress with AB 939, the per capita disposal rates are less than the targets. The City has developed its new Zero Waste Strategic Plan, intended to identify the new policies, programs, and infrastructure that will enable the City to reach its Zero Waste goals of 75 percent diversion by 2020 and 90 percent diversion by 2030. Additionally, the City has committed to the waste reduction programs, plans, and policies that would apply to new development. Construction of subsequent projects under the LUTE that would result in demolition or renovation of existing structures would generate solid waste, and the City requires the recycling and reuse of materials to reduce landfill disposal. Therefore, implementation of the LUTE would not conflict with a federal, state, or local statute or regulation related to solid waste disposal. This impact would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.11.3.3).

The proposed project would not generate solid waste in excess of what was evaluated in the LUTE EIR and is required to comply with City solid waste reduction standards. Therefore, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to solid waste remain valid and no further analysis is required.

Mitigation Measures

No mitigation measures were identified for the certified LUTE EIR regarding utilities, nor are any additional mitigation measures required for the project.

Conclusion

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, with the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR pertaining to utilities and service systems remain valid and no further analysis is required.

5.20 WILDFIRE

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
20. Wildfire.						
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	Draft EIR Setting pp. 3.3-1 to 3.3-9 Impacts 3.3.5 and 3.3.6	No	No	No	No	NA, impacts would remain less than significant
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	Not addressed, criterion was not part of CEQA Appendix G when Final EIR was certified	NA	NA	NA	NA	NA, no impact would occur
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Not addressed, criterion was not part of CEQA Appendix G when Final EIR was certified	NA	NA	NA	NA	NA, no impact would occur.
e) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	Draft EIR Setting: p. 3.3-15 No impact	No	No	No	No	NA, no impact would occur.

5.20.1 Discussion

In the LUTE Draft EIR, wildfire was analyzed in Section 3.3, "Hazards and Human Health." As described on page 3.3-15 of the LUTE Draft EIR, No Fire Hazard Severity Zones, state responsibility areas, Very High Fire Hazard Severity Zones, or local responsibility areas are located in or adjacent to Sunnyvale. Given that the city is urbanized and not adjacent to large areas of open space or agricultural lands that are subject to wildland fire hazards, no impacts associated with exposure to wildland fire would occur.

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Refer to Section 5.9, Hazards and Hazardous Materials, item g).

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

As described on page 3.3-15 of the LUTE Draft EIR, No Fire Hazard Severity Zones, state responsibility areas, Very High Fire Hazard Severity Zones, or local responsibility areas are located in or adjacent to Sunnyvale. Given that the city is urbanized and not adjacent to large areas of open space or agricultural lands that are subject to wildland fire hazards, no impacts associated with exposure to wildland fire would occur.

The project site is surrounded by urbanized uses and would not be subject to wildland fire risks. No impact would occur. No changes to the location of the project have occurred and no changes to the risks from wildfires have occurred since approval of the LUTE. Therefore, no impact would occur.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Refer to item b) above.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Refer to Section 5.9, Hazards and Hazardous Materials, item h).

Mitigation Measures

No significant wildfire impacts were identified in the LUTE EIR, and no additional mitigation measures are required for this project.

Conclusion

With the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (3) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR related to impacts from wildfire remain valid and the project would not require additional CEQA analysis.

5.21 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Area	Where Impact Was Analyzed in LUTE Draft and Final EIR	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
21. Mandatory Findings of Significance.						
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	Draft EIR Sections 3.9, Biological Resources, and 3.10, Cultural Resources	No	No	No	No	Yes, but impact remains significant and unavoidable
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	Draft EIR Sections 3.1 through 3.13 and Sections 4.1 through 4.4	No	No	No	No	Yes, but impact remains significant and unavoidable
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Draft EIR Sections 3.3, Hazards and Human Health, 3.5, Air Quality, and 3.6, Noise	No	No	No	No	Yes, but impact remains significant and unavoidable

Conclusion

Since the LUTE Final EIR was certified, regulatory changes have occurred, as noted in the above checklist. However, these regulatory changes would not affect the analysis or conclusions in the LUTE EIR. Regarding the above-listed mandatory findings of significance, with the implementation of applicable mitigation measures and the application of uniformly applied development standards and policies, the proposed project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR.

All applicable mitigation measures in the LUTE EIR would continue to be implemented with the proposed project. Therefore, no new significant impacts would occur with implementation of the proposed project.

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