



## ADDENDUM TO THE 1999 ARQUES CAMPUS SPECIFIC PLAN EIR

# Phase 1 Project



Prepared for:



City of Sunnyvale

April 2024

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Sunnyvale

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## LIST OF ABBREVIATIONS

°C	degrees Celsius
µg/m <sup>3</sup>	micrograms per cubic meter
AB	Assembly Bill
ABAG	Association of Bay Area Governments
afy	acre feet per year
BAAQMD	Bay Area Air Quality Management District
BayREN	Bay Area Regional Energy Network
BMP	best management practices
CAAQS	California ambient air quality standards
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CARB	California Air Resources Board
CBC	California Building Code
CEQA	California Environmental Quality Act
CLUP	Comprehensive Land Use Plan
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
dBA	A-weighted decibels
diesel PM	diesel particulate matter
EIR	environmental impact report
EMF	Electric and magnetic fields
ESA	environmental site assessments
EV	electric vehicle
EO	Executive Order
FAR	floor area ratio
GHG	greenhouse gas
gpd	gallons per day
gpd/ksf	gpd per 1,000 square feet
gsf	gross square feet
HRA	Health Risk Assessment
km	kilometers
lb/day	pounds per day
LID	low impact design
LOS	level of service
LUST	leaking underground storage tank
LUTE	Land Use and Transportation Element
mg/m <sup>3</sup>	milligrams per cubic meter
mgd	million gallons per day
MRP	Municipal Regional Stormwater Permit

List of Abbreviations

MTCO <sub>2</sub> e	metric tons of carbon dioxide equivalent
NAAQS	National Ambient Air Quality Standards
NO <sub>x</sub>	nitrogen oxides
NWIC	Northwest Information Center
OPR	Governor's Office of Planning and Research
PCB	polychlorinated biphenyls
PCE	perchloroethylene
PG&E	Pacific Gas and Electric Company
PM <sub>10</sub>	respirable particulate matter with an aerodynamic diameter of 10 micrometers or less
PM <sub>2.5</sub>	fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less
ppb	parts per billion
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
PV	photovoltaic
R&D	research and development
REC	recognized environmental conditions
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
sf	gross square foot
SFBAAB	San Francisco Bay Area Air Basin
SMP	site management plan
SVCE	Silicon Valley Clean Energy
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TCE	tetrachloroethylene
TDM	transportation demand management
VMT	vehicle miles traveled
VOC	volatile organic compounds
WPCP	Water Pollution Control Plant
WSA	water supply assessment

# 1 INTRODUCTION AND PROJECT HISTORY

The City of Sunnyvale's Arques Campus Specific Plan comprises the approximately 35.46-acre Applied Materials Campus site located at 974 East Arques Avenue (Assessor's Parcels 205-36-006, 205-36-007, and 205-36-008), one-quarter mile west of Lawrence Expressway, east of downtown Sunnyvale, immediately north of Central Expressway, and south of U.S. 101.

Applied Materials supplies wafer fabrication systems, processes, and services to the semiconductor industry. It researches and develops future chip-making technologies to support high-volume semiconductor manufacturing. The Arques Campus is home to multiple Applied Materials' product business groups. Applied Materials' Etch Division, for example, develops refined and new tools for wafer fabrication (City of Sunnyvale 1999).

In June 1999, City Council certified an EIR (State Clearinghouse No. 1998092072) for the Arques Campus Specific Plan (herein referred to as the 1999 Arques Draft EIR), which evaluated the environmental impacts associated with increasing the building floor area on site from about 521,000 gross square feet (gsf) to about 1,114,600 gsf. This plan included new space for offices, research, prototype labs, tool testing and demonstrations, a larger cafeteria, a larger recreation center, a conference center, and training rooms. Buildout of the site involved demolishing all or part of at least two of the six existing buildings on site and constructing at least four new buildings, including two new office/prototype lab buildings, a parking garage, and installation of landscaping features and utility improvements (City of Sunnyvale 1999). None of the plan's proposed new buildings were built, nor were any existing buildings demolished in support of the new buildings contained in the plan.

On April 11, 2017, the City Council certified an Environmental Impact Report (State Clearinghouse No. 2012032003) for an update of the General Plan Land Use and Transportation Element (LUTE Update EIR) that included the area covered by the Arques Campus Specific Plan.

The LUTE Update EIR and the 1999 Arques EIR are the program "first-tier" level of environmental review consistent with the requirements of the California Environmental Quality Act (CEQA) Sections 15152, 15168, and 15183. The program-level analysis considered the broad environmental impacts of the overall Arques Campus Specific Plan and acknowledged that subsequent development of the area would occur in multiple years and phases. While this document contemplates an addendum to the 1999 Arques EIR, it also considers the environmental impact analysis, mitigation measures, and performance standards adopted as part of the LUTE Update EIR, which have been incorporated into the City's General Plan as well as its associated implementation measures. Thus, this document evaluates the consistency of the project with the 1999 Arques EIR and the LUTE Update EIR to determine the need for additional environmental review (CEQA Guidelines Sections 15162 and 15164).

State CEQA Guidelines Section 15164(a) provides that "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Pursuant to Section 15162, a subsequent EIR is required if:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164(e) provides that "A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence."

Consistent with the process described, the City is evaluating the proposed buildup of the Arques Campus Specific Plan (known as Phase 1, herein referred to as the project) to determine what type of additional environmental review would be required. This analysis was conducted using an environmental checklist to determine whether any additional environmental review would be required for the City to consider adoption of the changes the Arques Campus Specific Plan. This analysis considers whether there are changes proposed in the previously reviewed and approved Arques Campus Specific Plan or changed environmental conditions that are of sufficient magnitude to result in new or substantially more severe environmental impacts, as compared to those considered in the 1999 Arques Draft EIR and the LUTE Update EIR, and whether there is new information of substantial importance showing that new or substantially more severe environmental impacts would occur compared to those evaluated in the 1999 Arques Draft EIR and the LUTE Update EIR.

## 2 PROJECT DESCRIPTION

### 2.1 PROJECT OVERVIEW

The project proposes a new 592,567 gross square foot (sf) research and development (R&D) building, a new parking structure, expansion of a PG&E substation, and landscaping (proposed project) within a developed portion of the City of Sunnyvale that would complete the buildup of the adopted 1999 Arques Campus Specific Plan (Figure 2-1). Demolition of four buildings (928 East Arques Avenue, 242 Commercial Street, 230 Commercial Street and 222 Commercial Street) would be necessary to accommodate the new parking structure; and demolition of the existing recreation center, surface parking lot with solar panel canopies, and the adjacent parking structure would be necessary to accommodate the proposed R&D building. The demolition of 930 East California Avenue would be necessary to accommodate the electrical substation and generator needed for the increased capacity to support the proposed project. Four existing industrial/office/R&D buildings would be retained in the project. Seven existing lots would be merged together to form a larger campus parcel, and one existing lot would remain.

### 2.2 PROJECT LOCATION

The project site is located within the City of Sunnyvale on eight parcels totaling approximately 1,986,122 square feet (sf) or 45.6 acres. It is bordered by East Arques Avenue to the north, commercial buildings to the east, Central Expressway to the south, and Commercial Street to the west (Figure 2-2). The project site is surrounded by industrial and commercial uses, including the City's corporation yard and landscaping company to the west, an office/R&D campus to the east, and office buildings to the north. Across Central Expressway to the south are industrial and office uses, and a private park for employees of an office campus nearby. The project site contains the Applied Materials Sunnyvale facility and the adjoining parcels to the west along Commercial Street. The project site is within the City's Arques Campus Specific Plan that was adopted in 1999. The specific plan was developed to accommodate expanded development on the Applied Materials Arques Campus.

Primary access to the site is from the site's northern perimeter along Arques Avenue, where there are two employee/service entrances and one visitor entrance. Additionally, there is an employee/service entrance at California Avenue that receives westbound traffic from Central Expressway. A private, internal loop road provides access through the campus to on-site parking areas and drop-off points. Pedestrian facilities include a network of walkways throughout the campus.

### 2.3 PROJECT OBJECTIVES

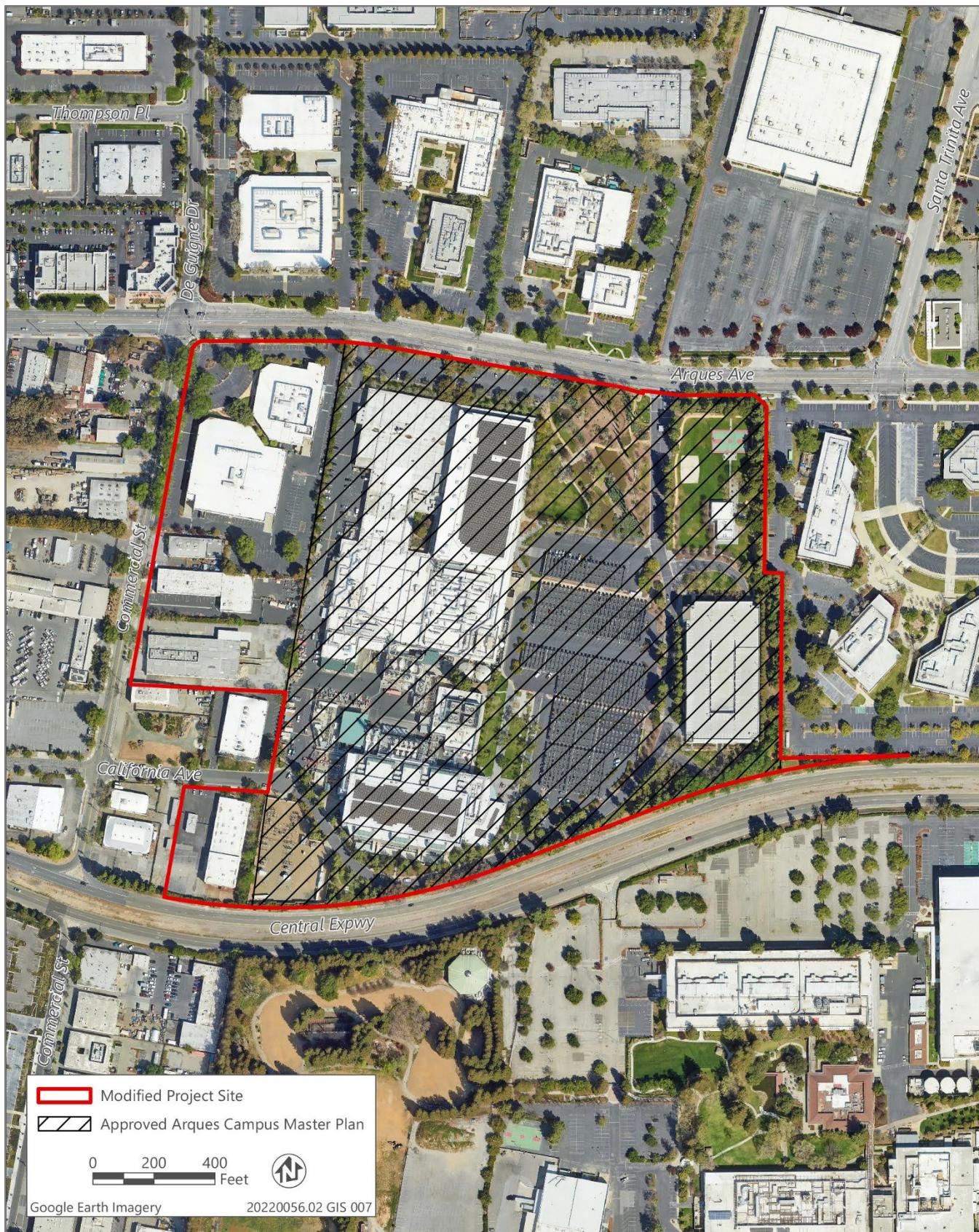
The City's vision for the Arques Campus Specific Plan is to facilitate Applied Materials' transformation of an older, traditional, light industrial cluster of buildings to a coordinated research and development campus for the semiconductor industry. Objectives identified for the Arques Campus Specific Plan and this project include:

1. Transforming a loose configuration of poorly organized work spaces, originally designed for light industrial use, into an integrated high-technology research and development campus that set a standard for design quality and workplace environment;
2. Facilitating the phased expansion of existing research and development operations to an ultimate size of approximately 1.1 million gross square feet of floor space;
3. Providing a state-of-the-art facility to attract and retain highly qualified personnel in the semiconductor industry;
4. Providing for increased employment activity in the proximity of regional vehicular and rail transportation corridors, but separated from residential neighborhoods;
5. Consolidating within a single-use campus workspaces that would otherwise be scattered throughout the community;
6. Optimizing site accessibility and minimizing project-related traffic on surrounding roadways in accordance with Valley Transportation Authority standards;



Source: adapted by Ascent in 2023.

Figure 2-1 Regional Location Map



Source: prepared by Ascent in 2023

**Figure 2-2** Phase 1 Project Site

7. Providing a self-mitigating specific plan, whereby any significant environmental impacts are minimized to the extent feasible;
8. Taking advantage of the size and configuration of the project site to provide on-site amenities (e.g., conference center, cafeteria, recreation center, central commons) not economically feasible for smaller, scattered facilities;
9. Providing adequate office, laboratory, and support space to house the anticipated 2,800 employees necessary to (a) support the growth in Applied Materials' business projected to occur within the next 5 to 10 years and (b) make full use of the tool testing and demonstration capacity that the Maydan Technology Center at 978 East Arques Avenue is designed to accommodate;
10. Providing the office, laboratory, and support space necessary to research, design, and develop equipment prototypes for testing and demonstration in the Maydan Technology Center;
11. Providing a campus anchor on Arques Avenue to provide a distinguishing presence on the east side of the City of Sunnyvale;
12. Implementing a design strategy that establishes a consistent architectural and landscape theme, tying the campus together in terms of both its internal relationships among facilities and its external compatibility with the surrounding community;
13. Maximizing open space by using structured parking and multistory buildings; and
14. Employing a phasing strategy with mitigation if necessary, whereby each increment of development maintains the coherence of the campus environment and functions on a standalone basis.

## 2.4 PROJECT COMPONENTS

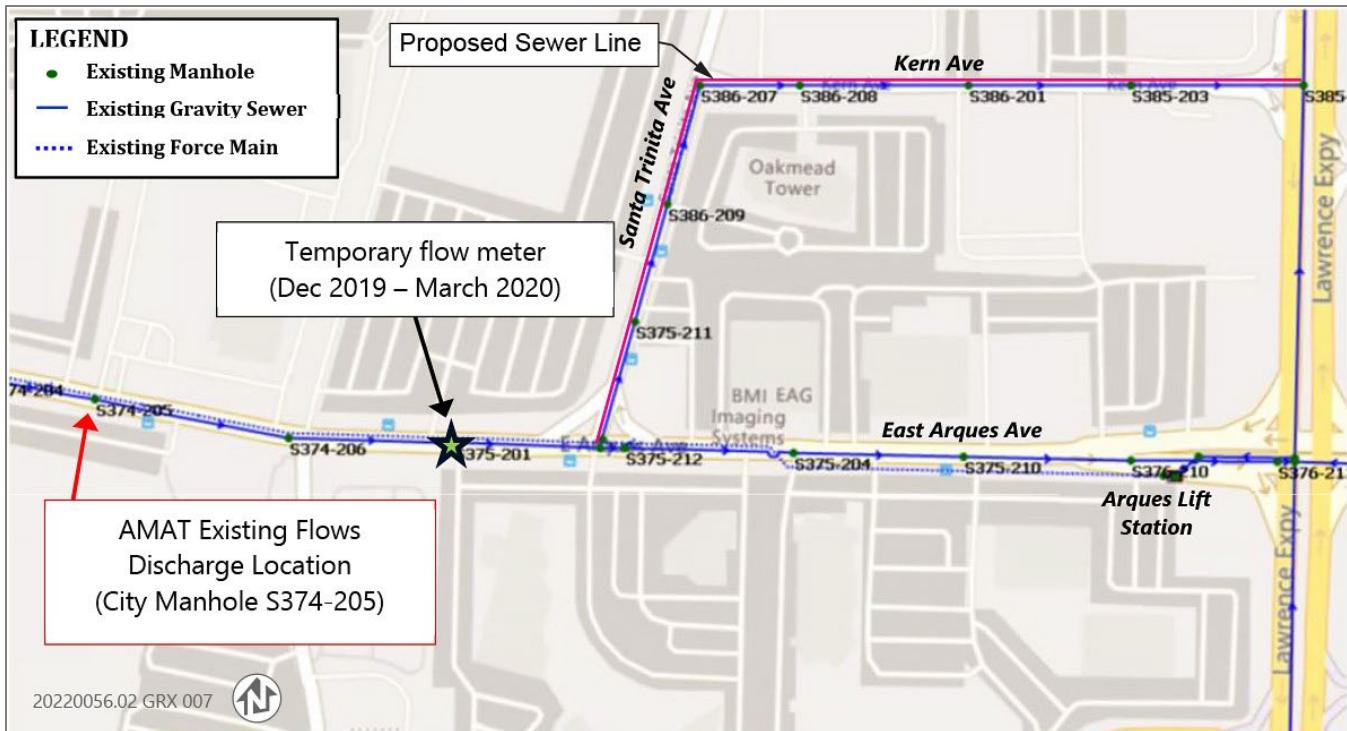
This following is a description of the proposed sewer modifications to serve buildout of the 1999 Arques Campus Specific Plan and the proposed research and development facility.

### 2.4.1 Modifications to the 1999 Arques Campus Specific Plan

At the time that the Arques Campus Specific Plan was developed, wastewater from the project site was conveyed in a 10-inch collector sewer main in Arques Avenue to the Arques Lift Station, which pumps out of the Lawrence Trunk sewer westward to the Borregas sewer main, and is ultimately treated at the City of Sunnyvale Water Pollution Control Plant (WPCP). Under the approved 1999 Arques Campus Specific Plan, the City acknowledged that the existing wastewater pipeline in Arques Avenue could not accommodate the flows associated with buildout of the Arques Campus Specific Plan.

The 1999 Arques Draft EIR indicated that the wastewater flow from the project would be 376,950 gallons per day (gpd) (City of Sunnyvale 1999: 3.6-3). Mitigation measures included regulation of industrial processes, collection system upgrades, and onsite retention. However, since certification of the 1999 Arques Draft EIR, updates to the City's Capacity Analysis model have occurred, and the estimated wastewater flow associated with the project is now approximately 1.9 million gallons per day (mgd). This increase in wastewater flow and associated increases in water demand are associated with the proposed expansion of site's chip-making technologies. While the existing 14-inch sewer line in East Arques Avenue has sufficient capacity for existing flows, it could not accommodate projected wastewater flows from the project.

To accommodate the increased flow estimates and flows projected by the updated modeling data, the project has been modified to include a new parallel sewer pipeline that would exit the project site at the northern edge of the project site, cross East Arques Avenue, and extend north along Santa Trinita Avenue and east along Kern Avenue (see Figure 2-3). The sewer pipeline would be approximately 2,100 feet long, and up to 20-inches in diameter and would be dedicated to conveying flows from the project.



Source: prepared by Ascent in 2023

**Figure 2-3** Phase 1 Project - Sewer Line Extension

The pipeline would be installed using an open-trench (i.e., cut and cover) method. A minimum construction corridor width of approximately one traffic lane would be needed to accommodate construction and materials storage, and to allow trucks and equipment access along the trench. Excavated materials would be hauled off-site. Construction of the sewer line would occur over a period of 12 months. After construction, the pipeline would be owned and maintained by the City and located within the public right-of-way.

In addition, the project includes work outside the boundary of the 1999 Arques Campus Specific Plan to the west to accommodate the proposed parking structure and substation extension. These project features are described in more detail below.

## 2.4.2 Proposed New Research and Development Facility

The project proposes a new three-story 592,567 sf research and development (R&D) building, a new seven-level parking structure, new surface parking areas, expansion of an electrical substation, and new landscaping within an existing developed portion of the City of Sunnyvale (see Figure 2-4). Demolition of four buildings (928 East Arques Avenue, 242 Commercial Street, 230 Commercial Street, and 222 Commercial Street) would be necessary to accommodate the new parking structure; and demolition of the existing recreation center, adjacent parking structure, and surface parking and photovoltaic (PV) array parking roof structure near Buildings 81 and 85 would be necessary to accommodate the proposed R&D building (Figure 2-5). The electrical substation located on East California Avenue near the corner of Central Expressway and Commercial Street would be upgraded to increase its capacity to support the proposed R&D building. The substation would be expanded onto the adjacent 930 East California Avenue site, resulting in demolition of the building onsite. Four existing industrial/office/R&D buildings would remain, including Building 81 (974 East Arques Avenue), Building 85 (Maydan Technology Center, 978 East Arques Avenue), a central utility plant, and 930 East Arques Avenue. Seven existing parcels would be merged to form one larger campus parcel, and the existing parcel at 222 Commercial Street would remain. An access easement at the 222 Commercial Street will allow for emergency and other vehicles to travel to the interior of the property from Commercial Street. A

temporary crane pad will be installed north of the proposed building. These project components are described in more detail below.

The proposed development is consistent with the development potential contemplated within the 1999 Arques Specific Plan. Approved development consists of new space for offices, research, prototype labs, tool testing and demonstrations, a larger cafeteria, a larger recreation center, conference center, and training rooms. Consistent with the approved Arques Campus Specific Plan, the project FAR would be 0.72, and would accommodate up to 2,800 employees and 280 daily visitors. Table 2-1 provides a summary of the existing development within the site, approved development under the 1999 Arques Specific Plan, and development under the proposed project. As discussed above, the approved Arques Campus Specific Plan proposed increasing the building floor area on site from about 521,000 gross square feet (gsf) to about 1,114,600 gsf. Development on the site could be up to 597,600 gsf, maximum, to meet the overall total floor area of 1,114,600 for the project site that was approved under the 1999 Arques Specific Plan.

**Table 2-1 1999 Arques Specific Plan Approved Demolition, Construction, and Buildout**

Use	Existing Program, prior to 1999 Arques SP adoption	Approved Development in 1999 Arques SP (gsf)	Proposed Area of Development for proposed Phase I project (gsf)
Administration/Research Office	290,000	399,400	290,000
Administration/Research Office – Partial Building 81 demolition	-	-47,000	-
Prototype Lab	126,700	215,000	126,700
Prototype Lab – Partial Building 81 demolition	-	-25,000	-
Tool Testing/Demonstration	67,000	-	67,000
Central Utility	17,000	-	17,000
Materials Storage	6,500	-	6,500
Cafeteria	9,800	20,000	9,800
Cafeteria – Partial Building 81 demolition	-	-9,800	-
Recreation Center	4,000	8,000	-
Recreation Center – Partial Building 81 demolition	-	-4,000	-
Conference Center	-	30,000	-
Training Room	-	7,000	-
Proposed Project (Lab, Lab support, and Central Utility)			597,600 maximum
Total Floor Area	521,000	593,600	1,114,600

Notes: GSF=gross square feet

Source: City of Sunnyvale 1999 and Appendix A.



Source: Image produced by RHAA Landscape Architecture in 2023, adapted by Ascent in 2024.

**Figure 2-4** Site Plan

City of Sunnyvale  
Addendum to the 1999 Arques Campus Specific Plan EIR





Source: Image produced and Provided by RMW Architects in 2023, adapted by Ascent in 2024.

**Figure 2-5** Buildings to Be Demolished

City of Sunnyvale  
Addendum to the 1999 Arques Campus Specific Plan EIR



## 2.5 CONSTRUCTION ACTIVITIES

Construction activities associated with the project would include demolition of seven occupiable structures on the site: 928 East Arques Avenue and adjoining surface parking area, 242 Commercial Street, 230 Commercial Street, 222 Commercial Street, 930 East California Avenue, the six-story parking structure at 1002 East Arques Avenue, surface parking and PV array parking roof structure near Buildings 81 and 85, and the existing recreation building and portion of its adjoining open space. After removal is complete, the project site would be graded to accommodate the proposed project features. The project would include excavation and removal of soil to approximately 10 feet below grade to support development of the proposed parking structure. North of the proposed building, a crane pad would be temporarily installed north of the proposed R&D building. Installation of the crane pad would require excavation of soil to 3 feet below grade and temporary installation of gravel fill. One well is present in the proposed crane pad area. Outflow from the well would be temporarily diverted during construction to a nearby storm drain. Upon completion of grading activities, the new utility infrastructure would be installed (water supply, wastewater, drainage facilities, electrical) followed by construction of the parking structure and new R&D building and their associated landscaping and surface parking areas.

Construction equipment would vary day-to-day depending on the activities occurring, but could involve operation of demolition equipment, graders, dozers, scrapers, other tractors, cranes, forklifts, generator sets, curb equipment, pavers, paving equipment, rollers, welders, air compressors, pier drilling equipment, hoe rams, and off hauling trucks. Construction would include connection to adjacent underground utilities and some sidewalk repairs. No pile driving is planned; however, jack hammering may occur during demolition. Concrete recycling is assumed to be an offsite activity.

Construction workers would access the site via Commercial Street for the new parking structure and from East Arques Avenue for the R&D building. Construction would include the use of excavated soil from within the project site as fill to raise building pad elevations (Table 2-2). Construction may also require the import of fill from off-site sources. A construction management plan will be required by the City. The City would review and approve construction truck routes. Construction staging for materials and equipment would occur on and off the project site, with occasional construction equipment access required from the adjacent parcel to the west.

A minimum of 65 percent of the non-hazardous construction waste materials would be recycled and/or salvaged for re-use. All noncontaminated trees, stumps, rocks, and associated vegetation and soils from land clearing would be reused or recycled.

## R&D BUILDING

The R&D Building would be developed on a merged lot area of 1,928,122-sf, zoned as Industrial and Service (M-S). Both the 1999 Arques Campus Specific Plan boundary and the scope of work area outside the specific plan boundary are zoned M-S. Current uses within the R&D site include Building 81, Building 85 (Maydan Technology Center), a central utility plant, a recreation center, and a six-level parking structure. Building 81 (333,000 sf) and Building 85 (167,000 sf) are subject to floor area ratio (FAR) calculations because they are habitable buildings with employee-generating spaces. The project applicant would demolish the existing 4,000-sf recreation center and parking structure. The new construction would consist of a three-story, 592,567 sf gross floor area R&D building that would be 100 feet tall. Including the existing employee-generating buildings that are to remain on the R&D site and 930 East Arques Avenue outside the R&D site (but within the merged lot area), the actual FAR would be 72 percent. The gross building area is referred to as the "actual" FAR. The calculation, which discounts for non-employee generating spaces, is referred to as the "effective" FAR, which is used to determine the parking requirement and allowable buildout under the specific plan. The effective FAR calculation also excludes the non-employee generating buildings of the central utility plant and the amenity space within the proposed parking structure (discussed in Section 1.4.3) FAR. Through the reduction of square footage associated with non-employee generating space (82,958 sf), the effective floor area for the proposed R&D building is 509,609 sf. The effective FAR for the merged lot area would be 64 percent.

The R&D building would consist of three levels. Level 1, the ground level, would be developed as a utility level that would contain the electrical distribution system, loading docks, chemical and gas storage, wastewater and solids from the cleanroom and ultra-pure water storage. Level 2 would be the subfab level, which would directly serve the cleanroom's chemical distribution system, exhaust routing, wastewater routing, and utility hook ups. Finally, Level 3 would function as the cleanroom, consisting of the tools that interface directly with silicon wafers. Air filters would be installed within the cleanroom ceiling to scrub the air of particles.

Overall development of the proposed R&D Building is consistent with the approved effective floor area of the Arques Campus Specific Plan, summarized in Table 2-1.

## PARKING STRUCTURE AND SURFACE PARKING

Site parking would be accommodated via a new parking structure and new surface parking areas (see Figure 2-4). The parking structure would be developed on a merged lot area of 1,928,122 sf zoned as M-S. Current uses within the footprint of the proposed parking structure and adjoining surface parking lot include four industrial/office/R&D buildings: 928 East Arques Avenue, 242 Commercial Street, 230 Commercial Street, and 222 Commercial Street. The applicant would demolish these buildings and retain the building at 930 East Arques Avenue at the southeast corner of Arques Avenue and Commercial Street. The proposed parking structure would consist of seven above-grade levels with 14,388 square feet of amenity space for employee use on the ground floor.

Of the existing 2,296 surface parking spaces currently on the project site, 2,063 parking spaces would be removed and 233 surface parking spaces would be retained. The new parking structure would contain 1,900 parking spaces and the two new surface parking lots would contain 165 spaces (i.e., 2,065 proposed new parking spaces and 233 surface parking spaces retained). Of these spaces, 788 Level 2 electric vehicles parking spaces and 788 future electric vehicle-capable parking spaces would be installed, as well as 64 class I and 22 class II bicycle parking spaces. In addition, a total of 109 carpool/carshare spaces would be included within the project area.

## BUILDING HEIGHT AND MASSING

The Arques Campus Specific Plan allows building heights up to seven stories and 75 feet. The applicant is seeking a building height variance from the specific plan to support a 100-foot tall R&D building, which would be equipped with a 125-foot tall mechanical screen and 135-foot-tall exhaust stacks. For the project site area outside of the specific plan boundary, the M-S zoning district governs the allowable building height, which is up to eight stories and 75 feet. The proposed above-ground parking structure consists of seven levels. The parking structure would reach a height of 85 feet, which also requires a building height variance.

In addition to the height variances, the applicant is also requesting to vary from the Arques Specific Plan's maximum allowable floor plate size of approximately 50,000 square feet by proposing floor plates ranging from approximately 194,000 to 204,000 square feet.

## UTILITIES

The project site is currently served by utility providers for the existing uses. Gas and electricity would be provided by Pacific Gas and Electric. Water and wastewater disposal and treatment are provided by the City of Sunnyvale.

The project includes a new four-inch natural gas line to the lab. The City's Reach Codes (i.e., local energy codes for building design and construction that go beyond minimum state requirements) generally prohibit new natural gas lines but allows them for H and L building occupancies. The proposed R&D building would be an H occupancy, thus allowable under the City's Reach Codes. Natural gas at the proposed R&D Building would not be used for comfort gas, only for lab activities.

The increased electricity demand related to the new R&D building would require expansion of the substation located in the southwest corner of the project site. The substation footprint would be expanded from approximately 1 acre to approximately 2.5 acres on 930 East California Avenue toward the west, to accommodate two new 52.2 megavolt-

amperes, 115-Kilovolt transformers. Solar panels would be installed on the rooftops of the R&D building and parking structure.

To accommodate the new R&D Building, the onsite water system would consist of a dedicated 12-inch water system that would also be used for domestic water use and fire systems to the buildings and fire hydrants. In addition, there would be a new 3-inch domestic water pipeline from Commercial Street to the proposed parking structure and 1.5-inch irrigation water pipeline to supply water to the landscaped areas. The project would use approximately 1.9 mgd of potable water (Kier + Wright 2023).

As described above, a new, dedicated, sewer pipeline would be constructed in Santa Trinita Avenue and Kern Avenue to convey wastewater to the trunk sewer line in Lawrence Expressway for treatment at the City of Sunnyvale WPCP. The project would generate approximately 1.9 million gallons of wastewater per day.

The project applicant would construct storm drain systems to accommodate the new parking structure and R&D building. The new storm drain system would involve removal and replacement of the existing curb, gutter, and drain.

## LANDSCAPING, LIGHTING, AND OTHER SITE FEATURES

The City of Sunnyvale Municipal Code Section 19.94.030 defines a protected tree as any tree of 38 inches or greater in circumference or 12 inches or greater in diameter, measured four and one-half feet above ground for single-trunk trees. Protected multi-trunk trees have at least one trunk with a circumference 38 inches or greater or in which the measurements of the circumferences of each of the multi-trunks, when measured four and one-half feet above the ground level, added together equal an overall circumference 113 inches or greater. The project site contains a total of 727 trees. The project would involve removal of 350 non-protected trees and 191 protected trees; 86 non-protected trees and 100 protected trees would remain on the project site. Based on the City's tree protection standards, a total of 2266 replacement trees would be required. The project includes 501 new trees, which would be sufficient to address the tree replacement requirements.

Lighting fixtures would be installed around buildings, along walkways, and within surface parking areas. Fixtures would primarily consist of pole-top luminaire, shielded bollard, and ascent-style lighting within parking areas and along walkways, as well as pole arm-mounted fixtures along Commercial Street and within the Arques Campus.

In addition to new tree establishment, areas surrounding the proposed parking structure, surface parking areas, and R&D building would be landscaped with pedestrian paths, seating areas, and planted areas (see Figure 2-4). Bioretention features would be integrated into the landscape design. Proposed landscaping plans are depicted in Figure 2-6, 2-7, and 2-8. Project renderings of the R&D Building and new parking structure are shown in Figure 2-9 and 2-10, respectively.

A minimum of 65 percent of the non-hazardous construction waste materials would be recycled and/or salvaged for re-use. All noncontaminated trees, stumps, rocks, and associated vegetation and soils from land clearing would be reused or recycled.

**Table 2-2      Estimated Construction Cut and Fill**

Activities	Quantities
Total cubic yards (CY) of excavated (cut) soil	Parking structure: 21,670 CY; R&D Lab: 75,000 CY
Total CY of cut soil that will be used as fill	Assume that cut soil would not be used for fill
Total CY of soil imported from off-site sources	Parking structure: 3,000 CY; R&D Lab 10,000 CY
Total CY of soil exported	62,000 CY, does not include import from offsite
Haul truck capacities	15 CY (Caltrans compliant)

Construction of the project is estimated to begin in the summer of 2024 and conclude in winter of 2027, spanning approximately 32 months. Construction activities would occur between 7:00 a.m. and 6:00 p.m. on Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction work would occur on Sundays or holidays. No

restrictions on construction seasons are expected. Development of the project site would occur in one phase over approximately 32 months. Project construction would begin with mobilization for development of the parking structure, followed by demolition of 928-930 East Arques Avenue, 242 Commercial Street, 230 Commercial Street, 222 Commercial Street, and 930 East California Street. General construction activities would involve construction of foundations, slab on grade, deck construction, and the building façade. Construction mobilization for the new R&D Building would occur over approximately four weeks, and would overlap with mobilization for the parking structure. Demolition of the existing recreation center and the adjacent parking structure would occur for approximately 12 weeks, followed by an eight-week period for utility relocation, and 10 weeks to complete structural excavations. General construction activities would occur over a period of 12 months and include development of foundations, subfab and waffle slab concrete, steel erection, and roofing. Substation expansion would occur over approximately nine months.

## 2.6 REQUIRED ACTIONS

The project would require the following discretionary actions by the City:

- ▶ Approval of a Use Permit and Variance.
- ▶ Approval of the Addendum to the 1999 Arques Draft EIR

Other anticipated permits, approvals, and actions associated with the project may include the following:

- ▶ Issuance of demolition permits for removal of existing buildings and parking lots, including approval by BAAQMD.
- ▶ Issuance of stationary source permit from BAAQMD.
- ▶ Issuance of well alteration or destruction permit from Santa Clara Valley Water District.
- ▶ Issuance of a Letter of Waste Discharge Requirements from the San Francisco Regional Water Quality Control Board (RWQCB) related to alterations to the existing on-site well.
- ▶ Approval and recordation of lot merger to establish new parcel configuration and parcel boundaries.
- ▶ Building Permits for the construction and installation of the new R&D building, parking structure, substation expansion and related site improvements.
- ▶ Encroachment permits for work in the public right-of-way, including but not limited to proposed sewer alignment along Santa Trinita Avenue and Kern Avenue, curbs, gutters, sidewalks, street lights, driveway approaches, street paving, and street trees.

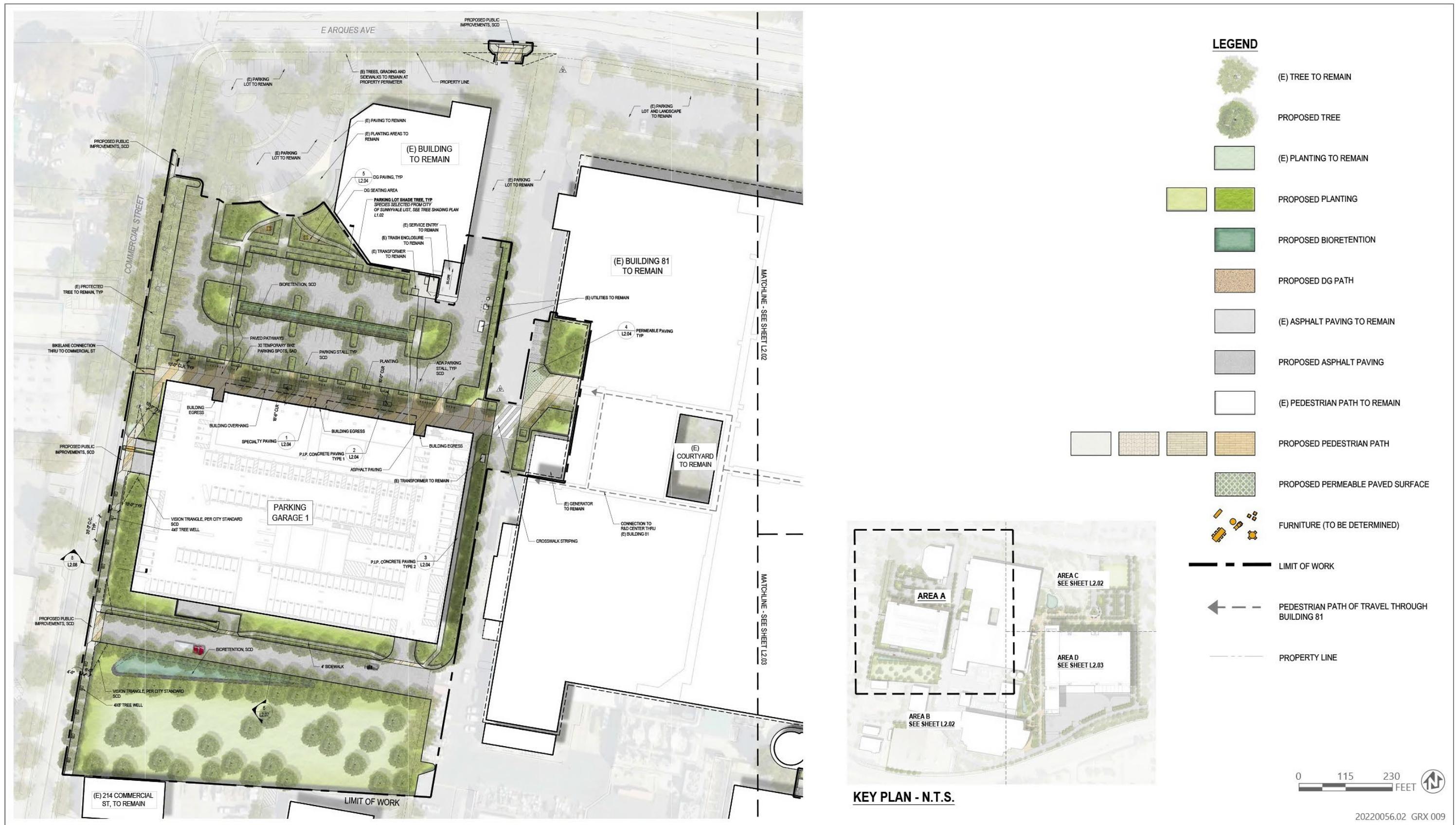


Figure 2-5 Landscaping Plan

City of Sunnyvale  
Addendum to the 1999 Arques Campus Specific Plan EIR



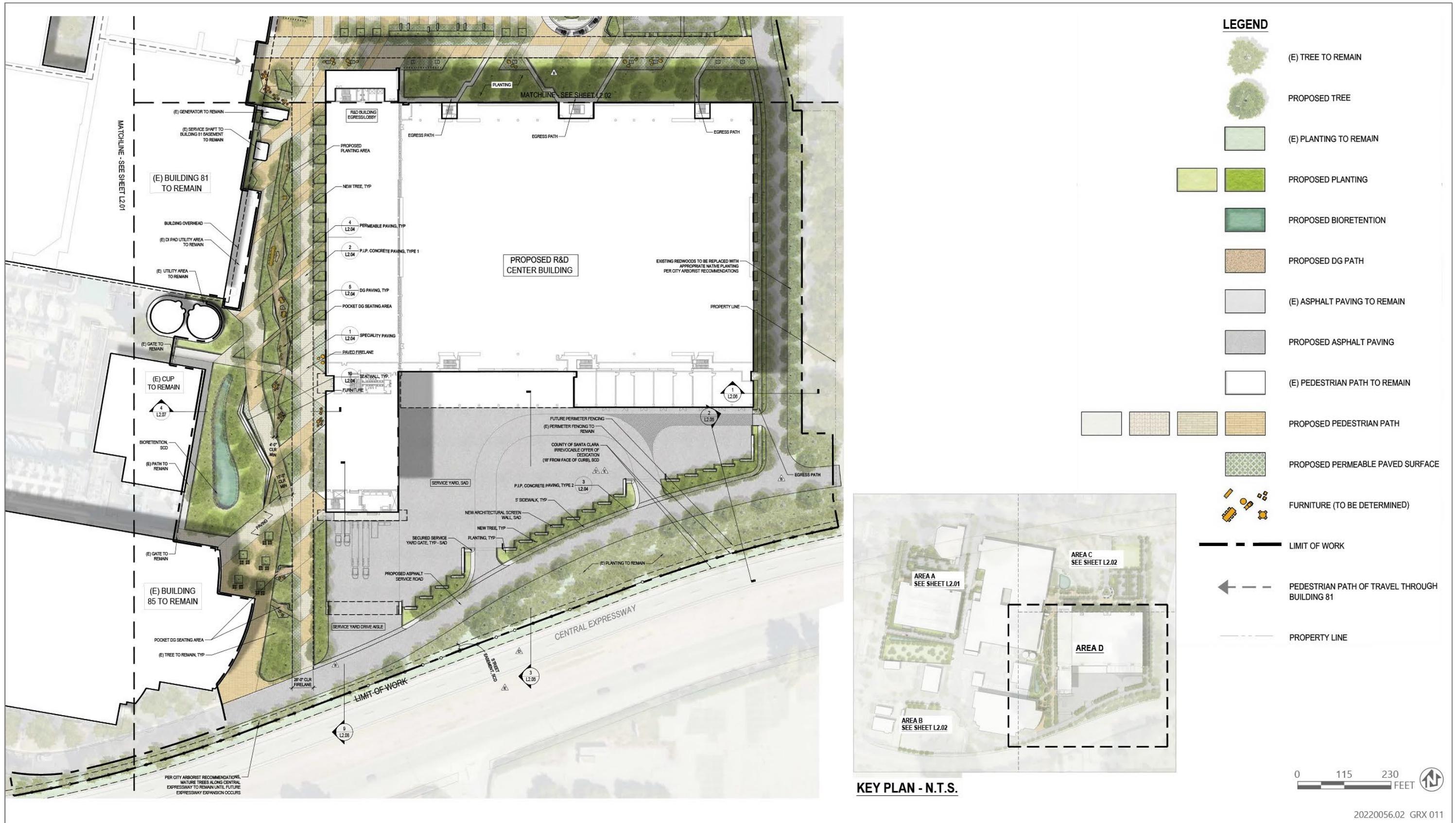


Source: Image produced by RHAA Landscape Architecture in 2023, adapted by Ascent in 2024

**Figure 2-7 Landscaping Plan**

City of Sunnyvale  
Addendum to the 1999 Arques Campus Specific Plan EIR

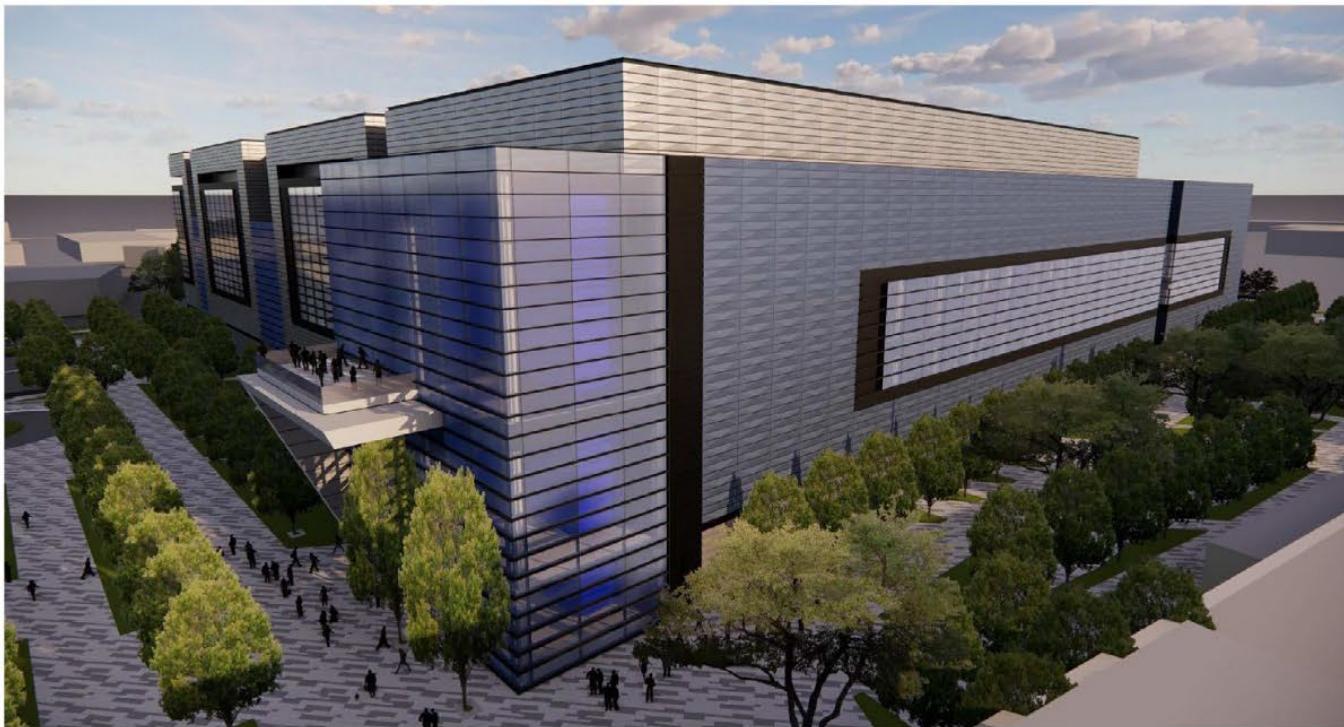




Source: Image produced by RHAA Landscape Architecture in 2023, adapted by Ascent in 2024

Figure 2-8 Landscaping Plan

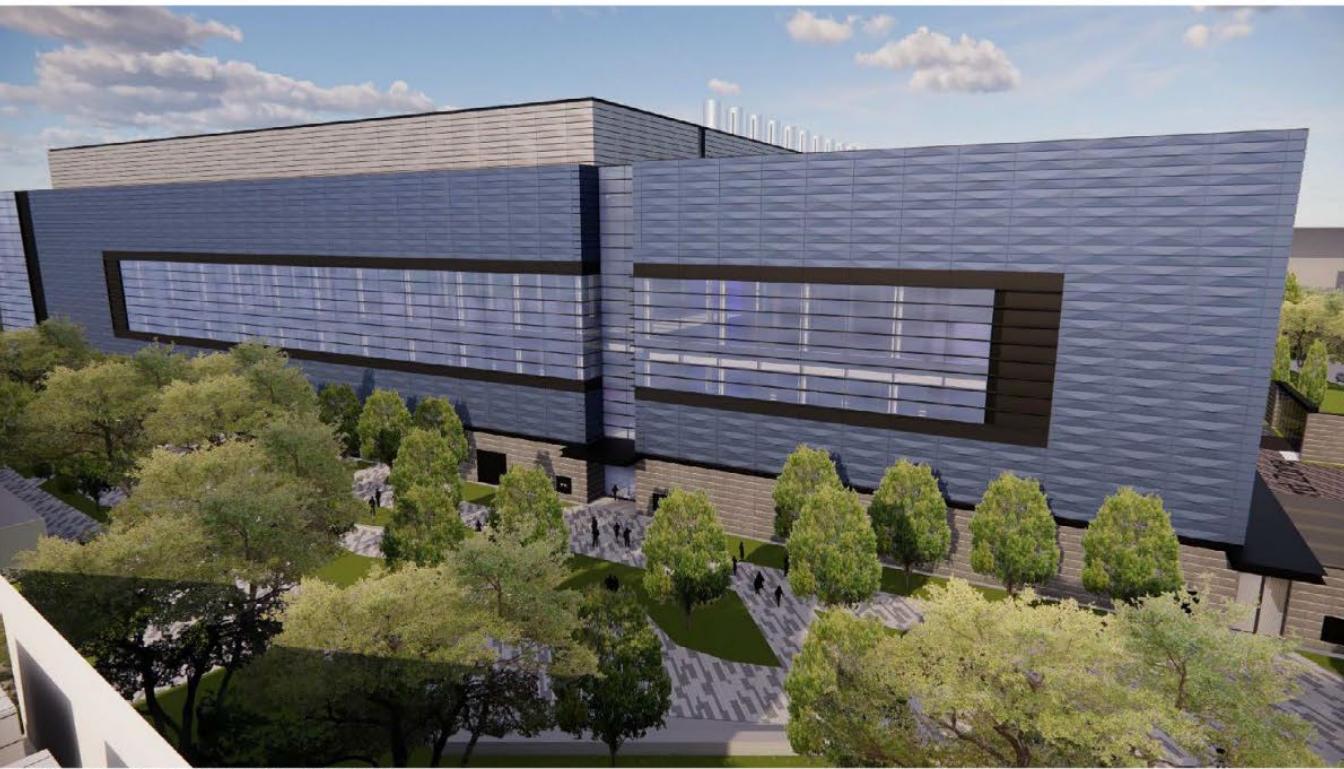




VIEW OF NORTH WEST CORNER



VIEW LOOKING OF WEST AMENITY SPACE



VIEW OF WEST FACADE AND LANDSCAPE



VIEW OF ENTRY CANOPY

Source: RWW Architecture Interiors 2023.

Figure 2-9 R&D Building Renderings

City of Sunnyvale  
Addendum to the 1999 Arques Campus Specific Plan EIR





Source: RWW Architecture Interiors 2023.

Figure 2-10 Proposed Parking Structure Renderings

City of Sunnyvale  
Addendum to the 1999 Arques Campus Specific Plan EIR



### 3 ENVIRONMENTAL CHECKLIST FOR SUPPLEMENTAL ENVIRONMENTAL REVIEW

#### 3.1 EXPLANATION OF CHECKLIST EVALUATION CATEGORIES

The purpose of this checklist is to evaluate the categories in terms of any "changed condition" (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in environmental impact significance conclusions different from those found in the 1999 Arques Specific Plan EIR or LUTE Update EIR. The row titles of the checklist include the full range of environmental topics, as presented in Appendix G of the State CEQA Guidelines. The column titles of the checklist have been modified from the Appendix G presentation to help answer the questions to be addressed pursuant to CEQA Section 21166 and State CEQA Guidelines Section 15162. A "no" answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact because it was analyzed and addressed with mitigation measures in the 1999 Arques Specific Plan EIR or LUTE Update EIR, and the environmental impact significance conclusions of the 1999 Arques Specific Plan EIR and LUTE Update EIR remain applicable. The purpose of each column of the checklist is described below.

##### 3.1.1 Where Impact Was Analyzed

This column provides a cross-reference to the pages of the Draft or Final EIR where information and analysis may be found relative to the environmental issue listed under each topic.

##### 3.1.2 Do Proposed Changes Involve New Significant Impacts?

The significance of the environmental impacts of the project-specific features not considered in the 1999 Arques Specific Plan EIR or LUTE Update EIR is indicated in the columns to the right of the environmental issues. The analysis uses the most relevant and recent of these EIRs for the evaluation of impacts associated with the project.

##### 3.1.3 Any new Circumstances Involving New or Substantially More Severe Significant Impacts?

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether there have been changes to the project site or the vicinity (circumstances under which the project is undertaken) that have occurred subsequent to the prior environmental documents, which would result in the current project having new significant environmental impacts that were not considered in the prior environmental documents or having substantial increases in the severity of previously identified significant impacts

##### 3.1.4 Any New Information Requiring New Analysis or Verification?

Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, this column indicates whether new information of substantial importance is available which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete, requiring an update to the analysis of the previous environmental documents to verify that the environmental conclusions and mitigation measures remain valid. If the new information shows that: (A) the project will have one or more significant effects not discussed in the prior environmental documents; or (B) that significant effects previously examined will be substantially more severe than shown in the prior environmental documents; or (C) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more

significant effects or the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) that mitigation measures or alternatives which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative, the question would be answered "yes" requiring the preparation of a subsequent EIR or supplement to the EIR. However, if the additional analysis completed as part of this Environmental Checklist Review finds that the conclusions of the prior environmental documents remain the same and no new significant impacts are identified, or identified significant environmental impacts are not found to be substantially more severe, the question would be answered "no" and no additional EIR documentation (supplement to the EIR or subsequent EIR) would be required.

Notably, where the only basis for preparing a subsequent EIR or a supplement to an EIR is a new significant impact or a substantial increase in the severity of a previously identified impact, the need for the new EIR can be avoided if the project applicant agrees to one or more mitigation measures that can reduce the significant effect(s) at issue to less-than-significant levels. (See River Valley Preservation Project v. Metropolitan Transit Development Board (1995) 37 Cal.App.4th 154, 168.).

### **3.1.5 Do Prior Environmental Documents Mitigations Address/Resolve Impacts?**

This column indicates whether the prior environmental documents and adopted CEQA Findings provide mitigation measures to address effects in the related impact category. In some cases, the mitigation measures have already been implemented. A "yes" response will be provided in either instance. If "NA" is indicated, this Environmental Checklist Review concludes that there was no impact, or the impact was less-than-significant and, therefore, no mitigation measures are needed.

## **3.2 DISCUSSION AND MITIGATION SECTIONS**

### **3.2.1 Discussion**

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

### **3.2.2 Mitigation Measures**

Applicable mitigation measures from the prior environmental review that would apply to the project are listed under each environmental category. New mitigation measures are included, if needed.

### **3.2.3 Conclusions**

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

## 4 ENVIRONMENTAL CHECKLIST

### 4.1 AESTHETICS

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>1. Aesthetics.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<u>1999 Arques Draft EIR</u> settings pp. 3.3-1 to 3.3-7, Impact Aesthetics 1 <u>LUTE Update Draft EIR</u> settings pp. 3-12-1 to 3.12-12, Impact 3.12.1	No	No	NA, no impact would occur under the LUTE Update EIR; impacts would be less than significant under the Arques EIR
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<u>1999 Arques Draft EIR</u> settings pp. 3.3-1 to 3.3-7, Impact Aesthetics 2 <u>LUTE Update Draft EIR</u> settings pp. 3.12-1 to 3.12-12, Impact 3.12.2	No	No	NA, no impact would occur under the LUTE Update EIR; impacts would be less than significant under the Arques EIR
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 points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<u>1999 Arques Draft EIR</u> settings pp. 3.3-1 to 3.3-7, Impacts Aesthetics 3 and Aesthetics 5 <u>LUTE Update Draft EIR</u> settings pp. 3.12-1 to 3.12-12, Impacts 3.12.3 and 3.12.5	No	No	NA, impact would be less than significant
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<u>1999 Arques Draft EIR</u> settings pp. 3.3-1 to 3.3-7, Impact Aesthetics 4 <u>LUTE Update Draft EIR</u> settings pp. 3.12-1 to 3.12-12, Impacts 3.12.4 and 3.12.5	No	No	NA, impact would be less than significant

## 4.1.1 Discussion

No substantial change in the environmental and regulatory settings related to aesthetics, described in the LUTE Update Draft EIR Section 3.1, "Aesthetics, has occurred since certification of the LUTE Update EIR in 2017. Since certification of the Arques EIR in 1999, the project site has generally remained the same, consisting of industrial uses, landscaping, and parking areas."

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

The 1999 Arques Draft EIR identified no significant adverse effects on a scenic resource associated with buildup of the 1999 Arques Specific Plan (pp. 3.3-8 – 3.3-9). As discussed under Impact 3.12.1 of the LUTE Update 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 1999 Arques Draft EIR (page 3.3-13 of the 1999 Draft EIR) and the LUTE Update Draft EIR identified no significant project or cumulative impacts (Impact 3.12.5) on scenic vistas that would occur with buildup under the General Plan.

The project is located within an existing developed industrial and commercial area that does not include scenic features or any scenic vistas. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft 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 Update Draft EIR identifies that there are no designated state scenic highways in the City. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

### c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Impact 3.12.3 of the LUTE Update Draft EIR identifies 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. Impacts Pages 3.3-9 to 3.3-10 of the 1999 Arques Draft EIR identify that new development under the project would be consistent with the Citywide Design Guidelines, creating a more visually consistent and distinctive visual character that would have beneficial effects on the City's visual character. The LUTE and associated actions require compliance with design guidelines for future development subsequent to the LUTE and maintain compatibility with existing surrounding neighborhoods.

The development carried out under the project would be consistent with applicable zoning and design guidelines governing scenic quality. The architectural design of the proposed project would be consistent with the developed conditions in the project vicinity. Project landscaping would also enhance the existing visual character of the street frontage along Arques Avenue and Commercial Street. Construction of the new sewer pipeline would be underground, within existing streets, and would not be visible after installation has been completed. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft 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 Update Draft EIR identifies 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 provides 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 ensures 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 Update Draft EIR identified that no significant project or cumulative impacts (Impact 3.12.5) from glare and nighttime lighting would occur. The 1999 Arques Draft EIR identified that operational lighting impacts would be mitigated through compliance with the lighting standards enumerated in Section 6.14 of the Arques Campus Specific Plan (p. 3.3-10 of the 1999 Arques Draft EIR).

The project is located within an existing developed industrial area that contains existing sources of daytime glare from buildings as well as nighttime lighting from buildings, street lighting, and parking lot lighting. The project would include shielded fixtures to minimize light pollution and glare from both within and outside the parking structure. The project would also be subject to compliance with the lighting requirements in Sunnyvale Municipal Code Section 19.42.050 regarding light shielding and 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, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

### **Mitigation Measures**

No mitigation measures are required for the project.

### **Conclusion**

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.2 AGRICULTURE AND FOREST RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>2. Agriculture and Forestry Resources.</b> 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
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
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
d) Result in the loss of forest land 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
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

## 4.2.1 Discussion and Conclusion

- 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?
- b) Conflict with existing zoning for agricultural use or a Williamson Act contract?
- 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))?
- d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 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?

Agricultural and forestry impacts were scoped out of the LUTE Update 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.

### Mitigation Measures

No mitigation measures are required for the project.

### Conclusion

There are no agricultural or forestry resources located in Sunnyvale. Therefore, no impact to availability of a known agricultural or forestry resource would result.

## 4.3 AIR QUALITY

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>3. Air Quality.</b> Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<u>1999 Arques Draft EIR</u> settings pp. 3.5-1 to 3.5-8 <u>LUTE Update Draft EIR</u> settings pp. 3.5-1 to 3.5-20, Impact 3.5.1	No	No	NA, impact remains less than significant
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<u>1999 Arques Draft EIR</u> settings pp. 3.5-1 to 3.5-8, Impacts Air Quality 2 and Air Quality Impact 3 <u>LUTE Update Draft EIR</u> settings pp. 3.5-1 to 3.5-35, Impacts 3.5.2, 3.5.3, and 3.5.8	No	Yes	Yes, but impact remains significant and unavoidable
c. Expose sensitive receptors to substantial pollutant concentrations?	<u>1999 Arques Draft EIR</u> settings pp. 3.5-1 to 3.5-13 <u>LUTE Update Draft EIR</u> settings pp. 3.5-1 to 3.5-35, Impacts 3.5.4, 3.5.5, 3.5.6, and 3.5.7	No	No	Yes, but impact remains significant and unavoidable
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<u>1999 Arques Draft EIR</u> settings pp. 3.5-1 to 3.5-8, Impact Air Quality 1 <u>LUTE Update Draft EIR</u> settings pp. 3.5-1 to 3.5-35, Impact 3.5.8	No	No	NA, but impact remains significant and unavoidable

## 4.3.1 Discussion

Although the National ambient air quality standards (NAAQS) and California ambient air quality standards (CAAQS) have changed since certification of the 1999 Arques Draft EIR no changes have been made to the NAAQS or CAAQS since 2016, when the LUTE Update EIR was certified. This analysis reflects the current understanding and standards for air quality and relies on the most recent NAAQS and CAAQS, which are summarized in Table 4.3-1.

In consideration of new sources of criteria air pollutant and ozone precursor emissions associated with new stationary and land use development, as well as mobile source emissions associated with statewide and regional population growth, the attainment status of Santa Clara County has changed since the certification of the LUTE Update EIR. The county is now classified as being in attainment for the 1-hour ozone and respirable particulate matter NAAQS. Attainment status relates to how well a geographic area meets the adopted national and/or state standards for specific pollutants. Areas that meet or exceed the national and/or state standards for those pollutants are called attainment areas, and those that do not meet the national and/or state standards are called nonattainment areas. Table 4.3-2 summarizes the most recent attainment status of Santa Clara County.

**Table 4.3-1 National and California Ambient Air Quality Standards**

Pollutant	Averaging Time	CAAQS <sup>a,b</sup>	NAAQS <sup>c</sup> Primary <sup>b,d</sup>	NAAQS <sup>c</sup> Secondary <sup>b,e</sup>
Ozone	1-hour	0.09 ppm (180 µg/m <sup>3</sup> )	—	Same as primary standard
	8-hour	0.070 ppm (137 µg/m <sup>3</sup> )	0.070 ppm (147 µg/m <sup>3</sup> )	Same as primary standard
Carbon monoxide (CO)	1-hour	20 ppm (23 mg/m <sup>3</sup> )	35 ppm (40 mg/m <sup>3</sup> )	Same as primary standard
	8-hour	9 ppm <sup>f</sup> (10 mg/m <sup>3</sup> )	9 ppm (10 mg/m <sup>3</sup> )	Same as primary standard
Nitrogen dioxide (NO <sub>2</sub> )	Annual arithmetic mean	0.030 ppm (57 µg/m <sup>3</sup> )	53 ppb (100 µg/m <sup>3</sup> )	Same as primary standard
	1-hour	0.18 ppm (339 µg/m <sup>3</sup> )	100 ppb (188 µg/m <sup>3</sup> )	—
	24-hour	0.04 ppm (105 µg/m <sup>3</sup> )	—	—
Sulfur dioxide (SO <sub>2</sub> )	3-hour	—	—	0.5 ppm (1,300 µg/m <sup>3</sup> )
	1-hour	0.25 ppm (655 µg/m <sup>3</sup> )	75 ppb (196 µg/m <sup>3</sup> )	—
Respirable particulate matter (PM <sub>10</sub> )	Annual arithmetic mean	20 µg/m <sup>3</sup>	—	Same as primary standard
	24-hour	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	Same as primary standard
Fine particulate matter (PM <sub>2.5</sub> )	Annual arithmetic mean	12 µg/m <sup>3</sup>	9.0 µg/m <sup>3</sup>	15.0 µg/m <sup>3</sup>
	24-hour	—	35 µg/m <sup>3</sup>	Same as primary standard
Lead <sup>f</sup>	Calendar quarter	—	1.5 µg/m <sup>3</sup>	Same as primary standard
	30-day average	1.5 µg/m <sup>3</sup>	—	—
	Rolling 3-month average	—	0.15 µg/m <sup>3</sup>	Same as primary standard
Hydrogen sulfide	1-hour	0.03 ppm (42 µg/m <sup>3</sup> )	No national standards	No national standards
Sulfates	24-hour	25 µg/m <sup>3</sup>	No national standards	No national standards
Vinyl chloride <sup>f</sup>	24-hour	0.01 ppm (26 µg/m <sup>3</sup> )	No national standards	No national standards

Pollutant	Averaging Time	CAAQS <sup>a,b</sup>	NAAQS <sup>c</sup> Primary <sup>b,d</sup>	NAAQS <sup>c</sup> Secondary <sup>b,e</sup>
Visibility-reducing particulate matter	8-hour	Extinction of 0.23 per km	No national standards	No national standards

Notes: CAAQS = California Ambient Air Quality Standards; NAAQS = National Ambient Air Quality Standards;  $\mu\text{g}/\text{m}^3$  = micrograms per cubic meter; km = kilometers;  $\text{mg}/\text{m}^3$  = milligrams per cubic meter; ppb = parts per billion; ppm = parts per million.

- <sup>a</sup> California standards for ozone, carbon monoxide,  $\text{SO}_2$  (1- and 24-hour),  $\text{NO}_2$ , particulate matter, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California Ambient Air Quality Standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- <sup>b</sup> Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based on a reference temperature of 25 degrees Celsius ( $^{\circ}\text{C}$ ) and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of  $25^{\circ}\text{C}$  and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- <sup>c</sup> National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic means) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over 3 years, is equal to or less than the standard. The  $\text{PM}_{10}$  24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above  $150 \mu\text{g}/\text{m}^3$  is equal to or less than 1. The  $\text{PM}_{2.5}$  24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard. Contact the US Environmental Protection Agency for further clarification and current federal policies.
- <sup>d</sup> National primary standards: the levels of air quality necessary, with an adequate margin of safety, to protect the public health.
- <sup>e</sup> National secondary standards: the levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- <sup>f</sup> The California Air Resources Board has identified lead and vinyl chloride as toxic air contaminants with no threshold of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

Sources: EPA 2022a ; CARB 2022a.

**Table 4.3-2 Attainment Status Designations for Santa Clara County**

Pollutant	NAAQS	CAAQS
Ozone	Attainment (1-hour) <sup>1</sup>	Nonattainment (1-hour) classification <sup>2</sup>
	Nonattainment (8-hour) <sup>3</sup> classification – marginal	Nonattainment (8-hour)
	Nonattainment (8-hour) <sup>3</sup> classification – marginal	Nonattainment (24-hour)
Respirable particulate matter ( $\text{PM}_{10}$ )	Attainment (24-hour)	Nonattainment (24-hour)
	Attainment (24-hour)	Nonattainment (annual)
Fine particulate matter ( $\text{PM}_{2.5}$ )	Attainment (24-hour)	(No state standard for 24-hour)
	Attainment (annual)	Nonattainment (annual)
Carbon monoxide (CO)	Attainment (maintenance) (1-hour)	Attainment (1-hour)
	Attainment (maintenance) (8-hour)	Attainment (8-hour)
Nitrogen dioxide ( $\text{NO}_2$ )	Attainment (maintenance) (1-hour)	Attainment (1-hour)
	Attainment (maintenance) (annual)	Attainment (annual)
Sulfur dioxide ( $\text{SO}_2$ ) <sup>4</sup>	Attainment (1-hour)	Attainment (1-hour)
	Attainment (3-month rolling average)	Attainment (24-hour)
Lead (particulate)	Attainment (3-month rolling average)	Attainment (30-day average)
Hydrogen sulfide	No federal standard	Unclassified (1-hour)
Sulfates		Attainment (24-hour)
Visibility-reducing particles		Unclassified (8-hour)
Vinyl chloride		Unclassified (24-hour)

Notes: CAAQS = California Ambient Air Quality Standards; NAAQS = National Ambient Air Quality Standards.

<sup>1</sup> Air Quality meets federal 1-hour ozone standard (77 Federal Register 64036). US Environmental Protection Agency revoked this standard, but some associated requirements still apply.

<sup>2</sup> Per Health and Safety Code Section 40921.5(c), the classification is based on 1989–1991 data and therefore does not change.

<sup>3</sup> 2015 standard.

<sup>4</sup> 2010 standard.

Sources: EPA 2022b; CARB 2022a, 2022b.

On April 19, 2017, the Bay Area Air Quality Management District (BAAQMD) adopted an updated Clean Air Plan. Similarly to 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<sub>x</sub>)—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 (TACs).

The BAAQMD updated its CEQA guidelines in May 2017 but did not make any substantive changes to its recommended air quality thresholds (BAAQMD 2017a). In December 2018, the Governor's Office of Planning and Research finalized updates to the State CEQA Guidelines. The final adopted text included revisions to the significance criteria in Appendix G of the guidelines. The following impact analysis uses the most recent iteration of the Appendix G and, where appropriate, has been aligned with the significance criteria used in the LUTE Update EIR. On April 20, 2022, BAAQMD updated its CEQA guidelines (2022 CEQA Guidelines), establishing new methodologies, protocols, and thresholds of significance for climate impacts; however, this update did not include any updates to air quality thresholds. Although the 2022 CEQA Guidelines have undergone several revisions, no revisions have affected BAAQMD's recommended mass emissions thresholds of significance for criteria air pollutants.

The analysis evaluates potential effects on air quality from construction and operation of the project.

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

The 1999 Arques EIR did not address conflicts with or obstruction of air quality plan implementation.

The federal Clean Air Act and California Clean Air Act require air districts to create air quality plans that detail how an air district will attain the NAAQS and CAAQS. These plans must be updated periodically and submitted to the California Air Resources Board (CARB) for review and inclusion in the State Implementation Plan (SIP) to be submitted to the US Environmental Protection Agency. The most recently adopted air quality plan for the San Francisco Bay Area Air Basin (SFBAAB), where the project is located, is the 2017 Clean Air Plan: Spare the Air, Cool the Climate (2017 Clean Air Plan). To fulfill state ozone planning requirements, the 2017 Clean Air Plan includes the 2017 Control Strategy, which outlines all feasible measures to reduce emissions of ozone precursors—ROG and NO<sub>x</sub>—and reduce transport of ozone and its precursors to neighboring air basins. Santa Clara County is in nonattainment for the NAAQS 8-hour ozone and fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less (PM<sub>2.5</sub>) and nonattainment for the CAAQS for ozone, PM<sub>2.5</sub>, and respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM<sub>10</sub>).

The 2017 Clean Air Plan does not include control measures that apply directly to individual development projects. Instead, the 2017 control strategy includes measures related to stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and greenhouse gases (GHGs) (BAAQMD 2017b).

The 2017 Clean Air Plan focuses on two paramount goals (BAAQMD 2017b):

- ▶ protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TACs; and
- ▶ protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050.

Using BAAQMD's recommendations, a determination of consistency with the 2017 Plan should demonstrate that a project:

- ▶ supports the primary goals of the 2017 Clean Air Plan,
- ▶ includes applicable control measures from the 2017 Clean Air Plan, and
- ▶ would not disrupt or hinder implementation of any control measures in the 2017 Clean Air Plan.

A project that would not support the 2017 Clean Air Plan's goals would not be considered consistent with the plan. On an individual project basis, consistency with BAAQMD's quantitative thresholds is interpreted as demonstrating support for the 2017 Clean Air Plan's goals.

The discussion of Impact 3.5.1 in the LUTE Update EIR evaluated whether the LUTE would conflict with or obstruct implementation of the applicable air quality plan at the time of the writing of the analysis, which was the 2010 Clean Air Plan. As stated in the discussion, the LUTE supports the goals of, includes applicable pollutant control mechanisms from, and is consistent with the 2010 Clean Air Plan. The LUTE Update EIR also notes that by providing areas of focused growth, the LUTE decreases sprawl and related air quality impacts. The LUTE Update EIR concluded that the LUTE would be consistent with the 2010 Clean Air Plan. This impact was identified as less than significant.

Since approval of the LUTE, the county has achieved attainment of the NAAQS for PM<sub>10</sub> and 1-hour ozone.

Additionally, as stated above, BAAQMD has updated its Clean Air Plan to the 2017 Clean Air Plan. Like the 2010 Clean Air Plan, the 2017 Clean Air Plan continues to support focused, infill growth outside of identified conservation areas as one way to help the air district meet its air quality goals. Table 4.3-3 details project consistency with the 2017 Clean Air Plan.

**Table 4.3-3 Consistency with Applicable Control Strategies of 2017 Clean Air Plan**

Control Measure	Project Consistency with Measure Intent
<b>Transportation Measures</b>	
TR2 - Trip Reduction Programs: Implement the regional Commuter Benefits Program (Rule 14-1) that requires employers with 50 or more Bay Area employees to provide commuter benefits. Encourage trip reduction policies and programs in local plans, e.g., general and specific plans, while providing grants to support trip reduction efforts. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to adopt transit benefits ordinances in order to reduce transit costs to employees, and to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips. Fund various employer-based trip reduction programs.	<b>Consistent:</b> The project would implement its transportation demand management (TDM) strategy to achieve a 15-percent reduction in total trip generation. A TDM plan has been developed and would be implemented as part of Phase 1 (Hexagon Transportation Consultants 2023)
TR8 - Ridesharing, Last-Mile Connection: Promote carpooling and vanpooling by providing funding to continue regional and local ridesharing programs, and support the expansion of carsharing programs. Provide incentive funding for pilot projects to evaluate the feasibility and cost effectiveness of innovative ridesharing and other last-mile solution trip reduction strategies. Encourage employers to promote ridesharing and carsharing to their employees.	<b>Consistent:</b> The project's TDM includes shuttles, subsidized transit, carpool parking, and rideshare matching assistance (Hexagon Transportation Consultants 2023).
TR9 - Bicycle and Pedestrian Access and Facilities: Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	<b>Consistent:</b> The project proposes the installation of 100 bicycle parking spaces to support the use of bicycle transportation. The project would also feature pedestrian paths between buildings and parking to promote walking. In addition, the project's TDM includes bicycle facility provides (e.g., storage, lockers, and showers) (Hexagon Transportation Consultants 2023).

Control Measure	Project Consistency with Measure Intent
<p><b>TR13 - Parking Policies:</b> Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing in high-traffic areas.</p>	<p><b>Consistent:</b> The project's TDM includes shuttles, subsidized transit, carpool parking, and rideshare matching assistance (Hexagon Transportation Consultants 2023).</p>
<b>Building Measures</b>	
<p><b>BL1 - Green Buildings:</b> Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the California Green Building Standards Code (CALGreen; Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.</p>	<p><b>Consistent:</b> The project would be constructed consistent with mandatory provisions of the CALGreen and Title 24 requirements.</p>
<p><b>BL2 - Decarbonize Buildings:</b> Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use. Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.</p>	<p><b>Consistent:</b> The project would feature solar photovoltaic (PV) generation to offset electricity demand. As required in the Sunnyvale Municipal Code, a minimum 10-kilowatt solar PV system would be installed as part of the project because the building square footage is greater than 10,000 sf.</p>
<p><b>BL4 - Urban Heat Island Mitigation:</b> Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well as existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.</p>	<p><b>Consistent:</b> The project would result in an overall decrease in existing surface lot area and add additional parking in the proposed parking structure. Additionally, the project would feature rooftop solar PV arrays on top of the proposed parking structure.</p>
<b>Waste Management Measures</b>	
<p><b>WA4 - Recycling and Waste Reduction:</b> Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects</p>	<p><b>Consistent:</b> Project construction would recycle and/or salvage for reuse a minimum of 65 percent of nonhazardous construction and demolition waste. The project would also meet City of Sunnyvale requirements for recycling during operations</p>
<b>Water Measures</b>	
<p><b>WR2 - Support Water Conservation:</b> Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.</p>	<p><b>Consistent:</b> The project would be constructed consistent with CALGreen and Title 24 requirements, which require incorporation of water conservation measures.</p>

Notes: ABAG = Association of Bay Area Governments; BayREN = Bay Area Regional Energy Network; CALGreen = California Green Building Standards Code;; EIR = environmental impact report; LUTE = Land Use and Transportation Element.

Sources: City of Sunnyvale 2016, 2020a: 58–60.

As shown above, the project would be consistent with the measures outlined in the 2017 Clean Air Plan. Therefore, (1) there would be no significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially

more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis regarding this threshold is required.

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

In the discussion of Impact 2 in Section 3.5, "Air Quality," the 1999 Arques Draft EIR evaluated project-generated increases in emissions of criteria pollutants that could have an effect on regional air quality. The analysis stated that the projected increase in NO<sub>x</sub> would exceed the BAAQMD significance threshold of 80 pounds per day (lb/day), the threshold when the 1999 Arques Draft EIR was prepared. When the 1999 Arques Draft EIR was prepared, the SFBAAB was in nonattainment for the ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> CAAQS. However, the threshold for determining whether a significant impact would occur was any exceedance of a BAAQMD threshold, as well as the potential for emissions to combine with the emissions from other projects in the area to result in a cumulative increase in that emission, which differs from the current approach under Appendix G of the State CEQA Guidelines (i.e., whether the project would result in an exceedance of a local standard for a nonattainment pollutant). The analysis found that, implementing the project would result in an impact because it would generate operational NO<sub>x</sub> emissions related to mobile sources that would exceed BAAQMD thresholds and would therefore combine with the NO<sub>x</sub> emissions of other projects in the area to result in a cumulatively considerable increase in NO<sub>x</sub> emissions. The project would provide for the necessary offsets to these emissions. The discussion of Air Quality Impact 3 in the 1999 Arques Draft EIR evaluated impacts related to construction PM emissions. The analysis found that construction of the project could result in exceedance of the BAAQMD threshold for PM, a pollutant for which the SFBAAB was classified as nonattainment. Mitigation Measure 3.5.2-1 was included to reduce mobile-source emissions; however, implementing this mitigation measure would not reduce criteria air pollutant emissions to a less-than-significant level.

The discussions of Impacts 3.5.2, 3.5.3, and 3.5.8 in the LUTE Update Draft EIR stated that implementation of the LUTE would result in short-term construction as well as long-term operational impacts (from mobile sources) that would substantially contribute to air pollution or result in a cumulatively considerable net increase of a criteria pollutant. The analysis noted that, although the LUTE to would result in cumulatively considerable adverse effects on air quality, 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 on air quality would be cumulatively considerable.

As part of the LUTE Update EIR, the City adopted Mitigation Measure MM 3.5.3, which requires construction projects in the city to implement BAAQMD's Basic Best Management Practices for Construction-Related Fugitive Dust Emissions (BMPs) and projects with emissions exceeding BAAQMD criteria air pollutant thresholds to use to reduce construction emissions. The LUTE Update EIR stated that the LUTE would improve the viability of walking, biking, and using transit, which would reduce vehicle use. However, the EIR concluded that construction and operational air quality impacts of LUTE implementation would be significant and unavoidable under project and cumulative conditions.

As noted above, the 1999 Arques Draft EIR did not use the same significance threshold as currently provided in Appendix G of the State CEQA Guidelines (i.e., it did not consider if a project would result in a cumulatively considerable net increase of any nonattainment pollutant). Additionally, the model used to calculate the project's emissions has since become outdated relative to the latest California Emissions Estimator Model (CalEEMod), which is considered the most accurate emissions estimator model currently available. The regulatory setting has also changed since the writing of the 1999 Arques Draft EIR. Notably, the NAAQS for 8-hour ozone became more stringent and was changed to 0.070 part per million in 2015. Regulations regarding standards for on-road and off-road vehicle emissions, fuel efficiency, energy efficiency, and building code requirements also have become more stringent. These factors have contributed to lower calculated air quality emissions for the project.

Construction- and operation-related emissions of criteria air pollutant and ozone precursors from the proposed project were calculated using CalEEMod Version 2022.1.1.21, as recommended by BAAQMD in its 2022 CEQA guidelines. To accurately represent the construction phasing proposed for the project in CalEEMod, architectural coating emissions were dispersed during the paving and building construction phases. BAAQMD BMPs were included

in the model because they are required to be implemented for all construction projects under LUTE Mitigation Measure MM 3.5.3. Air quality modeling input and output parameters, detailed assumptions, and construction and operational emission estimates are provided in Appendix B.

### **Construction Emissions**

A combination of client-provided data and model defaults was used to estimate emissions that would result from construction of the proposed project. Demolition of structures and surface parking lots that would occur under the project could generate fugitive dust emissions. In addition, construction could generate dust and particulate matter from soil disturbance. The use of heavy equipment for demolition and construction activities would generate exhaust emissions of NO<sub>x</sub>, sulfur dioxide, carbon monoxide, ROG, PM<sub>10</sub>, and PM<sub>2.5</sub>. Construction of the proposed project is anticipated to commence in summer 2024 and conclude in winter 2027, spanning approximately 32 months.

Mitigation Measure MM 3.5.3 of the LUTE Update EIR requires construction projects to implement BAAQMD's BMPs, and for projects that exceed BAAQMD's mass emissions thresholds, the measure requires projects to use construction equipment that is CARB Tier 3 certified or better to address construction emissions.

Average daily construction-related emissions of criteria pollutants and precursors associated with the proposed project are summarized in Table 4.3-4.

**Table 4.3-4      Proposed Project Construction Emissions (Unmitigated Average Daily Rate)**

Project	Air Pollutants			
	ROG (lb/day) <sup>1</sup>	NO <sub>x</sub> (lb/day)	PM <sub>10</sub> Exhaust (lb/day)	PM <sub>2.5</sub> Exhaust (lb/day)
<b>Proposed Project (Maximum)</b>				
Maximum average daily	13	31	1	1
BAAQMD significance threshold (lb/day)	54	54	82	54
<b>Exceeds significance threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Notes: lb/day = pounds per day; NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = respirable particulate matter; PM<sub>2.5</sub> = fine particulate matter; ROG = reactive organic gases.

<sup>1</sup> Emissions of ROG resulting from the application of architectural coatings were distributed across the building construction and paving phases to most accurately represent the construction phasing proposed for the project.

Source: Modeling performed by Ascent in 2023.

As shown in Table 4.3-4, construction-related emissions of NO<sub>x</sub> from the proposed project would not exceed BAAQMD's applicable threshold of significance for the pollutant.

Fugitive PM<sub>10</sub> and PM<sub>2.5</sub> dust emissions could contribute to localized pollutant concentrations that exceed applicable NAAQS and CAAQS if dust control measures are not implemented. Consistent with the requirements adopted as part of Mitigation Measure MM 3.5.3 in the LUTE Update EIR, the project must implement BAAQMD's BMPs. BAAQMD's dust control measures, which include the following, were incorporated into the model:

- ▶ 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. This person shall respond and take corrective action within 48 hours.
- ▶ Where available, these measures were included in the model to accurately reflect their implementation during construction. See Appendix B for detailed model inputs and calculations.

### **Operational Emissions**

Project operations were analyzed assuming full buildout in 2027. The major sources for existing and proposed operational emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> include motor vehicle traffic and building energy use. Emissions that would result from the operation of the proposed project are summarized in Table 4.3-6.

**Table 4.3-6 Summary of Average Daily Operational Emissions of Criteria Pollutants and Precursor Emissions**

Emissions Source	ROG (lb/day)	NO <sub>x</sub> (lb/day)	PM <sub>10</sub> Total (lb/day)	PM <sub>2.5</sub> Total (lb/day)
Mobile	15	12	33	9
Area	20	<1	<1	
Energy	4	66	5	5
<b>Total emissions</b>	<b>38</b>	<b>78</b>	<b>38</b>	<b>14</b>
BAAQMD significance threshold (lb/day)	<b>54</b>	<b>54</b>	<b>82</b>	<b>54</b>
<b>Exceeds significance threshold?</b>	No	No	No	No

Notes: NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = respirable particulate matter; PM<sub>2.5</sub> = fine particulate matter; ROG = reactive organic gases.

Source: Modeled by Ascent in 2023.

As shown in Table 4.3-6, emissions from operation of the proposed project would exceed BAAQMD's emissions thresholds for NO<sub>x</sub>. This is primarily due to NO<sub>x</sub> emissions that would result from the use of natural gas. Therefore, implementing the project would result in average daily operation-related air pollutants or precursors that would exceed BAAQMD's thresholds of significance, which would indicate that proposed operation would result in a cumulatively considerable impact on air quality.

Because the project's building occupancy type "H" type occupancy" is permitted to use natural gas under the City's reach code, and because the use of natural gas is necessary for the operational activities proposed for the project (i.e., chip manufacturing), there is no feasible mitigation to eliminate or reduce natural gas consumption for the purpose of mitigating operational NO<sub>x</sub> emissions. However, the stationary source permitting application for the proposed laboratory (BAAQMD Application No. 700650) is currently pending approval by BAAQMD. The laboratory would be required to obtain this permit before it would be allowed to operate. As part of the application process, a BACT analysis was performed to develop potential control technologies that would reduce emissions from operation of the laboratory. The following control technologies were proposed based on the BACT analysis (note that "POC" [purgeable organic carbon] is used interchangeably with ROG):

- ▶ Install and maintain an electric regenerative thermal oxidizer when operating Single Wafer Tools Type 1.
- ▶ Maintain good operating practices when operating Dry Process Tools, Batch Tools, Manual Wet Benches, Single Wafer Tools Type 2, and wipe cleaning. Note that POC emissions from the Dry Process Tools will be abated by point-of-use abatement devices that are an integral part of the process tools and are not considered separate control devices.
- ▶ Maintain good operating practices when operating Dry Process Tools

As part of the permitting approval process, BAAQMD would ensure that the emissions control equipment would be sufficient in reducing emissions to acceptable levels before approval of the stationary source permit. Preliminary information provided by AMAT has indicated that the above-listed BACT would reduce emissions below BAAQMD thresholds. Therefore, because issuance of the stationary source permit would require implementation of BACT to the extent determined by BAAQMD, operational air quality impacts would be less than significant.

## Conclusion

The analysis of air quality impacts from criteria air pollutants is inherently cumulative because no single project would cause the air basin to exceed ambient air quality standards. In addition, as noted above, the ambient air quality standards are set to protect human health.

The modeling results indicate that the proposed project would not exceed BAAQMD construction thresholds and would therefore not result in a significant impact, whereas Impact 3.5.2 in the LUTE Update determined that construction-related criteria pollutants could be significant and unavoidable. Operation of the proposed project would result in an exceedance of the BAAQMD threshold for NO<sub>x</sub> emissions. However, the laboratory land use is required to obtain a stationary source permit from BAAQMD before being allowed to operate. As part of the permit approval process, BAAQMD would ensure that emissions control technology included in the proposed laboratory would be sufficient in reducing emissions to acceptable levels. Therefore, (1) there would be no significant project impacts or cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## Mitigation Measures

No mitigation would be required.

### c) Expose sensitive receptors to substantial pollutant concentrations?

The 1999 Arques Draft EIR did not evaluate impacts related to the exposure of sensitive receptors to substantial pollutant concentrations. The discussions of Impacts 3.5.4, 3.5.5, 3.5.6, and 3.5.8 in the LUTE Update EIR evaluated whether construction and operational activities would expose sensitive receptors to substantial pollutant concentrations that would include TACs. Sensitive receptors include residences, schools, medical facilities, family day cares, and places of worship. Construction-related TACs potentially affecting sensitive receptors include emissions (diesel PM) generated from the operation of off-road diesel-powered equipment, and operational TACs include mobile and stationary sources of diesel particulate matter (diesel PM). Both of these impacts are identified in the LUTE Update EIR as potentially significant. Implementation of Mitigation Measures MM 3.5.5 and MM 3.5.6, in addition to BAAQMD permitting requirements, was determined to provide adequate mitigation to reduce these impacts to less than significant under project conditions; however, the analysis concluded that the LUTE's contribution to significant cumulative impacts would be cumulatively considerable.

The project would not have any mobile TAC sources, such as regular and frequent visits by diesel-powered haul trucks. A diesel-powered generator would be installed as part of the utility expansion; however, it is likely that it would be used infrequently, as an emergency generator in cases of planned service power shutoffs, and would cease operation upon the return of power to the facilities. Cancer risk associated with stationary sources of TACs is correlated with exposure duration, meaning that prolonged exposure to TACs is correlated with higher cancer risk to

receptors. Because the generator would be used infrequently and for short periods, it would not expose receptors to prolonged, high concentrations of TACs. Additionally, the generator would be located along the southern project border and would not be within the BAAQMD minimum screening distance for sensitive receptors of 1,000 feet.

The proposed project would include a laboratory land use that would consume natural gas as part of regular operation. As stated above, the laboratory building occupancy type, "H" type occupancy", is permitted to use natural gas under the City's reach code. Prior to operation, the laboratory must obtain a stationary source permit from BAAQMD. The stationary source permitting application for the proposed laboratory (BAAQMD Application No. 700650) is currently pending approval by BAAQMD. Project health risks during the operational phase of the main lab building were calculated in the Health Risk Assessment (HRA) submitted to BAAQMD as part of Application No. 700650. Table 4.3-7 below summarizes the results of the HRA.

**Table 4.3-7 Proposed Laboratory Building Project Health Risks**

Risk Type	Proposed Main Laboratory Building Project Risk	BAAQMD Threshold of Significance
Cancer Risk	0.011	>10.0 in one million
Non-Cancer Risk (Chronic)	0.29	>1.0 hazard index (chronic)
Non-Cancer Risk (Acute)	0.46	>1.0 hazard index (acute)

Notes: BAAQMD = Bay Area Air Quality Management District.

Source: Smart, pers. comm., 2024.

As shown in Table 4.3-7, the laboratory building proposed as part of the project would result in an increased cancer risk of 0.011 chances in one million. Therefore, the laboratory would result in a cancer risk below the BAAQMD threshold of significance of 10 chances in one million for cancer risk. Additionally, the laboratory would result in cancer risk below the chronic and acute noncancer health index threshold of less than 1.0. Furthermore, as part of the permitting approval process, BAAQMD would ensure that the emissions control equipment would be sufficient in reducing emissions of TACs to acceptable levels before approval of the stationary source permit.

Regarding project construction, activities could involve the use of diesel PM-emitting off-road construction equipment over the 32-month construction period. Because the project would not introduce new operational sources of TACs, a health risk assessment was not prepared. A qualitative discussion of construction-generated diesel PM, the primary TAC of concern during construction activity, is the focus of this analysis.

Considering the highly dispersive properties of diesel PM, the relatively low maximum mass of PM<sub>10</sub> exhaust (considered a surrogate for diesel PM) that would be generated during project construction (i.e., 1 lb/day) (see Table 4.3-4), and the permitting requirements of Mitigation Measure MM 3.5.5, the impact of construction-related activities exposing sensitive receptors to a substantial pollutant concentration would be less than significant. It should be further noted that exhaust emissions from construction equipment have continued to decrease as emission controls tighten and cleaner-operating equipment replaces older equipment. Mitigation Measure MM 3.5.6 does not apply to the project as it does not contain residential uses.

Regarding existing off-site receptors, a school/church is located approximately 1,100 feet northeast of the project site. This distance is greater than the 1,000-foot distance that the BAAQMD recommends as the minimum screening distance threshold between new sources of TACs and sensitive receptors. Studies show that diesel PM is highly dispersive and that receptors must be close to emission sources for long durations to result in exposure to concentrations of concern. Because of the distance between construction sites and residential areas and the intermittent nature of diesel PM emissions during construction, TAC emissions would not adversely affect sensitive receptors. Thus, given the temporary and intermittent nature of construction activities, the concentration of diesel PM within proximity of a sensitive receptor would be limited.

With implementation of LUTE Update EIR Mitigation Measure 3.5.5 and application of uniformly applied development standards and policies, there would be no significant project impacts or cumulative impacts not discussed in the LUTE Update EIR, and there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR. Therefore, (1) there would be no significant project impacts or cumulative

impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

**d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

The discussion of Impact 3.5.7 of the LUTE Update Draft EIR stated that development associated with the LUTE could create objectionable odors affecting a substantial number of people. No significant odor impacts were identified in the 1999 Arques Draft EIR. The LUTE Update Draft EIR concluded that implementation of Mitigation Measure 3.5.7 would reduce this impact to less than significant.

The 1999 Arques Draft EIR did not evaluate impacts related to odors.

Equipment used during construction of the project would generate oil and diesel fuel odors, as well as odors related to asphalt paving. The odors would be limited to the construction period. With respect to operation, the BAAQMD's CEQA guidelines identify land uses associated with odor complaints, including wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, coffee roasters, refineries, and chemical plants. Office, R&D, and parking uses are not identified on this list. During project operation, odors would be generated primarily by emissions from passenger vehicles traveling to and from the site. These occurrences would not produce objectionable odors affecting a substantial number of people, because passenger vehicles do not typically emit strong odors during operation. Therefore, the project would not be considered a source of odors per BAAQMD guidance (above). The project is consistent with the uses for which it is planned in the general plan, and as noted above, it would not be a source of substantial odors or be located near an odor source, so it would not lead to frequent odor complaints. Therefore, (1) there would be no significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

### **Mitigation Measures**

Mitigation Measure 3.5.2-1 in the 1999 Arques Draft EIR was adopted to reduce project-generated increases in NO<sub>x</sub> emissions that would adversely affect regional air quality. This mitigation measure requires development and implementation of a transportation demand management (TDM) strategy to achieve a 15-percent reduction in total trip generation. A TDM plan has been developed and would be implemented as part of Phase 1 (Hexagon Transportation Consultants 2023). The proposed TDM measures include:

- ▶ providing bicycle facilities (storage, lockers, and showers),
- ▶ implementing commute trip reduction marketing/education programs,
- ▶ providing shuttles between the campuses and Caltrain and Light Rail stations,
- ▶ implementing a subsidized transit program,
- ▶ allowing flexible work schedules,
- ▶ providing carpool parking, and
- ▶ providing rideshare matching assistance.

Because implementing the TDM measures would reduce total vehicular trip generation by 15 percent and would be incorporated into the project, the TDM plan prepared for Phase 1 has addressed the requirements of 1999 Arques Draft EIR Mitigation Measure 3.5.2-1.

The 1999 Arques Draft EIR includes Mitigation Measure 3.5.3.1, which would reduce emissions of dust related to demolition, hauling, filling, and grading. This mitigation measure requires construction best management practices to be implemented for dust control during construction. This mitigation measure is no longer applicable, because LUTE

Mitigation Measure 3.5-3 incorporates updated guidance from BAAQMD basic construction mitigation measures from the BAAQMD 2017 CEQA Air Quality Guidelines.

The following adopted mitigation measures were identified in the LUTE Update EIR and have been added as policies to the Environmental Management Chapter of the General Plan.

### **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 the BAAQMD 2017 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<sub>x</sub>, PM<sub>10</sub>, and/or PM<sub>2.5</sub>, 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.

The City of Sunnyvale incorporated this mitigation measure into Chapter 7 (Environmental Management) of the General Plan in 2023.

### **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.

The City of Sunnyvale incorporated this mitigation measure into Chapter 7 (Environmental Management) of the General Plan in 2023.

### **Conclusion**

Review of the project, with consideration of updated thresholds and modeling standards indicates that there would be no new impacts or impacts of greater severity. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.4 BIOLOGICAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>4. Biological Resources.</b> 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 U.S. Fish and Wildlife Service?	<u>1999 Arques Draft EIR</u> settings pp. 4-4 to 4-5, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 3.9-1 to 3.9-15, Impact 3.9.1 and 3.9.5	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?	<u>1999 Arques Draft EIR</u> settings pp. 4-4 to 4-5, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 3.9-1 to 3.9-15, Impact 3.9.2 and 3.9.5	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?	<u>LUTE Update Draft EIR</u> settings pp. 3.9-1 to 3.9-15. Impact 3.9.2 and 3.9.5	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?	<u>LUTE Update Draft EIR</u> settings pp. 3.9-1 to 3.9-15, Impact 3.9.3 and 3.9.5	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.	<u>1999 Arques Draft EIR</u> settings pp. 4-5, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 3.9-1 to 3.9-15, Impact 3.9.4 and 3.9.5	No	No	NA, impact remains less than significant.

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
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?	<u>LUTE Update Draft EIR</u> settings pp. 3.9-1 to 3.9-15, Impact 3.9.4 and 3.9.5	No	No	NA, impact remains less than significant.

#### 4.4.1 Discussion

Biological resources are discussed in the LUTE Update Draft EIR, and 1999 Arques Draft EIR. To determine if there was substantial new information about the setting at the project site, an Ascent biologist evaluated the project site and the project. The biologist confirmed that the project 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 project site does not support any suitable habitat for wildlife nursery sites and roosting bat colonies. However, because there is occurrence of migratory bird species near the project site, preconstruction surveys for nesting migratory birds are recommended to avoid any potential violation of the Migratory Bird Treaty Act and California Fish and Game Code. There are -620 trees on the project site, representing 28 species, that were evaluated. Of those trees 295 meet the specifications of the City's Tree Preservation Ordinance and are considered protected trees (Davey Resource Group 2023). The project would remove 433 existing trees (138 protected) from the project site and preserve 187 trees (105 protected). The project proposes to plant a total of 501 trees on the project site.

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 U.S. Fish and Wildlife Service?**

As identified in LUTE Update Draft EIR, and 1999 Arques Draft EIR, the project area is built out and does not have large areas of natural habitat, but could support nesting bird species. 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 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. Specifically, Policy 10, Action 5 requires the City to continue to evaluate and ensure mitigation of potential biological impacts of future development and redevelopment projects in a manner consistent with applicable local, state, and federal laws and regulations. This would include ensuring that nesting birds and raptors are not impacted during construction activities. Thus, the LUTE Update Draft EIR identified this impact as less than significant under project and cumulative (Impact 3.9.5) conditions.

Crotch's bumble bee (*Bombus crotchii*), listing status has changed since the certification of the LUTE EIR and 1999 Arques Draft EIR and is a candidate species for endangered status under the California Endangered Species Act (CNDDB 2023). However, due to recent range contractions and due to the absence of undeveloped grassland or scrub habitat in the project vicinity, Crotch's bumble bee is not expected to occur on the project site. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft 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 U.S. Fish and Wildlife Service?**

LUTE Update Draft EIR Impact 3.9.2 and 3.9.5 address potential impacts to wetlands and other sensitive habitats from implementation of the LUTE. The 1999 Arques Draft EIR identified no impacts to these habitats. The analysis identifies 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 conditions (Impact 3.9.5). A well in the project area will be temporarily diverted to allow installation of a temporary crane pad; this well is fully engineered (i.e. covered with no riparian vegetation), and therefore, it does not provide any riparian habitat or other sensitive natural community. The applicant would be required to comply with relevant State and local regulations regarding alterations to the well and its outflow. Compliance may include permits to alter the well from the Santa Clara Valley Water District and/or issuance of a Letter of Waste Discharge Requirements from RWQCB. Because state and local requirements for well and outflow modifications are protective of water quality, issuance of permits would ensure that there are no adverse effects to water quality. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR 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 Update Draft EIR Impact 3.9.2 and 3.9.5 address potential impacts to wetlands from implementation of the LUTE. The analysis identifies 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 conditions (Impact 3.9.5). The 1999 Arques Draft EIR identified no wetland impacts. A well in the project area would be modified and its water outfall would be temporarily diverted to allow installation of a temporary crane pad for construction of the R&D building. The well is fully engineered (i.e. covered with no riparian vegetation), and therefore it does not provide any riparian habitat or other sensitive natural community. Construction activities around and temporary modification of the well would comply with relevant Santa Clara Valley Water District and RWQCB regulations that are protective of water quality, thereby ensuring no adverse effects on water quality would occur due to modifications to the well and its outfall. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR 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?**

Impact BIO-3 of the LUTE Update Draft EIR Impact 3.9.3 and 3.9.5 identified no significant impacts to wildlife movement as planned development would occur within existing developed areas of the city 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 within the City (i.e., Stevens Creek, Calabazas Creek, and Moffett Channel) would be retained in their current condition under the LUTE. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR,

and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR 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 Update 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 provided in Chapter 19.94 of the City's Municipal Code. Thus, no significant impacts were identified. The 1999 Arques Draft EIR identified no wetland impacts.

The proposed project would result in tree removal, some of which could be protected trees under Municipal Code Section 19.94.030. As a condition of approval, the development would be required to provide a tree removal plan to the City and comply with the City of Sunnyvale's Tree Preservation Ordinance. New tree plantings are also required to comply with City parking lot shading (Municipal Code Chapter 19.46.120g) and landscaping (Municipal Code Chapter 19.37) requirements.

The project would remove 541 trees and preserve 186 trees. The project would comply with the City's tree replacement requirements, which for the protected tree removal requires a minimum of 266 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 501 trees. The project design plans include several features to reduce bird collision risk. However, the design also includes large glass features, such as the atrium entryway on the northern end of the R&D building, the north, east, and west facades of the R&D building, transparent glass corners and mullionless glazing on the parking structure, and the freestanding glass railing on the Level 3 roof terrace of the R&D building. The project would need comply with the City's Bird-Safe Building Design Guidelines and the City has requested that the project proponent incorporate into the project design plans the recommended measures to reduce bird collisions (i.e., Priority 1 through Priority 4), as well as the recommended measures to reduce lighting impacts on birds in the Applied Materials Arques Campus – Avian Collision Risk Assessment Report (H.T. Harvey and Associates 2023) prepared for the project.

Additionally, to accommodate a temporary crane needed during construction, a well in the project area would be modified and temporarily diverted. Construction activities around and temporary modification of the well would comply with relevant Santa Clara Valley Water District and San RWQCB regulations that are protective of water quality, thereby ensuring no adverse effects on water quality would occur due to modifications to the well and its outfall.

Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR 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?**

The City is not located in a habitat conservation plan area. As a result, the LUTE Update Draft EIR, or 1999 Arques Draft EIR determined 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 Update Draft EIR, or 1999 Arques Draft EIR. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## Mitigation Measures

No mitigation measures are required for the project.

## Conclusion

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.5 CULTURAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>5. Cultural Resources.</b> Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<u>1999 Arques Draft EIR</u> settings pp. 4-5, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 3.10-1 to 3.10-15, Impacts 3.10.1 and 3.10.3	No	No	N/A, LUTE Update EIR impact remains significant and unavoidable. Project would not contribute to this impact; 1999 Arques Draft EIR impacts will be less than significant.
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<u>1999 Arques Draft EIR</u> settings pp. 4-5, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 3.10-1 to 3.10-15, Impact 3.10.2	No	No	N/A, impacts would remain less than significant.
c. Disturb any human remains, including those interred outside the formal cemeteries?	<u>1999 Arques Draft EIR</u> settings pp. 4-5, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 3.10-1 to 3.10-15, Impact 3.10.2	No	No	N/A, impacts would remain less than significant.

### 4.5.1 Discussion

A search of the Northwest Information Center (NWIC) on April 26, 2023 (NWIC File No. 22-1573) revealed that no cultural resources had previously been recorded within or adjacent to the project site. The NWIC search also identified that no cultural resource studies have occurred within the project site.

The project proposes to demolish five commercial buildings, a parking structure, and a recreation center. One of the five buildings (928 East Arques) and the existing recreation center are less than 50 years old and are not of historic age. Evaluation under the California Register of Historical Resources (CRHR) is not required, and therefore the building and recreation center are not resources under CEQA.

Four of the five commercial buildings (930 East California Avenue, 222 Commercial Street, 242 Commercial Street, and 230 Commercial Street) located on the project site were constructed before 1968. These buildings are more than 50 years old, and therefore must be evaluated for historical significance. A historical resources evaluation was conducted for these buildings (Appendix C). The four commercial buildings (930 East California Avenue, 222 Commercial Street, 242 Commercial Street, and 230 Commercial Street) were recommended as not eligible for inclusion in the National Register of Historic Places and CRHR and are therefore not resources under CEQA.

Refer to Section 4.18 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 Update 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 historical 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 Update EIR concluded that implementation of the LUTE would result in significant and unavoidable impacts under project and cumulative (Impact 3.10.3) conditions.

The 1999 Arques Draft EIR did not identify any buildings and features that have historical value that 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. However, since the time the 1999 Arques Draft EIR was certified, four of the buildings within the project site have reached at least 50 years of age.

The proposed project requires four buildings older than 50 years to be demolished. The buildings at 930 East California Avenue, 222 Commercial Street, 242 Commercial Street, and 230 Commercial Street were recorded and evaluated and were recommended as not eligible for listing in the CRHR; therefore, they are not historical resources under CEQA (Appendix C). Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR 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 Update Draft EIR noted that implementation of the LUTE could affect buried archaeological resources during construction activities. The LUTE Update 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 records search revealed that the project site does not include any known archaeological resources or human remains. The project would be required to comply with General Plan Policy LT-1.10f, which would be applied as a condition of project approval by the City. Therefore, the findings of the certified LUTE Update EIR regarding archaeological resources remain valid and no further analysis is required.

As discussed in the 1999 Arques Draft EIR, the potential for the project to adversely affect archaeological resources would be minimal because the project site is already developed, and because further construction would involve excavation limited to about 10 feet. The records search at the NWIC revealed that no archaeological cultural resources have been previously recorded within the project site.

Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be

substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

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

See analysis provided 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. Impacts to human remains would be less than significant. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR remain valid, and no further analysis is required.

**Mitigation Measures**

No mitigation measures are required for the project.

**Conclusion**

Four buildings were evaluated for historical significance and were recommended as not eligible (Appendix C). As a result, impacts to historical resources would be less than significant. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.6 ENERGY

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>6. Energy.</b> 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?	<u>1999 Arques Draft EIR</u> settings pp. 4-5, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 3.11-30 to 3.11-35, Impact 3.11.4.1	No	No	NA, impact would be less than significant
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<u>LUTE Update Draft EIR</u> settings pp. 3.5-18, 3.11-32, 3.11-32 through 3.11-35, 3.13-12 through 3.13-15, Impact 3.13.1	No	No	NA, impact would be less than significant

### 4.6.1 Discussion

Since the certification of the LUTE Update EIR in 2016, 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 have become 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, carbon-free 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. In 2018, the state passed Senate Bill (SB) 100, which requires 52 percent of electricity demand to be met with renewables by 2027, 60 percent by 2030, and 100 percent by 2045. On September 16, 2022, SB 1020 was signed into law. This bill supersedes SB 100 by requiring that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, 95 percent of all retail sales of electricity to California end-use customers by December 31, 2040, 100 percent of all retail sales of electricity to California end-use customers by December 31, 2045, and 100 percent of electricity procured to serve all state agencies by December 31, 2035.

Since the adoption of the LUTE Update EIR in 2017, there have been updates to Part 6 (California Energy Code) and Part 11 (California Green Building Standards Code [CALGreen Code]) of the Title 24 California Building Code. The California Energy Code is designed to advance the on-site energy generation by encouraging electric heat pump technology and use, establishing electric-ready requirements when natural gas is installed for residential land uses, and expanding solar photovoltaic (PV) system and battery storage standards. The CALGreen Code includes more stringent mandatory green building standards for statewide residential and nonresidential construction, as well as Tier 1 and Tier 2 additional voluntary standards. The most recent versions of the California Energy Code and CALGreen Code (2022) came into effect on January 1, 2023.

On August 13, 2019, the City adopted the Climate Action Playbook (Playbook), which builds on the City's previous Climate Action Plan (CAP 1.0), from 2014. The Playbook includes a Game Plan 2022, which contains the "next moves" for the City to demonstrate compliance with the state's long-term climate change reduction goals, including compliance with SB 32 and Executive Order S-3-05. 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.

**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 the discussion of Impact 3.11.4.1 in the LUTE Update EIR, 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 CAP. This would include obtaining carbon-free electricity from SVCE. Implementation of the Draft LUTE was shown to improve Sunnyvale and Santa Clara County vehicle miles traveled per capita as compared to the previous LUTE. This impact was identified as less than significant under project and cumulative conditions. Impacts related to the wasteful, inefficient, or unnecessary use of energy resources were not evaluated in the 1999 Arques Draft EIR.

Table 4.6-1 summarizes the levels of energy consumption associated with the construction of the project. Most of the construction-related energy consumption would be associated with use of off-road equipment and the transport of equipment and waste using on-road haul trucks for all phases of construction. An estimated 246,643 gallons of gasoline and 141,528 gallons of diesel fuel would be used during construction of the proposed project (see Appendix B).

**Table 4.6-1 Construction Energy Consumption (in gallons)**

	Diesel Off-Road Equipment	Diesel On-Road	Gasoline On-Road	Total Gasoline	Total Diesel
Phase 1 Project	91,886	49,642	246,643	246,643	141,528

Notes: Gasoline gallons include on-road gallons from worker trips. Diesel gallons include off-road equipment and on-road gallons from worker and vendor trips.

Source: Calculations by Ascent in 2023.

The energy requirements for project construction would be temporary and are not anticipated to require additional capacity or substantially increase peak or base period demands for electricity and other forms of energy. Associated energy consumption would be typical of that associated with commercial projects of this size in an urban setting. Automotive fuels would be consumed to transport people to and from the project site. Energy would be required for construction activities and to transport construction materials. The one-time energy expenditure required to construct the physical infrastructure associated with the project would be nonrecoverable. Construction-related energy demand associated with the proposed project would be typical for an urban development project. Therefore, construction-related energy would not be consumed in a wasteful, inefficient, or unnecessary manner when compared to other construction activity in the region.

Implementing the proposed project would increase electricity consumption in the region relative to existing conditions. However, the new facilities would, at a minimum, be built to 2022 California Energy Code standards, which are more efficient than 2019 standards because the 2022 Energy Code encourages efficient electric heat pumps, addresses solar PV and battery storage standards, and strengthens ventilation standards (CEC 2022). The Sunnyvale Municipal Code requires that a minimum 10-kilowatt solar PV system be installed on new buildings greater than 10,000 square feet in size. Therefore, the project would include, at minimum, 10 kilowatts of solar PV generation because both the R&D and parking structure are greater than 10,000 square feet in size. The project would also be required to meet the mandatory requirements of the 2022 CALGreen Code.

The proposed project would be all-electric, with the exception of the laboratory, which would use natural gas for lab activities. Although natural gas is prohibited from new development in the City, the City's reach codes for H and L building occupancies allow for its use. The proposed R&D building would be an H building occupancy. Off-model adjustments were made to electricity consumption for each land use to account for increased electricity demand resulting from the absence of natural gas use. See Appendix B for calculation details. Table 4.6-2 summarizes the levels of energy consumption associated with the proposed project for the first full year (2027) of operations.

**Table 4.6-2 Operational Energy Consumption**

Energy Type	Energy Consumption	Units
Electricity	215,585,000	kWh/year
Natural gas	245,000,000	kBTU/year

Notes: kBTU/year = thousand British thermal units per year; kWh/year = kilowatt-hours per year.

Source: Calculations by Ascent in 2023.

As shown in Table 4.6-2, implementing the proposed project would result in the annual consumption of 215,585,000 kilowatt-hours per year of electricity and 245,000,000 thousand British thermal units per year of natural gas from the use of pollution control equipment in the laboratory.

The net fuel consumption associated with project-related vehicle trips would not be considered wasteful, inefficient, or unnecessary in comparison to other similar developments in the region. State and federal regulations regarding fuel efficiency standards for vehicles in California are designed to reduce the wasteful, inefficient, and unnecessary use of energy for transportation. Additionally, the project site is located near nine public transit stops, all within 0.25 mile from the project site, which would reduce fuel use as a result of a reduced number of vehicle trips and increased ridership. Furthermore, a transportation demand management (TDM) plan has been prepared for the project. The TDM plan is a combination of services, incentives, facilities, and actions that reduce single-occupant vehicle trips to help relieve traffic congestion, parking demand, and mobile-source emissions. The TDM plan is intended to promote more efficient use of existing transportation facilities and ensure that the development is designed to maximize the potential for alternative transportation use. For these reasons, implementing the project would not result in the wasteful, inefficient, or unnecessary consumption of energy. Therefore, (1) there would be no new significant project impacts, and cumulative impacts were not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

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

As noted above, new land uses developed as part of project implementation would comply with the 2022 California Energy Code and CALGreen Code, which are intended to increase the energy efficiency of new development projects in the state and move the state closer to its zero-net-energy goals. The project would be automatically enrolled as a member of the SVCE, which serves as the community choice aggregation for the County. SVCE works in partnership with PG&E to deliver GHG-efficient electricity to customers in its member jurisdictions. According to the Sunnyvale Climate Action Plan Biennial Progress Report released in 2018, 98 percent of residential and commercial accounts received electricity from SVCE, and 100 percent of City facilities were powered by renewable energy (City of Sunnyvale 2018). The project would comply with the policies outlined in the City's local Climate Action Plan Playbook to increase energy efficiency and reduce energy use from fossil fuel sources. See Table 4.8-1 in Section 4.8, "Greenhouse Gas Emissions," for a detailed summary of the project's consistency with the Climate Action Playbook. Implementation of the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, (1) there would be no new significant project impacts, and cumulative impacts were not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## Mitigation Measures

No mitigation measures are required for the project.

## Conclusion

No new impacts would occur, and no new information has been found requiring new analysis or verification. Therefore, (1) there would be no new significant project impacts, and cumulative impacts were not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.7 GEOLOGY, SOILS, AND PALEONTOLOGICAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>7. Geology and Soils.</b> Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	1999 Arques Draft EIR settings pp. 3.7-1 to 3.7-19, Impact 3.7.1 and Impact 3.7.5	No	No	NA, impact would be less than significant
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.)				NA, impact would be less than significant
ii) Strong seismic ground shaking?				NA, impact would be less than significant
iii) Seismic-related ground failure, including liquefaction?				NA, impact would be less than significant
iv) Landslides?				NA, impact would be less than significant
b) Result in substantial soil erosion or the loss of topsoil?	1999 Arques Draft EIR settings pp. 3.7-1 to 3.7-19, Impacts 3.7.2 and 3.7.5	No	No	NA, impact would be 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?	1999 Arques Draft EIR settings pp. 3.7-1 to 3.7-19, Impacts 3.7.3 and 3.7.5	No	No	NA, impact would be less than significant

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>7. Geology and Soils.</b> Would the project:				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	1999 Arques Draft EIR settings pp. 3.7-1 to 3.7-19, Impact 3.7.3 and 3.7.5	No	No	NA, impact would be less than significant
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	1999 Arques Draft EIR settings pp 3.7-14 and 3.7-14, Impact 3.7.2	No	No	NA
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1999 Arques Draft EIR settings pp. 3.7-1 to 3.7-9, 3.10-14 to 3.10-15, Impacts 3.7.4, 3.7.6, and 3.10.3	No	No	NA, impact would be less than significant

#### 4.7.1 Discussion

A geotechnical investigation was prepared in July 2023 for the project.

No substantial change in the environmental and regulatory settings related to geology and soils, described in the LUTE Update Draft EIR Section 3.7, "Geology, Soils, and Paleontological Resources," has occurred since certification of the LUTE Update EIR.

The California Supreme Court decision in California Building Industry Association v. Bay Area Air Quality Management District has resulted in changes to CEQA with regard to consideration of 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, as concluded by the California Supreme Court (see [2015] 62 Cal.4<sup>th</sup> 369, 377 ["we conclude that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users."]). Changes to the State CEQA Guidelines to reflect this decision were adopted on December 28, 2018. 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. Previous discussions of effects of the environment related to geology and soils on future residents are 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?

The City's Municipal Code has adopted the California Building Code (CBC) by reference in 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 Update EIR concludes that impacts related to geologic stability would be less than significant under project and cumulative conditions.

The geotechnical report prepared for the project site provides recommendations for earthwork, excavation/basement excavation, and foundation design (Langan Engineering and Environmental Service Inc 2023). The project would be subject to CBC and Municipal Code provisions for geologic stability. The geotechnical report (Langan Engineering and Environmental Service Inc 2023) prepared for the project site addresses site-specific geologic and seismic stability issues. The project design would incorporate seismic design recommendations as necessary, which would safeguard against significant damage to structures that could result from seismic activity. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR remain valid, and no further analysis is required.

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

As identified in the LUTE Update EIR, the project would allow for new development, redevelopment, and infrastructure improvements. Grading and site preparation activities associated with the project and offsite sewer improvements would include demolition of buildings and pavement, which could expose the underlying soil 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 provides 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 best management practices (BMPs), including any additional site-specific and seasonal conditions. 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 Update EIR concludes that impacts from soil erosion and loss of topsoil would be less than significant under both project and cumulative conditions.

The project is subject to the above standards. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR remain valid, and no further analysis is required.

**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 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 Update EIR concludes that impacts from geologic instability would be less than significant under both project and cumulative conditions.

The preliminary geotechnical investigation prepared for the project identified high expansion potential in surface and subgrade soils within the project site (Langan Engineering and Environmental Service Inc 2023).

In addition to the above, 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 structure 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 project is subject to the above standards and includes soil stability and erosion controls within project plans. The project applicant has submitted a geotechnical report for the project (Langan Engineering and Environmental Service Inc 2023) that addresses project-specific geologic and soil stability issues, recommendations for which would be incorporated into the project design and construction methods. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR remain valid, and no further analysis is required.

**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?**

Development in the City uses the City's existing wastewater conveyance and treatment. Wastewater conveyance and septic systems are not proposed or required as part of the project, and therefore, no impact under project or cumulative conditions would occur. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR 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 Update Draft EIR noted that earth-moving activities could uncover undiscovered paleontological resources during construction activities. The LUTE Update 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 conditions (Impact 3.7.4 and 3.10.3).

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 Update 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.

Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR remain valid, and no further analysis is required.

### **Mitigation Measures**

No mitigation measures are required for the project.

### **Conclusion**

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>Greenhouse Gas Emissions.</b> Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<u>1999 Arques Draft EIR</u> settings pp. 3.0-5 to 3.0-6 <u>LUTE Update Draft EIR</u> settings pp. 3.13-1 to 3.13-9, Impact 3.13.1 <u>LUTE Update Final EIR</u> pp. 3.0-5 to 3.0-6	No	No	NA, impact would be less than significant
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<u>1999 Arques Draft EIR</u> settings pp. 3.0-5 to 3.0-6 <u>LUTE Update Draft EIR</u> settings pp. 3.13-1 to 3.13-9, Impact 3.13.1 <u>LUTE Update Final EIR</u> pp. 3.0-5 to 3.0-6	No	No	NA, impact would be less than significant

### 4.8.1 Discussion

On August 13, 2019, the City adopted the Climate Action Playbook (Playbook), which builds on the City's previous Climate Action Plan (CAP 1.0), from 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 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e). 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 (Senate Bill [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 2022, which contains the "next moves" for the City to help maintain progress toward 2030 targets. 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 Update EIR, the following new or updated greenhouse gas (GHG) executive orders, plans, policies, or regulations have been issued:

- ▶ 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 the California Air Resources Board (CARB) to prepare another update to the Scoping Plan to address the 2030 target for the state. On December 15, 2022, CARB approved the 2022 Climate Change Scoping Plan Update, which outlines potential programs and policies designed to meet the state's long-term 2045 GHG emissions goal. Also, the 2022 Scoping Plan Update adopts a

new, more ambitious GHG goal for 2030 by aiming to reduce GHG emissions by 48 percent below 1990 levels (CARB 2022c). The plan includes strategies consistent with Assembly Bill (AB) 197 requirements.

- ▶ On September 16, 2022, the state legislature passed AB 1279, which codified stringent emissions targets for the state of achieving carbon neutrality and an 85-percent reduction in 1990 emissions level by 2045. (This superseded the previous GHG emissions reduction target set forth by EO S-3-05.)
- ▶ 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.
- ▶ On September 16, 2022, SB 1020 was signed into law. This bill supersedes SB 100 by requiring that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, 95 percent of all retail sales of electricity to California end-use customers by December 31, 2040, 100 percent of all retail sales of electricity to California end-use customers by December 31, 2045, and 100 percent of electricity procured to serve all state agencies by December 31, 2035.
- ▶ 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 were revised most recently in 2022 (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 triennially to allow for consideration and possible incorporation of new energy efficiency technologies and methods. The 2022 Building Energy Efficiency Standards went into effect on January 1, 2023, and will result in buildings that are more energy efficient than those built to meet the 2019 standards.
- ▶ California Green Building Standards Code (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. Each new iteration of the CALGreen standards improves the energy efficiency and sustainability of development prepared under the prior iteration. The current iteration went into effect on January 1, 2023.
- ▶ Senate Bill 743: Under SB 743, the analysis of transportation impacts under CEQA no longer considers congestion but instead focuses on the impacts of vehicle miles traveled (VMT). The Governor's Office of Planning and Research (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 emissions" (OPR 2018). This metric replaces the use of delay and level of service to measure transportation-related impacts.
- ▶ 2022 Bay Area Air Quality Management District (BAAQMD) Justification Report: BAAQMD released its 2022 Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans, which contains recommended thresholds of significance for use in determining whether implementing a project would have a significant impact on climate change. BAAQMD recommends that the thresholds of significance identified in the 2022 BAAQMD Justification Report be used by public agencies for CEQA compliance. In its analysis, BAAQMD found that a new land use development project being built today needs to incorporate design elements to do its "fair share" of implementing the goal of carbon neutrality by 2045. If a project is designed and built to incorporate the design elements identified in the 2022 Justification Report, then the project would contribute its portion of what is necessary to achieve California's long-term climate goals—its "fair share"—and an agency reviewing the project under CEQA can conclude that implementing the project would not make a cumulatively considerable contribution to global climate change. The thresholds for land use projects include two options: option "A" or option "B." Option "A" requires that projects incorporate building design elements and transportation design elements. Building design elements include excluding natural gas appliances or natural gas plumbing, in both residential and nonresidential development, and avoiding any wasteful, inefficient, or unnecessary energy use as determined by the analysis required under CEQA Section

21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines. Transportation design elements include achieving a reduction in project-generated VMT for residential projects at 15 percent below the existing VMT per capita and achieving compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2. Option "B" requires projects to be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b) (BAAQMD 2022).

- ▶ Nonresidential and multifamily reach codes: The City of Sunnyvale reach codes are building codes that exceed the state's standard energy construction codes. The California Energy Commission sets standards (California Energy Code) for energy efficiency to reduce GHG emissions. The reach codes exceed the California Energy Code requirements to accelerate the reduction of GHG emissions. Reach codes apply to new buildings.

The changes to the regulatory environment would serve to reduce the project's long-term GHG emissions by reducing emissions from energy generation and automobile use. These changes do not constitute substantial new information indicating that an impact on climate change would be substantially more severe than discussed in the LUTE Update EIR. The 1999 Arques Draft EIR did not evaluate impacts related to GHG emissions or climate change.

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

Based on project-specific data and default assumptions in the latest California Emissions Estimator Model (CalEEMod), construction of the proposed project is estimated to generate approximately 3,379 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e), and operation of the project is estimated to generate approximately 7,733 MTCO<sub>2</sub>e per year. See Appendix B for detailed modeling inputs and results.

The project was compared to the guidelines and thresholds for land use projects outlined in the adopted 2022 BAAQMD Justification Report. The thresholds for land use projects include two options: option "A" or option "B." Option "A" requires that projects incorporate building design elements (such as excluding natural gas appliances or natural gas plumbing in both residential and nonresidential development) and transportation design elements (such as achieving compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2). Option "B" requires projects to be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b). This analysis demonstrates project consistency with Option "B."

As stated above, 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 strategies that outline the overarching approach to achieve 80-percent GHG emission reductions below 1990 levels by 2050. Within each strategy, several plays identify areas for action and measurable targets to define progress. Consistency with the Playbook and the City's long-term goal of carbon neutrality is being demonstrated through multiple project features, namely by developing the project as all-electric, except for the laboratory, which would be powered with natural gas, because this is permitted under the City's reach codes for H and L building occupancies. The proposed R&D building would be an H building occupancy. The project also features electric vehicle-charging infrastructure and on-site renewable energy generation in the form of photovoltaic systems.

Table 4.8-1 provides a detailed summary of the project's consistency with the Playbook. (Strategies and plays not applicable to the project were not included in the consistency analysis.) As a result, the project would be consistent with applicable regional and local plans and policies to reduce GHG emissions.

**Table 4.8-1 Project Consistency with the 2019 Sunnyvale Climate Action Playbook**

Strategies and Play	Project Consistency
<b>Strategy 1: Promoting Clean Electricity</b>	Consistent. The project would support the goals of Strategy 1 by using Silicon Valley Clean Energy's (SVCE's) carbon-free electricity and installing rooftop solar photovoltaic systems in compliance with the Sunnyvale municipal code.
<b>Play 1.1: Promote 100 percent clean electricity.</b> The City is committed to working with Silicon Valley Clean Energy (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 project would operate on clean energy at initiation.
<b>Play 1.2: Increase local solar photovoltaics (PV).</b> 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. See analysis under Strategy 1.
<b>Strategy 2: Decarbonizing Buildings</b>	Consistent. The project would provide opportunities for new building construction to be carbon free through the installation of energy-efficient appliances and all-electric buildings. Natural gas supplies necessary to support the laboratory would be allowed under the City's reach code for H building occupancies.
<b>Play 2.3: Achieve all-electric new construction.</b> 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. See analysis under Strategy 2.
<b>Strategy 3: Decarbonizing Transportation and Sustainable Land Use</b>	Consistent. The project would be located near several bus stops to promote public transportation use and reduce single-passenger vehicle trips. Additionally, a transportation demand management (TDM) plan has been prepared for the project. The TDM plan is a combination of services, incentives, facilities, and actions that reduce single-occupant vehicle trips to help relieve traffic congestion, parking demand, and mobile-source emissions. The TDM plan is intended to promote more efficient use of existing transportation facilities and ensure that the development is designed to maximize the potential for alternative transportation use.
<b>Play 3.1: Increase opportunities for and encourage development of mixed-use sites to reduce vehicle miles per person.</b> 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. See analysis under Strategy 3.
<b>Play 3.2: Increase transportation options and support shared mobility.</b> 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. See analysis under Strategy 3.

Strategies and Play	Project Consistency
<p><b>Play 3.3: Increase zero-emission vehicles.</b>  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.</p> <p>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</p>	Consistent. To comply with the mandatory requirements of Title 24 Part 11 (California Green Building Standards Code), the project would be required to provide electric vehicle (EV) charging stations to promote the use of EVs.
<p><b>Strategy 4: Managing Resources Sustainably</b></p>	Consistent. The project would be consistent with City requirements regarding landscaping, tree preservation, solid waste, and stormwater management.
<p><b>Play 4.1: Achieve Zero Waste goals for solid waste.</b>  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.</p>	Consistent. See analysis under Strategy 4. The project would interact with the City's FoodCycle program and would be serviced by the City's recycling and composting services.
<p><b>Play 4.2: Ensure resilience of water supply.</b>  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.</p>	Not applicable: The project would feature landscaping consisting of 80 percent water-conserving plants to reduce water demand for irrigation.
<p><b>Play 4.3: Enhance natural carbon sequestration capacity.</b>  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.</p>	Consistent. See analysis under Strategy 4.

Therefore, (1) there would be no new significant project impacts, and cumulative impacts were not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

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

See discussion in a), above.

### **Mitigation Measures**

No mitigation measures are required for the project.

### **Conclusion**

The modified project would not result in any new impacts, and no new information has been found requiring new analysis or verification. Therefore, (1) there would be no significant project impacts or cumulative impacts that were not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.9 HAZARDS AND HAZARDOUS MATERIALS

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>9. Hazards and Hazardous Materials.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<u>LUTE Update Draft EIR</u> settings pp. 3.3-1 to 3.3-22, Impacts 3.3.1 and 3.3.6 <u>1999 Arques Draft EIR</u> settings pp. 3.8-1 to 3.8-8, Health and Safety Impact 4	No	No	NA, impact would be less than significant
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?	<u>1999 Arques Draft EIR</u> settings pp. 3.8-1 to 3.8-8, Health and Safety Impact 1, Health and Safety Impact 2, Health and Safety Impact 3 <u>LUTE Update Draft EIR</u> settings pp. 3.3-1 to 3.3-22, Impacts 3.3.2 and 3.3.6	No	No	NA, impact would be 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?	<u>LUTE Update Draft EIR</u> settings pp. 3.3-1 to 3.3-22, Impacts 3.3.3 and 3.3.6	No	No	NA, impact would be 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?	<u>LUTE Update Draft EIR</u> settings pp. 3.3-1 to 3.3-22, Impacts 3.3.2 and 3.3.6	No	No	NA, impact would be 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	<u>LUTE Update Draft EIR</u> settings pp. 3.3-1 to 3.3-22, Impacts 3.3.4 and 3.3.6	No	No	NA, impact would be less than significant

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>9. Hazards and Hazardous Materials.</b> Would the project:				
residing or working in the project area?				
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<u>199 Arques Draft EIR</u> settings pp. 3.8-9 to 3.8-13 <u>LUTE Update Draft EIR</u> settings pp. 3.3-1 to 3.3-22, Impacts 3.3.5 and 3.3.6	No	No	NA, no impact would occur
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	the LUTE Update Draft EIR setting p. 3.3-15	No	No	NA, impact would be less than significant

## 4.9.1 Discussion

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

The 1999 Arques Draft EIR addresses soil and groundwater contamination on the project site and describes how earth-moving activities could expose workers and the public to chemical compounds in the soil, soil gases, groundwater, and air. Since certification of the 1999 Arques Draft EIR, as summarized below, environmental site assessments (ESAs) have been completed for the project site. In addition, the project site has been added to the Cortese List as a cleanup site subject to remediation activities under the jurisdiction of the State Water Resources Control Board (SWRCB) (SWRCB 2023). Furthermore, a covenant and environmental restriction recorded for the project site place restrictions on land uses at the site, excavation of contaminated soils on the project site, and subsurface work that may occur on the site (RWQCB 2005).

### Environmental Site Assessments

Four Phase I ESAs were prepared for different areas of the project site: 190 and 198 Commercial Street and 930 East California Avenue (Weiss Associates 2018), 230 Commercial Street (Weiss Associates 2022a), 242 Commercial Street (Weiss Associates 2022b), and 222 Commercial Street (Weiss Associates 2023a). The contents of these ESAs are summarized as follows:

- ▶ At 190 and 198 Commercial Street and 930 East California Avenue, two recognized environmental conditions (RECs) were identified: the potential presence of chlorinated pesticides and/or lead arsenate in the soil due to historical agricultural use of the site and volatile organic compounds (VOCs) dissolved in groundwater, originating from the Mohawk Laboratories site at 932 Kifer Road (Weiss Associates 2018).
- ▶ At 230 Commercial Street, six RECs were identified: VOCs dissolved in groundwater, originating from the Mohawk Laboratories site at 932 Kifer Road; historical groundwater monitoring wells; historical agricultural use that poses the potential for persistent pesticides and herbicides; the potential for polychlorinated biphenyls (PCBs), asbestos, and lead paint associated with the existing buildings; a known leaking underground storage

tank (LUST) that may still affect the project site; and three nearby LUSTs that were determined not to affect the project site. This Phase I ESA recommended assessment of the on-site soil, subslab soil gas sampling, evaluation of the existing buildings for PCBs, and assessment of the contents of process water discharged from existing businesses (Weiss Associates 2022a).

- ▶ At 242 Commercial Street, seven RECs were identified: a 55-gallon drum with no label; polyvinyl chloride pipes that may have released chemicals into the soil; VOCs dissolved in groundwater, originating from the Mohawk Laboratories site at 932 Kifer Road; historical agricultural use that poses the potential for persistent pesticides and herbicides; the potential for PCBs, asbestos, and lead paint associated with the existing buildings; a known LUST that may still affect the project site; and three nearby LUSTs that were determined not to affect the project site. This Phase I ESA recommended further evaluation of the soil, subslab soil, and the content and use of the 55-gallon drum; evaluation of the potential for contamination from the two PVC pipes; and sampling of building materials for PCBs, asbestos, and lead (Weiss Associates 2022b).
- ▶ At 222 Commercial Street, 12 RECs were identified: a historical LUST; potential spill of PCBs; blue-green staining of soil; lead exceeding the US Environmental Protection Agency's action level of 15 micrograms per liter in the drinking water; VOCs dissolved in groundwater, originating from the Mohawk Laboratories site at 932 Kifer Road; historical agricultural use that poses the potential for persistent pesticides and herbicides; the potential for PCBs, asbestos, and lead paint associated with the existing buildings; a known LUST that may still affect the project site; three nearby LUSTs that were determined not to affect the project site; vapor intrusion into the building; the contents of waste discharges from the property; and the potential for a chemical spill at the sump at the loading dock on the east side of the building. This Phase I ESA recommended evaluation of the on-site soil, subslab soil, and stained concrete; sampling of building materials; assessment of water supply pipes; and evaluation of wastewater discharge contents (Weiss Associates 2023a).

A Phase II ESA was prepared in February 2019 to further evaluate soil contaminants on the lots of the project site at 190 and 198 Commercial Street and 930 East California Avenue. The Phase II sampling did not uncover sources of VOCs, total petroleum hydrocarbons, chlorinated pesticides, or metals in soil or groundwater on the property that would have resulted from historical commercial on-site activities. The groundwater and soil sampling conducted for this Phase II investigation yielded results consistent with the known VOC plume migrating in groundwater from upgradient sources at the former Mohawk Laboratories site, located south of the property at 932 Kifer Road, and historical agricultural use in the region. Analytical concentrations of perchloroethylene (PCE), tetrachloroethylene (TCE), and vinyl chloride in some groundwater samples exceeded the regional water quality control board (RWQCB) human health risk screening levels for groundwater to vapor. Due to these exceedances and the known VOC groundwater plume migrating from the off-site Mohawk site source, Weiss Associates recommended performing indoor air sampling at buildings on the property to evaluate vapor intrusion risk. This Phase II ESA recommended site management plans and soil gas sampling work plans followed by groundwater monitoring well decommissioning (Weiss Associates 2019).

In October 2023, a Phase II ESA was prepared to investigate the conditions at 222 Commercial Street. This investigation included soil, asphalt, and concrete sampling, as well as sampling of investigation-derived waste, such as soil, purged groundwater, and equipment decontamination water from the borings. Analysis of the samples collected at project site indicated that the soil contains elevated levels of arsenic and other metals and the presence of VOCs associated with the plume migrating from the off-site Mohawk site source described above. Sampling indicated that total petroleum hydrocarbons (TPH) and PCBs were present, but at low levels that would not require special handling of materials, and that the former underground storage tank at the property no longer presents a hazard risk on the site. This Phase II ESA recommended that a sampling plan, and potentially a remediation plan, be prepared for the site to address soil contamination by arsenic and other metals, as well as indoor air quality monitoring of occupied buildings (Weiss Associates 2023a).

## Listed Hazardous Materials Sites within the Project Site

The project site contains sites identified as meeting the Cortese List requirements (hazardous materials sites compiled pursuant to Government Code Section 65962.5). The following seven closed hazardous materials sites and one open hazardous materials site on the project site are currently under remediation:

- ▶ Applied Materials Arques Campus – 974 East Arques Avenue (open – remediation)
- ▶ Shell – 928 East Arques Avenue (LUST cleanup site - case closed)
- ▶ Western Precision – 230 Commercial Street (cleanup program site – case closed)
- ▶ City of Sunnyvale Corporation Yard – 221 Commercial Street (cleanup program site – case closed)
- ▶ Modern Machine – 214 Commercial Street (cleanup program site – case closed)
- ▶ W.L. Hickey Sons Inc – 190 Commercial Street (LUST cleanup site – case closed)
- ▶ Far West Moving & Storage – 930 East California Avenue (LUST cleanup site – case closed)
- ▶ Hewlett-Packard – 999 East California Avenue (LUST cleanup site – case closed)

The hazardous materials site located at 974 East Arques Avenue is listed due to the presence of VOCs, including TCE, from a former acid neutralization sump used on the site for historical industrial processes. In the 1980s, the former acid neutralization sump was excavated and disposed of, approximately 3,000 cubic yards of soil were removed, and a groundwater extraction and treatment system was installed to break down the VOCs in the groundwater. Per SWRCB requirements, groundwater monitoring and reporting will continue into the foreseeable future until established cleanup standards for the site are met (SWRCB 2023); in September 2023, Applied Materials submitted a Groundwater Monitoring Well Decommissioning Completion Report to SWRCB for review (Weiss Associates 2023b).

A site management plan (SMP) to address contamination on the site associated with the R&D project was approved in October 2023 (Hoffman-Davies, pers. comm., 2023). An SMP for the proposed parking structure location (i.e., 928 and 930 East Arques Avenue and 222, 230, and 242 Commercial Street, Sunnyvale) was submitted for review to RWQCB in December 2023 (Weiss Associates 2023b).

## Electric and Magnetic Fields

Electric and magnetic fields (EMFs) are present wherever electricity flows, such as around appliances and powerlines, in offices and at schools and within residences. With regard to the project, EMFs would be associated with new electrical power supplies and the proposed substation expansion. Concerns related to health effects caused by exposure of EMFs associated with project elements have been expressed by members of the public.

Electric and Magnetic fields are invisible lines of force that surround any electrical device. Electric fields are produced by voltage and increase in strength as the voltage increases. Electric fields are shielded or weakened by materials that conduct electricity (including trees, buildings, and human skin). Magnetic fields, on the other hand, pass through most materials and are therefore more difficult to shield. Both electric and magnetic fields decrease as the distance from the source increases (NIH 2002).

During the 1990s, most EMF research focused on extremely low frequency exposures stemming from conventional power sources, such as power lines, electrical substations, or home appliances. While some of these studies showed a possible link between EMF field strength and an increased risk for childhood Leukemia, their findings indicated that such an association was weak. The few studies that have been conducted on adults show no evidence of a link between EMF exposure and adult cancers, such as leukemia, brain cancer, and breast cancer (NIH 2002).

Based on research pertaining to EMF, the California Public Utilities Commission (CPUC) was unable to determine whether there is a substantial scientifically verifiable relationship between EMF exposure and negative health consequences. However, in 2006, CPUC's Energy Division was directed to pursue and review all available studies regarding EMF, and to review scientific information and report on new findings. Should such studies indicate negative EMF health impacts, the Commission will reconsider its EMF policies, and open a new rulemaking if necessary. However, the CPUC has prepared EMF design guidelines for new and rebuilt facilities. The guidelines incorporate

alternative sites, increase the size of rights-of-way, place facilities underground, and use other suggested methods for reducing EMF levels at transmission, distribution and substation facilities. These design guidelines would be considered while addressing final design on the project, including the substation expansion (CPUC 2006). Because no evidence suggests that the design of the project would create a substantial hazard to the public related to exposure of EMFs, no significant impacts has been identified and this topic is not discussed further.

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

The discussion of Impact 3.3.1 in the LUTE Update EIR evaluated whether implementation of the LUTE would increase the routine transport, use, or disposal of hazardous materials. The analysis stated 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, but rather primarily green technology and office/R&D uses. 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 would ensure that the LUTE would have a less-than-significant impact 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 make a less than cumulatively considerable contribution to significant cumulative impacts (Impact 3.3.6). The discussion of Impact Health and Safety 4 described the potential for accidental release of project-related hazardous materials or wastes, noting that impacts would be less than significant due to existing hazardous materials and waste packaging standards.

Although operation of the project would include the use of hazardous substances to support R&D activities, it would be subject to the federal, state, and local regulations that regulate hazardous material use and safety measures during transport, construction and operation use, and disposal as discussed in the LUTE Update EIR and 1999 Arques Draft EIR. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR 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?**

The discussion of LUTE Update 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 that 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 the City of Sunnyvale is regulated to reduce the potential for transportation accidents involving hazardous materials. The LUTE Update 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).

As noted above, consistent with the discussion of Impact 3.8.1 in the 1999 Arques Draft EIR, project-related construction could disturb existing contaminated soils or groundwater; however, the remediation of the project site is

ongoing and under the jurisdiction of SWRCB. Per SWRCB requirements, groundwater monitoring and reporting will continue into the foreseeable future until established cleanup standards for the site are met (SWRCB 2023). In addition, an SMP for the R&D site has been approved, and an SMP for the parking structure is under review by RWQCB (Weiss Associates 2023b). Because the completion of remediation efforts on the site are under the jurisdiction of RWQCB, and a covenant and environmental restriction have been placed on the site subject to RWQCB review, Mitigation Measure 3.8.1-1, which requires implementation of an environmental safety and health plan, would no longer be necessary. Furthermore, the discussion of Impact 3.8-2 in the 1999 Arques Draft EIR emphasizes that soil remediation efforts would ensure that any contaminated groundwater would be treated to chemical-specific standards defined by the California Department of Health Services and that any impacts would be less than significant. In addition, as noted above, ESAs have been completed to address the potential for asbestos, PCBs, mercury, and other hazardous materials that may be affected during demolition of existing buildings; therefore, Mitigation Measure 3.8.3-1, which requires hazardous materials surveys, would no longer be necessary.

The discussion of Impact 3.3.2 stated 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 before 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 PCBs and persistent residual chemicals, including pesticides, herbicides, and fertilizers. Further, redevelopment activities associated with the LUTE could result in exposure to hazardous materials by disturbing and thus releasing asbestos and/or lead during demolition. Before approving any project at a site that is known to have contamination from historical uses or at a site that has not yet been evaluated but where the potential for contamination exists based on historical or current uses, the City must ensure that the project is consistent with General Plan Safety and Noise Chapter Policy SN-1.1. 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 Update 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).

Evaluations of the project site include Phase I and Phase II ESAs. As summarized above, existing conditions on the project site may pose a hazardous condition to construction workers and the general public during demolition of buildings and excavation of contaminated soil. As described for Impact 3.2.2 in the LUTE Update EIR, federal and state laws and regulations require that measures be implemented to reduce human exposure to hazardous materials. For known or potentially contaminated sites or older buildings that may contain hazardous building materials, before issuing a grading or building permit, the City would require an assessment of potential hazards. If the project could pose a human health or environmental risk, the City would require that such hazards be managed appropriately. Site management plans to address hazardous materials on the project site have been developed and would be implemented to address contamination on the project site before construction. The completion of remediation is subject to approval by SWRCB.

Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR 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?**

The LUTE Update EIR concludes that such impacts would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions.

No schools are located within one-quarter mile of the project site. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE

Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR 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 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?

The discussion of LUTE Update 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 the 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 Update 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 Update 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 6.2 miles southeast of Moffett Federal Airfield and is outside CLUP boundaries. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR 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 Update Draft EIR, the City 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 Update EIR.

No new private airports have been developed near the project site. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR 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 1999 Arques Draft EIR and LUTE Update EIR identified less-than-significant impacts under project conditions and stated that the project would make a less than cumulatively considerable contribution under cumulative conditions related to interference with an adopted emergency response plan or emergency evacuation plan.

Implementing the project would result in infill development 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 area and would promote traffic flow and emergency access on-site. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than

discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR 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?**

The 1999 Arques Draft EIR and LUTE Update EIR determined that there would be no wildfire impacts under project or cumulative conditions.

No changes to the location of the project site have occurred, and no changes to the risks from wildfires have occurred since approval of the LUTE. The project is not in a high wildfire severity zone or near an urban/wilderness interface. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR remain valid and no further analysis is required.

**Mitigation Measures**

No mitigation measures are required for the project.

**Conclusion**

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR remain valid and no further analysis is required.

## 4.10 HYDROLOGY AND WATER QUALITY

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>10. Hydrology and Water Quality.</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<u>1999 Arques Draft EIR</u> settings pp. 3.7-5 to 3.7-8 and 4-4 (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 3.8-1 to 3.8-23, Impacts 3.8.1 and 3.8.4	No	No	NA, impacts would be less than significant
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<u>1999 Arques Draft EIR</u> settings pp. 4-4 (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 3.11-1 to 3.11-17, Impacts 3.11.1.1 and 3.11.3	No	No	NA, impacts would be 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 or through the addition of impervious surfaces, in a manner which would:	<u>1999 Arques Draft EIR</u> settings pp. 3.7-1 to 3.7-5, Hydrology and Water Quality Impact 1, Hydrology and Water Quality Impact 2, Hydrology and Water Quality Impact 3 <u>LUTE Update Draft EIR</u> settings pp. 3.8-1 to 3.8-23, Impacts 3.8.1, 3.8.4, and 3.8.5	No	No	NA, impacts would be less than significant
i) Result in substantial on- or offsite erosion or siltation;				
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;				
iii) Create or contribute runoff water which would exceed the				

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>10. Hydrology and Water Quality.</b> Would the project:				
capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				
iv) Impede or redirect flood flows?				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	LUTE Update Draft EIR settings pp. 3.8-1 to 3.8-23, Impacts 3.8.2 and 3.8.5	No	No	NA, impacts would be less than significant
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	LUTE Update Draft EIR settings pp. 3.8-1 to 3.8-23, Impacts 3.8.1 and 3.8.4	No	No	NA, impacts would be less than significant

#### 4.10.1 Discussion

No substantial change in the environmental and regulatory settings related to hydrology and water quality, described in LUTE Update EIR Section 3.8, Hydrology and Water Quality, have occurred since certification of the LUTE Update EIR or the 1999 Arques Draft EIR.

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

As identified in the LUTE Update EIR, construction activities associated with development (including the offsite sewer improvements) 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 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 project site. The Stormwater Management chapter provides regulations and gives legal effect to certain requirements of the 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.

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

regional Municipal Regional Stormwater Permit (MRP) Provision C.3 requirements and implement low impact design (LID). Common LID strategies that would be appropriate for the project site would include treatment methods such as bio-retention basins and flow-through planters, green roofs, media filtration devices, and pervious surfaces. Compliance with existing requirements of Chapter 12.60 of the Municipal Code, 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.

The Arques EIR describes how the project would reduce the area of impervious surfaces associated with the industrial park, thereby not increasing the surface runoff peak flows that currently leave the site (pp. 3.7-5 – 3.7-6). However, urban runoff associated with development of the Arques Campus Specific Plan would contain urban stormwater, which may consist of litter, sediment, oil and grease, oxygen-demanding substances, pathogenic microorganisms, toxic metals, and pesticides. Preparation and implementation of a construction Storm Water Pollution Prevention Plan (SWPPP), per 1999 Arques Draft EIR Mitigation Measures 2.1 and 2.2. These mitigation measures are no longer necessary because development and implementation of a SWPPP is required for projects that exceed 1 acre. However, due to the large area of landscaped areas on the project site, runoff may contain increased levels of pesticide and fertilizer from the vegetated area. Mitigation Measure 3.7.3-1 requires that Applied Materials uses the minimum level of pesticides and fertilizer necessary and completely avoids application if rain is imminent.

A well in the project area would be modified and its water outfall would be temporarily diverted to allow installation of a temporary crane pad for construction of the R&D building. Construction activities around and temporary modification of the well would comply with relevant Santa Clara Valley Water District and RWQCB regulations that are protective of water quality, thereby ensuring no adverse effects on water quality would occur due to modifications to the well and its outfall. The project is subject to the water quality control requirements identified above. With the application of uniformly applied development standards and policies, and 1999 Arques Draft EIR Mitigation Measure 3.7.3-1, the project would not result in new significant impacts or substantially more severe impacts than were identified in the LUTE Update EIR or 1999 Arques Draft EIR. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR or 1999 Arques Draft EIR 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 Update EIR identified that development would have little or no effect on groundwater recharge because the City largely built out and 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]). Groundwater production is actively managed by the Santa Clara Valley Water District to avoid groundwater overdraft through its conjunctive use efforts. The LUTE Update EIR concludes 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 project would not substantially change development patterns and the areas of impermeable surfaces from that approved in the LUTE Update EIR. The project would also obtain public water service from the City and would not use onsite wells for water supply, or otherwise draw down existing groundwater. However, to support placement of the crane, a temporary pad would be installed north of the proposed R&D building. Installation of the crane pad would require excavation of soil to 3 feet below grade and temporary installation of gravel fill, as well as modifications to the existing well and its outflow. Construction activities around and temporary modification of the well would comply with relevant Santa Clara Valley Water District and San RWQCB regulations that are protective of water quality, thereby ensuring no adverse effects on water quality would occur due to modifications to the well and its outfall. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be

substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR 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 or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial on- or offsite erosion or siltation;

See item a) above.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

Impact 3.8.2 in the LUTE Update 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 be at or above the base flood elevation, and that building design includes design features such as anchoring and the use of flood damage-resistant materials and methods. Individual development projects are required under Municipal Code Section 12.60 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 is required to comply with Section 12.60 of the City's Municipal Code and demonstrate that the project would not increase runoff over pre-project rates and durations. Project design plans include water quality control and drainage features for the site, such as permeable pavers and flow through planters. In addition, the project would grade the site and raise the northern interface with existing neighbors to correct the grade and reduce flow onto adjacent neighbors during foreseeable storm events. The project thus alters existing drainage patterns, but not in a way that would result in an adverse impact. The project improves drainage patterns in the area. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

iii) 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; or

The project would not increase runoff compared to existing conditions. See discussion and conclusions under items a) and ii) above.

iv) Impede or redirect flood flows?

The project is not located in a floodway and would not impede or redirect flood flows. See discussion and conclusions under item ii) above.

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

As described in LUTE Update 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 like the 1906 earthquake would be the largest to occur in the Bay Area; consequently, seiches with an increase in water elevation of more than four 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 Update 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 project site is not in a flood hazard, tsunami, or seiche zone. The 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, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

**e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

Impact 3.7.3 of the 1999 Arques Draft EIR identified that urban runoff from impermeable surfaces associated with development of the Arques Campus Specific plan could affect the quality of stormwater draining to Calabazas Creek and the Bay. The 1999 Arques Draft EIR concluded that implementation of Mitigation Measure 3.7.3-1 would reduce this impact to less than significant.

## **Mitigation Measures**

### **1999 Arques EIR Mitigation Measures 3.7.3-1**

Applied Materials shall use the minimum amount of pesticides and fertilizers necessary to properly maintain landscaping at the Arques Campus. Applied Materials shall not apply pesticides and fertilizers to its grounds if rain is imminent.

Mitigation Measures 3.7.3-1 shall be implemented by Applied Materials, if the project is approved.

No additional mitigation measures are required for the project.

## **Conclusion**

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.11 LAND USE AND PLANNING

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>11. Land Use and Planning.</b> Would the project:				
a) Physically divide an established community?	<u>LUTE Update DEIR EIR</u> settings pp. 3.1-1 to 3.1-22, Impacts 3.1.1 and 3.1.5	No	No	NA, this impact would be less than significant
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<u>1999 Arques Draft EIR</u> settings pp. 3.2-1 to 3.2-8, Impacts Land Use 1, Land Use 2, Land Use 3, Land Use 4 <u>LUTE Update DEIR EIR</u> settings pp. 3.1-1 to 3.1-22, Impacts 3.1.2, 3.1.3, 3.1.4, and 3.1.5	No	No	NA, this impact would be less than significant

### 4.11.1 Discussion

No substantial change in the environmental and regulatory settings related to land use and planning, described in LUTE Update EIR Section 3.1, Land Use, has occurred since certification of the LUTE Update EIR or the 1999 Arques Draft EIR.

#### a) Physically divide an established community?

The LUTE Update EIR identified that land use and development activities would not result in the physical division of an established community. 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 conditions.

The project would result in new industrial uses that would not alter local land use patterns or obstruct movement through the area. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR 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?

The LUTE Update EIR and 1999 Arques Draft EIR identified less than significant impacts related to conflicts with the City's General Plan under project and cumulative conditions.

The project would result in new industrial uses that would not alter local land use patterns or obstruct movement through the area. As shown in Table 2-1, the project would be consistent with the approved development potential adopted as part of the 1999 Arques Campus Specific Plan. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

**c) Conflict with any applicable habitat conservation plan or natural community conservation plan?**

The City is not located in a habitat conservation plan area. As a result, the LUTE Update EIR determined 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 the approval of the LUTE. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

**Mitigation Measures**

No mitigation measures are required for the project.

**Conclusion**

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.12 MINERAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>13. Mineral Resources.</b> 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?	<u>LUTE Update Draft EIR</u> settings pp. 3.7-14, Scoped out of impact analysis.	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?	<u>LUTE Update Draft EIR</u> settings pp. 3.7-14, Scoped out of impact analysis	No	No	NA, no impact would occur

### 4.12.1 Discussion and Conclusion

As discussed on page 3.7-14 of the LUTE Update EIR, no active mines and no known areas with mineral resource deposits or resources of statewide importance are located within the City.

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.13 NOISE

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>13. Noise.</b> 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 applicable standards of other agencies, or a substantial temporary or permanent increase in noise levels above existing ambient levels that could result in an adverse effect on humans?	1999 Arques Draft EIR settings pp. 4-5: scoped out of impact analysis <u>LUTE Update Draft EIR</u> settings pp. 3.6-1 to 3.6-44, Impacts 3.6.1 and 3.6.2	No	No	Yes, LUTE impact would remain significant and unavoidable; however, project with LUTE Update EIR mitigation measures would not contribute to the impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	<u>LUTE Update Draft EIR</u> settings pp. 3.6-1 to 3.6-44, Impact 3.6.3	No	No	NA, impact would be less than significant
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?	<u>LUTE Update Draft EIR</u> settings pp. 3.6-1 to 3.6-44, Impact 3.6.5	No	No	NA, no impact would occur

### 4.13.1 Discussion

No substantial change in the environmental and regulatory settings related to noise and vibration, described in LUTE Update Draft EIR Section 3.6, "Noise," has occurred since certification of the LUTE Update EIR. No new substantial noise sources have been introduced near the project site since the LUTE Update EIR was prepared. In October 2023, Salter prepared a Draft Environmental Noise Assessment for the project (Salter 2023). This analysis was prepared based on that noise study.

The 1999 Arques Draft EIR concluded that increasing ongoing site operations would not be expected to increase noise levels and dismissed this topic from detailed evaluation (1999 Arques Draft EIR page 4-5).

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 applicable standards of other agencies, or a substantial temporary or permanent increase in noise levels above existing ambient levels that could result in an adverse effect on humans?

The discussion of Impact 3.6.1 of the LUTE Update EIR stated that new development under the LUTE would be required to adhere to City noise standards set forth in the General Plan and Sunnyvale Municipal Code. The LUTE Update EIR identified less-than-significant impacts related to subsequent development. However, the discussion of Impact 3.6.2 of the LUTE Update EIR identified a significant impact associated with noise generated by increased traffic volumes on area roadways.

#### Construction Noise

Construction of the project would require the use of heavy equipment for grading and other construction activities. Noise levels from construction activities vary depending on the type of equipment being used, the type of work performed, and where the work is carried out. The potential impact of a particular activity is also dependent on how long the equipment is operated over the construction period. Construction activity noise can be stationary, such as noise from generators or compressors, or mobile, such as noise from trucks, backhoes, and welding tools.

Construction noise modeling was done for the various phases of construction that would be required (e.g., demolition, excavation, grading), assuming the simultaneous use of various pieces of construction equipment and reference noise levels for each piece of equipment from the Federal Transit Administration (2018). Based on the modeling conducted, average hourly ( $L_{eq}$ ) noise levels are anticipated to range from 74 A-weighted decibels (dBA)  $L_{eq}$  during architectural coating activities to 86 dBA  $L_{eq}$  during paving activities at 70 feet from construction activities (nearest off-site nonresidential receptors) and would attenuate to 65 dBA  $L_{eq}$  and 77 dBA  $L_{eq}$  at 200 feet (area in Santa Clara identified as medium-density residential in the 2023-2035 General Plan land use map). Noise levels at further distances would reduce even more, at a rate of 6 dBA per doubling of the distance.

Sunnyvale Municipal Code Section 16.08.030 states:

Construction activity shall be permitted between the hours of seven a.m. and six p.m. Monday through Friday. Saturday hours of operation shall be between eight a.m. and five p.m. There shall be no construction activity on Sunday or federal holidays when city offices are closed. No loud environmentally disruptive noises, such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments, radios, etc., will be allowed where such noises may be a nuisance to adjacent residential neighborhoods.

To ensure that construction of the project complies with the City's Municipal Code, as part of the project, the applicant would be consistent with policies and actions added by LUTE Mitigation Measure 3.6.3, requiring the implementation of noise\_reduction measures during construction. LUTE Mitigation Measure MM 3.6.3 would require 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 and would not result in a substantial temporary increase in ambient noise. Sunnyvale Municipal Code Section 16.08.030 would restrict construction to daytime hours and would avoid health impacts related to sleep disruption due to construction noise. Implementing the project would not result in new significant impacts or substantially more severe construction noise impacts than were identified in the LUTE Update EIR or 1999 Arques Draft EIR. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

#### Operational Noise

The project would be required to comply with the operational noise limits in Sunnyvale Municipal Code Section 19.42.030, which prohibits operational noise exceeding 75 dBA at any point on the property line of premises upon

which the noise or sound is generated or produced, provided, however, that the noise or sound level shall not exceed 50 dBA during nighttime or 60 dBA during daytime hours at any point on adjacent residentially zoned property. The project site is located entirely within the City of Sunnyvale, but it borders the City of Santa Clara to the south on land currently zoned as ML- Light Industrial but identified for residential use in the City's 2023-2035 General Plan Land-Use Diagram. The City of Santa Clara's Municipal Code Section 9.10.040 limits noise levels to 55 dB in residential areas. These noise standards avoid public health impacts associated with noise exposure, such as sleep disruption during nighttime hours. Compliance with the 50-dBA restriction would generate an interior noise level of 26 dB, which is below levels that can generate sleep disruption, assuming the average exterior-to-interior noise level reduction of 24 dB provided by buildings with the windows closed (EPA 1978: 11; FICAN 1997).

Based on the entitlement plans, most of the equipment noise is expected to be generated by rooftop exhaust fans, air-handlers, and cooling towers. Additional noise would be generated by indoor equipment (pumps, chillers, and other process equipment) but at lower levels because the noise would be substantially reduced by the building shell. Modeling was conducted for the proposed mechanical equipment (air-conditioning equipment and exhaust fans) at six sensitive receptors. Out of the six receptor locations, noise at five of the locations would not exceed established noise limits. The remaining location, where the noise ordinance limit would be exceeded, is located within the City of Santa Clara, approximately 300 feet south of the project site. At this location, an area where the City of Santa Clara limits daytime and nighttime noise levels to 55 dB and 50 dB, respectively, the estimated noise level would be 57 dB. However, the ambient noise levels in this area are elevated due to Central Expressway traffic noise and noise from other roadways and environmental sources. The Santa Clara Noise Ordinance allows the prescribed noise limits to be raised higher if the ambient noise levels are higher than the prescribed limit (City of Santa Clara Municipal Code Section 9.10.060, Item C). Based on existing noise measurements conducted for the project (i.e., location 7 in Table 3 of Salter 2023), existing daytime noise levels associated with Central Expressway range from 74 dBA  $L_{eq}$  to 78 dBA  $L_{eq}$ , and nighttime (10:00 p.m. to 7:00 a.m.) noise levels range from 61 dBA  $L_{eq}$  to 72 dBA  $L_{eq}$ . During all times of the day, noise from Central Expressway is louder than project-generated noise of 57 dBA  $L_{eq}$  80 feet south of Central Expressway. Given the logarithmic properties of noise, a 3-dB increase occurs when two sources of equal sound power are combined, but combining a lower noise level source with a higher noise level source does not result in a perceptible increase in noise (i.e., 57 dBA added to the lowest noise level of 61 dBA from Central Expressway results in a 1.5-dBA increase, which is not perceptible), and the louder noise source would be the dominant and audible source south of Central Expressway. The applicant would also select equipment that would meet the limits of the City Noise Ordinance during the design phase. A preconstruction and postconstruction assessment that indicates that noise levels meet the City of Sunnyvale and City of Santa Clara noise ordinances would be included as a condition of approval]. Therefore, operational stationary noise would not result in audible increases in noise or exceedance of adopted Municipal Code standards at current or future receptors.

The project would generate new vehicle trips that would increase noise levels on nearby roadways, particularly on East Arques Avenue and Central Expressway. Using existing and existing plus project trip generation data, traffic noise increases were modeled (Salter 2023). The largest noise increase would occur on East Arques Avenue west of Central Expressway, resulting in a 1.4-dB increase. Increases in noise of less than 3 dB are not considered audible to the human ear; thus, implementing the project would not result in a long-term substantial increase in operational traffic noise.

Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

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

The discussion of Impact 3.6.3 in the LUTE Update Draft EIR evaluated the potential for construction activities to generate excess groundborne vibration and stated that damage to older buildings can occur at 0.25 inch per second of peak particle velocity (PPV) and that damage to conventional buildings can occur at 0.5 inch per second PPV. This impact was identified as potentially significant in the LUTE Update EIR because pile driving, although not a frequent

construction method in the city, can generate a PPV of up to 1.5 inches per second at a distance of 25 feet. Mitigation Measure 3.6.3 requires noise- and vibration-reducing pile-driving techniques to be employed during construction and monitoring to ensure that no damage to nearby structures occurs (i.e., vibrations above PPVs of 0.25 inch per second at nearby structures). The LUTE Update Draft EIR stated that implementation of Mitigation Measure 3.6.3 would reduce the construction noise and vibration impact to a less-than-significant level.

The project would not entail the use of pile drivers or unusual construction equipment beyond what was evaluated in the LUTE Update EIR. Regarding nearby vibration-sensitive uses, the nearest residences are approximately 1,300 feet north of the project site. At that distance, construction activities would not exceed the applied Federal Transit Administration threshold of disturbance of 85 vibration decibels. In addition, the building nearest to the project site is approximately 70 feet east of the site. Using reference vibration levels from the Federal Transit Administration, the equipment that could generate the highest vibration levels at this building site would be a vibratory roller, which would generate PPV of 0.07 inch per second, not exceeding the threshold for building damage of 0.2 inch per second PPV. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

**b) 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?**

The discussion of Impact 3.6.5 in the LUTE Update Draft EIR stated 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 Update Draft EIR page 3.6-28 stated 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 Update EIR. Therefore, there are no new circumstances or new information requiring new analysis or verification. The project site is located outside the CLUP noise contours of Moffett Field Airfield. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## **Mitigation Measures**

The following adopted mitigation measure was identified in the LUTE Update EIR and is a new General Plan policy that is applicable to the project. LUTE Update EIR Mitigation Measures MM 3.6.3 includes requirements related to pile driving. The project would not require pile driving, and the vibration portion of the measure is not applicable to the project.

### **Mitigation Measure MM 3.6.3**

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 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.

The City of Sunnyvale incorporated this mitigation measure into Chapter 7 (Environmental Management) of the General Plan in 2023.

No additional mitigation measures are required for the project.

## Conclusion

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.14 POPULATION AND HOUSING

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>14. Population and Housing.</b> Would the project:				
a. Induce substantial 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)?	1999 Arques Draft EIR settings pp. 4-3, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 3.2-1 to 3.2-13, Impacts 3.2.1 and 3.2.3	No	No	NA, impacts would remain less than significant
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<u>LUTE Update Draft EIR</u> settings pp. 3.2-1 to 3.2-13, Impacts 3.2.2 and 3.2.4	No	No	NA, impacts would remain less than significant

### 4.14.1 Discussion

The 1999 Arques Draft EIR found that impacts on population and housing would not be significant because the project-related growth would be within population projections used for planning purposes. Since certification of the 1999 Arques Draft EIR, the City has approved additional development that has been incorporated into the LUTE Update EIR. The analysis below uses the updated City growth analysis in the LUTE Update EIR. No substantial change in the regulatory setting related to population and housing, described in LUTE Update EIR Section 3.2, "Population, Housing, and Employment," has occurred since certification of the LUTE Update EIR.

As described in the project description, the project is consistent with the LUTE and would contribute to the anticipated and planned population 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)?**

The LUTE Update EIR 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 conditions.

The applicant proposes a new R&D building, parking structure, and substation expansion. The future buildup of the LUTE would provide housing to accommodate any growth that would occur as a result of new jobs created by project at a density anticipated by the LUTE. The number of jobs associated with the proposed project is the same as assumed under the 1999 Arques EIR (2,800 employees).

The project is consistent with the land use designations and anticipated population growth set forth in the LUTE. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update

EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

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

As described in the LUTE Update 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 Update EIR concludes that impacts related to displacement of people are less than significant under project conditions and less than cumulatively considerable under cumulative conditions.

The project site does not include any existing residences and the project would have no impact related to the displacement of housing or people. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

### **Mitigation Measures**

No mitigation measures are required for the project.

### **Conclusion**

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.15 PUBLIC SERVICES

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>15. Public Services</b>				
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?	<u>1999 Arques Draft EIR</u> settings p. 4-3 – 4-4, (effects found not to be significant) <u>LUTE Update Draft EIR</u> Setting pp. 4.0-1 – 4.0-36, Impacts 4.1.1 and 4.1.2	No	No	NA, impact remains less than significant
ii. Police protection?	<u>1999 Arques Draft EIR</u> settings pp. 4-4, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 4.0-6 to 4.0-8, Impacts 4.2.1 and 4.2.2	No	No	NA, impact remains less than significant
iii. Schools?	<u>1999 Arques Draft EIR</u> settings pp. 4-3, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 4.0-9 – 4.0-140, Impacts 4.3.1 and 4.3.2	No	No	NA, impact remains less than significant

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>15. Public Services</b>				
iv. Parks?	<u>1999 Arques Draft EIR</u> settings pp. 4-4, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 4.0-15 to 4.0-19, Impact 4.4.1 and 4.4.2	No	No	NA, impact remains less than significant

#### 4.15.1 Discussion

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

The 1999 Arques Draft EIR concluded that adverse effects on schools, fire safety, public safety, and recreational opportunities would be less than significant and did not evaluate impacts in detail.

- 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 Update 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 LT-14.9 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 project would be required to meet all City requirements regarding fire protection and public safety, including fire access. The project would not increase population levels or change land uses in a way that would increase demand for fire protection and emergency medical services or otherwise trigger the need to construct new fire facilities that could result in physical environmental impacts. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR

or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## Police protection?

Impact 4.2.1 in the LUTE Update 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 project would not increase population levels or change land uses in a way that would increase demand for law enforcement services or otherwise trigger the need to construct new law enforcement facilities that could result in physical environmental impacts. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## Schools?

Impact 4.3.1 in the LUTE Update 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 buildup of the LUTE would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 4.3.2).

The project would not increase population levels or change land uses in a way that would increase demand for schools or otherwise trigger the need to construct school facilities that could result in physical environmental impacts. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR 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 Update EIR regarding public services. No additional mitigation measures are required for the project.

## Mitigation Measures

No mitigation measures are required for the project.

## Conclusion

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.16 RECREATION

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>16. Recreation</b>				
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?	<u>1999 Arques Draft EIR</u> settings p. 4-4, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 4.0-15 and 4.0-1619, Impacts 4.4.1 and 4.4.2;	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?	<u>1999 Arques Draft EIR</u> settings pp. 4-4, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 4.0-15 and 4.0-1619, Impacts 4.4.1 and 4.4.2	No	No	NA, impact remains less than significant

### 4.16.1 Discussion

No substantial change in the regulatory settings related to recreation, described in LUTE Update EIR Chapter 4, "Public Services," has occurred since certification of the LUTE Update EIR. The 1999 Arques Draft EIR concluded that impacts on recreational facilities and open space would not be significant because the Arques Specific Plan would contain recreational facilities and open space that would serve the employees on the Arques Campus, and existing nearby parks would not be affected (1999 Arques Draft EIR: p. 4-4).

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 Update 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 Update 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. Therefore, the impact conclusions in the LUTE Update EIR capture the impacts from construction of new parks and recreational facilities. The LUTE Update 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 project consists of an R&D building, parking structure, and substation expansion, which would not include residential uses that could create additional park and recreation demands. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

### **Mitigation Measures**

No mitigation measures are required for the project.

### **Conclusion**

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.17 TRANSPORTATION

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<u>1999 Arques Draft EIR</u> settings pp. 3.5-1 to 3.5-8, Impacts Transportation 4 and Transportation 5 <u>Transit: LUTE Update Draft EIR</u> settings pp. 3.4-34 to 3.4-40, Impacts 3.4.1 and 3.4.2 <u>Bicycle: LUTE Update Draft EIR</u> settings p. 3.4-33, Impact 3.4.3 <u>Pedestrian: LUTE Update Draft EIR</u> settings p. 3.4-33, Impact 3.4.4	No	No	NA, impact would remain less than significant and significant and unavoidable for impacts on transit travel times
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<u>LUTE Update Draft EIR</u> settings pp. 3.4-47 to 3.4-48, No impact conclusion	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)?	<u>1999 Arques Draft EIR</u> settings pp. 3.5-1 to 3.5-8, Impacts Transportation 3 and Transportation 6 <u>LUTE Update Draft EIR</u> settings pp. 3.4-61 to 3.4-62, Impact 3.4.5	No	No	NA, impact would remain less than significant
d) Result in inadequate emergency access?	<u>LUTE Update Draft EIR</u> settings p. 3.4-62, Impact 3.4.6	No	No	NA, impact would remain less than significant

## 4.17.1 Discussion

Pursuant to Senate Bill 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. A project's effect on automobile delay is no longer considered when identifying 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 level of service (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 Update EIR was completed prior to this change to CEQA and the adoption of City Council Policy 1.2.8. This analysis is primarily based on the *Trip Generation and Site Access/Circulation Review for Applied Materials Arques Campus Master Plan Memorandum* (Transportation Memo) prepared for the proposed project (Hexagon Transportation Consultants 2023).

Although LOS is no longer considered in CEQA analyses, impacts related to intersection delay and traffic congestion described in the 1999 Arques Draft EIR, (Transportation Impacts 1, 2, 8, 9, and 10) are not discussed in this document because the project is building out the remaining square footage that was previously analyzed and would still be subject to Mitigation Measures 2.1, 2.2, 2.3, and 10.1 from the 1999 Arques Draft EIR, which are required to mitigate significant intersection delay and traffic congestion impacts. Additionally, insufficient parking availability is no longer considered an impact under CEQA; thus, the issues described under Transportation Impacts 7 and 8 in the 1999 Arques Draft EIR are not discussed further.

In addition, the project's effect on queuing along Lawrence Expressway (Transportation Impact 3) and at the entrances on Arques Avenue (Transportation Impact 6) has been updated in the Transportation Memo to reflect the changed conditions of greater development in the region.

**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 Update EIR. The 1999 Arques Draft EIR addresses transit impacts in Transportation Impact 4 and bicycle and pedestrian impacts in Transportation Impact 5.

**Public Transit**

The discussion of Transportation Impact 4 in the 1999 Arques Draft EIR indicates that increased transit use would be accommodated with the existing available capacity, and the discussion of Impact 3.4.1 in the LUTE Update EIR similarly indicates that subsequent land use activities associated with implementation of the LUTE would be accommodated by transit services and facilities in the area. However, the discussion of Impact 3.4.2 of the LUTE Update EIR, concluded that impacts related to transit travel times would be significant and unavoidable with implementation of all feasible mitigation measures.

The project site is located south of Arques Avenue, which is served by Valley Transportation Authority Route 20. The Route 20 buses operate on weekdays between approximately 6:15 a.m. and 8:00 p.m. with headways of approximately 30 minutes. The Route 20 bus stop nearest to the project site is the Arques Avenue and Commercial Street stop, located along the project site's northern boundary. As detailed in Chapter 2, "Project Description," the project would transform an older, traditional light industrial cluster of buildings into a coordinated research and development campus for the semiconductor industry and, thus, would presumably increase demand for transit in the area by increasing the number of employees on the site. However, as described in the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (OPR 2018), when evaluating impacts on multimodal transportation networks, lead agencies generally should not treat the addition of new transit users as an adverse impact (OPR 2018). Therefore, although the project would likely increase ridership, transit capacity would not be adversely affected. Additionally, the project would not disrupt existing or planned transit services or facilities, or create inconsistencies

with any adopted programs, plans, ordinances, or policies related to transit. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

### **Bicycle and Pedestrian**

The 1999 Arques Draft EIR contained an evaluation of the existing bicycle and pedestrian facilities surrounding the site and addressed consistency between the City of Sunnyvale General Plan and Santa Clara County General Plan and the Bicycle Plan. Based on this discussion, there would be no impact on existing or planned bicycle and pedestrian facilities. Consistent with these significance findings, the discussion of Impact 3.4.3 in the LUTE Update EIR concluded that the LUTE 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, would not conflict with adopted programs, plans, ordinances, or policies concerning bicycle plans. In addition, as identified in the discussion of Impact 3.4.4 in the LUTE Update 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; thus, the impact related to pedestrian facilities was determined to be less than significant.

The bicycle and pedestrian transportation system in Santa Clara County is composed of local and regional bikeways and trails. Within the immediate vicinity of the project site, Class II bicycle lanes are present along both sides of Arques Avenue and Commercial Street. Additionally, sidewalks are present along the western side of Commercial Street and on the southern side of California Avenue.

As detailed in Chapter 2, "Project Description," the project would include 75 Class I and 25 Class II bicycle parking spaces, internal pedestrian paths, seating areas, and repairs to existing sidewalks. These proposed project components would improve bicycle and pedestrian access and facilities on the project site and would not conflict with any existing or planned bicycle or pedestrian plans, programs, or policies. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

### **Summary**

Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

### **b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?**

As noted above, the LUTE Update EIR and 1999 Arques Draft EIR indicated that impacts related to traffic operational impacts (i.e., delay and congestion) would be significant and unavoidable with implementation of all feasible mitigation measures. However, pursuant to Senate Bill 743, PRC Section 21099, and California Code of Regulations Section 15064.3(a), generally, VMT is the most appropriate measure of transportation impacts. A project's effect on automobile delay is no longer considered when identifying a significant impact under CEQA. The VMT associated with the land uses developed under the Specific Plan were not analyzed in the LUTE Update EIR, which was certified in 2017. Although VMT was a metric used extensively in the transportation industry at the time for a variety of purposes, including determining highway cost allocation, determining user fee structures, and estimating air quality and greenhouse gas (GHG) emissions, the VMT associated with land use development was not commonly addressed in CEQA documents. When the LUTE Update EIR was prepared, no agencies in California, such as the Governor's Office of Planning and Research, had published recommendations to address VMT in CEQA documents. Since that time, the effects of VMT as it relates to GHG emissions, multimodal transportation networks, and land use

development patterns have become more widely understood, and recent legislation and regulatory updates now direct agencies to consider VMT as the preferred metric for assessing the potential traffic impacts of proposed projects. For these reasons, this section provides the environmental and regulatory setting related to VMT, as well as new analysis of the number of trips generated by the project. The evaluation provided below does not constitute "new information" as defined in CEQA Guidelines Section 15162, because VMT was a known and established transportation metric, and the relationship between VMT and GHG emissions was known when the LUTE Update EIR was prepared. Thus, it could have been evaluated at that time. The 1999 Arques Draft EIR and LUTE Update EIR did not include an impact analysis or significance determination related to VMT.

### **Project Analysis**

The LUTE Update EIR described 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 also would result in a lower countywide VMT per capita as compared to the countywide existing and 2035 no-project scenarios.

As detailed in Chapter 2 "Project Description," the proposed project involves demolition of buildings to support development of an R&D building and new parking structure, among other aims to facilitate the Applied Materials' transformation of an older cluster of light industrial buildings into a coordinated R&D campus for the semiconductor industry. The project proposes a new 592,567-square-foot R&D building, a new seven-level parking structure, new surface parking areas, expansion of an electrical substation, and new landscaping. The land use designation for the project site would remain M-S (Industrial and Service), and the structures on the project site would remain consistent with the allowable land uses as analyzed in the LUTE Update EIR but would be reconfigured on the site. As described in Chapter 2, "Project Description," the proposed project's square footage fits within the approved but unbuilt square footage and floor area ratio requirements included in the 1999 Arques Campus EIR. However, the proposed R&D building would reduce trip generation rates relative to the previously proposed office uses (i.e., an R&D center trip rate is 1.03 compared to the office trip rate of 1.52, as shown in Table 1 of the Transportation Memo). Therefore, the proposed project would not generate additional trips in comparison to the previously approved project. Furthermore, Mitigation Measure 3.5.2.1 in the 1999 Arques Draft EIR requires development of a transportation demand management (TDM) strategy that would reduce trip generation by 15 percent through techniques such as vanpools, subsidized transit passes, staggered work hours, and shuttles to transit stops and centers. A TDM strategy has been developed and would be implemented as part of Phase 1 (Hexagon Transportation Consultants 2023). The proposed TDM measures include:

- ▶ bicycle facilities (storage, lockers, and showers),
- ▶ commute trip reduction marketing/education programs,
- ▶ shuttles between the campuses and Caltrain and light rail stations,
- ▶ subsidized transit program,
- ▶ flexible work schedules,
- ▶ carpool parking, and
- ▶ rideshare matching assistance.

Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft 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 the discussion of LUTE Update EIR Impact 3.4.5, 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. As detailed in the discussion of Impact 3.4.5, all roadway and pedestrian/bicycle facilities would be designed in accordance with City standards, and the anticipated circulation improvements in the LUTE would help reduce the potential for pedestrian/bicycle and vehicle conflicts. Impact 3.4.5, which is related to design hazards, was determined to be less than significant.

The discussion of Transportation Impact 3 in the 1999 Arques Draft EIR indicates that there would be significant impacts at the south approach of Lawrence Expressway at Arques Avenue because insufficient capacity exists for left-turn-queuing vehicles. Mitigation Measure 3.1, adopted to address this issue, required a financial contribution to the City to lengthen the northbound dual left-turn lanes to increase the storage capacity. The 1999 Arques Draft EIR states that local circulation along Arques Avenue and California Street would not be adversely affected by project operation (Transportation Impact 6) or construction (Transportation Impact 8).

As discussed in Chapter 2, "Project Description," the project would involve sidewalk repairs, lighting installation along walkways, and additional internal pedestrian paths and seating. Arques Avenue is an east-west bidirectional five-lane minor arterial that provides primary access to the project site from the project site's northern boundary. The project site is also accessible from California Avenue and Commercial Street to the west of the site. The Transportation Memo evaluated vehicle queuing and operations, in relation to safety, that would result from Phase 1 development at the primary access points and found that intersection movements associated with project driveways, and along Commercial Street and Arques Avenue, would be adequate; thus, there would not be significant traffic hazards related to project design, and this impact would be less than significant.

Construction of the sewer line would require temporary closure of approximately one traffic lane to accommodate construction and materials storage and to allow trucks and equipment access along the trench. The City requires submittal and approval of a temporary traffic control plan for construction activities that occur within the City's right-of-way. Submittal requires drawings, plans, the construction schedule, and identification of potential conflicts (e.g., bus stops and driveways), and the plan is subject to approval by the Department of Public Works, Division of Transportation and Traffic. Submittal and approval of the temporary traffic control plan would ensure that all necessary traffic control measures are implemented and that potential hazardous traffic conditions would not be substantial.

Additionally, access improvements associated with the proposed project would be constructed in accordance with applicable City of Sunnyvale design and safety standards and would be 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, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

**d) Result in inadequate emergency access?**

As identified in the discussion of Impact 3.4.6 in the LUTE Update EIR, the LUTE policies incorporate a "complete streets" approach for circulation planning that would improve safety and access. Additionally, all improvements associated with the LUTE would be required to meet City of Sunnyvale roadway design standards. The analysis of Impact 3.4.6 in the LUTE Update EIR determined that implementing the LUTE would not adversely affect emergency access, and the impact was determined to be less than significant. Emergency access was not contemplated in the 1999 Arques Draft EIR.

The project would comply with all applicable building and fire codes, and emergency access would be subject to review by the City of Sunnyvale and responsible emergency service agencies, thus ensuring that the project would be designed to meet all City design standards, including those that pertain to emergency access. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than

discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

### **Mitigation Measures**

Mitigation Measure 3.5.2.1 in the 1999 Arques Draft EIR was adopted to reduce project-generated increases in emissions of oxides of nitrogen that would adversely affect regional air quality. This mitigation measure requires development and implementation of a TDM strategy to achieve a 15-percent reduction in total trip generation. A TDM strategy has been developed and would be implemented as part of Phase 1 (Hexagon Transportation Consultants 2023). The proposed TDM measures include:

- ▶ bicycle facilities (storage, lockers, and showers),
- ▶ commute trip reduction marketing/education programs,
- ▶ shuttles between the campuses and Caltrain and light rail stations,
- ▶ subsidized transit program,
- ▶ flexible work schedules,
- ▶ carpool parking, and
- ▶ rideshare matching assistance.

Because the TDM strategy would reduce total vehicular trip generation by 15 percent and would be incorporated into the project, 1999 Arques Draft EIR Mitigation Measure 3.5.2.1 has been satisfied.

No additional mitigation measures are required for the project.

### **Conclusion**

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.18 TRIBAL CULTURAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>18. Tribal Cultural Resources.</b>				
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)?	<u>1999 Arques Draft EIR</u> setting pp. 4-3 <u>LUTE Update Draft EIR</u> settings pp. 3.10-1 to 3.10-15, Impacts 3.10.2	No	No	NA. 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<u>1999 Arques Draft EIR</u> setting pp. 4-3 <u>LUTE Update Draft EIR</u> settings pp. 3.10-1 to 3.10-15, Impacts 3.10.2 and 3.10.3	No	No	NA. No tribal cultural resources have been identified in the site.

### 4.18.1 Discussion

The records search did not reveal any known precontact archaeological resources or human remains. As discussed on page 3.10-11 of the LUTE Update 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. The revised Notice of Preparation for the LUTE Update EIR was published on June 17, 2015, prior to the effective date of the consultation requirements of AB 52.

The 1999 EIR did not specifically evaluate TCRs. Assembly Bill (AB) 52 (Chapter 532, Statutes of 2014) established a formal consultation process for California Native American tribes as part of CEQA and equates significant impacts on tribal cultural resources with significant environmental impacts (Public Resources Code [PRC] Section 21084.2). AB 52 consultation requirements went into effect on July 1, 2015 for all projects that had not already published a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration, or published a Notice of Preparation of an Environmental Impact Report prior to that date (Section 11 [c]). Specifically, AB 52 requires that "prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the lead agency shall begin consultation" (21808.3.1 [a]), and that "the lead agency may certify an environmental impact report or

adopt a mitigated negative declaration for a project with a significant impact on an identified tribal cultural resource only if" consultation is formally concluded (21082.3[d]).

However, in the case of the current project, the lead agency has prepared this checklist for the previously certified 1999 Arques Draft EIR, in accordance with Section 15164 of the CEQA Guidelines. A checklist was determined to be the most appropriate document because none of the conditions described in Section 15162, calling for preparation of a subsequent EIR, have occurred. The checklist addresses minor technical changes or additions and confirms that the project is consistent with what was previously analyzed under the 1999 Arques Draft EIR. As such, the checklist will not result in an additional certification; therefore, the AB 52 procedures specified in PRC Sections 21080.3. 1(d) and 21080.3.2 do not apply and no tribal consultation under AB 52 is required.

**a,b)** 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)? 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

As noted above, no TCRs were identified in the LUTE Update EIR and the 1999 Arques Draft EIR. The potential to adversely affect TCR's would be minimal because the project site is already developed, and because further construction would involve excavation limited to approximately 10 feet. The lead agency has not determined that a TCR exists within the limits of the project site. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

### **Mitigation Measures**

No mitigation measures are required for the project.

### **Conclusion**

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.19 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>19. Utilities and Service Systems.</b> Would the project:				
a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<u>Water and wastewater:</u> <u>1999 Arques Draft EIR</u> settings pp. 3.6-1 to 3.6-2, Impact Wastewater 2 <u>LUTE Update Draft EIR</u> settings pp. 3.11-1 to 3.11-15 and 3.11-17 to 3.11-19, Impacts 3.11.1.1, 3.11.1.2 and 3.11.2.2 <u>Electric power, natural gas, or telecommunications facilities:</u> <u>1999 Arques Draft EIR</u> settings pp. 4-4, (effects found not to be significant) <u>LUTE Update Draft EIR</u> settings pp. 3.11-30 to 3.11-35, Impact 3.11.4.1	No	No	Water and wastewater: NA, impact would remain less than significant Electric power, natural gas, or telecommunications facilities: NA, impact would remain less than significant
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<u>LUTE Update Draft EIR</u> settings pp. 3.11-1 to 3.11-9, Impacts 3.11.1.1 and 3.11.1.3	No	No	NA, impact would remain less than significant
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<u>1999 Arques Draft EIR</u> settings pp. 3.6-1 to 3.6-2, Impact Wastewater 1 <u>LUTE Update Draft EIR</u> settings pp. 3.11-17 to 3.11-19, Impacts 3.11.2.2 and 3.11.2.3	No	No	NA, impact would remain less than significant

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>19. Utilities and Service Systems.</b> Would the project:				
d) 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?	<u>1999 Arques Draft EIR</u> settings pp. 4-4 to 4-5, (effects found not to be significant) <u>LUTE Update EIR</u> Setting pp. 3.11- 24 to 3.11-29, Impacts 3.11.3.1 and 3.11.3.3	No	No	NA, impact would remain less than significant
e) Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<u>LUTE Update Draft EIR</u> settings pp. 3.11-24 to 3.11-29, Impacts 3.11.32 and 3.11.33	No	No	NA, impact would remain less than significant

#### 4.19.1 Discussion

The 1999 Arques Draft EIR indicated that the wastewater flow from the project would be 376,960 gpd. Mitigation measures included regulation of industrial processes, collection system upgrades, and on-site retention (Mitigation Measures 3.6.2-1 through 3.6.2-3). However, since certification of the 1999 Arques Draft EIR, the City's Capacity Analysis model has been updated, and the wastewater collection system associated with the project site has been improved such that a portion of the 10-inch sewer main in Arques Avenue has been upsized to a 14-inch main.

A water supply assessment (WSA) prepared by Michael Baker International in 2015 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 Update Draft EIR is taken from the WSA.

Since completion of the WSA, the City adopted the 2020 Urban Water Management Plan (2020 UWMP) (City of Sunnyvale 2021). The 2020 UWMP provides a description of the City's system, water use characterization, baselines, and targets, water supply and demand, and reliability and water shortage contingency plans. The 2020 demand and projected demand through 2040, by customer type, are presented in Table 4.19-1.

**Table 4.19-1 City of Sunnyvale UWMP 2020 Water Demand and Projected Demand by Customer Type (afy)**

	2020 <sup>1</sup>	2025	2030	2035	2040
Single-family residential	6,285	5,884	5,939	7,234	7,805
Multifamily residential	5,614	5,301	5,295	6,379	6,835
Commercial/industrial	3,364	4,111	4,257	4,583	4,770
Institutional	229	280	289	362	395
Landscape irrigation (potable)	2,233	2,346	2,471	2,702	2,843
Other (fire lines)	11	7	7	9	9
System losses	1,457	1,358	1,381	1,632	1,729
<b>Total projected water use</b>	<b>19,193</b>	<b>19,287</b>	<b>19,639</b>	<b>22,901</b>	<b>24,386</b>

Notes: afy = acre-feet per year.

<sup>1</sup> Residential water demands in 2020 reflected stay-at-home orders during the COVID-19 pandemic.

Source: City of Sunnyvale 2021.

As discussed in the 2020 UWMP, a surplus of water is available during normal, single-dry, and multiple-dry year conditions (Table 4.19-2)

**Table 4.19-2 2020 UWMP Surplus Water Supply in Normal, Single-Dry, and Multiple-Dry Years (afy)**

	2025	2030	2035	2040
Normal year surplus	12,028	11,799	10,425	9,637
Single dry	6,952	6,723	5,349	4,420
Multiple dry – first year	6,952	6,723	5,349	4,420
Multiple dry – second year	5,683	5,454	3,939	3,151
Multiple dry – third year	5,683	5,454	3,939	3,151
Multiple dry – fourth year	5,683	5,454	3,939	2,305
Multiple dry – fifth year	5,683	5,454	3,375	2,305

Notes: afy = acre feet per year.

Acre-foot = 325,851 gallons.

Source: City of Sunnyvale 2021: Tables 7-5, 7-6, and 7-7.

a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication 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 Update EIR evaluated whether implementation of the LUTE would require the construction of new or expanded water and wastewater infrastructure and treatment facilities. The analysis stated 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 a collection capacity of approximately 55.7 mgd). 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, and pipeline improvements. The LUTE Update 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.

As noted above, the 1999 Arques Draft EIR indicated that the wastewater flow from the project would be 376,960 gpd. Mitigation measures included regulation of industrial processes, collection system upgrades, and on-site retention (Mitigation Measures 3.6.2-1 through 3.6.2-3). However, the proposed project includes a new sewer pipeline extension to address the potential to affect sewer flow capacity in the existing pipelines. This new sewer pipeline would avoid potentially significant effects on sewer capacity; thus, 1999 Arques Draft EIR Mitigation Measures 3.6.2-1 through 3.6.2-3 are not applicable to the project.

To accommodate the new R&D building, the on-site water system would consist of a dedicated 12-inch water system that would also be used for domestic water use and fire systems to the buildings and fire hydrants. In addition, there would be a new 3-inch domestic water pipeline from Commercial Street to the proposed parking structure and a new 1.5-inch irrigation water pipeline to supply water to the landscaped areas. Construction of new pipelines would involve a connection to the existing mains in Commercial Street and East Arques Avenue and would otherwise be limited to the project site. Modeling to assess the capacity and adequacy are water supply pipelines was completed by the applicant and indicates that no changes to the existing infrastructure would be necessary to support the project (City of Sunnyvale 2024). Thus, the types of environmental impacts and severity of impacts would be similar to those discussed for new underground utilities in the 1999 Arques Draft EIR and LUTE Update EIR.

The project includes construction of a new dedicated sewer pipeline, which would be located at the northern edge of the project site, would cross East Arques Avenue, and would travel along Santa Trinita Avenue and Kern Avenue (see Figure 2-3). The pipeline, which would be approximately 2,100 feet long and up to 20 inches in diameter, would be dedicated to conveying flows from the project site. It would be constructed in an area outside the project site, as defined in the 1999 Arques Draft EIR; however, construction techniques would be substantially similar to those contemplated for upgrading the sewer pipeline and other utilities. That is, construction of new pipelines would occur within existing roadways, and the pipelines would be similar in size to those described in the 1999 Arques Draft EIR and would require construction methods similar to those described in the 1999 EIR. Thus, the types of environmental impacts and severity of impacts would be similar to those discussed for new underground utilities in the 1999 Arques Draft EIR and LUTE Update EIR.

Therefore, (1) there would be no significant project impacts or cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

#### **Electric Power and Telecommunications Facilities**

See Section 4.6, "Energy," item b), regarding energy use. The project would connect to existing electrical and telecommunication infrastructure adjacent to the project site. The project is not expected to require off-site improvements to these facilities that could create environmental impacts. Therefore, (1) there would be no significant project impacts or cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

#### **c) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

As described for Impacts 3.11.1.1 and 3.11.1.3 in the LUTE Update EIR, cumulative development in Sunnyvale would result in a net additional water demand of 2,274 acre-feet per year (afy). The LUTE WSA stated that adequate water supply is available to meet buildup of the city in 2035 under normal, single-dry, and multiple-dry years. This impact was identified as less than significant under project and cumulative conditions (Michael Baker 2015).

As described in the LUTE Update EIR, the project site is zoned for industrial uses. As discussed above, the total water demand associated with the LUTE was calculated to be 2,274 afy, which was in part based on the assumption that industrial land uses would demand 130 gpd per 1,000 square feet (gpd/ksf). With consideration of the water demand factor of 130 gpd established in the LUTE WSA, the water demand assumed for the project would be approximately

77,000 gpd (593.600 ksf x 130 gpd/ksf), which is approximately 0.077 mgd, or approximately 86 afy. However, based on the results of project engineering studies, the projected water demand for the project is estimated to be approximately 1.9 mgd (Kier + Wright 2023), which is approximately 2,088 afy. Therefore, the projected water demand associated with the proposed project would be approximately 2,002 afy greater than what was identified in the LUTE WSA and thus exceeds quantities assumed in the LUTE Update EIR.

Based on the City's 2020 UWMP, the projected water use for industrial customers would range from 3,364 afy in 2020 to 4,770 afy in 2040. The demand factors assumed for industrial uses in the 2020 UWMP are not clear; however, the project would demand 2,088 afy, or approximately 44 percent of the projected industrial water demand for 2040 (Table 4.19-1). However, the City's 2020 UWMP projects a surplus of water through 2040. As indicated above in Table 4.19-2, in normal years, a surplus of more than 12,000 afy would be available in 2025. This surplus would reduce each year to a surplus of 9,637 afy in 2040. Although single-dry years and multiple-dry years would result in lower water surpluses than normal years, water would nonetheless be available to serve the project. (That is, more than 2,002 afy of surplus water would be available during normal, single-dry, and multiple-dry years, as shown in Table 4.19-2, above). Although water supplies would be available to meet the project water demands, it should be noted that the project may demand a greater percentage of the projected industrial supplies than assumed for the project site in the 2020 UWMP. Nonetheless, sufficient water supplies are available to serve the project during normal, single-dry, and multiple-dry years. Therefore, (1) there would be no significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

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

The discussion of Impact 3.11.2 in the LUTE Update EIR evaluated whether implementation of the LUTE would require the construction of new or expanded wastewater infrastructure and treatment facilities. The analysis stated 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 improvement projects, including improvements to lift stations, and pipelines. Wastewater treatment capacity is addressed under item a), above. This impact was identified as less than significant under project and cumulative conditions.

The project would generate more wastewater than projected for its land use type (i.e., industrial) and the development intensities that were assumed in the 1999 Arques Draft EIR and LUTE Update EIR wastewater impact analysis. That is, the 1999 Arques Draft EIR indicated that the wastewater flow from the project would be 376,960 gpd. Although the project is consistent with the General Plan land use designations and intensities, it would generate approximately 1,900,000 gpd of wastewater and exceed flow conditions previously identified in the 1999 Arques Draft EIR. Implementing the project would result in further increases in wastewater treatment demand; however, this increase would a minor component of the overall City's Water Pollution Control Plan treatment capacity of 29.5 mgd average dry weather flow (i.e., the project would contribute approximately 3.3 percent to the overall treatment capacity).

Therefore, (1) there would be no significant project impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

e) 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 for Impacts 3.11.3.1 and 3.11.3.3 of the LUTE Update EIR, residents in the city would generate approximately 54,020 tons annually of solid waste at buildout. The LUTE Update EIR stated 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 daily throughput at the Monterey Peninsula Landfill. This impact was identified as less than significant under project and cumulative conditions.

Given the fact that the project's land use and intensities are consistent with those of the LUTE, the project's contribution to solid waste generation was factored into the LUTE Update EIR. Therefore, (1) there would be no significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

e) Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

As discussed for Impact 3.11.3.2 in the LUTE Update EIR, Sunnyvale had a waste diversion rate of 66 percent as of 2011, and under current methods for tracking progress with Assembly Bill 939, the per capita disposal rates are less than the targets. The City has developed its new Zero Waste Strategic Plan, which is 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 will 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.

The project would not generate solid waste in excess of the amount evaluated in the LUTE Update EIR, and it would be required to comply with City solid waste reduction standards. Therefore, (1) there would be no significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## Mitigation Measures

No mitigation measures are required for the project.

## Conclusion

Review of the project, with consideration of updated thresholds and modeling standards indicates that there would be no new impacts or impacts of greater severity. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

A review of available water supply documented in the most recent UWMP indicates that there would be no new impacts or impacts of greater severity. Therefore, (1) there would be no significant project impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.20 WILDFIRE

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>20. Wildfire.</b>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<u>LUTE Update Draft EIR</u> settings pp. 3.3-1 to 3.3-2, Impacts 3.3.5 and 3.3.6	No	No	NA, impacts would be 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 EIRs were certified	NA	NA	NA, no impact would occur
c) Require the installation 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 EIRs were certified	NA	NA	NA, no impact would occur.
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?	<u>LUTE Update Draft EIR</u> setting pp. 3.3-15	No	No	NA, no impact would occur.

### 4.20.1 Discussion

In the LUTE Update Draft EIR, wildfire was analyzed in Section 3.3, "Hazards and Human Health." As described on page 3.3-15 of the LUTE Update 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 f).

f) 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 Update 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, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

c) Require the installation 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 mitigation measures are required for the project.

### **Conclusion**

No new impacts have occurred nor has any new information been found requiring new analysis or verification. Therefore, (1) there are no new significant project impacts and cumulative impacts not discussed in the LUTE Update EIR or 1999 Arques Draft EIR, and (2) there is no substantial new information indicating that an impact would be substantially more severe than discussed in the LUTE Update EIR or 1999 Arques Draft EIR. The findings of the certified LUTE Update EIR and 1999 Arques Draft EIR remain valid, and no further analysis is required.

## 4.21 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Area	Where Impact Was Analyzed in 1999 Arques EIR and LUTE Update EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
<b>21. Mandatory Findings of Significance.</b>				
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?	<u>LUTE Update Draft EIR</u> 3.9, Biological Resources, and 3.10, Cultural Resources <u>LUTE Update Final EIR</u> Section 3.0 Revisions to the Draft EIR	No	No	Yes, but LUTE impact remains significant and unavoidable; project would not contribute to the impact
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)?	<u>LUTE Update Draft EIR</u> Sections 3.1 through 3.13 and Sections 4.1 through 4.4 <u>LUTE Update Final EIR</u> Section 3.0 Revisions to the Draft EIR	No	No	Yes, but LUTE impact remains significant and unavoidable; project would not contribute to the impact
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<u>LUTE Update Draft EIR</u> Sections 3.3, Hazards and Human Health, 3.5, Air Quality, and 3.6, Noise <u>LUTE Update Final EIR</u> Section 3.0 Revisions to the Draft EIR	No	No	Yes, but LUTE impact remains significant and unavoidable; project would not contribute to the impact

### Conclusion

The project site is developed and would not degrade the quality of the environment. While the LUTE Update EIR and 1999 Arques Draft EIR identified various significant cumulative impacts, the project contribution would not be cumulatively considerable as analyzed throughout this checklist. With the implementation of applicable mitigation measures and the application of uniformly applied development standards and policies, the project would not result in a substantial adverse effect on human beings.

Since the LUTE Update EIR and 1999 Arques Draft EIR were 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 Update EIR or 1999 Arques Draft EIR. Subsequent General Plan amendments and associated EIRs for the Lawrence Station Area Plan Update, Amended Downtown Specific Plan, El Camino Real Specific Plan, and the Moffett Park Specific Plan has identified cumulative wastewater treatment capacity issues beyond City buildout addressed under the LUTE Update EIR. The City will be updating the WPCP Master Plan in the near future to include sufficient wastewater treatment capacity for all planned development and additional growth.

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 project would not result in new significant impacts or substantially more severe impacts than were identified in the LUTE Update EIR or 1999 Arques Draft EIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LUTE Update EIR and 1999 Arques Draft EIR remain valid.

All applicable mitigation measures in the LUTE Update EIR and 1999 Arques Draft EIR would continue to be implemented with the project. Therefore, no new significant impacts would occur with implementation of the project.

## 5 LIST OF PREPARERS

### 5.1 LIST OF PREPARERS

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