

**County of Santa Clara**  
Office of the County Clerk-Recorder  
Business Division

County Government Center  
70 West Hedding Street, E. Wing, 1<sup>st</sup> Floor  
San Jose, California 95110 (408) 299-5688



Santa Clara County - Clerk-Recorder Office  
State of California

**File Number: ENV21217**

ENVIRONMENTAL FILING

No. of Pages: 45

Total Fees: \$0.00

File Date: 11/21/2017

Expires: 12/10/2017

**REGINA ALCOMENDRAS, Clerk-Recorder**  
By: Nina Khamphilath, Deputy Clerk-Recorder

**CEQA DOCUMENT DECLARATION**

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Sunnyvale
2. PROJECT TITLE: 838 Azure Street - Four Single Family Homes
3. APPLICANT NAME: Xin Lu PHONE: 408-799-1017
4. APPLICANT ADDRESS: PO Box 1507 Cupertino, CA 95015
5. PROJECT APPLICANT IS A:  Local Public Agency  School District  Other Special District  State Agency  Private Entity
6. NOTICE TO BE POSTED FOR 20 DAYS.
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

**a. PROJECTS THAT ARE SUBJECT TO DFG FEES**

- |  |             |                |
|--|-------------|----------------|
| <input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152)                                   | \$ 3,078.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))                                       | \$ 2,216.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY)                   | \$ 850.00   | \$ <u>0.00</u> |
| <input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS  | \$ 1,046.50 | \$ <u>0.00</u> |
| <input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE)<br>Fish & Game Code §711.4(e) | \$ 50.00    | \$ <u>0.00</u> |

**b. PROJECTS THAT ARE EXEMPT FROM DFG FEES**

- |  |          |                |
|--|----------|----------------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)   | \$ 50.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE "SAME PROJECT IS ATTACHED" (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) |          |                |
| DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION  | \$ 50.00 | \$ <u>0.00</u> |

**c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES**

- |  |  |        |                  |
|--|--|--------|------------------|
| <input type="checkbox"/> NOTICE OF PREPARATION | <input checked="" type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ <u>NO FEE</u> |
|--|--|--------|------------------|

8. OTHER: \_\_\_\_\_ FEE (IF APPLICABLE): \$ \_\_\_\_\_

9. TOTAL RECEIVED..... \$ 0.00

"NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO (2) COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

(Fees Effective 01-01-2017)



**NOTICE OF INTENT TO ADOPT A  
MITIGATED NEGATIVE DECLARATION**

This form is provided as a notification of an intent to adopt a Mitigated Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #118-04.

**PROJECT TITLE:**

838 Azure Street - Four Single Family Homes

**PROJECT DESCRIPTION AND LOCATION (APN):**

**FILE #:** 2017-7248  
**Location:** 838 Azure Street (APN: 211-18-030)  
**Proposed Project:** Applicant requests approval to develop four new single family homes. The existing single family home and accessory living unit are proposed to be demolished and to subdivide one lot into four lots.  
**Entitlements Requested:** **Special Development Permit and Tentative Map**  
**Applicant / Owner:** Xin Lu  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

**WHERE TO VIEW THIS DOCUMENT:**

The **Mitigated Negative Declaration**, its supporting documentation and details relating to the project are on file and available for review and comment in the Office of the Secretary of the Planning Commission, City Hall, 456 West Olive Avenue, Sunnyvale.

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on December 11, 2017. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Mitigated Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

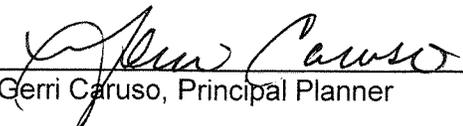
**HEARING INFORMATION:**

A Planning Commission public hearing on the project is scheduled for: Monday, December 11, 2017 at 7:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

**TOXIC SITE INFORMATION:**

(No) listed toxic sites are present at the project location.

Circulated On November 21, 2017

Signed:   
Gerri Caruso, Principal Planner

<b>Project Title</b>	838 Azure St. - Four-Unit Single Family Development
<b>Lead Agency Name and Address</b>	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
<b>Contact Person</b>	Ryan Kuchenig, Senior Planner
<b>Phone Number</b>	(408) 730-7431
<b>Project Location</b>	838 Azure St./842 Sunnyvale-Saratoga Rd. – referred to as 838 Azure St. (APN: 211-18-030)
<b>Applicant’s Name</b>	Xin Lu (Applicant/Owner) – 838 Azure St.
<b>Zoning</b>	R2-PD – 838 Azure St.
<b>General Plan</b>	Residential Low-Medium Density
<b>Other Public Agencies whose approval is required</b>	None

**BRIEF PROJECT DESCRIPTION**

The project includes the following related applications on a project site:

**Special Development Permit:** Construct four single family residential units (ownership) on a .34-acre site. The existing restaurant building will be demolished as part of this application. The proposed development consists of four single-family homes positioned around a central driveway that is accessed off Azure Street. Each home maintains a private two-car garage. Guest parking is provided either in front of the units or adjacent to the homes. The project includes deviation to second story side yard setbacks.

**Vesting Tentative Parcel Map:** Subdivide one lot into 4 lots.

**DETAILED PROJECT DESCRIPTION**

Surrounding Uses and Setting:

**838 Azure Street**

The project site is a double frontage lot with Sunnyvale-Saratoga Road on the west side and Azure Street on the east side. The site is located just north of the terminus with Cirrus Street. There is an existing masonry sound wall and driveway gate along the Sunnyvale-Saratoga Rd. frontage and an existing wood fence along the Azure St. frontage. Vehicular access is from

Sunnyvale-Saratoga Rd and there is also a pedestrian access gate on Azure St. The site's General Plan land use designation is Residential Low Density. The site is zoned R-0 (Low-Density Residential). The project proposes to amend the project site's land use designation to Residential Low-Medium Density and rezone to R-2/PD (Residential Low-Medium Density with a Planned Development overlay).

Two one-story housing units are currently located onsite, consisting of a main single-family home and a detached accessory living unit. County records indicate that the buildings were developed around 1948. The units are designed in the Minimal Traditional style that was common at the time of construction. Prior to the existing development, the site was historically used as agricultural land. There are 18 trees onsite and two City street trees in the park strip along the Azure St. sidewalk. Ten of the onsite trees are considered protected trees per City code.

The surrounding uses are the Sunnycreeks HOA townhomes to the north [General Plan: Residential High Density (27-45 du/ac)/Zoning: R-2/PD]; detached single-family residential to the south and east [General Plan: Residential Low Density (0-7 du/ac)/Zoning: R-0]; and small-lot single-family residential to the west across Sunnyvale-Saratoga Rd [General Plan: Residential Low-Medium Density (7-14 du/ac)/Zoning: R-2/PD].

#### On-site Development:

The proposed project at 838 Azure St. consists of the demolition of the existing two units and construction of four, two-story single-family homes on individual ownership lots. There would be a common area shared in the middle portion of the development (through shared easements) with an open space area located towards Sunnyvale-Saratoga Rd. The project would be served by a common vehicular driveway off Azure St., with branching individual driveways onsite for each unit. The existing driveway gate on Sunnyvale-Saratoga Rd. would be removed and filled in with a continuation of the existing sound wall. A pedestrian access gate for the residents of the development is proposed on Saratoga-Sunnyvale Rd. Pedestrian walkways to the units would also be accessible from Azure St. Unit sizes ranging from approximately 2,000 – 2,200 square feet (including garage area) and include three to four bedrooms each. Each unit would include a City standard two-car garage and two uncovered parking spaces, either on a driveway directly in front of the unit or on a surface parking stall nearby. Solid waste and recycling storage would be stored within the garages and brought to a staging area along Azure for pick-up days. All 21 existing onsite trees are anticipated to be removed to accommodate the project.

A Special Development Permit (SDP) and Tentative Parcel Map (TPM) would be required for the project's site and architectural review. Deviations from the Sunnyvale Municipal Code (SMC) may be considered by the Planning Commission with the SDP. The project includes the following deviations:

- Combined first story side yard setbacks of 12 feet where 20.5 is required.
- Combined second-story side yard setbacks of 24 feet where 26.5 is required.

#### Construction Activities and Schedule:

Construction activities include full demolition of all existing structures and paving on the project site, grading, utility improvements and construction of four two-story buildings with surface parking, landscaping and off-site improvements. The project will be subject to the Sunnyvale

Municipal Code requirements for construction noise and hours of construction contained in Chapter 16.08.030.

Construction of the project is estimated to span 12 to 16 months. Demolition and grading is estimated to span approximately one to two months. The vertical construction of the buildings is anticipated to take 8 to 10 months, with the final phase including paving and landscaping of the common areas. Due to the demolition and excavation activities, jackhammering may be necessary. However, construction will not include deep pile foundations or pile driving or other extremely high noise generating activities or significant vibration.

Off-site Improvements:

Anticipated improvements preliminarily identified by the City's Department of Public Works includes closure of the existing driveway approach on Sunnyvale-Saratoga Rd. and replacement with new curb, gutter, and sidewalk; new curb, gutter, sidewalk, and park strip along the Azure St. project frontage; upgrading existing streetlight fixtures along the project frontages to LED fixtures; slurry seal on portions of Sunnyvale-Saratoga Rd. and Azure St. along the project frontages; and utility undergrounding, new domestic water, sewer, and fire service lateral lines as required by the Municipal Code.

**IMPORTANT NOTE TO THE READER**

The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of Sunnyvale currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this study. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this study will discuss "planning considerations" that relate to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

## EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
  6. Earlier Analysis Used. Identify and state where they are available for review.
  7. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  8. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
9. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics             | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology/Water Quality       | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Air Quality            | <input type="checkbox"/> Land Use/Planning             | <input type="checkbox"/> Transportation/Traffic             |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Utilities/Service Systems          |
| <input type="checkbox"/> Cultural Resources     | <input type="checkbox"/> Noise                         | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils          | <input type="checkbox"/> Population/Housing            |   |

**MANDATORY FINDINGS OF SIGNIFICANCE (see checklist for further information):**

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, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?  Yes  
 No

Mandatory Findings of Significance? 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 the past projects, the effects of other current projects, and the effects of probable future projects)?  Yes  
 No

Mandatory Findings of Significance? Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  Yes  
 No

**DETERMINATION:**

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Checklist Prepared By: Ryan Kuchenig

Date: 11/15/2017

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Title: Associate Planner

City of Sunnyvale

Signature:

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Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
1. Aesthetics - Substantially damage scenic resources, including, but not limited to trees, historic buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Land Use and Transportation Chapter 3, and Community Character Chapter 4 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
2. Aesthetics - Substantially degrade the existing visual character or quality of the site and its surroundings including significant adverse visual changes to neighborhood character	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale General Plan Map, Land Use and Transportation Chapter 3, and Community Character Chapter 4 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
3. Aesthetics - Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Land Use and Transportation Chapter 3, and Community Character Chapter 4 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
4. Population and Housing - 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)_in a way that is inconsistent with the Sunnyvale General Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale General Plan Map, and Land Use and Transportation Chapter 3 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
5. Population and Housing - Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter 3, and Housing Chapter 5 of the Sunnyvale General Plan and General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
6. Population and Housing - Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Housing Chapter 5 of the Sunnyvale General Plan and General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
7. Land Use Planning - Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
8. Land Use Planning conflict - With the Sunnyvale General Plan, Zoning Ordinance, San Francisco Bay Conservation and Development Commission (BCDC) area or related specific plan adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter 3 of the Sunnyvale General Plan, Title 19 (Zoning) of the Sunnyvale Municipal Code <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off</a> Project Description
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off</a>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
10. 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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field AICUZ , Sunnyvale Zoning Map, Sunnyvale General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
11. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no private airstrips in or in the vicinity of Sunnyvale
12. For a project within the vicinity of Moffett Federal Airfield, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field AICUZ
13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan, SMC <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> 19.42 Noise Ordinance <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off</a> Noise Studies by Mei Wu Acoustics, dated April 11 and July 8, 2016
15. Noise - Exposure of persons to or generation of excessive ground borne vibration?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Noise Studies by Mei Wu Acoustics, dated April 11 and July 8, 2016
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Noise Studies by Mei Wu Acoustics, dated April 11 and July 8, 2016
17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
18. Biological Resources - 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description
19. Biological Resources - Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description
20. Biological Resources - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees Arborist Report by Monarch Consulting Arborists LLC, dated April 24, 2016
21. Biological Resources - Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter 3 of the Sunnyvale General Plan and General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Community Character Chapter 4 of the Sunnyvale General Plan, Sunnyvale Inventory of Heritage Resources The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places Historic Evaluation by Strata Design Studio, dated June 10, 2016 California Historical Resources Information System (CHRIS) Letter, dated May 16, 2016
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	California Health and Safety Code Section 7050.5(b), CEQA Guidelines Section 15064.5(e) Project description

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					California Historical Resources Information System (CHRIS) Letter, dated May 16, 2016
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District.
25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines 2011 Thresholds Sunnyvale General Plan Map Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Air Quality and Greenhouse Gas Assessment by Illingworth & Rodkin, Inc., dated April 19, 2016
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines 2011 Thresholds AB 32 Project Climate Action Plan CEQA Checklist Air Quality and Greenhouse Gas Assessment by Illingworth & Rodkin, Inc., dated April 19, 2016
27. Air Quality - Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines 2011 Thresholds Sunnyvale Climate Action Plan 2014 AB 32 Project Climate Action Plan CEQA Checklist Air Quality and Greenhouse Gas Assessment by Illingworth & Rodkin, Inc., dated April 19, 2016
28. Air Quality - Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines 2011 Thresholds Sunnyvale General Plan Map Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Air Quality and Greenhouse Gas Assessment by Illingworth & Rodkin, Inc., dated April 19, 2016
29. Air Quality - 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines 2011 Thresholds Sunnyvale General Plan Map Environmental Management Chapter 7 of the Sunnyvale General Plan

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?					<a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Air Quality and Greenhouse Gas Assessment by Illingworth & Rodkin, Inc., dated April 19, 2016
30. Air Quality - Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines 2011 Thresholds Sunnyvale General Plan Map Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Air Quality and Greenhouse Gas Assessment by Illingworth & Rodkin, Inc., dated April 19, 2016
31. Seismic Safety - 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter 6 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter 6 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
33. Seismic Safety - Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter 6 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
34. Seismic Safety - Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter 6 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

**Further Discussion if “Less Than Significant” with or without mitigation:**

**2. Aesthetics – Visual Character (Less Than Significant)** – Construction of the project will alter the visual character of the site and neighboring properties, which includes four new two-story single family homes that replace two existing residential units. The proposed project is subject to the Citywide Design Guidelines and Single-Family Design Techniques, and the design of the building and site layout will be in general conformance with the adopted design guidelines. The project would likely result in the removal of all the existing trees on-site. In accordance with Chapter 19.94 of the SMC, the project will provide replacement trees onsite as well as street trees along the Azure Street frontage. The replacement of trees and landscaping onsite and along the street frontages would improve the visual/aesthetic character of the area.

The proposed development and related landscaping improvements will be visually compatible with the surrounding neighborhood consisting of similar residential development. The proposed buildings would maintain similar scale but will be one story taller than adjacent buildings to the south and east. The City’s implementation of the City-Wide Design Guidelines and review of development plans at a subsequent public hearing for the SDP and TPM process will ensure that the final design of the project is consistent with City codes and guidelines. The

project will not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, impacts would be less than significant.

**4. Population and Housing (Less Than Significant)** – The General Plan and Zoning designations for the project site allow for the redevelopment of the site to residential uses at a maximum density of 12 units per acre. The project meets the Council policy of meeting at least 75% of the maximum density allowed on a site. The project density is compatible with the densities of the residential developments in the vicinity. Therefore, the impact is less than significant.

**14. Noise – Interior and Exterior Exposure (Less than Significant)** – A noise study was prepared for the 838 Azure St. project by Mei Wu Acoustics, dated April 11, 2016 and July 8, 2016. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8 a.m. and 5 p.m.

The study evaluated existing interior and exterior noise conditions and noise mitigations to be consistent with General Plan standards. The study noted that Sunnyvale-Saratoga Rd. is the major existing noise source at the project site. Noise measurements inside the existing main house closest to Sunnyvale-Saratoga Rd. ranged from 51 to 61 dBA with calculated Ldn's (day-night levels occurring over a 24-hour day) of 62 dBA. Exterior noise measurements on top of the main house's roof ranged from 58 to 84 dBA with calculated Ldn's of 78 dBA. Both interior and exterior Ldn's are higher than the levels specified in the General Plan, however it was concluded that the main contribution to the high noise levels are existing traffic noise from Sunnyvale-Saratoga Rd.

As previously discussed, in December 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are discussed below as planning considerations. Applicable General Plan policies include the following:

- Goal SN-8 which is to maintain or achieve a compatible noise environment for all land uses in the community. The goal further states that interior noise levels cannot exceed an Ldn of 45 dBA and a residential site with an exterior Ldn above 60 dBA needs a detailed noise study and mitigation plan. Residential areas are considered "normally acceptable" if the Ldn is below 60 dBA, while Ldn between 60 and 75 dBA is considered "conditionally acceptable," and above 75 dBA is "unacceptable."
- Policy SN-8.1 which is to enforce and supplement state laws regarding interior noise levels of residential units;
- Policy SN-8.5 which states to comply with state of California noise guidelines for land use planning for the compatibility of land uses with their noise environments, except where the City determines that there are prevailing circumstances of a unique or special nature; and
- Policy SN-8.7 which states for residential uses to attempt to achieve an outdoor L<sub>dn</sub> of no greater than 60 dBA for common recreational areas, backyards, patios, and medium and large-size balconies.

The exterior and interior noise levels at the project site are not considered environmental impacts under CEQA and the recommendations below are provided as planning considerations for consistency with the General Plan:

- Interior Noise: Windows providing high acoustic insulation should be used:
  - If windows are located on the west wall (facing Sunnyvale-Saratoga Rd.), the windows should achieve a minimum OITC 36 rating. Windows on the east-facing walls will not require sound-rated windows.

- If windows are located on the north and south walls, the windows should achieve a minimum OITC 33 rating.
- Windows may be operable, however it is recommended to include a fresh air intake, preferably on the east side of the building which is subjected to lower sound levels.
- All exterior walls should have a minimum STC-50 rating.
- Exterior Noise:
  - There should be no exposed recreational areas, backyards, patios, or balconies on the second story of the units.
  - The proposed pedestrian gate on the Sunnyvale-Saratoga Rd. sound wall should be constructed of any solid material with a density no less than two pounds per square foot. Materials meeting this standard include 0.5-inch thick wood, 0.5-inch outdoor plywood, 16 gauge steel sheet, and any masonry units. All gaps on the barrier should be sealed.
  - Following construction of the sound wall extension, sound reading should be taken to determine its efficacy.

As the above are not considered required CEQA mitigation measures, the City has the discretion to require the above as conditions of approval when considering the project. **(Less than Significant)**

**15. Ground Borne Vibration Exposure (Less than Significant with Mitigation)** – The noise study did not address construction noise impacts since the construction details are not available at this time. In absence of project-specific recommendations, SMC Section 16.08.030 places restrictions on time of construction activity to minimize nuisance to neighboring properties but does not include noise limits generated by construction. However, these short-term noise levels have the potential to disturb residences living nearby during the course of demolition and construction. Per the applicant's preliminary project description, construction is not anticipated to include deep pile foundations or pile driving. Through the implementation of the current Sunnyvale Municipal Code construction noise regulations, standard conditions of approval, Climate Action Plan checklist provisions, and mitigation measures below, construction-related noise impacts will be mitigated to less than significant levels.

MITIGATIONS – Construction-Related Noise

WHAT:

- (1) All internal combustion engines used at the project site must be equipped with a type of muffler recommended by the vehicle manufacturer. All equipment must be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components.
- (2) Construction operations must comply with the limits of the City of Sunnyvale Municipal Code.
- (3) Place long-term stationary equipment as far away from the residential areas as possible.
- (4) Demolish the east and west portions of the existing buildings first leaving the north and south walls of the buildings closest to the neighboring residences up for as long as possible as these walls will act as sound barriers.
- (5) Keep mobile equipment (haul trucks, concrete trucks, etc.) off of local streets as much as possible.
- (6) Orient the concrete crusher so that the hopper (noise end) faces away from noise sensitive receptors.
- (7) Use scrapers as much as possible for earth removal, rather than the noisier loaders and hauling trucks.
- (8) Use a motor grader rather than a bulldozer for final grading.
- (9) Power saws should be shielded or enclosed where practical to decrease noise emissions. Nail guns should be used where possible as they are less noisy than manual hammering.
- (10) Use generators and compressors that are housed in acoustical enclosures rather than weather enclosures or none at all.

*WHEN:* These mitigations shall be incorporated into conditions of approval for the Special Development Permit (SDP) prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance.

*WHO:* The property owner shall be solely responsible for implementation and maintenance of these mitigation measures.

*HOW:* The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

**19. Biological Resources – Wildlife (Less than Significant with Mitigation)** – While the entire 838 Azure St. site is disturbed and developed, raptors (such as falcons, hawks, eagles, and owls) and other migratory birds may utilize the large trees on-site for foraging or nesting. Nesting raptors are among the species protected under provisions of the Migratory Bird Treaty Act and California Department of Fish and Wildlife (CDFW) Code Sections 3503, 3503.5, and 2800. The proposed project would remove all the existing trees at the 838 Azure St. site. Construction disturbance near raptor nests can also result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment in the trees on the project site. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. The following mitigation measures will be implemented to avoid abandonment of raptor and other protected migratory birds nests, and reduce impacts to a less than significant level. Therefore, the following mitigation measures are recommended to reduce potential impacts on biological resources:

MITIGATION – Biological Resources - Wildlife

*WHAT:*

- (1) If construction commences anytime during the nesting/breeding season of native bird species (typically February through August), a qualified biologist must conduct a preconstruction survey of the project vicinity for nesting/breeding birds at least 30 days prior to the start of construction activities. The intent of the survey is to determine if active raptor nests or other species protected by the Migratory Bird Treaty Act are present within the construction zone or within 250 feet of construction zone for raptors and 50 feet of the construction zone for other migratory birds. The survey area must include all trees and shrubs within zones that have the potential to support nesting birds.
- (2) If active nests are found in the area that could be directly affected or are within 250 feet of construction for raptors and 50 feet for other migratory birds, a no-disturbance buffer zone must be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. Once the young have fledged, tree removal and other construction activities may commence.

*WHEN:* These mitigations shall be incorporated into conditions of approval for the Special Development Permit (SDP) prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance.

*WHO:* The property owner shall be solely responsible for implementation and maintenance of these mitigation measures.

*HOW:* The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

**20. Biological Resources - Trees (Less than Significant with Mitigation)** – An arborist report was prepared for the 838 Azure St. project by Monarch Consulting Arborists LLC., dated April 24, 2016. The report is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8 a.m. and 5 p.m.

The report inventoried 23 trees – 18 of which are directly located onsite, two are in the public right of way park strip on Azure St., and three are on a neighboring property near the southeast corner of 838 Azure St. Of the 23 total trees, 14 are considered protected per City code (12" or greater in diameter or 38" or greater in circumference), 10 of which are located onsite. The report recommends removal of all 18 existing trees onsite (one Grapefruit tree, one Persimmon tree, one Stone Pine, two Avocado trees, two Orange trees, five Junipers, and six Privets) because of their condition and conflicts with the conceptual site development plan. The five other off-site trees can be retained as part of the project and will be required to be protected during construction.

The report notes that none of the trees have great structure or are in good health. Three trees are in fair condition with fair suitability for retention, eight trees are in fair condition with poor suitability for retention, and seven trees are in poor condition with poor suitability for retention. Trees in fair condition are characterized by minor problems, with at least one structural defect or health concern while trees in poor condition have major problems with multiple structural defects or declining health. Trees with fair suitability for retention are generally in fair health with structural defects that may be mitigated by treatment while trees with poor suitability for retention have significant structural defects that cannot be mitigated and will continue to decline regardless of treatment. The City's Tree Replacement Standards require a minimum of thirteen 24-inch box trees; seven 24-inch box trees and three 36-inch box trees; twenty-one 15-gallon trees and three 36-inch box trees; or a combination of 15-gallon, 24-inch, and/or 36-inch box trees to be planted to offset the loss of protected trees.

With required mitigation measures of protecting adjacent trees and planting trees per the City's Tree Replacement Standards, the project would have a less than significant impact to tree resources. The following mitigation measures are below:

MITIGATION – Biological Resources- Trees

WHAT:

- (1) Provide tree replacements per the City's tree replacement standards. A tree replacement plan shall be provided.
- (2) Provide a tree protection plan to ensure retention of existing offsite trees that may be affected by the project construction. The plan shall include the following:
  - (a) All tree locations on the site plans and civil drawings.
  - (b) All tree protection measures on all the plans for trees to be retained. Refer to the project arborist report for general protection guidelines and specifications.
  - (c) Protect adjacent trees to be retained by placing tree protection fence at the setback to enclose the entire group to be retained (Tree 709, 710, and 711).
  - (d) Protect street trees # 720 and 721 by placing a fence at the curb and sidewalk edges.
- (3) Provide a copy of the project arborist report to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect.
- (4) Arrange a pre-construction meeting with the project arborist or landscape architect to verify tree protection is in place, with the correct materials, and at the proper distances.
- (5) Arrange for the project arborist or landscape architect to monitor and document initial grading activity and no grading is to occur within any tree protection zone and approval for drainage modifications under the trees is required.
- (6) Provide a monthly monitoring schedule when activity is planned within the tree protection zone.
- (7) Place irrigation or soaker hoses on the existing grade within the dripline/tree protection zone or use automatic irrigation under trees # 709, 710, 711, 720, or 721.
- (8) Place two to four inches of organic mulch, coarse woody debris, chips from tree care operations under the trees and over the soaker hoses within the tree protection zone or maintain current irrigation regime.
- (9) If construction is to take place between June and October, the trees should be watered to help mitigate any root loss and reduce stress. Ten gallons per inch of trunk diameter of water should be used to irrigate the root zones once a week with a deep soaking.

- (10) If roots are expected to be cut, the work shall be supervised and documented by the project arborist. If tree roots two inches or larger are encountered, they must be cleanly cut back to a sound wood lateral root. The end of the root shall be covered with either a plastic bag and secured with tape or rubber band, or be coated with latex paint. All exposed root areas within the tree protection zone shall be backfilled or covered within one hour. Exposed roots may be kept from drying out by temporarily covering the roots and draping layered burlap or carpeting over the upper three feet of trench walls. The materials must be kept wet until backfilled to reduce evaporation from the trench walls.

*WHEN:* These mitigations shall be incorporated into conditions of approval for the Special Development Permit (SDP) prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance.

*WHO:* The property owner shall be solely responsible for implementation and maintenance of these mitigation measures.

*HOW:* The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

**22. Historic and Cultural Resources – Adverse Change in Significance (Less than Significant)** – The existing structures on the 838 Azure St. project site are more than 50 years old. A California Historical Resources Information System (CHRIS) letter dated May 16, 2016 noted that the project area contains no recorded buildings or structures, but at least one unrecorded building, and recommended that this resource be assessed by a professional familiar with architecture and Santa Clara County history. A subsequent Historic Evaluation dated June 10, 2016 was prepared by Strata Design Studio – a firm with extensive experience in historic architecture and building condition assessments. The historic evaluation and CHRIS letter are available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8 a.m. and 5 p.m.

The study evaluated the site according to the criteria of the California Register of Historic Resources and the CEQA guidelines. The study concluded the following:

- The buildings onsite are not representative of important patterns of development that occurred in California or Sunnyvale, and are not associated with events that have made a significant contribution to broad patterns of California's history and cultural heritage.
- At various times the buildings were occupied by local residents of notable accomplishments, but the buildings are not associated with the lives of persons of significant historical importance.
- The building types are of a vernacular style common to that period and do not embody the distinctive characteristics of a type, period, regions, or method of construction that represents an important creative architectural example.

Therefore, the buildings onsite are not eligible for the California or Sunnyvale register of historic resources, and demolition would result in a less than significant impact.

**23. Historic and Cultural Resources – Disturbance of Cultural Remains (Less than Significant with Mitigation)** – The eventual 838 Azure St. project construction will include grading and land disturbance. A CHRIS letter dated May 16, 2016 documents a records search that reviewed pertinent base maps, cultural resources records and reports, historic-period maps, and literature from Santa Clara County. The records search found no record of any cultural or archaeological resources or historic structures that formally covered the project site. As discussed in Item 22, the letter noted at least one unrecorded building, but a subsequent historic evaluation found no historical significance to the buildings onsite. There is also a low potential for unrecorded Native American resources on the project site. As required by CEQA, the City sent letters via certified mail to local Native American tribes on June 22, 2016. No requests for consultation were received within the State-specified

timelines. Since there is a low potential for discovery of cultural resources, and the following mitigations are recommended to reduce the potential impact to less than significant level:

MITIGATION – Historic and Cultural Resources

WHAT:

- (1) An archeological monitor or a Native American representative must monitor ground disturbing demolition, grubbing, scraping, grading, trenching and any other excavation within the project site. Archeological monitoring must be continued until the archeologist or Native American monitors are satisfied that no significant cultural deposits will be impacted by the project.
- (2) If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and the County Coroner as well as a qualified archeologist (if not already present) must be notified immediately so that an evaluation can be performed. Procedures at this point are prescribed by law. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated. Once the Most Likely Descendant has inspected the discovered remains, the remains can be reinterred with appropriate dignity.
- (3) Archeological monitoring must be conducted following the procedures specified below in the event that potentially significant cultural deposits or human burials are found during the development:
  - (a) Monitoring will consist of directly watching the major excavation process. Monitoring will occur during the entire work day, and will continue on a daily basis until a depth of excavation has been reached at which resources could not occur. This depth is estimated as usually about 5 feet below grade at the beginning of the project, but may require modifications in specific cases, and will be determined by the monitoring archeologist based on observed soil conditions.
  - (b) Spot checks will consist of partial monitoring of the progress of excavation over the course of the project. During spot checks all soils material, open excavations, recently grubbed areas, and other soil disturbances will be inspected. The frequency and duration of spot checks will be based on the relative sensitivity of the exposed soils and active work areas. The monitoring archeologist will determine the relative sensitivity of the parcel.
  - (c) If prehistoric human interments (human burials) are encountered within the project area, all work must be halted in the immediate vicinity of the find. The County Coroner, project superintendence, and the Agency Liaison should be contacted immediately. The procedures to be following at this point are prescribed by law.
  - (d) If significant cultural deposits other than human burials are encountered, the project should be modified to allow the artifacts or features to be left in place, or the archaeological consultant should undertake the recovery of the deposit or feature. Significant cultural deposits are defined as archaeological features or artifacts that associate with the prehistoric period, the historic era Mission and Pueblo Periods and the American era up to about 1900.
  - (e) Whenever the monitoring archaeologist suspects that potentially significant cultural remains or human burials have been encountered, the piece of equipment that encounters the suspected deposit will be stopped, and the excavation inspected by the monitoring archaeologist. If the suspected remains prove to be non-significant or non-cultural in origin, work will recommence immediately. If the suspected remains prove to be part of a significant deposit, all work should be halted in that location until removal has been accomplished. If human remains (burials) are found, the County Coroner must be contacted so that they (or a

designated representative) can evaluate the discovered remains and implement proper contacts with pertinent Native American representatives.

- (f) Equipment stoppages will only involve those pieces of equipment that have actually encountered significant or potentially significant deposits, and should not be construed to mean a stoppage of all equipment on the site unless the cultural deposit covers the entire building site.

- (4) During temporary equipment stoppages brought about to examine suspected remains, the archaeologist should accomplish the necessary tasks with all due speed.

**WHEN:** These mitigations shall be incorporated into conditions of approval for the Special Development Permit (SDP) prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance.

**WHO:** The project property owner shall be solely responsible for implementation and maintenance of these mitigation measures.

**HOW:** The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

**24. Public Services – Schools (Less than Significant)** – The project site at 838 Azure St. is located within the Sunnyvale School District and Fremont Union High School District. In both districts, all new residential developments are required to fully offset their anticipated impact on demand for schools by paying a school impact fee as set by the Districts. The City requires evidence of school impact fee payment prior to issuance of building permits. Therefore, impacts on public schools will be less than significant.

**25. Air Quality – Conflict with BAAQMD Air Quality Plan (No Impact)** – An Air Quality and Greenhouse Gas Assessment for the 838 Azure St. site was prepared by Illingworth & Rodkin, Inc. dated April 19, 2016. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8 a.m. and 5 p.m. The project at 838 Azure St. would not conflict with the Bay Area 2010 Clean Air Plan since the size of the project would have emissions below BAAQMD thresholds.

**26 and 27. Air Quality – Greenhouse Gases (Less than Significant)** - The air quality study notes that the 838 Azure St. project does not exceed the screening size for significant greenhouse gas emissions. Therefore, a refined greenhouse gas analysis is not necessary to conclude that the greenhouse gas emissions for the project would be less than significant. Moreover, the project is subject to the City's Climate Action Plan, and a checklist has been prepared to document consistency.

**28. Air Quality – Violate any Air Quality Standard (Less than Significant)** – The air quality study notes that the 838 Azure St. project would not contribute substantially to existing or projected violations of air quality standards since the size of the project would have emissions below BAAQMD thresholds.

**29. Air Quality – Cumulatively Considerable Net Increase of Pollutants (Less than Significant with Mitigation)** – The air quality study notes that construction exhaust and operational period emissions from the 838 Azure St. project would be less than significant due to the size of the project. However, construction activities, particularly during site preparation and grading, would temporarily generate dust, including disturbed soils at the construction site and trucks carrying uncovered loads of soils. Implementation of the below mitigation measures to control construction emissions would reduce this impact to a less than significant level:

MITIGATION – Air Quality – Cumulatively Considerable Net Increase of Pollutants

WHAT:

- 1) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- 2) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 3) 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.
- 4) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- 5) 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.
- 6) 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 [CCR]). Clear signage shall be provided for construction workers at all access points.
- 7) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- 8) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 9) All diesel-powered construction equipment larger than 50 horsepower and operating onsite for more than two days continuously shall meet US EPA particulate matter emission standards for Tier 2 engines or equivalent. Equipment retrofitted with CARB Level 3 Verified Diesel Emissions Control Strategy (VDECS) would exceed this standard.

WHEN: These mitigations shall be incorporated into conditions of approval for the Special Development Permit (SDP) prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance.

WHO: The project property owner shall be solely responsible for implementation and maintenance of these mitigation measures.

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

**30. Air Quality – Exposure to Sensitive Receptors (Less than Significant)** –The air quality study notes that the 838 Azure St. project would place new residences in close proximity to Sunnyvale-Saratoga Rd., a high-volume roadway with over 10,000 average daily trips (ADT). Sunnyvale-Saratoga Rd. is also the only toxic air contaminant (TAC) affecting the project site. The study notes that the maximum increased cancer risk from traffic on Sunnyvale-Saratoga Rd. at the project site is 5.2 in 1,000,000, which is below BAAQMD's threshold of significance of 10 in 1,000,000. Therefore, it can be concluded that traffic on Sunnyvale-Saratoga Rd. does not pose a significant cancer risk.

The study also modeled fine particulate matter (PM<sub>2.5</sub>) exposures from Sunnyvale-Saratoga Rd. at the project site, where exposures of 0.4 micrograms per cubic meter (µg/m<sup>3</sup>) would be considered significant, as they would exceed the PM<sub>2.5</sub> threshold of greater than 0.3 µg/m<sup>3</sup>. The PM<sub>2.5</sub> exposures above the threshold would affect any portion of the site developed with residential dwelling units that are within 60 feet of the site boundary with Sunnyvale-Saratoga Rd.

As previously discussed, in December 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed

project, which are discussed below as planning considerations. Applicable General Plan policies include the following:

- Goal EM-11 which is to improve Sunnyvale’s air quality and reduce the exposure of its citizens to air pollutants.
- Policy EM-11.1 that states the City should actively participate in regional air quality planning.
- Policy EM-11.3 that requires all new development to utilize site planning to protect citizens from unnecessary exposure to air pollutants.

The fine particulate matter exposure at the project site is not considered an environmental impact under CEQA and the recommendations below are provided as planning considerations for consistency with the General Plan:

- To the greatest degree possible, plant vegetation along the site boundary with Sunnyvale-Saratoga Rd. This barrier would include trees and shrubs that provide a vegetative barrier.
- Install air filtration at units within 60 feet of the western site boundary with Sunnyvale-Saratoga Rd. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, a ventilation system should meet the following minimal design standards:
  - A MERV13 filter or higher rating;
  - At least one air exchange(s) per hour of fresh outside filtered air; and
  - At least four air exchange(s) per hour recirculation.
- As part of implementing this measure, an ongoing maintenance plan for the buildings’ heating, ventilation, and air conditioning (HVAC) air filtration system should be developed. Recognizing that emissions from air pollution sources are decreasing, the maintenance period will last as long as significant annual fine particulate matter exposures are predicted. Subsequent studies could be conducted by an air quality expert approved by the City to identify the ongoing need for the filtered ventilation systems as future information becomes available.
- The lease agreement and other property documents should: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

As the above are not considered required CEQA mitigation measures, the City has the discretion to require the above as conditions of approval when considering the project. **(Less than Significant)**

Responsible Division: Planning Division

Completed by: Ryan Kuchenig

Date: 11/15/17

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including nonmotorized travel and all relevant components of the circulation system, including but not limited to intersections,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter 3 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>  Santa Clara Valley Transportation Authority Congestion Management Program <a href="http://www.vta.org/cmp/">http://www.vta.org/cmp/</a>

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?					
36. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measurements, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Transportation Authority Congestion Management Program <a href="http://www.vta.org/cmp/">http://www.vta.org/cmp/</a>
37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter 3 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>  Project Description
38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter 3 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>  Project Description
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter 3 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>  Santa Clara Valley Transportation Authority Congestion Management Program <a href="http://www.vta.org/cmp/">http://www.vta.org/cmp/</a>
40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter 3 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>  Santa Clara Valley Transportation Authority Congestion Management Program <a href="http://www.vta.org/cmp/">http://www.vta.org/cmp/</a>
41. Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter 3 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>  Santa Clara Valley Transportation Authority Congestion Management Program

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
42. Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<a href="http://www.vta.org/cmp/">http://www.vta.org/cmp/</a> Land Use and Transportation Chapter 3 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>  Santa Clara Valley Transportation Authority Congestion Management Program <a href="http://www.vta.org/cmp/">http://www.vta.org/cmp/</a>

**Further Discussion if “Less Than Significant” with or without mitigation:**

**35. Transportation – (No Impact)** – Development proposals require preparation of a transportation impact analysis (TIA) if more than 100 new peak hour trips in either the AM (7:00AM – 9:00AM) or PM (4:00PM-6:00PM) peak hour are estimated. The Institute of Transportation Engineers (ITE) Manual is the standard reference document prescribed by the Santa Clara County Congestion Management Program TIA Guidelines for estimating trip generation from land development. These guidelines are used by all cities in Santa Clara County for determining the necessity for traffic analysis. Per the ITE Trip Generation Manual, 9<sup>th</sup> Edition (“ITE Manual”) the City’s Division of Transportation and Traffic estimates that the project will not result in 100 net new AM and PM peak hour trips. It is anticipated that the existing roadway system can accommodate the incremental increase in trips.

Responsible Division: Planning Division

Completed by: Ryan Kuchenig

Date: 10/15/2017

Building	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
43. Hydrology and Water Quality - Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
44. Hydrology and Water Quality - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
45. Hydrology and Water Quality - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1995 ABAG Dam Inundation Map <a href="http://www.abag.ca.gov">www.abag.ca.gov</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
46. Geology and Soils - Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Municipal Code 12.60, City of Sunnyvale Storm Water

				<input checked="" type="checkbox"/>	Quality Best Management Practices Guideline Manual
47. Geology and Soils - 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan, <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>  California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code
48. Geology and Soils - Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code

**Further Discussion if “Less Than Significant” with or without mitigation:**

**43-45. Hydrology and Water Quality (No Impact)** – The project sites are located in the “X” flood zone (designated by the Federal Emergency Management Agency or FEMA) that is considered a moderate to low risk area with a 0.2% annual chance of flood; 1% annual chance of flood with average depths of less than one foot or with drainage areas less than one mile; and areas protected by levees with 1% annual chance of flood. Because of the project sites’ location outside of a significant flood zone, the project’s flooding impacts are expected to be less than significant.

Responsible Division: Planning Division

Completed by: Ryan Kuchenig

Date: 11/15/17

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
49. Utilities and Service Systems - Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
50. Utilities and Service Systems - Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
51. Utilities and Service Systems - Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
52. Utilities and Service Systems - Have sufficient water supplies available to serve the project from existing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
entitlements and resources, or are new or expanded entitlements needed?					
53. Utilities and Service Systems - Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
54. Utilities and Service Systems - Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit <a href="http://www.waterboards.ca.gov/">http://www.waterboards.ca.gov/</a>
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit <a href="http://www.waterboards.ca.gov/">http://www.waterboards.ca.gov/</a> City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District Groundwater Protection Ordinance <a href="http://www.valleywater.org">www.valleywater.org</a>
58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit <a href="http://www.waterboards.ca.gov/">http://www.waterboards.ca.gov/</a> City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit <a href="http://www.waterboards.ca.gov/">http://www.waterboards.ca.gov/</a> City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
60. Utilities and Service Systems - Comply with federal, state, and local statues and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
61. Public Services Infrastructure - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter 7 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

**Further Discussion if “Less Than Significant” with or without mitigation:** None required.

Responsible Division: Planning Division

Completed by: Ryan Kuchenig

Date: 11/15/17

Public Safety	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
62. Public Services Police and Fire protection - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter 6 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
63. Public Services Police and Fire protection - Would the project result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Building Code SMC Section 16.52 Fire Code

**Further Discussion if “Less Than Significant” with or without mitigation:** None required.

Responsible Division: Planning Division

Completed by: Ryan Kuchenig

Date: 11/15/17

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
64. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter 6 of the Sunnyvale General Plan, <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter 6 of the Sunnyvale General Plan, <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Title 20 of the City of Sunnyvale Municipal Code Phase I Environmental Site Assessment by AEI Consultants dated March 25, 2016 Shallow Soil Investigation/Phase II ESA by AEI Consultants dated July 19 and August 19, 2016 RMP approval letter from the County of Santa Clara Department of Environmental Health (DEH) dated September 28, 2017
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
67. Hazards and Hazardous Materials - 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	State of California Hazardous Waste and Substances Site List (Cortese List), Department of Toxic Substance Control
68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter 6 of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

**Further Discussion if “Less Than Significant” with or without mitigation:**

**65. Hazards and Hazardous Materials (Less than Significant)** – A Phase I Environmental Site Assessment, as well as a Shallow Soil Investigation/Phase II for the 838 Azure St. project was prepared by AEI Consultants, dated March 25, 2016, July 19, 2016, and August 19, 2016, respectively. The studies are available for review at the City of Sunnyvale’s Community Development Department, Monday through Friday between 8 a.m. and 5 p.m.

The Phase I identified that the site was historically used for agricultural purposes, including an orchard. Based on the agricultural use, agricultural chemicals including organochlorine pesticides (OCPs) can potentially be found in soils. Two subsequent soil investigations were performed to determine the extent of soil contamination. To assess whether the concentration of OCP's observed presented a potential unacceptable risk to human health, the results were compared to the environmental screening levels (ESLs) developed by the California Regional Water Quality Control Board, San Francisco Bay Region for residential direct contact. The results are summarized as follows:

- Dieldrin, Chlordane, and Arsenic were detected above the ESL.
- Other OCPs including, p,p-dichlorodiphenyldichloroethane (p,p-DDD), p,p-dichlorodiphenyldichloroethene (p,p-DDE), p,p-dichlorodiphenyldichloroethene (p,p-DDT), endrin, and heptachlor epoxide were detected, but at concentrations below their respective ESLs.

The shallow soil investigation recommended that dieldrin and pesticide-impacted soils be delineated to appropriate residential ESLs and removed from the site for proper off-site disposal. A soils management plan should be used to notify contractors of the presence of OCPs and arsenic and outline how the impacted soils should be characterized, removed and documented for proper disposal options.

As previously discussed in *Section 4.0*, in December 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations (including Policy SN-1.1 that states to make land use decisions based on an awareness of hazards and potential hazards for the specific parcel of land and Policy SN-1.5 that states to promote a living and working environment safe from exposure to hazardous materials) that address existing conditions affecting a proposed project, which are discussed below as planning considerations, not CEQA impacts. Note that existing hazardous materials conditions would not be exacerbated by the project (e.g., project construction or remediation) such that the existing conditions would impact (or worsen) hazardous materials conditions off-site. The recommendations below are provided as planning considerations for consistency with the General Plan:

- Prior to redevelopment of the project site, the Santa Clara County Department (DEH) of Environmental Health or the Department of Toxic Substances Control (DTSC) should be contacted to evaluate potentially required soil mitigation measures. All required mitigation measure should be completed under the oversight of an appropriate regulatory agency. Additional soil sampling may be required to better characterize the contamination at the site.

In addition, it is recommended that the project implement the following measures to protect construction workers by establish management practices for handling contaminated soil, soil vapor, groundwater, or other materials.

- Prior to issuance of grading and/or building permits, a Health and Safety Plan (HSP) should be developed to establish appropriate protocols for working in contaminated materials. The HSP should include protocols for air monitoring during all site work. Each contractor should be responsible for the health and safety of their employees as well as for compliance with all applicable federal, state, and local laws and guidelines.
- Prior to issuance of grading and/or building permits, a Site Management Plan (SMP) should be developed to establish management practices for handling contaminated soil, soil vapor, ground water, or other materials. Prior to the start of any construction activity that involves below ground work (e.g., mass grading, foundation construction, excavating or utility trenching), information regarding site risk management procedures, including copies of the HSP and SMP, should be provided to the contractors for their review, and each

contractor should provide such information to its subcontractors. The SMP measures should be incorporated into the project design documents. The SMP should include a discussion of the following:

- Site control procedures to control the flow of personnel, vehicles and materials in and out of the site.
- Measures to minimize dust generation, storm water runoff and tracking of soil off-site.
- Dewatering protocols, if dewatering is anticipated, including methods to evaluate water quality and discharge/disposal alternatives; the pumped water should not be used for on-site dust control or any other on-site use. If long-term dewatering is required, the means and methods to extract, treat and dispose ground water also should be presented and should include treating/discharging ground water to the sanitary sewer under a Publicly Owned Treatment Works permit or treating/discharging ground water to the storm drain system pursuant to a California Regional Water Quality Control Board – San Francisco Bay Region NPDES permit.
- Protocols for conducting earthwork activities in areas where impacted soil, soil vapor and/or ground water are present or suspected. Worker training requirements, health and safety measures and soil handling procedures should be described.
- Perimeter air monitoring for dust during any activity that significantly disturbs site soil (e.g., mass grading, foundation construction, excavating or utility trenching) to document the effectiveness of dust control measures.
- Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during site development activities.
- Protocols to characterize/profile soil suspected of being contaminated so that appropriate mitigation, disposal or reuse alternatives, if necessary, can be implemented. Soil in contact with ground water should be assumed contaminated. All soil excavated and transported from the site should be appropriately disposed at a permitted facility.
- Stockpiling protocols for “clean” and “impacted” soil; the contractor may require temporary stockpiling adjacent to excavation areas.
- Decontamination procedures to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-site transfer.
- Procedures to evaluate and document the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals should not be accepted.
- Methods to monitor excavations and trenches for the potential presence of VOC impacted vapors. Protocols should be developed and implemented in the event elevated VOC vapors are released during excavation activities.
- Measures to reduce soil vapor and ground water migration through trench backfill and utility conduits. Such measures should include placement of low-permeability backfill “plugs” at specified intervals on-site and at all locations where the utility trenches extend off-site. In addition, utility conduits that are placed below ground water should be installed with water-tight fittings to reduce the potential for ground water to migrate into the conduits.
- Because the site is known to have pollutants with the potential for mobilization, the civil engineer should design the bottom and sides of the vegetated swales and water features (if incorporated into building designs) to be lined with a minimum 10-mil heavy duty plastic to help prevent site infiltration.
- Measures to help reduce the potential for downward migration of contaminated groundwater.

The Department of Environmental Health (DEH) has reviewed the *Risk Management Plan* (RMP) prepared by AEI Consultants and dated June 27, 2017. A copy of the letter, from the DEH, dated September 28, 2017, is available for review at the City of Sunnyvale’s Community Development Department, Monday through Friday between 8 a.m. and 5 p.m. The RMP describes how contaminated soil will be excavated, managed, consolidated,

and capped on-site. Two feet of clean soil will be used to cap the contaminated soil. The DEH approves the scope of work described in the RMP with the following conditions.

**RMP APPROVAL CONDITIONS**

1. A copy of the RMP must be kept on-site and available to contractors and site workers at all times.
2. The DEH shall be notified 5 days prior to the start of earthwork activities.
3. Encountered Unknown Conditions (Section 4.0) – In addition to the notifications listed in this section, the DEH must be notified as soon as possible if unanticipated environmental conditions are discovered during construction. Unanticipated conditions include, but are not limited to, environmental conditions that are not currently known about the site. For example, contamination outside of the known area of contamination, contamination at levels higher than reasonably anticipated based on site assessment data, or unknown underground storage tanks.
4. Dust Control (Section 3.3.5) – Prior to construction, the DEH must be notified of the party responsible to verify that dust control recommendations are practiced in the field, while the project is under construction.
5. A completion report shall be submitted to DEH subsequent to completion of earthwork activities.
6. Deed Restriction – Prior to case closure, a Deed Restriction/Environmental Covenant will be filed with the Santa Clara County Clerk Recorder Recorder’s Office. A copy of the filing receipt and the fully executed deed restriction must be provided to the DEH before the case can be closed.

The deed restriction will:

- State that actions that are prohibited to prevent contact with the soil consolidation cell(s).
- State that if the consolidation cell(s) are damaged, the DEH must be notified and the consolidation cell(s) must be repaired.
- Include a fact sheet to describe the environmental site conditions and the location of the consolidation cell(s).

Please submit the following documents to DEH via GeoTracker according to the following schedule:

- **Completion Report 60 days after the completion of grading and subsurface utility work**
- **Soil Cap Maintenance Plan – December 27, 2017**

As the above are not considered required CEQA mitigation measures, the City has the discretion to require the above when considering the project. **(Less than Significant)**

Responsible Division: Planning Division

Completed by: Ryan Kuchenig

Date: 11/15/17

Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
69. Public Services Parks - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan

Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
government facilities, need for new or physically altered government 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?					<a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
70. Recreation - Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
71. Recreation - 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

**Further Discussion if “Less Than Significant” with or without mitigation:** None required.

Responsible Division: Planning Division

Completed by: Ryan Kuchenig

Date: 11/15/17

**City of Sunnyvale General Plan:**

Sunnyvale General Plan Consolidated in (2011)  
[generalplan.InSunnyvale.com](http://generalplan.InSunnyvale.com)

- Community Vision
- Land Use and Transportation
- Community Character
- Housing
- Safety and Noise
- Environmental Management
- Appendix A: Implementation Plans

**City of Sunnyvale Climate Action Plan 2014**

**City of Sunnyvale Municipal Code:**

- Title 8 Health and Sanitation
- Title 9 Public Peace, Safety or Welfare
- Title 10 Vehicles and Traffic
- Title 12 Water and Sewers
- Chapter 12.60 Storm Water Management
- Title 13 Streets and Sidewalks
- Title 16 Buildings and Construction
  - Chapter 16.52 Fire Code
  - Chapter 16.54 Building Standards for Buildings Exceeding Seventy –Five Feet in Height
- Title 18 Subdivisions
- Title 19 Zoning
  - Chapter 19.28 Downtown Specific Plan District
  - Chapter 19.29 Moffett Park Specific plan District
  - Chapter 19.39 Green Building Regulations
  - Chapter 19.42 Operating Standards
  - Chapter 19.54 Wireless Telecommunication Facilities
  - Chapter 19.81 Streamside Development Review
  - Chapter 19.96 Heritage Preservation
- Title 20 Hazardous Materials

**Specific Plans:**

- Downtown Specific Plan
- El Camino Real Precise Plan
- Lockheed Site Master Use Permit
- Moffett Park Specific Plan
- 101 & Lawrence Site Specific Plan
- Southern Pacific Corridor Plan
- Lakeside Specific Plan
- Arques Campus Specific Plan

**Environmental Impact Reports:**

- Futures Study Environmental Impact Report
- Lockheed Site Master Use Permit Environmental Impact Report

- Tasman Corridor LRT Environmental Impact Study (supplemental)
- Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)
- Downtown Development Program Environmental Impact Report
- Caribbean-Moffett Park Environmental Impact Report
- Southern Pacific Corridor Plan Environmental Impact Report
- East Sunnyvale ITR General Plan Amendment EIR
- Palo Alto Medical Foundation Medical Clinic Project EIR
- Luminaire (Lawrence Station Road/Hwy 237 residential) EIR
- NASA Ames Development Plan Programmatic EIS
- Mary Avenue Overpass EIR
- Mathilda Avenue Bridge EIR

**Maps:**

- General Plan Map
- Zoning Map
- City of Sunnyvale Aerial Maps
- Flood Insurance Rate Maps (FEMA)
- Santa Clara County Assessor's Parcel
- Utility Maps
- Air Installations Compatible Use Zones (AICUZ) Study Map
- 2010 Noise Conditions Map

**Legislation / Acts / Bills / Resource Agency Codes and Permits:**

- Subdivision Map Act
- Municipal Regional Stormwater NPDES Permit
- Santa Clara County Valley Water District Groundwater Protection Ordinance
- Section 404 of Clean Water Act

**Lists / Inventories:**

- Sunnyvale Cultural Resources Inventory List
- Heritage Landmark Designation List
- Santa Clara County Heritage Resource Inventory
- Hazardous Waste & Substances Sites List (State of California)
- List of Known Contaminants in Sunnyvale
- USFWS / CA Dept. F&G Endangered and Threatened Animals of California  
<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEAnimals.pdf>
- The Leaking Underground Petroleum Storage Tank List [www.geotracker.waterboards.ca.gov](http://www.geotracker.waterboards.ca.gov)

- The Federal EPA Superfund List  
[www.epa.gov/region9/cleanup/california.html](http://www.epa.gov/region9/cleanup/california.html)
- The Hazardous Waste and Substance Site List  
[www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm)

#### **Guidelines and Best Management Practices**

- Storm Water Quality Best Management Practices Guidelines Manual 2007
- Sunnyvale Citywide Design Guidelines
- Sunnyvale Industrial Guidelines
- Sunnyvale Single-Family Design Techniques
- Sunnyvale Eichler Guidelines
- Blueprint for a Clean Bay
- Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams
- The United States Secretary of the Interior 's Guidelines for Rehabilitation
- Criteria of the National Register of Historic Places

#### **Transportation:**

- California Department of Transportation Highway Design Manual
- California Department of Transportation Traffic Manual
- California Department of Transportation Standard Plans & Standard Specifications
- Highway Capacity Manual
- Institute of Transportation Engineers - Trip Generation Manual & Trip Generation Handbook
- Institute of Transportation Engineers - Traffic Engineering Handbook
- Institute of Transportation Engineers - Manual of Traffic Engineering Studies
- Institute of Transportation Engineers - Transportation Planning Handbook
- Institute of Transportation Engineers - Manual of Traffic Signal Design
- Institute of Transportation Engineers - Transportation and Land Development
- U.S. Dept. of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices for Street and Highways & CA Supplements
- California Vehicle Code
- Santa Clara County Congestion Management Program and Technical Guidelines
- Santa Clara County Transportation Agency Short Range Transit Plan
- Santa Clara County Transportation Plan
- Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division

- Statewide Integrated Traffic Records System
- Sunnyvale Zoning Ordinance – including Titles 10 & 13
- City of Sunnyvale General Plan – land Use and Transportation Element
- City of Sunnyvale Bicycle Plan
- City of Sunnyvale Neighborhood Traffic Calming Program
- Valley Transportation Authority Bicycle Technical Guidelines
- Valley Transportation Authority Community Design & Transportation – Manual of Best Practices for Integrating Transportation and Land Use
- Santa Clara County Sub-Regional Deficiency Plan
- City of Sunnyvale Deficiency Plan
- AASHTO: A Policy on Geometric Design of Highways and Streets

#### **Public Works:**

- Standard Specifications and Details of the Department of Public Works
- Storm Drain Master Plan
- Sanitary Sewer Master Plan
- Water Master Plan
- Solid Waste Management Plan of Santa Clara County
- Geotechnical Investigation Reports
- Engineering Division Project Files
- Subdivision and Parcel Map Files

#### **Miscellaneous Agency Plans:**

- ABAG Projections 2013
- Bay Area Clean Air Plan
- BAAQMD CEQA Guidelines 2011 Thresholds

#### **Building Safety:**

- California Building Code,
- California Energy Code
- California Plumbing Code,
- California Mechanical Code,
- California Electrical Code
- California Fire Code
- Title 16.52 Sunnyvale Municipal Code
- Title 16.53 Sunnyvale Municipal Code
- Title 16.54 Sunnyvale Municipal Code
- Title 19 California Code of Regulations
- National Fire Protection Association (NFPA) standards

**OTHER:**

**Project Specific Information**

- Project Description
- Project Development Plans, dated October 2017
- Noise Studies by Mei Wu Acoustics, dated April 11 and July 8, 2016
- Arborist Report by Monarch Consulting Arborists LLC, dated April 24, 2016
- Historic Evaluation by Strata Design Studio, dated June 10, 2016
- California Historical Resources Information System (CHRIS) Letter, dated May 16, 2016
- Air Quality and Greenhouse Gas Assessment by Illingworth & Rodkin, Inc., dated April 19, 2016
- Phase I Environmental Site Assessment by AEI Consultants dated March 25, 2016
- Shallow Soil Investigation/Phase II ESA by AEI Consultants dated July 19 and August 19, 2016
- RMP approval letter from the County of Santa Clara Department of Environmental Health (DEH), dated September 28, 2017
- Project Climate Action Plan CEQA Checklist

**Summary**

This checklist identifies the minimum criteria a project must demonstrate to use the City's CAP for purposes of streamlining the analysis of greenhouse gas emissions under CEQA. Minimum criteria outlined below includes: 1) consistency with CAP forecasts, and 2) incorporation of applicable Near-Term (prior to 2016) strategies and measures from the CAP as binding and enforceable components of the project.

**Section 1: Consistency with CAP Forecasts**

The CAP's achievement of the 15% reduction below 2008 target is based on growth assumptions in the City's General Plan and regional growth forecasts. For eligibility to streamline from the CAP for purposes of an environmental analysis, projects must demonstrate consistency with CAP forecast assumptions using the criteria listed below. As appropriate, these criteria should be cited as evidence in any subsequent environmental document.

**1A. Does the project include large stationary emissions sources that would be regulated by the Air District?**

Yes                       No

*If no, then the project may be eligible to claim consistency with growth assumptions that were used for CAP modeling. Skip to question 1C to determine consistency with CAP forecasts.*

*If yes, the project may trigger additional changes to the physical environment that were not considered in the CAP and would otherwise be regulated by the Bay Area Air Quality Management District. Complete 1B.*

**1B. If this project is a stationary source emitter as outlined under 1A, does it also include any of the following emissions sources?**

Residential uses	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Commercial uses	<input type="checkbox"/> Yes	<input type="checkbox"/> No

*If no, the project does not include any emissions sources that were assumed in CAP growth forecasts. Therefore, the project may trigger additional changes to the physical environment that were not considered in the CAP. CAP measures may be used to mitigate GHG emissions, but project-level analysis of GHG emissions using the California Emissions Estimator Model (CALEEMod) or another method must be prepared by a qualified air quality consultant.*

*If yes, the project may include emissions sources mitigated by the CAP. Therefore, any sources identified in 1B may be eligible to claim consistency with the CAP. All stationary sources regulated by the Bay Area Air Quality Management District shall be analyzed separately. Other sources that were analyzed in the CAP may still qualify for streamlining, should the project demonstrate consistency with the CAP as outlined in 1C and following sections below.*

**1C. Does the project trigger an amendment to or adoption of any of the following planning documents?**

General Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Specific Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Precise Plan for El Camino Real	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Please describe any amendments or adoption of new specific plans or special planning areas, as applicable:

*If **no**, then the project is eligible to claim consistency with growth assumptions that were used for CAP forecasts.*

*If **yes**, the project would trigger an amendment to or adoption of one or more of the documents list above, complete **1D** below.*

**1D. If the project triggers an amendment to the General Plan, specific plans, and/or special planning areas, complete the following table:**

	Existing & Proposed Project			Proposed Project's Net Effect on Citywide Forecasts		
	Existing or Allowed Under Existing Zoning (A)	Proposed Project (B)	Net Change from Existing Zoning (C=B-A)	2020 CAP Forecast (D)	Proposed Project's Net Effect on Citywide 2020 Forecast (E = D+C)	Would Net Effect of Project Exceed the Citywide 2020 CAP Forecast?
<b>Population</b>				145,020		
<b>Jobs</b>				89,750		
<b>Households / Dwelling Units</b>				59,660	59,662	

Please describe any assumptions used to calculate existing, allowed, or proposed conditions:

*If **no for all indicators above**, then the project may be eligible to claim consistency with CAP growth assumptions. The project's assumed residents, employees, and households would not create a net increase on community-wide growth assumed in the CAP. The CAP uses these community-wide growth indicators to forecast community-wide emissions from residential energy use, nonresidential energy use, water-related emissions, and waste. Because the CAP uses these comparable indicators to forecast non-transportation related emissions, and the project would not exceed the CAP's assumed 2020 residents, employees, and dwelling units, the project's non-transportation emissions are therefore consistent with CAP growth assumptions and captured within the CAP's emissions forecast. Complete **1E** below.*

*If **yes to one or more indicators above**, the proposed project's net effect on citywide 2020 forecasts would exceed the 2020 CAP forecast assumptions. Therefore, the project may trigger additional emissions not assumed in CAP growth forecasts. Any projects that exceed the 2020 forecasts may still rely on the CAP for identification of measures and standards for mitigation. However, since such projects exceed the assumptions of the CAP forecast, it is recommended that the project demonstrate anticipated project-level GHG emissions estimates using CALEEMod or another tool. (estimates prepared by consultant).*

**1E. If the project is consistent with CAP growth forecasts as identified in 1D above, provide the following information.**

Would the project have a potentially significant impact after mitigation on any of the following standards of significance identified in the State CEQA Guidelines, Appendix G?

a) Conflict with an applicable plan, program, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
c) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

*If **yes to one or more standards above**, the proposed project's net effect on citywide 2020 forecasts is inconsistent with plans, programs, or policies that informed the assumptions for the 2020 transportation forecast. Therefore, the project is inconsistent with transportation emissions forecasts and is not eligible to claim consistency with the CAP for purposes of GHG emissions and impacts on climate change.*

*If no for all standards above, then the project is consistent with the plans, programs, policies, or ordinances that informed the travel demand model for the 2020 transportation forecast of the CAP. Therefore, the project is consistent with CAP growth assumptions for transportation emissions in the CAP and is eligible to claim consistency with CAP transportation forecasts.*

**Section 2: Consistency with CAP Measures**

The CAP provides measures that achieve a 15% reduction below 2008 emissions levels by 2020. Each of the measures contains a bulleted list of action items/project standards that help projects achieve that goal. Projects that wish to demonstrate consistency with the CAP must demonstrate consistency with all applicable measures and action items/project standards from the CAP. Consistency with all applicable measures should be cited as evidence to support tiering from the CAP.

**2A. Using the action items/project standards identified on the following pages, identify all measures and action items/project standards that are applicable to the project. Identify applicability and project compliance with each action item/project standard.**

*If a project demonstrates all applicable mandatory standards, the project is eligible to claim consistency with CAP measures and is eligible for CAP streamlining.*

*If a project does not integrate all applicable mandatory standards, the project is ineligible to claim consistency with CAP measures and is not eligible for CAP streamlining.*

*Additional voluntary measures may also be recommended. Projects inconsistent with growth forecasts should consider integrating all feasible voluntary and mandatory CAP measures.*

**Standards for Climate Action Plan Consistency/Private Development**

***(Includes Near-Term Action Items and Action Items Already Implemented by the City)***

Applicable? (Yes or No)	Measure	Action Item/Project Standard	Describe whether standards are applicable and how the project demonstrates consistency with applicable standards
Yes	OS-2	Provide availability and access to outdoor space for recreation or social purposes, including access to public open spaces on privately owned property such as retail shopping centers	The project is subject to useable open space and landscaping per unit requirements of the City's landscaping ordinance. The project plans demonstrate consistency with these standards.
Yes	OS-3.1	Continue to implement the City's Tree Preservation requirements.	The project arborist report recommends removal of all 18 existing trees onsite due to their condition and location within the proposed site improvements. The City's Tree Replacement Standards require a minimum of thirteen 24-inch box trees; seven 24-inch box trees and

			three 36-inch box trees; twenty-one 15-gallon trees and three 36-inch box trees; or a combination of 15-gallon, 24-inch, and/or 36-inch box trees to be planted to offset the loss of protected trees. The project is required to meet the City's Tree Replacement Standards, and the details will be finalized as part of the SDP process.
Yes	EC-2.2	Continue to require energy-efficient siting of buildings. Buildings should be oriented and landscape material should be selected to provide maximum energy efficiency for the buildings	A minimum of 80 points on the GreenPointRated checklist for each new home is required to comply with the Green Building requirement. The project plans indicate compliance.
Yes	WC-2.3	Require new open space and street trees to be drought-tolerant	The project has been designed to comply with the Water-Efficient Landscaping requirements.
Yes	LW-2.1	Require multi-family homes to participate in the City's Multi-family Recycling Program	N/A, conceptual plans show a detached single-family project.
Yes	LW-2.2	Select materials to be targeted for diversion methods, services or technologies based on the results of the Zero Waste Strategic Plan	The Zero Waste Strategic Plan is already being implemented.
No	CA-1.7	Actively promote the use of alternative modes of transportation as safe modes of travel. When applicable, promote viable programs sponsored by 511.org, the BAAQMD and other recognized agencies on the City's website and publications	The 838 Azure St. site is located approximately within 0.4 miles of a VTA bus stop at El Camino Real and Sunnyvale Ave and 0.3 miles at the Sunnyvale-Saratoga Rd. and Remington Dr. bus stop. A pedestrian access gate is proposed for residents to conveniently access the Sunnyvale-Saratoga Rd. sidewalk, which provides a direct route to nearby services and transit.
No	CTO-1.1	Incorporate the provisions of AB 1358, the California Complete Streets Act of 2008, into roadway design, construction and maintenance activities	The existing public street in front of the property is not being modified. There is an existing Class II bikeway along the Sunnyvale-Saratoga Rd. project frontage.
No	CTO-1.2	Implement the street space allocation policy (RTC 8-085, April 28, 2009) in coordination with road reconstruction or resurfacing projects to provide road configurations that accommodate all travel modes.	The existing public street in front of the property is not being modified. There is an existing Class II bikeway along the Sunnyvale-Saratoga Rd. project frontage.
No	CTO-1.3	Require new development to provide cross-parcel access and linkages from the	A pedestrian access gate is proposed for residents to conveniently access the Sunnyvale-Saratoga Rd. sidewalk, which

		development entrance to the public sidewalk system, transit stops, nearby employment and shopping centers, schools, parks and other parcels for ease of pedestrian and cyclist access	provides a direct route to nearby services and transit. Existing public sidewalks will be improved as part of the project,
Yes	CTO-1.4	Improve pedestrian safety and comfort through design elements such as landscaped medians, pedestrian-level amenities, sidewalk improvements and compliance with ADA design standards, particularly for areas serving high volumes of traffic.	The existing sidewalk, street trees, and street lights will be upgraded to comply with current City standards, including a wider sidewalk for a better pedestrian experience.
No	CTO-1.5	Improve bicycle facilities and perceptions of comfort through pavement marking/coloring, physical separation, specialized signs and markings and other design elements.	The existing public street in front of the property is not being modified. There is an existing Class II bikeway along the Sunnyvale-Saratoga Rd. project frontage.
Yes	CTO-1.6	Require sidewalks to be a minimum of 6 feet wide in order to allow side-by-side walking at identified locations that currently serve high pedestrian traffic volumes or locations planned to serve high volumes of pedestrian traffic.	The existing sidewalk will be upgraded to comply with current City standards.
Yes	CTO-2.1	Require public areas and new development to provide bicycle parking consistent with the VTA Bicycle Technical Guidelines, as amended.	Each home is required to have a City standard two-car garage, which has been found to have sufficient storage space for resident bicycle parking.
No	CTO-3.1	Continue sponsoring projects to provide transit rider amenities at bus stops and rail stations.	The project is located within close proximity to a bus stop and bike lanes along Sunnyvale-Saratoga Road.
No	CTO-4.1	Require existing and future major employers to utilize a variety of transportation demand management measures such as flexible work schedules, telecommuting, guaranteed rides home, low or no cost transit passes, parking "cash-out" incentives and other programs that provide employees with alternatives to single-occupant commutes.	The project is for residential use.
Yes	EP-2.3	Prevent buildings and additions from shading more than 10% of roofs of other structures.	A solar study was completed, demonstrating that existing adjacent roofs will not be shaded more than 10%

			by the project.
No	EP-2.3	Continue to allow and encourage solar facilities above paved parking areas.	N/A, conceptual plans show a single-family project
Yes	OR-1.3	In project review, encourage the replacement of high-maintenance landscapes (like grass turf) with native vegetation to reduce the need for gas-powered lawn and garden equipment.	The project has been designed to comply with the Water-Efficient Landscaping requirements and does not include any turf.
Yes	OR-2.1	Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]) or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.	This is a standard condition of approval that will be implemented during construction.
Yes	OR-2.2	Construction equipment must be maintained per manufacturer's specifications	This is a standard condition of approval that will be implemented during construction.
Yes	OR-2.3	Planning and Building staff will work with project applicants from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:	This is a standard condition of approval that will be implemented during construction.
		a. Substitute electrified or hybrid equipment for diesel and gasoline powered equipment where practical	
		b. Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.	
		c. Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered	

	equipment.	
	d. Limit heavy-duty equipment idling time to a period of three minutes or less, exceeding CARB regulation minimum requirements of five minutes.	

### Section 3: Minimum Recommended Content for Environmental Analysis

Projects demonstrating consistency with the CAP should use the following table as a guide for preparation of environmental analysis. As appropriate, information on the preceding pages should be used to support the analysis:

	<b>Greenhouse gas analysis topic</b>	<b>Minimum recommended content</b>
1	Existing Settings	General - GHG emissions and effects of global climate change
2	Existing Settings	State - statewide inventory and forecasts
3	Existing Settings	Local - Summary of CAP inventory and forecasts
4	Regulatory Framework	Federal - Brief overview of context
5	Regulatory Framework	State - CEQA Guidelines Section 15183.5 Tiering and Streamlining Analysis of GHGs - Summary of the streamlining provisions and whether they apply to the project, focusing on project components that aren't otherwise covered by streamlining
6	Regulatory Framework	State - regulations quantified and addressed in the CAP, including EO-S-3-05, AB 32, Climate Change Scoping Plan, Renewable Portfolios Standard (Senate Bill 1078, Governor's Order S-14-08, and California Renewable Portfolio Standards), Sustainable Communities Strategy, and California Building Energy Efficiency Standards
7	Regulatory Framework	Local – Bay Area Air Quality Management District
8	Regulatory Framework	Local - CAP, brief summary
9	Standards of Significance	CEQA Guidelines, Appendix G Standards
10	Standards of Significance	CEQA Guidelines Section 15183.5 Tiering and Streamlining Analysis of GHGs
11	Standards of Significance	CAP and supplemental EIR guidance
12	Impacts	Identify findings of CAP supplemental EIR
13	Impacts	Finding: Provide findings of significance, streamlining by focusing on findings of CAP supplemental EIR.

	<b>Greenhouse gas analysis topic</b>	<b>Minimum recommended content</b>
14	Impacts	<p>Projects that are consistent with CAP forecasts and measures should demonstrate the following:</p> <ul style="list-style-type: none"> <li>-Consistency with assumptions of CAP forecast, using tables and information from this guide</li> <li>-Incorporation of all applicable CAP measures as mitigations or as part of the project description</li> <li>-CAP finding that all such measures, on a citywide basis, lead to a less than significant impact</li> </ul>
15	Impacts	<p>Projects that are inconsistent with either CAP forecasts or CAP measures are not eligible for streamlining. While such projects may still incorporate elements identified above, they should also incorporate project-level GHG emissions modeling.</p>



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# 2016 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

RECEIPT NUMBER: ENV21217
STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY CITY OF SUNNYVALE	LEAD AGENCY EMAIL	DATE 11/21/2017
COUNTY/STATE AGENCY OF FILING SANTA CLARA	DOCUMENT NUMBER	

PROJECT TITLE  
838 AZURE STREET-FOUR SINGLE FAMILY HOMES

PROJECT APPLICANT NAME XIN LU	PROJECT APPLICANT EMAIL	PHONE NUMBER (408) 799-1017
PROJECT APPLICANT ADDRESS PO BOX 1507	CITY CUPERTINO	STATE CA
		ZIP CODE 95015

**PROJECT APPLICANT** (Check appropriate box)

Local Public Agency    
 School District    
 Other Special District    
 State Agency    
 Private Entity

**CHECK APPLICABLE FEES:**

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,070.00	\$	_____
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,210.25	\$	_____
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,043.75	\$	_____
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	_____
<input type="checkbox"/> County documentary handling fee		\$	_____
<input type="checkbox"/> Other		\$	_____

**PAYMENT METHOD:**

Cash   
 Credit   
 Check   
 Other

**TOTAL RECEIVED**    \$    \_\_\_\_\_    **\$0.00**

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Nina Khamphilath, Deputy County Clerk-Recorder
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